

ORDINANCE NUMBER 2861 (CCS)

(City Council Series)

AN ORDINANCE OF THE CITY OF SANTA MONICA CITY COUNCIL TO AMEND THE
TEXT OF THE ZONING ORDINANCE TO EXCLUDE CERTAIN SITES FROM SENATE
BILL (SB) 79 IMPLEMENTATION UNTIL ONE YEAR FOLLOWING THE ADOPTION
OF THE 7TH CYCLE (2029-2037) HOUSING ELEMENT

WHEREAS, California faces a housing shortage both acute and chronic,
particularly in areas with access to robust public transit infrastructure; and

WHEREAS, building more homes near transit access reduces housing and
transportation costs for California families, and promotes environmental sustainability,
economic growth, and reduced traffic congestion; and

WHEREAS, public transit systems require sustainable funding to provide reliable
service, especially in areas experiencing increased density and ridership; and

WHEREAS, the state does not invest in public transit service to the same degree
as it does in roads, and the state funds a smaller proportion of the state's major transit
agencies' operations costs than other states with comparable systems; and

WHEREAS, transit systems in other countries derive significant revenue from
transit-oriented development at and near their stations; and

WHEREAS, on October 10, 2025, Governor Newsom signed Senate Bill 79 ("SB
79"), the Abundant and Affordable Homes Near Transit Act, which became effective on
July 1, 2026; and

WHEREAS, in adopting SB 79, the Legislature made findings and declarations,
including that the State faces a housing crisis of availability and affordability, in large part
due to a severe shortage of housing, and solving the housing crisis therefore requires a

multifaceted, statewide approach, including, but not limited to, encouraging an increase in the overall supply of housing, encouraging the development of housing that is affordable to households at all income levels, removing barriers to housing production, expanding homeownership opportunities, and expanding the availability of rental housing; and

WHEREAS, SB 79 requires cities to permit, as an allowable use, housing development projects that meet applicable standards and are located within a half mile distance of a major transit stop, as defined, on any site zoned for residential, mixed use, or commercial development; and

WHEREAS, SB 79 further provides guaranteed height, density, and FAR standards for eligible housing projects near Transit-Oriented Development (“TOD”) stops and additional concessions beyond State Density Bonus Law; and

WHEREAS, although SB 79 has certain mandated requirements, it provides flexibility and a measure of local control to jurisdictions with respect to its implementation; and

WHEREAS, on April 15, 2026, the Planning Commission conducted a study session wherein staff presented an overview of SB 79 including its impact on Santa Monica and three implementation options permitted under SB 79: 1) implementation of SB 79 on July 1, 2026; 2) a temporary exclusion of certain sites in transit-oriented zones, as defined, until 2030, one year after adoption of the City’s 7th Cycle (2029-2037) Housing Element; and 3) adoption of a TOD Alternative Plan; and

WHEREAS, at the conclusion of the study session, the Commission voted unanimously to recommend that City Council direct staff to pursue adoption of an ordinance to temporarily exclude sites to allow time to adopt a TOD Alternative Plan; and

WHEREAS, on April 28, 2026, the City Council conducted a study session to review the same implementation options for SB 79, including the Planning Commission's April 15, 2026 recommendations to the Council, and directed staff to proceed with adopting a temporary exclusion ordinance until such time a TOD Alternative plan could be implemented; and

WHEREAS, on April 28, 2026, in accordance with Santa Monica Municipal Code Section 9.46.030(A), the City Council further adopted a Resolution of Intention, Resolution Number 11755 (CCS), declaring its intention to direct the Planning Commission to initiate the process of amending the text of the Zoning Ordinance to effectuate the requirements of Senate Bill 79; and

WHEREAS, on June 17, 2026, the Planning Commission conducted a duly noticed public hearing, and after considering all oral and written testimony, adopted Resolution Number 26-008 (PCS), recommending to the City Council that the City Council amend the text of the Zoning Ordinance to exclude certain sites from Senate Bill (SB) 79 implementation until 2030, one year following the adoption of the 7th Cycle Housing Element, and to increase development standards for targeted parcels in the multi-unit residential zoning districts within one-half mile of the Metro E Expo/Bundy station, based on the findings set forth therein; and

WHEREAS, adoption of an ordinance that temporarily excludes certain sites from SB 79 implementation will, among other things, ensure that the City's local

implementation of SB 79 does not conflict with local land use initiatives and environmental concerns; and

WHEREAS, until such an ordinance is adopted, the City is prohibited from imposing certain height, density, and floor area ratio limits for eligible housing projects located within a half mile of a TOD stop; and

WHEREAS, implementing temporary exclusions to delay implementation of increased development standards mandated by SB 79 to one year after adoption of the 7th Cycle Housing Element will protect the public health, safety and welfare; and

WHEREAS, on July 2, 2026, as required by SB 79, the Southern California Association of Governments ("SCAG"), as the region's metropolitan planning organization, adopted draft map of designated TOD stops and zones; and

WHEREAS, the City conducted modeling analyses based on SCAG map to evaluate sites within the City that are eligible for temporary exclusion pursuant to the criteria in Government Code Section 65912.161(b)(1); and

