



STAFF REPORT

City Council
Meeting Date: 5/12/2026
Staff Report Number: 26-078-CC

Public Hearing: Introduce and waive the reading of an ordinance amending the Menlo Park Zoning Map and Title 16, Zoning, of the Menlo Park Municipal Code to add Chapter 16.57 temporarily excluding eligible sites within the El Camino Real/Downtown Specific Plan subdistricts of D (Downtown), SA-W (Station Area West), SA-E (Station Area East), ECR-SE (El Camino Real South-East), and ECR-NE-R (El Camino Real North-East Residential Emphasis) that are within 0.25 miles of the Menlo Park Caltrain Station, from Senate Bill (SB) 79, the Abundant and Affordable Homes Near Transit Act.

Recommendation

Staff recommends that the City Council adopt an ordinance adding Chapter 16.57 to Title 16 of the Menlo Park Municipal Code (MPMC) to temporarily exclude eligible sites within the El Camino Real/Downtown Specific Plan subdistricts of D (Downtown), SA-W (Station Area West), SA-E (Station Area East), ECR-SE (El Camino Real South-East), and ECR-NE-R (El Camino Real North-East Residential Emphasis) that are within 0.25 miles of the Menlo Park Caltrain Station and amend the Menlo Park Zoning Map to identify applicable sites. The draft ordinance is included in Attachment A, the draft text of the proposed Chapter 16.57 (Attachment A, Exhibit A), and the draft Menlo Park Zoning Map (Attachment A, Exhibit B).

The Planning Commission reviewed the draft ordinance and zoning map amendment and recommended that the City Council not adopt the ordinance and zoning map amendment.

Policy Issues

Senate Bill (SB) 79 establishes development standards for housing developments that would replace current zoning standards and allow building heights up to 75 feet (seven stories), density at up to 120 dwelling units/acre (du/ac), and Floor Area Ratio (FAR) of 3.5. The standards would apply to nearly every parcel within 0.25 miles of the Menlo Park Caltrain Station. Within 200 feet of the Caltrain Station entrances, these allowances increase to 95 feet in height, up to 160 du/ac, and 4.5 FAR. SB 79 would supersede all Menlo Park zoning standards that do not accommodate development on sites subject to, and at the intensity authorized by, SB 79.

As allowed for under SB 79, staff prepared a temporary exemption ordinance for consideration that would be effective until no later than Jan. 31, 2032, and exempt all sites that have at least 50% of the density

and FAR allowed by SB 79 from SB 79's purview.

An exemption ordinance must be submitted to the California Department of Housing and Community Development (HCD) for review and approval. Adopting an exemption ordinance would generally preserve the land use regulations within specific sub-districts of the El Camino Real/Downtown Specific Plan ("Downtown Specific Plan") that currently possess density and FAR standards that are at least 50% of the default density and FAR standards set forth in SB 79.

Background

SB 79, set forth in Government Code Section 65912.155 et seq., will take effect July 1, 2026. SB 79 overrides local development standards to allow high-density housing development within 0.25 miles of qualifying transit stops in jurisdictions within "urban transit counties," and within 0.5 miles of qualifying transit stops in jurisdictions that are within urban transit counties and that have a population greater than 35,000. These sites are sometimes referred to in this staff report as "TOD (Transit-oriented development) eligible sites." SB 79 defines "urban transit counties" as counties with more than 15 rail stations. The County of San Mateo qualifies as an urban transit county, and Menlo Park is subject to SB 79's provisions.

The law is intended to facilitate greater intensity of housing development in proximity of qualifying transit by establishing default standards for building height, density and floor area.

SB 79 establishes multifamily development as a permitted use on sites zoned for residential, commercial, or mixed-use development. SB 79 also creates minimum development standards for projects that are based on the type of transit stop and the distance from the transit stop. In general, properties adjacent to transit stops are allowed the greatest development, followed by properties within 0.25 miles of a transit stop. In jurisdictions with a population greater than 35,000, properties between 0.25 and 0.5 miles are also eligible for SB 79's minimum development standards.

According to the two primary sources of demographic statistics for California, Menlo Park has a population of less than 35,000. According to the State of California Department Finance's Population and Housing Estimates for Cities, Counties, and the State – Jan. 1, 2025, and 2026, Menlo Park had a population of 33,326 in 2025 and 33,785 in 2026, which is a 1.4% annual change. The most recent (2024) United States Census Bureau estimate of Menlo Park's population is 33,040, a 2.2% decline from the 2020 population base of 33,782 persons. Because of Menlo Park's population, SB 79 development standards are applicable to sites within 0.25 miles of a qualifying transit stop.

SB 79 tiers

The law utilizes a tiered approach to upzoning in which height, density and FAR benefits increase based on the quality and frequency of service at a given TOD stop. The following two tiers of TOD stops are provided for in SB 79:

- Tier 1 TOD stops are stations served by heavy rail transit or very high frequency (72+ trains per day) commuter rail.
- Tier 2 TOD stops are stations served by light rail, frequent (48+ trains per day) commuter rail, or bus rapid transit (either bus rapid transit or 24-hour bus only lanes).

