

## NOTICE OF A REGULAR MEETING

Pursuant to Section 54954.2 of the Government Code of the State of California, a Regular meeting of the City of Tracy Planning Commission is hereby called for:

**Date/Time:** Wednesday, September 23, 2015  
7:00 P.M. (or as soon thereafter as possible)

**Location:** City of Tracy Council Chambers  
333 Civic Center Plaza

Government Code Section 54954.3 states that every public meeting shall provide an opportunity for the public to address the Planning Commission on any item, before or during consideration of the item, however no action shall be taken on any item not on the agenda.

### REGULAR MEETING AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MINUTES APPROVAL – March 11, 2015, April 8, 2015, May 13, 2015, and June 10, 2015

DIRECTOR'S REPORT REGARDING THIS AGENDA

ITEMS FROM THE AUDIENCE - *In accordance with Procedures for Preparation, Posting and Distribution of Agendas and the Conduct of Public Meetings, adopted by Resolution 2015-052 any item not on the agenda brought up by the public at a meeting, shall be automatically referred to staff. If staff is not able to resolve the matter satisfactorily, the member of the public may request a Commission Member to sponsor the item for discussion at a future meeting.*

#### 1. NEW BUSINESS

**A: PUBLIC HEARING TO INTRODUCE AN ORDINANCE AMENDING TRACY MUNICIPAL CODE SECTION 10.12.065(c) RELATING TO COMPLIANCE WITH STATE HOUSING AND COMMUNITY DEVELOPMENT REGIONAL HOUSING NEEDS ALLOCATIONS – THE APPLICATION IS INITIATED BY THE CITY OF TRACY – APPLICATION NUMBER ZA15-0001**

**B: PUBLIC HEARING TO CONSIDER A PLANNED UNIT DEVELOPMENT (PUD) ZONE PRELIMINARY AND FINAL DEVELOPMENT PLAN TO CONSTRUCT AN APPROXIMATELY 6,300 SQUARE FOOT MULTI-TENANT RESTAURANT BUILDING WITH DRIVE THRU, PARKING AREA AND LANDSCAPING IMPROVEMENTS, LOCATED AT THE SOUTHEAST CORNER OF NAGLEE ROAD AND PARK-N-RIDE DRIVE, ASSESSOR'S PARCEL NUMBER 212-290-39. APPLICANT IS VMI ARCHITECTS INC. PROPERTY OWNER IS THE CITY OF TRACY. APPLICATION NUMBER D15-0009. – This item will be re-noticed for a future date.**

#### 2. ITEMS FROM THE AUDIENCE

3. ITEMS FROM THE COMMISSION

A: Election of Officers

4. ADJOURNMENT

Posted: **September 17, 2015**

The City of Tracy complies with the Americans with Disabilities Act and makes all reasonable accommodations for the disabled to participate in public meetings. Persons requiring assistance or auxiliary aids in order to participate should call City Hall (209-831-6000), at least 24 hours prior to the meeting.

Any materials distributed to the majority of the Planning Commission regarding any item on this agenda will be made available for public inspection in the Development Services Department located at 333 Civic Center Plaza during normal business hours.

**SPECIAL MEETING MINUTES  
TRACY CITY PLANNING COMMISSION  
WEDNESDAY, MARCH 11, 2015  
6:30 P.M.  
TRACY TRANSIT STATION  
50 E. SIXTH STREET**

**CALL TO ORDER** - Chair Orcutt called the meeting to order at 6:42 p.m.

**ROLL CALL** - Roll Call found Commissioners Sangha, Tanner, Vice Chair Mitracos and Chair Orcutt present; Commissioner Ransom absent. Also present were staff members Alan Bell, Senior Planner; Scott Claar, Associate Planner; and Bill Sartor, Assistant City Attorney.

**MINUTES APPROVAL** – Commissioner Tanner noted two changes needed to the February 25, 2015 minutes. The minutes will be brought back at a subsequent Planning Commission meeting for approval.

