



CITY OF
**PALO
ALTO**

**CITY OF PALO ALTO
CITY COUNCIL**

**Monday, June 16, 2025
Council Chambers & Hybrid
5:30 PM**

Agenda Item

21. SECOND READING: Ordinance of the Council of the City of Palo Alto Amending Title 16 (Building Regulations) and Title 18 (Zoning) of the Palo Alto Municipal Code to Amend Requirements Relating to Accessory Dwelling Units and Junior Accessory Dwelling Units (FIRST READING: May 12, 2025; PASSED 7-0)



CITY OF
**PALO
ALTO**

City Council Staff Report

Report Type: CONSENT CALENDAR

Lead Department: City Clerk

Meeting Date: June 16, 2025

Report #:2506-4772

TITLE

SECOND READING: Ordinance of the Council of the City of Palo Alto Amending Title 16 (Building Regulations) and Title 18 (Zoning) of the Palo Alto Municipal Code to Amend Requirements Relating to Accessory Dwelling Units and Junior Accessory Dwelling Units (FIRST READING: May 12, 2025; PASSED 7-0)

BACKGROUND

The City Council heard this item on May 12, 2025 for a first reading and approved it on a 7-0 vote. The ordinance was updated to incorporate Council's motion, and it is now before the City Council for a second reading.

ATTACHMENTS

Attachment A - Ordinance of the Council of the City of Palo Alto Amending Title 16 (Building Regulations) and Title 18 (Zoning) of the Palo Alto Municipal Code to Amend Requirements Relating to Accessory Dwelling Units and Junior Accessory Dwelling Units

APPROVED BY:

Mahealani Ah Yun, City Clerk

Ordinance No. _____

Ordinance of the Council of the City of Palo Alto Amending Title 16 (Building Regulations) and Title 18 (Zoning) of the Palo Alto Municipal Code to Amend Requirements Relating to Accessory Dwelling Units and Junior Accessory Dwelling Units

The Council of the City of Palo Alto does ORDAIN as follows:

SECTION 1. Findings and Declarations.

- A. In 2023, the City of Palo Alto adopted Ordinance 5585, amending the City’s requirements for ADUs and JADUs to reflect changes in State law and guidance from the California Department of Housing and Community Development (HCD).
- B. On October 29, 2024, the City received a letter from HCD commenting on aspects of the City’s J/ADU ordinance that HCD found inconsistent with State law.
- C. California Government Code section 66326(b)(2) requires that the City either amend its ordinance as indicated in the letter or adopt the ordinance without the changes and include findings that explain the reasons the City believes the ordinance complies with State J/ADU law.
- D. Upon recommendation of City Staff and the Planning and Transportation Commission, the Council of the City of Palo Alto now intends to amend its J/ADU ordinance in response to each of HCD’s comments.
- E. Additionally, the City now adopts explanatory findings to accompany the amendments in response to several of HCD’s comments.
- F. HCD Comment 9 states, “The Ordinance makes several references to Chapter 8.10, the City’s Tree and Landscape Preservation and Management regulations, and requires that elements of ADU development conform to Chapter 8.10...The City should amend the Ordinance to ensure that compliance with this ordinance section will not delay or cause the denial of an ADU or JADU building permit or use permit.” The City now intends to amend its ADU ordinance to eliminate references to Chapter 8.10. Additionally, the City now amends its Chapter 18.09.040 to include objective landscape requirements for those ADUs that are subject to local standards, pursuant to Government Code section 66314(b). These landscape requirements include adherence to applicable objective landscape standards in the Tree and Landscape Technical Manual for the protection of trees during construction. The City Council finds that the standards in the Tree and Landscape Technical Manual for the protection of trees during construction are industry standard best practices for construction and are typically imposed as conditions of approval. Consistent with HCD’s comment, the

ordinance will clarify that the Tree and Landscape Technical Manual's standards for tree protection during construction are not a cause of delay or denial of an ADU or JADU permit.

