



STAFF REPORT

City Council

Meeting Date:

10/13/2026

Staff Report Number:

26-171-CC

Public Hearing:

Introduce and waive the first reading of an ordinance to amend Section 15.16.110 (Setbacks) of Title 15 (Subdivisions) of the Menlo Park Municipal Code to remove the Subdivision Ordinance front setback requirement for buildings on lots where lot frontage abuts the outside of any curve of a radius of 100 feet or less (i.e., cul-de-sac) and default to the setback requirement in Title 16 (Zoning)

Recommendation

Staff recommends that City Council introduce and waive the first reading of an ordinance to amend Section 15.16.110 (Setbacks) of the Menlo Park Municipal Code, which would remove the front setback requirement for lots where lot frontage abuts the outside of any curve of a radius of 100 feet or less (i.e., lots on a cul-de-sac). This modification would result in lots on cul-de-sacs having the same front setback requirements as other lots in the same zoning district pursuant to Title 16 (Zoning) of the Menlo Park Municipal Code. The proposed ordinance is included as Attachment A.

Policy Issues

Removing the subdivision ordinance front setback requirement may reduce confusion among homeowners and the development community and would permit development on the affected subset of properties to fit within the pattern of other properties in the same zoning district. This amendment would align with the goals and policies of the General Plan, specifically Goal LU-2 (Maintain and enhance the character, variety, and stability of Menlo Park's residential neighborhoods) and Policy LU-2.1 (Neighborhood Compatibility), because the proposed amendment would enable increased flexibility in development while maintaining existing Zoning Ordinance setbacks. As the proposed amendment is to Title 15 (Subdivisions), the amendment does not require review and input from the Planning Commission before City Council review and action pursuant to Government Code Section 65853.

Background

Subdivision ordinance front setback requirement

The development regulations in Title 16 (Zoning) of the Menlo Park Municipal Code (MPMC) include the majority of the rules governing development on private property, including required setbacks. However, the other titles of the MPMC may also affect the development of a project site. Section 15.16.110 of Title 15 (Subdivisions) (Attachment B) specifies that, for lots on a curve, where the radius of the curve is 100

feet or less, the front setback shall extend to the point at which the width of the lot meets the minimum lot width for the zoning district. The building setback shall be at least as great as the applicable zoning district requirements, meaning the required subdivision ordinance front setback will always be equal to or greater than the zoning ordinance setback. A resource publicly available on the City's website (Attachment C) contains a diagram illustrating the subdivision ordinance front setback requirement and provides information about other associated requirements such as the minimum lot width measurement. The subdivision ordinance front setback requirement generally results in a greater front setback for the affected lot than a lot not affected by this requirement, which reduces the buildable site area of the affected lot compared to a lot not affected by the subdivision ordinance front setback requirement.

Occasionally, applicants come forward with a request for a variance from the subdivision ordinance front setback requirement for lots on a curve with a radius of 100 feet or less. The City Council is the deciding body for such variance requests pursuant to MPMC Chapter 15.32 (Variances). Since 2020, the City Council has considered five variance requests from the subdivision ordinance front setback requirements. While the subdivision ordinance front setback requirement can reduce buildable site area, many applicants design within the setback required by the subdivision ordinance.

Previous staff reports bringing subdivision ordinance front setback variance requests to City Council have noted that staff would evaluate opportunities to amend the subdivision ordinance front setback requirement. As stated in the Policy Issues section of this staff report, removing the subdivision ordinance front setback requirement may reduce confusion among homeowners and the development community and would permit development on the affected subset of properties to fit within the pattern of other properties in the same zoning district.

Analysis

Lots affected by Section 15.16.110

There are approximately 495 parcels within the City where lot frontage abuts the outside of any curve of a radius of 100 feet or less. MPMC Section 15.16.110 is only applicable to lots where the entire frontage is a single radius line (i.e., cul-de-sacs). If the frontage has multiple segments or inflection points where at least one segment of the frontage is not on a curve with a radius of 100 feet or less, the applicable zoning ordinance front setback would apply rather than the subdivision ordinance front setback requirement. An illustration of this application of MPMC Section 15.16.110, showing an example of a lot where the entire frontage is a single radius line and an example of a lot with multiple segments or inflection points, is included as Attachment D.

Table 1 shows the approximate number of parcels to which MPMC Section 15.16.110 is applicable by land use type. Most parcels (268 out of 289) are single-family residential. There are approximately 9,869 parcels within the City, of which approximately 6,623 are single-family residential. Therefore, only approximately three percent of total parcels and four percent of single-family residential parcels are affected by Section 15.16.110.