The Menlo Park Caltrain Station is a Tier 1 TOD stop. The draft Metropolitan Transportation Commission (MTC) SB 79 regional map showing all TOD stops and zones in the Bay Area, including the Menlo Park Caltrain station as a tier 1 TOD stop, is included in Attachment B. SB 79 development allowances for building height, density and floor area ratio (FAR), adopted as Government Code Section 65912.157, are summarized in Table 1.

The Palo Alto Caltrain Station is also a Tier 1 TOD stop. There are no parcels within Menlo Park that are within 0.25 miles of the Palo Alto Caltrain Station. There are parcels within Menlo Park that are within 0.5 miles of the Palo Alto Caltrain Station. Therefore, if Menlo Park’s population exceeds 35,000 in the future, those parcels within Menlo Park that are within 0.5 miles of the Palo Alto Caltrain Station will be subject to SB 79’s development standards for height, density and FAR within 0.5 miles of a Tier 1 TOD stop.

Table 1: SB 79 Tier 1 allowances			
Location	Max height	Allowable max density	FAR
Adjacent (within 200 feet)	95 feet	160 du/ac	4.5
Within 0.25 mile	75 feet	120 du/ac	3.5
Within 0.5 mile	65 feet	100 du/ac	3

SB 79 project eligibility requirements

To qualify for SB 79’s development standards, a development project must meet all the following minimum criteria:

- Meet the definition of a “housing development project” pursuant to the Housing Accountability Act (HAA) (Government Code Section 65589.5);
- Include at least five residential units;
- Have a minimum density of 30 du/ac or comply with the minimum density set by applicable local zoning; whichever is greater;
- Limit the average total floor space for units to 1,750 net habitable square feet;
- May not include any hotel or similar uses;
- Meet minimum affordability requirements: Projects with more than 10 units must elect to provide one of the following: 7% of units as affordable to extremely low-income households; or 10% of units as affordable to very low-income households; or 13% of units as affordable to low income households; and
- Projects that would require demolition of rent-controlled units are heavily restricted.

SB 79 provides that if a local inclusionary ordinance requires more affordable units or deeper affordability, the local ordinance applies. Since Menlo Park’s levels are higher than SB 79’s requirements, the City’s minimum affordable housing requirements will apply to all SB 79 development projects.

Interaction with state density bonus law

In addition to SB 79’s minimum height, density and FAR standards, SB 79 also offers additional incentives and concessions beyond those that are available to projects that qualify under the state density bonus law (SDBL). State density bonus law awards between one and five incentives and concessions depending on the level of a project’s affordability. In addition to these SDBL incentives and concessions, SB 79 entitles

projects to one additional concession if it has housing for low-income households; two additional concessions if it has housing for very low-income households; and three additional concessions if it has housing for extremely low-income households.

However, unlike regular SDBL projects, cities are not required to grant SDBL waivers or concessions of height limits for any SB 79 project seeking to exceed SB 79's minimum height standards. In other words, the height standards set forth in SB 79 (and summarized in Table 1) cannot be exceeded pursuant to the SDBL. There is one exception to this rule: if an SB 79 project is a 100% lower income project, the project would be eligible for another 33 feet of height in addition to the SB 79 minimum height standards.

Approaches to SB 79 implementation

There are various approaches available to local jurisdictions to implement SB 79. As part of its review of the proposed temporary exemption ordinance, the City Council may wish to consider the various approaches in light of a number of factors including: existing and ongoing planning priorities within the City, anticipated workload and impact on City Council priorities, available resources and fiscal implications, review and approval timelines established by HCD pursuant to State laws.

While the approaches below advance the State's housing objectives, they differ in the degree to which the City exercises local control. Staff recommends the City Council move forward with Option 1 at this time.

- 1. Adopt an Exemption Ordinance.** This approach is currently before the City Council for consideration. Adoption of an SB 79 exemption ordinance would enable the default SB 79 standards to take effect July 1, 2026, but the ordinance would exempt sites that are currently zoned to allow for at least 50% of the SB 79 default density and FAR standards from SB 79's height, density and FAR standards. Because sites within 0.25 miles of the Menlo Park Caltrain station are permitted a density of 120 du/ac and a FAR of 3.5 pursuant to SB 79, only those sites within 0.25 miles of the station that currently allow for at least 60 du/ac and a FAR of 1.75 are proposed to be exempt. Sites Adjacent (within 200 feet) to the Caltrain Station are permitted a density of 160 du/ac and 4.5 FAR under SB 79 and sites proposed to be excluded must allow for at least 80 du/ac and 2.75 FAR. The exemption ordinance can remain in effect until 2032 (see Government Code Section 65912.161(b)(1).) If the City's population exceeds 35,000 at any point before Jan. 31, 2032, the City could modify the ordinance to add eligible sites within 0.25 and 0.5 miles from the station. The exemption ordinance is subject to HCD review and approval.

