

ORDINANCE NO.**AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF OCEANSIDE, CALIFORNIA DEFERRING
IMPLEMENTATION AND EXEMPTING CERTAIN SITES FROM
THE ABUNDANT AND AFFORDABLE HOMES NEAR TRANSIT
ACT (SB 79)**

WHEREAS, the Abundant and Affordable Homes Near Transit Act (“SB 79”) (Gov. Code §§ 65912.155 *et seq.*) was signed into law by the governor on October 10, 2025 with the intent of allowing transit-oriented development (TOD) in proximity to designated major transit stops;

WHEREAS, the operative provisions of SB 79 that supersede local development standards are set to become effective on July 1, 2026;

WHEREAS, the City Council, on the 3rd day of June 2026, 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 on an SB 79 phased implementation and deferral ordinance, and voted unanimously (5-0) to introduce the ordinance;

WHEREAS, the City Council, on the 17th day of June 2026 voted (5-0) to adopt the SB 79 implementation ordinance, the recitals, findings, and contents of which are incorporated by reference as if fully set forth herein;

WHEREAS, the adopted SB 79 implementation ordinance will become effective 30 days from its adoption (July 17, 2026) and is subject to HCD review pursuant to Government Code section 65912.160(d);

WHEREAS, SANDAG published draft SB 79 implementation maps on June 18, 2026, confirming that each station serving the North County Transit District (NCTD) Sprinter would be designated a Tier 2 Transit Oriented Development Stop for purposes of SB 79 implementation;

WHEREAS, on June 24, 2026, the City Council held a duly noticed public hearing to consider adoption of the General Plan Update and Smart and Sustainable Corridors Specific Plan that would implement significant transit oriented development provisions in many of the same areas impacted by SB 79;

WHEREAS, throughout the multi-year General Plan Update and Smart and Sustainable Corridors Specific Plan planning process, extensive analysis was undertaken to ensure that the

1 growth anticipated under these plans was precisely balanced with the City's ability to provide
2 adequate public services and infrastructure needed to support the plans' assumed buildout;

3 WHEREAS, the recent publication of the SANDAG SB 79 implementation maps, the
4 City's General Plan Update, and the City's adopted SB 79 deferral ordinance (pending HCD
5 review), creates potential uncertainty regarding the applicable standards that could create an
6 influx of development applications without adequately accounting for growth management
7 within these TOD areas beyond what is planned under the General Plan Update and Smart and
8 Sustainable Corridors Specific Plan;

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

15 WHEREAS, the City has received a highly publicized inquiry from a potential developer
16 proposing to site a 3-story, 24-unit apartment complex with zero on-site parking on an existing
17 single-family parcel in the middle of a single-family neighborhood and staff anticipates similar
18 developer interest on similarly sited properties;

19 WHEREAS, existing infrastructure (e.g., water service, roadway and sewer capacity,
20 public safety response) could quickly become overwhelmed if this development trend continues,
21 creating significant health and safety impacts, particularly in existing single-family
22 neighborhoods that simply were not designed or planned to accommodate such exponential
23 growth;

24 WHEREAS, growth beyond the General Plan and SSCSP could induce development that
25 will materially and forever alter the existing community before the City has even had the
26 opportunity to address these planning concerns through holistic review and will impose ultra-
27 high density development on a timeline where existing infrastructure and services are unable to
28 meet demand;

1 WHEREAS, absent urgent action, potential impacts to public health, safety, and general
2 welfare include delayed public safety response times across the City, insufficient potable water
3 supply and sewer infrastructure, insufficient gas and electric infrastructure, insufficient solid
4 waste services, overburdened traffic networks and decreased traffic safety, increased air
5 pollution, displacement, and rapid destruction of neighborhood character;

6 WHEREAS, the adoption of an interim urgency ordinance would not result in a
7 moratorium of residential development; projects would still be allowed if consistent with local
8 codes, regulations, and policies or on non-deferred or non-exempt sites under SB 79;

9 WHEREAS, adopting an interim urgency ordinance that directly mirrors the provisions
10 of the previously-adopted implementation ordinance avoids immediate health and safety impacts,
11 creates certainty for and harmonizes the City Council’s prior action, and safeguards against
12 attempts to circumvent these actions by becoming effective immediately upon adoption;