- G. HCD Comment 10 states, "The Ordinance describes JADUs in the section 'Units Subject to Local Standards' and creates governance of JADUs that 'do not qualify for approval under section 18.090.030.' However, all JADUs are created pursuant to Government Code section 66323, subdivision (a)(1), and would therefore be approved under section 18.090.030. The City must remove references to JADUs in this section." The City Council finds that this comment is incorrect; although some JADUs are created pursuant to Government Code section 66323, JADUs may also be created pursuant to Government Code sections 66333-66339 (also known as "Article 3"), which begins with the statement "Notwithstanding Article 2 (commencing with Section 66314 [and including section 66323]), a local agency may, by ordinance, provide for the creation of junior accessory dwelling units in single-family residential zones" (emphasis added). Nonetheless, through this Ordinance, the City intends to remove all references to JADUs in Section 18.09.040, "Units Subject to Local Standards." All JADUs that meet the requirements of Government Code section 66323(a) will be subject to the ministerial approval provisions in Chapter 18.09.030. Additionally, in order to further incentivize the construction of JADUs, the Ordinance allows a 500 square foot bonus for the primary dwelling unit where a JADU that meets the conditions in 18.09.050(f) is constructed on site. The City Council finds that this additional incentive provided in 18.09.050 does not conflict with Government Code sections 66310-66342 because it liberalizes the City's regulations for primary residences and does not regulate the construction of JADUs.
- H. HCD Comment 14 states, "Section 18.09.040 (I) – Parking Exceptions – The Ordinance does not provide for exemptions to parking requirements pursuant to Government Code section 66322, subdivisions (a)(1) through (a)(6)...Therefore, the City must amend the Ordinance to add the required exemptions." Table 1 and 2 of PAMC 18.09.030 and 18.09.040, as well as Table 1 of PAMC 18.52.040, indicate that parking is not required for newly constructed ADUs or JADUs. Additionally, this Ordinance amends PAMC 18.09.040(I) so that the City no longer requires replacement parking for ADUs or JADUs under any circumstance. Because the Ordinance as amended imposes no parking requirements for J/ADUs, it does not enumerate the exemptions to parking requirements described in Government Code section 66322(a)(1)-(6).
- I. On September 19, 2024, the Governor signed Senate Bill (SB) 1211, effective January 1, 2025. SB 1211 allows up to 8 detached accessory dwelling units (ADUs) on parcels with existing multifamily development and provides that cities can no longer require replacement parking for uncovered parking spaces that are removed for an ADU.
- J. Upon recommendation of City Staff and the Planning and Transportation Commission, the Council of the City of Palo Alto desires to amend its J/ADU ordinance to implementing SB 1211 and to make additional clerical amendments and minor amendments to conform with State law.

- K. Section 9 of this Ordinance amends Chapter 16.04 (California Building Code, California Code of Regulations, Title 24, Part 2, Volumes 1 & 2) of Title 16 (Building Regulations) of the Palo Alto Municipal Code. This is an administrative amendment to clarify and establish civil and administrative procedures, regulations, or rules to administer the enforcement of Title 16. In particular, it clarifies that while the California Building Code definitions of “gross floor area” and “net floor area” apply for the purposes of enforcing Title 16, for the purposes of enforcing the zoning code (Title 18 of the Palo Alto Municipal Code), the definitions in Title 18 apply. This amendment is not a building standard as defined in Health and Safety Code section 18909.

SECTION 2. Chapter 18.09 (Accessory Dwelling Units and Junior Accessory Dwelling Units) of Title 18 (Zoning) of the Palo Alto Municipal Code (“PAMC”) is amended to read as follows (additions underlined and deletions ~~struck through~~):

18.09.010 Purpose

The intent of this Chapter is to provide regulations to accommodate accessory and junior accessory dwelling units (ADU/JADU), in order to provide for variety to the city's housing stock and additional affordable housing opportunities. These units shall be separate, self-contained living units, with separate entrances from the main residence, whether attached or detached. The standards below are provided to minimize the impacts of units on nearby residents and throughout the city, and to assure that the size and location of such dwellings is compatible with the existing or proposed residence(s) on the site and with other structures in the area.

18.09.020 Applicable Zoning Districts

The establishment of an accessory dwelling unit is permitted in zoning districts when single-family or multi-family residential is a permitted land use. The development of a single-family home, ADU, and/or a JADU on a lot that allows for single-family development shall not be considered a multifamily development pursuant to PAMC Section 18.04.030, nor shall they require Architectural Review pursuant to other sections of Chapter 18.

18.09.030 Units Exempt from Generally Applicable Local Regulations

- (a) Government Code sections ~~6632365852.2, subdivision (e)~~ provides that certain units shall be approved notwithstanding State or local regulations that may otherwise apply. The following types of units shall be governed by the standards in this section. In the event of a conflict between this section and Government Code section 6632365852.2, subdivision (e), the Government Code shall prevail.

- i. An ADU and JADU within the existing space of a single-family dwelling or an ADU within the existing space of an accessory structure (i.e. conversion without substantial addition).
- ii. An ADU and JADU within the proposed space of a single-family dwelling.
- iii. A detached, new construction ADU on a lot with a proposed or existing single-family dwelling, provided the ADU does not exceed 800 square feet, ~~sixteen feet in height, or four-foot side and rear (i.e. interior) setbacks, or the~~ maximum height described in subparagraph (A), (B), or (C) of paragraph (4) of subdivision (b) of Government Code Section 66321, as applicable.
- iv. ADUs created by conversion of portions of existing multi-family dwellings not used as livable space.
- v. Up to ~~two~~ eight detached ADUs on a lot with an existing multi-family dwelling, provided that the number of ADUs does not exceed the number of existing units on the lot.
- vi. Up to two detached ADUs on a lot with a proposed multi-family dwelling.

(b) The Development Standards for units governed by this section are summarized in Table 1. Regulations set forth in section 18.09.040 do not apply to units created under 18.09.030. The minimum and maximum sizes indicated in Table 1 do not prohibit units that are greater than 800 square feet. These sizes simply serve to distinguish when a unit transitions from regulations set forth in Table 1 and section 18.09.030 to regulations set forth in Table 2 and section 18.09.040.