Table 1: Applicability of MPMC 15.16.110 by zoning district	
Zoning district	Number of parcels
Life Sciences (LS, LS-B)	2
Multi-Family Residential (R-3, R-3-A, R-MU-B)	19
Single-Family Residential (R-1-S, R-1-U, R-1-U (LM), R-E, R-E-S)	268
Total	289

Potential reduction in existing nonconforming structures

Removal of the subdivision ordinance front setback requirement has the potential to reduce the number of existing nonconforming structures within the City. If an existing structure is located within the required front setback pursuant to MPMC Section 15.16.110, it is considered a nonconforming structure. Nonconforming structures may continue to exist and may be maintained, repaired, altered, and expanded, provided no increase in the nonconformity results. However, structural elements must remain if nonconformities are proposed to be retained. For example, a wall within a required setback, including the subdivision ordinance front setback, cannot be demolished and rebuilt in its non-conforming location unless a variance is approved to allow a reduced setback. Additional restrictions also apply to work on nonconforming structures that do not apply to conforming structures, including value thresholds for the proposed work in relation to the replacement value of the nonconforming structure, beyond which use permit approval (i.e., Planning Commission review) is required. Further information on nonconforming structures can be found in MPMC Section 16.80.030 (Attachment E). Although existing structures can be nonconforming for reasons other than the subdivision front setback ordinance requirement, the proposed modification to Section 15.16.110 could result in more conforming structures throughout the City or if the structure is nonconforming to another requirement of the MPMC this amendment would remove one nonconforming component for those existing nonconforming structures.

Potential increase in substandard lots

Minimum lot width is defined as the shortest distance between the side property lines, between the required front and rear setback lines pursuant to MPMC Section 16.04.430. For lots which fall under Section 15.16.110, the front setback line is of a length equal to the minimum lot width as required by the zoning ordinance and perpendicular to a radial line passing through the center of the front lot line. For all other lots, the zoning ordinance front setback applies. Using the example of a single-family zoned lot, the zoning ordinance front setback is 20 feet. However, the front setback line under Section 15.16.110 could be greater than 20 feet. Page J-1.13 of a staff report for a project at 8 Hermosa Place (Attachment F) provides an example where the front setback line under Section 15.16.110 is greater than 20 feet. In this instance, the subdivision ordinance requirement resulted in a front setback of 57 feet, instead of the 20 feet required by the zoning ordinance. Staff recently processed an application at 949 Lee Dr. for a use permit and variance from the zoning ordinance for a new two-story single-family home on a substandard lot with regard to lot area and lot depth. The project proposal also includes a variance from the subdivision ordinance to reduce the front setback from 25 feet, three inches to 23 feet, nine inches, where a 20-foot front setback is required by the zoning district. The Planning Commission approved the use permit and zoning ordinance variance Aug. 10 (Attachment G). If the City Council declines to introduce and adopt the proposed amendment to the subdivision ordinance, then the proposed subdivision ordinance variance for

949 Lee Dr. would be reviewed by the City Council at a future meeting.

Lots can be substandard with regard to width, depth, and/or area. As the minimum lot width is the shortest distance between the required front and rear setback lines, removing the subdivision ordinance front setback could increase in the number of substandard lots with regard to minimum lot width because the front setback line could now be located at a narrower portion of the lot. However, not every lot that is applicable to the subdivision ordinance front setback requirement would become substandard with the removal of this setback requirement. For example, in some instances the minimum lot width for cul-de-sac lots is met at the 20-foot front setback based on the lot dimensions and geometry, in which case the zoning ordinance setback and subdivision ordinance setback are equal. It is possible that a lot on a cul-de-sac was already substandard with regard to depth and/or area, so, in this scenario, the proposed removal of the subdivision ordinance front setback requirement would not result in an additional substandard lot. Of the 268 single family lots, 39 of the lots are also substandard with regard to lot area. For the 19 multifamily zoned lots, six of lots are substandard with regard to lot area. These lots may also be substandard with regard to average depth; however, calculating average depth must be done individually for each parcel using the method in Attachment H and staff did not conduct this analysis as part of this effort. The zoning ordinance contains permitting pathways for development on substandard lots, and proposed development could be accomplished through a building permit or a use permit depending on the scope of work.

Increase in buildable site area

The removal of the subdivision ordinance front setback requirement would result in a larger buildable area for affected parcels as the required front setback under the zoning district would be the same or closer to the public right-of-way than the currently required front setback under the subdivision ordinance. However, this would not impact the intensity of development as the floor area limit (FAL) or floor area ratio (FAR) and maximum building coverage for the affected parcels would continue to be set by the applicable zoning standards for the lot.

Next steps

Following review and consideration of the proposed amendment to Menlo Park Municipal Code Section 15.16.110, the City Council may introduce and waive the first reading of the ordinance. The City Council could adopt the ordinance at a second meeting, tentatively scheduled for Oct. 27. If adopted the ordinance would become effective 30 days after adoption (Nov. 26).