**DIRECTOR’S REPORT REGARDING THIS AGENDA** – None.

**ITEMS FROM THE AUDIENCE** – None.

1. **OLD BUSINESS** – None.

2. **NEW BUSINESS**

A. **PLANNING COMMISSION STUDY SESSION REGARDING THE TRACY HILLS PROJECT** – Scott Claar, Associate Planner, indicated the purpose of the meeting was to conduct a workshop regarding the Tracy Hills project, and in particular a review of the Specific Plan. Vice Chair Mitracos referred to the April 25, 2015, staff report and the compatibility of land uses in the northern section of the project. Mr. Claar clarified that what is proposed in the northern section does not represent a change from the original Specific Plan approved in 1998.

Chair Orcutt asked how the zoning was considered in regard to the location of Light Industrial in proximity to Residential. Mr. Claar stated staff had concerns as well adding that there may be changes to the Specific Plan. A lengthy discussion ensued regarding zoning and land use for Phase 1A. Alan Bell, Senior Planner, suggested that the Planning Commission ask similar questions regarding zoning when the Development Agreement (DA) is brought for approval.

A speaker discussed the area south of the California Aqueduct, north of Corral Hollow Road; specifically the Mixed Use Business Park (MUBP), and the pipeline area which will be used as a trail system. Chair Orcutt asked why the General Highway Commercial (GHC) area was not located on both sides of Corral Hollow Road. Mr. Souza explained the reason for the placement of the GHC area only on one side of Corral Hollow Road.

Staff and the Commissioners had a brief discussion regarding Figure 2-1 regarding standards.

Chair Orcutt asked about varying pipeline widths and setbacks. Mr. Claar stated the applicant worked with the various pipeline owners to determine appropriate setbacks. A discussion ensued regarding location of pipelines and easements.

A member of the development team discussed open space, a school site, and timing for the school. Mr. Tanner asked about the timing of the school opening. Mr. Souza discussed working with the School District on the timing and payment of fees.

Chair Orcutt called for a recess at 7:50 p.m., reconvening at 8:00 p.m.

Chair Orcutt asked what limitations could be put in place to exclude windmills in areas highlighted in the Tracy Municipal Airport Land Use Compatibility Zones. Mr. Claar discussed height limits, city limits, and the approval process.

Mr. Claar outlined residential, mixed use and business park design guidelines, signage and monuments, streetscapes and trails. Vice Chair Mitracos asked what fronted the spine road. A member of the development stated mixed use and residential rear yards. A discussion ensued regarding wall materials.

Chair Orcutt asked if the entire retention basin would be full. A member of the development team discussed the parameters used in designing the basin. Mr. Bell added that both of the basins were permanent.

The Commissioners had a brief discussion regarding cul-de-sacs and lighting.

Regarding landscaping, Commissioner Tanner asked if the landscaping was drought tolerant. Mr. Palmer stated City staff has provided comments on the plan landscaping plans.

Chair Orcutt, referring to Figure 4-1, asked for clarification regarding the four lane parkway. A member of the development team stated the roadways conformed to the City's Master Plans.

Chair Orcutt asked if bus routes were planned. Mr. Claar stated not at this point. Mr. Palmer added that they are working with Ed Lovell, Management Analyst, regarding potential bus stops.

Vice Chair Mitracos inquired about fees and how they would be updated. Mr. Souza outlined Infrastructure and Community Facilities District fees. Mr. Bell provided information regarding property taxes.

Mr. Claar referred to section 5, Administration, noting a change regarding residential subdivisions, which will have to have architecture review.

Vice Chair Mitracos stated he would like to have another workshop on the project.

It was Planning Commission consensus to conduct another workshop prior to a future Planning Commission meeting.

3. ITEMS FROM THE COMMISSION – None.
4. ADJOURNMENT – It was moved by Vice Chair Mitracos and seconded by Commissioner Tanner to adjourn.

Time: : p.m.