Table 1: Development Standards for Units Described in Government Code Section ~~65852.2(e)~~ 66323

	Single-Family			Multi-Family		
	Conversion of Space Within the Existing Space of a Single-Family Home or Accessory Structure	Construction of Attached ADU/JADU Within the Proposed Space of a Single-Family Home	New Construction of Detached ADU	Conversion of Non-Habitable Space Within Existing Multi-family Dwelling Structure	Conversion or Construction of Detached ⁽⁴⁾ ADU on a site with Existing Multi-family Structure	<u>Conversion or Construction of Detached⁽⁴⁾ ADU on a site with Proposed Multi-family Structure</u>
Number of Units Allowed	1 ADU and 1 JADU <u>1 Attached ADU, 1 Detached ADU, and 1 JADU</u>			25% of the existing units (at least one)	<u>Up to 8 (not to exceed the number of existing units on the lot)</u>	<u>2</u>
Minimum	150 sf					

size ⁽¹⁾					
Maximum size ⁽¹⁾	N/A ²		800 sf	N/A	
Setbacks	N/A, if condition is sufficient for fire and safety	Underlying zone standard for Single Family Home (ADU must be within allowable space of Single-Family Home)	4 feet from side and rear lot lines; underlying zoning for front setback	N/A	4 feet from side and rear lot lines; underlying zoning for front setback
Daylight Plane	N/A		N/A		
Maximum Height ⁽³⁾	N/A		16 ⁽⁵⁾	N/A	16 ⁽⁵⁾⁽⁶⁾
Parking	None				
State Law Reference	65852.2(e)(1)(A) } <u>66323(a)(1)</u>	65852.2(e)(1)(A) } <u>66323(a)(1)</u>	65852.2(e)(1)(B) } <u>66323(a)(2)</u>	65852.2(e)(1)(C) } <u>66323(a)(3)</u>	65852.2(e)(1)(D) } <u>66323(a)(4)</u>

- (1) Lofts where the height from the floor level to the underside of the rafter or finished roof surface is 5' or greater shall count towards the unit's floor area.
 - (2) ~~New construction must be consistent with allowable space (e.g. FAR, Lot Coverage) of a single-family residence, except that up to 150 sf may be added for the purpose of ingress and egress only, without regard to underlying zone standards.~~ The maximum size of a JADU is 500 square feet. See PAMC 18.09.030(h) for additional information.
 - (3) Units built in a flood zone are not entitled to any height extensions granted to the primary dwelling.
 - (4) Units must be detached from ~~existing~~ primary dwellings but may be attached to each other.
 - (5) A height of 18 feet for a detached ADU on a lot with an existing or proposed single family or multifamily dwelling unit that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. An additional two feet in height shall be provided to accommodate a roof pitch on an ADU that is aligned with the roof pitch of the primary dwelling unit.
 - (6) A height of 18 feet for a detached ADU on a lot with an existing or proposed multifamily, multistory dwelling.
- (c) Development standards stated elsewhere in this Section or Title 18, including standards related to FAR, lot coverage, and privacy, are not applicable to ADUs or JADUs that qualify for approval under this section. When there is an ADU or JADU attached to an existing or proposed primary dwelling, the shared wall between these units shall contribute to the maximum allowable Floor Area, Lot Coverage, and Maximum House Size of the primary unit. For a single-family home, this measurement shall be taken to the outside stud wall in accordance with Section 18.04.030(a)(65)(D). For a multi-family dwelling, this measurement shall be taken to the outside surface of exterior walls in accordance with Section 18.04.030(a)(65)(B) and (C).
- (d) The establishment of accessory dwelling units and junior accessory dwelling units pursuant to this section shall not be conditioned on the correction of non-

conforming zoning conditions; provided, however, that nothing in this section shall limit the authority of the Chief Building Official to require correction of building standards relating to health and safety. Upon request of the owner for a delay in enforcement, the Chief Building Official shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code.

- (e) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence. The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in the existing multifamily dwelling. Nothing in this section shall preclude the Fire Marshal from accepting fire sprinklers as an alternative means of compliance with generally applicable fire protection requirements.
- (f) Rental of any unit created pursuant to this section shall be for a term of 30 days or more.
- (g) Attached units shall have independent exterior access from a proposed or existing single-family dwelling. Except for JADUs, attached units shall not have an interior access point to the primary dwelling (e.g. hotel door or other similar feature/appurtenance). If a permitted JADU does not include a separate bathroom, the permitted JADU shall include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.
- (h) Conversion of an existing accessory structure pursuant to Government Code section ~~65852.2(e)(1)(A)~~ 66314(d)(7) may include reconstruction in-place of a non-conforming structure, so long as the renovation ~~or~~ reconstruction does not increase the degree of non-compliance, such as increased height, envelope, or further intrusion into required setbacks. An expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure may be provided to accommodate ingress and egress. Any portion of an ADU addition to the existing accessory structure that is not limited to providing for ingress and egress to the unit, and that exceeds the envelope of the existing accessory structure shall be subject to Section 18.09.040.
- (i) Street addresses shall be assigned to all units prior to building permit final to assist in emergency response.
- (j) The unit shall not be sold separately from the primary residence, except as allowed under Government Code Section 66341.
- (k) Replacement parking is not required when ~~a garage, carport, or covered parking structure~~ an off-street parking space is converted to, or demolished in conjunction with the construction of, an ADU.

(l) JADUs shall comply with the requirements of Section 18.09.050.