This approach allows the City's current zoning standards to remain on eligible sites within the Downtown Specific Plan subdistricts of D (Downtown), SA-W (Station Area West), SA-E (Station Area East), ECR-SE (El Camino Real South-East), and ECR-NE-R (El Camino Real North-East Residential Emphasis). In the ECR-NE-R district, eight parcels (approximately 36% of the zoning district area) would be eligible for exclusion.

- 2. Rezone all TOD eligible sites to allow 50% of the SB 79 default density and FAR.** As explained above, sites may be exempt from SB 79's default density and FAR standards through no later than Jan. 31, 2032, if the City permits density and FAR of at least 50% of applicable SB 79 standards. Under this approach, the City would upzone TOD-eligible sites accordingly, and adopt a subsequent ordinance exempting all such sites from SB 79's purview until no later than Jan. 31, 2032. Since in this

option all sites within 0.25 miles of the Caltrain station would be exempt, this option allows the City approximately six years to develop a TOD alternative plan (Option 3, below) which may involve shifting density amongst the TOD eligible sites. Upzoning would require a consultant to evaluate increased density under CEQA and consistency with the City's General Plan, and would shift staff resources from other City policy initiatives and work. This option cannot be implemented before SB 79 becomes effective on July 1.

3. **Prepare a TOD Alternative Plan.** Under this approach, the SB 79 standards would take effect July 1, 2026 while the City concurrently prepares a TOD Alternative Plan applicable to all TOD zones and sites (as explained above, currently, the only TOD zone is within 0.25 miles of the Menlo Park Caltrain station.) Instead of applying SB 79's default development standards to each parcel within a TOD zone, SB 79 allows a TOD Alternative Plan to reallocate development capacity across the TOD zone. This flexibility is achieved through "density shifting," where lower densities on some sites are offset by higher densities on others. The Plan must maintain or exceed the total housing capacity that would have been allowed under the default SB 79 standards and no one site can have a density or FAR of less than 50% of the applicable, default SB 79 density and FAR. A key component of the TOD Alternative Plan is a capacity study to understand existing development and the development potential of the current zoning. This approach would require substantial sums in consultant fees and significant staff resources, both of which are currently not accounted for. The TOD Alternative Plan would be subject to HCD review and approval.
4. **No action.** Under this approach, the default development standards established by SB 79 would take effect July 1, 2026, for all TOD sites. This approach requires no action by the City and no review by HCD. However, it does not enable the City to retain any of its existing zoning standards on those sites described in Option 1, above.

Planning Commission review

At its April 27 meeting, the Planning Commission reviewed the draft ordinance, draft zoning map amendment, and considered a draft resolution recommending the City Council adopt the temporary exemption ordinance and zoning map amendment. The Planning Commission received staff's presentation with its recommendation, heard public comment, and engaged in a robust debate. One public comment was provided at the meeting from a resident not in support of the exemption ordinance, stating that Menlo Park's planning and zoning requirements are too complicated and should be simplified. The Commission discussed the four implementation options, the local control afforded to the City through the temporary exemption ordinance, the guiding principles and goals of the El Camino Real/Downtown Specific Plan (Specific Plan) and General Plan, possible risks that the temporary exemption ordinance could postpone or slow down housing development, potential alternative approach utilizing SB 79 density, height, and FAR allowances with local objective standards, the pros and cons of a TOD Alternative Plan, and the City's progress on meeting its regional housing needs allocation (RHNA) target and how SB 79 could affect that progress. The Commission generally was supportive of the State's intention with SB 79.

After its discussion, the Commission voted 5-1, with Commissioner Ferrick dissenting and Commissioner Do absent, to not adopt the draft resolution and instead recommended that the City Council not adopt the temporary exemption ordinance excluding eligible sites from SB 79 and let SB 79 go into full effect (effectively the fourth, No action, option). As part of its recommendation, the Planning Commission

recommended the City Council direct staff to study the effect of SB 79 on the City at some point in the future.

Analysis

The Menlo Park Caltrain station is adjacent to downtown and proximate to the Burgess Park and Civic Center complex. The area within 0.25 miles of the station includes part of the Specific Plan Area and more specifically Santa Cruz Avenue, Menlo Park's "Main Street." Attachment C identifies the parcels and zoning applicable to SB 79 provisions. To encourage housing development downtown in proximity to jobs and transit, the Specific Plan was amended as part of the 6th Cycle Housing Element update to:

- Remove references to a maximum of 680 residential units at full build-out;
- Increase the maximum base level density to at least 30 dwelling units per acre and the maximum bonus level density to up to 100 dwelling units per acre, with corresponding changes to FAR, height, and other development standards for the Specific Plan subdistricts, as applicable;
- Establish a minimum density of 20 dwelling units per acre for all subdistricts, as a requirement upon the addition of residential uses to a site;
- Remove the minimum parking requirements on sites within 0.5 miles of a major transit stop per AB 2097; and
- Modify the use of the public parking plazas to allow the development of multifamily residential housing.