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CHAIR

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STAFF LIAISON

The above are summary minutes. A recording is available at the Development Services Department.

**MINUTES**  
**TRACY CITY PLANNING COMMISSION**  
**Wednesday, April 8, 2015**  
**7:00 P.M.**  
**CITY OF TRACY COUNCIL CHAMBERS**  
**333 CIVIC CENTER PLAZA**

**CALL TO ORDER** - Chair Orcutt called the meeting to order at 7:01 p.m. and led the pledge of allegiance.

**ROLL CALL** - Roll Call found Commissioners Ransom, Sangha, Tanner, Vice Chair Mitracos and Chair Orcutt present. Also present were staff members Andrew Malik, Development Services Director; Barbara Harb, Management Analyst; Bill Sartor, Assistant City Attorney; and Sandra Edwards Recording Secretary.

**MINUTES APPROVAL** – It was moved by Vice Chair Mitracos and seconded by Commissioner Tanner, to approve the regular meeting minutes of February 25, 2015. Voice vote found all in favor; passed and so ordered.

**DIRECTOR’S REPORT REGARDING THIS AGENDA** – None

**ITEMS FROM THE AUDIENCE** – Steve Nicolaou, 1068 Atherton, addressed the Commission regarding the Sutter application heard at the City Council meeting of April 7, 2015, and the process involved for the project.

1. **OLD BUSINESS** – None

2. **NEW BUSINESS**

- A. REPORT OF CONFORMITY WITH THE CITY OF TRACY GENERAL PLAN FOR DISPOSAL OF REAL PROPERTY LOCATED AT THE SOUTHWEST CORNER OF NAGLEE ROAD AND PAVILION PARKWAY (APN 212-290-39). THIS IS A CITY INITIATED PROJECT - APPLICATION NUMBER DET15-0001 – Barbara Harb, Management Analyst, provided the staff report.

The Planning Commission asked for clarification regarding neighboring parcels, and discussed parking requirements, access to the site, an alternate site for the Park and Ride lot, and proceeds from the sale of the City-owned property.

Chair Orcutt invited members of the public to address the Commission regarding the project. There was no one wishing to address the Commission.

**ACTION** It was moved by Commissioner Ransom and seconded by Vice Chair Mitracos that the Planning Commission report that the disposal of real property located at the southwest corner of Naglee Road and Pavilion Parkway is in conformity with the City of Tracy General Plan. Voice vote found all in favor; passed and so ordered.

3. **ITEMS FROM THE AUDIENCE** – None.

4. **DIRECTOR’S REPORT** – None.

5. ITEMS FROM THE COMMISSION – Vice Chair Mitracos suggested having a discussion regarding parking requirements for the Medical Office Zone, previously mentioned by Commission Tanner, as well as the Downtown.

Commissioner Ransom suggested a conversation occur among the Planning Commission and City Council regarding process, referring to the Sutter project.

Commissioner Tanner re-stated his request to review hospital parking requirements.

Commissioner Sangha asked who was responsible for cleaning the area east bound I-205 as you exit the freeway onto Eleventh Street. Andrew Malik, Development Services Director indicated the property was in the County and that Caltrans may be responsible.

Chair Orcutt suggested adequate signage be provided for commuters before the Park and Ride lot is moved.

6. ADJOURNMENT – It was moved by Chair Orcutt and seconded by Vice Chair Mitracos to adjourn. Voice vote found all in favor; passed and so ordered.

Time: 7:51 p.m.

**MINUTES**  
**TRACY CITY PLANNING COMMISSION**  
**Wednesday, May 13, 2015**  
**7:00 P.M.**  
**CITY OF TRACY COUNCIL CHAMBERS**  
**333 CIVIC CENTER PLAZA**

**CALL TO ORDER** - Chair Orcutt called the meeting to order at 7:00 p.m., and led the Pledge of Allegiance.

**ROLL CALL** - Roll Call found Commissioners Ransom, Sangha, Tanner, Vice Chair Mitracos and Chair Orcutt, present. Also present were staff members Alan Bell, Interim Assistant Development Services Director; Victoria Lombardo, Senior Planner; Cris Mina, Senior Civil Engineer, Bill Sartor, Assistant City Attorney; and Sandra Edwards Recording Secretary.

