



## REGULAR MEETING AGENDA

**Date:** 4/27/2026  
**Time:** 7:00 p.m.  
**Location:** Zoom.us/join – ID# 846 9472 6242 and  
City Council Chambers  
751 Laurel St., Menlo Park, CA 94025

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

### How to participate in the meeting

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

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

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### Regular Meeting

- Call To Order**
- Roll Call**
- Reports and Announcements**
- Public Comment**

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

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

## **E. Presentation**

- E1. Presentation of the draft Anti-displacement Plan ([Attachment](#))

## **F. Public Hearing Item**

- F1. Zoning Ordinance and Zoning Map Amendments/City of Menlo Park:  
Consider amendments to the zoning ordinance and zoning map to temporarily exclude 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 one-quarter mile of the Menlo Park Caltrain Station, from Senate Bill (SB) 79, the Abundant and Affordable Homes Near Transit Act; Determine 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 and that adoption of an ordinance under SB 79's procedures specified in Government Code Section 65912.160 are statutorily exempt from CEQA review. The Planning Commission is scheduled to make a recommendation to the City Council, which will be the final decision-making body on the proposed amendments. Separate notice will be given for the City Council public hearing. ([Staff report #26-010-PC](#))

## **G. Study Session Item**

- G1. Senate Bill 9 (SB 9) Ordinance Update/Zoning Ordinance and Subdivision Ordinance Amendments/City of Menlo Park:  
Consider and provide feedback on potential amendments 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), and potential options to streamline the development review process in single-family zones. A study session is not a project within the meaning of the California Environmental Quality Act (CEQA). ([Staff report #26-011-PC](#))

## **H. Informational Items**

- H1. Future Planning Commission Meeting Schedule – The upcoming Planning Commission meetings are listed here, for reference. No action will be taken on the meeting schedule, although individual Commissioners may notify staff of planned absences.
- Regular Meeting: May 4, 2026
  - Regular Meeting: May 18, 2026

## **I. Adjournment**

At every regular meeting of the Planning Commission, in addition to the public comment period

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

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

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

Any writing that is distributed to a majority of the Planning Commission by any person in connection with an agenda item is a public record (subject to any exemption under the Public Records Act) and is available by request by emailing the city clerk at [jaherren@menlopark.gov](mailto:jaherren@menlopark.gov). Persons with disabilities, who require auxiliary aids or services in attending or participating in Planning Commission meetings, may call the City Clerk's Office at 650-330-6620.

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# Anti-displacement Plan Presentation

Menlo Park Planning Commission  
April 27, 2026

# What is displacement?

- Displacement occurs when people need to relocate from their homes or neighborhoods due to factors that are often out of their control.



# Anti-displacement in the Housing Element and Environmental Justice Element

- Program H2.E - Anti-Displacement Strategy
  - Develop strategy to address displacement and evaluate community-identified tools
- Program EJ5.G - Anti-Displacement Strategy
  - To ensure the City's Anti-displacement Strategy supports households and neighborhoods in underserved communities
- Program EJ5.H - Access to Legal Counsel
  - Support access to legal counsel for tenants facing eviction

# Timeline

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- 2024:
  - August-October - Initial research of strategies
  - November - Held (2) community events in English and Spanish at BHCC to prioritize strategies
- 2025:
  - April - Launched a city-wide survey
  - July-August - Conducted interviews with experts and community stakeholders
  - September - Received feedback from Housing Commission and City Council
- 2026
  - Prepared draft Anti-displacement Plan

# Housing Commission feedback

- Reviewed by the Housing Commission on Sept 3, 2025
- Presented draft recommendations:
  1. Rental assistance program
  2. Establish legal assistance program
  3. Extend just cause eviction protection
  4. Implement anti-harassment ordinance
  5. Expand home preservation program
- With 2 additional considerations:
  - Create a rent registry
  - Develop workforce
- Supported review of additional strategies
  - Rent registry
  - Extending relocation assistance
  - Establishing a Tenant/Community Opportunity to Purchase program

# City Council feedback

- Study session held on Sept. 9, 2025
- Supported the recommendations
- Supported review of additional strategies
  - Rent registry
  - Extending amount of relocation assistance
  - Develop workforce

## State anti-displacement efforts

- California Tenant Protection Act (AB 1482)
- Housing Accountability Act (SB 330)

# City anti-displacement efforts

- Tenant relocation assistance
- 12-month lease requirement
- Affordable housing production
- Housing assistance program
- Housing preservation program

# Anti-displacement Plan Framework

- 23 suggested strategies reviewed
  
- Divided by the 4 “P’s”
  - Production
  - Protection
  - Preservation
  - Prosperity

# Production

1. Increase Affordable Housing Production
2. Explore Changes to BMR Requirements

# Protection

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3. Expand the Just Cause Eviction Ordinance
4. Extend 12 Month-Lease Ordinance to Single Family Homes
5. Strengthen Tenant Anti-harassment Ordinance
6. Enhance Neighborhood Tenant Preference for Affordable Housing
7. Develop Localized Anti-displacement Programs to Large-Scale Developments
8. Identify new funding sources for Anti-displacement programs
9. Modify Tenant Relocation Assistance
10. Foreclosure Prevention/Mortgage and Rental Assistance
11. Rental Registry/Inventory
12. Create an Eviction Monitoring and Data Collection Program
13. Updated or Expanded Rent Control
14. Provide Legal Assistance to Tenants
15. Increase Multi-Lingual Information and Outreach about Tenant Protections
16. Rental Deposit Assistance (particularly for veterans)
17. Examine Opportunities to Limit Additional Fees Passed on to Tenants

# Preservation

18. Home Repair/Renovation Program

19. Community and Tenant Opportunity to Purchase Act  
(COPA/TOPA)

20. Purchase and Preservation of Existing Housing

# Prosperity

21. Down Payment Assistance for First Time/First Generation Homebuyers
22. Financial Planning Education and Tutoring
23. Building Pathways to the Tech Economy/Workforce Development

# Methodology

- Three-prong approach
  - Community Feedback
  - Interviews
  - Research
  
- Other factors
  - Benefit
  - Cost
  - Time

# Recommended strategies

1. Rental assistance program
2. Establish legal assistance program
3. Extend just cause eviction protection
4. Implement anti-harassment ordinance
5. Expand home preservation program
6. Create a rent registry
7. Develop workforce

# Recommended strategies

## 1. Rental assistance program

- Provide tenants with emergency assistance may help prevent eviction before they begin or resolve a current eviction
- Metropolitan Transportation Commission Transit Oriented Communities (MTC TOC) grant

## 2. Establish legal assistance program

- Research shows that even a small amount of legal education or counseling has shown tenants have a higher rate of success in challenging their evictions
- MTC TOC grant

## 3. Extend just cause eviction protections beyond AB 1482 protections

- Just cause is a legally recognized reason to evict a resident

## Recommended strategies (cont.)

4. Implement anti-harassment ordinance
  - Lessens potentially abusive behavior or intimidation from landlords to force tenants to vacate unit
  
5. Expand home preservation program
  - "Prioritize" multi-family unit preservation projects in City's NOFA
  
6. Create a rent registry
  - Create a database of rental properties in the City
  
7. Develop workforce
  - Provide financial independence

## Next steps

- Draft final plan released – early May
- Housing Commission review – May 6
- City Council consideration – May 19
- Rental Assistance Program implementation - anticipated Fall 2026
- Legal Assistance Program implementation – anticipated Fall 2026



**Thank you**



## STAFF REPORT

### Planning Commission

Meeting Date:

4/27/2026

Staff Report Number:

26-010-PC

### Public Hearing:

**Consider and adopt a resolution recommending the City Council adopt an ordinance to amend the Menlo Park Zoning Map and Title 16, Zoning Ordinance, of the Menlo Park Municipal Code to temporarily exclude 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 one-quarter mile of the Menlo Park Caltrain Station, from Senate Bill (SB) 79, the Abundant and Affordable Homes Near Transit Act.**

### Recommendation

Staff recommends that the Planning Commission review and consider adopting a resolution (Attachment A) recommending the City Council adopt an ordinance to amend Title 16 of the Menlo Park Municipal Code (MPMC) to temporarily exclude 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. The draft ordinance is included in Attachment B, the draft text of the proposed Chapter 16.57 is included in Attachment B, Exhibit A, and the draft Zoning Map Amendment is included in Attachment B, Exhibit B.

### Policy Issues

Senate Bill (SB) 79 development standards for housing developments would replace current zoning standards and allow building heights up to 75 ft. (7 stories), density at up to 120 housing units/acre, and Floor Area Ratio (FAR) of 3.5, and would apply to nearly every parcel within 0.25 miles of the Menlo Park Caltrain Station. 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 is recommending the Planning Commission consider recommending the adoption of an ordinance that is effective until no later than January 31, 2032, exempting from SB 79's purview, all sites that have at least fifty percent of the density and FAR allowed by SB 79.

An exemption ordinance must be submitted to the California Department of Housing and Community

Development (HCD) for review and approval. At this time, City staff recommends adopting an exemption ordinance to 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 fifty percent of the default density and FAR standards set forth in SB 79.

