

1 includes land dedicated for streets or open spaces, projecting additional residential capacity of
2 3,500 housing units in the Oceanside Boulevard corridor alone with maximum densities between
3 29 and 55 units per acre depending on the land use category, with additional density available
4 under density bonus law and other City development incentive programs;

5 WHEREAS, the City adopted the 6th Cycle Housing Element in 2021, and re-adopted in
6 September 13, 2023. RHNA quantifies the projected need for housing within each jurisdiction in
7 the San Diego Region for an 8 year period from June 30, 2020 through April 15, 2029. The
8 housing sites inventory of the updated Housing Element identifies many opportunity sites in the
9 corridors, and more sites have been identified in the course of preparing the SSCSP.

10 WHEREAS, the City appreciates the need for additional density and supports transit-
11 oriented development that is consistent with the City's long-range infrastructure capacity and
12 planning;

13 WHEREAS, Government Code § 65912.160(f) requires metropolitan planning
14 organizations (MPO's) to publish a map depicting the transit-oriented development stops within
15 its region. The San Diego Association of Governments (SANDAG) has not published this map
16 or provided the map to staff as of the drafting of this Ordinance;

17 WHEREAS, the City of Oceanside has prepared its own map in adherence of the
18 provisions within Government Code § 65912.156. City staff anticipate eligible transit-oriented
19 development zones based on the definitions set forth as shown in Exhibit A, preliminarily
20 identifying seven transit-oriented development zones which surround the Sprinter stations from
21 Oceanside Transit Center to Melrose Station, primarily along the Oceanside Boulevard corridor;

22 WHEREAS, the City anticipates that SANDAG will designate all Sprinter stations in the
23 City as Tier-2 for purposes of SB 79 based on the definition of a high frequency commuter rail
24 line, though the City disputes the interpretation that the Sprinter line qualifies as high frequency
25 based on the trip generation rate of trains per Government Code § 65912.156(e), and reserves the
26 right to contest the rebuttable presumption of validity of any such designation per Government
27 Code § 65912.160(f);

28

1 WHEREAS, SB 79 makes multifamily housing an allowable use on sites zoned for
2 residential, commercial, or mixed-use development, subject to limitations on density, floor area
3 ratio, and height;

4 WHEREAS, the provisions of SB 79 establishing state-mandated development standards
5 within ½ mile of qualifying TOD stops will go into effect on July 1, 2026;

6 WHEREAS; Government Code § 65912.161(a) allows local governments to adopt a
7 *transit-oriented development alternative plan* (“alt plan”) which shifts capacity allowed by SB
8 79 subject to certain limitations;

9 WHEREAS, the City is currently pursuing an alt plan that builds on the substantial efforts
10 of the General Plan Update and SSCSP, which harmonizes the requirements of SB 79 with the
11 City’s long range infrastructure and growth management;

12 WHEREAS, in light of the additional time needed to complete an appropriate alt plan, the
13 City intends to adopt an implementing ordinance utilizing the provisions of Government Code §
14 65912.161(b) that allow local governments to exempt sites from the provisions of SB 79 entirely
15 and defer the applicability of SB 79 on others until one year after the seventh revision of the
16 City’s Housing Element is adopted (June 15, 2032);

17 WHEREAS, Government Code § 65912.160(e)(1) allows the designation of areas within
18 one half mile of a transit-oriented development stops as exempt from SB 79 if the City makes
19 findings supported by substantial evidence that there exists no walking path of less than one mile
20 from a site to a transit-oriented development stop;

21 WHEREAS, the City defines “walking path” for this purpose to mean: *a publicly*
22 *accessible, continuous, and unobstructed path of travel with continuous paved or improved*
23 *sidewalk from the closest point of the affected parcel to the pedestrian access point of the transit-*
24 *oriented development stop as depicted on the SANDAG map(s), excepting therefrom any*
25 *intersections required to cross a designated right-of-way;*

26 WHEREAS, the City strives to ensure that all new development would provide reasonably
27 safe and publicly available access to transit options for future inhabitants, visitors, guests, or
28 employees, and therefore chooses to exclude such sites that lack a walking path of less than one
mile from the provisions of SB 79 entirely;

1 WHEREAS, the California Office of Traffic Safety publishes statistics on pedestrian
2 safety, including that in 2018 more than more than 14,000 pedestrians were injured on California
3 roadways, that pedestrian deaths rose 26% percent between 2014 and 2018; and that California's
4 pedestrian fatality rate is almost 25% higher than the national average;

5 WHEREAS, the California Office of Traffic Safety advises pedestrians to avoid
6 dangerous behaviors, including advising pedestrians to always walk on the sidewalk (no
7 jaywalking) and to cross streets at marked crosswalks/intersections;

8 WHEREAS, the City of Oceanside is actively working to increase pedestrian safety and
9 walkability as part of its ongoing long-range planning and capital improvements but at this time
10 many areas of the City do not have contiguous, connected, or comprehensive sidewalk networks;