13 WHEREAS, pursuant to Oceanside City Code section 2.1.49(f), Government Code
14 sections 36394, 36397 and 65858 an urgency ordinance for the immediate preservation of the
15 public peace, health or safety, and containing a declaration of the facts constituting the urgency,
16 may be passed immediately upon introduction and either at a regular or special meeting if passed
17 by a four-fifths vote of the City Council, and may prohibit any uses that may be in conflict with
18 a contemplated general plan, specific plan, or zoning proposal that the legislative body, planning
19 commission or the planning department is considering without the formal requirements for
20 adopting a zoning ordinance;

21 WHEREAS, the City of Oceanside has drafted an ordinance (“Interim Urgency
22 Ordinance”) to resolve the immediate health and safety issues created from the misalignment in
23 effective dates stated above;

24 WHEREAS, the Interim Urgency Ordinance would not impose a moratorium on
25 multifamily residential development along the lines of Government Code § 65858(c), only
26 delaying and exempting certain sites from using the increased development potential of SB 79;

27 WHEREAS, the City Council, on the 24th day of June 2026, held a duly noticed public
28 meeting on this Intermin Urgency 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 Interim Urgency Ordinance are true and correct.

11 SECTION 2: This Interim Urgency Ordinance shall not be codified.

12 SECTION 3. The City Council hereby exempts all sites from the provisions of SB 79, for
13 the duration of this Interim Urgency Ordinance, including any extension or successor ordinance,
14 pursuant to the authority granted by Government Code Section 65912.160(e)(1) which:

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

17 SECTION 4. The City Council hereby delays implementation of SB 79 for the duration
18 of this Interim Urgency Ordinance, pursuant to the authority granted by Government Code
19 Section 65912.161(b)(1), on all sites 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; and

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

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

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

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

12 SECTION 8. This Interim Urgency Ordinance shall be effective immediately upon
13 publication and shall be of no further force and effect 45 days from its date of adoption, unless
14 extended pursuant to Government Code § 65858.

15 INTRODUCED, PASSED AND ADOPTED at a special meeting of the City Council of the City
16 of Oceanside, California, held on the _____ day of _____ 2026 by the following vote:

17 AYES:
18 NAYS:
19 ABSENT:
20 ABSTAIN:

21 ATTEST:

22
23
24 _____
CITY CLERK

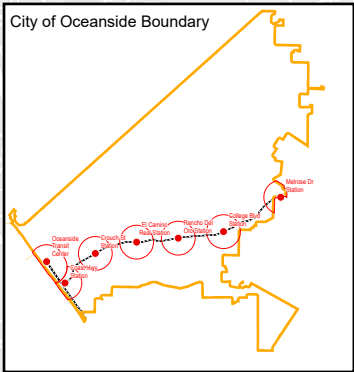
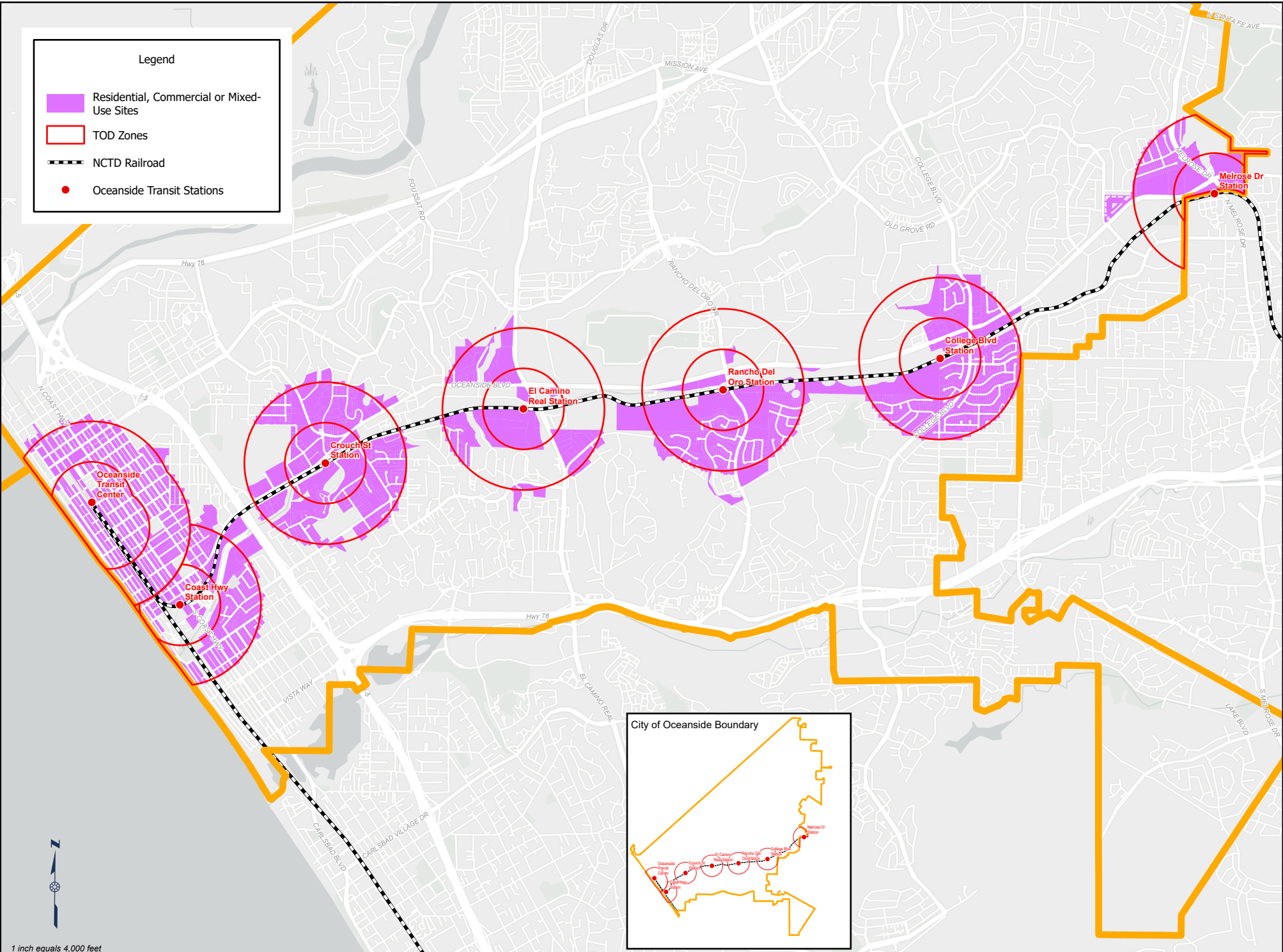
MAYOR OF THE CITY OF OCEANSIDE

APPROVED AS TO FORM:

25
26
27
28 _____
CITY ATTORNEY

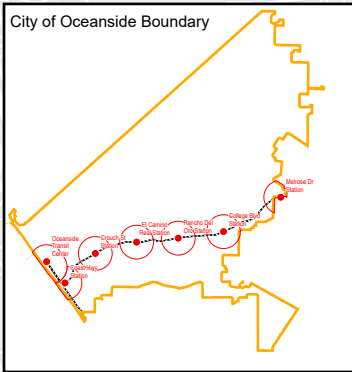
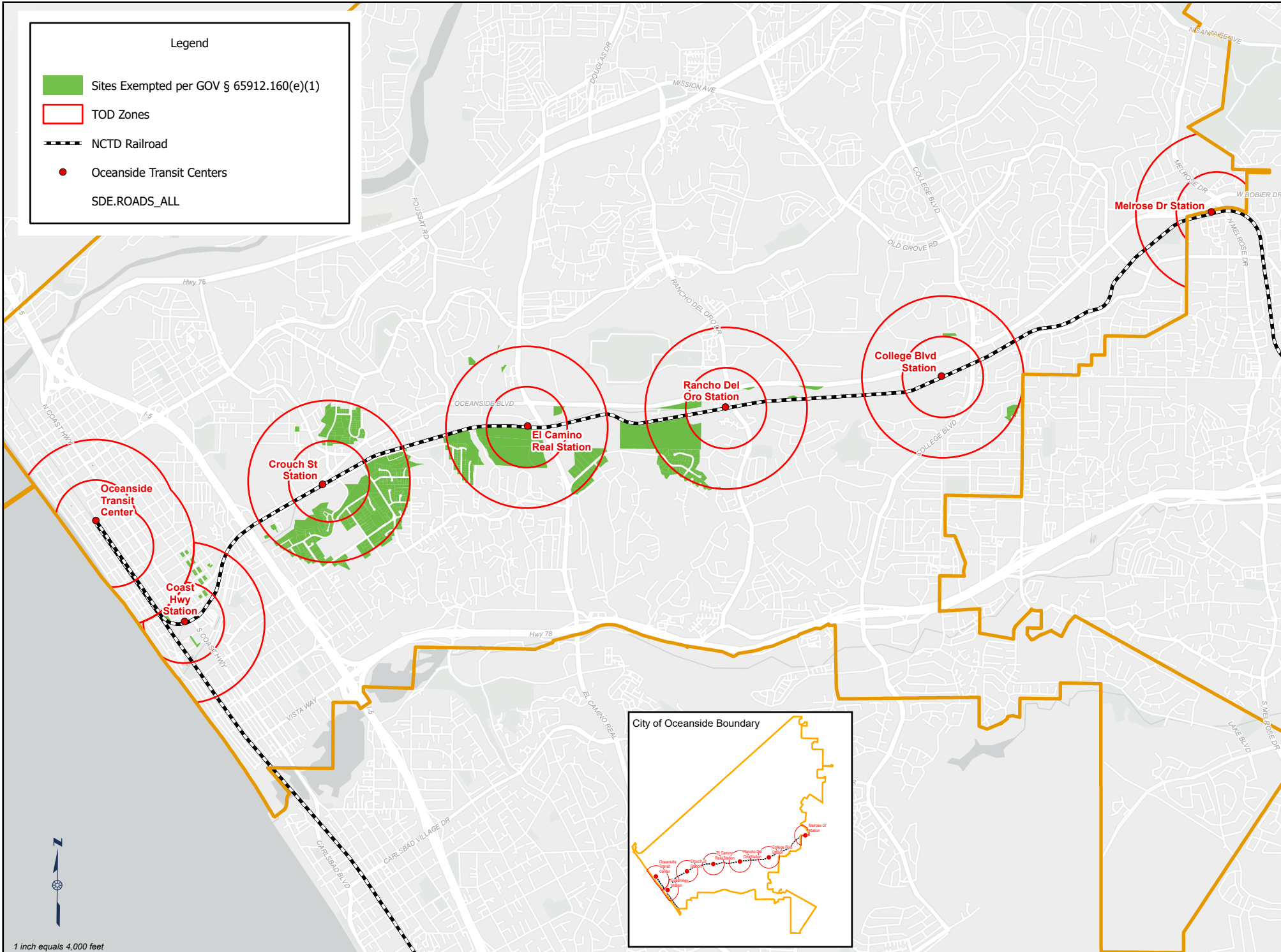
Legend

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



Legend

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

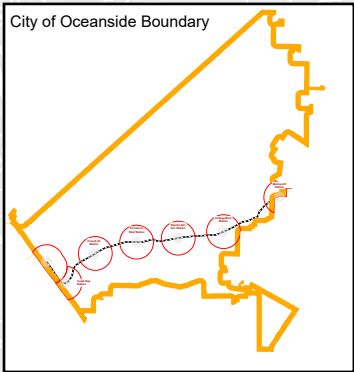
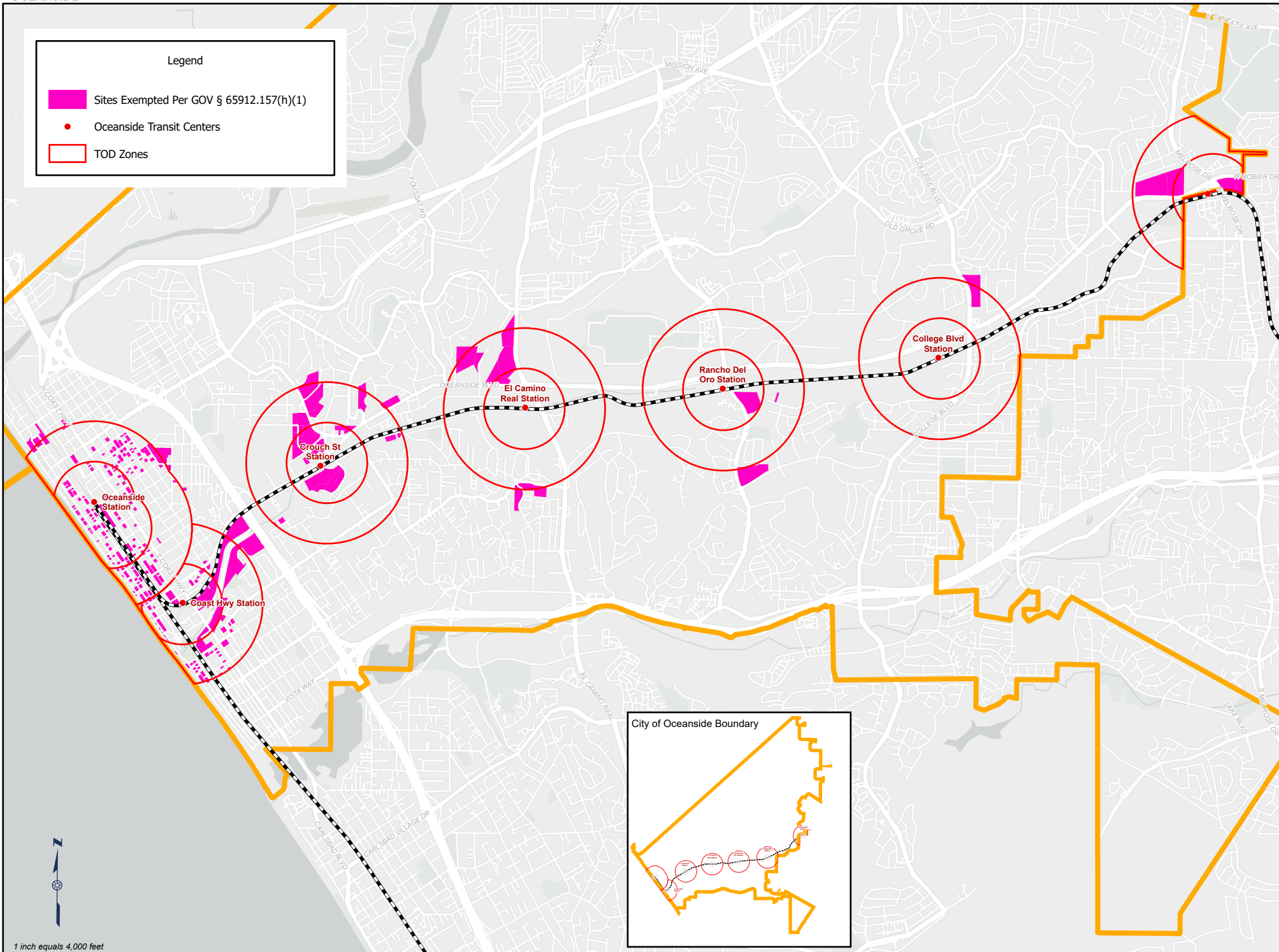


1 inch equals 4,000 feet

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Legend

- Sites Exempted Per GOV § 65912.157(h)(1)
- Oceanside Transit Centers
- TOD Zones







1 inch equals 4,000 feet

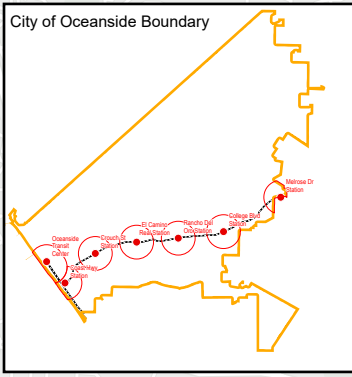
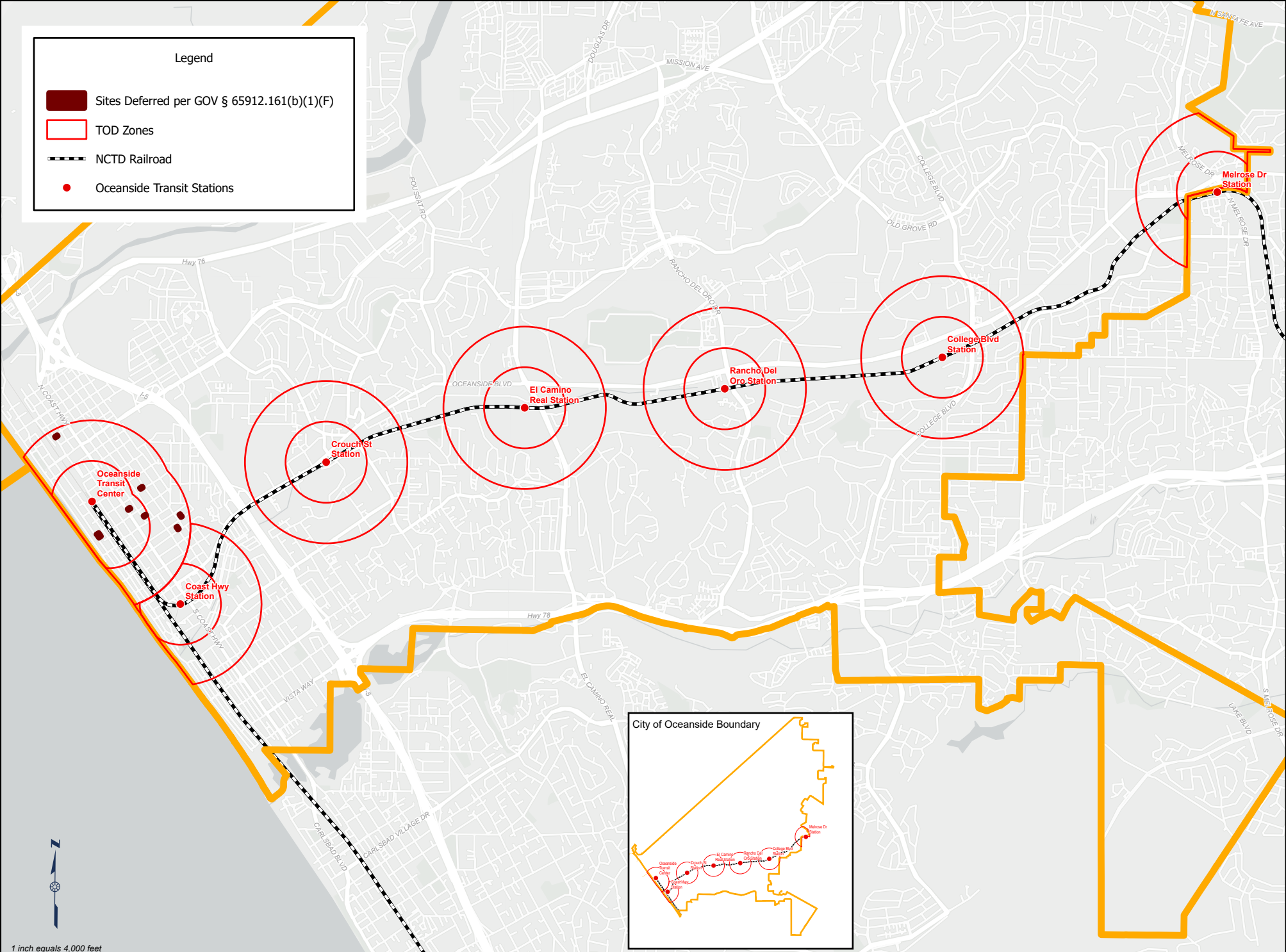
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SB 79 DEFERRED SITES - LOCAL HISTORICAL RESOURCES EXHIBIT F

Legend

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



1 inch equals 4,000 feet

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