Additionally, the Housing Element update included an action item to increase residential densities in the R-3 (Apartment) zoning district around downtown and on large R-3 sites. The City amended the R-3 zoning district development regulations to allow a residential density up to 30 dwelling units per acre for R-3 zoned properties around downtown and up to 20 dwelling units per acre for other R-3 sites with a lot area of 10,000 square feet or more. Many R-3 (apartment) zoning district around downtown sites are subject to the provisions of SB 79 (see map in Attachment C).

Once SB 79 takes effect, eligible housing development projects would be entitled to rely on SB 79 for greater development intensity than that planned for by the City in the above referenced regulations. While Menlo Park's General Plan, Specific Plan, Climate Action Plan, and other guiding documents support the sustainability and equity goals of transit-oriented development, the existing Specific Plan provides for transit-oriented housing while supporting the city's vision for its downtown.

Proposed SB 79 exemption ordinance

To maintain current development standards in Menlo Park's downtown and El Camino Real corridor, the city may adopt an ordinance to amend Title 16, Zoning, of the MPMC temporarily excluding eligible sites from the minimum height, density and FAR standards set forth in SB 79.

As stated above, SB 79 does not apply to the area 0.25 - 0.5 miles around the Menlo Park Caltrain station at this time. Therefore, the eligibility of zoning districts only within 0.25 miles of the station was assessed. Table 2 summarizes the density, FAR, and eligibility criteria for the applicable zoning districts.

District	Density base (bonus density)	FAR base (bonus FAR)	Min. 50% of SB 79 FAR & Density*
D (Downtown)	60 (100) du/ac	2.75 (3.75)	Yes
SA West (Station Area West)	60 (100) du/ac	2.75 (3.75)	Yes
SA East (Station Area East)	60 (100) du/ac	2.75 (3.75)	Yes
ECR NE-R (El Camino Real North-East Residential Emphasis)	50 (70) du/ac	1.45 (2.45)**	Yes (at bonus level except when "Adjacent" to Caltrain)
ECR SE (El Camino Real South-East)	60 (80) du/ac	2.05 (2.55)	Yes (at bonus level)

*Inclusive of the 160 du/ac (density) and 4.5 FAR (intensity) for sites within 200 feet of the Caltrain Station.

**ECR NE-R district bonus level development permits 2.05 FAR. In the ECR-NE-R sub-district, Step Up FAR allows increased residential FAR for larger residential units and meets the 50% FAR threshold for eligibility for the parcels within 200 feet of the Caltrain station (referred to in SB 79 as the "Adjacent" tier) and 0.25-mile radii. The density does not meet 50% of the SB 79 density for sites Adjacent to Caltrain station entrances but does meet the threshold within 0.25 miles. All sub-districts include varying allowances for Step-Up FAR.

In addition to identifying all parcels eligible for SB 79, Attachment C also illustrates the location of the sites identified as eligible for temporary exemption. All sites zoned D (Downtown), SA-W (Station Area West), SA-E (Station Area East), and ECR-SE (El Camino Real South-East) and located entirely or partially within a 0.25-mile radius of the Menlo Park Caltrain Station are identified for exclusion in new MPMC Title 16, Chapter 16.57. Sites within ECR-NE-R (El Camino Real North-East Residential Emphasis) and located between 200 feet and 0.25 miles of a station entrance are identified for exemption. There are three ECR-NE-R zoned sites within 200 feet that are ineligible because the zoning does not meet the minimum density requirement. The three sites are 1300 El Camino Real, a parcel between Garwood Way and the Caltrain corridor at Oak Grove Ave. currently used for parking, and 530 Oak Grove Ave. across from 7-Eleven and occupied by an office building.

In addition to the eligible zoning districts, the following residential, commercial, and mixed-use zoning districts are located within 0.25 miles of the Caltrain station and SB 79 would apply to parcels in these zones:

- C-1-S (Administrative, Professional and Research, Special),
- R-1-S (Single Family Suburban Residential),
- R-1-U (Single Family Urban Residential),
- R-2 (Low Density Apartment),
- R-3 (Apartment) and R-3 (Apartment, Infill),
- R-3-C (Apartment – Office)
- R-E (Residential Estate)
- DA (Downtown Adjacent)
- ECR-SW (El Camino Real South-West)
- ECR-NW (El Camino Real North-West)
- ECR-NE (El Camino Real North-East)

The two H (Historic Site) zoned sites and the two P-F (Public Facilities) zoned sites within the 0.25-mile TOD zone are not applicable to SB 79 because those sites are not zoned residential, commercial, or mixed-use. A detailed analysis of all zoning districts applicable to SB 79 is included in Attachment D. Table 3 summarizes the eligible sites and residential capacity.