If this ordinance is adopted, staff would monitor the 244 lots that could change from standard to substandard with the removal of the subdivision ordinance front setback requirement in MPMC 15.16.110 and determine potential additional MPMC amendments to streamline development on these parcels, which could include an evaluation of substandard lots more broadly. Staff is working on updates to the City's regulations for urban lot splits and two-unit housing developments (Chapters 15.31 and 16.77 of the Municipal Code) for compliance with state law (Senate Bills 9 and 450). The Planning Commission held a study session on potential amendments to the MPMC related to Senate Bill (SB) 9 and SB 450 and potential options to streamline the development review process in single-family zones June 8. Staff intends to bring the Planning Commission's feedback on the single-family development review process and substandard lots to the City Council, for consideration and possible staff direction, as part of its review of the MPMC amendments for SB 9 and SB 450. Staff is evaluating the feedback from the June 8 study session and preparing a timeline and scope for the proposed amendments to MPMC Chapters 15.31 and

16.77, with the goal of bringing the amendments to the Planning Commission and City Council in early 2027.

Conclusion

Staff believes the recommended amendment to Section 15.16.110 (Setbacks) of Title 15 (Subdivisions) of the Menlo Park Municipal Code to remove the front setback requirement for lots where lot frontage abuts the outside of any curve of a radius of 100 feet or less (i.e. lots on a cul-de-sac) would permit development on the affected subset of properties to fit within the pattern of other properties in the same zoning districts. This amendment has the potential to reduce the number of existing nonconforming structures in the City and increase the buildable site area of certain lots, which would provide additional flexibility for potential development. Additionally, this amendment would remove a constraint that has resulted in several variance requests. Although the number of substandard lots within the City could increase, substandard lots do not preclude development and the MPMC contains permitting pathways for development on substandard lots. Further, staff will evaluate the potential impact to these lots and determine if additional MPMC amendments are necessary, including a possible broader evaluation of the development review process for substandard lots. Staff recommends approval of the proposed amendment.

Impact on City Resources

This ordinance update is being accommodated within the existing budgets of the planning division, engineering division, and city attorney, and is not expected to otherwise affect City resources.

Environmental Review

This action is a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines but is exempt under CEQA Guidelines Section 15061(b)(3) as it will not result in any direct or indirect physical change in the environment.

Public Notice

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

Attachments

- A. Draft ordinance
- B. Existing subdivision setbacks ordinance (Menlo Park Municipal Code Section 15.16.110)
- C. Hyperlink – Subdivision ordinance front setback diagram:
www.menlopark.gov/files/sharedassets/public/v/1/community-development/documents/subdivision-ordinance-front-setback-201804_201804051510159966.pdf
- D. Application of Section 15.16.110
- E. Hyperlink – Nonconforming structures (Menlo Park Municipal Code Section 16.80.030):
<https://ecode360.com/47188057>
- F. Hyperlink – Oct. 7, 2025, Staff Report #25-153-CC:

www.menlopark.gov/files/sharedassets/public/v/1/agendas-and-minutes/city-council/2025-meetings/20251007/j1-approve-variance-801-hermosa-place.pdf#page=13

G. Hyperlink – Aug. 10 Staff Report #26-035-PC:

www.menlopark.gov/files/sharedassets/public/v/2/agendas-and-minutes/planning-commission/2026-meetings/agenda/20260810-planning-commission-agenda-packet.pdf#page=54

H. Hyperlink – Lot depth: [www.menlopark.gov/Government/Departments/Community-](http://www.menlopark.gov/Government/Departments/Community-Development/Planning/Guidelines-and-policies/Lot-area-orientation-width-and-depth#section-5)

[Development/Planning/Guidelines-and-policies/Lot-area-orientation-width-and-depth#section-5](http://www.menlopark.gov/Government/Departments/Community-Development/Planning/Guidelines-and-policies/Lot-area-orientation-width-and-depth#section-5)

Report prepared by:

Brian Toy, Associate Planner

Report reviewed by:

Kyle Perata, Assistant Community Development Director

ORDINANCE NO. XXXX**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
AMENDING SECTION 15.16.110 (SETBACKS) OF TITLE 15 (SUBDIVISIONS)
OF THE MENLO PARK MUNICIPAL CODE TO REMOVE THE FRONT
SETBACK REQUIREMENT FOR LOTS WHERE LOT FRONTAGE ABUTS THE
OUTSIDE OF ANY CURVE OF A RADIUS OF 100 FEET OR LESS**

