

ORDINANCE NO. 2026-1581

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY COUNCIL APPROVAL OF SAN MARCOS MUNICIPAL CODE CHAPTER 20.280 (TRANSIT-ORIENTED DEVELOPMENT), AN ORDINANCE IDENTIFYING SITES FOR EXCLUSION FROM SENATE BILL 79, IDENTIFYING SITES FOR PHASED IMPLEMENTATION OF SENATE BILL 79, AMENDING THE ZONING MAP TO REFLECT SB SENATE BILL 79 EXEMPT SITES AND SITES WITH PHASED IMPLEMENTATION, ESTABLISH DEVELOPMENT STANDARDS, AND FINDING THE ORDINANCE EXEMPT FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT

TA26-0001
City of San Marcos

WHEREAS, the legislature of the State of California has, in Article XI, Section 7 of the California Constitution and Government Code, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety and general welfare of its citizens; and

WHEREAS, Senate Bill 79 (SB 79), the Abundant and Affordable Homes Near Transit Act of 2025, codified in Government Code Chapter 4.1.5 (commencing with Government Code Section 65912.155), operative July 1, 2026, establishes statewide minimum residential density and development standards for properties located within one-quarter and one-half mile of qualifying transit-oriented development (TOD) stops; and

WHEREAS, pursuant to Government Code section 65912.160(f), the San Diego Association of Governments (SANDAG), the metropolitan planning organization for the San Diego region published a draft map on June 18, 2026 identifying transit-oriented development stops and zones within the region, which designates the North County Transit District (NCTD) SPRINTER hybrid rail corridor as Tier 2 commuter rail and identifies the following Tier 2 transit-oriented development stops located within, or adjacent to, the City, with one-half-mile and one-quarter-mile radii extending into the City: Palomar College (1142 W. Armorlite Dr., San Marcos, CA 92069), San Marcos Civic Center (40 W. San Marcos Blvd., San Marcos, CA 92069), California State University San Marcos (410 La Moree Rd., San Marcos, CA 92069), and Nordahl Road (2121 Barham Dr., Escondido, CA 92025), as shown in Exhibit A (Transit-Oriented Development Stops and Zones, Exempted Areas, and Excluded Sites); and

WHEREAS, Government Code Section 65912.160(e), authorizes local jurisdictions to exempt certain sites from SB 79 applicability through adoption of a local ordinance, subject to review and approval by the California Department of Housing and Community Development (HCD); and

WHEREAS, Government Code Section 65912.161(b), authorizes local jurisdictions to phase implementation of SB 79 on certain sites through adoption of a local ordinance, subject to review and approval by the California Department of Housing and Community Development (HCD); and

WHEREAS, Government Code Section 65912.160(c)(1), authorizes local jurisdictions to establish objective residential density and development standards for properties located within

one-quarter and one-half mile of qualifying transit-oriented development (TOD) stops certain sites through adoption of a local ordinance, subject to review and approval by the California Department of Housing and Community Development (HCD); and

WHEREAS, the City Council desires to preserve local planning authority and allow sufficient time to evaluate SB 79 and potential local implementation measures in coordination with the Housing Element process, consistent with State law; and

WHEREAS, SB 79 permits exclusion of sites within one-half mile of a qualifying TOD stop where the site lacks a pedestrian walking path of less than one mile to the transit stop, pursuant to Government Code Section 65912.160(e)(1), supported by substantial evidence, as set forth in Exhibit B (Walking Path Methodology Memorandum dated June 12, 2026), attached hereto and incorporated herein; and

WHEREAS, the Development Services Department has analyzed properties within one-half mile of qualifying TOD stops and has identified certain sites that qualify for exclusion under SB 79, as set forth in Exhibit A (Transit-Oriented Development Stops and Zones, Exempted Areas, and Excluded Sites), attached hereto and incorporated herein; and

WHEREAS, pursuant to Government Code Section 65912.161(b)(1)(D), SB 79 allows for phased implementation of SB 79 on sites within a Very High Fire Hazard Severity Zone, as determined by the Department of Forestry and Fire Protection pursuant to Government Code Section 51178 until one year following adoption of the seventh cycle Housing Element; and