~~(m) Notwithstanding any contrary provision of Chapter 8.10, to the extent the City's application checklist requires a tree disclosure statement, it may be completed by the property owner.~~

18.09.040 Units Subject to Local Standards

(a) This section shall govern applications for ADUs and JADUs that do not qualify for approval under section 18.09.030 and for which the City may impose local standards pursuant to Government Code section ~~65852.2, subdivisions (a) through (d)~~ 66314. Nothing in this section shall be interpreted to prohibit an ADU of up to 800 square feet, at the heights stated in Table 2, with a four foot side and rear setbacks.

(b) The Development Standards for units governed by this section are provided in Table 2. These regulations do not limit the height of existing structures converted into ADU/JADUs unless the envelope of the building is proposed to be modified beyond any existing legal, non-conforming condition.

Table 2: All other Units

		Attached	Detached	JADU
Number of Units Allowed ¹		1		±
Minimum size	150 sf			
Maximum size		900 sf (1,000 sf for two or more bedrooms); no more than 50% of the size of the single-family home	900 sf (1,000 sf for two or more bedrooms)	500 sf
Setbacks		4 feet from side and rear lot lines;		Underlying zone standard for front setback
Daylight Plane		Underlying zone standard per footnote (7)	N/A	Underlying zone standard
Maximum Height ³				Underlying zone standard
	Res. Estate (RE)	30 feet		
	Open Space (OS)	25 feet		
	All other eligible zones	16 feet ⁽⁵⁾⁽⁶⁾⁽⁷⁾		
Parking		None		

Square Footage Exemption when in conjunction with a single family home ⁽⁴⁾	Up to 800 sf	Up to 500 sf
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- (1) An attached ~~or~~ and detached ADU may be built in conjunction with a JADU on a lot with an existing or proposed single family home. One attached or detached ADU may be built in conjunction with an existing or proposed multifamily building.
 - (2) Lofts where the height from the floor level to the underside of the rafter or finished roof surface is 5' or greater shall count towards the unit's floor area.
 - (3) Units built in a flood zone are not entitled to any height extensions granted to the primary dwelling.
 - (4) Lots with both an attached and detached ADU ~~and a JADU~~ may exempt a maximum combined total of 800 square feet of both the ADUs and JADU from FAR, Lot Coverage, and Maximum House Size calculations. Any square footage that exceeds this exemption shall contribute to the FAR, Lot Coverage, and (if attached) Maximum House Size calculations for the subject property. This exemption is not afforded to lots with existing or proposed multifamily dwellings.
 - (5) A height of 18 feet for a detached ADU on a lot with an existing or proposed single family or multifamily dwelling unit that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. An additional two feet in height shall be provided to accommodate a roof pitch on an ADU that is aligned with the roof pitch of the primary dwelling unit.
 - (6) A height of 18 feet for a detached ADU on a lot with an existing or proposed multifamily, multistory dwelling.
 - (7) A height of 25 feet or the height limitation in the underlying zone district that applies to the primary dwelling, whichever is lower, for an ADU that is attached to a primary dwelling. These ADUs shall not exceed two stories in height.
- (c) A single-family or multifamily dwelling shall exist on the lot or shall be constructed on the lot in conjunction with the construction of an ADU/~~JADU~~.
- (d) ADU ~~and/or JADU~~ square footage shall not be included in FAR, Lot Coverage, and Maximum House Size calculations for a lot with an existing or proposed single family home, up to the amounts stated in Table 2. ADU ~~and/or JADU~~ square footage in excess of the exemptions provided in Table 2 shall be included in FAR, Lot Coverage, and Maximum House Size calculations for the lot.
- (e) When there is an ADU ~~or JADU~~ attached to an existing or proposed primary dwelling, the shared wall between these units shall contribute to the maximum allowable Floor Area, Lot Coverage, and Maximum House Size of the primary unit. For a single-family home, this measurement shall be taken to the outside stud wall in accordance with Section 18.04.030(a)(65)(D). For a multi-family dwelling, this measurement shall be taken to the outside surface of exterior walls in accordance with Section 18.04.030(a)(65)(B) and (C).
- (f) Attached units shall have independent exterior access from a proposed or existing single-family dwelling. ~~Except for JADUs, A~~ attached units shall not have an interior

access point to the primary dwelling (e.g. hotel door or other similar feature/appurtenance).

- (g) ~~Reserved~~ ~~No protected tree shall be removed for the purpose of establishing an accessory dwelling unit except in accordance with Chapter 8.10. Notwithstanding any contrary provision of Chapter 8.10, to the extent the City's application checklist requires a tree disclosure statement, it may be completed by the property owner.~~
- (h) For properties listed in the ~~Palo Alto Historic Inventory~~, the California Register of Historical Resources, ~~the National Register of Historic Places~~, or considered a historic resource after completion of a historic resource evaluation, compliance with the appropriate Secretary of Interior's Standards for the Treatment of Historic Properties shall be required.
- (i) Noise-producing equipment such as air conditioners, water heaters, and similar service equipment that exclusively serves an ADU/~~JADU~~ may be located anywhere on the site, provided they maintain the underlying front yard setback requirements of the property and, if the property is a corner lot, a 10-foot street-side setback. All such equipment shall be insulated and housed, except that the Director may permit installation without housing and insulation, provided that a combination of technical noise specifications, location of equipment, and/or other screening or buffering will assure compliance with the city's Noise Ordinance at the nearest property line. All service equipment must meet the city's Noise Ordinance in Chapter 9.10 of the Municipal Code.
- (j) Setbacks
 - (1) Detached units shall maintain a minimum three-foot distance from the primary unit, measured from the exterior walls of structures.
 - (2) A basement or other subterranean portion that serves an ADU/~~JADU~~ may encroach into a setback required for the primary dwelling provided the following conditions are met:
 - (A) Newly constructed basement walls are no closer than four feet to an adjacent interior side or rear property line.
 - (B) A new lightwell associated with a basement shall not be placed closer than four feet to an adjacent interior property line. When visible from the right of way, these facilities shall be screened from view with vegetation.
 - ~~(C) The new basement shall not negatively impact tree roots on the subject property or on adjacent lots such that it would require to be removed or cause the protected tree to die.~~