Adopting an SB 79 exclusion ordinance would be consistent with the Menlo Park General plan Goal LU-1 (Promote the orderly development of Menlo Park and its surrounding area) and Goal LU-2 (Maintain and enhance the character, variety and stability of Menlo Park’s residential neighborhoods) and related policies (LU-2.1 Neighborhood compatibility, LU-2.3 Mixed-use design, LU-2.9 Compatible uses), by ensuring that certain development complies with the adopted density, intensity, and height of the Downtown Specific Plan. Further, the proposed SB 79 exclusion ordinance would promote 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) and related policies (LU-5.1 El Camino Real/Downtown Specific Plan and LU-5.2 El Camino Real/Downtown Housing) by continuing to utilize the Downtown Specific Plan to guide development within the downtown.

## **Background**

SB 79, set forth in Government Code section 65912.155 et seq., was signed into law on October 10, 2025. SB 79 will take effect on 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 eligible sites.” SB 79 defines “urban transit counties” as counties with more than 15 rail stations. Therefore, 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 — January 1, 2024 and 2025, Menlo Park had a population of 33,416 in 2024 and 33,311 in 2025, which is a -0.3 percent annual change. Similarly, the most recent (2024) United States Census Bureau estimate of Menlo Park’s population is 33,040, a 2.2 percent decline from the 2020 population base of 33,782 persons.

**SB 79 tiers**

SB 79 adopts 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).

Caltrain is a heavy commuter rail system that connects San Francisco with the Silicon Valley. As of 2024–2025, it operates as an electrified system distinct from light rail due to its ability to share tracks with freight trains and other heavier rolling stock. At the start of FY 2025, the system operated 104 trains per weekday.

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 C. SB 79 development allowances for building height, density and floor area ratio (FAR), adopted as Gov’t 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 the City’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.

<b>Location</b>	<b>Max height</b>	<b>Allowable max density</b>	<b>FAR</b>
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 of the following minimum criteria:

- Meet the definition of a “housing development project” pursuant to the Housing Accountability Act (HAA) (Gov. Code § 65589.5);
- Include at least 5 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 percent of units as affordable to extremely low-income households; or 10 percent of units as affordable to very low income households; or 13 percent 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. Menlo Park requires housing development projects between 5 and 19 units to provide 10% of the units at below market rates to very-low, low, and moderate income households. For projects of 20 or more units, the developer must provide not less than 15% of the units at below market rates to very-low, low, and moderate income households. For rental development projects the provision of affordable units at extremely low, very low, low and/or moderate income levels shall be roughly equivalent to the provision of all of the affordable units at the low income level. 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 1 and 5 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. Staff will seek City Council input and direction on these 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 below approaches advance the State's housing objectives, they differ in the degree to which the City exercises local control. The City may choose to adopt an ordinance clarifying how SB 79 applies within the City, including excluding, temporarily, higher density sites within 0.25 miles of the Menlo Park Caltrain station, prepare a TOD Alternative Plan, and/or to allow SB 79 to preempt City codes and regulations.

1. **Adopt an Exemption Ordinance.** This approach is currently before the Planning Commission for consideration of a recommendation to the City Council. Adoption of an SB 79 exemption ordinance would enable the default SB 79 standards to take effect on July 1, 2026, but the ordinance would exempt from SB 79's height, density and FAR standards, sites that are currently zoned to allow for at least 50% of the SB 79 default 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 within 200 feet of the Caltrain Station are permitted a density of 160 du/ac and 4.75 FAR under SB 79 and sites proposed to be excluded must allow for at least 80 du/acre and 2.75 FAR.) The exemption ordinance can remain in effect until 2032 (see Gov. Code § 65912.161(b)(1).) If the City's population exceeds 35,000 at any point before January 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 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).

2. **Rezone all TOD eligible sites to allow 50 percent 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 January 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 January 31, 2032. 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 Housing Element, and would shift staff resources from other City policy initiatives and work.
3. **Prepare a TOD Alternative Plan.** Under this approach, the SB 79 standards would take effect on 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. 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 on July 1, 2025 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.

## 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 Downtown Specific Plan Area and more specifically Santa Cruz Avenue, Menlo Park's "Main Street." Attachment D 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 6<sup>th</sup> 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 for residential uses on sites within 0.5 mile of transit as required by 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. To implement Housing Element Program H4.J, 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 100,000 square feet or more; increased maximum building coverage in the R-3, R-3-A (Garden Apartment Residential), R-3-C (Apartment-Office District), R-4 (High Density Residential), and R-4-S (High Density Residential, Special) zones to 55 percent; adjusted maximum paving and minimum open space (landscaping) percentages accordingly; and reduced parking space per unit requirements. Many R-3 (apartment) zoning district around downtown sites are subject to the provisions of SB 79 (see map in Attachment D).

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, Downtown Specific Plan, Climate Action Plan, and other guiding documents support the sustainability and equity goals of transit-oriented development, the existing Downtown Specific Plan provides for transit-oriented housing while supporting the city's vision for its downtown. Additionally, the R-3 (Apartment) around downtown zoning encourages denser housing development proximate to downtown and the Menlo Park Caltrain station.

### Proposed SB 79 exemption ordinance.

To maintain current development standards in Menlo Park's downtown and El Camino Real corridor while considering the contents of a potential future TOD Alternative Plan, the city proposes an Ordinance to amend Title 16, Zoning Ordinance, 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 for inclusion in the proposed ordinance. Table 2 demonstrates that areas of the following five Downtown Specific Plan sub-districts constitute sites that qualify for temporary exclusion under the exemption ordinance. These districts are:

- 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)

Table 2: Eligible zoning districts for exclusion			
District	Density base (bonus density)	FAR base (bonus FAR)	50% of SB 79 FAR & Density?*
D (Downtown)	60 (100) du/acre	2.75 (3.75)	Yes
SA West (Station Area West)	60 (100) du/acre	2.75 (3.75)	Yes
SA East (Station Area East)	60 (100) du/acre	2.75 (3.75)	Yes
ECR NE-R (El Camino Real North-East Residential)	50 (70) du/acre	1.45 (2.45)**	Yes (at bonus level with Step Up FAR)
ECR SE (El Camino Real South-East)	60 (80) du/acre	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.

\*\*In the 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. All sub-districts include varying allowances for Step-Up FAR.

In addition to identifying all parcels eligible for SB 79, Attachment D also illustrates the location of the sites identified as eligible for temporary exclusion. All parcels zoned 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 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. A detailed analysis of all zoning districts applicable to SB 79 is included in Attachment E. Table 3 summarizes the eligible parcels and residential capacity.

Table 3: Eligible parcels and residential capacity						
District	Acreage	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	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)	10.9	11	544	762	1,586	48%
ECR SE (El Camino Real South-East)	7.4	3	446	595	892	67%
<b>Total</b>	<b>43.3</b>	<b>130</b>	<b>2,486</b>	<b>3,849</b>	<b>5,834</b>	<b>66%</b>

\*Parcels within 200 feet of station entrances are permitted up to 160 du/ac, which is accounted for in this table within the ECR-NE-R and SA-E sub-districts.

Chapter 16.88 (Amendments) of the MPMC requires the Planning Commission review and provide a recommendation to the City Council on the proposed amendments. To temporarily exclude the sites in Attachment D 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 B, Exhibit A to this report presents this amendment as it would appear in Title 16, Zoning Ordinance, of the MPMC. The parcels to which Chapter 16.57 applies would be indicated on the Menlo Park Zoning Map included in Attachment B, Exhibit B. The zoning map amendment includes no changes to zoning district boundaries. The zoning map amendment only indicates parcels subject to Chapter 16.57.

The draft recitals and findings contained in Attachment B document that the proposed ordinance and zoning map amendments would be consistent with the Menlo Park General Plan and Downtown 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 Downtown 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 Downtown Specific Plan.

Next steps

The City Council is tentatively scheduled to review and consider the Planning Commission’s

recommendation at its May 12 meeting at which time it will consider the options described above as well as a first reading of the proposed exemption ordinance.

As allowed for under SB 79, the proposed exemption ordinance provides the City time to have a thoughtful, comprehensive discussion with the community and city leadership to determine whether to adopt a local Alternative TOD Plan, which would allow for the shifting of density and intensity within TOD zones.

### Conclusion

The proposed SB 79 exemption ordinance would temporarily exclude parcels 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 Downtown Specific Plan until one year after the adoption of the 7<sup>th</sup> Cycle housing element (2031). The temporary exclusion would be consistent with and promote the goals, policies, and programs of the Menlo Park General Plan and Downtown Specific Plan. Staff recommends that the Planning Commission adopt a resolution (Attachment A) recommending the City Council adopt an ordinance to add Chapter 16.57 and amend the Menlo Park zoning map to exclude eligible parcels from SB 79 provisions.