**MINUTES APPROVAL** – It was moved by Commissioner Ransom and seconded by Commissioner Tanner to approve the regular meeting minutes of March 25, 2015, and special meeting minutes of March 25, 2015. Voice vote found all in favor; passed and so ordered.

**DIRECTOR’S REPORT REGARDING THIS AGENDA** – None.

**ITEMS FROM THE AUDIENCE** – None.

1. **OLD BUSINESS** – None.

2. **NEW BUSINESS**

- A. PUBLIC HEARING TO CONSIDER AN APPLICATION FOR A PRELIMINARY AND FINAL DEVELOPMENT PLAN TO CONSTRUCT A 795,732 SQUARE FOOT INDUSTRIAL DISTRIBUTION BUILDING WITH CORRESPONDING PARKING AND LANDSCAPE IMPROVEMENTS AND TO CONSIDER AN AMENDMENT TO THE I-205 CORRIDOR SPECIFIC PLAN REGARDING BUILDING HEIGHT, LOCATED AT 8450 ARBOR AVENUE - APPLICANT IS DCT INDUSTRIAL OPERATING LLC; OWNERS ARE GREGG AND ROBERT CHRISTENSEN- APPLICATION NUMBERS D14-0028 AND SPA14-0002 – Victoria Lombardo, Senior Planner, provided the staff report. Ms. Lombardo indicated the applicant had provided a revised set of landscape plans which had been provided to the Commission on the dais this evening.

Vice Chair Mitracos asked for a brief history of the I-205 Corridor Specific Plan and the North East Industrial Area Specific Plan. Alan Bell, Interim Assistant Development Services Director, provided background information regarding adoption of the Specific Plans.

Chair Orcutt opened the public hearing.

Commissioner Sangha stated she was leasing property at the North Gate Village Center and asked the Assistant City Attorney if she should excuse herself from consideration of the item. Bill Sartor, Assistant City Attorney indicated it would



be wise for her to excuse herself. Commissioner Sangha excused herself from the meeting at 7:19 p.m.

The Planning Commission discussed trucking and auto parking, screening, building height, LEED certification, trees and drought resistant plants. Dave Hogan, from DCT, outlined the architectural aspects of the project and responded to the Planning Commission's questions/concerns.

As there was no one further wishing to address the Commission on the item, Chair Orcutt closed the public hearing.

**ACTION:** It was moved by Vice Chair Mitracos and seconded by Commissioner Ransom that the City Council approve a minor amendment to the I-205 Corridor Specific Plan for building height to a maximum of 50 feet, Application Number SPA15-0002, subject to the conditions and based on the findings contained in the Planning Commission Resolution dated May 13, 2015; and to approve the PUD Preliminary and Final Development Plan to develop a 795,732 square foot industrial distribution facility on a 39.58-acre site, located at 8450 Arbor Road, Application Number D14-0028, subject to the conditions and based on the findings contained in the Planning Commission Resolution, amending Condition of Approval B7, reflecting site plans and elevations dated May 7, and May 13, 2015. Roll call found Commissioners Ransom, Tanner, Vice Chair Mitracos and Chair Orcutt in favor; Commissioner Sangha absent.

3. ITEMS FROM THE AUDIENCE - None
4. DIRECTOR'S REPORT – None.
5. ITEMS FROM THE COMMISSION – Chair Orcutt indicated at some point he would like to discuss five items or landmarks that are unique to Tracy.
6. ADJOURNMENT – It was moved by Chair Orcutt and seconded by Vice Chair Mitracos to adjourn. Voice vote found Commissioners Ransom, Tanner, Vice Chair Mitracos and Chair Orcutt in favor; Commissioner Sangha absent.

