



REGULAR MEETING MINUTES

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

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), Katie Behroozi, Katie Ferrick, Jennifer Schindler, Misha Silin

Absent: Linh Dan Do

Staff: Matthew Ball, Assistant Planner; Nira Doherty, City Attorney; Kyle Perata, Assistant Community Development Director; Matt Pruter, Associate Planner

C. Reports and Announcements

Assistant Community Development Director Perata said the City Council at its December 16, 2025 meeting would hold a study session to consider and provide policy direction on accessibility for public meetings specifically transportation, location, interpretation, and translation services.

D. Public Comment

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

E. Consent Calendar

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

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

Chair Ehrich requested a change to the minutes on page 4 of the agenda packet to the paragraph beginning with the sentence “Responding to the zoning questions, Planner Garcia said staff could research...,” and ending with the sentence “that this project might also complicate the CEQA review in determining the implications of the project.” He asked for a sentence added after that paragraph: “Chair Ehrich expressed appreciation for the ability to conduct this study session early in the project timeline, which should provide time to staff and the City to address and plan for these types of complexities.”

ACTION: Motion and second (Ehrich/Ferrick) to approve the Consent Calendar consisting of the minutes from the November 17, 2025 Planning Commission meeting with the following modification; passes 5-0 with Commissioner Behroozi abstaining and Commissioner Do absent.



- Page 4 of the agenda packet, add sentence at the end of the paragraph beginning with the sentence “Responding to the zoning questions, Planner Garcia said staff could research...” and ending with the sentence “that this project might also complicate the CEQA review in determining the implications of the project.”
 - *Chair Ehrich expressed appreciation for the ability to conduct this study session early in the project timeline, which should provide time to staff and the City to address and plan for these types of complexities.*

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)

Associate Planner Matt Pruter presented a summary of the staff report. He noted that the Accessory Dwelling Unit Ordinance (ADU) was last updated in 2020 and that the ADU ordinance needed updating to address conflicts in it with State laws on ADUs passed since 2020. He said the Housing Element Update adopted in 2023 for cycle 2023-2031 included Program H4.F, which required the City to bring its ADU ordinance into full compliance with State law. He referred to Program H2.D requiring ADU amnesty and H7.A for the creation of objective residential standards. He said in December 2025, the City received a letter from the State Department of Housing and Community Development (HCD) requesting a formal update on the City’s ADU ordinance, and indicating that the City’s ADU ordinance might potentially be inconsistent with State law. He said staff had already begun work preparing a draft ADU ordinance and the staff report materials for review tonight prior to the receipt of the HCD letter. He said the study session evening was for Commission and public feedback on the draft ordinance. He said the draft ordinance for review incorporated State law but also offered initial potential for local objective standards. He said staff was providing a limited set of initial objective standards that pertained to non-State-mandated ADUs.

Mr. Pruter referred to State-mandated ADUs and noted a bullet point mentioning 1,000 square feet as the maximum internal ADU size limit. He said staff had just received guidance that there was no square foot limit specifically for internal ADUs. He said the four categories of State-mandated ADUs that could involve internal or interior ADUs or converted ADUs, where the ADU was basically a conversion of existing structures, and that could be an existing accessory building, accessory structure, or existing primary residence. He said it was the conversion of existing square footage and also applied to Junior ADUs (JADU). He said other categories were single-family detached ADUs, multi-family converted ADUs, and detached ADUs. He said multi-family zoning did not include attached ADUs that involved the addition of square footage alongside an existing structure and would not be the conversion of any of the interior space. He said a detached ADU’s maximum size was 800 square feet and a JADU’s maximum size was 500 square feet. He said a proposal greater than 500 square feet would not be defined as a JADU but would be considered an internal ADU, which would have different provisions and expectations. He said these categories of ADUs were subject only to ministerial review.

Planner Pruter said the minimum requirements mandated by the State were four-foot side and rear setbacks and a 16-foot to 20-foot maximum height for detached ADUs. He said 16 foot was the standard height but given specific varying circumstances the height could go up to 20 feet. He said for non-State-mandated ADUs there was potential for a larger detached ADU if the property had enough square footage to allow for that and for attached ADUs of any size. He restated that attached ADUs were not State-mandated ADUs.

Planner Pruter said potential local objective standards for discussion for internal ADU conversions were greater setbacks and lower wall heights, daylight plane and building profile, interior access, exterior access and permitted encroachments. He said others included covered porches, exterior lighting, timing of ADUs in relation to primary residences, maximum ADU square footage, additional JADU requirements, and windowsill heights. He said processing requirements set a timeline for ministerial review with 15 business days for application completeness review and 60 calendar days for approval/denial review and a 15-day appeal period to the Planning Commission for either decision. He said State law requirements had now established specific requirements for utility connections and fees, sanitary sewer requirements as well as for fire code compliance.

Planner Pruter noted Attachment B was the proposed draft ordinance; he said the changes focused on compliance with State law with potentially added flexibility to allow more than the State required. He said the Planning Commission's discussion could provide additional recommendations for local objective standards for staff's evaluation. He said HCD would need to review the proposed ordinance to determine there were no compliance issues with State law. He said based on those timelines the expectation was the City Council would take action on the revised ordinance in the second quarter of 2026.

Commissioner Schindler asked that the slide differentiating between State-mandated ADUs and non-State-mandated ADUs be kept onscreen. She noted from staff's presentation that for internal ADUs whether they were inside the primary residence or inside an additional structure there was no maximum size. She said the slide said internal ADUs had a size limit of 1,000 square feet but that staff had said that was not the case. Planner Pruter said that bullet point was erroneous and there were no size limits on internal ADUs. Commissioner Schindler asked if a detached ADU was larger than 800 square feet whether it would not be considered State-mandated. City Attorney Nira Doherty said that was correct. She said State-mandated ADUs, or more specifically, under Section 66323 ADUs, detached ADUs qualified for that category if they were less than or equal to 800 square feet. She said if they were more than 800 square feet, they might still be permitted but not under the State-mandated criteria, which suspended all local ADU development standards.

Commissioner Schindler said there were confusing uses in her opinion of the words attached, and interior and conversion and whether they were referring to things, elements of the staff report or even some of the State language. She asked if there was a conversion of an attached garage to an ADU whether that be considered an attached structure. Planner Pruter said that would be seen entirely as one primary residence. Commissioner Schindler said she thought the JADU language was consistent with that. She asked when something like a second floor was added to a one-story garage how that would be considered. Planner Pruter said it would be seen as an attached ADU. He said he thought that was irrespective of whether it was a detached garage or a garage attached to the primary residence as it would be an attachment to that building. He said they were treating existing structures more broadly – accessory buildings, accessory structures, primary residences- whatever the building was, if square footage was being added to that building for the

purposes of an ADU, that was considered an attached ADU. Commissioner Schindler said any addition was considered an attached ADU even if the structure being expanded was a detached ADU.

Assistant Community Development Director Perata said regarding what was being said about an attached ADU or a detached ADU it sounded like they were talking about an existing accessory building that would be converted to an ADU and asked if that was what was being asked. Commissioner Schindler said yes. Mr. Perata said it would be internal conversion and that a detached building such as a garage could be an internal conversion to an ADU.

Commissioner Schindler said she thought that any ADU scenario was going to fit into one of those two buckets. She said as she read the staff report there were two buckets of laws – the mandatory State regulatory clauses for which changes were being proposed to the ordinance and the local objective standards. She asked if it was correct that the State regulations applied to both categories of ADU. Planner Pruter said certain regulatory mechanisms existed in terms of the four foot side and rear setbacks that were the standard for ADUs generally. He said there was permit streamlining noting the 15-business day review for completeness. He said there were specific differences with the guaranteed ability for ADUs that were considered State-mandated to be approved in a more focused and efficient manner with fewer restrictions. He said other ADUs that did not meet those requirements could potentially have much more rigorous requirements imposed upon them. He said with the two Planning Commission meetings and two City Council meetings on this they could determine a variety additional local requirements or fewer restrictions or lessening of restrictions for those ADUs that did not fit the definition of the State-mandated ADU under Section 66323.

Commissioner Schindler said she understood that the City had the ability to create its own set of local objective standards that would apply to the non-State-mandated ADUs. She said some State regulations applied only to State-mandated ADUs; some State regulations might also apply to non-State-mandated ones. She said it might be helpful as they went through element by element to just clarify what was State-mandated, what was a local objective standard and whether it applied to one or the other, or both types of ADUs.

Commissioner Behroozi said the Planning Commission had seen numerous projects wherein the existing structures were demolished and new structures built that seemed to include a JADU. She said with complete demolition of existing structures and construction of new structures that developer could add up to 800 square feet beyond what one would normally be able to build. She said that usually meant the footprint of the house was larger than it would have been otherwise. Mr. Pruter said in that scenario it was possible. Commissioner Behroozi said she thought that would fall under the State-mandated bucket but if a person with a smaller house decided to build an extra 800 square feet attached to it that that would not be ministerially reviewed and approved because it was considered an attached ADU.