Table 3: Eligible parcels and residential capacity						
District	Acreege	Parcels	Dwelling unit capacity existing zoning (base level)	Dwelling unit capacity existing zoning (bonus level)	Dwelling unit capacity SB 79*	Existing bonus level capacity as percent of SB 79
D (Downtown)	10.7	54	644	1,073	1,288	83%
SA West (Station Area West)	3.0	17	179	299	358	83%
SA East (Station Area East)	11.2	45	672	1,121	1,709	66%
ECR NE-R (El Camino Real North-East Residential Emphasis)	3.9	8	194	272	466	58%
ECR SE (El Camino Real South-East)	7.4	3	446	595	892	67%
Total	43.3	130	2,486	3,849	5,834	66%

*Adjacent parcels (within 200 feet of station entrances) are permitted up to 160 du/ac, which is accounted for in this table within the SA-E sub-district. Parcels within 200 feet of station entrances within ECR-NE-R are not included because those sites do not meet the exemption threshold.

To temporarily exclude the sites in Attachment C from SB 79 pursuant to an exemption ordinance, an amendment to the Zoning Ordinance and Zoning Map are required. The ordinance would establish a new Chapter 16.57 entitled “Applicability of Government Code Section 65912.157 (Senate Bill 79).” Attachment A, Exhibit A to this report presents this amendment as it would appear in the MPMC. The parcels to which Chapter 16.57 applies would be indicated on the Menlo Park Zoning Map included in Attachment A, Exhibit B. The zoning map amendment includes no changes to zoning district boundaries.

The draft recitals and findings contained in Attachment A document that the draft ordinance and zoning map amendments would be consistent with the Menlo Park General Plan and Specific Plan, are based on best practices in other jurisdictions, and would ensure orderly and streamlined compliance with SB 79. The proposed change to the Menlo Park Zoning Map would be consistent with the General Plan and Specific Plan. Further, the proposed amendments would be consistent with the general provisions of the Zoning Ordinance enumerated in Chapter 16.02 of the MPMC, as it would promote and protect the public health, safety, peace, morals, comfort and general welfare by continuing to implement the land use regulations of specific sites within the Specific Plan.

Next steps

If the City Council introduces the ordinance and waives the reading, the adoption would be added to the consent calendar for the May 19 City Council meeting. Following adoption, staff would submit the ordinance to HCD.

The City Council may also consider whether to direct staff to explore an alternative option summarized in this report, or to direct staff to consider any of the other options at a later time, such as the preparation of a TOD Alternative Plan. To maintain the City's current land use regulations, where possible, staff recommends the City Council adopt the temporary exemption ordinance (Option 1). Option 4 (Planning Commission recommendation) would not require any immediate staff resources; however, Options 2 and 3 would require additional staff resources and consultant cost. If asked to explore either possibility, staff would prepare a work plan(s) to present to the City Council, which would identify resource allocation, budget considerations, and overall timeline. If the City Council is interested in pursuing the adoption of a local Alternative TOD Plan (Option 3), this plan could be prepared most efficiently in conjunction with the next housing element update and incorporate an evaluation of the City's 7th cycle housing element Regional Housing Needs Allocation (RHNA).

Conclusion

The SB 79 exemption ordinance would temporarily exclude eligible sites within the D (Downtown), SA-W (Station Area West), SA-E (Station Area East), ECR-SE (El Camino Real South-East), and ECR-NE-R (El Camino Real North-East Residential Emphasis) sub-districts of the Specific Plan until one year after the adoption of the 7th Cycle housing element (no later than Jan. 31, 2032). While the Planning Commission recommended the City Council not adopt the ordinance or zoning map amendment, the temporary exemption would be consistent with and promote the goals, policies, and programs of the Menlo Park General Plan and Specific Plan. Staff reviewed the Planning Commission's recommendation, and staff continues to recommend the City Council introduce and waive the reading of the ordinance to add Chapter 16.57 and amend the Menlo Park zoning map to exclude eligible parcels from SB 79 provisions, allowing the continuation of local land use regulations as planned in the City's guiding plans and policies (e.g., El Camino Real/Downtown Specific Plan, General Plan, etc.).

Impact on City Resources

This ordinance update is being accommodated within the existing budgets of the Planning Division and City Attorney's Office and is not expected to otherwise affect City resources.

Environmental Review

The adoption of this ordinance is not subject to the provisions of the California Environmental Quality Act ("CEQA") because the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment. Furthermore, adoption of an ordinance under SB 79's procedures specified in Government Code Section 65912.160 are statutorily exempt from CEQA review. Future development projects subject to temporary SB 79 exclusions may be required to undergo a separate CEQA review and approval process as required by State Law.

