

# NOTICE OF SPECIAL MEETING

Pursuant to Section 54956 of the Government Code of the State of California, a Special meeting of the **Tracy City Council** is hereby called for:

**Date/Time:** **Tuesday, February 2, 2021 at 5:00 p.m.**  
(or as soon thereafter as possible)

**Location:** **Tracy City Hall**  
**333 Civic Center Plaza, Tracy**

**THIS SPECIAL MEETING WILL BE CONDUCTED PURSUANT TO THE PROVISIONS OF THE GOVERNOR'S EXECUTIVE ORDER N-29-20 WHICH SUSPENDS CERTAIN REQUIREMENTS OF THE RALPH M. BROWN ACT**

**RESIDENTS ARE STRONGLY ENCOURAGED TO PARTICIPATE REMOTELY AT THE FEBRUARY 2, 2021 MEETING**

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

**Remote Access to City of Tracy Council Meeting:**

*In accordance with the guidelines provided in Executive Order N-29-20 on social distancing measures, the City of Tracy will allow for remote participation at the upcoming Special City Council meeting on Tuesday, February 2, 2021.*

*As always, the public may view the City Council meetings live on the City of Tracy's website at [www.CityofTracy.org](http://www.CityofTracy.org) or on Channel 26. To view from the City's website, select "Watch Live Council Meetings" from the drop down menu "Select an Online Service" at the top of the City's homepage. You will be directed to the "Council Meeting Videos" page where you may select the video for the appropriate date under "Upcoming Events."*

*If you only wish to watch the meeting and do not wish to address the Council, the City requests that you stream the meeting through the City's website or watch on Channel 26.*

**Remote Public Comment:**

*Public comment, limited to 250 words or less, submitted via email **will be accepted for agenda items before the start of the Council meeting at 5:00 p.m.** Please send an email to [publiccomment@cityoftracy.org](mailto:publiccomment@cityoftracy.org) and identify the item you wish to comment on in your email's subject line.*

*During the upcoming Council meeting public comment will be accepted via the options listed below. If you would like to comment remotely, please follow the protocols below:*

- *Comments via:*
  - **Phone** by dialing (209) 831-6010, or
  - **Online by visiting** <https://cityoftracyevents.webex.com> and using the following **Event Number:** 126 040 8589 and **Event Password:** TracyCC
  - **If you would like to participate in the public comment anonymously**, you may submit your comment via phone or in WebEx by typing "Anonymous" when prompted to provide a First and Last Name and inserting [Anonymous@example.com](mailto:Anonymous@example.com) when prompted to provide an email address.

- *Protocols for submitting comments by **phone**:*
    - *Comments received by phone for the “Items from the Audience/Public Comment” portion of the agenda must be received by the time the Mayor opens that portion of the agenda for discussion.*
    - *Comments received by phone on each “Agendized Item” will be accepted until the Mayor announces that public comment for that item is closed.*
  
  - *Protocols for commenting via WebEx:*
    - *If you wish to comment under “Items from the Audience/Public Comment” portion of the agenda:*
      - *Listen for the Mayor to open “Items from the Audience/Public Comment”, then raise your hand to speak by clicking on the Hand icon on the Participants panel to the right of your screen.*
      - *If you no longer wish to comment, you may lower your hand by clicking on the Hand icon again.*
    - *Comments for the “Items from the Audience/Public Comment” will be accepted until the public comment period is closed.*
  
  - *The total allotted time for public comment under “Items from the Audience/Public Comment” will be 15 minutes:*
1. Call to Order
  2. Roll Call
  3. Items from the Audience - Items from the audience - *In accordance with Council Meeting Protocols and Rules of Procedure, adopted by Resolution 2019-240, a five-minute maximum time limit per speaker will apply to all individuals speaking during “Items from the Audience/Public Comment”. For non-agendized items, Council Members may briefly respond to statements made or questions posed by individuals during public comment; ask questions for clarification; direct the individual to the appropriate staff member; or request that the matter be placed on a future agenda or that staff provide additional information to Council.*
  4. CONDUCT INFORMATIONAL WORKSHOP ON THE CITY’S RESIDENTIAL GROWTH MANAGEMENT SYSTEM
  5. Council Items and Comments
  6. Adjournment



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Mayor

**Posting Date: Thursday, January 28, 2021**

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 (209-831-6105), at least 24 hours prior to the meeting.

Any materials distributed to the majority of the Tracy City Council regarding any item on this agenda will be made available for public inspection in the City Clerk’s office located at 333 Civic Center Plaza, Tracy, during normal business hours.

AGENDA ITEM 4

REQUEST

**CONDUCT INFORMATIONAL WORKSHOP ON THE CITY'S RESIDENTIAL GROWTH MANAGEMENT SYSTEM**

EXECUTIVE SUMMARY

A Council workshop was scheduled to discuss the City's residential growth management system given anticipated policy amendments to the Growth Management Ordinance (GMO) guidelines and future update of the General Plan. The purpose of the workshop is to facilitate the Council and community's understanding of Tracy's residential growth management system, provide an update about current residential development projects, and highlight key land use initiatives including the General Plan Update and potential policy changes to the GMO guidelines.

DISCUSSION

Background

Prior to 2015, considerable focus was placed on designing the City's growth management system so that the community, including the development community had a sense of clarity where development would occur. Since 2015, work shifted toward implementing the various residential developments that were identified as priorities. With recent City Council action directing staff to re-envision the Tracy Gateway project in May 2018, and the approval of the Avenues Specific Plan via Ordinance No. 1262 in September 2018, an overview and discussion of the system is timely, providing a renewed understanding of the policy structure guiding residential development prior to being presented with policy decisions and actions in upcoming months.

The format of the workshop will include a PowerPoint presentation by staff, followed by City Council discussion, questions and answers. No action is being requested of City Council other than to conduct the workshop.

The objectives of the workshop are threefold:

- 1) Facilitate an understanding of the City's Growth Management System
- 2) Provide an update of current residential development projects
- 3) Highlight key land use initiatives, including the future update of the General Plan and potential policy changes to the GMO guidelines.

Workshop Topic Areas

The topical areas for review and discussion at this workshop will include the following:

**General Plan Policies:** The General Plan provides a vision for the future and establishes a framework for how Tracy should grow and change over the next several decades. While embracing change, the General Plan establishes goals, objectives,

policies, and actions that empower the City and community to guide this change in a desired direction. Attachment A to the staff report are several General Plan policies related to the sequencing of residential development.