Planner Pruter said to clarify the scenario was that someone wanted to add an additional 800 square feet to an existing residence and whether that was considered an attached ADU. Commissioner Behroozi said yes but what she was hearing was that would not fall under the State-mandated category.

Mr. Perata said all ADUs were ministerially approved unless the proposal deviated from the City's local zoning ordinances. He said a provision in the draft ordinance before the Commission would

allow for a use permit request to modify a development standard that a proposed ADU did not comply with, and otherwise State-mandated and non-State-mandated ADUs were how staff had looked at ADUs. He said for non-State-mandated ADUs that the City was allowed to apply local objective standards to those provided that did not prohibit the creation of an ADU of the guaranteed allowance of 800 square feet and other development regulations.

Commissioner Behroozi asked if at present the setback standards applied to JADUs. Planner Pruter said they did not apply to JADUs. Commissioner Behroozi said if the current system incentivized people to tear down a building and build an entirely new one or if somehow people were penalized for adding 800 square feet to an existing building instead of demolishing and rebuilding then she wanted to understand what the current scenario was.

Mr. Perata said he thought they might be moving more into discussion topics than clarifying questions.

Commissioner Behroozi said she wanted to know if her understanding was correct that if she were building a house with a JADU attached to it that meant it could be closer to her neighbor's fence than if she were building a house without an ADU.

Ms. Doherty said that it was not correct and that someone would not get more square footage or a more lenient ADU because it was proposed with a new primary dwelling unit as opposed to with an existing primary dwelling unit.

Chair Ehrich said that sounded like a change noting the Commission had seen numerous ADUs attached to new house that shared a wall and in all of those reports it said this project contained an ADU that was not a discretionary approval and should be ministerially approved. He said he thought of those as attached ADUs as they shared a wall with the primary residence. He asked if that was a change to City law.

Ms. Doherty said what the Chair just summarized was current State law and although the City's current ordinance had certain inconsistencies with State law that City just applied State law. She said that this would not be a deviation from current practice as that was what was in State law now.

Chair Ehrich said in the draft ordinance, Attachment B, Section 16.79.070, under "Units subject to limited standards" that this laid out which developments the City had to ministerially approve. He said in that section were internal ADUs and JADUs and detached ADUs. He said he did not see single-family attached ADUs. He said if the ordinance was adopted and a project came before them with a new home project and an attached ADU then that ADU would be a non-Section 66323 ADU and not a Section 66323 ADU.

Mr. Perata said in that scenario that was an internal ADU. He said it might seem like an attached ADU, but it was not in addition to an existing structure or existing primary dwelling. He said in those cases those were internal ADUs and were State-mandated ADUs.

Chair Ehrich said the draft ordinance said that it might include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory building or structure.

Mr. Perata referred to the full clause of the draft ordinance that it was an ADU within a proposed space of an existing single-family dwelling or accessory building or accessory structure and that might include an expansion that was allowed per State law for ingress and egress associated with an internal ADU conversion or a JADU conversion and that was for an existing primary dwelling. He said that would not apply to a proposed new development because with a new single-family home with an internal ADU an expansion of 150 square feet would not apply as the structure was not yet existing.

Chair Ehrich said many of what were being classified as internal ADUs coming before the Commission with a new home proposal allowed up to an additional 800 square feet.

Ms. Doherty said the 150 square foot expansion was required by State law to allow for ingress and egress to an internal conversion ADU. She said that provision was added to the State laws a couple of years ago to accommodate external stairwells and covered pathways that some cities considered to be part of the internal ADU, but it was not an attachment for living space.

Commissioner Schindler said she believed the question was what happened to allowable square footage. She said she would like to know more about the answer to that question as it related to the parts of the staff report that talked about the ADU square footage and the parts of the staff report that talked about the guaranteed allowances and essentially about floor area coverage.

Chair Ehrich said he was interested in a situation where the building coverage allowance based on the lot size was 3,000 square feet and applicants come to the Commission with a 3,800 square foot proposal. He said the guidance to them had been up until now was that the applicants were allowed an extra 800 square feet for the ADU. He said in the draft ordinance he did not see where those 800 square feet was allowed as a State-mandated ADU.

Commissioner Silverstein said an attached ADU had a minimum 25-foot height limit per State law. He asked if an ADU above a detached garage would get that height limit by right since it would be considered an attached ADU. Planner Pruter said that was technically true. Commissioner Silverstein said an ADU not above said detached garage would not be allowed to get that same height limit. Planner Pruter said assuming the ADU was not detached in itself. He said for example, a detached one-story garage that was converted into an ADU would not get the 25-foot height allowance. Commissioner Silverstein said he was thinking of either a converted garage or an entirely independent ADU structure. Planner Pruter said neither of those two would be allowed the 25-foot height. Commissioner Silverstein asked if the attachment from the ADU to said garage had to be a vertical attachment so that the ADU was only over the garage or could it be a horizontal attachment so that it was to the side of the garage and with the 25-foot height allowance be two stories. Planner Pruter said they would need to look into that further and would follow up with a response.

Mr. Perata said as this was a study session that staff might not have all the answers so questions like these were appreciated but they were not prepared to have a hypothetical discussion as that tended to potentially result in incorrect or misstated information. He said for such questions they would take the feedback, then evaluate and determine how to address it. He said they would explain how they addressed it and if it was something that could not be addressed then they would explain why in the ADU ordinance when it was brought back for recommendation to Council.

Commissioner Silverstein said he appreciated that context. He said some of the thought process might influence their discussion when they were trying to figure out which way to go or take things. He said his next question was whether for non-State-mandated ADUs there were maximum bounds that should limit their discussion now, for example square footage or any other limits. Planner Pruter said not necessarily as they were happy to take the feedback and evaluate to follow up. He said if follow up questions came up after the meeting, Commissioners could let staff know.

Chair Ehrich said he had a similar question and noted page 5 of the report and page 13 of the agenda packet in Table 1 that described ADU changes to development standards per State law. He referred to the text above that table, which said that these minimum requirements must be applied to all ADUs, and text there that said the maximum size of a one-bedroom ADU shall be no greater than 850 square feet. He said in another place it said an internal ADU could be no more than 1,000 square feet of interior livable space. He said a potential reading of that table was that there was a limit to non-State-mandated ADUs. He said he wanted to clarify that there was no limit to non-State-mandated ADUs per State law.

Mr. Pruter said there were a lot of details in the referenced table, but the table alone was not exactly the same thing as all the requirements for State-mandated ADUs. He said there were other items there that as they went through them in more detail in the discussion they could clarify further. He said there were some items in the table where you might potentially allow more flexibility. He said some bedroom requirements were a limit set by the State but in theory they could have something more flexible or permissible. He said that could also be the case with amore straight forward requirement such as side setback and it could be less than four feet potentially.

Chair Ehrich quoted from the State ADU handbook, under the FAQ section: *Can maximum unit sizes exceed 1,200 square feet for ADUs? Answer: State ADU law does not limit the authority of local agencies to adopt less restrictive requirements for the creation of ADUs.*

Commissioner Silverstein said he understood that California AB1033 passed in 2023 gave cities opportunities to allow homeowners to sell their ADUs as condominiums. He asked if there was a reason why that was not included as part of this study session.

Planner Pruter said staff could look into further and noted it would potentially have a broader impact on Title 15, the subdivision ordinance as well as Title 16, the zoning ordinance. He said there was no strategic reason, it was not included but it was something that could be considered.

Commissioner Ferrick referred to the note that there was no maximum size limit on an internal ADU and asked if it needed to be smaller than the main house or was there a ratio used of house to ADU size. She asked if it could be an exponentially large ADU with a very small main house.

Ms. Doherty said the State laws did not reserve to city discretion the ability to impose a maximum size limit on Section 66323 for internal conversion ADUs. She said the practical effect was that a single-family dwelling unit could be divided into two ADUs of the same size and the ADU could become larger than what was previously considered the primary dwelling living portion of the primary dwelling unit. She said under the California Building Code there were limits on the minimum size for primary dwelling units so the primary dwelling unit would have to be larger than that minimum size. Replying to Commissioner Ferrick, Ms. Doherty said efficiency units were 150 square feet so no dwelling unit in California could be smaller than 150 square feet, but she did not

know about the larger primary dwelling unit or what the features were for larger primary dwelling units that were not considered efficiency units.

Commissioner Ferrick said the term internal ADU only applied to conversions of existing homes and not new ADUs that were integrated into a new complete development. Ms. Doherty said it applied to both under the State laws. She said State laws allowed internal conversion ADUs for converting space in an existing or proposed primary dwelling unit but the practical effect on sizing was the size as an applicant would not get to expand the size of the primary dwelling unit beyond sizes that were otherwise allowed in Menlo Park's municipal code to accommodate an internal conversion ADU. She said the applicant would get the primary dwelling unit and then a portion of that could be converted into an internal conversion ADU. She said State laws did not reserve to cities the ability to impose a maximum size on those internal conversion ADUs.