### **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 20 days in advance of the meeting. 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. Draft Resolution Recommending the City Council Adopt an Ordinance to add Chapter 16.57 [Applicability of Government Code Section 65912.157 (Senate Bill 79)] to Title 16 [Zoning] of the Menlo Park Municipal Code and amend the Menlo Park Zoning Map to identify applicable sites
- B. Draft City Council 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
- C. Hyperlink: MTC SB 79: Preliminary Draft Map of Transit Oriented Development Stops and Zones in the San Francisco Bay Area:  
<https://experience.arcgis.com/experience/934f95609d6b45c5be0f8f0030c01436>
- D. SB 79 eligible parcels and zoning map
- E. SB 79 zoning district eligibility analysis table

Report prepared by:  
Kyle Perata, Assistant Community Development Director

Report reviewed by:  
Corinna Sandmeier, Principal Planner

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

WHEREAS, recent changes to State Law (Government Code §§ 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 percent 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, the proposed ordinance and zoning map amendment are 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; and

WHEREAS, future development projects subject to the temporary SB 79 exclusions may be required to undergo a separate CEQA review and approval process, as required by State law; 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 on 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, fully reviewed, considered, and evaluated all the testimony and evidence submitted in this matter including all public and written comments, pertinent information, documents, the ordinance, and the zoning map, prior to recommending action regarding the proposed ordinance and zoning map amendment.

NOW, THEREFORE, THE MENLO PARK PLANNING COMMISSION HEREBY RESOLVES AS FOLLOWS.

Section 1. Recitals. The Planning Commission has considered the full record before it, which may include but is not limited to such things as the staff report, public testimony, and other materials and evidence submitted or provided, and the Planning Commission finds the foregoing recitals are true and correct, and they are hereby incorporated by reference into this Resolution.

Section 2. Findings and Recommendation. The Planning Commission of the City of Menlo Park does hereby make the following findings and recommendation:

1. That the proposed ordinance and zoning map amendment are 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, and that adoption of an ordinance under SB 79's procedures specified in Government Code Section 65912.160 are statutorily exempt from CEQA review.
2. That the proposed ordinance and zoning map amendment are in compliance with State law.
3. That the proposed ordinance and zoning map amendment would be consistent with the Menlo Park General Plan and El Camino Real/Downtown Specific plan and related policies, plans, and programs.
4. The proposed ordinance and zoning map amendment would implement SB 79 in an orderly and streamlined manner.

I, Corinna Sandmeier, Principal Planner of the City of Menlo Park, do hereby certify that the above and foregoing Planning Commission Resolution was duly and regularly passed and adopted at a meeting by said Planning Commission on April 27, 2026, by the following votes

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this \_\_\_ day of April, 2026.

PC Liaison Signature

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Corinna Sandmeier  
Principal Planner  
City of Menlo Park

Exhibits

- A. Draft ordinance amending Title 16 of the Menlo Park Municipal Code adding Chapter 16.57 [Applicability of Government Code Section 65912.157 (Senate Bill 79)] to Title 16 [Zoning] of the Menlo Park Municipal Code and amending the Menlo Park Zoning Map to identify applicable sites (Staff Report Attachment B)

**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 §§ 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 percent 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 on [REDACTED], 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 affirmatively to 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 site; and

WHEREAS, the City Council held a duly noticed public hearing on [REDACTED], 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.

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INTRODUCED on the \_\_\_ day of \_\_\_, 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

**Exhibit A****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) (Gov. Code §§ 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 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.

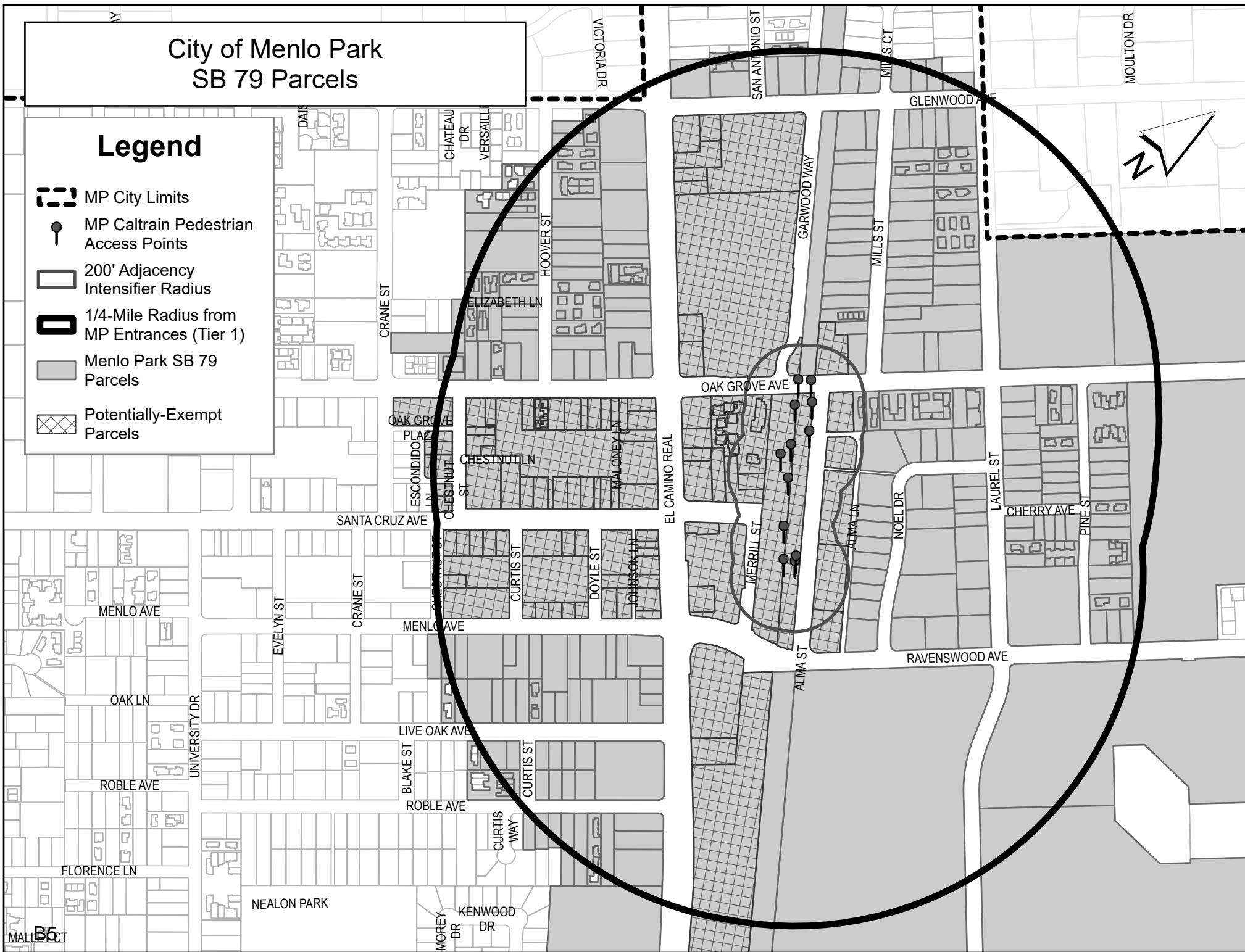
**16.57.030 Exclusion.**

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
-  Potentially-Exempt Parcels





# ATTACHMENT E

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 FAR/FAR	50% of SB 79 FAR?	Height (zoning)	Height (SB 79)	
C-1	30	n/a	No	1	n/a	No	40	75	
C-1-S	30	n/a	No	0.9	n/a	No	40	75	
R-1-S	1 unit + ADUs	n/a	No	2800 sf + 25% (lot area -7,000 sf)	n/a	No	28- 30	75	
R-1-U	1 unit + ADUs	n/a	No	2800 sf + 25% (lot area -7,000 sf)	n/a	No	28- 30	75	
R-2	12.5	n/a	No	0.4	n/a	No	28	75	
R-3	2.1-30	n/a	No	0.45	n/a	No	35	75	
R-3 (Infill)	30	n/a	No	0.75	n/a	No	40	75	
R-3-C	2.1-30	n/a	No	0.45	n/a	No	35	75	
R-E	1 unit + ADUs	n/a	No	2800 sf + 25% (lot area -7,000 sf)	n/a	No	28- 30	75	
D	60	100	Yes	2.75	3.75	Yes	60- 85	75	
SA-W	60	100	Yes	2.75	3.75	Yes	60- 85	75	
SA-E	60	100	Yes	2.75	3.75	Yes	60- 85	75	
DA	40	50	No	1.15	1.45	No	50-54	75	
ECR-SW	40	50	No	1.35	1.75	Yes (at bonus level)	50- 54	75	
ECR-NW	40	50	No	1.35	1.75	Yes (at bonus level)	50- 54	75	
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	
ECR-NE	40	50	No	1.35	1.75	Yes (at bonus level)	50- 54	75	
ECR-SE	60	80	Yes (at bonus level)	2.05	2.55	Yes	60- 75	75	

\*In the 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. All sub-districts include varying allowances for Step-Up FAR.

## STAFF REPORT



### Planning Commission

**Meeting Date:** 4/27/2026

**Staff Report Number:** 26-011-PC

**Study Session:** Consider and provide feedback on potential amendments 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), and potential options to streamline the development review process in single-family zones

### Recommendation

Staff recommends that the Planning Commission consider and provide feedback on potential amendments to the City's regulations for urban lot splits and two unit housing developments (Chapters 15.31 and 16.77 of the Menlo Park Municipal Code) for compliance with state law (Senate Bills 9 and 450) ("SB 9 Ordinance"). Staff also recommends that the Planning Commission provide feedback on potential options to streamline the development review process for single-family dwelling units in single-family zones for future City Council feedback and direction.