**Growth Management Ordinance (GMO):** The Growth Management Ordinance, first adopted in 1987, set out to establish a building rate for residential development. Below is an excerpt from the ordinance, which has been amended from time to time, including by the voters in the year 2000 with Measure A. Attachment B to the staff report is the GMO.

“The purpose and intent of this chapter is to:

- (a) Achieve a steady and orderly rate of annual residential growth in the City, and to encourage diverse housing opportunities for the region in which the City is situated, and to balance these needs with the City's obligation to provide public facilities and services to the City's residents with available fiscal resources; and
- (b) Regulate the timing and annual amount of new development projects, so that necessary and sufficient public facilities and services are provided, and so that new development projects will not diminish the City's level of service standards; and
- (c) Encourage concentric growth of the City by promoting efficient residential development patterns and orderly expansion of residential areas to maximize the use of existing public services and infrastructure; and
- (d) Encourage development which will efficiently utilize existing and planned future, public facilities; and
- (e) Encourage a balance of housing types in the City which will accommodate a variety of persons, including affordable housing projects which will accommodate persons of very low, low, and moderate income, and persons on limited or fixed incomes; and
- (f) Implement and augment the City policies related to the regulation of new development as set forth in the general plan, specific plans, City ordinances and resolutions, master plans, finance and implementation plans and design documents.”

**Growth Management Ordinance Guidelines (Guidelines):** The Guidelines provide the application requirements for Residential Growth Allotment (RGAs), establish procedures for RGA allocation, establish priority projects within confines of General Plan policy, and establish life cycles of RGAs and administrative instructions to ensure all RGAs can be awarded if the demand exists. Attachment C to this staff report are the Guidelines.

**Status of Current Projects:** At the workshop, staff will identify all the current residential developments currently underway in Tracy.

STRATEGIC PLANS

This workshop is not related to the Council's Strategic Plans.

FISCAL IMPACT

This is a routine operational item; staff work to prepare this report are included in the Development Services operational budget for FY 2020/21.

RECOMMENDATION

Staff recommends that the City Council conduct a workshop on the City's Residential Growth Management System.


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

Reviewed by: Karin Schnaider, Finance Director  
Andrew Malik, Assistant City Manager


Approved by: Jenny Haruyama, City Manager


ATTACHMENTS

- A – Excerpted list of residential growth management polices from the City's General Plan
- B – City's Growth Management Ordinance
- C – City's Growth Management Ordinance Guidelines




**Objective LU-1.3** Ensure that public facilities such as schools, parks and other community facilities are accessible and distributed evenly and efficiently throughout the City. 

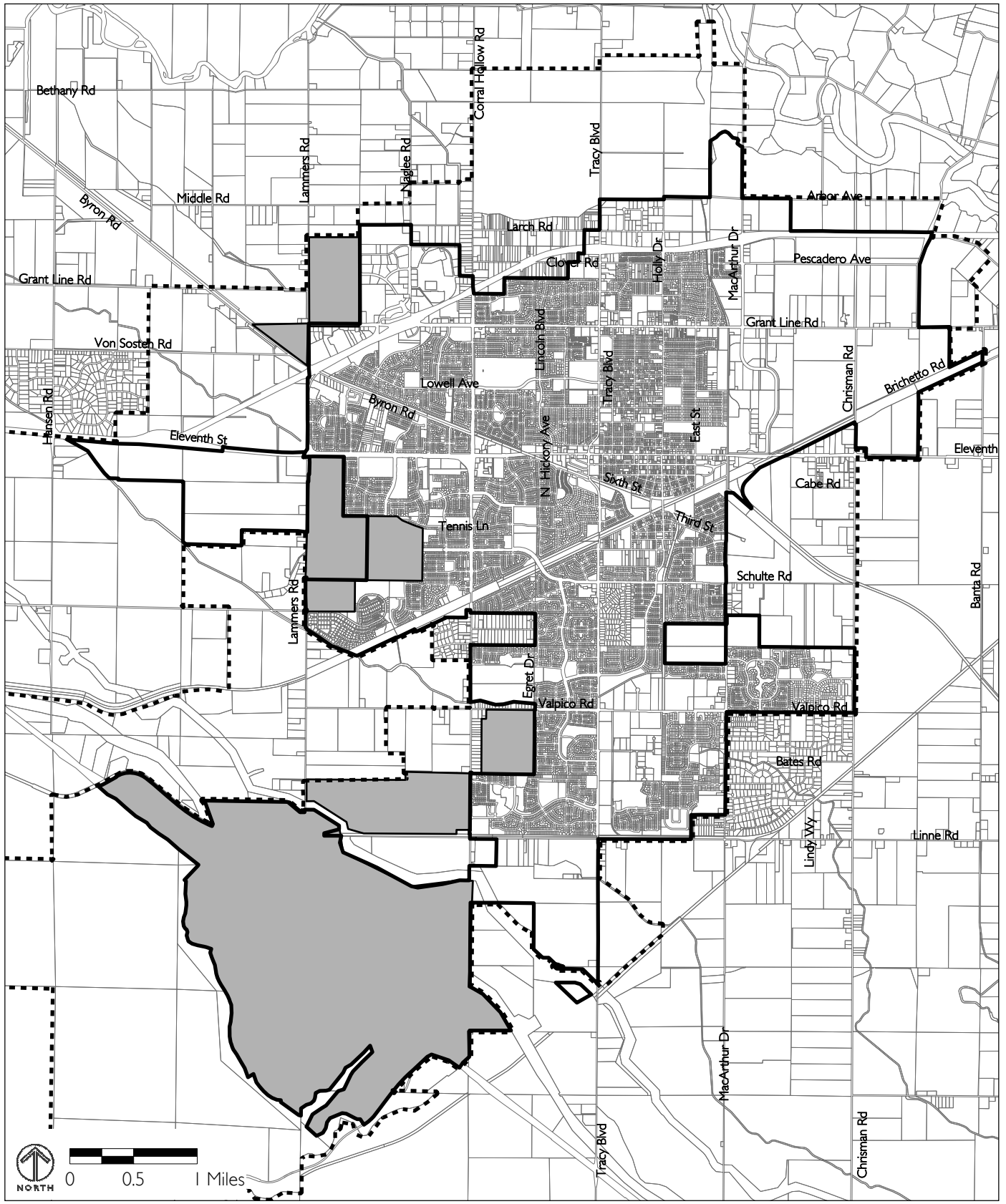
Policies

- P1. Schools and parks should be located and designed to serve as focal points of neighborhood and community life and should be distributed in response to user populations.
- P2. Schools and parks should be accessible by automobile and bicycle and within walking distance from residential areas. 
- P3. Schools and parks should have full frontage on at least two streets.
- P4. Where possible, schools should locate and be planned together with other public facilities, such as parks and community centers, to increase the availability and decrease the costs of public facilities.
- P5. Projects that provide lands for private open spaces, parks, community service facilities, such as places of worship and daycare facilities, and public facilities shall be allowed to transfer density to other portions of the site.