11 WHEREAS, sites that would seek to create increased density based on purported walkable
12 access to transit, but without an accessible, continuous, and unobstructed path of travel, impose
13 an unreasonable risk or burden to those individuals who would be forced to use unpaved and
14 undesignated access points, to walk in streets, or encourage unsafe mid-block crossing in order
15 to access the designated transit stop and thus do not have reasonable safe publicly available
16 walking path as defined for purposes of this ordinance;

17 WHEREAS, sites that purport to create increased density based on purported walkable
18 access to transit, but without an accessible, continuous, and unobstructed path of travel, impose
19 an even greater risk or burden unreasonable to persons with disabilities that may impact mobility
20 who use mobility assistance devices and thus do not have a reasonably safe publicly available
21 walking path as defined for purposes of this ordinance;

22 WHEREAS, the allowing SB 79 development in areas beyond a one-mile walking
23 distance could further result in operational inefficiencies in planning for and servicing new
24 growth in the City, which is an additional reason why exempting these areas is necessary;

25 WHEREAS, the City has mapped the sites within one half mile of a transit-oriented
26 development stop that do not have a walking path of less than one mile, as shown in Exhibit B,
27 as required by Government Code § 65912.161(b)(2);

28 WHEREAS, Government Code § 65912.157(h)(1) provides that a housing development
utilizing SB 79 shall not be located on sites which contain more than two units where the

1 development would require the demolition of housing that is subject to any form of rent or price
2 control that has been occupied by tenants within the past seven years;

3 WHEREAS, the City has mapped sites meeting such criteria, including all mobile home
4 parks subject to rent ceiling adjustments under Chapter 16B of the Oceanside City Code, sites
5 that have current affordable housing deed restrictions, and sites subject to the rental price
6 restrictions of Tenant Protection Act of 2019, specifically Civil Code § 1947.12, as depicted in
7 Exhibit C;

8 WHEREAS, Government Code § 65912.161(b)(1)(A) allows local governments to defer
9 implementation of SB 79 on sites which permit density and residential floor area ratio at no less
10 than 50 percent of the standards of SB 79 until one year following the adoption of the seventh
11 revision of the Housing Element;

12 WHEREAS, the City has mapped sites meeting the above criteria as depicted in Exhibit
13 D;

14 WHEREAS, Government Code § 65912.161(b)(1)(B)(ii) allows local governments to
15 defer implementation of SB 79 on sites within TOD zones which are primarily comprised of a
16 low-resource area which include sites with densities that cumulatively allow at least 40 percent
17 of the aggregate density of SB 79 until one year following the adoption of the seventh revision
18 of the Housing Element

19 WHEREAS, the City has mapped sites meeting the above criteria as depicted in Exhibit
20 E;

21 WHEREAS, Government Code § 65912.161(b)(1)(F) allows local governments to defer
22 implementation of SB 79 on sites which have a historic resource designated on a local register to
23 one year following the adoption of the seventh revision of the Housing Element.

24 WHEREAS, the City has mapped such sites, as depicted in Exhibit F;

25 WHEREAS, pursuant to Government Code § 65912.161(b)(1)(D), (E), deferment of SB
26 79 is also allowed on sites located within a Very High Fire Hazard Severity Zone (VHFHSZ) as
27 well as sites vulnerable to one-foot of sea level rise. As of April 2026, no such sites have been
28 identified within one-half mile from an eligible transit-oriented development stop. Should
updated Fire Hazard Severity maps or sea level rise maps become available, and would include

1 sites within the boundaries of SB 79, such areas are to be included in the sites deferred from SB
2 79 until one year following the adoption of the seventh revision of the Housing Element and will
3 be identified as such on the City's public zoning map per Section 65912.161(b)(2);

4 WHEREAS; pursuant to Government Code § 65912.161(b)(1)(B)(i) and
5 65912.161(b)(1)(B)(iii), deferment of SB 79 is also allowed on:

6 (i) A site in a transit-oriented development zone in which at least 33 percent of sites in the
7 relevant transit-oriented development zone have permitted density and residential floor
8 area ratio no less than 50 percent of the standards specified under subdivision (a) of
9 Section 65912.157 and which includes sites with densities that cumulatively allow for at
10 least 75 percent of the aggregate density for the transit-oriented development zone
11 specified under subdivision (a) of Section 65912.157.

12 (iii) A site in an area designated as low resource on the most recently adopted version of
13 the opportunity area maps published by the California Tax Credit Allocation Committee
14 and the department, and within a jurisdiction that cumulatively allows for at least 50
15 percent of the total capacity for units and floor area as specified under Section 65912.157
16 across all transit-oriented development zones.