### Policy Issues

Study sessions provide an opportunity for Planning Commissioners and the public to provide preliminary feedback, with comments collected to inform future review and consideration of the proposal. The primary purpose of future SB 9 Ordinance amendments is to update the Menlo Park Municipal Code (MPMC) for consistency with state law, specifically Senate Bills 9 and 450 (SB 9 and SB 450). The secondary purpose is to consider potential options to streamline the development review process for single-family dwelling units in single-family zones such as removing use permit requirements for 1) substandard lots, and 2) floor area limit (FAL) establishment for lots less than 5,000 square feet in area. Staff's priority is to update the MPMC for consistency with SB 9 and SB 450. Planning Commission feedback on the development review process for single-family units will be shared with the City Council to consider and provide direction to staff.

The adopted 2023-2031 Housing Element includes programs directly and indirectly related to this effort, including H4.E: Streamlined Project Review, H4.H: Review the Subdivision Ordinance, and H7.B: Develop and Adopt Standards for SB 9 Projects.

### Background

#### Senate Bill (SB) 9

SB 9 was signed into law in 2021 and became effective on Jan. 1, 2022. The intent of the law is to help increase housing supply by making it easier for property owners in single-family zones to develop additional housing, especially more modestly priced homes by encouraging construction of smaller houses on small lots.

The law requires local governments to allow certain developments ministerially, meaning if the proposal meets objective requirements (clear and measurable standards), staff must approve it without discretionary review or public hearings.

SB 9 amended the Government Code to require ministerial approval of a housing development with no more than two primary units in a single-family zone (also referred to as “SB 9 units” or “two unit housing development”), the subdivision of a parcel in a single-family zone into two parcels (also referred to as “SB 9 lot split” or “urban lot split”), or both. SB 9 facilitates the creation of up to four units (two units maximum per newly created lot) on a lot area typically used for one single-family house. It is helpful to acknowledge that although discussed in similar circles, SB 9 units are intentionally not the same as accessory dwelling units (ADUs or secondary dwelling units) and both the SB 9 Ordinance (MPMC Chapters 15.31 and 16.77) and ADU Ordinance (MPMC Chapter 16.79) work separately and complementarily to provide varied options (“a menu of options”) to develop a mix of housing types to address local housing needs. The SB 9 development path provides an option for larger units and more primary units with ownership opportunity on a lot, while ADU regulations focus on constructing new housing units that would remain secondary in nature to an existing or proposed main residence on a lot. With regard to ADUs, the following applies:

- For parcels not created through an urban lot split, general ADU regulations dictate the number of developable ADUs; and
- For parcels created through an urban lot split, consistent with SB 9, a local agency is not required to permit more than two dwelling units of any kind, primary or ADU, per parcel.

Attachment A provides a table comparing the development typologies of ADUs (per the draft ordinance recommended by the Planning Commission at its April 13, 2026 meeting) and current SB 9 regulations. SB 9 can be used to: 1) add new units to an existing parcel, 2) divide an existing house into multiple units, or 3) divide a parcel and add units. Attachment B provides a SB 9 Fact Sheet from the California Department of Housing and Community Development (HCD).

In 2022, the City adopted interim SB 9 development standards and in 2023, the City adopted formal SB 9 regulations that are present in the MPMC today (Chapter 16.77: Two (2) Unit Housing Developments (Attachment C) and Chapter 15.31: Urban Lot Splits (Attachment D)). SB 9 applies to all single-family zoning districts as listed below:

- R-1-U: Single Family Urban Residential;
- R-1-U (LM): Single Family Urban Residential (Lorelei Manor);
- R-1-S: Single Family Suburban Residential;
- R-1-S (FG): Single Family Suburban Residential (Felton Gables);
- R-E: Residential Estate; and
- R-E-S: Residential Estate Suburban.

A map of Menlo Park’s single-family zoning districts is provided in Attachment E. Since the 2023 formal SB 9 regulations were implemented, nine SB 9 units (two unit developments) and two SB 9 lot splits (urban lot splits) have been approved. An additional five SB 9 developments with a total of 16 units are currently under review.

### Senate Bill (SB) 450

SB 450 was signed into law in 2024 and became effective on Jan. 1, 2025. SB 450 modifies and strengthens SB 9 in a number of ways, with the following items being the most relevant highlights:

- First, SB 450 adds language relating to the use of objective standards. SB 450 adds language preventing a local agency from imposing objective zoning standards, subdivision standards, and design standards on SB 9 developments if they do not “apply uniformly to development within the underlying zone.” As a result, some jurisdictions have amended their local SB 9 ordinance to default to the standards of the underlying single-family zone. Alternatively, a local agency could consider amending the single-family zone itself to adopt objective zoning standards, subdivision standards, and design standards for SB 9 developments if those standards are more permissive (less restrictive) than applicable standards within the underlying zone. For urban lot splits, SB 450 restricts local agencies to imposing only those objective standards related to parcel design or improvements;
- Second, SB 450 makes various changes to application processing. SB 450 adds language requiring a local agency to consider and approve or deny SB 9 applications and urban lot split applications within 60 calendar days after receipt of a complete application, or the application will be deemed approved. Additionally, SB 450 adds language requiring that if the local agency denies an SB 9 application or urban lot split application (due to specific, adverse impact on public health and safety), it must return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant; and
- Third, SB 450 removes unnecessary language regarding SB 9 projects which include the demolition of more than 25% of the existing exterior structural walls. Prior to SB 450, SB 9 required that a proposed development not involve the demolition of more than 25% of the existing exterior structural walls to qualify for ministerial approval. SB 450 removes this threshold, and the change is primarily a cleanup one, as SB 9 is not applicable to any housing that has been occupied by a tenant within the past three years, regardless of the extent of proposed demolition.

Table 1 on the following page provides an overview of the state-required basic development standards for two unit housing development (SB 9 units) and urban lot split (SB 9 lot split) that the City (and all other local agencies) must follow.

Below are two guiding principles of SB 9/SB 450:

- For development on existing single-family zoned lots without an urban lot split, the local agency shall not impose objective zoning standards, objective subdivision standards, and objective design standards that would have the effect of physically precluding the construction of up to two units or that would physically preclude either of the two units from being at least 800 square feet in floor area; and
- For development on existing single-family zoned lots with an urban lot split, the local agency shall not impose objective zoning standards, objective subdivision standards, and objective design review standards that would have the effect of physically precluding the construction of two units on either of the resulting parcels or that would result in a unit size of less than 800 square feet.

Any local standard/process that is inconsistent with these two guiding principles cannot be enforced.

Table 1 Overview of SB 9/SB 450 development opportunities and urban lot split requirements		
Standard	Description	Notes
Number of units (density)	2-4 units	<p><u>Without urban lot split</u>, 2 primary units and up to 2 new ADUs/JADUs can be built, such as:</p> <ul style="list-style-type: none"> <li>• 1 existing primary + 1 new primary = 2 units</li> <li>• 1 existing primary + 1 new primary + 1 new ADU (standard/JADU) = 3 units</li> <li>• 1 existing primary + 1 new primary + 2 new ADUs (standard/JADU) = 4 units</li> <li>• 2 new primary = 2 units</li> <li>• 2 new primary + 1 new ADU (standard/JADU) = 3 units</li> <li>• 2 new primary + 2 new ADUs (standard/JADU) = 4 units</li> </ul> <p><u>With urban lot split</u>, up to 4 units—<i>2 units maximum per newly created lot including any ADU/JADU</i>—can be built on a lot area typically used for a single-family home, such as:</p> <ul style="list-style-type: none"> <li>• 1 existing primary + 1 new primary = 2 units</li> <li>• 1 existing primary + 1 new primary + 1 new ADU (standard/JADU) = 3 units</li> <li>• 1 existing primary + 1 new primary + 2 new ADUs (standard/JADU) = 4 units</li> <li>• 1 existing primary + 2 new primary = 3 units</li> <li>• 1 existing primary + 2 new primary + 1 new ADU (standard/JADU) = 4 units</li> <li>• 1 new primary + 1 vacant lot = 1 unit + development potential</li> <li>• 2 new primary = 2 units</li> <li>• 2 new primary + 1 new ADU (standard/JADU) = 3 units</li> <li>• 2 new primary + 2 new ADU (standard/JADU) = 4 units</li> <li>• 3 new primary units = 3 units</li> <li>• 3 new primary units + 1 new ADU (standard/JADU) = 4 units</li> <li>• 4 new primary units = 4 units</li> </ul> <p>Additional considerations:</p> <ul style="list-style-type: none"> <li>• A “standard” ADU can be detached, attached, or conversion of existing space (such as a detached garage)</li> <li>• A JADU is conversion of existing or proposed primary residence space</li> <li>• For parcels created through an urban lot split, consistent with SB 9, a local agency is not required to permit more than two dwelling units of any kind, primary or ADU, per parcel</li> </ul>
Minimum lot area	2,400 sq. ft.	<p>Urban lot split created parcels must be no smaller than:</p> <ul style="list-style-type: none"> <li>• 1,200 sq. ft.</li> <li>• 40% of the original parcel lot area</li> </ul> <p>Additional considerations:</p> <ul style="list-style-type: none"> <li>• An urban lot split-created parcel cannot be subdivided again through the same process</li> <li>• Parcels where either the owner, or any person acting with the owner, has previously subdivided an adjacent parcel using an urban lot split are ineligible for an urban lot split</li> <li>• Urban lot splits can only be on sites that have been vacant or solely owner-occupied for three years prior to application submission</li> <li>• Parcel owners must occupy one of the units as their principal residence for a minimum of three years from the date of urban lot split approval (signed affidavit required)</li> <li>• Units created through SB 9/SB 450 are for residential uses only (no short-term rental)</li> <li>• SB 1123 is law that allows ministerial approval for small house subdivisions in multifamily zones and vacant lots in single-family zones allowing up to 10 parcels or 10 or fewer units; SB 1123 is a separate housing development tool that cannot be combined with SB 9<sup>1</sup></li> </ul>