**Objective LU-1.4** Promote efficient residential development patterns and orderly expansion of residential areas to maximize the use of existing public services and infrastructure. 

Policies

- P1. The City shall use guidelines for residential growth detailed in the Growth Management Ordinance. 
- P2. On a regular basis, the City shall prioritize the allocation of Residential Growth Allotments (RGAs) and Building Permits for new residential development to meet the goals of the General Plan including, but not limited to, growth concentrated around existing urban development and services, infill development, affordable housing, senior housing, and development with a mix of residential densities and housing types, as a high priority. 
- P3. The City shall encourage residential growth that follows an orderly pattern with initial expansion targeted for areas shown in Figure 2-3. Applications for residential development shall only be considered in the following instances: 
- ◆ In areas designated within Figure 2-3 or on a property with a recorded Development Agreement that allows for the allocation of RGAs and building permits.
  - ◆ In areas and Urban Reserves that primarily contain land uses focused on the generation of jobs with ancillary residential development. However, the residential portions of such areas or Urban Reserves shall not be considered eligible to apply for RGAs and building permits until RGAs and building permits necessary to develop all areas within Figure 2-3



**FIGURE 2-3**

-  City Limits
-  Sphere of Influence
-  Secondary Residential Growth Areas




**SECONDARY RESIDENTIAL GROWTH AREAS**

**CITY OF TRACY**

GENERAL PLAN  
LAND USE ELEMENT





have been awarded, unless those RGAs and building permits sought for projects in such areas are for affordable housing as defined by the Tracy Municipal Code, in which cases RGAs and building permits for affordable housing may be awarded.

- P4. The City shall continue to make available RGAs and building permits for downtown and infill development as a high priority. 
- P5. New development shall not be approved unless there is infrastructure in place or planned to support the growth. 
- P6. Zoning Districts, Specific Plans or PUDs should be created to plan for the development of Urban Reserves 5, 7, 8 and 9 for residential development, that will further the City's goal to promote the efficient and orderly expansion of the City's housing base within the Secondary Residential Growth Areas.
- P7. The City shall encourage infill development by examining the City's impact fee structure with the intent of reducing development fees on infill projects where feasible. 




Action

- A1. Develop criteria or amended criteria for inclusion in the GMO Guidelines or other implementation tools, to guide the issuance of RGAs. Such criteria may include assigning new or modified priorities to development

projects or areas based on location, mix of housing types, use of “green” building features and practices, and other factors. 

**Objective LU-1.5 Encourage development near transit stations including the multi-modal station in Downtown, and the Altamont Commuter Express (ACE) station or stations.** 

Policies


- P1. Development with a vertical mix of uses, such as residential or office above retail is encouraged within ¼ mile of existing and proposed transit stations. 
- P2. The Bowtie shall include high density residential development in close proximity to the multi-modal station. 
- P3. A new, mixed-use, high-density Village Center should be developed in Urban Reserves 10 and 11 along the Union Pacific Railroad. 

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*Transit-Oriented Development (TOD) consists of moderate- to higher-density development, located within an easy walk of a major transit stop, generally with a mix of residential, employment and shopping opportunities designed for pedestrians without excluding the automobile.*

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**Goal LU-2 Expanded economic opportunities in Tracy.**

**Objective LU-2.1 Balance residential development with jobs, retail growth and the ability to provide services.** 

Policy

- P1. The City’s priorities for future growth, in order of priority, are: job-generating development to match the

ORDINANCE 1136

AN ORDINANCE OF THE CITY OF TRACY AMENDING  
THE GROWTH MANAGEMENT ORDINANCE  
(TRACY MUNICIPAL CODE CHAPTER 10.12)

WHEREAS, the City anticipates that new development will continue to occur within the City, in accordance with the policies set forth in the City's General Plan ("General Plan"), which was adopted by the City in July of 2006; and

WHEREAS, as growth occurs, additional demands will be placed upon the City's existing public facilities and services, including, but not limited to: water (including supply, storage, treatment, and distribution), wastewater (including collection, conveyance, and treatment), storm drainage, roadways (including regional streets and interchanges, transit, bikeways, local streets, traffic signals, and other public right-of-way improvements), parks, public buildings (including buildings for city hall, police, fire, public works maintenance, community meeting facilities, libraries, and aquatics), police, fire, schools, and other improvements or services identified in resolutions which implement this chapter (hereinafter "public facilities and services"); and

WHEREAS, the City has adopted master plans, and is in the process of updating those master plans, which identify the public facilities required to serve new development projects related to water, wastewater, storm drainage, roadways, parks, public buildings, and bikeways; and

WHEREAS, the General Plan encourages new housing development where essential public facilities can be provided, and requires provisions for adequate infrastructure and services to meet the demands generated by residential development; and

WHEREAS, in 1987, the City adopted a growth management ordinance, as amended and subsequently codified in Tracy Municipal Code chapter 10.12 ("GMO"), in order to regulate the rate of residential growth in accordance with the availability of required public facilities and services; and

WHEREAS, an initiative referred to as "Measure A" reduced the number of housing units that could be constructed each year from a maximum of 1,500 and average of 1,200 to a maximum of 750, with an average of 600; and

WHEREAS, the GMO generally provides incentives to encourage the development of affordable housing projects, as defined herein, so that 150 annual RGAs and residential building permits may be allocated to affordable housing projects, in addition to the average annual allocations of 600, but within the maximum annual allocations of 750; and

WHEREAS, staff has determined that amendments to the GMO are appropriate in order to achieve the goals of the General Plan and the purposes of the GMO related to the following issues:

- (1) In order to implement the annual 600-unit average, 750-annual maximum, and determine how to best use the GMO and GMO Guidelines as a tool to guide and regulate development within the City as housing units are constructed in the future; and
- (2) Prioritization of the allocation of Residential Growth Allotments ("RGAs") is necessary in order to achieve the goals of the General Plan and the GMO related to

encouraging concentric growth, and encouraging efficient use of existing public facilities, while staying within the annual allocation limits set forth in the GMO; and

(3) Specific criteria must be established in order to determine which projects best promote the goals and policies of the General Plan; and

WHEREAS, the City has the authority to adopt this ordinance pursuant to the police power and the public works authority set forth in article XI, sections 7 and 9 of the California Constitution; and

WHEREAS, the public health, safety, and welfare interests of the residents of the City promoted by the adoption of this ordinance include:

(1) The interest in regulating the timing and annual amount of new development projects, as related to the necessity to provide sufficient public facilities and services, so that new development projects will not diminish the City's level of service standards as set forth in the General Plan, specific plans, master plans, and finance plans; and

(2) The interest in encouraging concentric development of the City; and

(3) The interest in encouraging development which will efficiently utilize existing, and planned future, public facilities; and

(4) The interest in encouraging a balance of a housing types in the City which will accommodate a variety of families and persons, including affordable housing projects which will accommodate persons of very low, low, and moderate income, and persons on limited or fixed incomes.