WHEREAS, the Development Services Department has analyzed properties within a Very High Fire Hazard Severity Zone and has identified certain sites that qualify for phased implementation of SB 79, as set forth in Exhibit A (Transit-Oriented Development Stops and Zones, Exempted Areas, and Excluded Sites), attached hereto and incorporated herein; and

WHEREAS, the Development Services Department submitted a copy of the Ordinance to the California Department of Housing and Community Development (HCD) on June 30, 2026 (HAU0003561), 14 days prior to the adoption of the Ordinance by the City Council, pursuant to Government Code Section 65912.160(d)(1)(A); and

WHEREAS, according to the California Department of Housing and Community Development, the City's seventh revision of the Housing Element will be due on June 15, 2031; and

WHEREAS, on June 15, 2026, the San Marcos Planning Commission held a duly noticed public hearing and recommended approval of said request and the appropriate environmental document for said request to the City Council, by a 7-0 vote, in favor; and

WHEREAS, on July 14, 2026, the City Council held a duly noticed public hearing in the manner prescribed by law to consider said request; and

WHEREAS, the City Council did review and consider a Categorical Exemption (EX26-041) pursuant to the California Environmental Quality Act (CEQA) and Government Code Section 65912.160(c)(2); and

NOW, THEREFORE, the City Council does hereby order as follows:

- A. The foregoing recitals are true and correct, and are hereby incorporated by reference into this Ordinance.
- B. The adoption of the Zoning Map implementing the exclusions and phased implementation of SB 79, included as Exhibit A, based on the tier 2 TOD stop and zone locations identified by SANDAG, pursuant to Government Code section 65912.160(f).
- C. The adoption of Text Amendment (TA26-0001), adding Chapter 20.280: Transit-Oriented Development to the San Marcos Municipal Code (SMMC), as shown on the attached Exhibit C, incorporated by reference and made a part of this Ordinance as though fully set forth herein.
- D. The adoption of an ordinance to implement the provisions of Senate Bill 79 (Government Code Section 165912.155 et seq.) is not considered a project under the California Environmental Quality Act (Division 13 of Public Resources Code Section 21000 et seq) (CEQA) pursuant to Government Code Section 65912.160(c)(2) and therefore finds this Ordinance exempt from CEQA.
- E. The City Council's decision is based on the following findings and determinations:
 - 1. Adoption of this Ordinance implements California Government Code sections 65912.160(e)(1) and 65912.161(b)(1) related to exemptions and phased implementation of SB 79 and to establish residential density and development standards pursuant to Government Code section 65912.160(c)(1).
 - 2. All requirements of CEQA have been met, in that adoption of an ordinance to implement the provisions of Senate Bill 79 (Government Code Section 165912.155 et seq.) is not considered a project under the California Environmental Quality Act (Division 13 of Public Resources Code Section 21000 et seq) (CEQA) pursuant to Government Code Section 65912.160(c)(2) and therefore finds this Ordinance exempt from CEQA.
- F. This Text Amendment (TA26-0001) is Categorically Exempt (EX26-041) from environmental review pursuant to Government Code Section 65912.160(c)(2).
- G. This Ordinance shall be effective thirty (30) days after its adoption. Within fifteen (15) days after its adoption, the City Clerk shall publish this Ordinance or the title hereof as a summary in a newspaper of general circulation in the City as required by law.

INTRODUCED at a regular meeting of the City Council of the City of San Marcos, California, held on the 14th day of July, 2026.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of San Marcos, California, at a regular meeting thereof, held on this 14th day of July, 2026, by the following roll call vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED:

Rebecca D. Jones, Mayor

ATTEST:

APPROVED AS TO FORM:

Phillip Scollick, City Clerk

Helen Holmes Peak, City Attorney

Exhibit(s):

- A – Transit-Oriented Development Stops and Zones, Exempted Areas, and Excluded Sites
- B – One-Mile Walking Path Methodology Memorandum dated June 12, 2026
- C – San Marcos Municipal Code (SMMC) Chapter 20.280: Transit-Oriented Development