<sup>1</sup> Pursuant to Government Code section 66499.41(a)(2)(D), a lot is ineligible for ministerial approval under the Starter Home Revitalization Act (SB 684/SB 1123) if it was established pursuant to that same section, or pursuant to Government

Minimum floor area	800 sq. ft.	<ul style="list-style-type: none"> <li>Local standards cannot preclude two units of at least 800 sq. ft.</li> </ul>
Minimum yards (setbacks)	Side: 4 ft. Rear: 4 ft.	<ul style="list-style-type: none"> <li>No setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure</li> <li>Proposed housing may include connected structures as long as they comply with building code safety standards and are sufficient to allow separate conveyance of primary dwellings (ADUs cannot be sold as condos under SB 9, unless local jurisdictions adopt an ordinance allowing for ADUs to be mapped as condos. This would be a separate action from the ADU Ordinance update currently proceeding towards City Council review.)</li> </ul>
Minimum parking	1 space per unit	<p>No parking requirements if parcel is located within:</p> <ul style="list-style-type: none"> <li>One-half mile walking distance of a high-quality transit corridor or major transit stop</li> <li>One block of a car share vehicle</li> </ul>

### Analysis

The primary intent of the study session is to provide the Planning Commission the opportunity to receive community input, review current development standards, and provide feedback to staff regarding updating development standards for consistency with SB 9/SB 450. A draft ordinance with Zoning Ordinance and potential Subdivision Ordinance amendments associated with the implementation of SB 9/SB 450 will be prepared with consideration towards comments received at the study session and presented to the Planning Commission at a later date for review and recommendation to City Council.

Existing SB 9 development standards are provided in a tabular format in Attachment H with the following information columns:

- Discussion ID: Reference label to support study session discussion;
- Topic: “General Standards” from MPMC Section 16.77.040(1) or specific development standards from MPMC Section 16.77.040(2);
- Existing City Zoning Standard: MPMC text excerpt;
- SB 9/SB 450 Consistency: Status of existing standard as “consistent” or “inconsistent” with state law; and
- Notes: Contextual information and examples.

With the enactment of SB 450, the majority of the City’s existing SB 9 development standards in MPMC Chapter 16.77 are no longer consistent with state law as they include requirements that do not uniformly apply to other single-family zones. In other words, most of the City’s existing SB 9 development standards are less permissive (more restrictive) than other single-family zoning standards and thereby are not enforceable. Currently, when processing or advising on SB 9 applications, staff does not apply inconsistent SB 9 development standards; staff only applies SB 9 development standards that are consistent with state law.

The Planning Commission is requested to review Attachment H and provide feedback for the existing SB 9 development standards and desirable next steps, described further below:

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Code section 66411.7(SB 9), thereby precluding the use of the SB 684/SB 1123 small lot subdivision process on any parcel previously created through an SB 9 urban lot split.

- Consistent standards: Where existing SB 9 standards remain consistent with state law, they could be maintained. The basic SB 9 standards listed in Table 1 should also be reviewed and the Planning Commission may consider providing feedback to staff to explore a more permissive (less restrictive) standard than state law.
- Inconsistent standards: Where existing SB 9 standards are no longer consistent with state law, they will be removed as they are unenforceable. The following existing SB 9 development standards (“Topic” column in Attachment H) are identified as inconsistent with state law:
  - Lot Dimensions;
  - Minimum Yards – Second Floor Yards (Step Back);
  - Minimum Yards – Corner Lots;
  - Minimum and Maximum Primary Dwelling Unit Floor Area;
  - Maximum Building Coverage;
  - Maximum Height of Structures;
  - Daylight Plane;
  - Front Yard Paving And Landscaping; and
  - Design And Materials.

While inconsistent standards will be removed, the Planning Commission could consider incorporating the intent behind their original adoption (such as, promoting privacy between neighboring structures; reducing over-massing with limited articulation that could result in visual, shadow, and privacy impacts; and supporting high-quality design and neighborhood compatibility) through a separate process from the SB 9 Ordinance update with development of objective residential design standards that apply uniformly to all single-family zones focused on addressing SB 9 units and SB 9 lot splits, especially as it relates to development on smaller lots and the proximity of development to neighboring structures.

For example, it is possible to explore the development of “tiered standards” that apply to varying lot sizes (such as 0-5,000 square feet; 5,001-10,000 square feet; 10,001 square feet or greater) and would be applicable for all single-family zoned residential projects whether using SB 9 or not. Tiered standards could address unique considerations based on lot size, specifically smaller lot sizes that would be more generally applicable to two-unit developments under SB 9 following a lot split. It is also possible to explore the development of “blanket standards” that apply uniformly to all single-family lots (such as, obscure glazing/screening for promoting privacy at stair landings along interior lot lines; required smooth stucco textures; and maximum front yard paving and minimum landscaping). Additionally, more permissive standards than State law can also be explored and incorporated into an updated Chapter 16.77, as more permissive local objective standards for SB 9 would not be considered inconsistent with State law.

#### Potential options to streamline housing development review process in single-family zones

The secondary intent of the study session is to consider potential options to streamline the housing development review process in single-family zones. There has been community interest in modifying the use permit requirement for development on substandard lots. Complementary to the intent of SB 9/SB 450 to streamline housing production in single-family zones, staff has identified two use permit requirements (“use

permit triggers”) for discussion.<sup>2</sup> It is noted that potential work to modify these use permit requirements would be conducted separately from the SB 9 Ordinance update and would require separate City Council direction on prioritization, project scope, and timing.

#### *Development on substandard lots*

MPMC Section 16.59.010 (Attachment F) defines “substandard lots” and requires the granting of a use permit in order to proceed with certain kinds of development. Most commonly for single-family zones, subsection (a)(2) specifies “[f]or development of two (2) or more stories, substandard lots are those lots which do not meet the minimum required lot width, depth and/or area of the zoning district in which the lot is located.”<sup>3</sup> The Planning Commission reviews use permit applications to construct two-story residences on substandard lots, with 19 public hearings in 2024 and 18 public hearings in 2025 (some applications have multiple use permit triggers). Each use permit application is unique in terms of its scope, complexity, and review time (including continuous communications between applicant and City to prepare/process the proposal for Planning Commission review and public presentation). There is potential to modify or remove the use permit requirement for single-family developments on substandard lots. The primary benefit would be streamlining the housing development process to remove the discretionary review requirement (“use permit trigger”) for constructing two-story homes on substandard lots. This could result in cost and time savings for homeowners and simplify the development process for two-story residences; however, this modification would not be expected to increase the net housing unit production within the city.

The use permit process is a discretionary process that allows for public input on development projects. The process includes the mailing of an application received notice at the start of a project and a public hearing notice for the Planning Commission meeting to all addresses within at least 300 feet of the project site. Separately, Chapter 16.85 (Notices for single-family residential development) requires a courtesy notice for demolition, new construction, and remodels with additions to all contiguous properties. This chapter was incorporated into the MPMC when the City amended the Zoning Ordinance to stop requiring use permits for single-story development on substandard lots in 2005.

Should the use permit requirement to construct two-story residences on substandard lots be removed, the building permit application process would continue, including staff-level planning/zoning consistency reviews as is currently done, to ensure proposed development is consistent with the Municipal Code. The staff-level planning/zoning consistency review includes items typically summarized in the data table presented with a staff report (such as setbacks, building coverage, floor area limit, building height, and parking). A sample data table from a 2026 use permit request to construct a new two-story, single-family residence on a substandard lot is provided in Attachment G.

Staff notes that residential design standards are not uniformly established across single-family zones and as such, staff-level planning/zoning consistency reviews are focused on analyzing compliance with objective

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<sup>2</sup> MPMC Chapter 16.80 requires work on nonconforming structures to also receive a use permit depending on the value of the existing structure compared to the proposed work.