Public Notice

Public notification consisted of publishing a notice in the local newspaper 10 days in advance of the meeting and notification by mail of owners and occupants of the proposed exempt sites and within a 300-foot radius of the sites. Public notification was also achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

A. Ordinance

Exhibits to Attachment B

- A. Draft Chapter 16.57 (Applicability of Government Code Section 65912.157 [Senate Bill 79])
- B. Draft Zoning Map Amendment
- B. Hyperlink: MTC SB 79: Preliminary Draft Map of Transit Oriented Development Stops and Zones in the San Francisco Bay Area: experience.arcgis.com/experience/934f95609d6b45c5be0f8f0030c01436
- C. SB 79 eligible parcels and zoning map
- D. SB 79 zoning district eligibility analysis table

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ORDINANCE NO. XXXX**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
AMENDING THE MENLO PARK MUNICIPAL CODE TO ADD NEW CHAPTER
16.57 (APPLICABILITY OF GOVERNMENT CODE SECTION 65912.157
[SENATE BILL 79]) TO TITLE 16 AND AMENDING THE ZONING MAP TO
IDENTIFY APPLICABLE SITES**

WHEREAS, recent changes to State Law (Government Code Sections 65912.155 –65912.162, “SB 79”) requires that a housing development project within a specified distance of a transit-oriented development (“TOD”) stop be an allowed use as a transit-oriented housing development on any site zoned for residential, mixed, or commercial development, if the development complies with applicable requirements (including height, density, and FAR standards); and

WHEREAS, SB 79 allows a local government to adopt an ordinance temporarily excluding certain sites from SB 79 until one year following the adoption of the seventh revision of the housing element; and

WHEREAS, consistent with Government Code Section 65912.161(b)(1)(A), the City desires to amend the Menlo Park Municipal Code to temporarily exclude from SB 79 sites that currently permit no less than 50% of residential density and FAR standards specified in Government Code Section 65912.157(a); and

WHEREAS, the development standards applicable to the El Camino Real/Downtown Specific Plan subdistricts of D (Downtown), SA-W (Station Area West), SA-E (Station Area East), ECR-SE (El Camino Real South-East), and ECR-NE-R (El Camino Real North-East Residential Emphasis) are consistent with this threshold; and

WHEREAS, pursuant to Government Code Sections 65853 and 65850 and Menlo Park Municipal Code Chapter 16.88 (Amendments), when a change in the Zoning Ordinance (Title 16) of the Menlo Park Municipal Code is proposed, the Planning Commission shall hold a public hearing to consider such change and provide its recommendation to the City Council; and

WHEREAS, the Planning Commission of the City of Menlo Park (“Planning Commission”) held a duly noticed public hearing April 27, 2026, to review and consider the proposed amendment to Title 16 of the Menlo Park Municipal Code to add chapter 16.57 (Applicability of Government Code Section 65912.157 [Senate Bill 79]) zoning district and amend the zoning map to identify applicable sites; and

WHEREAS, the Planning Commission, having fully reviewed, considered, and evaluated all the testimony and evidence submitted in this matter, voted to not recommend to the City Council of the City of Menlo Park (the “City Council”) to amend Title 16 of the Menlo Park Municipal Code to add chapter 16.57 (Applicability of Government Code Section 65912.157 [Senate Bill 79]) zoning district and amend the zoning map to identify applicable sites; and

WHEREAS, the Planning Commission instead voted 5-1, with Commissioner Ferrick opposed and Commissioner Do absent, recommending that the City Council not amend Title 16 of the Menlo Park Municipal Code to add chapter 16.57 (Applicability of Government Code Section 65912.157 [Senate Bill 79]) zoning district and amend the zoning map to identify applicable site

and instead let SB 79 go into full effect. Further, the Planning Commission recommended that the City Council direct staff to study the effect of SB 79 at some point in the future.

WHEREAS, the City Council held a duly noticed public hearing on May 12, 2026, to review and consider the proposed amendment to Title 16 of the Menlo Park Municipal Code to add chapter 16.57 (Applicability of Government Code Section 65912.157 [Senate Bill 79]) zoning district and amend the zoning map to identify applicable sites; and

Section 1. The City Council of the City of Menlo Park hereby finds, declares and ordains as follows:

- A. The recitals set forth above are hereby incorporated by reference.
- B. The proposed amendments would help to ensure orderly, streamlined compliance with SB 79.
- C. The City explored options for compliance with SB 79 based on evidence and best practices in other communities and industry experts.
- D. The proposed ordinance amendments would be consistent with the Menlo Park General Plan, specifically the following goals, policies, and programs:
 - a. Goal LU-1 (Promote the orderly development of Menlo Park and its surrounding area),
 - i. Policy LU-1.1 (Land use patterns),
 - b. Goal LU-2 (Maintain and enhance the character, variety and stability of Menlo Park's residential neighborhoods.),
 - i. Policy LU-2.1 (Neighborhood compatibility),
 - ii. Policy LU-2.3 (Mixed use design),
 - iii. Policy LU-2.9 (Compatible uses),
 - c. Goal LU-5 (Strengthen Downtown and the El Camino Real Corridor as a vital, competitive shopping area and center for community gathering, while encouraging preservation and enhancement of Downtown's atmosphere and character as well as creativity in development along El Camino Real),
 - i. Policy LU-5.1 (El Camino Real/Downtown Specific Plan)
 - ii. Policy LU-5.2 (El Camino Real/Downtown Housing)
- E. The proposed ordinance amendments would be consistent with the El Camino Real/Downtown Specific Plan guiding principal to "Sustain Menlo Park's Village Character" and the broader vision plan goals to "maintain a village character unique to Menlo Park," and "ensure that El Camino Real development is sensitive to and compatible with adjacent neighborhoods."
- F. The City desires to add Chapter 16.57 (Applicability of Government Code Section 65912.157 [Senate Bill 79]) to Title 16 of the Menlo Park Municipal Code to address compliance with SB 79.
- G. The City also desires to amend the zoning map to identify excluded sites from SB 79 per Chapter 15.57 of the MPMC.