~~(D)~~ (C) Habitable ADU/JADU basements shall contribute toward the unit's total allowable floor area. Any floor area in excess of the exemptions provided in this Section shall contribute to the total allowable limits for the site.

- (3) Projections, including but not limited to windows, doors, mechanical equipment, venting or exhaust systems, are not permitted to encroach into the required setbacks, with the exception of a roof eave of up to 2 feet.
- (4) For corner lots developed as a single-family home ~~only~~, when an existing or proposed primary dwelling unit is expanded or constructed simultaneously with the construction of a new ADU/JADU, the homeowner may elect to build all structures may be built to a 10-foot street-side setback and a 16-foot front yard setback, regardless of the presence of a more restrictive special setback, unless a fire or life-safety regulation requires a greater setback. Pursuant Government Code section 66321(b)(3), a street-side setback may not preclude the development of an 800 square foot unit.
- (5) When an existing, legal, nonconforming structure is converted or reconstructed to create an ADU/JADU, any portion of the ADU/JADU that is in the same location and falls within the building envelope of the original structure shall not be subject to the development standards stated in this Section. Any portion of the ADU/JADU that is in a different location or exceeds the envelope of the original structure shall comply with the development standards stated in this Section.
- (6) Notwithstanding the development standards stated in Table 2 and paragraph (5) above, when an existing, legal, non-conforming structure is converted in-place to an ADU/JADU, the envelope of the structure may be modified to encroach further into a setback or daylight plane as follows:
 - (A) The height of the existing structure may be increased by no more than one linear foot in height commensurate to the existing roofline of the structure provided the height of the addition does not exceed 12 feet from grade. The roofline shall not be changed to a style other than what currently exists on the structure.
 - (B) Each non-conforming wall may be expanded by no more than six inches in thickness based on its existing location and configuration, as measured to exterior surface of the material, to provide for greater insulation and energy requirements provided that a minimum of one foot is maintained between the addition and an adjacent interior property line. An existing wall of a structure that does not currently

have a separation of one foot from a parallel property line shall not be expanded outward.

- (C) All other additions not specified here shall follow the standard setbacks for the ADU/~~JADU~~ identified in Table 2.

(k) Design

- (1) Except on corner lots, where feasible, the unit shall not have an entranceway facing the same lot line (property line) as the entranceway to the main dwelling unit unless the entranceway to the accessory unit is located in the rear half of the lot. Exterior staircases to second floor units shall be located toward the interior side or rear yard of the property.

(2) Privacy

- (A) Second story doors and decks shall not face a neighboring property line. Second story decks and balconies shall utilize screening barriers to prevent views towards an adjacent interior property line. These barriers shall be a minimum five-foot, six-inch height from the floor level of the deck or balcony and shall not include perforations of any kind that would allow visibility between properties.
- (B) Windows on a second floor, loft, or equivalent elevated space, excluding those required for egress, shall have a five-foot sill height as measured from the second-finished floor level, or utilize opaque glazing on the entirety any window that faces an adjacent interior property line.
- (C) Windows on a second finished floor, loft, or equivalent elevated space, shall be offset from neighbor's windows to maximize privacy.
- (D) Where feasible, egress windows on the first and second finished floor of an ADU ~~or JADU~~ shall not face towards an adjacent interior property line. If this is not feasible, then these windows shall utilize opaque glazing on the whole window.
- (E) If the first finished floor of an ADU ~~or JADU~~ is two feet or more above grade, then first floor windows shall include the following:
- i. Non-egress, operable windows facing an adjacent interior property line shall have a windowsill(s) that start five feet above the first finished floor for the unit;
 - ii. Non-egress, non-operable windows facing an adjacent interior property line shall have the lower half of window(s) (minimum of five feet above the first finished floor) utilize opaque glazing.
- (F) Where feasible, the use of skylights (whether operable or not) shall be used in lieu of operable windows that face adjacent interior properties.

- (G) No exterior lighting shall be mounted above seven feet. All lighting mounted on walls shall be directed downwards and shall not direct light towards adjacent interior property lines. Any ground lighting shall not direct light upwards to the building or sky.

(I) Parking

- (1) Replacement parking is not required when a garage, carport, ~~or~~ covered parking structure, or uncovered parking space is converted to, or demolished in conjunction with the construction of, an ADU.