WHEREAS, Revisions to Chapter 10.12 re-number sections of the Chapter including the section numbers for 10.12.140 (to 10.12.100) and 10.12.200 (to 10.12.110), the two sections of Chapter 10.12 which were adopted by the voters in November 2000 ("Measure A"), however changes to those sections are limited to the section numbers and internal references only and no substantive changes are made.

NOW, THEREFORE, The City Council of the City of Tracy does ordain as follows:

SECTION 1: Amendment and Adoption. Tracy Municipal Code chapter 10.12 is hereby amended by repealing the entirety of the existing text and replacing it with the following:

**"Chapter 10.12**

**RESIDENTIAL GROWTH MANAGEMENT PLAN**

**Sections:**

**Article 1. General Provisions.**

**10.12.010 Authority and reference to chapter.**

**10.12.020 Purpose.**

**10.12.030 Definitions.**

**10.12.040 Establishment of the Growth Management Board.**

**10.12.050 GMO Guidelines.**

**10.12.060 Exemptions.**

**Article 2. Applications.**

- 10.12.070            **Application requirements for RGAs.**
- 10.12.080            **Affordable Housing Project Exceptions.**

- 10.12.090            **Article 3. Allocations; development agreements.**  
                         **Allocations; development agreements.**

- 10.12.100            **Article 4. Annual limits.**  
                         **Residential Growth Allotments.**
- 10.12.110            **Residential building permits.**

- 10.12.120            **Article 5. Appeals.**  
                         **Appeals.**

**Article 1. General Provisions**

- 10.12.010            **Authority and reference to chapter.**

This chapter 10.12 of the Tracy Municipal Code may be referred to as the "Growth Management Ordinance" or "GMO," and is adopted pursuant to article XI, sections 7 and 9 of the California Constitution.

- 10.12.020            **Purpose.**

The purpose and intent of this chapter is to:

- (a) Achieve a steady and orderly rate of annual residential growth in the City, and to encourage diverse housing opportunities for the region in which the City is situated, and to balance these needs with the City's obligation to provide public facilities and services to the City's residents with available fiscal resources; and
- (b) Regulate the timing and annual amount of new development projects, so that necessary and sufficient public facilities and services are provided, and so that new development projects will not diminish the City's level of service standards; and
- (c) Encourage concentric growth of the City by promoting efficient residential development patterns and orderly expansion of residential areas to maximize the use of existing public services and infrastructure; and
- (d) Encourage development which will efficiently utilize existing, and planned future, public facilities; and
- (e) Encourage a balance of housing types in the City which will accommodate a variety of persons, including affordable housing projects which will accommodate persons of very low, low, and moderate income, and persons on limited or fixed incomes; and
- (f) Implement and augment the City policies related to the regulation of new development as set forth in the General Plan, specific plans, City ordinances and resolutions, master plans, finance and implementation plans, and design documents.

- 10.12.030            **Definitions.**

Unless otherwise provided in this chapter, the definitions set forth in chapter 10.08 (Zoning Regulations), chapter 12.08 (Subdivision Ordinance), title 9 (Building Regulations), and title 13 (Impact Fee Ordinance) of this code shall apply to this chapter. In the event that the definitions or provisions of the Zoning Regulations, the Subdivision Ordinance, the Impact Fee Ordinance, or any other provisions of this code conflict with any provisions of this chapter, then this chapter shall control to the extent necessary to administer and effectuate the purpose of

this chapter. As used in this chapter:

"Affordable Dwelling Unit" means either a "moderate income dwelling unit," or a "low income dwelling unit," or a "very low income dwelling unit," as defined by the State Department of Housing and Community Development. In general, an Affordable Dwelling Unit means a dwelling unit for rent or sale with a rental rate or consumer purchase cost which enables persons to rent or purchase that dwelling unit, if their gross household income is within the following percentages of the San Joaquin County area median income (as adjusted for family size): (a) for a moderate income dwelling unit, more than eighty (80%) percent, but not more than one hundred twenty (120%) percent; (b) for a low income dwelling unit, more than fifty (50%) percent, but not more than eighty (80%) percent; and (c) for a very low income dwelling unit, not more than fifty (50%) percent.

"Applicant" means "developer," as defined below.

"Board" means "Growth Management Board."

"Developer" means a person, or other legal entity, who applies to the City to divide or cause to be divided real property into a development project, or who applies to the City to improve (into a development project) any existing parcel of real property.

"Development project" means any project undertaken for the purpose of development, as defined in the Subdivision Map Act (Government Code sections 66410 *et seq.*), and shall specifically include any tentative parcel map, tentative subdivision map, final parcel map, final subdivision map, preliminary development plan, final development plan, or building permit.

"Growth Management Board" or "Board" means the Board as established and defined by section 10.12.040.

"Public facilities and services" is as described in this Chapter and the GMO Guidelines.

"Reasonable certainty" means that the applicant has provided documentation, to the satisfaction of the Board, which establishes that the financing necessary for the public facilities and services required to serve the development project is secured, and is described in a finance and implementation plan, approved by the City Council, which feasibly provides the required public facilities and services in a timely manner. In analyzing "reasonable certainty," the Board shall consider: (a) the availability of capacity in public facilities; and (b) the availability of financing for the public facilities which will serve the applicant's development project, including an analysis of financing from the applicant and financing which will come from other development projects which benefit from the public facilities; and (c) the anticipated date of completion of construction of the permanent public facilities which will serve the applicant's development project.