Commissioner Ferrick said for a new development that an applicant could propose an unlimited size ADU. Ms. Doherty said no as they were limited by the size of the primary dwelling unit for internal conversion ADUs. She said they could propose a primary dwelling unit plus an attached ADU or a primary dwelling unit plus a detached ADU. She said if they proposed a primary dwelling unit plus an internal conversion ADU then they were limited by the size of the primary dwelling unit for the primary dwelling unit and a portion of that primary dwelling unit became the internal ADU.

Commissioner Ferrick said they would not get any additional footprint of square footage. Ms. Doherty confirmed that statement. She said internal conversion ADUs never added square footage to the primary dwelling unit or rather to the lot. Commissioner Ferrick asked what the correct term was for the developments the Commission had seen where there was added square footage. Ms. Doherty said those were attached ADUs.

Chair Ehrich said he wanted to clarify that staff's intent was focused on bringing the City's ordinance into compliance with State law. He said staff was not saying this was the draft of the final recommendation for what ADU law should be in Menlo Park. He asked if it was correct that this was a draft focused on what it would look like to bring the City's ADU ordinance into compliance with State law. Planner Pruter said that was correct.

Commissioner Silin said in Table 1, under parking, that one parking space was required per unit unless a parking exception applied. He said below that was mentioned State law restricted the City from applying any parking standards to State-mandated ADUs. He asked if the City was allowed to require a parking space per unit or which ADUs that would apply to. Planner Pruter said his understanding was the State-mandated ADUs did not have a specific parking requirement now. He said the parking requirement consideration was for non-State-mandated ADUs, the larger attached ADUs and other types as those were subject to parking requirements but there were additional exemption details to factor in. He said the one involving the parking permitting was he thought critical for the City to consider as it was more impactful given the overnight parking restrictions throughout much of the City. Replying to Commissioner Silin, Planner Pruter said the City had existing exemptions plus an added one with State law since 2020 that was different from the City's existing ordinance. He said the one that was different here was that when a parking permit of some kind was required such as an overnight parking permit in residentially zoned districts and could not be granted then that parking could be exempted. He said it was their understanding that the parking permitting that was required was somewhat limited for a large portion of the City in mostly residential areas noting Belle Haven, West Menlo, and Allied Arts neighborhoods.

Commissioner Silin said then in the areas with overnight parking limitations and the need for an overnight parking permit that if that could not be given then they could not require an ADU to add a parking space even if it was non-State-mandated. Mr. Perata said he thought so and it was an opportunity to clarify as it only applied to ADUs in multi-family zoning districts as single-family zones were not eligible for overnight parking permits. He said to clarify that they were really talking only about multifamily zoned parcels where that clause that exempts the parking requirement would apply.

Commissioner Silin asked for a single-family home if it was a non-State-mandated ADU whether the City would require parking to be added. Mr. Perata said yes, one space as mentioned in the staff report and that was the State law maximum they could apply, noting that they could not be more restrictive than State law even for non-State-mandated ADUs.

Chair Ehrich opened public comment.

Public Comment:

- Sergio Ramirez, General Manager, West Bay Sanitary District, said the District recently learned that 400 ADUs approved by the City of Menlo Park were done without the benefit of the District's review for sanitary sewer service and impact to the community's sewer system. He said they were working with City staff to rectify. He asked how the ordinance would address the need to have ADUs evaluated for sanitary sewer service. He said he understood that there was a need to move ADUs and the process along to meet State mandate requirements but there were local requirements to evaluate the sewer system and ensure ADUs would not be placed over sanitary sewer easements generally located six feet from the back or side of the property line. He said four foot side and rear setbacks were a direct conflict of most sanitary sewer easements. He said when a dwelling, especially a detached dwelling, was allowed to share in the sewer service lateral and then the ADU is sold either as a separate parcel or to a separate owner that created a direct conflict with two separate owners sharing sewer service. He said when there was an issue with that service it was not easily dealt with as they had encountered in the past. He said also not being able to collect sewer service charges on an annual basis per dwelling or per ADU was an issue. He said the sewer service charge annually was \$1,440 and those fees were for the maintenance and upgrading of the sewer system and upgrading of the local wastewater treatment plant and to treat the wastewater.

Chair Ehrich closed public comment.

Commissioner Silverstein said it seemed like State-mandated ADU requirements had a different threshold for existing multifamily dwellings that allowed for up to eight detached ADUs and proposed multi-family dwellings that only allowed up to two detached ADUs. He asked if he understood that correctly and if staff knew the reasons why the State would differentiate between existing and proposed multifamily dwellings.

Planner Pruter said staff believed he was correct, but they would need to look into the reasoning behind that in more detail.

Commissioner Silverstein said it was his understanding that as part of their discussion they would not be able to limit the number of detached ADUs on an existing multifamily dwelling below eight

nor limit the number of ADUs on a proposed multifamily dwelling below two, but they would be able to raise either of those numbers if wanted.

Planner Pruter asked if he was talking about a more permissive approach that would allow additional units if the City wanted. Commissioner Silverstein said yes and asked if the City wanted to not differentiate between existing and proposed and allow eight ADUs in either whether they would they be able to do that. Planner Pruter said that was something that they could look at.

Commissioner Behroozi asked about an all-weather direct pathway. Planner Pruter said it was based on Public Works' guidance requirements. He said the main thing with all weather was that it was concrete and any paver materials other than that would be reviewed for sufficiency. He said accessibility was another component so that it had the appropriate width. He said another item considered was that the pathway continued to the public right of way.

Commissioner Schindler said she would strike the word "direct" from that phrase as it was not an objective thing and questioned how that could be defined. She said she could think of various scenarios of what the path from an ADU to the sidewalks might be. She said it was easier to define all-weather than to define direct.

Commissioner Behroozi said she supported getting into compliance with State law but was uncomfortable doing things beyond that without some additional framing conversations that were beyond the scope of the staff report. She said they did not have enough of the big picture to do that. She said questions she had that she was not expecting staff to answer tonight included how many of the ADUs that the City had permitted in the last few years were occupied. She said they were counted in the reports to HCD as this many very low income, this many low income, this many moderate income but she did know if any of those were actually rented. She asked how their policy was working and not just checking a box but in making a good faith effort to meet their housing goals. She said she was uncomfortable making determinations about parking restrictions or even about internal access doors when she did not understand more about the big picture of the way ADUs were being produced and used and what some of the hindrances were. She said it felt a bit premature.

Commissioner Schindler said she thought Commissioner Behroozi brought up an important point regarding framing and context. She said she was not thinking about it exactly the same way in looking backward on historical analysis but thought about what the criteria was for determining whether each of the things in the staff report were going in the right direction. She said she was looking for two main categories of things and some smaller things. She said one of the main ones was the regulations working toward creating more housing units for the City, units that were independent and desirable. She said independent was not part of the same primary house. She said her second main category was about less operational work for City staff, which for her had two components: less work on a per-project basis and making it easier to review and approve a given project and through a longer-term angle meaning that fewer City resources would be required to rework these regulations in two to five years as State law or trends changed. She said other things mentioned in the staff report for consideration were things for the benefit of neighbors, which she thought were important criteria she valued but were not the big ones she started with. She said she would appreciate more context about how this fitted into the other part of the Housing Element Program H4F as the report talked about some things in that program. She said the description of Program H4F talked about being in compliance with the HCD letter. She said the report talked about increased parking flexibility and streamlined approvals. She said the program

description in the Housing Element talked about the City's role in providing guidance and even marketing, presumably promoting ADUs and she did not see that here. She questioned where that fell in the timeline discussed as the City had six months to respond to HCD. She said another thing in the program description in the Housing Element was about having preapproved ADU designs. She said the staff report talked about that, but the body of ordinances did not address that yet. She said it sounded like a separate work stream so that was not in this draft ordinance. She said the last thing in the program description in the Housing Element was to potentially collect information about projected ADU rents and she did not see that in any of the mentions of the ordinances or in the staff report. She said when this was brought back for discussion again, she wanted to know, not the detailed version, but how each of those components of H4F were addressed and more importantly how HCD would see this work as addressing H4F. She said the idea where they showed HCD a draft and waited six months for their feedback and then did the Planning Commission and City Council review and action seemed a more logical option than completing the ordinance, giving to HCD, and taking changes as an amendment which was discussed in the staff report.