17 WHEREAS, as of April 2026, no such sites have been identified within one-half mile
18 from an eligible transit-oriented development stop. Should updated maps become available
19 demonstrating that one or more of the above thresholds is satisfied, such areas are to be included
20 in the sites deferred from SB 79 until one year following the adoption of the seventh revision of
21 the Housing Element and will be identified as such on the City's public zoning map per Section
22 65912.161(b)(2);

23 WHEREAS, the Planning Commission, after giving the required notice, did on the 18th
24 day of May 2026, conduct a duly advertised public hearing as prescribed by law where the
25 Commission received a presentation from staff and heard public testimony on the matter, and
26 voted unaniomously (7-0) to recommend the City Council adopt the proposed Ordinance;

27 WHEREAS, the City Council, on the 3rd day of June 2026, held a duly noticed public
28 hearing and heard and considered written evidence and oral testimony by all interested parties
and the recommendation of the Planning Commission on this Ordinance;

1 WHEREAS, pursuant to the provisions of the California Environmental Quality Act
2 (hereinafter "CEQA") (California Public Resources Code Sections 21000 et seq.) and State
3 CEQA guidelines (Sections 15000 et seq.), including Guideline 15378(b)(5) which clarifies that
4 organizational or administrative activities are not considered projects, the City has further
5 determined that this Ordinance is exempt pursuant to Section 15061(b)(3) of Title 14 the
6 California Code of Regulations;

7 NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF OCEANSIDE DOES
8 ORDAIN AS FOLLOWS:

9 SECTION 1: The City Council finds that all the facts, findings, and conclusions set forth
10 above in this Ordinance are true and correct.

11 SECTION 2: This Ordinance shall not be codified

12 SECTION 3. The City Council hereby exempts all sites from the provisions of SB 79,
13 pursuant to the authority granted by Government Code Section 65912.160(e)(1) which:

14 Have a walking path of more than one mile to a transit-oriented development stop, as
15 shown in Exhibit B;

16 SECTION 4. The City Council hereby delays implementation of SB 79 until prior to one
17 year after the adoption of the seventh revision of the City's Housing Element of the General Plan,
18 pursuant to the authority granted by Government Code Section 65912.161(b)(1), on all sites
19 which:

20 1) Permit density and residential floor area ratio at no less than 50 percent of the standards
21 specified under subdivision (a) of Government Code Section 65912.157, as shown in Exhibit D;

22 2) Are located in a TOD zone which is predominantly comprised of low-resource areas
23 and permits a cumulative housing capacity of greater than 40 percent of the standards of
24 Government Code Section 65912.157, as shown in Exhibit E

25 3) Contain a historic resource designated as of January 1, 2025 on a local register, as
26 shown in Exhibit F;

27 4) Satisfy the aggregate or cumulative density provisions of Government Code §
28 65912.161(b)(1)(B);

1 5) Sites within a very high fire hazard severity zone, as determined by the Department of
2 Forestry and Fire Protection pursuant to Section 51178, or within the state responsibility area, as
3 defined in Section 4102 of the Public Resources Code; and

4 6) Sites that are vulnerable to one foot of sea level rise, as determined by the National
5 Oceanic and Atmospheric Administration, the Ocean Protection Council, the United States
6 Geological Survey, the University of California, or a local government's coastal hazards
7 vulnerability assessment.

8 SECTION 5. The City of Oceanside Development Services Department shall identify on
9 its public zoning maps all sites that are exempt or deferred from the implementation of SB 79
10 pursuant to this Ordinance.

11 SECTION 6. The City Clerk of the City of Oceanside is hereby directed to publish this
12 Ordinance, or the title hereof as a summary, pursuant to state statute, once within fifteen (15)
13 days after its passage in a newspaper of general circulation published in the City of Oceanside.

14 SECTION 7. If any section, sentence, clause or phrase of this Ordinance is for any reason
15 held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such
16 decision shall not affect the validity of the remaining portions of this Ordinance. The City
17 Council hereby declares that it would have passed this Ordinance and adopted this Ordinance
18 and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more
19 sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

20 SECTION 7. This Ordinance shall be effective 30 days after adoption.

21 INTRODUCED at a regular meeting of the City Council of the City of Oceanside, California,
22 held on the ___ day of _____ 2026, and, thereafter,

23 PASSED AND ADOPTED at a regular meeting of the City Council of the City of Oceanside,
24 California, held on the _____ day of _____ 2026 by the following vote:

25 AYES:

26 NAYS:

27 ABSENT:

27 ABSTAIN:

28 ATTEST:

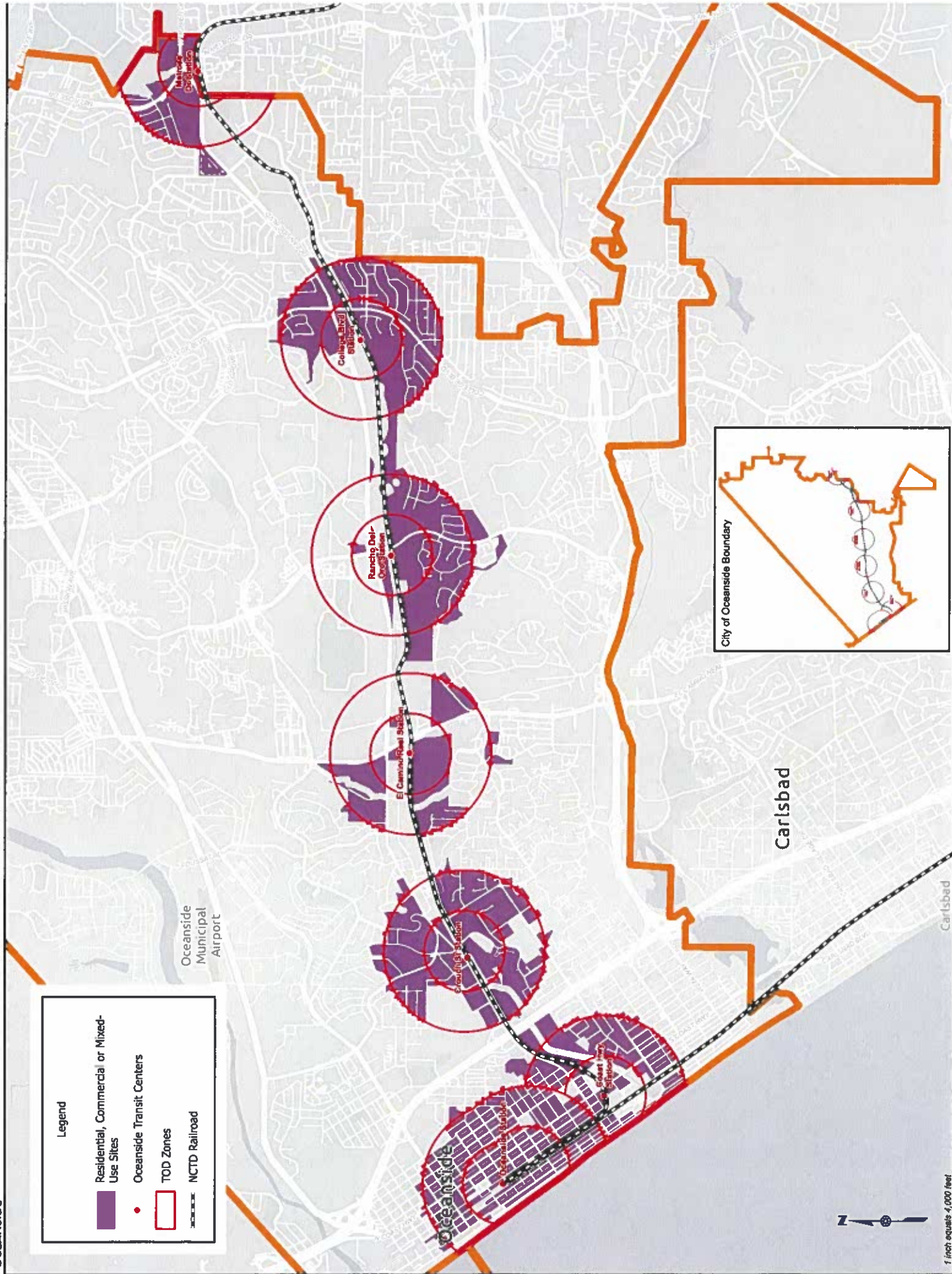
MAYOR OF THE CITY OF OCEANSIDE

APPROVED AS TO FORM:

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CITY CLERK


CITY ATTORNEY



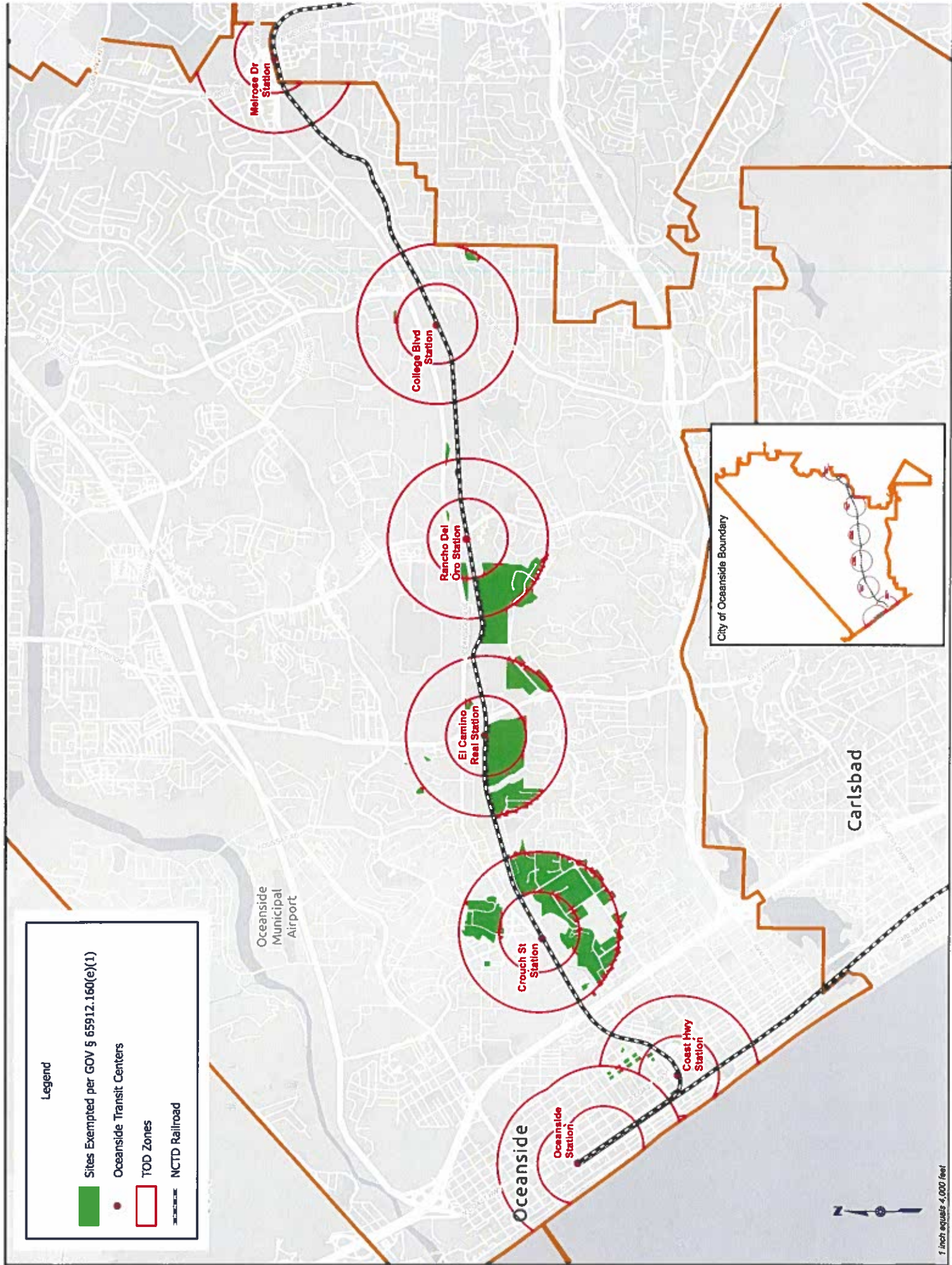
Legend

- Residential, Commercial or Mixed-Use Sites
- Oceanside Transit Centers
- TOD Zones
- NCTD Railroad