"RGA" means "Residential Growth Allotment," and is an allotment made by the City in accordance with this chapter which must be obtained by a developer (by allocation or conveyance) before each residential building permit is issued by the City, unless the subdivider obtains an exemption in accordance with this chapter. One RGA is required for each dwelling unit to be constructed.

#### **10.12.040 Establishment of the Growth Management Board.**

The Growth Management Board ("Board") is hereby established in order to manage and enforce the requirements of this chapter. All decisions of the Board shall be made by the City Manager in consultation with appropriate department heads, particularly including the Development and Engineering Services Director and the Public Works Director, or their respective designees. The Board may meet as necessary to implement the GMO and GMO Guidelines.

**10.12.050 GMO Guidelines.**

The City Council shall adopt GMO Guidelines, in order to implement the requirements of this chapter. In the event that the provisions of this chapter conflict with any provisions of the GMO Guidelines, then this chapter shall control.

**10.12.060 Exemptions.**

A project shall be exempt from further compliance with this chapter if the developer includes (in addition to the requirements of this chapter and the GMO Guidelines) documentation, to the satisfaction of the Development and Engineering Services Director, which establishes that the development project which is the subject of the application meets the requirements of one of the following subsections:

(a) The development project is a rehabilitation or remodeling of, or a minor addition to, an existing structure, or a conversion of apartments to condominiums; or

(b) The development is replacing legally established dwelling units that have been demolished and do not exceed the number of legally established dwelling units demolished. Where the number of new dwelling units exceeds the number of legally established dwelling units demolished, an allocation of RGAs must be obtained for the additional dwelling units; or

(c) To the extent the development project includes "model homes" (structures used as an advertisement for housing sales and not used as dwellings), the model homes shall not be required to obtain an allocation of RGAs; provided, however, (1) the number of model homes shall be limited to the lesser of twenty percent (20 %) of the total dwelling units identified in the application, or seven dwelling units per project, (2) prior to the issuance of each building permit, the subdivider shall pay all required fees, including impact fees required by title 13 of this code, and (3) model homes may be converted and occupied as dwellings only after RGAs are allocated for each dwelling unit as required by this chapter; or

(d) The development project is either a four-plex or lesser number of dwelling units on a single existing lot; provided, however, (1) the dwellings are not part of a larger eligible parcel that will result in more than four dwelling units at build-out of the project, (2) the exemption is limited to no more than a total of four such dwelling units per subdivider per calendar year, and (3) prior to the issuance of each building permit, the subdivider shall pay all required fees, including impact fees required by title 13 of this code.

(e) The development is a secondary residential unit.

**Article 2. Applications.**

**10.12.070 Application requirements for RGAs.**

No RGA shall be allocated by the City unless the developer submits an application in accordance with the requirements of this chapter, and the requirements of the GMO Guidelines.

**10.12.080 Affordable Housing Project Exceptions.**

An application for an RGA shall be considered an Affordable Housing Project exception if the application includes (in addition to the application requirements of this chapter and the GMO Guidelines) documentation, to the satisfaction of the Board, which establishes that the housing unit which is the subject of the application meets the following requirements:

(a) The housing unit meets the income level requirements for low, very low, or moderate income levels, as defined by section 10.12.030.

(b) The housing unit is formally dedicated to provide Affordable Dwelling Units in accordance with a locally recognized program.

(c) The applicant provides documentation that the requirements of this section will be met and maintained for a minimum of fifty-five years.

**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; and (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)); 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.

**Article 4. Annual limits.**

**10.12.100 Residential Growth Allotments (as set forth in Measure A adopted by voters November 2000).**

(a) The City shall not allocate RGAs in any calendar year in excess of either of the following: (1) an average of 600 RGAs per year calculated pursuant to subsection 10.12.100(b), and (2) a maximum of 750 RGAs per year calculated pursuant to subsection 10.12.100(c).

(b) The average number of RGAs per year shall be calculated as follows: (1) the total sum of RGAs allocated by the City from January 1, 2000, through the calendar year of the allocation, (2) less the sum of RGAs which are invalid, as defined in the GMO Guidelines, (3) less the sum of RGAs allocated for Affordable Housing Project exceptions, (4) divided by the number of years which have passed from January 1, 2000, to the year of the allocation, inclusive.

(c) The maximum number of RGAs per year shall equal the total sum of RGAs allocated by the City for the calendar year of the allocation, including a maximum of 150 RGAs allocated for Affordable Housing Project exceptions, and including a maximum of 225 RGAs allocated to development projects with which the City has entered into a development agreement providing for an allocation of RGAs (as identified in the GMO Guidelines). The City shall not allocate more than 150 RGAs in any calendar year for Affordable Housing Project exceptions. The City shall not allocate more than 225 RGAs in any calendar year to development projects with which the City has entered into a development agreement providing for an allocation of RGAs (as identified in the GMO Guidelines). The annual limit of 225 RGAs



for development agreement shall include the sum of all RGAs allocated to all development agreements in any calendar year. The City shall not allocate more than 750 RGAs in any calendar year.

(d) To the extent that RGAs have not been allocated in any calendar year for Affordable Housing Project, the City shall reserve, until the first Friday in July of each year: 150 RGAs for Affordable Housing Projects.

**10.12.110 Residential building permits (as set forth in Measure A adopted by voters November 2000).**

(a) The City shall not issue residential building permits in any calendar year in excess of either of the following: (1) an average of 600 residential building permits per year calculated pursuant to subsection 10.12.100(b), and (2) a maximum of 750 residential building permits per year calculated pursuant to subsection 10.12.100(c).

(b) The average number of residential building permits per year shall be calculated as follows: (1) the total sum of residential building permits allocated by the City from January 1, 2000, through the calendar year of the allocation, (2) less the sum of residential building permits which expired prior to completion of construction, (3) less the sum of residential building permits allocated for Affordable Housing Project exceptions, (4) less the sum of residential building permits exempt from this chapter, (5) divided by the number of years which have passed from January 1, 2000, to the year of the allocation, inclusive.

(c) The maximum number of residential building permits per year shall be calculated as follows: (1) the total sum of residential building permits allocated by the City for the calendar year of the allocation, (2) less the sum of residential building permits exempt from this chapter.

(d) Applications for residential building permits will be evaluated (and, for each approved application, will be issued) by the City in the order they are received.

**Article 5. Appeals.**

**10.12.120 Appeals.**

Any applicant dissatisfied with any decision made pursuant to this chapter, by the Development and Engineering Services Director or the Board, may submit a written appeal to the City Clerk in accordance with chapter 1.12 of this code. All decisions of the City Council are final."