<sup>3</sup> MPMC Section 16.59.010(a)(1) requires a use permit for *single-story* development on substandard lots, with substandard lots defined as lots with less than 5,000 square feet of area. Prior to 2005, use permits were required for *single-story* development on any substandard lot regardless of lot size. This use permit trigger is not frequently applied, however, should there be desire to modify/remove the use permit trigger for two-story development on substandard lots, this use permit trigger for single-story development on substandard lots could also be correspondingly removed.

standards (such as building height and floor area limit) and do not include evaluation of subjective topics such as building aesthetics (appropriateness of colors and materials) and privacy impacts (degree of impact and mitigation options) which can arise with applications undergoing discretionary review (such as use permit review by the Planning Commission). These topics and similar topics are frequently discussed by staff and applicants during the use permit review process. The Planning Commission may desire to provide feedback regarding interest to develop residential design standards taking into account any typical comments on single family residential use permit applications, however, it is noted that the development of residential design standards is outside of the scope of SB 9 Ordinance updates and would be a separate process with time, cost, and outreach considerations to be balanced with other planning priorities.

#### *Floor area limit (FAL) establishment*

For the majority of single-family zones (Lorelei Manor and Felton Gables excluded), zoning regulations state, "FAL for lots with less than five thousand (5,000) square feet of area shall be determined by a conditional use permit." The Planning Commission occasionally reviews use permit applications to establish the FAL for development on single-family lots with less than 5,000 square feet of area. Over the past two years (2024-2025), the Planning Commission has conducted three public hearings for such use permit applications (one in 2024 and two in 2025). Historically, staff has recommended approval of projects with an FAL of 56% or less on lots less than 5,000 square feet in area because that is the maximum FAL on a 5,000 square-foot lot with a FAL of 2,800 square feet. There is potential to modify or remove this use permit requirement. The primary benefit would be streamlining the housing development process by establishing a defined FAL (at 56% FAL or another threshold). This change would set a clear objective standard and avoid requiring an applicant to fully develop a project and then proceed to the Planning Commission for review/approval to determine whether the floor area of the project is appropriate. This change could result in cost and time savings for homeowners and reduce uncertainty in the development process. SB 9 implementation could also provide more certainty for two unit developments as owners of existing smaller lots would be subject to the same standards as the underlying zoning district. The existing SB 9 Ordinance provides at least a 56% FAL for lots less than 5,000 square feet with two new residences.

#### *Development on substandard lots summary*

The Planning Commission may wish to provide input on potential modifications to the use permit triggers for staff to evaluate and share with the City Council. The following questions can be used by the Planning Commission as a guide for its discussion.

- Should the City consider removing the use permit trigger for all substandard lots in single family residential zones?
- Should the City consider establishing single family residential design standards?
- If the City establishes single family residential design guidelines, should those apply to all single-family zoned lots or only to formerly substandard lots?
- Should the City explore removing the use permit trigger for multifamily residentially zoned properties as well?

#### Next Steps

Staff will review the feedback provided by the Planning Commission and the public and plan to either return with a second study session, or, a public hearing with draft SB 9 Ordinance update text for Planning Commission review and recommendation to the City Council for adoption. Staff will maintain the City's SB 9 Projects webpage ([menlopark.gov/sb9](http://menlopark.gov/sb9)) to keep the community informed of SB 9 related activities and

information to support two unit housing developments and urban lot splits.

Feedback received regarding the potential effort to modify/remove use permit requirements for substandard lots and interest to develop objective residential design standards will be shared with the City Council for direction. This direction could include prioritization within the Planning Division's overall workplan, scope of the effort, outreach, and budget.

### Conclusion

The study session provides an opportunity for Planning Commissioners and the public to provide preliminary feedback, with comments collected to inform future review and consideration of MPMC amendments. The primary purpose of future Zoning Ordinance (MPMC Title 16) and potential Subdivision Ordinance (MPMC Title 15) amendments is to update the Municipal Code for consistency with state law (SB 9 and SB 450).

The Planning Commission is requested to:

- Review Attachment H and provide feedback for the existing SB 9 development standards and desirable next steps;
  - Are there basic SB 9 standards (Table 1) that should be explored with the intent of being more permissive (less restrictive) than state law?
- Provide feedback regarding interest to modify/remove use permit requirements for 1) substandard lots, and 2) floor area limit (FAL) establishment for lots less than 5,000 square feet in area, through a separate process from the SB 9 Ordinance update; and
- Provide feedback regarding interest to explore development of objective residential design standards through a separate process from the SB 9 Ordinance update.

### **Impact on City Resources**

Updating the MPMC for consistency with SB 9/SB 450 is accommodated within the existing budgets for the Planning Division and City Attorney's Office and is not anticipated to otherwise affect City resources.

Potential modifications to the use permit requirements for single-family zoned properties and development of residential design standards would be a separate process with time, cost, and outreach considerations to be balanced with other planning priorities. Depending on the level of effort, a budget amendment, subject to City Council review and approval, may be required.

### **Environmental Review**

A study session is not a project within the meaning of the California Environmental Quality Act (CEQA). The adoption of a local SB 9 Ordinance and other MPMC amendments for consistency with SB 9/SB 450 is not a project within the meaning of CEQA. Any local, more permissive standards to implement SB 9/SB 450, as well as other MPMC amendments, would be subject to CEQA and staff would evaluate the appropriate level of environmental review.

## Public Notice

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting. Public notification also consisted of publishing a notice in the local newspaper, an article in the City's Weekly Digest, and through the City's social media.

Staff is maintaining the City's SB 9 Projects webpage ([menlopark.gov/sb9](http://menlopark.gov/sb9)) to keep the community informed of SB 9 related activities and information to support two unit housing developments and urban lot splits.

## Attachments

- A. Table – SB 9 and ADU Ordinance comparison
- B. Hyperlink – SB 9 Fact Sheet from HCD: <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/sb-9-fact-sheet.pdf>
- C. Hyperlink – MPMC Chapter 16.77 (Two (2) Unit Housing Developments): <https://ecode360.com/47187883>
- D. Hyperlink – MPMC Chapter 15.31 (Urban Lot Splits): <https://ecode360.com/47075127>
- E. Map – Single-family zoning districts in Menlo Park
- F. Hyperlink – MPMC Section 16.59.010 (Substandard lots): <https://ecode360.com/47187745>
- G. Hyperlink – Sample zoning consistency analysis data table:  
<https://www.menlopark.gov/files/sharedassets/public/v/2/agendas-and-minutes/planning-commission/2026-meetings/agenda/20260309-planning-commission-agenda-packet.pdf#page=89>
- H. Table – Two Unit Housing Developments standards

Report prepared by:

Calvin Chan, Senior Planner

Report reviewed by:

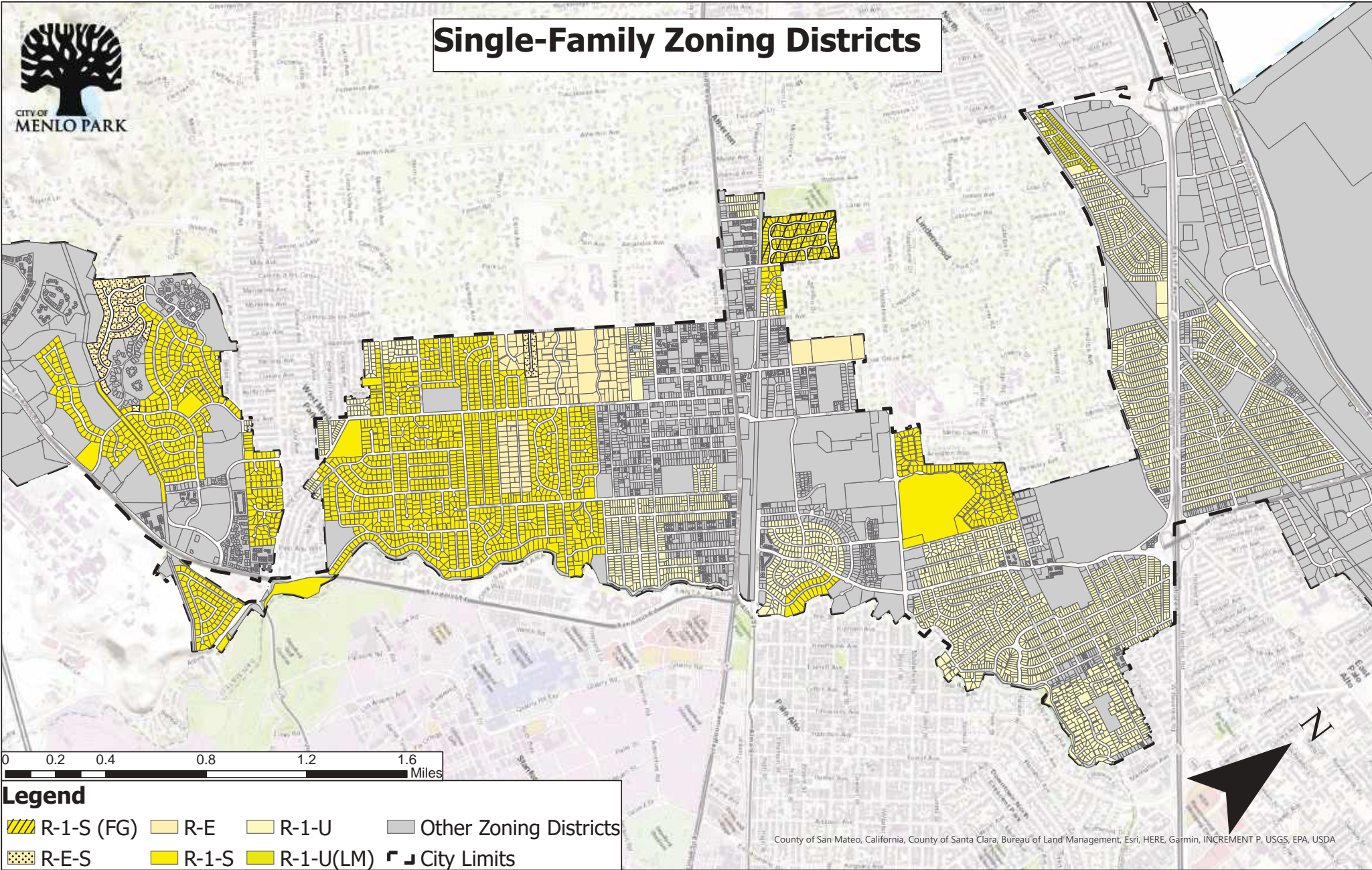
Tom Smith, Principal Planner

Mariam Sleiman, Assistant City Attorney

SB 9 and ADU Comparison		
Requirement/Standard	Accessory Dwelling Units	SB 9 Units
Maximum units per lot	<p><u>State ADUs</u></p> <ul style="list-style-type: none"> <li>1 primary residence + 3 ADUs (<b>4 total units</b>)</li> </ul> <p><u>Local ADUs</u></p> <ul style="list-style-type: none"> <li>1 primary residence + 1 ADU (<b>2 total units</b>)</li> </ul>	<p><u>With Urban Lot Split</u></p> <ul style="list-style-type: none"> <li>Two units on each lot resulting from the lot split (<b>4 total units</b>)</li> </ul> <p><u>Without Urban Lot Split</u></p> <ul style="list-style-type: none"> <li>Up to two primary dwellings + ADUs/JADUs as allowed under State law (<b>4 total units</b>)</li> <li>For parcels created through an urban lot split, consistent with SB 9, a local agency is not required to permit more than two dwelling units of any kind, primary or ADU, per parcel</li> </ul> <p><u>SB 9 Applicability</u></p> <ul style="list-style-type: none"> <li>Only applicable for single-family zoning districts</li> <li>Multifamily zoning districts are not eligible for SB 9 provisions</li> </ul>
Square footage	<p><u>State ADUs</u></p> <ul style="list-style-type: none"> <li>Internal ADU: within the footprint of the main residence</li> <li>JADU: 500 SF</li> <li>Detached ADU: 800 SF, which can exceed the maximum floor area and/or building coverage</li> </ul> <p><u>Local ADUs</u></p> <ul style="list-style-type: none"> <li>One-bedroom ADU: up to 850 SF</li> <li>Two-bedroom ADU up to 1,000 SF</li> <li>ADUs cannot exceed 50% of the primary dwelling</li> <li>800 SF guaranteed allowance not limited to one time but a total overall exceedance that can allow for units (one local ADU per lot) to be changed in size over time provided FAL/FAR + 800 SF is not exceeded</li> </ul>	<ul style="list-style-type: none"> <li>Each primary dwelling guaranteed at least 800 SF</li> <li>Upper limit set by Zoning Ordinance</li> <li>ADU SF allowances apply</li> </ul>
Setbacks	<p><u>State and Local ADUs</u></p> <ul style="list-style-type: none"> <li>Front: Same as zoning district but reduced any amount necessary for 800 SF ADU</li> <li>Side: 4 feet</li> <li>Rear: 4 feet</li> </ul>	<ul style="list-style-type: none"> <li>Front: Same as zoning district (typically 20 feet)</li> <li>Side: 4 feet</li> <li>Rear: 4 feet</li> </ul>
Maximum Height	<p><u>State ADUs</u></p> <ul style="list-style-type: none"> <li>Internal/JADU: same as zoning district</li> <li>Detached ADU: 16 feet; 18 feet within 0.5 miles of a major transit stop, up to 20 feet to align with primary residence roof pitch</li> </ul> <p><u>Local ADUs</u></p> <ul style="list-style-type: none"> <li>Attached ADU: lessor of 25 feet or the zoning district height limit</li> <li>Detached ADU: 16 feet; 18 feet within 0.5 miles of a major transit stop, up to 20 feet to align with primary residence roof pitch</li> </ul>	<ul style="list-style-type: none"> <li>Same as zoning district (typically 28-30 feet)</li> </ul>
Daylight plane	<p><u>State ADUs</u></p> <ul style="list-style-type: none"> <li>None</li> </ul> <p><u>Local ADUs</u></p> <ul style="list-style-type: none"> <li>Attached ADUs: Same as zoning district</li> <li>Other ADUs: None</li> </ul>	<ul style="list-style-type: none"> <li>Same as zoning district</li> </ul>
Parking	<p><u>State ADUs</u></p> <ul style="list-style-type: none"> <li>No parking required</li> </ul> <p><u>Local ADUs</u></p> <ul style="list-style-type: none"> <li>No parking required</li> </ul>	<ul style="list-style-type: none"> <li>One uncovered parking space anywhere on the lot, with exemptions based on certain provisions (such as proximity to public transit)</li> </ul>
Subdivision	<ul style="list-style-type: none"> <li>Local jurisdictions may adopt regulations allowing for mapping of ADUs and primary units on a lot as condos (not part of the scope of the ADU Ordinance update)</li> </ul>	<ul style="list-style-type: none"> <li>A lot split would allow one lot to be divided into two lots and separately sold</li> <li>Condominium subdivisions allow primary dwellings on each lot to be individually owned</li> <li>Subdivisions under SB 9 are ministerial</li> <li>ADUs cannot be sold as condos under SB 9, unless local jurisdictions adopt an ordinance allowing for ADUs to be mapped as condos (not part of the scope of the ADU Ordinance or SB 9 Ordinance updates)</li> </ul>



# Single-Family Zoning Districts



0 0.2 0.4 0.8 1.2 1.6 Miles

**Legend**

R-1-S (FG)	R-E	R-1-U	Other Zoning Districts
R-E-S	R-1-S	R-1-U(LM)	City Limits

County of San Mateo, California, County of Santa Clara, Bureau of Land Management, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

Two Unit Housing Developments Standards

Discussion ID	Topic	Existing City Zoning Standard	SB 9/SB 450 Consistency	Notes
1A	General Standards	Two (2) unit housing developments may either be detached or attached, as long as attached structures meet building code safety standards and are sufficient to allow separate conveyance.	Consistent	Maintain consistency
1B	General Standards	Two (2) unit housing developments shall be permitted in all single-family residential zones including the following single-family districts and any future single-family zoning districts that may be created: R-1-U Single-Family Urban Residential R-1-U (LM) Single-Family Urban Residential (Lorelei Manor) R-1-S Single-Family Suburban Residential R-1-S (FG) Single-Family Suburban Residential (Felton Gables) R-E Residential Estate R-E-S Residential Estate Suburban  The provisions of this chapter shall be applicable to properties with the (X) designation within these zoning districts.	Consistent	Maintain consistency
1C	General Standards	Short-Term Rentals Prohibited. The rental of any two (2) unit housing development shall be for a term of longer than thirty (30) days.	Consistent	Maintain consistency
1D	General Standards	Utility Connections. Each unit in a two (2) unit housing development shall be served by separate water, sewer and electrical utility connections which connect each unit directly to the utility.	Consistent	Maintain consistency
1E	General Standards	Accessory Dwelling Units. As more fully set forth in Section 16.79.140, accessory dwelling units and junior accessory dwelling units shall not be permitted on parcels that utilize the authority of this chapter and Chapter 15.31 (Urban Lot Splits).	Consistent	Clarify text  The stated standard is intended to convey that an urban lot split project cannot be combined with ADU law to result in more than 4 units on a lot area typically used for one single-family home. There is opportunity to clarify the text.
2A	Lot Area	Subject to urban lot split subdivision standards, the minimum lot size shall be no less than forty percent (40%) of the initial lot size and at least one thousand two hundred (1,200) square feet.  In the event of a panhandle subdivision, the panhandle shall count towards the overall lot area.	Consistent	Maintain consistency
2B	Lot Dimensions	For side-by-side urban lot splits, the minimum lot width shall be as follows:  For properties with an existing width of less than sixty-five (65) feet, the subdivided lot width shall be fifty percent (50%) of the original lot width.  For properties with a lot width of sixty-five (65) feet or greater, the subdivided lot width shall be at least forty percent (40%) of the initial lot width.  Subject to urban lot split subdivision standards, the panhandle width shall be a minimum of twenty (20) feet for panhandle lots.	Inconsistent	Remove inconsistency  The stated standard is intended to mitigate very narrow lots, however, this is not a standard uniformly applied to single-family zones.