Time: 7:59 p.m.

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CHAIR

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STAFF LIAISON

The above are action minutes. A recording is available at the Development Services Department.

**MINUTES**  
**TRACY CITY PLANNING COMMISSION**  
**WEDNESDAY, JUNE 10, 2015**  
**7:00 P.M.**  
**CITY OF TRACY COUNCIL CHAMBERS**  
**333 CIVIC CENTER PLAZA**

**CALL TO ORDER** – Acting Chair Ransom called the meeting to order at 7:01 p.m., and led the Pledge of Allegiance.

**ROLL CALL** - Roll call found Commissioners Sangha, Ransom, and Tanner present; Vice Chair Mitracos and Chair Orcutt were absent and excused. Also present were staff members Alan Bell, Interim Assistant Development Services Director, Scott Claar, Associate Planner; Bill Sartor, Assistant City Attorney; and Sandra Edwards Recording Secretary.

**MINUTES APPROVAL** – None.

**DIRECTOR’S REPORT REGARDING THIS AGENDA** – None.

**ITEMS FROM THE AUDIENCE** – None.

1. OLD BUSINESS – None
2. NEW BUSINESS
  - A. **PUBLIC HEARING TO CONSIDER A PLANNED UNIT DEVELOPMENT (PUD) ZONE PRELIMINARY AND FINAL DEVELOPMENT PLAN TO CONSTRUCT AN APPROXIMATELY 3,000 SQUARE FOOT EL POLLO LOCO RESTAURANT WITH DRIVE THRU, PARKING AREA AND LANDSCAPING IMPROVEMENTS, LOCATED NORTH OF THE TEXAS ROADHOUSE RESTAURANT AT 2242 NAGLEE ROAD, ASSESSOR’S PARCEL NUMBER 212-290-48; APPLICANT IS VMI ARCHITECTS INC - PROPERTY OWNER IS THE CITY OF TRACY; APPLICATION NUMBER D15-0002** – Scott Claar, Associate Planner, provided the staff report.

Commissioner Sangha asked about existing improvements completed by Texas Roadhouse, shared access, and parking requirements. Acting Chair Ransom also discussed parking concerns and drive through stacking. Cris Mina, Senior Civil Engineer, indicated the conditions of approval address the Commissioner’s concerns.

Acting Chair Ransom opened the public hearing.

John Becker addressed the Planning Commission regarding parking concerns and shared access.

The Planning Commission recommended adding a condition of approval regarding striping the drive through to help with the cueing of cars.

As there was no one further wishing to address the Commission, the public hearing was closed.

**ACTION** It was moved by Acting Chair Ransom and seconded by Commissioner Tanner to recommend that the City Council approve the PUD Preliminary and Final Development Plan to construct an approximately 3,000 square foot El Pollo Loco restaurant with drive thru, parking area and landscaping improvements, located north of the Texas Roadhouse restaurant at 2242 Naglee Road, Assessor's Parcel Number 212-290-48, Application Number D15-0002, subject to the conditions and based on the findings as stated in Exhibit 1, with the addition of a condition of approval regarding striping for the drive through and other vehicle direction. Voice vote found all in favor; passed and so ordered.

3. ITEMS FROM THE AUDIENCE – None.
4. DIRECTOR'S REPORT – Mr. Bell indicated staff had not forgotten about a previous Commissioner's request regarding the top five identifiers in Tracy.
5. ITEMS FROM THE COMMISSION – Commissioner Tanner asked when the Downtown Specific Plan might be available for the Commission's review. Mr. Bell stated it was not something staff expected to schedule soon. Mr. Claar added there had been substantial opposition to the draft plan by the property owners which would not have resulted in any significant changes.
6. ADJOURNMENT – It was moved by Commissioner Tanner and seconded by Commissioner Sangha to adjourn. Voice vote found all in favor; passed and so ordered.

TIME: 7:35 p.m.