City of Oceanside Boundary



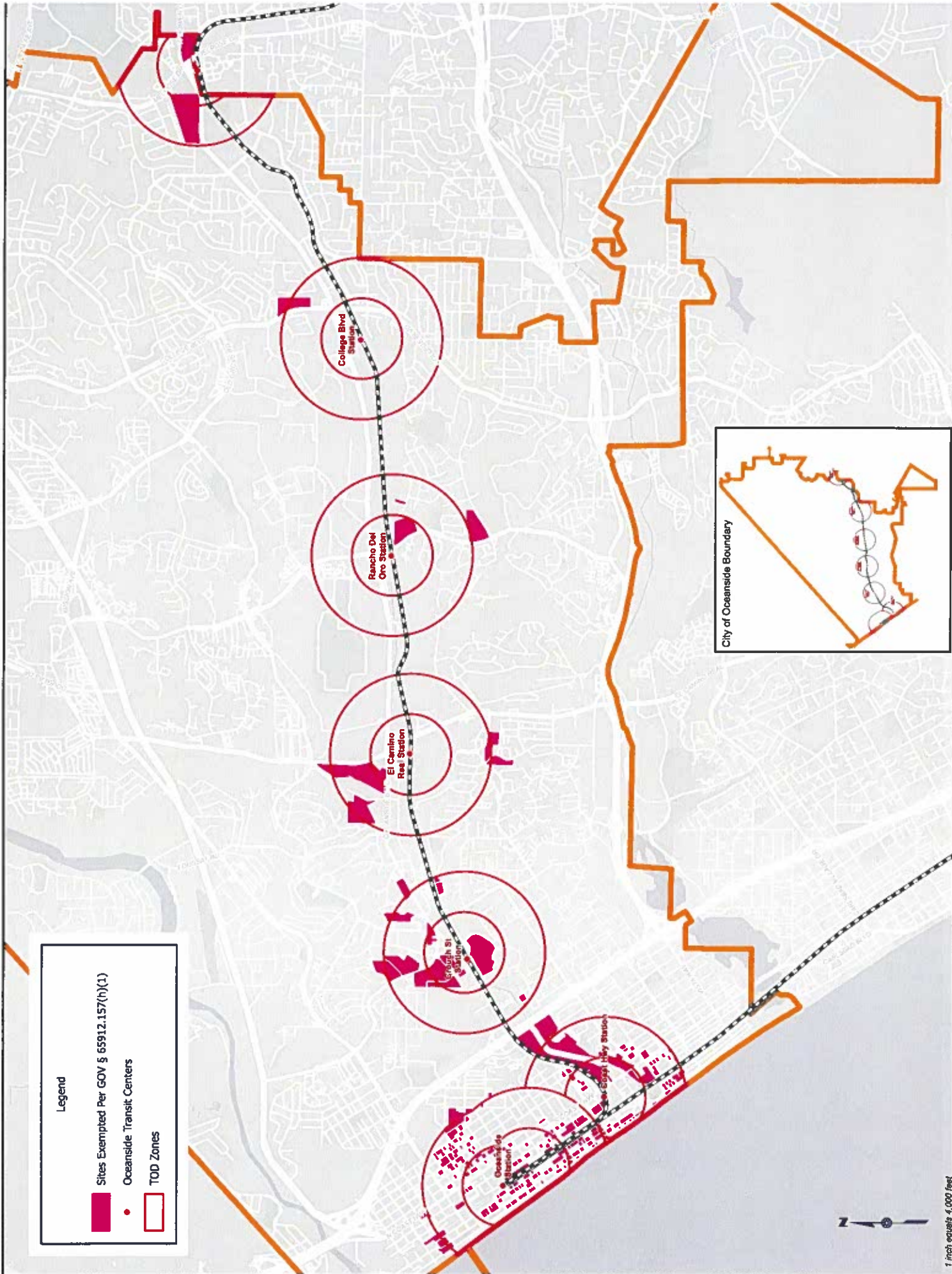
1 inch equals 4,000 feet



Legend

- Sites Exempted per GOV § 65912.160(e)(1)
- Oceanside Transit Centers
- TOD Zones
- NCTD Railroad

As of 11/20/2014. All other information is for informational purposes only. Legend: 1 inch equals 4,000 feet.



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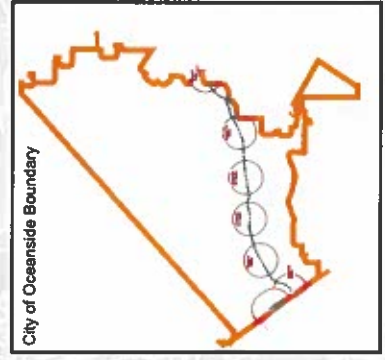
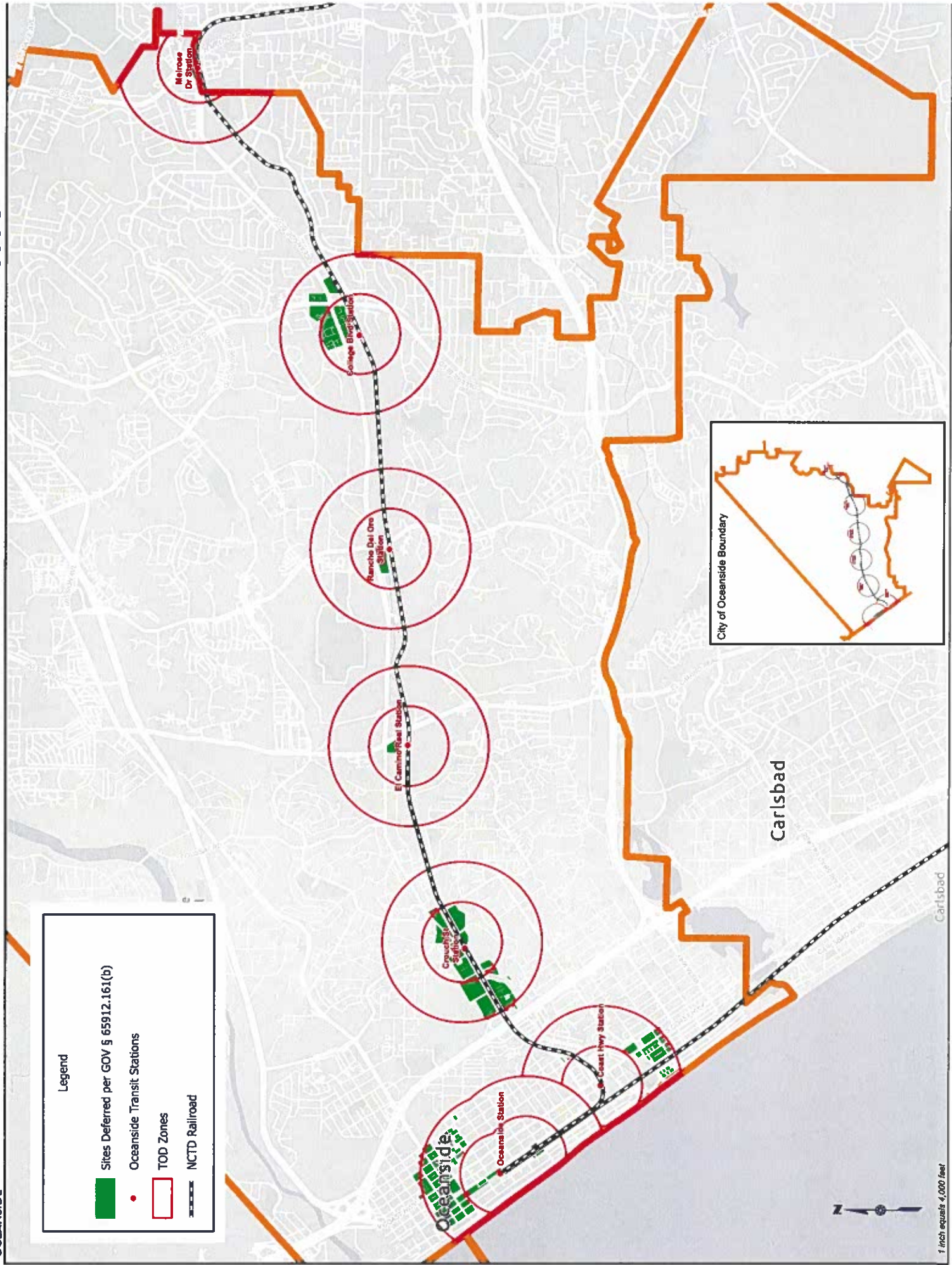