Chair Ehrich asked if the draft ordinance went into effect how they would treat new construction units. He said for example a new house was proposed to build with a floor area of 2,500 square feet based on the lot size. He said his understanding was that if they brought the project forward to the Planning Commission that they could have a 2,500 square foot main residence and an 800 square foot attached ADU as defined by the City Attorney. He said his understanding was they would have to ministerially approve the extra 800 square feet based on State law. He asked if he was correct and where that was found in the draft ordinance.

Planner Pruter said he was correct. He said a section titled "Guaranteed Allowance" mentioned that a guarantee of an 800 square foot ADU must be provided. He said the City was using guaranteed allowance and other jurisdictions phrased it differently such as exceedance and exemption.

Chair Ehrich said he did not know if that was a State-mandated ADU, but it was being treated as such as it needed to be ministerially approved and was not subject to a conditional use permit or anything.

Mr. Perata said whether it was a State-mandated ADU under government code 66323 or non-State-mandated ADUs, those were ministerially permitted. He said everything was a permitted process whether it was a State- or non-State-mandated ADU. He said discretion applied and this was carried over from the current ordinance to this draft that if the proposal deviated from the standards a use permit could be sought from the Planning Commission. He said for an example that the minimum four-foot required setback could be requested to be reduced to three feet through Planning Commission review. He said that was where the conditional use permit section of the draft ordinance would come into play. He said all ADUs went through a ministerial permitting process whether it was a State or non-State-mandated ADU.

Commissioner Schindler referred to "guaranteed allowance" in the table that talked about "not prohibiting an ADU with at least 800 square feet of floor area." She said she read that as being larger than 800 square feet. She said she might be reading it incorrectly, it might be phrased incorrectly, or it might mean the guaranteed allowance only applied to ADUs that were bigger than 800 square feet, meaning that the developer would not get the additional square feet if it was less

than 800 square feet and therefore State-mandated. She said the last was her assumption and would like it clarified.

Planner Pruter said there might be a little confusion with how the table was framed. He said the idea there was that the guaranteed ADU size was up to 800 square feet and something greater than that was not guaranteed. He said there could be a larger number if the Commission wanted that, but the language was intended to read that up to 800 square feet for an ADU was guaranteed on every lot.

Commissioner Schindler said she had founded a number of conclusions based on her incorrect interpretation and was disappointed as she had hoped that it was something that was being changed.

Commissioner Silin said the guaranteed allowance was 800 square feet and asked if a 900 square foot ADU was proposed if that would require a use permit. He asked if the use permit review would only consider the additional square footage and everything else would still be objective standards or would that open the entire ADU proposal to Planning Commission conditional approval.

Planner Pruter said as it was currently proposed there was availability for that 100 square feet beyond the guaranteed allowance. He said if there was a lot where there was 100 square feet of additional floor area to spare then it was possible to have a 900 square foot ADU. He said then the question was whether the other State standards would apply, and if they would then the objective standards would apply. He said in that situation it would not require discretionary review, and a use permit would not be needed if the square footage was there. He said he believed there was an option here with the Commission's review of the draft ordinance to consider other square footage allowances possibly greater in size.

Commissioner Silin said he was referring more to a scenario where there was not an extra 100 square feet or other situations where someone might fall under the category where they would need to apply for a use permit for an ADU. He asked if that use permit application limited the discretion of the Planning Commission on elements or would the whole ADU proposal be considered discretionally.

Mr. Perata said that was a good question. He said the floor area limit for a single-family zoned property was not subject to the use permit as that was a cap set by the General Plan and by the zoning. He said in that instance the ADU could not exceed that cap. He said the guaranteed allowance to go above and beyond the floor area limit was State law. He said that cities had to allow for and not create a situation where an ADU could not be a minimum 800 square foot size. He noted Commissioner Schindler's clarification question about the 800 square feet in the table and said they would look at clarifying the text based on the Commission's guidance. He said the State was saying cities needed to allow and permit an 800 square foot ADU regardless of their maximums and that was where the guaranteed allowance came in but that was a hard cap of floor area limit or floor area ratio, depending on the zone, plus the 800 square feet. He said it was livable space and not necessarily explicit to the City's floor area limit definition.

Commissioner Silin asked for a couple of examples where someone might need a use permit for an ADU and asked for those if the whole ADU became discretionary or just the part that required the use permit.

Mr. Perata said the entire ADU would become discretionary if there was a request for modification to a standard, for example to setbacks. He said State law and local ordinance applied a four foot minimum setback for detached or attached ADUs. He said if an applicant wanted a reduced setback the entire unit would go through discretionary review for approval. He said in that instance the City could only apply objective standards so he did not believe they could necessarily regulate the design and materials of the use permit. He said they would be looking at the City's objective standards and the request before the Commission. He said they could not apply additional discretion that was not an objective standard.

Commissioner Silin said in that instance the Planning Commission would not have anything to discuss as staff would go through the objective standards to see if they were met or not. Mr. Perata said hypotheticals were difficult to answer in this evening's forum but yes and no, he thought it would depend. He said if the request was for reduced setbacks the Commission would look at the effects of that reduced setback. He said maybe there might be ameliorating factors such as height reduction that could come through that. He said discretionary consideration of objective standards was where they started to run afoul of State law but there could be other factors to consider with a reduced setback.

Commissioner Silin said the main focus for him was adding housing, noting similar City and State objectives. He said he looked at the draft ordinance as to whether the changes for non-State-mandated ADUs were making it more flexible or adding more restrictions for applicants. He said an example restriction would be like limiting the size of the landing for stairs and an example of being more permissive would be removing a parking requirement. He said he was definitely interested in streamlining the process for applicants. He said in 2022 he applied to do an attached ADU on his property and the final permit was issued at the beginning of 2025, and he thought he had some experiences doing that which could potentially have been streamlined. He said he thought marketing and helping residents understand the regulations for ADUs were necessary, and to give examples as much as possible. He said the City of San Jose did a good job with that. He said he thought they could provide 3D visuals explaining elements and just helping residents through the application process. He noted the public speaker from West Bay Sanitary District and as a first-time homeowner he had not been aware he needed a separate permit from a separate agency until much later in his process. He said it was not necessarily the City's job to figure all that out, but it would certainly be helpful as the City was where a person would go first when they were considering making a change to their home. He said he thought it was important for them to think about having these ADUs potentially be separate dwelling units. He said many of the applications they saw were large homes with very expensive land acquisition and construction costs. He said he had trouble seeing the ADUs coming to the City as part of new construction being rented out. He said potentially they were being used for in-laws, but talking to people on the street there was definitely concern that sometimes these units were being used as a pool house or type of workspace. He said he did not know to what extent they could limit that but 10 or 20 years from now when things changed to at least have the potential for that dwelling unit to easily be a rental was important. He said things like separate access were important to him and not for the unit to just be additional square footage for the house and if later it was to be a separate dwelling unit for a separate occupant that would require a whole host of changes to be made, which he thought would be unfortunate. He said he shared Commissioner Behroozi's reluctance to impose either restrictions or flexibility outside of the State requirements. He said he wanted to hear more from the State and noted he sent this in an email to staff to hear more about the justification for things and what they were trying to accomplish. He said maybe an example of an application where the homeowner ran into an issue or issues and the intent was to make that easier, or if a homeowner

built a stair landing that turned into a balcony and a neighbor was upset. He said hearing about such stories would help them think through these things.

Commissioner Ferrick said she agreed with Commissioner Behroozi's overall statement that right now bringing the ordinance into compliance with State law made the most sense. She said without data to understand what was happening with respect to ADUs in Menlo Park, she found it difficult to weigh in on what were the smart changes to make. She said with data they would know how commonly ADUs were being rented and used by people outside of the main house, what elements were successful, how large the ADUs were, and what made an ADU rentable. She asked if there were common requests that could meet applicants' housing demand that could create the ADU ordinance and would not result in just being workarounds that were clearly extra square footage for the main occupants of the house. She said she agreed the ordinance needed to address the new State legislation to adopt whatever the criteria was for some units becoming for sale eligible, which she thought should be considered as part of bringing the local ordinance into compliance with State law. She said if there were several hundred ADUs in the community she thought there would be data to gain through anonymous surveys or just understanding the inventory of what had been built and what the City knew about as far as mailing information.

Commissioner Silverstein referred to comments that the primary priority was just compliance with State law, and noted the staff report said that local ADU ordinances were optional and if a jurisdiction did not have a local ordinance, then State law applied. He said if all the City wanted to do as part of this process was to be in compliance with State law, then they could just rescind or remove the current ordinance and spend time doing other things. He said his preference was to spend the time now while they had the opportunity to actually address some of the things, although he appreciated the more information, the better, and they were potentially speaking from a point of naivete.