Two Unit Housing Developments Standards

Discussion ID	Topic	Existing City Zoning Standard	SB 9/SB 450 Consistency	Notes
2C1	Minimum Yards - Ground Floor Yards	<p>Front: The required front yard per the underlying zoning district shall apply, unless the front property line is located at a newly created lot line on a panhandle lot, where the minimum required front yard shall be four (4) feet.</p> <p>Side: Four (4) feet, unless the side property line abuts a newly created panhandle, in which case there is no required side yard.</p> <p>Rear: Four (4) feet.</p> <p>No yards shall be required for an existing structure, or a structure constructed in the same location and to the same dimensions as an existing structure.</p> <p>No yards shall be required for zero (0) lot line developments at newly created interior lot lines.</p>	Consistent	<p>Maintain consistency</p> <p>The stated standard is more permissive than the standard uniformly applied to single-family zones. For example, the minimum rear setback is 20 ft. in R-1-S and R-1-U zones.</p>
2C2	Minimum Yards - Second Floor Yards (Step Back)	All second floor yards shall be equal to the applicable yards of the underlying zoning district, with the exception of required yards for new interior lot lines where the second floor yard shall be a minimum of four (4) feet. No second floor yard shall be required for zero (0) lot line developments at newly created interior lot lines.	Inconsistent	<p>Remove inconsistency</p> <p>Single-family zones (such as R-1-S and R-1-U) do not uniformly have second floor step back standards.</p>
2C3	Minimum Yards - Corner Lots	<p>In the event that a corner lot is subdivided along the street-side property line as defined by Section 16.04.400, creating a new front property line along an existing street side property line, the following setback standards shall apply:</p> <p>Ground floor yards:                      Front: Twelve (12) feet.                      Rear: Four (4) feet.                      Side: Four (4) feet.</p> <p>Second floor yards:                      Front: Twelve (12) feet.                      Rear: Ten (10) feet.                      Side: Side setback applicable to the underlying zoning district.</p> <p>No yards shall be required for zero (0) lot line developments at newly created interior lot lines.</p>	Inconsistent	<p>Remove inconsistency</p> <p>Single-family zones (such as R-1-S and R-1-U) do not uniformly have corner lot second floor setback standards.</p>

**Two Unit Housing Developments Standards**

Discussion ID	Topic	Existing City Zoning Standard	SB 9/SB 450 Consistency	Notes
2D	Floor Area Limit (FAL)	<p>Lots less than five thousand (5,000) square feet with an existing residence: FAL shall be the square footage of the existing residence plus eight hundred (800) square feet.</p> <p>Lots less than five thousand (5,000) square feet with two (2) new residences: FAL shall be one thousand six hundred (1,600) square feet or fifty-six percent (56%) of the lot area, whichever is greater.</p> <p>Lots of five thousand (5,000) square feet or greater: FAL shall be equal to the floor area limit of the underlying zoning district.</p> <p>For purposes of calculating the floor area limit, the area of a panhandle or access easement shall not be included in the lot size.</p> <p>The maximum second floor FAL shall be fifty percent (50%) of the maximum FAL allowed on the property.</p>	Consistent	<p>Maintain consistency</p> <p>Lots less than five thousand (5,000) square feet with an existing residence: Change to guarantee two primary dwellings of no less than 800 square feet each.</p>
2E	Minimum And Maximum Primary Dwelling Unit Floor Area	<p>The minimum size of a primary dwelling unit created pursuant to this chapter shall be eight hundred (800) square feet.</p> <p>Lots with an FAL of less than two thousand (2,000) square feet: The maximum square footage of a primary dwelling unit shall not exceed the maximum FAL minus eight hundred (800) square feet.</p> <p>Lots with an FAL of two thousand (2,000) square feet or greater: The maximum square footage of a primary dwelling unit shall not exceed sixty percent (60%) of the maximum allowable FAL.</p>	Inconsistent	<p>Remove inconsistency</p> <p>Single-family zones do not uniformly have minimum and maximum primary dwelling unit FAL. FAL is typically based on the size of the property overall and includes accessory buildings/structures.</p>
2F	Maximum Building Coverage	<p>One (1) story development: Building coverage shall be the maximum building coverage calculated for the underlying zoning district or floor area limit (FAL) plus two hundred (200) square feet, whichever is greater.</p> <p>Two (2) story development: Building coverage shall be one thousand (1,000) square feet or thirty percent (30%) of the lot area, whichever is greater.</p>	Inconsistent	<p>Remove inconsistency</p> <p>Single-family zones do not uniformly limit building coverage as stated. For example, the maximum building coverage for two-story development is 35% in R-1-S and R-1-U zones.</p>
2G	Maximum Height of Structures	<p>The maximum height of residential structures shall be twenty-eight (28) feet.</p>	Inconsistent	<p>Remove inconsistency</p> <p>Single-family zones do not uniformly limit the height of structures to 28 ft. For example, the maximum height of structures is 30 ft. in R-1-S and R-1-U zones.</p>

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2H	Daylight Plane	<p>A daylight plane shall begin at a horizontal line fourteen (14) feet directly above the grade of each side and rear setback line of each lot and shall slope inwards at a forty-five (45) degree angle, except that no daylight plane shall be required for connected structures at newly created interior lot lines and at a newly created rear property line.</p> <p>As used in this section, "grade of the side setback line" means the average grade of the highest and lowest points of the natural grade of the portion of the lot directly below the side setback line.</p> <p>Gable and Dormer Intrusions. Gables and dormers may intrude into the daylight plane of a lot that is ten thousand (10,000) square feet or less. The permitted intrusion for a four (4) foot required setback shall be ten (10) feet. Gables and dormers may intrude into the daylight plane on one (1) side of a lot only. The gable or dormer must not extend beyond a triangle described as follows:                      (A) The base of the triangle is the line formed by the intersection of the building wall with the daylight plane;                      (B) The aggregate length of the bases of all triangles intruding into a daylight plane shall not exceed thirty (30) feet; and                      (C) The triangle must be entirely within the maximum building height.</p>	Inconsistent	<p>Remove inconsistency</p> <p>Single-family zones do not uniformly have a daylight plane that begins at 14 feet above the side and rear setback lines. For example, the daylight plane for development of two or more stories begins at 19'-6" above the side setback lines in R-1-S and R-1-U zones, referring to Municipal Code Chapter 16.67.</p>
2I	Off-Street Parking	<p>One (1) uncovered parking space shall be required for each unit, except where parking is exempt under the following conditions:</p> <p>(A) The parcel is located within one-half (1/2) mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code.                      (B) There is a car share vehicle located within one (1) block of the parcel.</p> <p>Required parking spaces may be located in the required yards, with a maximum of one (1) parking space located within the required front yard. Required parking spaces may be located in tandem with other required parking spaces. If the required parking space is located in a garage or carport, the area of the covered parking shall count towards the maximum permitted floor area limit, maximum unit size, and maximum building coverage.</p> <p>The minimum width of a driveway serving up to two (2) units shall be ten (10) feet. A driveway serving three (3) or more units shall have a minimum width of sixteen (16) feet.</p>	Consistent	<p>Maintain consistency</p> <p>The stated standard is generally more permissive than the standard uniformly applied to single-family zones. For example, required parking spaces are not allowed to be located in required yards or in tandem for single-family zones. Additionally, per the City's Parking Stalls and Driveway Design Guidelines, multi-family residential developments require 24 ft. min. driveway width and the stated standard allows a lesser 16. ft. min. driveway width for SB 9/SB 450 developments.</p>
2J	Front Yard Paving And Landscaping	<p>Paved area for driveway and uncovered parking shall not exceed forty percent (40%) of front yard setback area. The maximum paved width for driveway and uncovered parking in front yard setback shall not exceed twenty (20) feet regardless of lot frontage width.</p> <p>A minimum of fifty percent (50%) of front yard setback area shall be landscaped. Landscaping may include paved walkways; provided, that a vegetated strip of not less than one (1) foot is provided between a driveway and paved walkway. Paved walkways shall be constructed of decorative pavers or other material different than the driveway material.</p>	Inconsistent	<p>Remove inconsistency</p> <p>Single-family zones (such as R-1-S and R-1-U) do not uniformly have front yard paving and landscaping standards.</p>

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2K	Design And Materials	<p>If stucco is proposed it shall be steel trowel smooth stucco texture or steel trowel smooth Santa Barbara texture (i.e., sand, dash and similar textures would not meet this standard). Stucco may be painted or use integral color.</p> <p>Windows with divisions (i.e., grids) shall be simulated true divided lite or true divided lite with interior and exterior muntins and spacer bars between panes.</p> <p>Second floor window sills facing interior side or rear property lines shall be a minimum of three (3) feet from the interior floor line.</p> <p>Windows at stair landings along interior lot lines shall have obscure glazing below five (5) feet or sills at five (5) feet or greater above the landing. Permanent architectural screens may substitute for obscure glazing.</p> <p>Balconies shall comply with the balcony setbacks outlined in Chapter 16.60.</p>	Inconsistent	<p>Remove inconsistency</p> <p>Single-family zones (such as R-1-S and R-1-U) do not uniformly have design and materials standards regarding stucco, window grids, second floor window sills, and window screening at stair landings.</p>