SECTION 2: Title, chapter, and section headings. Title, chapter, and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning or intent of the provisions of any title, chapter, or section hereof.

SECTION 3: Constitutionality. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4: Effective Date. This Ordinance shall be effective 30 days following its adoption.

SECTION 5: Publication. A summary of this Ordinance shall be published and a certified copy of the full text posted in the office of the City Clerk at least five days before the City Council meeting at which the proposed Ordinance is to be adopted. Within 15 days after adoption, the City Clerk shall publish a summary, and shall post in her office a certified copy, of the Ordinance

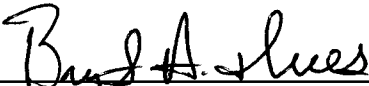
Ordinance 1136  
Page 8

with the names of those Council Members voting for and against the Ordinance. (Gov. Code § 36933, subsection (c)(1).)

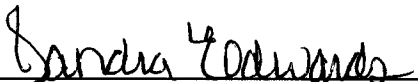
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The foregoing Ordinance 1136 was introduced at a regular meeting of the Tracy City Council on the 19th day of May, 2009, and finally adopted on the 2nd day of June, 2009, by the following vote:

AYES: COUNCIL MEMBERS: MACIEL, TOLBERT, TUCKER, IVES  
NOES: COUNCIL MEMBERS: NONE  
ABSENT: COUNCIL MEMBERS: ABERCROMBIE  
ABSTAIN: COUNCIL MEMBERS: NONE

  
\_\_\_\_\_  
Mayor

ATTEST:

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

RESOLUTION 2014-145

ADOPTING REVISED GROWTH MANAGEMENT ORDINANCE GUIDELINES

WHEREAS, On June 16, 1987, City Council adopted by ordinance a Residential Growth Management Plan, (commonly referred to as the Growth Management Ordinance "GMO"), which has been amended from time to time and which is codified in Tracy Municipal Code Chapter 10.12, and

WHEREAS, On February 20, 2001, the City Council adopted Resolution 2001-067, GMO Guidelines to aid in the implementation of the Growth Management Ordinance, and

WHEREAS, Measure A, which became effective December 22, 2000, caused a change in the growth rate and patterns of the City, thus creating a need to review and update the GMO and GMO Guidelines to most effectively implement the intentions of the Residential Growth Management Plan, and

WHEREAS, On April 5, 2005, City Council adopted Resolution 2005-092 which amended the GMO Guidelines, and

WHEREAS, It is the intent of the City Council to substantially modify the GMO Guidelines from time-to-time to implement the General Plan, and

WHEREAS, On May 19, 2009, City Council adopted Resolution 2009-084 which amended the Growth Management Ordinance Guidelines, and

WHEREAS, On October 16, 2012, City Council adopted Resolution 2012-214, which amended the Growth Management Ordinance Guidelines, and

WHEREAS, On September 2, 2014, City Council held a regular meeting to consider revisions to the Growth Management Ordinance Guidelines, and

WHEREAS, The revised GMO Guidelines, which implement the requirements of the GMO, are set forth below;

NOW, THEREFORE, BE IT RESOLVED, by the Tracy City Council as follows:

SECTION 1. Resolution 2012-214 is hereby repealed.

SECTION 2. In accordance with the Growth Management Ordinance ("GMO"), Tracy Municipal Code Chapter 10.12, specifically section 10.12.050, the Tracy City Council hereby adopts the "Growth Management Ordinance Guidelines," as set forth below.

## **Growth Management Ordinance ("GMO") Guidelines**

A. Overview; Purpose of Guidelines.

The Guidelines are intended to contemporize the City's residential growth management program by addressing the following components:

- Residential Growth Allotment and Building Permit activities including tracking and forecasting of all RGAs and Building Permits
- RGA Exemptions
- RGA Issuance including application requirements, deadlines, expirations
- System for Allocation of RGAs/Building Permits

B. Annual Report on Residential Building Activity and Projections/Forecast.

An Annual Report, and a preliminary, and final RGA allocation, shall be prepared by staff and presented to the Growth Management Board ("GMB"). This Annual Report shall serve as the official tracking system for the GMO and shall include historic information as well as update the annual average/maximums of the GMO. In addition, the Annual Report shall serve as the official forecast for the purposes of planning the next calendar year's RGA allocation by identifying various residential projects in process.

C. Applications. All applications for RGAs shall meet all requirements of the GMO, and these Guidelines.

1. Applicability; Application Contents. Every project is subject to these Guidelines unless specifically exempted by the GMO. Each application shall identify, at a minimum, (1) the project which is the subject of the application; (2) the applicant; (3) all property owners; (4) the purpose of the application; (5) each development project which is the subject of the application; (6) the total number of dwelling units included in the project which is the subject of the application for which: (i) the City has previously allocated RGAs, (ii) the applicant has received building permits, (iii) the applicant has received certificates of occupancy or approved final building inspection, (iv) the applicant's RGA has expired; and (7) compliance with all requirements of the GMO and the GMO Guidelines relevant to the application.

2. Application and Eligibility Requirements.

(a) In order to apply for an RGA a project must demonstrate *all of the following components*:

- (i) be within the City limits,
- (ii) be identified in the City's General Plan ("GP") as an area for residential growth consistent with all GP growth policies set forth in Object LU 1.4,
- (iii) be within an approved specific plan/PUD, or within a zoning district that permits residential uses,
- (iv) be subject to an approved Finance and Implementation Plan (FIP) based on approved infrastructure master plans,