Commissioner Schindler said she heard the sentiment of compliance with State law being the primary focus of Commissioners, and it was prominent in the staff report. She said she wanted to highlight the other purpose of having a public ordinance, which had been alluded to, and that it was a place people could go to get the information. She said she felt strongly that they have Menlo Park headed ordinances framed in way that made sense to Menlo Park residents in the context of broader zoning laws. She said it needed to be a chapter in the zoning laws where people went to find the section on ADU. She said it was potentially that the content exclusively reflected State law, but she did not think it was the right option, nor was that what was proposed in the staff report. She said she would rather they err on the side of making the ordinance document as close to marketing material, promotions, and explanatory stuff as they could as it simplified it for consumption.

Commissioner Silin suggested that for changes such as limiting a stair landing that the City kept a record of what the basis was for such limiting factors for future understanding. He said having more information, more examples would be helpful to think through those things. He said in terms of the ordinance that they could still educate the public on what the State requirements were without putting those into a City ordinance, particularly since the rules kept changing every year. He said it might be better to put less things in the local ordinance to avoid the situation where it had to be updated often as rules changed. He asked how it happened that the current ordinance did not match the State laws, He said he wanted to know what happened in 2020 and what the justifications were at that time for some of the things they had in this ordinance to help them understand the mindset then and what it should be moving forward.

Planner Pruter said in 2020 there were some comprehensive updates that the State provided that established a number of Statewide ADU requirements. He said prior to 2020 he did not think there were a lot of rigid requirements in place and had been more subject to different jurisdictional expectations and he thought the State had had less regulatory mechanisms in place. He said following 2020 a series of more housing driven initiatives occurred in concert with SB330 and other State-led housing initiatives based on the State housing affordability crisis and all the other issues occurring in this decade. He said that resulted over the last five years in a series of major assembly and senate bills that translated into ensuring there were more opportunities for ADUs to be built and that jurisdictions had less of a say in preventing ADUs in their jurisdictions. He said also it was having all jurisdictions have the same set of rules for guaranteeing some form of ADU housing and getting a broader ability to do that Statewide.

Commissioner Silin said he understood that the HCD's letter was not saying that they needed to go and add all of these new requirements to the City's ordinance because if it was not in the ordinance then the State law applied by default. He said his understanding was HCD was saying the City had things that were in conflict with State rules in the local ordinance that needed updating. He asked if the things in conflict were things that previous Planning Commission wanted to restrict and now, they could not or were they just things in the ordinance from previous State laws that have since then changed.

Planner Pruter said it was a mixed response and nuanced. He said the main thing was that ADUs had evolved in terms of definitions and types there were different varieties of ADUs and what constituted ADUs in today's 2025 sense versus 2020. He said that was one factor that created some issues with how they were defining ADUs in the existing ordinance. He said there was some conflict with the development standards that they had applied, and there were use permit triggers and other things that set up a sort of discretionary implication which should not be there anymore. He said it was hard for him to give a very detailed answer but in short, he thought that they had some more restrictive qualities and some of those were preventing the guaranteed allowance. He said he thought they had a few circumstances in the ordinance where it was not clear that an 800 square foot ADU could happen on a certain property based on the zoning and size of the lot. He said that by default was the law and that was what had to happen moving forward. He said also they needed to update the ordinances to change the language to ensure they were carving out these kinds of pockets of opportunities for these different types of properties whether multifamily or single family for the varied types of ADUs.

Commissioner Silin said he thought that clarified it. He said his comment would be that as a Planning Commission they should think about what things they would want to add on top of what the State was saying. He said he had seen where a city might restrict something that then a year later the State said it could not. He said he did not think a lot of the things on staff's list right now were like that. He said he did not imagine lighting being a certain way would be something that got overridden but they should be thoughtful about what they wanted to choose to restrict moving forward but keeping in mind potential and what things residents had brought up in the past that they should consider in that regard.

Chair Ehrich recessed the meeting at 9:00 p.m. and reconvened the meeting at 9:10 p.m.

Commissioner Silverstein said his general thoughts on ADUs were centered on two themes: simplicity and permissibility. He said on simplicity that the California minimums were nuanced but

he did not think they needed to deal with that nuance. He said there were a number of circumstances where they had different standards applied - for example attached versus detached ADUs or .5-mile to transit versus not, or existing dwellings versus proposed dwellings. He said he felt that it all led to more confusion and seemingly arbitrary nature of the zoning code leading to people questioning why something was that way or why were they differentiating with those. He said they could go into redlining the specifics if they wanted to or when they were ready to get there. He said his general preference was to not carve out those differences and just to allow for the more permissible ADU across the board. He said, for example, State law said by right an applicant could have a 16-foot tall ADU unless it was close to transit and then an 18-foot height limit applied. He said that the City did not need to apply a distinction and should just allow the 18-foot height. He said if they had various carve outs based on those differences, he thought it would water down the product and make it more confusing. He said on permissibility the reason they would have a zoning ordinance around ADUs was for the purpose of allowing more ADUs than the State minimum. He said by definition the State minimum was the minimum and he did not see the point of having this discussion if they were not going above that minimum. He said they wanted more housing in Menlo Park and that was very clear through their Housing Element, City Council's priorities, and through the State. He said they wanted to incentivize ADUs and to whatever extent they should use the ordinance to incentivize those ADUs. He said he was sure there were people on the margin who thought it was not economical to build an 800 square foot ADU because imputed rents would be X and insufficient but if they could build a 1200 square foot ADU then imputed rents would be Y and therefore worth it. He said that then was an additional housing unit in Menlo Park. He said for their purposes tonight he would hope that as a Commission they could come together on some very pointed proposals on where they should and could take their ADU ordinance and what standards they should set. He said at some point he hoped they could talk about the actual specifics on what they might want in terms of simplicity and permissibility.

Chair Ehrich said he also would like to see the City lean into the permissibility and utility of ADUs. He said he agreed with all the comments that more data would be nice. He said the data they did have was that ADUs had been very popular and lots of people had built them in Menlo Park. He said as he recalled that fact was one of two reasons that the City was currently on track to meet its housing goals. He said it was a reasonable debate on whether the ADUs seen so far were or were not adding the types of units they wanted to see. He said given discussion at City Council over the last few weeks he was very concerned about the City's ability to meet their housing goals. He said if they did not there could be the loss of local control and introduction of the chaos of Builder Remedy that would take up an enormous amount of City staff and the public's time. He said if ADUs were a way to help them avoid not meeting their housing goals then they needed to talk seriously on how to make sure ADUs helped them do that. He said that second gives the choice of having net new units or just more square feet for bigger houses, he would take net new units. He said he was not against larger houses, noting he had a large family and wanted Menlo Park to be friendly to large families. He said large houses were good for that and ADUs had been an important contributor to that goal. He said those were the lenses with which he was looking at the draft. He said he had specific comments. He said first in terms of the issue of exterior and interior access he was building on Commissioner Silin's comments in favor of a requirement to provide separate exterior access to an ADU. He said he strongly was not in favor of and very concerned with the appearance in this draft of a prohibition on interior access between houses and attached ADUs. He said it was reasonable to require exterior access so the units could be rented separately but prohibiting interior access made it much less likely that people would build ADUs. He said the staff report indicated that this was an objective standard the City was considering but that they did not have to apply it. He said he was first and foremost concerned about the

implications of doing so. He said his second specific point was that he would like to see them increase the maximum floor area in their objective development standards. He said his understanding from the State ADU handbook was that if the city did not have a separate ADU ordinance then the maximum floor area was 1200 square feet for an ADU. He said their current objective development standards had a maximum floor area of 850 square feet for one-bedroom, or 1,000 square feet for more than one-bedroom ADUs. He said he would like to see those maximum floor areas increase to at least 1,200 square feet and interested in looking at 1,400 square feet but he thought they were being more restrictive than the State default so he would like to see them increase maximum floor areas to 1,200 square feet. He said that was point number two. He said point number three along the same lines was that the maximum floor area currently was the lesser of an absolute number; in this case 1,000 square feet, he believed, or 50% of the existing dwelling. He said he was not in favor of that second part about the 50% of the existing building. He said people should not be penalized for having smaller lots or smaller houses. He said if someone with a small existing house wanted to build a 1,000 square foot ADU they should encourage that and not restrict their ability to do so because their current house was small. He said his last and fourth point was relatively minor regarding the current requirement that an ADU have an exterior access pathway from the public right of way. He said this was quite detailed, but he currently owned a home where he could imagine there being an ADU, but the access would be from an easement, and he did not know if that qualified as a public right of way. He said he would ask staff to look at whether or not the requirement to be from a public right of way to ADUs might be from alleys or easements or something like that.

Planner Pruter said staff could certainly look into that.

Commissioner Behroozi asked for more explanation about the recommendation about interior access. She said it sounded like that was something staff detected that was out of compliance with City building code.

Mr. Perata said the City had allowed internal access and staff had been looking at that as it related to the California Building Code. He said that was a State code and the City implemented it. He said it did appear that there should be greater limitations per the California Residential Code on internal access between an ADU and a main dwelling. He said staff's recommendation from the planning side and in the ordinance notwithstanding the State-mandated and non-State-mandated ADUs needed to comply with the California Residential Code. He said they were currently looking at the 2025 California Building Code which included the California Residential Code for what allowances for access would be. He said if there were any, they would be very limited per that building code and that would supersede any zoning ordinance that was in effect.