~~(2) Replacement parking is required when an existing attached garage, carport, or covered parking structure is converted to a JADU or when a required, existing, uncovered parking space is expanded into an ADU/JADU. These replacement spaces may be provided as uncovered spaces in any configuration on the lot including within the front or street side yard setback for the property.~~

~~(A) The Director shall have the authority to modify required replacement parking spaces by up to one foot in width and length upon finding that the reduction is necessary to accommodate parking in a location otherwise allowed under this code and is not detrimental to public health, safety or the general welfare.~~

~~(B) Existing front and street side yard driveways may be enlarged to the minimum extent necessary to comply with the replacement parking requirement above. Existing curb cuts shall not be altered except when necessary to promote public health, safety or the general welfare.~~

- (2) ~~(3)~~ When parking is provided, the unit shall have street access from a driveway in common with the main residence in order to prevent new curb cuts, excessive paving, and elimination of street trees, unless separate driveway access will result in fewer environmental impacts such as paving, grading or tree removal.

- (3) ~~(4)~~ When a single-family dwelling unit is permitted simultaneously with the construction of new ADU/JADUs, the primary unit's covered parking requirements identified in Chapter 18.10 and 18.12 do not need to be provided. Two uncovered parking spaces shall be provided in any configuration on the lot including within the front or street-side setback for the property.

- (4) ~~(5)~~ If covered parking for a unit is provided in any district, the maximum size of the covered parking area for the accessory dwelling unit is 220 square feet. This space shall count towards the total floor area for the site but does not contribute to the maximum size of the unit. Any attached garage shall not have an interior access point to the ADU/~~JADU~~ (e.g. hotel door or other similar feature/appurtenance).

(m) Landscape

- (1) For the purposes of this subsection (m), “protected tree” means:

- (A) Any locally native tree of the species *Acer macrophyllum* (Bigleaf Maple), *Calocedrus decurrens* (California Incense Cedar), *Quercus agrifolia* (Coast Live Oak), *Quercus douglasii* (Blue Oak), *Quercus kelloggii* (California Black Oak), or *Quercus lobata* (Valley Oak) which is eleven and one-half inches in diameter (thirty-six inches in circumference) or more when measured four and one-half feet (fifty-four inches) above natural grade.
- (B) Any Coast Redwood tree (species *Sequoia sempervirens*) that is eighteen inches in diameter (fifty-seven inches in circumference) or more when measured four and one-half feet (fifty-four inches) above natural grade.
- (C) Any tree of any species, other than a Coast Redwood Tree, fifteen inches in diameter (forty-seven inches in circumference) or more when measured four and one-half feet (fifty-four inches) above natural grade. A “protected tree” does not include a tree of any species on the Exempt Species List put forth by the Department of Urban Forestry and available on the City’s website.
- (D) Any tree designated for protection during review and approval of a current or previously completed development project.
- (E) Any tree designated for carbon sequestration and storage and/or environmental mitigation purposes as identified in an agreement between the property owner and a responsible government agency or recorded as a deed restriction.
- (F) Any heritage tree previously designated by the city council.
- (G) Any tree previously planted as a replacement mitigation tree.

- (2) Except as provided in subsection (3) below, the construction of an ADU shall not impact any protected tree, on the subject property or any adjacent lot by requiring:

- (A) Removal of more than twenty-five percent of the functioning leaf, stem, or root area of a tree in any twenty-four-month period; or
- (B) Removal of more than fifteen percent of the functioning root area of any *Quercus* (oak) species in any thirty-six-month period; or

- (C) Trenching, excavating, altering the grade, or paving within the tree protection zone of a tree in a way that foreseeably leads to the death of the tree. For the purposes of this subsection (m), "tree protection zone" means the area defined by a circle with a radius ten times the diameter of the trunk when measured four and one-half feet (fifty-four inches) above natural grade.
- (3) If an action prohibited by section 18.09.040(m)(2) is necessary to allow the construction of an ADU that meets the minimum standards set forth in state law, the tree shall be replaced according to the objective requirements identified in the Tree Canopy Replacement Table of the Palo Alto Tree and Landscape Technical Manual.
- (4) The construction of an ADU must comply with applicable objective standards and specifications in the Tree and Landscape Technical Manual for the protection of trees during construction. Compliance with this subsection (4) shall not delay or cause the denial of an ADU or JADU building permit or use permit.

(n) Miscellaneous requirements

- (1) Street addresses shall be assigned to all units prior to building permit final to assist in emergency response.
- (2) The unit shall not be sold separately from the primary residence except as allowed under Government Code Section 66341.
- (3) Rental of any unit created pursuant to this section shall be for a term of 30 days or more.
- (4) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence. Nothing in this section shall preclude the Fire Marshal from accepting fire sprinklers as an alternative means of compliance with generally applicable fire protection requirements.

