

RESOLUTION PC 26-5216

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN MARCOS RECOMMENDING TO THE CITY COUNCIL APPROVAL OF SAN MARCOS MUNICIPAL CODE CHAPTER 20.800 (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, will prepare and publish a map identifying transit-oriented development stops and zones within the region, which will designate 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 Station, Civic Center Station, California State University San Marcos Station, and Nordahl Road Station, as shown in Exhibit A (Tier 2 Transit-Oriented Development Stops); 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 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; 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 B (Exempt Areas), 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 C (Excluded Sites), attached hereto and incorporated herein; and

WHEREAS, the Development Services Department will submit a copy of the Ordinance to the California Department of Housing and Community Development (HCD) 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, the Development Services Department did study said request, and recommends approval of said Ordinance; and

WHEREAS, on June 15, 2026, the Planning Commission held a duly noticed public hearing in the manner prescribed by law to consider said request; and

WHEREAS, this Ordinance is exempt from review under the California Environmental Quality Act ("CEQA;" California Public Resources Code Section 21000 et seq.) and CEQA regulations (Title 14, California Code of Regulations Section 15000, et seq.) because an ordinance adopted to implement SB 79 is not considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code; and

NOW, THEREFORE, the Planning Commission does hereby resolve as follows:

- A. The foregoing recitals are true and correct, and are hereby incorporated by reference into this Resolution.
- B. The Planning Commission hereby finds that adoption of an ordinance to implement the provisions of Senate Bill 79 (Government Code Section 65912.155 et seq.) (SB 79) 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.
- C. The Planning Commission's decision is based on the following findings and determinations:
  1. The City Council adopts this Ordinance to implement Government Code sections 65912.160(e)(1), 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 65912.155 et seq.) (SB 79) 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.
- D. The Text Amendment adding San Marcos Municipal Code (SMMC) Chapter 20.280, as specified in Exhibit E, is recommended to the City Council for approval.
- E. The Zoning Map implementing the exclusions and phased implementation of SB 79, included as Exhibit D, is recommended to City Council for approval.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of San Marcos, California, at a regular meeting thereof, held on this 15 day of June, 2026, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

APPROVED:

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Lionel Saulsberry, Chairperson

ATTEST:

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Song LeBaron, Senior Management Analyst

**Attachment(s):**

Exhibit A – Tier 2 Transit-Oriented Development Stops

Exhibit B – Exempted Areas

Exhibit C – Excluded Sites

Exhibit D – Exempted Areas and Excluded Sites

Exhibit E – San Marcos Municipal Code Chapter 20.800 Transit-Oriented Development

**EXHIBIT A**

**Tier 2 Transit-Oriented Development Stops**

**EXHIBIT B**

**Exempted Areas**

## **EXHIBIT C**

### **Excluded Sites**

**EXHIBIT D**

**Exempted Areas and Excluded Sites**

**EXHIBIT E**

**San Marcos Municipal Code Chapter 20.800 Transit-Oriented Development**