Chair Ehrich said if State law was what it was then that it would have to supersede local law. He said he was not aware of most or a lot of cities in California that were prohibiting interior access so if that was part of State law he would expect most if not all cities in California prohibiting. He said staff should continue to look at it. He said if they were taking a more restrictive view of that code that was not the way the City should be going given their other goals. He said if it was State law that was a separate issue.

Commissioner Schindler said she would first briefly comment on the interior door issue, and then provide feedback on a section by section basis of the topics organized in the staff report under the heading of the mandatory State regulatory and changes. She said regarding the interior door she very much appreciated Chair Ehrich's point that it might cause some people to say they would not

build an ADU if they could not have a door between the ADU space and their primary residence. She said she thought it was an improvement in the probability of the ADU space becoming a future housing unit as the absence of an interior door and a link between the two would much more likely cause a person to think about whether the ADU could be rented and actually be an independent living unit, and create a situation where there was more than one family unit in a given space. She said it might not be the person who built it, but it might be for the people who come after them. She said that was something she tried to keep in mind as they discussed these ADUs as they might get built in one context but five or six years, 12 or 18 years later it was a different family with a different context or the same family with a different need, an adult child, or an elderly parent. She said she was in favor of promoting or at least publicizing. She said if it was State law about the interior doors then they needed to respect that and she would want it in the ADU ordinances and conversely it was something to seriously consider as creating new units.

Commissioner Schindler referred to the staff report and mandatory State regulatory changes and said the section on parking laid out the requirements but then posed questions as it related to non-State-mandated ADUs. She said she would be in favor of removing any parking restrictions they could. She said for the question she thought was specifically about State-mandated units she suggested letting the people with the property make the decision about parking.

Commissioner Schindler referred to the second question about processing timelines. She said staff specifically introduced the appeals process and laid out some of the logistics for how it would work. She said the part seeking feedback was which agency would hear the appeal. She said it proposed the Planning Commission, and at first, she thought that did not seem quite right but thinking through it they could not ask staff to appeal their own work, it would be a poor use of City Council resources, and third party consultants would be expensive. She said upon further thought she could not arrive at better answer than the Planning Commission. She said if there was another option she had not thought of, she would like to hear about that when they discussed this next time, but for now it sounded like most logical alternative.

Commissioner Schindler said she did not have additional feedback on the questions or the outline about the number of overall ADUs, other than she agreed with staff's recommendations not to allow additional ADUs beyond what was permitted by State law. She said that was because of the principle she had outlined earlier to try to keep things straightforward, so they did not have to go back and revise their ordinance as the State evolved. She said she did not have concerns or questions about putting in the fire or sanitary districts' requirements in the ADU ordinance because of the principle that it made these ordinances function more like a handbook, which she thought was highlighted in the staff report.

Commissioner Schindler said regarding amnesty she understood the idea of moving the amnesty data forward noting right now they allowed for amnesty from January 1, 2020. She said she would not like it to be moved up to a more current date as she would like the State to believe that they had been enforcing the regulations at some point. She said the idea in the staff report about doing it to the date of the Housing Element seemed logical, but she did not have a strong opinion on that. She said she would have some final thoughts on the questions posed in the local objective standards.

Commissioner Ferrick suggested sequentially it might be helpful for the team notetaking to weigh in on the same items in the same order that Chair Ehrich and Commissioners Schindler and Silverstein just weighed in on. She said regarding simplicity and permissibility that she agreed to

the extent that State laws were already quite permissible with respect to ADUs and it was the most simple solution to restate and link to those relevant laws from their own building codes being changed and to keep up would be the most straightforward rather than trying to create very specific square footages and various things without the data. She said she hoped they could get some data before the next time they saw this, like something that would indicate why they might change the square footage beyond 850 or permit more.

Commissioner Ferrick said regarding exterior access she supported the continued requirement for the unit to be accessed from the exterior. She said regarding interior access that her thoughts were mixed. She said she appreciated Commissioner Schindler's perspective and that it probably would create more potential for units and kind of tamp down on just square footage grab. She said however, a scenario for her was the need for a caregiver living in an ADU to have the best accessibility to the people being cared for. She said she was not quite sure how to write an ordinance that both met those needs but incentivized the behavior they wanted to see with an actual unit. She said regarding floor area maximums and smaller lots that she agreed with the staff report recommendation that at least daylight plane requirements were maintained. She said she wanted really good ADU design to continue and would not want a proliferation of overbuilt lots where there were then difficult issues with neighbors and neighborhoods that then became a backlash about ADUs in general. She said she also agreed though that they did not want to penalize small lot owners from participating in ADUs. She said for whatever reason 800, 850 square feet seemed to be the magical number that worked both with the State and most of the City's lots, and it seemed to be a size that was also functional. She referred to exterior access from the public right of way, and she felt that they did not need to make this more onerous than State requirements. She said she just would like to make sure that they were adhering at least to State requirements, and she was not sure requiring beyond that was a necessary update. She said she agreed with Commissioner Schindler and was in favor of removing a requirement for a covered space for parking.

Commissioner Silin said he generally agreed with the comment about it not really being worth the conversation unless they were trying to encourage more ADU capacity than the State did. He said there were some minute details that he thought were worth considering but outside of that and within that framing he had a few ideas but he wanted to ask staff if there were any specific examples that came to mind of homeowners who wanted to add an ADU and maybe even submitted an application but realized it would not work for reasons that could be adjusted in the zoning code or if staff had any suggestions. He said if the goal of the Planning Commission was to encourage more ADUs what did staff think were the biggest hurdles right now for homeowners in the code that might cause them to decide against doing an ADU,

Planner Pruter said the process and overall timelines were a major issue for a number of different stakeholders involved in ADUs, whether a developer, a homeowner, or someone interested in moving into an ADU, and that was a reflection of just the current regulations and procedures. He said State law was helping to streamline that so there would be improvement on that. He said also as mentioned in the staff report, they were still working on the preapproved ADU program. He said they did not have any currently available but once they had some they could approve then they were hopeful that could really speed things up in terms of just limiting the amount of zoning review that was necessary. He said they had more available options for ADUs than ever before so perhaps previously there was more of a limitation on how one could convert an existing building but there was more flexibility now built in with State law. He said there was lot with how JADUs and attached ADUs could be built that had improved over time with just setbacks and different

requirements they had had before. He said for example they had a more rigid understanding of front setback requirements and sometimes the front was the only area that might work for certain development reasons. He said some of the development standards could be seen as a hurdle as the property might be maxed out or there might be an issue with the layout of a lot if there was a very large development in terms of the main residence being so large with such a large footprint there was not a lot of land remaining and yard or outdoor space was more desirable than an ADU.

Commissioner Silin said he was thinking about setbacks with the State requirement being four feet on the sides and rear. He asked about the front setbacks. Planner Pruter said front setbacks could vary. He said initially a change in State law required them to rethink how they were applying front setback requirements for detached ADUs. He said detached ADUs for example did not have a specific limitation on front setbacks apart from building code, fire safety, fire rating, and other factors that went beyond planning purview. He said other front setback details to factor within an attached ADU was that had previously been required to match the primary residence setback. He said much of the single family zoning was 20 feet for a front setback and that precluded an addition in front of a residence. He said they were thinking about this with this update and State law. He said it was a little difficult and technical to explain but basically it was requiring them to think of the front setback in relation to what it would take to build the guaranteed 800 square foot ADU that could still have the required side setbacks. He said looking at full lot development and what kind of square footage was available what was the buildable area for that. He said a classic R-1U lot had certain limitations with a 50-foot wide lot, a driveway, a parking access point, and perhaps a garage that would be kept but there was more ability to build that 800 square foot ADU allowance than there had been before.

Commissioner Silin referred to the staff report where it said that for a front setback that whatever setback was necessary to enable construction of an 800 square foot ADU. He asked how necessary was defined.

Mr. Perata said it was staff's understanding that this was per State law. He said they needed to allow for an 800 square foot minimum ADU potentially in the front setback and whether or not it was necessary for the hypothetical raised the City would not be able to say no to an ADU in the front setback as long as it was 800 square feet or less. He said the ordinance was set up to help provide that clarity to the broader community in Menlo Park that per State law there was an allowance for an 800 square foot ADU that could encroach into the front setback, as necessary. He said "as necessary" could be subjective, but it was really intended to comply with State law and provide that allowance.