Section 2. The City hereby amends Title 16 of the MPMC to add Chapter 16.57 (attached hereto as Exhibit A) and amends the zoning map to identify applicable sites (attached hereto as Exhibit B).

Section 3. Severability. If any section, subsection, phrase or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

Section 4. Compliance with CEQA. The City Council hereby finds that this Ordinance is not subject to the provisions of the California Environmental Quality Act ("CEQA") because the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment. Furthermore, adoption of an ordinance under SB 79's procedures specified in Government Code Section 65912.160 are statutorily exempt from CEQA review. Future development projects subject to temporary SB 79 exclusions may be required to undergo a separate CEQA review and approval process as required by State Law.

Section 5. Publication; Effective Date. This ordinance shall become effective thirty (30) days after the date of its adoption. Within fifteen (15) days of its adoption, the ordinance shall be posted in three (3) public places within the City of Menlo Park, and the ordinance, or a summary of the ordinance, shall be published in a local newspaper used to publish official notices for the City of Menlo Park prior to the effective date.

INTRODUCED on the twelfth day of May, 2026.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Betsy Nash, Mayor

ATTEST:

Judi A. Herren, City Clerk

Exhibits

- A. Chapter 16.57
- B. City of Menlo Park SB 79 parcels

Chapter 16.57

APPLICABILITY OF GOVERNMENT CODE SECTION 65912.157 (SENATE BILL 79)

Sections:

16.57.010 Purpose.

16.57.020 Applicability.

16.57.030 Exclusion.

16.57.010 Purpose.

The purpose and intent of this chapter is to temporarily exclude certain sites from the applicability of Senate Bill (SB) 79 (2025) (Government Code Sections 65912.155 – 65912.162) because such sites already allow development at or above 50 percent of the levels otherwise required under Government Code Section 65912.157(a).

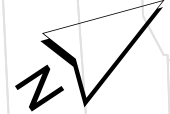
16.57.020 Applicability.

This chapter applies to eligible sites that are: (1) within the El Camino Real/Downtown Specific Plan (ECR-D) subdistricts D (Downtown), SA-W (Station Area West), SA-E (Station Area East), ECR-SE (El Camino Real South-East), and ECR-NE-R (El Camino Real North-East Residential Emphasis); and (2) located within one-quarter mile of the Menlo Park Caltrain Station, including all parcels indicated on the City's adopted zoning map.







16.57.030 Exclusion.

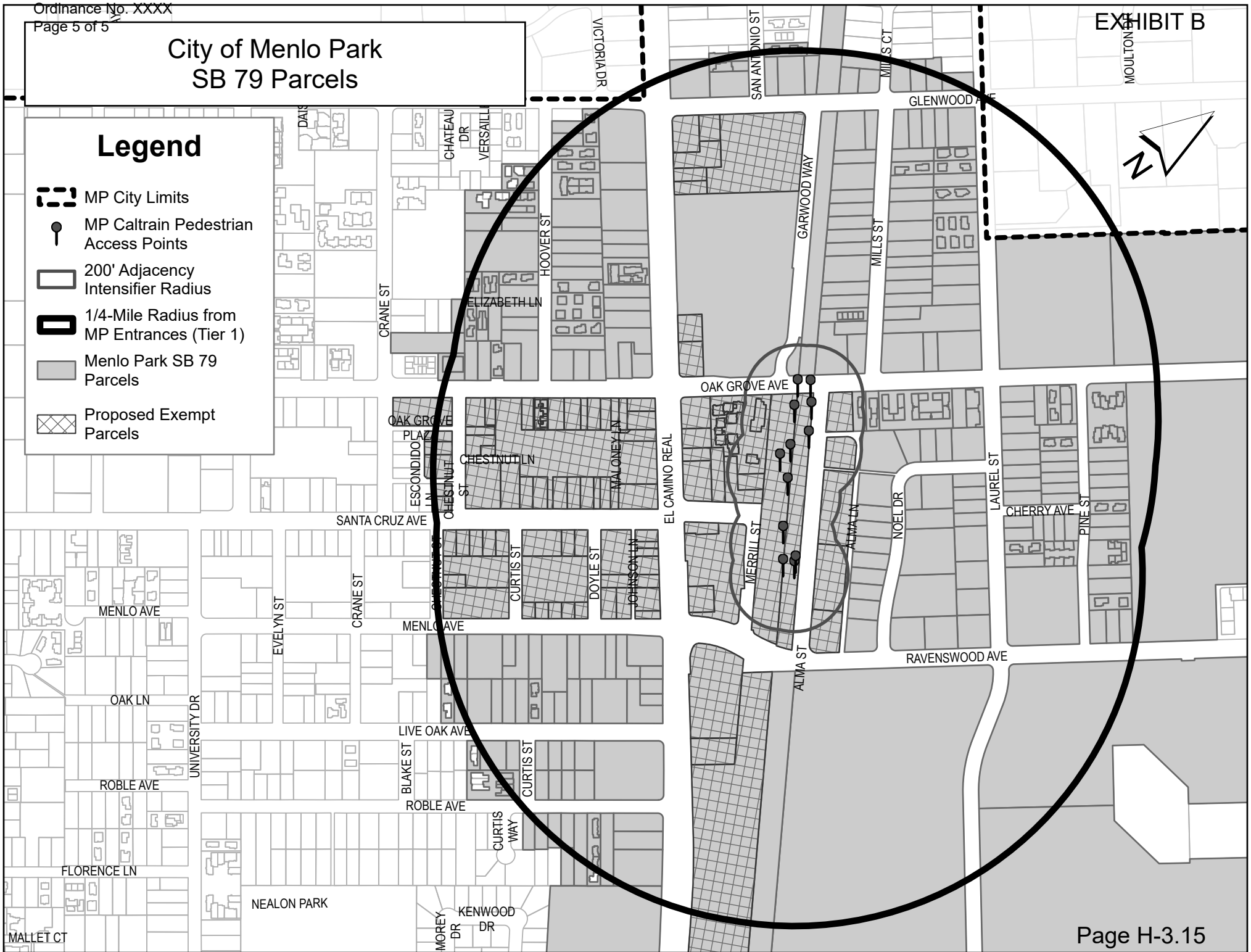
Pursuant to Government Code Section 65912.161(b)(1), the sites identified in Section 16.57.020 are excluded from the applicability of Government Code Section 65912.157, or successor section, until one year following the adoption of the seventh revision of the housing element. The sites identified in Section 16.57.020 remain subject to applicable local standards, including, but not limited to, General Plan, El Camino Real/Downtown Specific Plan, and zoning standards.