18.09.050 Additional Requirements for JADUs

- (a) A ~~JADU junior accessory dwelling unit~~ may ~~only~~ be created on a lot in a single-family residential zone with an existing or proposed single family residence. A ~~JADU junior accessory dwelling unit~~ shall be attached to or created within the walls of an existing or proposed primary dwelling, including enclosed uses within the residence, such as an attached garage.
- (b) The ~~JADU junior accessory dwelling unit~~ shall include an efficiency kitchen, requiring the following components: A cooking facility with appliances, and; food preparation

- counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
- ~~i. A cooking facility with appliances shall mean, at minimum a one burner installed range, an oven or convection microwave, a 10 cubic foot refrigerator and freezer combination unit, and a sink that facilitates hot and cold water.~~
 - ~~ii. A food preparation counter and storage cabinets shall be of reasonable size in relation to a JADU if they provide counter space equal to a minimum 24 inch depth and 36 inch length.~~
 - iii. i. JADUs may share sanitation facilities (bathrooms, laundry facilities, etc.) with the primary unit. If a permitted JADU does not include a separate bathroom, the permitted junior accessory dwelling unit shall include a separate entrance from the main entrance to the structure, with an interior entry to the main living area. In this instance, the floor area and lot coverage associated with shared space shall count towards the primary unit's maximum allowances only. The combined sanitation facilities between the units shall include shower, toilet, and sink fixtures at a minimum and shall conform to the minimum requirements specified in the Building Code.
- (c) For the purposes of any fire or life protection ordinance or regulation or for the purposes of providing service for water, sewer, or power, a JADU~~junior accessory dwelling unit~~ shall not be considered a separate or new unit.
- (d) The owner of a parcel proposed for a JADU~~junior accessory dwelling unit~~ shall occupy as a primary residence either the primary dwelling or the JADU~~junior accessory dwelling~~. Owner-occupancy is not required if the owner is a governmental agency, land trust, or housing organization.
- (e) Prior to the issuance of a building permit for a JADU~~junior accessory dwelling unit~~, the owner shall record a deed restriction in a form approved by the city that includes a prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, requires owner-occupancy consistent with subsection (d) above, ~~does not permit short term rentals~~, and restricts the size and attributes of the JADU~~junior dwelling unit~~ to those that conform with this section.
- (f) JADU incentive. The existing or proposed primary dwelling unit shall be afforded bonus square footage equal to the square footage of a proposed JADU when a JADU is constructed on site, provided the JADU meets the following requirements:
- 1) The JADU must conform to the underlying zoning district's development standards for single family homes.

- 2) The maximum number of units on site shall not exceed four (two ADUs, one JADU, and one primary home).
- 3) The maximum size of the JADU shall not exceed 500 square feet.
- 4) The total maximum bonus/exempt floor area provided for the site under Section 18.09.040 and 18.09.050 may not exceed 800 square feet.
- 5) The exterior entryway to the JADU shall not face the same direction as the entrance to the primary home.
- 6) All egress windows which face an adjacent residential property must utilize opaque glazing on the whole window.
- 7) All non-egress windows which face an adjacent residential property must have a windowsill(s) that start five feet above the first finished floor for the unit.
- 8) All noise producing equipment associated with the JADU must comply with the noise regulations in PAMC 9.10.

SECTION 3. Subsection (a)(75)(A) of Section 18.04.030 (Definitions) of Chapter 18.04 (Definitions) of Title 18 (Zoning) of the Palo Alto Municipal Code (“PAMC”) is amended to read as follows (additions underlined and deletions ~~struck through~~):

- (A) For ADUs, a kitchen must have permanent provisions for eating, cooking, and sanitation as required by Government Code Section 66313 and Section 17958.1 of the Health and Safety Code. ~~major appliances shall mean a minimum two burner installed range, and an oven or convection microwave, as well as a minimum 11 cubic foot freezer and refrigerator combination unit. Kitchens shall also include counter space for food preparation equal to a minimum 24 inch depth and 36 inch length, and a sink that facilitates hot and cold water.~~

SECTION 4. Subsection (a) of Section 16.49.050 (Exterior Alteration of Historic Structures) of Title 16 (Building Regulations) of the Palo Alto Municipal Code (“PAMC”) is amended to read as follows (additions underlined and deletions ~~struck through~~):

- (a) Review Process. Except for Accessory Dwelling Units and Junior Accessory Dwelling Units proposed on properties listed in the Palo Alto local historic inventory, ~~a~~All applications for a building permit for exterior alteration to any historic structure/site in the downtown area or a significant building elsewhere in the city, new construction on a parcel where there is currently a historic structure in the downtown area or a significant building elsewhere in the city, or such application for construction within a historic district shall be reviewed as follows:

SECTION 5. Footnote (5) of Table 2 in Section 18.10.040 (Development Standards) of Chapter 18.10 (Low-Density Residential (RE, R-2 and RMD) Districts) is amended to read as follows (deletions ~~struck through~~):

- (5) **Maximum House Size:** The gross floor area of attached garages ~~and attached accessory dwelling units and junior accessory dwelling units~~ are included in the calculation of

maximum house size. If there is no garage attached to the house, then the square footage of one detached covered parking space shall be included in the calculation. This provision applies only to single-family residences, not to duplexes allowed in the R-2 and RMD districts.

SECTION 6. Section 18.10.150 (Grandfathered Uses) of Chapter 18.10 (Low-Density Residential) of Title 18 (Zoning) of the Palo Alto Municipal Code (“PAMC”) is amended to read as follows (additions underlined, deletions ~~struck through~~, unchanged text omitted by bracketed ellipses):

18.10.150 Grandfathered Uses

[...]

(d) **(Reserved)** Existing Accessory Dwellings and Guest Cottages

~~In the RE district, accessory dwellings and guest cottages existing on April 28, 1986, and which prior to that date were lawful, conforming permitted uses may remain as legal nonconforming uses. Such uses shall be permitted to remodel, improve or replace site improvements on the same site, without necessity to comply with site development regulations for continual use and occupancy by the same use; provided that any such remodeling, improvement or replacement shall not add a kitchen nor result in increased floor area, number of dwelling units, height, length or any other increase in the size of the improvement without complying with the standards set forth in this subsection and applying for and receiving a conditional use permit pursuant to Chapter 18.76.~~

[...]

SECTION 7. Footnote (8) of Table 2 in Section 18.12.040 (Development Standards) of Chapter 18.12 (R-1 Single Family Residential District) of Title 18 (Zoning) of the Palo Alto Municipal Code is amended to read as follows (deletions ~~struck through~~):

- (8) **Maximum House Size:** The gross floor area of attached garages ~~and attached accessory dwelling units and junior accessory dwelling units~~ are included in the calculation of maximum house size. If there is no garage attached to the house, then the square footage of one detached covered parking space shall be included in the calculation.

SECTION 8. Chapter 18.28 (Special Purpose (PF, OS, and AC) Districts) of Title 18 (Zoning) of the Palo Alto Municipal Code is amended to read as follows (additions underlined, deletions ~~struck through~~, unchanged text omitted by bracketed ellipses):

[. . .]

18.28.040 Land Uses

Table 1 shows the permitted (P) and conditionally permitted (CUP) land uses for the Special Purpose Districts.

Table 1
Land Uses

	PF	OS	AC	Subject to Regulations in Chapter:
ACCESSORY AND SUPPORT USES				
[...]	[...]	[...]	[...]	[...]
Accessory Dwelling Units, subject to regulations in Section 18.42.040	<u>p⁽²⁾</u>	<u>p⁽²⁾</u>	<u>p⁽²⁾</u>	18.0942.040
Junior Accessory Dwelling Units	<u>p⁽²⁾</u>	<u>p⁽²⁾</u>	<u>p⁽²⁾</u>	18.0942.040
[...]	[...]	[...]	[...]	[...]

[. . .]

- (2) An ~~Accessory dDwelling uUnit~~ or a Junior Accessory Dwelling Unit associated with a single-family ~~or multi-family~~ residence ~~on a lot in the OS District is permitted~~, subject to the provisions of Section ~~Chapter~~ 18.0942.040, ~~and such that no more than two total units result on the lot.~~

[...]

18.28.070 Additional OS District Regulations

The following additional regulations shall apply in the OS district:

- (a) Accessory Dwelling Units and Junior Accessory Dwelling Units
Accessory Dwelling Units and Junior Accessory Dwelling Units are subject to the regulations set forth in ~~Section~~Chapter 18.0942.040.

[. . .]

~~18.28.100 Grandfathered Uses~~

~~In the OS district, accessory dwellings and guest cottages existing on April 28, 1986, and which prior to that date were lawful, conforming permitted uses may remain as legal nonconforming uses. Such uses shall be permitted to remodel, improve or replace site improvements on the same site, without necessity to comply with site development regulations for continual use and occupancy by the same use; provided that any such remodeling, improvement or replacement shall not add a kitchen nor result in increased floor area, number of dwelling units, height,~~

~~length or any other increase in the size of the improvement without complying with the standards set forth in Section 18.28.070(a) and without applying for and receiving a conditional use permit.~~

SECTION 9. Section 16.04.235 (Section 202 Definitions) is added to Chapter 16.04 (California Building Code, California Code of Regulations, Title 24, Part 2, Volumes 1 & 2) of Title 16 (Building Regulations) of the Palo Alto Municipal Code to read as follows (additions underlined, bracketed ellipses indicate text of the California Building Code, 2022 Edition, that has been adopted without amendment but is omitted for brevity):

Section 202 Definitions

[...]

FLOOR AREA, GROSS. The floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, ramps, closets, the thickness of interior walls, columns or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts. For the purposes of Title 18 (Zoning), the definition of “gross floor area” in Section 18.04.030 shall apply.

FLOOR AREA, NET. The actual occupied area not including unoccupied accessory areas such as corridors, stairways, ramps, toilet rooms, mechanical rooms and closets. For the purposes of Title 18 (Zoning), the definition of “net floor area” in Section 18.04.030 shall apply.

[...]

SECTION 10. Any provision of the Palo Alto Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to affect the provisions of this Ordinance.

SECTION 11. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 12. The Council finds that the adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines sections 15061(b)(3), because it constitutes amendments to the City’s zoning ordinance to conform with preemptive State law, including

Article 2 (commencing with Section 66314) and Article 3 (commencing with Section 66333) of Chapter 13 of Division 1 of Title 7 of, the Government Code, as well as other minor and non-substantive amendments. As such, it can be seen with certainty that the proposed action will not have the potential for causing a significant effect on the environment.

SECTION 13. This ordinance shall be effective on the thirty-first date after the date of its adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

City Attorney or Designee

City Manager

Director of Planning and
Development Services