Commissioner Silin said in terms of what they could do to further allow ADUs in San Diego they allowed more ADUs on multifamily properties if some of them were deed restricted affordable. He said he also read recently that the community pushed back on that because developers started putting a lot of ADUs on properties. He said in Portland Oregon you could add up to eight ADUs to a single family home and he believed those were allowed to be sold separately and there were conditions on how many you could add based on the lot size and other things. He said the biggest levers they could pull would be how many ADUs could be added and what was the square footage of those. He said setbacks for the most part did not seem a factor. He suggested thinking about giving more flexibility in terms of going to the maximum, which he thought was 1,200 square feet for all ADUs whether State-mandated or not. He said essentially allowing larger ADUs would encourage more people to build one. He said as far as allowing more than one ADU on a lot there were cases where you could on a single-family lot. He said regarding data, what the Commission

saw were a lot of new single-family home construction and many of those were including ADUs. He said what they did not know or saw were people adding ADUs to existing homes as those were ministerially approved. He said it would be nice to know if there were certain categories of homeowners that had been turned away by the zoning code from adding an ADU. He said in Table 2, page 9 of the staff report, it mentioned that square footage shall not exceed 50% of an existing primary dwelling or 1,000 square feet, whichever was less. He said another statement on page 11 of the staff report mentioned that State law was clear that an ADU could not exceed 50% of the existing primary residence or 850 square feet for studio one bedroom units and 1,000 square feet for two or more bedroom units, whichever is less. He said he thought that was incorrect. He said in the Q&A in the ADU handbook offered by HCD, a specific question on page 40 asked: *Can maximum unit sizes exceed 1200 square feet for ADUs?* He said the answer read: *Yes, maximum unit sizes can exceed 1,200 square feet for ADUs through the adoption of a less stringent local ADU ordinance.* He said right above that it said: *Can a percentage of the primary dwelling be used to limit the maximum size of an attached ADU?* It said: *Yes, but only if it does not restrict the ADU size to less than 800 square feet, 850 square feet or 1,000 square feet.* He said on a previous page: *Can minimum and maximum unit sizes be established for ADUs?* He said in that answer it said that these were all minimums and not maximums. He said for example, for local agencies without a compliant ADU ordinance the maximum unit size was 1,200 square feet but they could increase that with the local ordinance. He said it seemed the sky was the limit but at the very least setting the maximum at 850 square feet or anything below 1,200 square feet seemed more restrictive than what the State said could happen without a local ordinance.

Commissioner Silverstein said he heard some contradiction in the interior access discussion on how over a long horizon uses of ADU might vary with future homeowners envisioning different purposes for those ADUs. He said if they restricted interior access, he imagined the total number of ADUs built would significantly go down, and would not provide the opportunity in the first place for the use cases to deviate and migrate. He said if they disincentivized the initial build of the ADU then the family there next that wanted more would not have the opportunity to envision what this ADU could become as it had never been built in the first place. He said that was his biggest concern around not building them. He said he agreed with the point that to some extent a lot of ADUs they saw were a bit of a wink and nod around it extending square footage to the primary residence but that they were being built in the first place allowed for the next family and the family after that the creativity and opportunity to change the nature of those ADUs over time. He said on overall square footage he said he would be disappointed if they adopted the State minimum for their ADUs. He said he did not think the City had a great reputation for pushing the envelope to allow very permissible building. He said they were in a housing crisis and if the reasons why they would not allow for more square footage in an ADU was because of fear of community or neighbor pushback, or worried that someone was going to get too much house on their lot that did not sit with him for the purposes of actually incentivizing it. He said it did not mean every ADU was going to be maxed out or 100% of ADUs were the 1,200 square foot size or whatever maximum they wanted to make it, but it would certainly allow for the marginal ADU. He said he did not think they would ever get data on the people who would want to build an ADU and were not able to by seeing that the only permissible size was 800 square feet to date. He said he was not proposing to take it to an extreme and allow any square footage, but the State minimum seemed insufficient. He said if an ADU was considered to be accessory in nature and sufficient for a nanny or a grandparent that 850 square feet was not necessarily sufficient as a standalone housing unit for a family that might want to live there. He asked if other people wanted to talk about heights as staff had suggested three heights for different ADUs and he would like to see that simplified.

Commissioner Behroozi said she would support that. Chair Ehrich said he would support 20 foot height to allow ability for two-story ADUs.

Commissioner Behroozi said she noticed that Menlo Park was recently featured in the American Enterprise Institute, a conservative think tank publication, which talked about the McMansionification of California communities. She said they had a huge opportunity cost every time a single lot was developed, especially some of the large lots that they saw being developed as a big house and JADU or an ADU that might potentially have provided eight townhomes and the middle housing that people would purchase. She said they were all kind of dancing around how to do something that approximated what they were looking for which was creating more homes that would actually be used as more homes. She said it was disappointing to her in the early discussions of the Housing Element that the City did not grapple more earnestly with whether they wanted to address that. She said it became like a third rail in Menlo Park politics and got taken off the table very quickly. She said she wanted to pose for the record that if even conservative think tanks were asking why people were not doing this and deeming Menlo Park to be at a particularly high risk of having all available land quickly converted into large new homes that meant they would not be redeveloped for another 20 or 30 years then maybe it was time to look at that again. She said regarding ADU size and other points about ADUs that she thought there was an interesting opportunity here with the fact that the State had introduced laws that would allow them to basically create for sale units. She said they were not producing a lot of middle housing; they were producing apartments and producing ADUs that they did not know were getting rented but were functioning as small apartments, and producing a whole lot of big single family homes. She said she would echo what others had said about the interior doors. She said if it was a law and interpretation was as generous as it could be then that was what they had to do but every time one of those lots got redeveloped, they were missing an opportunity to add more housing units. She said she thought it was worth looking at the combination effect of allowing larger ADUs than the State minimum and leveraging the new State law that said people should be able to sell them as again they were missing an opportunity to add more housing units. She said she would like to do whatever they could to make sure people were incentivized to build additional units and that it was not too onerous. She said yes to liberalizing height and square footage restrictions. She said they should not add restrictions where they did not currently exist. She said regarding parking restrictions that as long as they were continuing to enforce the no street parking overnight ordinance in most neighborhoods that she thought there were genuinely people looking for residences that did not need parking and she would basically let the owner who was building decide whether or not they thought they had a more rentable unit if they added parking space or whether they could use that land some other way.

Commissioner Schindler said she appreciated the comments and looking at the interior door issue and size issue from a couple of different perspectives. She said regarding the former that she saw the tension between once the additional space existed and limiting how it might be used in the future, but she did not actually feel like she had to make a call as she felt it was a requirement that would end up in the building code. She said about maximum sizes that she started the meeting with the perspective of sticking with the State's recommendations or what was in the staff report. She asked if they were going to talk about building an additional big house on a lot, then also talk about SB9 and about actually building another not extra-large ADU but another real housing unit. She said she was not enough of an expert as to what was being discussed at the State level to talk about whether having extra-large ADUs would somehow put them in the way of things happening with SB9. She said if they could do the part that was brought up about being able to sell, having an extra-large size ADU and then potentially having the ability to sell that

approximated some things the State and City were trying to do so she was moving in that direction dependent on things that were happening at the State level.

Commissioner Schindler said she wanted to weigh in on the questions staff had posed under the local objective standard proposals as they had gone through the effort of developing the proposals and writing it up with a healthy degree of context. She said there was a discussion about when internal ADU conversions happened and some of the criteria that happened around this. She said her reading of the staff report was that maybe there were instances where people wanted to have a footprint that was smaller rather than identical when they did a reconstruction. She said she thought the language that was proposed about being able to have the same size or smaller footprint was of benefit to people who were reconstructing and would like to have an ADU. She said it made sense to her. She said keeping the daylight plan logically made sense and that was proposed in the ordinance. She said having additions where they were happening of up to 150 square feet within a four foot setback made sense to her. She said it was the same logic of having the setback in that it protected neighbors. She said they had talked about the exterior access, the direct weatherproof path and she had given feedback to remove the word "direct." She referred to a statement about stairs and landing that she thought made sense as it gave neighbors a little bit more protection and stuck to the concept of a four foot setback and what that was supposed to represent. She said she disagreed with the language about having the stair and landing no greater than the minimum size as it would make the ADU less useful. She said if coverage and building area allowed for a landing or stair larger than the absolute minimum required for safety and fire that they should be allowed to make that decision similar to logic that applied with covered porches. She said a landing might be a very useful thing that made a unit more usable and eventually more rentable. She said covered porches were brought up and she had to presume that staff with either historical context or benchmarking of other things had picked 20% and not 15 or 50%. She said it made sense to have that limitation to keep things regulated by the ADU ordinance or keep the covered porches regulated by ADU ordinance rather than other structures. She said regarding exterior lighting she wanted to confirm that what was proposed here would apply to all ADUs whether State-mandated or not. Planner Pruter said no. Commissioner Schindler said then it would apply only to non-State-mandated units. She asked if there was a definition of downcast so it would not be subjective. Planner Pruter said they had not gotten into defining those terms and it was a valid point. He said the idea about exterior lighting was that it provided a limitation and allowed for exploration and discussion and if they all were interested in that could be perfected and clarified. Commissioner Schindler said she respected the idea as she thought it gave comfort to neighbors. She referred to comment that they did not want ADUs to get a bad rap over the next few years. She said one of the slides mentioned windowsill heights and while that was something they had discussed in ADU or small setback contexts as a Planning Commission she could not think of any way that could be done that was not subjective. She said typically when they talked about sill heights, they were looking at how close the other structures were, concerns neighbors had expressed, how tall the windows were, where the windows were -in a bathroom or stair landing – she said there were so many variables and thought it could be very difficult to make an objective standard.