City of Menlo Park SB 79 Parcels



Legend

-  MP City Limits
-  MP Caltrain Pedestrian Access Points
-  200' Adjacency Intensifier Radius
-  1/4-Mile Radius from MP Entrances (Tier 1)
-  Menlo Park SB 79 Parcels
-  Proposed Exempt Parcels



Zoning within 1/4 mile Menlo Park Caltrain station									
Zoning district	Base level density (du/ac)	Bonus level density (du/ac)	50% of SB 79 density?	Base level FAR/FAL	Bonus level FAL/FAR	50% of SB 79 FAR?	Height (zoning)	Height (SB 79)	Eligible for exemption?
C-1-S	30	n/a	No	0.9	n/a	No	40	75	No
R-1-S	1 unit + ADUs	n/a	No	2800 sf + 25% (lot area -7,000 sf)	n/a	No	28- 30	75	No
R-1-U	1 unit + ADUs	n/a	No	2800 sf + 25% (lot area -7,000 sf)	n/a	No	28- 30	75	No
R-2	12.5	n/a	No	0.4	n/a	No	28	75	No
R-3	2.1-30	n/a	No	0.45	n/a	No	35	75	No
R-3 (Infill)	30	n/a	No	0.75	n/a	No	40	75	No
R-3-C	2.1-30	n/a	No	0.45	n/a	No	35	75	No
R-E	1 unit + ADUs	n/a	No	2800 sf + 25% (lot area -7,000 sf)	n/a	No	28- 30	75	No
D	60	100	Yes	2.75	3.75	Yes	60- 85	75	Yes
SA-W	60	100	Yes	2.75	3.75	Yes	60- 85	75	Yes
SA-E	60	100	Yes	2.75	3.75	Yes	60- 85	75	Yes
DA	40	50	No	1.15	1.45	No	50-54	75	No
ECR-SW	40	50	No	1.35	1.75	Yes (at bonus level)	50- 54	75	No
ECR-NW	40	50	No	1.35	1.75	Yes (at bonus level)	50- 54	75	No
ECR-NE-R*	50	70	Yes (at bonus level)	1.45	2.05 (2.45 Step Up FAR)	Yes (at Step Up FAR)	50- 64	75	Yes*
ECR-NE	40	50	No	1.35	1.75	Yes (at bonus level)	50- 54	75	No
ECR-SE	60	80	Yes (at bonus level)	2.05	2.55	Yes	60- 75	75	Yes

*ECR NE-R district bonus level development permits 2.05 FAR. In the ECR-NE-R sub-district, Step Up FAR allows increased residential FAR for larger residential units and meets the 50% FAR threshold for eligibility for the Adjacent and 0.25-mile radii. The density does not meet 50% of the SB 79 density for sites within 200 feet (Adjacent) of Caltrain station entrances and those sites are not eligible for the temporary exemption. The zoning meets the threshold within 0.25 miles. All sub-districts include varying allowances for Step-Up FAR.