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ACTING CHAIR

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STAFF LIAISON

## AGENDA ITEM 1-A

### REQUEST

#### **PUBLIC HEARING TO INTRODUCE AN ORDINANCE AMENDING TRACY MUNICIPAL CODE SECTION 10.12.065(c) RELATING TO COMPLIANCE WITH STATE HOUSING AND COMMUNITY DEVELOPMENT REGIONAL HOUSING NEEDS ALLOCATIONS – THE APPLICATION IS INITIATED BY THE CITY OF TRACY – APPLICATION NUMBER ZA15-0001**

### EXECUTIVE SUMMARY

This agenda item involves introducing an ordinance to amend the text of the Tracy Municipal Code to allow for the City to issue building permits in excess of those allowed through the City's Residential Growth Management Ordinance (GMO) in order to meet the City's Regional Housing Needs Allocation, as required by the State Department of Housing and Community Development (HCD).

### DISCUSSION

The City's Housing Element for the 2009-2014 (extended through 2015) planning period was adopted by City Council on May 15, 2012, and certified by HCD on July 26, 2012, upon the condition that the City remove governmental constraints of the annual limitations on Residential Growth Allotments (RGAs).

On March 19, 2013, City Council approved an amendment to the GMO allowing building permits in excess of the annual GMO and Measure A limitations to be issued in order to meet the Regional Housing Needs Allocation (RHNA) number to achieve its obligation in each income category.

The language that was adopted with the amendment (Section 10.12.065(c)) states that "...in any calendar year, once building permits have been issued for the number of residential units permitted by this chapter, the City shall issue additional building permits for residential dwelling units if they are necessary to achieve the RHNA goals in a particular income category." After having this language in place for the past two years, it has become apparent that it is possible that there is still an obstacle, or governmental constraint, in the ability to utilize building permits that could be issued to satisfy the RHNA.

The current language allows additional permits to be issued only once the number available under the GMO that year has been issued. The potential problem with this is that it is possible to have allocated the maximum number of RGAs in a calendar year, but not all of their corresponding building permits. In fact, since this provision has been in place, that situation has already occurred each year. For example, a project may be qualified to apply for and receive 100 RGAs, but only be issued 50 building permits that year. That would create a situation where the City would never reach the maximum number of building permits allowable under the GMO that year, which is required with the current language before any building permits could be issued to satisfy the RHNA. This situation could leave other projects unable to move forward solely because projects that were allocated RGAs and did not use them prevents City issuance of RHNA permits in any calendar year. This situation was an unintended consequence of the language

that was chosen for the amendment to the GMO language adopted in 2013. Staff is proposing to correct this language by re-wording the sentence in the GMO to remedy this issue by changing it to the following:

“...in any calendar year, once RGAs have been allocated or building permits have been issued for the number of residential units permitted by this chapter, the City shall continue to issue ~~additional~~ building permits for residential dwelling units if they are necessary to achieve the RHNA goals in a particular income category.”

This revised language should more completely satisfy HCD's requirement for the City to remove any governmental constraints that prevent the City from reaching the RHNA.

An additional change proposed to the ordinance at this time is a simple correction of an incorrect code section reference within the Development Agreement section of the ordinance (see proposed ordinance).

#### CEQA Compliance

The proposed amendments to the Growth Management Ordinance are consistent with the Initial Study and Negative Declaration for the Housing Element adopted by the City Council on May 15, 2012. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15183, no further environmental review is required.

Implementing a regulation to allow for the issuance of permits up to the RHNA does not have any environmental effects that were not already analyzed in the General Plan and in the Initial Study and Negative Declaration for the Housing Element. This amendment does not change any policies or regulations that have not already been analyzed in the existing environmental documentation.

There are no environmental effects that are peculiar to this project or that have not been previously analyzed because it does not affect a specific site, but rather implements a policy within the General Plan. Any future development that may result from this amendment will be subject to further site-specific environmental analysis. There are also no significant off-site or cumulative impacts that have not been previously discussed or any new information that was not known at the time of the Initial Study and Negative Declaration for the Housing Element.

