

ORDINANCE NO. 2024-XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS ASSIGNING A NEW SAN MARCOS MUNICIPAL CODE CHAPTER NUMBER TO THE PREVIOUSLY ADOPTED TRANSPORTATION DEMAND MANAGEMENT PROVISIONS AND FINDING THAT SAID AMENDMENT IS EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

TA 24-0001
City of San Marcos

WHEREAS, the City Council adopted the Transportation Demand Management (“TDM”) Ordinance at its regular meeting held on December 12, 2023 and designated it as “Chapter 20.350” of Title 20 of the Municipal Code; and

WHEREAS, since Chapter Number 20.350 is already in use and is assigned to a different ordinance, staff is requesting that the City Council assign Chapter number 20.360 as the San Marcos Municipal Code reference for the TDM Ordinance for inclusion in Title 20; and

WHEREAS, the Development Services Department reviewed the proposed ordinance and recommends approval of the same; and

WHEREAS, on March 26, 2024, 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 (EX 24-001) pursuant to CEQA Section 15061 (b)(3); Review of Exemptions – Common Sense Rule, in that it can be seen with certainty that there is no possibility for this action to have a significant effect on the environment.

NOW, THEREFORE, the City Council does ordain as follows:

- A. The foregoing recitals are true and correct and are hereby incorporated by reference into this Ordinance.
- B. The San Marcos Municipal Code reference to the TDM Chapter is amended from Chapter 20.350 of Title 20, to Chapter 20.360, as set forth in Exhibit A to this Ordinance.
- C. The City Council’s decision is based on the following findings and determinations:
 1. The proposed numerical change to the Chapter in which the TDM text amendment appears in the San Marcos Municipal Code is consistent with the City’s General Plan, in that assigning a new Chapter number does not conflict with any goal, policy, or objective of the General Plan.

2. The proposed numerical change to the affected Chapter of the San Marcos Municipal Code will not be detrimental to public health, safety, morals and welfare as the sole purpose of the amendment is to assign an unassigned San Marcos Municipal Code Chapter number to the TDM Ordinance.
 3. If any section, sentence, clause or phrase of this Ordinance is determined to be invalid, illegal or unconstitutional by a decision or order of any court or agency of competent jurisdiction, then such decision or order will not affect the validity and enforceability of the remaining portions of this Ordinance. The City Council declares that it would have passed and adopted the Ordinance, and each section, sentence, clause or phrase thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.
- D. The action undertaken by this Ordinance is Categorically Exempt (EX24-001) from environmental review pursuant to CEQA 15061(b)(3), Review for Exemptions, as it can be seen with certainty that there is no possibility for this action to have a significant effect on the environment.
- E. 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 26th day of March 2024.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of San Marcos, California, at a regular meeting thereof, held on this ____ day of _____, 2024, 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

ATTACHMENTS:

Exhibit A - Chapter 20.360-TDM Ordinance