WHEREAS, the majority of rules governing what can be built, and where, on a property are development regulations found in Title 16 (Zoning) of the Menlo Park Municipal Code (MPMC) but other titles of the Municipal Code may also affect the development of a project site, including Section 15.16.110 (Setbacks) of Title 15 (Subdivisions) of the Municipal Code; and

WHEREAS, the front setback requirement for lots where lot frontage abuts the outside of any curve of a radius of 100 feet or less is governed by Section 15.16.110 (Setbacks) of Title 15 (Subdivisions); and

WHEREAS, the City seeks to remove the front setback requirement outlined in Section 15.16.110 (Setbacks) of Title 15 (Subdivisions) for lots where lot frontage abuts the outside of any curve of radius of 100 feet or less and default to the front setback requirement of the zoning district; and

WHEREAS, the removal of the front setback requirement for lots where lot frontage abuts the outside of any curve of a radius of 100 feet or less has the potential to reduce the number of nonconforming structures within the City; and

WHEREAS, the removal of the front setback requirement for lots where lot frontage abuts the outside of any curve of a radius of 100 feet or less would permit development on the affected subset of properties to fit within the pattern of other properties in the same zoning district; and

WHEREAS, the removal of the front setback requirement for lots where lot frontage abuts the outside of any curve of a radius of 100 feet or less would increase buildable site area but not intensity of development as well as provide flexibility for development on affected lots; and

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

WHEREAS, at a duly and properly noticed public hearing held Oct. 13, 2026, the City Council fully reviewed, considered, and evaluated the whole of the record including all public and written comments, pertinent information, documents and the ordinance, prior to taking action regarding the proposed ordinance; and

WHEREAS, at the public hearing held Oct. 13, 2026, the City Council voted to waive the first reading and introduce the ordinance.

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

Section 1. Findings.

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

Section 2. Amendment.

Section 15.16.110 – Setbacks of Title 15 – Subdivisions of the City of Menlo Park Municipal Code is hereby amended as follows (additions in underline, deletions in ~~strike through~~).

Building setbacks shall be required at least as great as the applicable zoning requirements. Setbacks for lots with access easements shall be measured from the easement line.

~~Where lot frontage abuts the outside of any curve of a radius of one hundred feet or less, the setback line shall be:~~

- ~~(1) Of length equal to the minimum lot width as required by the zoning ordinance; and~~
- ~~(2) Perpendicular to a radial line passing through the center of front lot line.~~

Section 3. Severability.

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

Section 4. Compliance with California Environmental Quality Act.

The City Council hereby finds that the action to amend this ordinance is exempt from the provisions of the California Environmental Quality Act ("CEQA"), pursuant to CEQA Guidelines Section 15061(b)(3) as it will not result in any direct or indirect physical change in the environment.

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 before the effective date.

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INTRODUCED on the thirteenth day of October, 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

- (4) Such other treatment as may be necessary for adequate protection of adjacent properties and to afford separation of through and local traffic.
- (l) Streets within a new subdivision shall connect to a city street, county-maintained road, or state highway. Where an off-site connection is necessary to provide access to such street, road or highway, the subdivider shall acquire the right-of-way and construct the improvements required.
- (m) The planning commission may impose a requirement that any dedication or offer of dedication of a street shall include a waiver of direct access rights to such street from any property shown on a final map as abutting thereon, and that if the dedication is accepted, such waiver shall become effective in accordance with the provisions of the waiver of direct access.
- (Ord. 615 § 1 (part), 1977; Prior code § 24.6(9))

§ 15.16.110. Setbacks.

Building setbacks shall be required at least as great as the applicable zoning requirements. Setbacks for lots with access easements shall be measured from the easement line.

Where lot frontage abuts the outside of any curve of a radius of one hundred feet or less, the setback line shall be:

- (1) Of length equal to the minimum lot width as required by the zoning ordinance; and
- (2) Perpendicular to a radial line passing through the center of front lot line.
- (Ord. 615 § 1 (part), 1977; Prior code § 24.8)

§ 15.16.120. Walkways.

Improved walkways not less than fifteen feet in width may be required through blocks more than nine hundred feet in length and at other locations where necessary to provide access to schools, parks or where pedestrian or bicycle access is desired.

(Prior code § 24.7 (part); Ord. 615 § 1 (part), 1977)

§ 15.16.130. Watercourses.

Watercourses shall be shown as easements, and storm drains shall be placed in easements when public right-of-way is not available or adequate. The planning commission or city engineer may require watercourses to be placed entirely in underground conduits or adequately fenced or otherwise improved. If any watercourse alteration is to be made in the designated flood hazard area, the city engineer will notify the California State Department of Water Resources, and the Federal Insurance Administrator.

(Prior code § 24.7 (1); Ord. 615 § 1 (part), 1977; Ord. 658 § 2(b), 1980)