WHEREAS, the City Council desires to temporarily exclude sites: (1) that permit density and residential floor area ratios at no less than 50 percent of SB 79's minimum standards; (2) with designated historic resources; and (3) located in a transit-oriented development zone in which at least 33 percent of sites have permitted density and residential floor area ratio no less than 50 percent of the standards specified in SB 79 and which includes sites with densities that cumulatively allow for at least 75 percent of the aggregate density for the transit-oriented development zone, as specified; and

WHEREAS, the City has and will continue to comply with SB 79's purpose and intent, including, without limitation, building more homes near transit access, promoting

environmental sustainability, economic growth, reducing traffic congestion, and Affirmatively Furthering Fair Housing; and

WHEREAS, the additional time provided with adoption of the exclusion ordinance, will allow the City to make more informed, long-term land use decisions pending completion of a TOD Alternative Plan; and

WHEREAS, on July 14, 2026, the City Council conducted a duly noticed public hearing, and, after considering all oral and written testimony, and certain corrections read into the record by the City Attorney, the City Council desires to amend the text of the Zoning Ordinance to exclude sites from SB 79 implementation until one year following the adoption of the 7th Cycle Housing Element.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA MONICA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. City Council hereby amends the text of the Zoning Ordinance related to projects meeting the temporary exclusionary requirements pursuant to SB 79. In amending the text of the Zoning Ordinance, the City Council hereby finds and declares that, for the reasons articulated above, and in the staff report dated July 14, 2026:

1. The amendments to the text of the Zoning Ordinance are consistent with the General Plan and any applicable specific plan in that the amendments are required to implement an Exclusion Ordinance pursuant to SB 79 and are otherwise consistent with the goals and policies of the General Plan by helping to meet local housing goals and to facilitate more diverse housing choices in the City's highest opportunity areas.

2. The amendments are consistent with the purpose of the Zoning Ordinance to promote the growth of the City in an orderly manner and to promote and protect the public health, safety, and general welfare in that the amendments are necessary to implement State law pertaining to SB 79 on qualifying parcels in order to help meet local housing goals and to facilitate more diverse housing choices in the City's highest opportunity areas.

SECTION 2. Chapter 9.06, Transit-Oriented Development Zones, is hereby added to Division 2, Article 9 Planning and Zoning of the Santa Monica Municipal Code and shall read as follows:

Chapter 9.06 Transit-Oriented Development Zones

9.06.010 Purpose

This Chapter, in accordance with Government Code Section 65912.160(e), exempts certain qualifying sites from the provisions of Senate Bill 79, the "Abundant and Affordable Homes Near Transit Act" (codified in California Government Code Sections 65912.155 through 65912.162), until one year following the adoption of the 7th Cycle (2029-2037) Housing Element of the City's General Plan.

9.06.020 Exclusion of Eligible Sites from Increased Development Standards

In accordance with Government Code Section 65912.161(b)(1), a parcel meeting any one of the following criteria shall be excluded from the provisions of Government Code Section 65912.157 until one year following the adoption of the 7th Cycle (2029-2037) Housing Element:

A. A parcel, as identified on the City's Official Zoning Districting map, that permits density and residential floor area ratio at no less than 50 percent of the standards specified under subdivision (a) of Government Code Section 65912.157.

B. A parcel in a transit-oriented development zone, as defined by Government Code Section 65912.156(m), in which:

1. At least 33 percent of sites in the relevant transit-oriented development zone have permitted density and residential floor area ratio no less than 50 percent of the standards specified under subdivision (a) of Government Code Section 65912.157; and

2. Includes sites with densities that cumulatively allow for at least 75 percent of the aggregate density for the transit-oriented development zone specified under subdivision (a) of Section 65912.157.

C. A parcel with a Landmark, as defined by Section 9.56.030(j), designated as of January 1, 2025.

9.06.030 Director Authority

The Director, or designee, may issue and update maps identifying eligible sites meeting the criteria for temporary exclusion as set forth in Section 9.06.020 and Government Code Section 65912.161(b)(1), to ensure consistency with the transit-oriented development stops and zones map published by the Southern California Association of Governments pursuant to Government Code Section 65912.160(f).

SECTION 3. Any provision of the Santa Monica Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

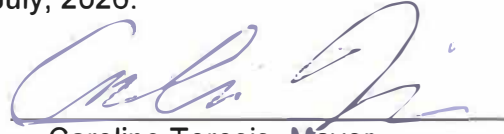
SECTION 4. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 5. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within 15 days after its adoption. This Ordinance shall become effective 30 days from its adoption.

APPROVED AS TO FORM:


HEIDI VON TONGELN
City Attorney

Approved and adopted this 28th day of July, 2026.



Caroline Torosis, Mayor

State of California)
County of Los Angeles) ss.
City of Santa Monica)

I, Denise Anderson-Warren, Interim City Clerk of the City of Santa Monica, do hereby certify that the foregoing Ordinance No. 2861 (CCS) had its introduction on July 14th, 2026, and was adopted at the Santa Monica City Council meeting held on July 28th, 2026, by the following vote:

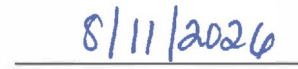
AYES: Councilmembers Negrete, Hall, Raskin, Zernitskaya, Snell,
 Mayor Torosis

NOES: None

ABSENT: Mayor Pro Tem Zwick

ATTEST:


Denise Anderson-Warren, Interim City Clerk


Date

A summary of Ordinance No. 2861 (CCS) was duly published pursuant to California Government Code Section 40806.