

ORDINANCE 2026-1580

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, ENACTED PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTIONS 36934 AND 36937 ADOPTING 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 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 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 and heard and considered written evidence and oral testimony by all interested parties and the recommendation of the Planning Commission to adopt an SB 79 phased implementation and exemption ordinance; and

WHEREAS, if the proposed ordinance adopting Text Amendment (TA26-0001), adding Chapter 20.280: Transit-Oriented Development to the San Marcos Municipal Code (SMMC) and adopting the Zoning Map implementing the exclusions and phased implementation of SB 79 is not adopted and effective as soon as possible, proposals for development pursuant to SB 79 would be permitted on parcels without a walking path to transit and/or on parcels within the Very High Fire Hazard Zone; and

WHEREAS, if the City Council votes to introduce the SB 79 ordinance on July 14, 2026, and if the City Council votes to adopt the SB 79 ordinance on July 28, 2026, the SB 79 implementation ordinance will become effective 30 days from its adoption date and is subject to HCD review pursuant to Government Code section 65912.160(d); and

WHEREAS, the minimum and maximum capacity that SB 79 mandates on impacted parcels requires the City to account for unit counts, density, and potential population growth that far exceeds the City's long-range planning, severely straining existing public safety resources and infrastructure capacity and creating immediate impacts to public health, safety, and welfare in the exact areas the City Council has already identified and considered for exemption or phased implementation; and

WHEREAS, growth beyond the City's General Plan could induce development that will materially and forever alter the existing community before the City has even had the opportunity to address these planning concerns through holistic review and will impose ultra-high density development on a timeline on properties within Very High Fire Hazard Zones or without infrastructure and services able to meet demand;

WHEREAS, adopting an interim urgency ordinance that directly mirrors the provisions of the proposed SB 79 implementation ordinance avoids immediate health and safety impacts, and safeguards against attempts to circumvent these actions by becoming effective immediately upon adoption;

WHEREAS, pursuant to Government Code sections 36394 and 36397, an urgency ordinance for the immediate preservation of the public peace, health or safety, and containing a

declaration of the facts constituting the urgency, may be passed immediately upon introduction and either at a regular, or special meeting if passed by a four-fifths vote of the City Council; and

WHEREAS, unless this ordinance takes effect immediately as provided herein, there is a high likelihood that the City will receive applications for SB 79 high density developments for properties located in Very High Fire Hazard Severity Zones and properties without safe access to transit before the effective date of SB 79 ordinance introduced on July 14, 2026; and

WHEREAS, the City of San Marcos has drafted this ordinance ("Urgency Ordinance") to resolve the immediate health and safety issues created by the effective date of the adoption of the SMMC Chapter 20.800 after SB 79's effective date of July 1, 2026; and

WHEREAS, this Urgency 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 Government Code Section 65912.160(c)(2); and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN MARCOS DOES ORDAIN AS FOLLOWS:

Section 1. The foregoing recitals are true and correct, and are hereby incorporated by reference into this Ordinance.

Section 2. The City Council hereby finds that all requirements of CEQA have been met, in that adoption of an Urgency 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 Urgency Ordinance exempt from CEQA.

Section 3. The City Council hereby adopts this Urgency Ordinance as an emergency measure pursuant to Government Code Section 36934 and Section 36937 for the immediate preservation of the public peace, health, and safety, and is adopted and justified based on the findings set forth in the Recitals of this Ordinance; which are supported by substantial evidence in the record associated with the City Council's consideration thereof.

Section 4. The City Council adopts this Urgency Ordinance to implement 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) through 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 Urgency Ordinance as though fully set forth herein.

Section 5. The City Council adopts this Urgency Ordinance to adopt 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).

Section 6. This Ordinance is an urgency ordinance for the immediate preservation of the public peace, health, and safety, within the meaning of Government Code Section 36937(b), and, therefore, shall be effective immediately upon its adoption. This Urgency Ordinance shall be effective through the period until Ordinance No. 2026-1581 is adopted and for 30 days after its adoption until Ordinance No. 2026-1581 is effective.

Section 7. This Urgency Ordinance was adopted by the necessary four-fifths vote of the City Council pursuant to California Government Code Section 36937(b).

Section 8. If any section, sentence, clause or phrase of this Urgency 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 Urgency Ordinance. The City Council declares that it would have passed and adopted the urgency 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.

Section 9. Within fifteen (15) days following adoption of this Urgency Ordinance, the City Clerk shall certify to the passage of the Urgency Ordinance and cause the same to be published, or the title thereof as a summary, in accordance with the provisions of State law in a newspaper of general circulation designated for legal notices publication in the City of San Marcos.

PASSED, APPROVED AND ADOPTED by the City Council of the City of San Marcos, State of California, at a regular meeting held on this 14 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

Attachment(s):

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