

ORDINANCE NO.

AN 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 City of Oceanside (City) is subject to the provisions of SB 79 as it contains *transit-oriented development stops* and is located within an *urban transit county* as defined by Government Code § 65912.156;

WHEREAS, before the adoption of SB 79, the City was actively engaged in proactive development of new housing and is on track to exceed its Regional Housing Needs Assessment (RHNA) goals in most areas;

WHEREAS, the City has been engaged in a multi-year community planning effort to update its General Plan to account for smart and sustainable growth that is anticipated to be adopted on or before the July 1, 2026 effective date of SB 79’s implementation provisions;

WHEREAS, concurrent with the General Plan update, the City has been developing a Smart and Sustainable Corridors Specific Plan (SSCSP) that plans for and focuses higher-intensity development along the City’s existing transit corridors;

WHEREAS, the proposed land use framework for the SSCSP addresses promoting housing and mixed-use development along Oceanside Boulevard around the North County Transit District (NCTD) “Sprinter” transit stations while encouraging higher and better use and aesthetic upgrades in existing light industrial areas;

WHEREAS, density and intensity ranges in the SSCSP are described for each land use designation, with density defined as the number of housing units per gross acre, and intensity described in terms of Floor Area Ratio (FAR), or the permitted or required ratio of building floor area (exclusive of area devoted to parking) to site area with “gross acreage” excluding undevelopable land (steep slopes excluded from development by the City’s Hillside Development Ordinance, creeks and other water bodies, floodways, protected habitat), but

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 strives to ensure that all new development would not result in
22 reasonably foreseeable harm or danger to future inhabitants, visitors, guests, or employees, and
23 therefore chooses to exclude such sites from the provisions of SB 79 entirely;

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

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

4 WHEREAS, Government Code § 65912.157(h)(1) provides that a housing development
5 utilizing SB 79 shall not be located on sites which contain more than two units where the
6 development would require the demolition of housing that is subject to any form of rent or price
7 control that has been occupied by tenants within the past seven years;

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

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

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

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

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

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

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

1 WHEREAS, pursuant to Government Code § 65912.161(b)(1)(D), (E), deferment of SB
2 79 is also allowed on sites located within a Very High Fire Hazard Severity Zone (VHFHSZ) as
3 well as sites vulnerable to one-foot of sea level rise. As of April 2026, no such sites have been
4 identified within one-half mile from an eligible transit-oriented development stop. Should
5 updated Fire Hazard Severity maps or sea level rise maps become available, and would include
6 sites within the boundaries of SB 79, such areas are to be included in the sites deferred from SB
7 79 until one year following the adoption of the seventh revision of the Housing Element and will
8 be identified as such on the City's public zoning map per Section 65912.161(b)(2);

9 WHEREAS; pursuant to Government Code § 65912.161(b)(1)(B)(i) and
10 65912.161(b)(1)(B)(iii), deferment of SB 79 is also allowed on:

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

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

22 WHEREAS, as of April 2026, no such sites have been identified within one-half mile
23 from an eligible transit-oriented development stop. Should updated maps become available
24 demonstrating that one or more of the above thresholds is satisfied, such areas are to be included
25 in the sites deferred from SB 79 until one year following the adoption of the seventh revision of
26 the Housing Element and will be identified as such on the City's public zoning map per Section
27 65912.161(b)(2);

28 WHEREAS, the Planning Commission, after giving the required notice, did on the 18th
day of May 2026, conduct a duly advertised public hearing as prescribed by law where the

1 Commission received a presentation from staff and heard public testimony on the matter, and
2 voted _____ to recommend/not recommend the
3 City Council adopt the proposed Ordinance;

4 WHEREAS, the City Council, on the 20th day of May 2026, held a duly noticed public
5 hearing and heard and considered written evidence and oral testimony by all interested parties
6 and the recommendation of the Planning Commission on this Ordinance;

7 WHEREAS, pursuant to the provisions of the California Environmental Quality Act
8 (hereinafter "CEQA") (California Public Resources Code Sections 21000 et seq.) and State
9 CEQA guidelines (Sections 15000 et seq.), including Guideline 15378(b)(5) which clarifies that
10 organizational or administrative activities are not considered projects, the City has further
11 determined that this Ordinance is exempt pursuant to Section 15060(c)(3) of Title 14 the
12 California Code of Regulations;

13 NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF OCEANSIDE DOES
14 ORDAIN AS FOLLOWS:

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

17 SECTION 2: This Ordinance shall not be codified.

18 SECTION 3. The City Council hereby exempts all sites from the provisions of SB 79, pursuant
19 to the authority granted by Government Code Section 65912.160(e)(1) which have a walking
20 path of more than one mile to a transit-oriented development stop, as shown in Exhibit B;

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

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

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

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

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

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

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

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

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

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

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

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

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

AYES:

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NAYS:
ABSENT:
ABSTAIN:

ATTEST:

CITY CLERK

MAYOR OF THE CITY OF OCEANSIDE

APPROVED AS TO FORM:


CITY ATTORNEY