SB 79 DEFERRED SITES - SUFFICIENT LOCAL CAPACITY

Exhibit D

Legend

- Sites Deferred per GOV § 65912.161(b)
- Oceanside Transit Stations
- TOD Zones
- NCTD Railroad



1 inch equals 4,000 feet

Map prepared by City of Oceanside Planning Department, 1/15/11

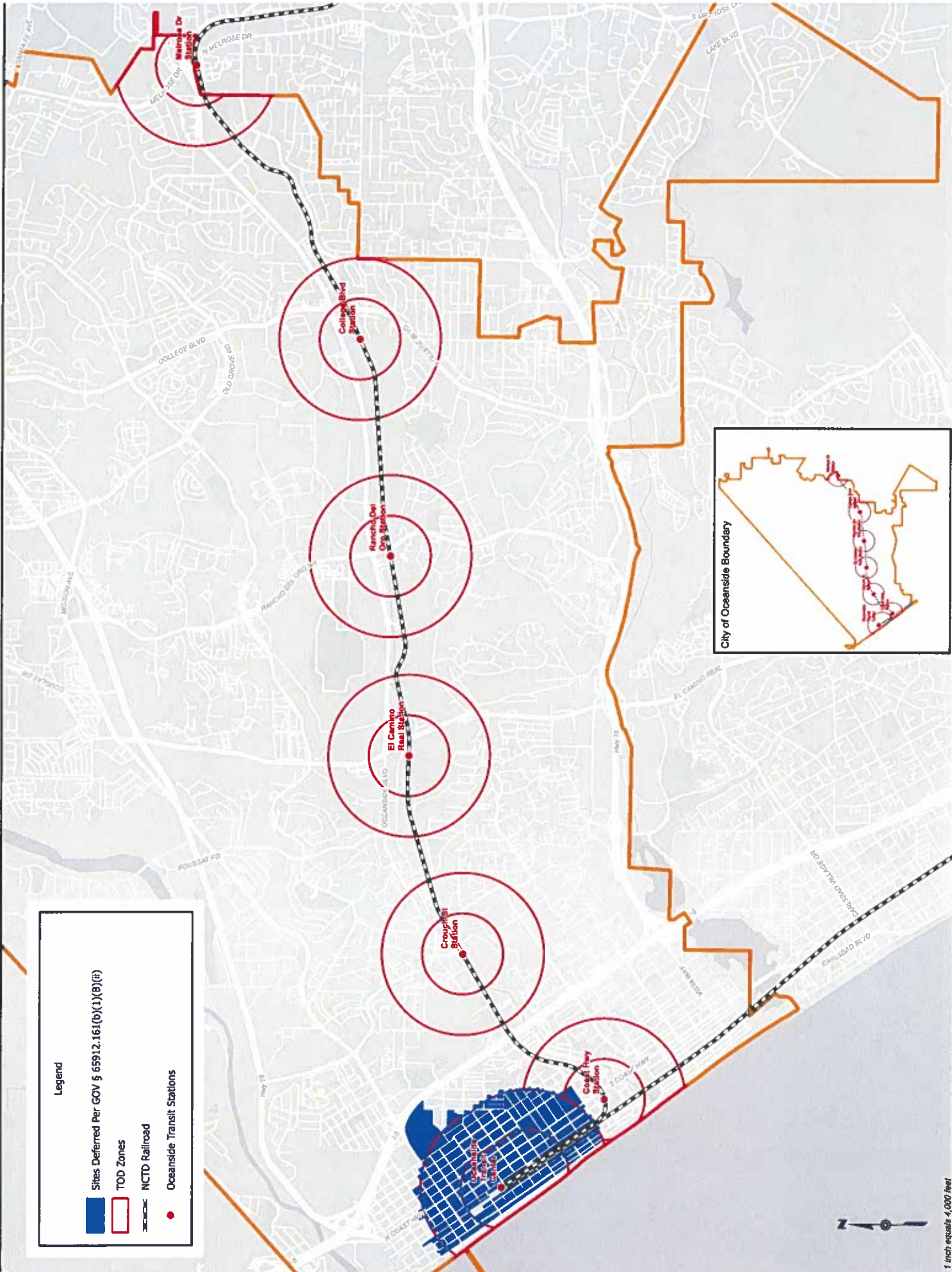


SB 79 DEFERRED SITES - LOW-RESOURCE AREAS

Exhibit E

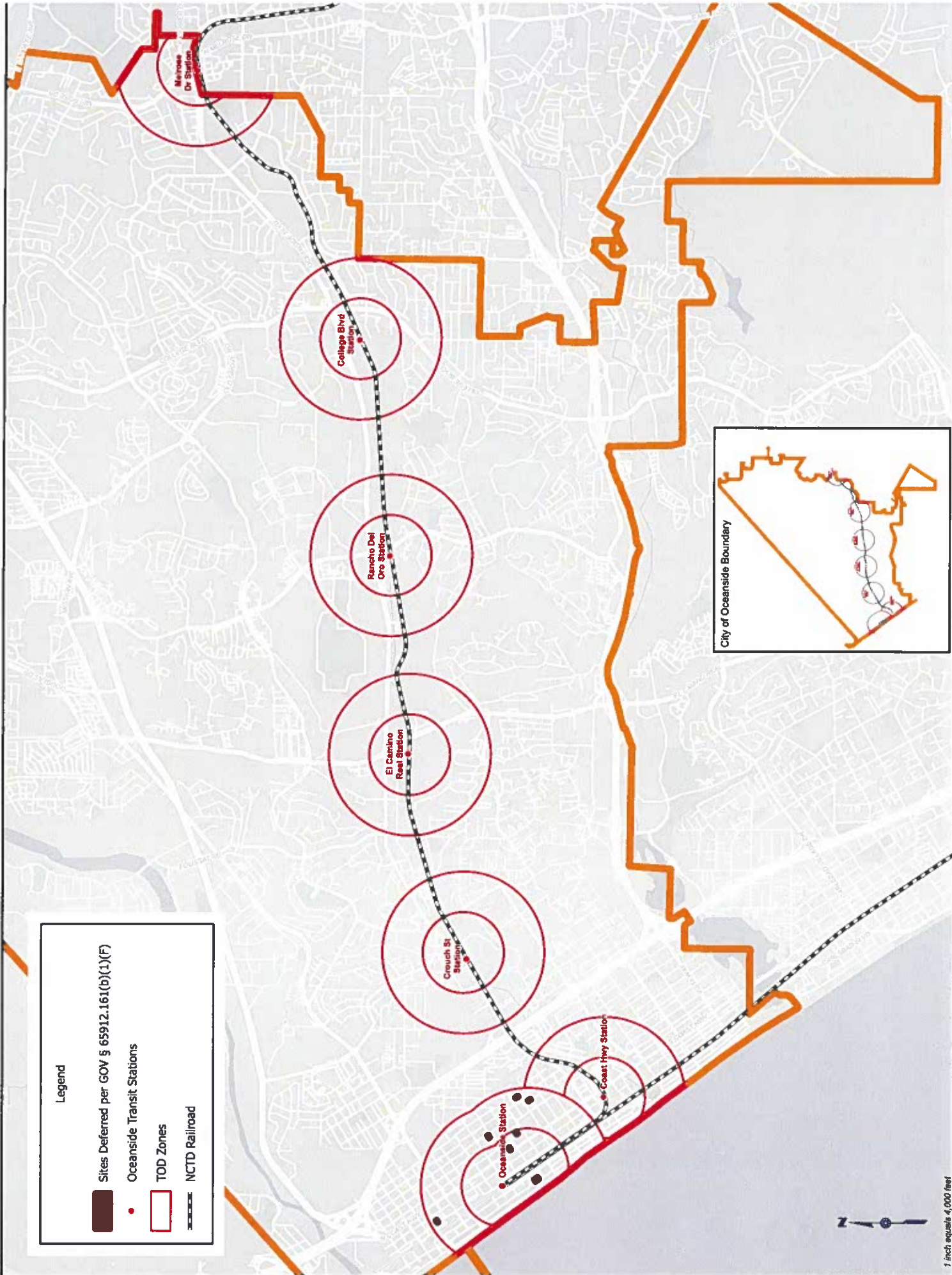
Legend

- Sites Deferred Per GOV § 65912.161(b)(1)(B)(ii)
- TOD Zones
- NICTD Railroad
- Oceanside Transit Stations



1 inch equals 4,000 feet

Map by City of Oceanside Planning Department, 2015. All rights reserved. No part of this publication may be reproduced without the prior written permission of the City of Oceanside.



Legend

- Sites Deferred per GOV § 65912.161(b)(1)(F)
- Oceanside Transit Stations
- TOD Zones
- NCTD Railroad