#### RECOMMENDATION

Staff recommends that the Planning Commission recommends that the City Council introduce an Ordinance amending Tracy Municipal Code Section 10.12.065, and amending Tracy Municipal Code Sections 10.12.090(b), regarding building permit issuance for housing units to facilitate meeting the RHNA for the Housing Element cycle and correcting a code section reference in the Development Agreements section of the ordinance.

MOTION

Planning Commission recommends that the City Council introduce an Ordinance amending Tracy Municipal Code Section 10.12.065, and amending Tracy Municipal Code Sections 10.12.090(b), regarding building permit issuance for housing units to facilitate meeting the RHNA for the Housing Element cycle and correcting a code section reference in the Development Agreements section of the ordinance.

Prepared by: Victoria Lombardo, Senior Planner  
Reviewed by: Bill Dean, Assistant Development Services Director  
Andrew Malik, Development Services Director

RESOLUTION 2015-\_\_\_\_\_

RECOMMENDING THAT THE CITY COUNCIL APPROVE AN ORDINANCE  
AMENDING THE TRACY MUNICIPAL CODE REGULATIONS  
(TMC SECTIONS 10.12.065 AND 10.12.090) REGARDING RHNA COMPLIANCE  
APPLICANT IS THE CITY OF TRACY – APPLICATION NUMBER ZA15-0001

WHEREAS, The Tracy Municipal Code (TMC) contains regulations related to the management of residential growth, and

WHEREAS, The Department of Housing and Community Development establishes a Regional Housing Needs Allocation (RHNA) to assure that housing is provided for all economic segments of the community, and

WHEREAS, The City adopted a Housing Element on May 15, 2012, and on July 26, 2012 the Department of Housing and Community Development found that Housing Element to be in compliance with state housing element law on the condition of implementation of Program 13 of the Housing Element, establishing a RHNA exemption and revising the timeline for deed restrictions on affordable housing, and

WHEREAS, On March 19, 2013 the City amended its Growth Management Ordinance to allow for compliance with the RHNA as established in the City's adopted Housing Element, and

WHEREAS, Minor amendments to the language within the Growth Management Ordinance are necessary in order to allow for the City to utilize the provisions of the ordinance in a manner consistent with the intent of the Department of Housing and Community and Development, and

WHEREAS, On September 23, 2015 the Planning Commission held a public hearing to review and discuss the proposed amendments to the Residential Growth Management Ordinance;

NOW, THEREFORE, BE IT RESOLVED, That the Planning Commission hereby recommends that the City Council approves the amendments to the Tracy Municipal Code Residential Growth Management Ordinance regarding compliance with RHNA and correcting a code section reference as indicated in Exhibit 1.

\* \* \* \* \*

The foregoing Resolution 2015-\_\_\_\_\_ was adopted by the Planning Commission on the 23<sup>rd</sup> day of September, 2015, by the following vote:

AYES:	COMMISSION MEMBERS:
NOES:	COMMISSION MEMBERS:
ABSENT:	COMMISSION MEMBERS:
ABSTAIN:	COMMISSION MEMBERS:

\_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Staff Liaison



ORDINANCE \_\_\_\_\_

AN ORDINANCE OF THE CITY OF TRACY AMENDING TRACY MUNICIPAL CODE SECTIONS 10.12.065 RELATING TO COMPLIANCE WITH REGIONAL HOUSING NEEDS ALLOCATIONS WITHIN THE RESIDENTIAL GROWTH MANAGEMENT PLAN

WHEREAS, The City Council adopted the Housing Element for the 2009-2014 cycle on May 15, 2012 and the state Department of Housing and Community Development accepted that Housing Element on the condition that the City amend the Growth Management Ordinance to allow for compliance with the Regional Housing Needs Assessment, and