Commissioner Silin said if stair landings were used as balconies, he could see that being a concern if that was right on the four foot setbacks against the rear of the property whereas the main house had a much bigger setback. He said potentially they could consider something like certain things were not allowed if they were outside where the primary residence could go. He said if it was within a setback the primary residence was subject to then it seemed like the property owner should be able to do whatever lighting or whatever landing wanted but if it was within an

ADU-only setback perhaps there they would get a little more restrictive. He said regarding branding that he could see some sort of backlash as they had certainly had that from neighbors about an ADU going in at the Commission hearings. He said if they tried something and there was backlash then it would be up to the City Council to roll back some of the things they put into place and then they would be right where they were now. He said he was open to trying some new things and taking seriously their goals and commitments. He said from that perspective he thought they generally should try to incentivize what they wanted by tying it to the main residence, noting programs in Portland Oregon did that. He said for example they could consider adding a restriction to the main residence. He said right now essentially the main residence was subject to certain maximums like building and lot coverage. He said they might offer an applicant if you build one ADU right now you get the 800 square feet and main residence; maybe if you build two ADUs you get an additional 400 square feet for the ADU and an additional 400 square feet for the main residence. He said they could incentivize the owners so they could get a bigger main residence but only if they built a second ADU. He said or offer build one ADU of 800 square feet or build two you get 1,200 or 1,600 square feet but nothing extra for the main residence. He said that kind of raised the potential concern of what people would do with those ADUs. He said in San Diego and Portland what they had done in some cases was the second ADU had to be an affordable unit. He said he struggled with that as given their construction costs in Menlo Park that the rent needed to be charged to break even would be quite high. He said perhaps staff could explore whether there was opportunity for that with affordable housing developers or maybe financing programs that could help out with that. He said if that would basically preclude the ADU being built then they should not. He said the fallback was if there was any way they could somehow ensure it was at least rented out. He said he did not think that needed to be required as presumably if an owner built two ADUs at least one of them they would be looking to rent. He said it could go up to three or four and would be a matter of size and location. He said potentially a number of bedrooms could be another option that would get some incentive whether square footage for the main residence or for the ADUs or both. He said he would leave that to staff to come back with some potential ideas.

Chair Ehrich referred to comment on ADU law versus SB9 and what that was doing. He suggested to do both as it seemed good to have multiple pathways. He said he was less concerned with the academic distinction of the various intent of various laws and in fact would be happy for there to be somewhat redundant pathways. He said in practice they saw more people building ADUs than doing lot splits so if it had to be in one versus the other, he would rather have it in ADU law as that seemed to be practically more used. He said they should not do something in ADU laws because they thought they were going to do it via SB9 as that seemed counterproductive.

Commissioner Silin said he also supported not having parking requirements and with the ordinance banning overnight street parking that was not going to cause a detrimental situation for neighbors. He said he supported exploring the idea of being able to sell ADUs separately.

Commissioner Behroozi said they had discussed a rental registry during discussion on the Housing Element update but could not remember where they landed with that. She said she was very curious about whether any of the ADUs were being rented currently. She said she was also curious more generally about their rental housing stock. She said it was hard to be good at developing effective policy when they did not know what they were looking at to begin with and it would be interesting at some point to know how their housing stock was being rented, what the occupancy rates and rental rates were and to be able to use that as a basis for forming better recommendations in the future. She said she understood there were some logistical complications, but she thought Palo Alto was working on that right now.

Commissioner Silverstein referred to the comments on incremental ADUs beyond just one that kind of alluded to something he said previously around whether an ADU be accessory in nature or should it be considered as an additional dwelling unit. He said he did not know the answer. He said reading the staff report and the minimum of State law implied that the general expectation was they would have up to one detached ADU on a single-family lot and that was the basic minimum they could do that might or might not improve the housing situation in the City. He asked given the kind of creativity that was mentioned and what other municipalities seemed to be doing in regard to incentivizing multiple ADUs for truly increased density if that was a direction that this project could be going. He said he wanted to know if that was an avenue that was worth the Commission exploring. He said not to waste anyone's time, but he at least appreciated the creativity and what it could potentially unlock in terms of actual housing stock.

Mr. Perata said this evening staff was taking feedback to evaluate. He said the Commission could certainly discuss additional items beyond what was in the draft ordinance this evening. He said it was intended to help focus the conversation, but certain topics could definitely be brought up and discussed. He said they were not in a position to opine on whether something could be supported or not but would need to do an evaluation post meeting and bring it back as part of an ordinance.

Commissioner Silverstein asked why they cared about the percentage of a covered porch relative to the square footage of an ADU.

Commissioner Behroozi asked if they were talking about pool houses or something.

Planner Pruter said the main concern was just the fact that the covered porch could be expanded beyond a reasonable amount. He said anecdotally there were instances where the covered porch was a little more ambiguous in its relation to the primary residence and it could be the case that a development had a larger covered porch and took advantage of that to benefit the site as a whole and not the ADU directly.

Replying further, Mr. Perata said a covered porch attached to a main residence needed to meet the setback requirements or other development regulations of the main dwelling unit. He said a detached, open air structure would be an accessory structure with its own regulations that were not necessarily the same as an ADU. He said they were trying to solve for what was a proportional covered porch entryway to the size of the unit versus one that could be the same size as the unit creating a substantially large structure, potentially very close to a neighbor and creating some potential impacts to that neighbor. He said staff's perspective was to try to solve for some scenarios they had seen with some large covered porches that were not typical of what would be an entryway to a main unit or to an ADU in this case but that would really be functioning as an extension of say the main residence's overall landscaping area and structures on the project site.

Commissioner Silverstein confirmed with staff that covered porches were subject to setbacks. He said the only way they could have a large covered porch close to the neighbor was if the initial ADU or structure was even further set back from the minimum requirement. Mr. Perata said potentially but there were nuances regarding State regulations versus local regulations for accessory structures and buildings versus ADUs and what the State required staff to permit by right versus where the City might have some discretion. He said there were hypotheticals here that would be difficult to get into and what staff was trying to solve for basically was a recommendation about proportionality.

Commissioner Silverstein confirmed that covered porches on primary residences did not have a proportionality requirement. He said in theory he could have a small house and a massive covered porch. Mr. Perata said that would be regulated by building coverage and that would preclude that hypothetical scenario.

Commissioner Silverstien said he appreciated staff wanted to limit the covered porch to proportionality and asked if it would make more sense to just limit the objective size of the covered porch whether it was a small or large ADU because thinking about the benefit of an entryway did not scale in – maybe aesthetically it did – but in terms of the practicality or utility of an entryway or covered porch that did not scale with the size of the structure but rather if you wanted to keep a stroller there or a shoe shelf which was more of an objective standard as opposed to a relative one.

Commissioner Behroozi asked for an example of when staff saw an accessory structure masquerading as an ADU.

Mr. Perata said they had seen a number of permits where there was a primary residence, an ADU and a large attached covered porch accessory structure. He said it might be in relation to a pool on site or some outdoor living space and it potentially was designed as independent living space. He said staff's recommendation was for proportional sized covered porch that would relate to the ADU. He said they would evaluate the feedback.

Commissioner Behroozi said after the pandemic when people started socializing outdoors more, she imagined people felt grateful to have a covered outdoor space attached to their ADU and that would be useful to them beyond just a little use. She said maybe there was a way to explore other kinds of separation from the main house's entertainment zone or something like that. She said if they were talking about covered outdoor kitchens and pool houses that putting those within four feet of the neighbor's house did not seem like a great use of the ADU laws, but she would not want to ban porches.

Mr. Perata said informationally that 20% of 1,000 square feet was 200 square feet so they were talking about a pretty large porch even at 20%. He said that was where staff came to with that and what seemed like a reasonable amount.

G. Informational Items

G1. Future Planning Commission Meeting Schedule

- Regular Meeting: January 12, 2026

Mr. Perata said the tentative agenda for January 12 was two single-family home projects and an architectural control on a multifamily residential building.

H. Adjournment

Chair Ehrich adjourned the meeting at 10:30 p.m.

Staff Liaison: Kyle Perata, Assistant Community Development Director

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on February 23, 2026