- (v) have an approved Tentative Subdivision Map, Vesting Tentative Subdivision Map, or if no map is required, Development Review approval in accordance with Tracy Municipal Code ("TMC") Section 10.08.3920 et seq., or a Final Development Plan in accordance with Tracy Municipal Code ("TMC") Section 10.08.1760, et seq.
3. Application due dates. The term "application date" shall mean the deadline for filing any complete application pursuant to the GMO (including applications for RGAs, exceptions, and residential building permits). Unless otherwise established in these Guidelines, the application for RGAs, other than Affordable Housing Project RGAs, shall be the first Thursday in September each year for RGAs to be used to obtain building permits in the following calendar year. See Section D below for Timeframes for Allocations.
  4. Application dates for Affordable Housing Project exception applications. In accordance with the GMO, the application date for filing Affordable Housing Project exception applications shall be at any time during normal City working hours. (Also see GMO section 10.12.100(d)).
  5. Affordable Housing Project exceptions. The GMB shall determine, and allocate, the number of RGAs which are subject to the Affordable Housing Project exception set forth in the GMO. The allocation of RGAs for Affordable Housing Project exceptions may occur at any time, regardless of the allocation cycles established in the GMO. These applications will be processed as they are received, and RGAs shall be allocated to the qualifying applicants in accordance with the GMO. Affordable housing exceptions count against the GMO average/maximum for affordable housing but not against GMO average of 600 for market rate. Affordable housing exceptions do count against the GMO maximum of 750 per calendar year.
- D. Timeframes for RGA allocations; expirations.
1. Allocations timeframes. The following timeframes shall apply to the allocations of RGAs:
    - 1<sup>st</sup> Thursday in September: Application date per C 3 above
    - October-November: GMB Public hearing to allocate RGAs
    - December: Appeals (if any) to City Council
    - October-March: Staff verification of submitted or approved project Final Map
    - No later than March 31: GMB verifies number of RGAs allocated against number of lots on submitted or approved Final Map
  2. Calendar years 2013 through 2016. The application date for an RGA application in calendar years 2013 through 2016 shall be at any point during this period. The GMB shall meet as needed in response to complete RGA applications in calendar years 2013 through 2016 to allocate RGAs. However, the application date for an RGA application for RGAs described in subsection F 6 shall be no earlier than April 1<sup>st</sup> of each of those years.

3. Expirations.

(a) RGAs shall be valid only for the calendar year for which they are allocated, and shall expire concurrently with issuance of the building permit, or pursuant to this subsection.

(b) No later than March 31<sup>st</sup> the GMB shall verify that a Final Map and improvement plans have been submitted and/or approved for the number of lots for which RGAs were awarded. Any RGAs for the number of lots that do not have submitted or approved Final Maps or improvement plans as of March 31<sup>st</sup> shall automatically revert back to the City and shall be available for the GMB to allocate to projects with complete applications in accordance with the criteria in Section F.

(c) RGAs must be used to obtain a building permit no later than September 30<sup>th</sup> of the year following the allocation in accordance with GMB action. For RGAs allocated in years 2013 through 2016, the RGA must be used by September 30<sup>th</sup> in the year for which it was allocated. In the event an RGA has not been used to obtain a building permit by September 30<sup>th</sup>, then such RGAs automatically revert back to the City and shall be available for the GMB to allocate to projects with complete applications in accordance with the criteria set forth in Section F. The GMB shall meet as needed to address such RGA allocations.

E. Evaluation of RGA Applications and Final RGA Allocations.

1. In order to obtain an RGA allocation, the applicant shall provide documentation to the satisfaction of the Board, that the public facilities and services required to serve the development project are available to the project, including each of the elements set forth below. A project with an approved Vesting Tentative Subdivision Map, Tentative Subdivision Map, Development Review approval, or Finance and Implementation Plan is deemed to have complied with the public facilities obligations of this section. The public facilities and services to be analyzed by the Board for each RGA application shall include, at a minimum: (1) the water system (including supply, storage, treatment, distribution); and (2) the wastewater system (including conveyance and treatment); and (3) the storm drainage system (including permanent facilities and interim ponds prior to construction of the permanent facilities); and (4) the roadway system (including regional streets and interchanges, transit, bikeways, local streets, traffic signals, and other public right-of-way improvements); and (5) the parks system (including mini parks, neighborhood parks, and community parks); and (6) public buildings (including but not limited to buildings for city hall, police, fire, public works maintenance, community meeting facilities, libraries, and aquatics); and (7) police protection services and facilities; and (8) fire protection services and facilities. Any application which does not meet all of the minimum requirements shall not receive any RGA allocations.
2. In accordance with the preparation and process for the Annual Report, as described in Section B above, the GMB shall issue a recommendation of preliminary allocations, hold a public hearing for input on the proposed allocations, and issue final allocations. At the public hearing, the Board shall address written and oral comments regarding the Annual Report and the proposed RGA allocation. The purpose of the Board's consideration of written and oral comments at the public hearing shall be for applicants to provide information which was not included in the

application. The public hearing may be continued by the Board, as necessary, to obtain additional information. After the conclusion of the public hearing, the Board shall provide written notice to each applicant of the Board's final RGA allocations. After the appeal period has expired pursuant to Tracy Municipal Section 10.12.160, and after the City Council has acted on any relevant appeals, the Board shall issue a final determination of RGA allocations. The allocations of the GMB shall be final unless appealed to the City Council in accordance with the GMO. Allocations shall be project-specific.

F. RGA allocation criteria, order of priority for allocations of RGAs; proportionate allocation of previously unallocated RGAs.

The GMB shall evaluate RGA applications, and allocate RGAs, in accordance with these criteria. A project may not receive more RGAs than on its approved Tentative Subdivision Map or Development Review Approval, or Final Development Plan. In any year, the GMB shall not allocate more RGAs than the anticipated number of available building permits for that same year. RGAs shall be issued on a first come first serve basis based when the City receives a complete application and in accordance with the following order of priority:

1. Vested Projects: RGA applications from projects vested under a previous GMO Guidelines shall be process in accordance with such guidelines.
2. Primary Growth Areas. Primary Growth Areas are defined in Exhibit "A", attached hereto and incorporated herein by this reference. Subject to the requirements of the GMO and these Guidelines, including criteria in subsection F 8 below, Primary Area projects shall be entitled to receive, at the beginning of each allocation cycle:
  - (a) In years where 750 RGAs may be allocated, the Primary Growth Areas shall be entitled to receive 100 RGAs;
  - (b) In years where 600 RGAs may be allocated, the Primary Growth Areas shall be entitled to receive 80 RGAs
3. Development Agreements. Notwithstanding subsection 4 below, Development Agreement projects may receive allocations as specifically set forth in the applicable development agreement subject to the provisions in these Guidelines. In any conflict between the development agreement and these Guidelines, the development agreement provisions shall control.
4. Tracy Hills and Ellis Specific Plan Projects. The following specific plan projects, more fully described in the General Plan and subject to the requirements of the GMO and these Guidelines, shall be entitled to receive, at the beginning of each allocation cycle:
  - (a) In years where 750 RGAs may be allocated, Tracy Hills shall be eligible to receive 406 RGAs and Ellis shall be eligible to receive 194 RGAs
  - (b) In years where 600 RGAs may be allocated, Tracy Hills shall be entitled to receive 325 RGAs and Ellis shall be entitled to receive 155 RGAs
  - (c) If either Tracy Hills or Ellis receives less than the number of RGAs described above, the difference between the numbers of RGAs allocated and the numbers

- of RGAs described above shall be reserved. Either Tracy Hills or Ellis may apply for such RGAs no later than the March GMB meeting described in Section D. If Tracy Hills or Ellis do not apply for RGAs prior to the March GMB meeting, the RGAs shall be available in accordance with this Section F.
5. Other Projects. "Other Projects" is defined as initially beginning with the Kagehiro Phase III project (Assessor's Parcel Number 242-040-360) and then commencing with development sites identified in the General Plan Objective LU 1.4 that are not within the Primary Areas as defined in these GMO Guidelines. Subject to the requirements of the GMO and these Guidelines, the Other Projects shall be entitled to receive, at the beginning of each allocation cycle:
    - (a) In years where 750 RGAs may be allocated, Other Projects shall be entitled to receive 50 RGAs per year
    - (b) In years where 600 RGAs may be allocated, Other Projects shall be entitled to receive 40 RGAs per year
  6. If the number of RGAs allocated does not meet or exceed the number of RGAs available, the remaining RGAs shall then be made available on a proportionate basis in accordance with the criteria set forth in subsections F 1-5 to the projects identified in subsections F 1-5, for which a complete application has been submitted. Any RGAs then allocated would be in addition to the RGAs identified in subsections 1-5 of this Section F. The GMB can meet as needed to allocate such RGAs.
  7. During years when a number of RGAs other than 600 or 750 are available, the RGAs shall be issued in proportionate amounts as established in section F 1-5.
  8. Additional Primary Areas Criteria. These Primary Areas criteria will apply to all Primary Areas Projects in competition for RGAs. The following criteria can be used to determine which projects will have priority to receive RGAs in the event that the number of RGAs requested exceeds the number available in any allocation cycle for the Primary Areas numeric parameters established in section F 2 above. Within these categories, projects that meet more of the criteria listed are considered preferred to receive RGAs. Based on the following criteria, staff will make a recommendation to the Board as to which proposed projects have best achieved the criteria.
    - (a) Housing Type, in order of importance
      - (i) High Density—12.1 dwelling units per gross acre or more
      - (ii) Medium Density—5.9-12 dwelling units per gross acre
      - (iii) Low Density—5.8 dwelling units per gross acre or less
      - (iv) Projects with an affordable component, including moderate and low to very low income categories (RGAs for the affordable component come from the "Affordable Housing Exception" category in the GMO)
      - (v) Innovative housing types—Mixing products in a single project, cluster housing, mixed-use developments
    - (b) Geographic Area, in order of importance
      - (i) In a Village Center, as established in the General Plan
      - (ii) Connects incomplete infrastructure (streets, water, sewer, etc.)
      - (iii) Projects that combine several smaller parcels



- (iv) Fit and compatibility with the surrounding area
- (c) Project Size and Proximity to Existing Development, in order of importance
  - (i) Small infill (less than 5 acres surrounded by development on 3 sides)
  - (ii) Large infill (over 5 acres surrounded by development on 3 sides)
  - (iii) Project in progress that needs additional RGAs to complete construction
- (d) Project Design
  - (i) High level of connectivity, vehicular and pedestrian, both internally and externally to the project
  - (ii) Amenities—public or private, parks, schools, etc.
  - (iii) Architecture—compatible with, enhances, and/or improves neighborhood
  - (iv) Energy efficient design, using recycled or green/sustainable materials
  - (v) Walkability and high intersection density
  - (vi) Building type and building frontage type variation
- G. Processing Fees. The fees for processing all applications pursuant to the GMO shall be as set forth in a separate Resolution of the City Council.
- H. 1994 GMO Guidelines for Pre-Measure A Projects. The Board shall award RGAs to any applications for Pre-Measure A Vested Projects in accordance with the provisions of the 1994 GMO.
- I. Building Permit Issuance. The City shall evaluate applications for residential building permits (and, for each approved application, issue the building permit) in the order in which the City receives them. The City shall not issue any building permits in excess of the limitations set forth in the GMO, except the limit Measure A and the GMO impose on the average number of building permits issued each year does not, by its terms, apply to affordable housing projects.

SECTION 3. Pursuant to Section 15183 of the California Environmental Quality Act this amendment to the GMO Guidelines is exempt because there will be no significant on or off-site impacts as a result of the amended GMO Guidelines (CEQA Guidelines, 14 Cal. Code of Regs. §15061(b)(3).) All development projects are required to comply with CEQA as a part of their project approvals, and all of the potential environmental impacts are studied and mitigated through the development process, not through the administration of the GMO. These GMO Guidelines simply provide procedures related to future land use applications, which must first undergo CEQA review.

Furthermore, in accordance with CEQA Guidelines Section 15162, no further environmental assessment of the GMO Guidelines is required. An analysis of the project shows that no substantial changes are proposed that would require major changes to any existing environmental documentation, including the General Plan EIR SCH #2008092006, or cause any increase in severity of previously identified significant effects or any new significant effects. Also, no new information of substantial importance shows that there will be additional significant effects not discussed in the previous environmental documentation of the General Plan EIR, or that any previously identified significant effects will be substantially more severe, or that any potential mitigation measures are now considered feasible that weren't previously, nor are any new mitigation measures identified but not implemented. The GMO Guidelines add no new development areas, remove no new development areas, or modify any development areas. The GMO Guidelines provide procedures for future land use applications.

SECTION 4. In the event any provision of the Guidelines is held invalid by a court of competent jurisdiction, the Guidelines shall be construed as not containing that provision, and the remainder of the Guidelines shall remain in full force and effect.

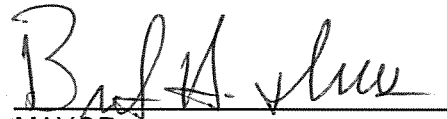
SECTION 5. The City Council finds that these GMO Guidelines will not be detrimental to the health safety and welfare of the residents of Tracy because they aid only in the administration (i.e. timing and distribution of RGAs) of the existing regulations within the GMO.

This resolution shall be effective upon adoption.

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The foregoing Resolution 2014-145 was adopted by the Tracy City Council on the 2<sup>nd</sup> day of September 2014, by the following vote:

AYES: COUNCIL MEMBERS: MACIEL, MANNE, RICKMAN, YOUNG, IVES  
NOES: COUNCIL MEMBERS: NONE  
ABSENT: COUNCIL MEMBERS: NONE  
ABSTAIN: COUNCIL MEMBERS: NONE

  
MAYOR

ATTEST:

  
INTERIM CITY CLERK