WHEREAS, The City Council adopted an ordinance on March 19, 2013 adding provisions for the issuance of building permits in excess of the numeric provisions of the Growth Management Ordinance for the purpose of achieving the City's Regional Housing Needs Allocation, and

WHEREAS, The City Council held a public hearing to consider the proposed ordinance amendments to further clarify the ability to issue building permits to satisfy the Regional Housing Needs Allocation on September 15, 2015, and

The City Council of the City of Tracy does ordain as follows:

SECTION 1: Section 10.12.065, Compliance with the regional housing needs assessment, of Chapter 10.12 (Residential Growth Management Plan) of the Tracy Municipal Code, is amended to read as follows:

Chapter 10.12 - RESIDENTIAL GROWTH MANAGEMENT PLAN

10.12.065 - Compliance with the regional housing needs assessment.

- (a) Authority. This section is enacted under the authority of and is intended to comply with and implement Government Code section 65584.
- (b) RHNA. The State Department of Housing and Community Development requires that each city adopt a housing element as part of its general plan. That Department also establishes a "Regional Housing Needs Allocation" (RHNA) for all cities, setting forth the target number of dwelling units to be constructed during any planning period. (The "planning period" is defined in each housing element. The planning period in effect at the time this code amendment was adopted is July 1, 2009 through June 30, 2014.) The RHNA housing unit allocations are established by income categories: very low-, low-, moderate, and above-moderate-income.
- (c) Requirement. Notwithstanding other provisions of this chapter, in any calendar year, once RGAs have been allocated or building permits have been issued for the number of residential units permitted by this chapter, the City shall issue ~~additional~~ building permits for residential dwelling units if they are necessary to achieve the RHNA goals in a particular income category (during each planning period). The number of building permits may not exceed the RHNA goals in each income category. Any building permits issued in accordance with this provision shall not require an RGA.
- (d) [Purpose of calculating averages.]For the sole purpose of calculating the RGA and building permit averages contained in sections 10.12.100 and 10.12.110, any building permits issued under the authority of this section shall be treated as if an RGA and a building permit were issued under the GMO.

SECTION 2: Section 10.12.090, Allocations; development agreements, of Chapter 10.12 (Residential Growth Management Plan) of the Tracy Municipal Code is amended to read as follows:

Article 3. - Allocations; Development Agreements

10.12.090 - Allocations; development agreements.

- (a) RGAs shall be allocated in accordance with this chapter and the GMO guidelines. Notice shall be given to each applicant of the availability of the annual report.
- (b) At a minimum, the terms of any development agreement providing for an allocation of RGAs, shall identify: (1) the timing of the applicant's obligation to comply with the requirements set forth in GMO; (2) the timing and amount of RGA allocations (not to exceed a maximum of 225 RGAs per calendar year, as set forth in GMO subsection ~~10.12.090(b)~~10.12.100(c)); and (3) remedies for default, including the time after which RGAs shall be invalid as described in the GMO guidelines.
- (c) Unless specifically modified by a development agreement identified in subsection 10.12.090(b), above, each applicant shall comply with all requirements set forth in the GMO and the GMO guidelines. A development agreement may only modify the requirements of the GMO related to: (1) the timing requirements for applications for RGAs; and (2) the time after which RGAs will be deemed invalid (as identified in the GMO guidelines).
- (d) The number of RGA allocations per application shall not exceed: (1) the number requested in the application; and (2) the number which can be reasonably anticipated to be used by the applicant based on development project approvals (such as general plan, specific plan, tentative map, final map or development plan). The Board has the discretion to award all of the RGAs that are available in that allocation cycle, or fewer, based on the applications received and the criteria as established in the GMO guidelines.

SECTION 3. This Ordinance shall take effect 30 days after its final passage and adoption.

SECTION 4. This Ordinance shall be published once in the Tri Valley Herald, a newspaper of general circulation, within 15 days from and after its final passage and adoption.

\* \* \* \* \*

The foregoing Ordinance \_\_\_\_\_ was introduced at a regular meeting of the Tracy City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, and finally adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk