

Wednesday, November 5, 2025, 7:00 P.M.

A quorum of Planning Commission will be in attendance at
Tracy City Hall, 333 Civic Center Plaza, Tracy
Web Site: www.cityoftracy.org

THIS MEETING WILL BE OPEN TO THE PUBLIC FOR IN-PERSON AND REMOTE PARTICIPATION PURSUANT TO GOVERNMENT CODE SECTION 54953(e).

MEMBERS OF THE PUBLIC MAY PARTICIPATE REMOTELY IN THE MEETING VIA THE FOLLOWING METHOD:

As always, the public may view the Planning Commission meetings live on the City of Tracy's website at CityofTracy.org or on Comcast Channel 26/AT&T U-verse Channel 99. To view from the City's website, open the "Government" menu at the top of the City's homepage and select "[Planning Commission Meeting Videos](#)" under the "Boards and Commissions" section.

If you only wish to watch the meeting and do not wish to address the Planning Commission, you may stream the meeting through the City's website or watch on Channel 26.

Remote Public Comment:

During the upcoming Planning Commission 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:*
 - **Online by visiting** <https://cityoftracyevents.webex.com> and using the following
 - **Event Number 2557-034-0214** and **Event Password:** Planning
 - ***If you would like to participate in the public comment anonymously***, you may submit your comment in WebEx by typing "Anonymous" when prompted to provide a First and Last Name and inserting Anonymous@example.com when prompted to provide an email address.
 - Join by phone by dialing +1-408-418-9388, 2557-034-0214, #75266464# Press *3 to raise the hand icon to speak on an item.

- *Protocols for commenting via WebEx:*
 - *If you wish to comment on the "New Business" or "Items from the Audience" portions of the agenda:*
 - *Listen for the Chair to open that portion of the agenda for discussion, 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 "New Business" or "Items from the Audience" portions of the agenda will be accepted until the public comment for that item is closed.*

Comments received on Webex outside of the comment periods outlined above will not be included in the record.

Americans With Disabilities Act – The City of Tracy complies with the Americans with Disabilities Act and makes all reasonable accommodations for the disabled to participate in Planning Commission meetings. Persons requiring assistance or auxiliary aids should call City Hall (209/831-6105) 24 hours prior to the meeting.

Addressing the Planning Commission on Items on the Agenda – The Brown Act provides that every regular Planning Commission meeting shall provide an opportunity for the public to address the Planning Commission on any item within its jurisdiction before or during the Planning Commission’s consideration of the item, provided no action shall be taken on any item not on the agenda. To facilitate the orderly process of public comment and to assist the Planning Commission to conduct its business as efficiently as possible, members of the public wishing to address the Planning Commission are requested to, but not required to, hand a speaker card, which includes the speaker’s name or other identifying designation and address to the City Clerk prior to the agenda item being called. Generally, once the Planning Commission begins its consideration of an item, no more speaker cards will be accepted. An individual’s failure to present a speaker card or state their name shall not preclude the individual from addressing the Planning Commission. Each citizen will be allowed a maximum of five minutes for input or testimony. In the event there are 15 or more individuals wishing to speak regarding any agenda item including the “Items from the Audience/Public Comment” portion of the agenda and regular items, the maximum amount of time allowed per speaker will be three minutes. When speaking under a specific agenda item, each speaker should avoid repetition of the remarks of the prior speakers. To promote time efficiency and an orderly meeting, the Presiding Officer may request that a spokesperson be designated to represent similar views. A designated spokesperson shall have 10 minutes to speak. At the Presiding Officer’s discretion, additional time may be granted. The City Clerk shall be the timekeeper.

Addressing the Planning Commission on Items not on the Agenda – The Brown Act prohibits discussion or action on items not on the posted agenda. The City Council’s Meeting Protocols and Rules of Procedure provide that in the interest of allowing Planning Commission to have adequate time to address the agenda items of business, “Items from the Audience/Public Comment” following the Consent Calendar will be limited to 15-minutes maximum period. “Items from the Audience/Public Comment” listed near the end of the agenda will not have a maximum time limit. 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, Planning Commissioners 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 Planning Commission. When members of the public address the Planning Commission, they should be as specific as possible about their concerns. If several members of the public comment on the same issue an effort should be made to avoid repetition of views already expressed.

Notice – A 90-day limit is set by law for filing challenges in the Superior Court to certain City administrative decisions and orders when those decisions or orders require: (1) a hearing by law, (2) the receipt of evidence, and (3) the exercise of discretion. The 90-day limit begins on the date the decision is final (Code of Civil Procedure Section 1094.6). Further, if you challenge a Planning Commission action in court, you may be limited, by California law, including but not limited to Government Code Section 65009, to raising only those issues you or someone else raised during the public hearing, or raised in written correspondence delivered to the Planning Commission prior to or at the public hearing.

Full copies of the agenda are available on the City’s website: www.cityoftracy.org.

MEETING AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ACTIONS, BY MOTION, OF PLANNING COMMISSION PURSUANT TO AB 2449, IF ANY

ROLL CALL

MINUTES – 09.10.25 Regular Meeting Minutes

DIRECTOR’S REPORT REGARDING THIS AGENDA

ITEMS FROM THE AUDIENCE - *In accordance with Council Meeting Protocols and Rules of Procedure, adopted by Resolution No. 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, Planning Commissioners 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 the Planning Commission.*

1. NEW BUSINESS

1.A STAFF RECOMMENDS THAT THE PLANNING COMMISSION CONDUCT A PUBLIC HEARING, AND UPON ITS CONCLUSION, ADOPT A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL TAKE THE FOLLOWING ACTIONS (1) DETERMINE THAT THIS PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTIONS 15378 (NOT A “PROJECT” WITHIN THE MEANING OF CEQA) AND 15061(B)(3) (“COMMON SENSE” EXEMPTION) AND (2) RECOMMEND THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING ARTICLE 8 – MEDIUM DENSITY CLUSTER ZONE, ARTICLE 9 – MEDIUM DENSITY RESIDENTIAL ZONE, ARTICLE 9.5 – SMALL LOT RESIDENTIAL ZONE, ARTICLE 11 – HIGH DENSITY RESIDENTIAL ZONE, ARTICLE 19 – GENERAL HIGHWAY COMMERCIAL ZONE, AND ADDING A “DENSITY” DEFINITION TO ARTICLE 2 OF TITLE 10, PLANNING AND ZONING, OF THE TRACY MUNICIPAL CODE.

THIS PROJECT IS CITY INITIATED TO COMPLY WITH STATE HOUSING LAWS AND TO COMPLETE IMPLEMENTATION ACTIONS REQUIRED IN THE CITY COUNCIL ADOPTED 2023-2031 HOUSING ELEMENT UPDATE.

1.B STAFF RECOMMENDS THAT THE PLANNING COMMISSION CONDUCT A PUBLIC HEARING, AND UPON ITS CONCLUSION, ADOPT A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL TAKE THE FOLLOWING ACTIONS (1) DETERMINE THAT THIS PROJECT IS COVERED BY THE COMMON SENSE EXEMPTION AND IS NOT SUBJECT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15061(B)(3) AND (2) RECOMMEND THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING ARTICLE 8 – MEDIUM DENSITY CLUSTER ZONE, ARTICLE 9 – MEDIUM DENSITY RESIDENTIAL ZONE, ARTICLE 9.9 SMALL LOT RESIDENTIAL ZONE, ARTICLE 11 – HIGH DENSITY RESIDENTIAL ZONE, ARTICLE 19 – GENERAL HIGHWAY COMMERCIAL ZONE AND ADDING A “DENSITY” DEFINITION TO ARTICLE 2 OF TITLE 10, PLANNING AND ZONING,

OF THE TRACY MUNICIPAL CODE.

THIS PROJECT IS CITY INITIATED TO COME INTO COMPLIANCE WITH STATE HOUSING LAWS AND TO COMPLETE IMPLEMENTATION ACTIONS REQUIRED IN THE CITY COUNCIL ADOPTED 2023-2031 HOUSING ELEMENT UPDATE.

- 1.C THE PLANNING COMMISSION WILL RECEIVE A PRESENTATION FROM THE CITY ATTORNEY'S OFFICE REGARDING THE BROWN ACT.
2. ITEMS FROM THE AUDIENCE
3. DIRECTOR'S REPORT
4. ITEMS FROM THE COMMISSION
5. ADJOURNMENT

Posted: October 30, 2025

Any materials distributed to the majority of the Planning Commission regarding any item on this agenda will be made available for public inspection via the City of Tracy website at www.cityoftracy.org.

**MINUTES
TRACY CITY PLANNING COMMISSION
REGULAR MEETING
SEPTEMBER 10, 2025, 7:00 P.M.
CITY OF TRACY COUNCIL CHAMBERS
333 CIVIC CENTER PLAZA**

CALL TO ORDER

Chair Penning called the meeting to order at 7:00 p.m.

Jennifer Lucero, Administrative Assistant, notified the Commission of an action pursuant to Assembly Bill 2449, that Commissioner Orcutt was requesting to be present via Webex Video due to last minute work requirements.

PLEDGE OF ALLEGIANCE

Chair Penning led the pledge of allegiance.

ROLL CALL

Roll Call found Commissioner Atwal, Commissioner English, Vice Chair Boakye-Boateng and Chair Penning present. Commissioner Orcutt was present via WebEx. Also present were: Scott Claar, Planning Manager; Daniella Green, Assistant City Attorney; Christina Delgadillo, Assistant Planner; Lacy Starling; Code Analyst; Daniel Gacia, Police Lieutenant; and Jennifer Lucero, Administrative Assistant.

MINUTES

Chair Penning introduced the Regular Meeting Minutes from the August 13, 2025 Planning Commission Regular Meeting.

ACTION: It was moved by Commissioner Atwal and seconded by Vice Chair Boakye-Boateng to approve the August 13, 2025 Planning Commission Regular Meeting Minutes. A voice vote found Commissioner Atwal, Commissioner English, Commissioner Orcutt, Vice Chair Boakye-Boateng and Chair Penning in favor. Passed and so ordered; 5-0-0-0.

DIRECTOR'S REPORT REGARDING THIS AGENDA

None.

ITEMS FROM THE AUDIENCE

None.

1. NEW BUSINESS

- A. Staff recommends that the Planning Commission conduct a public hearing, and upon its conclusion, adopt a resolution (1) Granting a Conditional Use Permit, application number CUP25-0002, for the operation of an eating and/or drinking establishment that serves alcohol and provides entertainment past 11:00 p.m. located at 1005 E. Pescadero Avenue, Suite 111, Assessor's Parcel Number 213-060-52 (2) Determining

that this project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA guidelines section 15301, pertaining to existing facilities. The applicant is Bay Boys Brewing LLC, and the property owner is 51 Newco LLC ETAL.

Christina Delgadillo, Assistant Planner, presented the staff report and addressed questions from the Commission.

Chair Penning opened the Public Hearing at 7:13 p.m.

Max Tolstoyuzov, applicant and his attorney, Mr. Class, addressed the Commission.

Commissioner English requested the COA be amended to include “past 11 p.m.” in Condition D.3.3

Seeing as no one else came forward, the public hearing was closed at 7:29 p.m.

ACTION: It was moved by Commissioner Atwal and seconded by Commissioner Orcutt that the Planning Commission adopts a resolution that:

1. Grants a Conditional Use Permit, application number CUP25-0002, to operate an eating and/or drinking establishment that serves alcohol and provides entertainment past 11:00 p.m., located at 1005 E. Pescadero Avenue, Suite 111, Assessor’s Parcel Number 213-060-52; and
2. Determine that this project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA guidelines section 15301, pertaining to existing facilities.

A roll call vote found Commissioner Atwal, Commissioner English, Commissioner Orcutt, Vice Chair Boakye-Boateng, and Chair Penning all in favor. Passed and so ordered; 5-0-0-0.

2. ITEMS FROM THE AUDIENCE

None.

3. DIRECTOR’S REPORT

None.

4. ITEMS FROM THE COMMISSION

Commissioner English encouraged people to attend two upcoming local community events,

5. ADJOURNMENT

ACTION: It was moved by Commissioner Orcutt and seconded by Chair Penning to adjourn.

Time: 7:36 p.m.

CHAIR

STAFF LIAISON

This meeting's agenda was posted at the Tracy City Hall on September 4th, 2025. The above are action minutes. A recording is available on the City's website.



PLANNING COMMISSION STAFF REPORT

Item No. 1.A

DATE	November 5, 2025
TITLE	Housing Element Implementation / Zoning Text Amendments to increase the allowable density in MDR, MDC, SLR, HDR, and GHC Zone Districts
LOCATION	Citywide
APPLICATION TYPE	Zoning Text Amendment (ZA25-0004)
CEQA STATUS	Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15378 and 15061(b)(3).
PROJECT PLANNER	Craig Hoffman (209) 831-6426 craig.hoffman@cityoftracy.org

RECOMMENDATION

Staff recommends that the Planning Commission conduct a public hearing, and upon its conclusion, adopt a resolution recommending that the City Council take the following actions:

- (1) Determine that this project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15378 (not a “project” within the meaning of CEQA) and 15061(b)(3) (“common sense” exemption).
- (2) Recommend that the City Council adopt an ordinance amending Article 8 – Medium Density Cluster Zone, Article 9 – Medium Density Residential Zone, Article 9.5 – Small Lot Residential Zone, Article 11 – High Density Residential Zone, Article 19 – General Highway Commercial Zone, and adding a “density” definition to Article 2 of Title 10, Planning and Zoning, of the Tracy Municipal Code.

This project is City initiated to comply with State housing laws and to complete implementation actions required in the City Council adopted 2023-2031 Housing Element Update.

BACKGROUND

The City Council adopted the 2023 – 2031 Housing Element on July 1, 2025. The City of Tracy received a compliance letter from the California Department of Housing and Community

Development (HCD) on August 11, 2025, indicating HCD’s tentative certification of the City’s 6th cycle Housing Element update for the 2023 – 2031 planning period.

The City is now working on the Housing Element implementation measures, which include rezones and General Plan Amendments affecting over 120 properties and totaling approximately 240 acres spread throughout the City, as shown in the Housing Element. Included in the rezones will be the creation of a new Mixed Use zone district. A Public Draft Environmental Impact Report (EIR) for the rezones and General Plan Amendments is anticipated to be released in November or December of this year for a 45-day public review period. The public hearing process for the Planning Commission and the City Council to consider the rezones and General Plan Amendments is anticipated for the first quarter of 2026. The City’s Housing Element will not be in full compliance with HCD until the rezones and General Plan Amendments are complete.

In total, the Housing Element includes approximately 94 tasks that need to be implemented by the City, including increasing the allowable density in multiple zone districts, which is the subject of this agenda item.

PROJECT DESCRIPTION

The 2023 – 2031 Housing Element Update requires increasing the allowable density in the Medium Density Residential (MDR), Medium Density Cluster (MDC), High Density Residential (HDR) and General Highway Commercial (GHC) zone districts. Staff is also recommending the recently created Small Lot Residential (SLR) zone district be amended to stay consistent with the new density ranges required by the Housing Element.

The table below identifies the existing and proposed densities.

Zoning District	Existing Density Range	Proposed Density Range
Medium Density Residential (MDR)	5.9 – 12 units/acre	5.9 – 20 units/acre
Medium Density Cluster (MDC)	5.9 – 12 units/acre	5.9 – 20 units/acre
Small Lot Residential (SLR)	5.9 – 12 units/acre 12 – 25 units/acre	5.9 – 20 units/acre 20 – 35 units/acre
High Density Residential (HDR)	12 – 25 units/acre	20 – 35 units/acre
General Highway Commercial (GHC)	12 – 25 units/acre	20 – 35 units/acre

The zoning code update for these districts also includes slight modifications to required lot area, lot coverage and development review standards. These revisions are shown in Attachment A in track changes or with ~~deletions~~ and **additions in bold and underline**. These modifications are required by the Housing Element and are consistent with modifications required to city standards state-wide.

All of these sections have language added for development review to comply with the newly created objective design standards.

Staff has also prepared a ‘density’ definition that is also required by the Housing Element.

CEQA DETERMINATION

The proposed ordinance is not a project within the meaning of section 15378 of the CEQA Guidelines because it has no potential for resulting in physical change in the environment, either directly or ultimately. In the event that the ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment. No development is approved by this zoning text amendment and future development projects in these zone districts will be subject to separate CEQA review.

SUMMARY

The proposed zoning text amendments to increase the allowable density in the MDR, MDC, SLR, HDR, and GHC zone districts are requirements for implementation of the Housing Element and are consistent with density modifications required state-wide.

ATTACHMENTS

A – Planning Commission Resolution

Exhibit 1 – An Ordinance of The City of Tracy Amending Article 8 – Medium Density Cluster Zone, Article 9 – Medium Density Residential Zone, Article 9.5 Small Lot Residential Zone, Article 11 – High “Density Residential Zone, Article 19 – General Highway Commercial Zone and adding a Density” definition to Article 2 of Title 10, Planning And Zoning, of the Tracy Municipal Code

Exhibit A – Article 8 – Medium Density Cluster Zone

Exhibit B - Article 9 – Medium Density Residential Zone

Exhibit C - Article 9.5 – Small Lot Residential Zone

Exhibit D - Article 11 – High Density Residential Zone

Exhibit E - Article 19 – General Highway Commercial Zone

Exhibit F - Article 2 - 10.08.256 – adding a “Density” definition

TRACY PLANNING COMMISSION

RESOLUTION 2025-____

RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF TRACY CONDUCT A PUBLIC HEARING, AND UPON ITS CONCLUSION, TAKE THE FOLLOWING ACTIONS:

1. INTRODUCE AND ADOPT AN ORDINANCE THAT

(A) DETERMINES THAT THE ORDINANCE IS NOT A PROJECT WITHIN THE MEANING OF SECTION 15378 OF THE CEQA GUIDELINES BECAUSE IT HAS NO POTENTIAL FOR RESULTING IN PHYSICAL CHANGE IN THE ENVIRONMENT, EITHER DIRECTLY OR ULTIMATELY. IN THE EVENT THAT THE ORDINANCE IS FOUND TO BE A PROJECT UNDER CEQA, IT IS SUBJECT TO THE CEQA EXEMPTION CONTAINED IN CEQA GUIDELINES SECTION 15061(B)(3) BECAUSE IT CAN BE SEEN WITH CERTAINTY TO HAVE NO POSSIBILITY OF A SIGNIFICANT EFFECT ON THE ENVIRONMENT; AND; AND

(B) APPROVES AN AMENDMENT TO ARTICLE 8 – MEDIUM DENSITY CLUSTER ZONE, ARTICLE 9 – MEDIUM DENSITY RESIDENTIAL ZONE, ARTICLE 9.5 SMALL LOT RESIDENTIAL ZONE, ARTICLE 11 – HIGH DENSITY RESIDENTIAL ZONE, ARTICLE 19 – GENERAL HIGHWAY COMMERCIAL ZONE, AND ADDING A “DENSITY” DEFINITION TO ARTICLE 2 OF CHAPTER 10.08 OF TITLE 10, PLANNING AND ZONING, OF THE TRACY MUNICIPAL CODE.

WHEREAS, State law requires the City of Tracy to adopt a General Plan containing mandatory elements including housing, and that the Housing Element is required to be updated and is subject to statutory requirements and mandatory review by the California Department of Housing and Community Development (HCD); and

WHEREAS, the 2023 – 2031 Housing Element was prepared in coordination with the California Department of Housing and Community Development; and

WHEREAS, the update to the Housing Element has provided residents and other interested parties with opportunities to review draft documents and proposed policies, and to provide recommendations for consideration by decision-makers; and

WHEREAS, the 2023 – 2031 Housing Element public participation efforts included an online housing survey in both English and Spanish, stakeholder focus group interviews, dedicated webpage on City website, an email list, community workshops, joint Planning Commission and City Council study session and several Planning Commission and City Council public hearings; and

WHEREAS, on July 1, 2025, Tracy City Council adopted the 2023-2031 Housing Element Update, requiring staff to implement the objectives, policies, and programs set forth in the Housing Plan to provide housing that fulfills the diverse needs of the community; and

WHEREAS, the California Department of Housing and Community Development provided tentative certification on August 11, 2025, on the 2023 – 2031 Housing Element subject to various implementation programs and polices being updated and enacted; and

WHEREAS, the 2023 – 2031 Housing Element requires increasing the allowable density ranges in the Medium Density Residential, Medium Density Cluster, High Density Residential and General Highway Commercial zone districts; and

WHEREAS, the 2023 – 2031 Housing Element requires the creation of a “density” definition in the Article 2 definitions; and

WHEREAS, the Small Lot Residential zone density is to be amended to be consistent with the Housing Element and the Medium Density Residential, Medium Density Cluster, and High Density Residential zone districts; and

WHEREAS, the ordinance is not a project within the meaning of Section 15378 of the CEQA Guidelines because it has no potential for resulting in physical change in the environment, either directly or ultimately. In the event that the ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines Section 15061(B)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment; and

WHEREAS, the Planning Commission considered this matter at a duly noticed public hearing held on November 5, 2025; now, therefore, be it

RESOLVED, That the Planning Commission of the City of Tracy hereby recommends that the City Council determine that the ordinance is not a project within the meaning of Section 15378 of the CEQA Guidelines because it has no potential for resulting in physical change in the environment, either directly or ultimately. In the event that the ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines Section 15061(B)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment; and be it

FURTHER RESOLVED, That the Planning Commission of the City of Tracy hereby recommends that the City Council introduce and adopt an ordinance (as shown in Exhibit 1) amending Article 8 – Medium Density Cluster Zone (Exhibit A), Article 9 – Medium Density Residential Zone (Exhibit B), Article 9.5 – Small Lot Residential Zone (Exhibit C), Article 11 – High Density Residential Zone (Exhibit D), Article 19 – General Highway Commercial Zone (Exhibit E) and adding a “density” definition to Article 2 (Exhibit F) of Chapter 10.08 of Title 10, Planning and Zoning, of the Tracy Municipal Code.

* * * * *

The foregoing Resolution 2025-____ was adopted by the Planning Commission of the City of Tracy on the 5th day of November, 2025, by the following vote:

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

Chair

ATTEST:

Staff Liaison

Exhibit 1 – An Ordinance of The City of Tracy Amending Article 8 – Medium Density Cluster Zone, Article 9 – Medium Density Residential Zone, Article 9.5 Small Lot Residential Zone, Article 11 – High “Density Residential Zone, Article 19 – General Highway Commercial Zone and adding a Density” definition to Article 2 of Title 10, Planning And Zoning, of the Tracy Municipal Code

Exhibit A – Article 8 – Medium Density Cluster Zone

Exhibit B - Article 9 – Medium Density Residential Zone

Exhibit C - Article 9.5 – Small Lot Residential Zone

Exhibit D - Article 11 – High Density Residential Zone

Exhibit E - Article 19 – General Highway Commercial Zone

Exhibit F - Article 2 - 10.08.256 – adding a “Density” definition

APPROVED AS TO FORM AND LEGALITY

CITY ATTORNEY'S OFFICE

TRACY CITY COUNCIL

ORDINANCE NO. _____

AN ORDINANCE 1) DETERMINING THAT THE ORDINANCE IS NOT A PROJECT WITHIN THE MEANING OF SECTION 15378 OF THE CEQA GUIDELINES BECAUSE IT HAS NO POTENTIAL FOR RESULTING IN PHYSICAL CHANGE IN THE ENVIRONMENT, EITHER DIRECTLY OR ULTIMATELY. IN THE EVENT THAT THE ORDINANCE IS FOUND TO BE A PROJECT UNDER CEQA, IT IS SUBJECT TO THE CEQA EXEMPTION CONTAINED IN CEQA GUIDELINES SECTION 15061(B)(3) BECAUSE IT CAN BE SEEN WITH CERTAINTY TO HAVE NO POSSIBILITY OF A SIGNIFICANT EFFECT ON THE ENVIRONMENT AND 2) APPROVING AN AMENDMENT TO ARTICLE 8 – MEDIUM DENSITY CLUSTER ZONE, ARTICLE 9 – MEDIUM DENSITY RESIDENTIAL ZONE, ARTICLE 9.5 – SMALL LOT RESIDENTIAL ZONE, ARTICLE 11 – HIGH DENSITY RESIDENTIAL ZONE, ARTICLE 19 – GENERAL HIGHWAY COMMERCIAL ZONE, AND ADDING A DENSITY DEFINITION TO ARTICLE 2 OF CHAPTER 10.08, ZONING REGULATIONS, OF TITLE 10, PLANNING AND ZONING, OF THE TRACY MUNICIPAL CODE

WHEREAS, State law requires the City of Tracy to adopt a General Plan containing mandatory elements including housing, and that the Housing Element is required to be updated and is subject to statutory requirements and mandatory review by the California Department of Housing and Community Development (HCD); and

WHEREAS, the 2023 – 2031 Housing Element was prepared in coordination with the California Department of Housing and Community Development; and

WHEREAS, the update to the Housing Element has provided residents and other interested parties with opportunities to review draft documents and proposed policies, and to provide recommendations for consideration by decision-makers; and

WHEREAS, the 2023 – 2031 Housing Element public participation efforts included an online housing survey in both English and Spanish, stakeholder focus group interviews, dedicated webpage on City website, an email list, community workshops, joint Planning Commission and City Council study session and several Planning Commission and City Council public hearings; and

WHEREAS, on July 1, 2025, Tracy City Council adopted the 2023-2031 Housing Element Update, requiring staff to implement the objectives, policies, and programs set forth in the Housing Plan to provide housing that fulfills the diverse needs of the community; and

WHEREAS, the California Department of Housing and Community Development provided tentative certification on August 11, 2025, on the 2023 – 2031 Housing Element subject to various implementation programs and polices being updated and enacted; and

WHEREAS, the 2023 – 2031 Housing Element requires increasing the allowable density ranges in the Medium Density Residential, Medium Density Cluster, High Density Residential and General Highway Commercial zone districts; and

WHEREAS, the 2023 – 2031 Housing Element requires the creation of a density definition in the Article 2 definitions; and

WHEREAS, the Small Lot Residential zone density is be amended to be consistent with the Housing Element and the Medium Density Residential, Medium Density Cluster, and High Density Residential zone districts; and

WHEREAS, the ordinance is not a project within the meaning of Section 15378 of the CEQA Guidelines because it has no potential for resulting in physical change in the environment, either directly or ultimately. In the event that the ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment; and

WHEREAS, the Planning Commission considered this matter at a duly noticed public hearing held on November 5, 2025, and recommended that the City Council adopt the ordinance; and

WHEREAS, The City Council considered this matter at a duly noticed public hearing held on December 2, 2025; and

WHEREAS, the proposed revisions to the Tracy Municipal Code are in track changes or with ~~deletions~~ ~~stricken~~ and **additions in bold and underline** in the below referenced Exhibits.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TRACY DOES ORDAIN AS FOLLOWS:

SECTION 1. Incorporation of Recitals/Findings. The foregoing recitals are true and correct and are incorporated herein as findings.

SECTION 2. CEQA Determination. The City Council finds and determines this Ordinance is not a project within the meaning of section 15378 of the CEQA Guidelines because it has no potential for resulting in physical change in the environment, either directly or ultimately. In the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment.

SECTION 3. Amendment to Tracy Municipal Code, Title 10, Chapter 8, Article 8. The City Council hereby approves the zoning text amendment to Article 8 – Medium Density Cluster Zone as attached to this Ordinance as Exhibit “A” and incorporated by reference as if

fully set forth herein. This zoning text amendment made by this ordinance shall be codified in the Tracy Municipal Code.

SECTION 4. Amendment to Tracy Municipal Code Title 10, Chapter 8, Article 9.

The City Council hereby approves the zoning text amendment to Article 9 – Medium Density Residential Zone as attached to this Ordinance as Exhibit “B” and incorporated by reference as if fully set forth herein. This zoning text amendment made by this ordinance shall be codified in the Tracy Municipal Code.

SECTION 5. Amendment to Tracy Municipal Code, Title 10, Chapter 8, Article 9.5.

The City Council hereby approves the zoning text amendment to Article 9.5 – Small Lot Residential Zone as attached to this Ordinance as Exhibit “C” and incorporated by reference as if fully set forth herein. This zoning text amendment made by this ordinance shall be codified in the Tracy Municipal Code.

SECTION 6. Amendment to Tracy Municipal Code, Title 10, Chapter 8, Article 11.

The City Council hereby approves the zoning text amendment to Article 11 – High Density Residential Zone as attached to this Ordinance as Exhibit “D” and incorporated by reference as if fully set forth herein. This zoning text amendment made by this ordinance shall be codified in the Tracy Municipal Code.

SECTION 7. Amendment to Tracy Municipal Code, Title 10, Chapter 8, Article 19.

The City Council hereby approves the zoning text amendment to Article 19 – General Highway Commercial Zone as attached to this Ordinance as Exhibit “E” and incorporated by reference as if fully set forth herein. This zoning text amendment made by this ordinance shall be codified in the Tracy Municipal Code.

SECTION 8. Amendment to Tracy Municipal Code, Adding Section 10.08.256.

The City Council hereby approves the zoning text amendment to Article 2 – Definitions, adding section 10.08.256 – Density, as attached to this Ordinance as Exhibit “F” and incorporated by reference as if fully set forth herein. This zoning text amendment made by this ordinance shall be codified in the Tracy Municipal Code.

SECTION 9. Effective Date. This Ordinance shall take effect 30 days after its final passage and adoption.

SECTION 10. Publication This Ordinance shall either (1) be published once in a newspaper of general circulation, within 15 days after its final adoption, or (2) be published in summary form and posted in the City Clerk’s office at least five days before the ordinance is adopted and within 15 days after adoption, with the names of the Council Members voting for and against the ordinance. (Gov’t. Code §36933.)

SECTION 11. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of

competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

SECTION 12. Typographical or Clerical (Scrivener’s) Error. Any typographical errors in this Ordinance may be remedied by the City Attorney with the assistance of the City Clerk and shall not constitute an alteration.

* * * * *

The foregoing Ordinance _____ was introduced at a regular meeting of the Tracy City Council on the 2nd day of December, 2025, and finally adopted on the ____ day of _____, 2025, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

DAN ARRIOLA
Mayor of the City of Tracy

ATTEST: _____
APRIL B. A. QUINTANILLA
City Clerk and Clerk of the Council of the City of Tracy

Date of Attestation: _____

- **Article 8. - Medium Density Cluster Zone (MDC)**
- **10.08.1270 - Purpose (MDC).**

The Medium Density Cluster (MDC) Zone classification is designed to provide for single- and two-family dwellings, dwelling groups, and supporting uses and to be utilized in appropriate locations within the areas designated medium density residential with a density range of five and nine-tenths (5.9) to **twenty (20)** ~~twelve and no/tenths (12.0)~~ dwelling units per gross acre by the General Plan.

(Prior code § 10-2.800)

- **10.08.1280 - Permitted uses (MDC).**

(a) The following uses shall be permitted in the MDC Zone:

- (1) **Single-family, two-family, or multiple-family dwelling, dwelling group, or apartment house; Accessory dwelling unit, subject to TMC section [10.08.3180](#);**

~~Single-family, two-family, or three-family dwelling or dwelling group composed of such dwellings; Accessory dwelling unit, subject to TMC section [10.08.3180](#);~~

- (2) Boarding and rooming house;
- (3) Emergency homeless shelter, subject to TMC section [10.08.3197](#);
- (4) Crop and tree farming;
- (5) Public park, building or school; and
- (6) Accessory use or structure as provided in section [10.08.1080](#) of Article 5 of this chapter.

(b) The following conditional uses shall be permitted in the MDC Zone subject to the granting of a use permit as provided in sections [10.08.4250](#) through [10.08.4420](#) of [Article 34](#) of this chapter:

- (1) Mobile home park or mobile home park subdivision;
- (2) Condominium or planned residential development of one- and two-family dwellings;
- (3) (Not used);
- (4) Off-street parking to serve an adjacent commercial or office use;
- (5) Church and church related use;

- (6) Educational, cultural, institutional or recreational use;
- (7) Private school, nursery school or day care center;
- (8) Hospital, convalescent hospital, rest home or nursing home;
- (9) Board and care facility;
- (10) Mortuary; and
- (11) Single-Room Occupancy Facility ("SROs"), subject to TMC section [10.08.3197](#).

(Prior code § 10-2.801)

(Ord. No. 1202, Exh. A § 15, 12-1-2015; Ord. No. 1254, § 5, 5-1-2018)

- **10.08.1290 - Lot area and width (MDC).**

There shall be no minimum lot size for this district.

~~The following lot area and width requirements shall apply in the MDC Zone:~~

- ~~(a) The minimum lot area shall be 3,500 square feet.~~
- ~~(b) The minimum lot width shall be forty five (45') feet at the front lot line, including cul-de-sacs and knuckles; except where the driveway to the lot is from an alley and there is no curb cut for a driveway along the front lot line in which event a minimum of thirty five (35') foot frontage at the front lot line shall be allowed.~~
- ~~(c) The requirement for a minimum frontage of forty five (45') feet on all MDC lots as described in (b) above shall not apply to projects having approved tentative subdivision maps and/or approved Development Review applications prior to the first reading of the ordinance codified in this section. Such projects shall provide a minimum frontage of thirty five (35') feet and the corner lot width shall be at least forty (40') feet; provided, however, lots on cul-de-sacs or knuckles shall have a minimum frontage of at least twenty five (25') feet and a width at a twenty (20') foot building line of at least thirty (30') feet.~~

(Prior code § 10-2.802)

- **10.08.1300 - Density (MDC).**

~~There shall be at least 3,500 square feet of net lot area for each dwelling unit in the MDC Zone.~~

The areas designated medium density cluster shall have a density range of five and nine-tenths (5.9) to twenty (20) dwelling units per gross acre by the General Plan.

The density of a project may be averaged as a sole parcel or combination of adjacent touching parcels, if part of the overall project.

The clustering of differentiating product types is allowed as long as the minimum density is maintained. A site or project may include multiple product types if allowed in section 10.08.1380 - Permitted uses

(Prior code § 10-2.803)

- **10.08.1310 - Minimum yards (MDC).**

The following minimum yards shall be required in the MDC Zone:

(a) Front:

- (1) For lots created on or after July 7, 2016, the minimum front yard shall be ten (10') feet, except for the garage door, which shall be setback a minimum of twenty (20') feet;
- (2) For lots created before July 7, 2016, the minimum front yard shall be at least fifteen (15') feet to at least twenty (20') feet, including garage structure from the existing or planned sidewalk with at least a two (2') foot differential between neighboring main buildings. Garage setbacks fifteen (15') feet to eighteen (18') feet from the property line shall have roll-up doors;

(b) Side:

- (1) Interior lots: Seven (7') feet on one side and four (4') feet on the other with a minimum distance of eleven (11') feet between neighboring main buildings;
- (2) Corner lots: Ten (10') feet on the street side and four (4') feet on the interior side; with no four (4') foot side yard abutting another four (4') foot side yard with a minimum distance of eleven (11') feet between neighboring main buildings;
- (3) Interior lots ten (10') feet on one side with zero (0') feet on interior side. On corner lots the ten (10') foot side yard shall be on the street side;

(c) Rear:

- (1) For lots created on or after July 7, 2016, the minimum rear yard shall be ten (10') feet with at least 450 square feet of open space in the rear yard;
- (2) For lots created before July 7, 2016, the minimum rear yard shall be ten (10') feet with an average distance of fifteen (15') feet and at least six hundred seventy-five (675') square feet of open space in the rear yard;

- (d) Distance between buildings: Six (6') feet between accessory buildings and between an accessory and main building; and the minimum distance between main buildings shall be the average height of the two main buildings;

- (e) Accessory buildings not exceeding one-story in height may be located in any required rear or interior side yard provided they are on the rear one-half ($\frac{1}{2}$) of the lot or at least sixty (60') feet from the front property line;
- (f) The requirements for side (b) and rear (c) yards described above shall not apply to projects having an approved Development Review and/or Tentative Subdivision Map application prior to October 3, 1989. Such projects shall provide a side yard area of seven (7') feet on one side and three (3') feet on the other side, with a rear yard setback of ten (10') feet.

(Prior code § 10-2.804)

(Ord. No. 1218, § 1, 6-7-2016)

- **10.08.1320 - Height (MDC).**

The maximum height in the MDC Zone shall be two and one-half ($2\frac{1}{2}$) stories or thirty-five (35') feet, whichever is less. Second story elevations facing the street shall have windows or other significant architectural features.

(Prior code § 10-2.805)

- **10.08.1330 - Lot coverage (MDC).**

The maximum coverage of all buildings in the MDC Zone shall not exceed ~~forty-five (45%)~~ **sixty-five (65%)** percent of the net lot area.

No garage shall exceed one-half ($\frac{1}{2}$) of the lot width unless the driveway enters from an alley.

Those projects having approved development review and/or tentative subdivision map applications prior to the first reading of the ordinance codified in this section shall be exempt from the above standards. Said projects shall not require single-family residential to be subject to Development Review.

(Prior code § 10-2.806)

- **10.08.1340 - Off-street parking (MDC).**

Off-street parking in the MDC Zone shall be provided as required by [Article 26](#) of this chapter.

(Prior code § 10-2.807)

- **10.08.1350 - Development review (MDC).**

Development approval of all uses, buildings, and site development in the MDC Zone requiring a building permit shall be required as provided in [Article 30](#) of this chapter.

Those projects having approved development review and/or tentative subdivision map applications prior to the first reading of the ordinance codified in this section shall be exempt from the above standards. Said projects shall comply with the standards of the provisions in effect before the effective date of the ordinance codified in this section.

(Prior code § 10-2.808)

Multifamily Residential or Medium Density Residential projects of five (5) or more units that include a minimum twenty percent (20%) of units affordable to lower-income households (in accordance with Government Code Section 65583.2(c)) shall be a permitted use by right; however, projects must comply with the Multiple-Unit and Mixed-Use Housing Objective Design Standards in Section 10.10.050. For purposes of this section, “use by right” has the same meaning as provided in Government Code Section 65583.2(i). Residential projects of five (5) or more units not containing a minimum of twenty percent (20%) of affordable units shall require staff level review. Projects that include an entitlement that requires Planning Commission approval, will have the Development Review approved by the Planning Commission.

- **10.08.1360 - Abutting RE (MDC).**

Design of new lots abutting an RE Zone shall be such that each RE lot has two or less neighboring lots for every 100 feet of frontage of the RE lot and no street shall abut the RE Zone lots. Such lots shall be separated by a fence with a two (2') foot high masonry base, with a five (5') foot high wood top, for a total height of seven (7') feet along the RE Zone. Said durable fence shall also be on any borders of a school and or park with an RE Zone.

Those projects having approved development review and/or tentative subdivision map applications prior to the first reading of the ordinance codified in this section shall be exempt from the above standards. Said projects shall comply with the standards of the provisions in effect before the effective date of the ordinance codified in this section.

(Prior code § 10-2.809)

- **10.08.1370 - On-street parking (MDC).**

At least one and one-half (1½) on-street parking space shall be provided per dwelling unit. Said parking spaces shall be located on the same street as that which the dwelling unit it is intended to provide parking for is located.

Those projects having approved development review and/or tentative subdivision map applications prior to the first reading of the ordinance codified in this section shall be exempt from the above standards. Said project shall comply with the standards of the provisions in effect before the effective date of the ordinance codified in this section.

(Prior code § 10-2.810)

- **Article 9. - Medium Density Residential Zone (MDR)**
- **10.08.1380 - Purpose (MDR).**

The Medium Density Residential (MDR) Zone is designed to provide for apartments, multiple-family dwellings, dwelling groups, and supporting uses and to be utilized in appropriate locations within the areas designated medium-density residential with a density range of five and nine-tenths (5.9) to **twenty (20)** ~~twelve and no tenths (12.0)~~ dwelling units per gross acre by the General Plan.

(Prior code § 10-2.900)

- **10.08.1390 - Permitted uses (MDR).**

(a) The following uses shall be permitted in the MDR Zone:

- (1) Single-family, two-family, or multiple-family dwelling, dwelling group, or apartment house; Accessory dwelling unit, subject to TMC section [10.08.3180](#);
- (2) Boarding and rooming house;
- (3) Emergency homeless shelter, subject to TMC section [10.08.3197](#);
- (4) Single-Room Occupancy Facility ("SROs"), subject to TMC section [10.08.3197](#);
- (5) Crop and tree farming;
- (6) Public park, building, or school; and
- (7) Accessory use as provided in section [10.08.1080](#) of Article 5 of this chapter.

(b) The following conditional uses shall be permitted in the MDR Zone subject to the granting of a use permit as provided in sections [10.08.4250](#) through [10.08.4420](#) of [Article 34](#) of this chapter:

- (1) Mobile home park or mobile home park subdivision;
- (2) Condominium or planned residential development;
- (3) (Not used);
- (4) Off-street parking to serve an adjacent commercial or office use;
- (5) Church and church-related use;
- (6) Educational, cultural, institutional or recreational use;
- (7) Private school, nursery school or day care center;

(8) Hospital, convalescent hospital or rest and nursing home;

(9) Board and care facility; and

(10) Mortuary.

(Prior code § 10-2.901)

(Ord. No. 1202, Exh. A § 16, 12-1-2015; Ord. No. 1254, § 5, 5-1-2018)

- **10.08.1400 - Lot area and width (MDR).**

There shall be no minimum lot size for this district.

The following lot area and width requirements shall apply in the MDR Zone:

~~(a) The minimum lot area shall be 6,000 square feet.~~

~~(b) The minimum lot width shall be sixty (60') feet; provided, however, lots on cul-de-sacs or knuckles shall have a minimum frontage of at least thirty five (35') feet and a width at the twenty (20') foot building line of at least forty five (45') feet.~~

~~(c) The requirements set forth in this section may be increased or decreased for conditional uses.~~

(Prior code § 10-2.902)

- **10.08.1410 - Density (MDR).**

The areas designated medium density residential shall have a density range of five and nine-tenths (5.9) to twenty (20) dwelling units per gross acre by the General Plan.

There shall be at least 2,900 square feet of net lot area for each dwelling unit in the MDR Zone.

The density of a project may be averaged as a sole parcel or combination of adjacent touching parcels, if part of the overall project.

The clustering of differentiating product types is allowed as long as the minimum density is maintained. A site or project may include multiple product types if allowed in section 10.08.1380 - Permitted uses

(Prior code § 10-2.903)

- **10.08.1420 - Minimum yards (MDR).**

The following minimum yards shall be required in the MDR Zone:

(a) Front: Fifteen (15') feet, except garage structures which shall be twenty (20') feet;

(b) Side:

(1) Interior lots: Ten (10') feet on one side; three (3') feet on the other side. Lots recorded prior to June 1, 1965, and less than sixty (60') feet wide may utilize five (5') foot side yards;

(2) Corner lots: Three (3') feet on the interior side; ten (10') feet on the street side; provided, however, fifteen (15') feet shall be required on reverse corner lots; and

(3) Detached accessory buildings on the rear one-third ($\frac{1}{3}$) of the lot or seventy (70') feet from the front property line may be located in a required side yard other than a street side yard;

(c) Rear: Ten (10') feet, except detached accessory buildings which may be located in a required rear yard; and

(d) Distance between buildings: Six (6') feet between accessory buildings and between an accessory and a main building; and the minimum distance between main buildings shall be the average height of the two (2) main buildings.

(Prior code § 10-2.904)

- **10.08.1430 - Height (MDR).**

The maximum height in the MDR Zone shall be two and one-half (2½) stories or thirty-five (35') feet, whichever is less.

(Prior code § 10-2.905)

- **10.08.1440 - Lot coverage (MDR).**

The maximum aggregate coverage of all buildings in the MDR Zone shall not exceed sixty-five (65%) ~~forty-five (45%)~~ percent of the lot.

(Prior code § 10-2.906)

- **10.08.1450 - Usable open space (MDR).**

Residential uses in the MDR Zone shall provide minimum usable open space of 100 square feet for each of the first ten (10) dwelling units, fifty (50) square feet for each of the second ten (10) units, and twenty-five (25) square feet for each unit in excess of twenty (20).

For the purposes of this section, "usable open space" shall mean an on-site ground level area, not less than twenty (20') feet in width, of lawn, pool, or garden courts with

concrete paving accessible to all dwelling units via a walk, path, or stairway easily used and intended to be used by pedestrians. The space shall not include the required front yard or street side yard, off-street parking, driveways, or service areas. There shall be no obstruction above the space, except for devices to enhance the usability of the space.

(Prior code § 10-2.907)

- **10.08.1460 - Off-street parking (MDR).**

Off-street parking in the MDR Zone shall be provided as required by [Article 26](#) of this chapter.

(Prior code § 10-2.908)

- **10.08.1470 - Development review (MDR).**

Development approval for all uses, buildings, structures, and site development in the MDR Zone, except a single- or two-family residence and accessory structures on a single lot, shall be required as provided in [Article 30](#) of this chapter.

~~(Prior code § 10-2.909)~~

Multifamily Residential or Medium Density Residential projects of five (5) or more units that include a minimum twenty percent (20%) of units affordable to lower-income households (in accordance with Government Code Section 65583.2(c)) shall be a permitted use by right; however, projects must comply with the Multiple-Unit and Mixed-Use Housing Objective Design Standards in Section 10.10.050. For purposes of this section, “use by right” has the same meaning as provided in Government Code Section 65583.2(i). Residential projects of five (5) or more units not containing a minimum of twenty percent (20%) of affordable units shall require staff level review. Projects that include an entitlement that requires Planning Commission approval, will have the Development Review approved by the Planning Commission.

Article 9.5 – Small Lot Residential Zone (SLR)

10.08.1471 - Purpose (SLR).

The Small Lot Residential (SLR) Zone classification is designed to provide for single-family dwellings, two-family dwellings, and multiple-family dwellings on small lots, and to be utilized in appropriate locations within the areas designated Residential Medium with a density range of five and nine tenths (5.9) to **twenty (20)** ~~twelve (12)~~ dwelling units per gross acre or Residential High with a density range of **twenty (20) to thirty-five (35)** ~~twelve and one tenth (12.1) to twenty-five (25)~~ dwelling units per gross acre by the General Plan.

10.08.1472 - Permitted uses (SLR).

(a) The following uses shall be permitted in the SLR Zone:

- (1) Single-family, two-family, or multiple-family dwelling; Accessory dwelling unit, subject to TMC section [10.08.3180](#);
- (2) Boarding and rooming house;
- (3) Emergency homeless shelter, subject to TMC section [10.08.3197](#);
- (4) Single-Room Occupancy Facility ("SROs"), subject to TMC section [10.08.3197](#);
- (5) Crop and tree farming;
- (6) Public park, building or school; and
- (7) Accessory use or structure as provided in section [10.08.1080](#) of Article 5 of this chapter.

(b) The following conditional uses shall be permitted in the SLR Zone subject to the granting of a use permit as provided in sections [10.08.4250](#) through [10.08.4420](#) of [Article 34](#) of this chapter:

- (1) Mobile home park or mobile home park subdivision;
- (2) Condominium or planned residential development;
- (3) Church and church related use;
- (4) Educational, cultural, institutional or recreational use;
- (5) Private school, nursery school or day care center;

(6) Board and care facility;

(7) Hospital, convalescent hospital, rest home or nursing home; and

(8) Mortuary.

10.08.1473 - Lot area and width (SLR).

The following lot area and width requirements shall apply in the SLR Zone:

(a) The minimum lot area shall be 1,400 square feet.

(b) The minimum lot width shall be twenty-five (25') feet. Lots may be created with access provided by a private court or lane. For such cases where a lot fronts onto a private court or lane, rather than a public street, the property line dividing the lot from the private court or lane shall be the front lot line.

(c) The requirements set forth in this section may be increased or decreased for conditional uses.

10.08.1474 - Density (SLR).

There shall be at least 1,400 square feet of net lot area for each dwelling unit in the SLR Zone.

10.08.1475 - Minimum yards (SLR).

The following minimum yards shall be required in the SLR Zone:

(a) Front: Three (3') feet, including setback to garage;

(b) Side: Three (3') feet, except that the minimum side yard shall be zero for attached dwellings, and the street side yard on a corner lot shall be five (5') feet minimum;

(c) Rear: Three (3') feet.

(d) Distance between buildings: Six (6') feet.

(e) Detached accessory buildings shall meet the minimum distance between buildings and the minimum yards of the SLR Zone.

10.08.1476 - Height (SLR).

The maximum height in the SLR Zone shall be three stories or forty (40') feet, whichever is less.

10.08.1477 - Lot coverage (SLR).

The maximum aggregate coverage of all buildings in the SLR Zone shall not exceed seventy-five (75%) percent of the lot.

10.08.1478 - Off-street parking (SLR).

All single-family, two-family, and multiple-family dwellings in the SLR Zone shall provide off-street parking that meets the minimum requirements in [Article 26](#) of this chapter for single-family residential.

10.08.1479 - Development review (SLR).

Development approval of all uses, buildings, and site development in the SLR Zone shall be required as provided in [Article 30](#) of this chapter.

Multifamily Residential or Medium to High Density Residential projects of five (5) or more units that include a minimum twenty percent (20%) of units affordable to lower-income households (in accordance with Government Code Section 65583.2(c)) shall be a permitted use by right; however, projects must comply with the Multiple-Unit and Mixed-Use Housing Objective Design Standards in Section 10.10.050. For purposes of this section, "use by right" has the same meaning as provided in Government Code Section 65583.2(i). Residential projects of five (5) or more units not containing a minimum of twenty percent (20%) of affordable units shall require staff level review. Projects that include an entitlement that requires Planning Commission approval, will have the Development Review approved by the Planning Commission.

- **Article 11. - High Density Residential Zone (HDR)**
- **10.08.1570 - Purpose (HDR).**

The High Density Residential (HDR) Zone classification is designed to provide for apartments, multiple-family dwellings, dwelling groups, and supporting uses and to be utilized in appropriate locations within the areas designated high-medium density residential with a density range of **twenty (20) to thirty-five (35)** ~~twelve (12) to twenty-five (25)~~ dwelling units per gross acre by the General Plan.

(Prior code § 10-2.1100)

- **10.08.1580 - Permitted uses (HDR).**

(a) The following uses shall be permitted in the HDR Zone:

- (1) Single-family, two-family, or multiple-family dwelling, dwelling group, or apartment house; Accessory dwelling unit, subject to TMC section [10.08.3180](#);
- (2) Boarding and rooming house;
- (3) Emergency homeless shelter, subject to TMC section [10.08.3197](#);
- (4) Single-Room Occupancy Facility ("SROs"), subject to TMC section [10.08.3197](#)
- (5) Crop and tree farming;
- (6) Public park, building or school; and
- (7) Accessory use as provided in section [10.08.1080](#) of Article 5 of this chapter.

(b) The following conditional uses shall be permitted in the HDR Zone subject to the granting of a use permit as provided in sections [10.08.4250](#) through [10.08.4420](#) of [Article 34](#) of this chapter:

- (1) Mobile home park or mobile home park subdivision;
- (2) Condominium or planned residential development;
- (3) (Not used);
- (4) Off-street parking to serve an adjacent commercial or office use;
- (5) Church and church-related use;
- (6) Educational, cultural, institutional or recreational use;
- (7) Private school, nursery school or day care center;

- (8) Board and care facility;
- (9) Hospital, convalescent hospital, rest home or nursing home; and
- (10) Mortuary.

(Prior code § 10-2.1101)

(Ord. No. 1202, Exh. A § 17, 12-1-2015; Ord. No. 1254, § 5, 5-1-2018)

- **10.08.1590 - Lot area and width (HDR).**

There shall be no minimum lot size for this district.

The following lot area and width requirements shall apply in the HDR Zone:

~~(a) The minimum lot area shall be 6,000 square feet.~~

~~(b) The minimum lot width shall be sixty (60') feet; provided, however, lots on cul-de-sacs or knuckles shall have a minimum frontage of at least thirty five (35') feet and a width at the twenty (20') foot building line of at least forty five (45') feet.~~

~~(c) The requirements set forth in this section may be increased or decreased for conditional uses.~~

(Prior code § 10-2.1102)

- **10.08.1600 - Density (HDR).**

The areas designated high density residential shall have a density range of twenty (20) to thirty-five (35) dwelling units per gross acre by the General Plan

There shall be at least 1,400 square feet of net lot area for each dwelling unit in the HDR Zone.

The density of a project may be averaged as a sole parcel or combination of adjacent touching parcels, if part of the overall project.

The clustering of differentiating product types is allowed as long as the minimum density is maintained. A site or project may include multiple product types if allowed in section 10.08.1580 - Permitted uses

(Prior code § 10-2.1103)

- **10.08.1610 - Minimum yards (HDR).**

The following minimum yards shall be required in the HDR Zone:

(a) Front: Fifteen (15') feet, except garage structures which shall be twenty (20') feet;

(b) Side:

- (1) Interior lots: Five (5') feet on each side; provided, however, this requirement shall be increased by four (4') feet for every story above the second story;
- (2) Corner lots: Ten (10') feet on the street side; the interior side shall be the same as set forth in subsection (1) of this subsection; and
- (3) Detached accessory buildings not exceeding one story in height on the rear one-third ($\frac{1}{3}$) of the lot or set back at least seventy (70') feet from the front line whichever is less, may be located in a required side yard other than a street side yard;

(c) Rear:

- (1) Main buildings: Ten (10') feet; provided, however, this requirement shall be increased by four (4') feet for every story above the second story; and
- (2) Accessory buildings: Detached accessory buildings not exceeding one story in height may be located in the rear yard; and

(d) Distance between buildings: Six (6') feet between accessory buildings and between an accessory and main building; and the minimum distance between main buildings shall also be six (6') feet.

(Prior code § 10-2.1104)

(Ord. No. 1179, § 1, 1-15-2013)

- **10.08.1620 - Height (HDR).**

There shall be no height limit in the HDR Zone.

(Prior code § 10-2.1105)

- **10.08.1630 - Lot coverage (HDR).**

The maximum aggregate coverage of all buildings in the HDR Zone shall not exceed **seventy (70%)**~~forty-five (45%)~~ percent of the lot.

(Prior code § 10-2.1106)

- **10.08.1640 - Usable open space (HDR).**

Residential uses in the HDR Zone shall provide minimum usable open space of 100 square feet for each of the first ten (10) dwelling units, fifty (50) square feet for each of the second ten (10) units, and twenty-five (25) square feet for each unit in excess of twenty (20).

For the purposes of this section, "usable open space" shall mean an on-site ground level area, not less than twenty (20') feet in width, of lawn, pool, or garden courts with concrete paving accessible to all dwelling units via a walk, path, or stairway easily used and intended to be used by pedestrians. The space shall not include the required front yard or street side yard, off-street parking, driveways, or service areas. There shall be no obstruction above the space, except for devices to enhance the usability of the space.

(Prior code § 10-2.1107)

- **10.08.1650 - Off-street parking (HDR).**

Off-street parking in the HDR Zone shall be provided as required by [Article 26](#) of this chapter.

(Prior code § 10-2.1108)

- **10.08.1660 - Development review (HDR).**

Development approval for all uses, buildings, structures, and site development in the HDR Zone, except a single- or two-family residence and accessory structures on a single lot, shall be required as provided in [Article 30](#) of this chapter.

~~(Prior code § 10-2.1109)~~

Multifamily Residential or High Density Residential projects of five (5) or more units that include a minimum twenty percent (20%) of units affordable to lower-income households (in accordance with Government Code Section 65583.2(c)) shall be a permitted use by right; however, projects must comply with the Multiple-Unit and Mixed-Use Housing Objective Design Standards in Section 10.10.050. For purposes of this section, "use by right" has the same meaning as provided in Government Code Section 65583.2(i). Residential projects of five (5) or more units not containing a minimum of twenty percent (20%) of affordable units shall require staff level review. Projects that include an entitlement that requires Planning Commission approval, will have the Development Review approved by the Planning Commission.

Article 19. General Highway Commercial Zone (GHC)

10.08.2490 Purpose (GHC).

The General Highway Commercial (GHC) Zone is to provide areas for commercial activities which are automobile-oriented or for those uses which seek independent locations outside shopping centers or other business clusters. The GHC Zone is not to be confused with the Highway Service (HS) Zone which is applicable to freeway interchanges only.

(Prior code § 10-2.1900)

10.08.2500 Descriptive regulations (GHC).

The GHC Zone is intended to permit a pattern of varied automobile-oriented uses of property adjacent to major arterial streets. The provisions of this article are intended to control the site layout and design so as to:

- (a) Promote a free traffic flow on major arterial streets;
- (b) Assure compatibility among the uses along major arterial streets and with existing and future uses in adjacent areas;
- (c) Provide an area for commercial activities which are of an automobile-oriented nature or for those which seek an independent location outside of shopping centers and can prosper as well in such areas as in a shopping center; and
- (d) Encourage development of an open, uncrowded nature which will enhance the major arterials of the City and discourage developments which will extend unplanned commercial strips.

(Prior code § 10-2.1901)

10.08.2510 Permitted uses (GHC).

- (a) In the GHC Zone, only automobile-oriented uses which are included in the following use groups shall be permitted without conditional approval:

Group 1	Minor public service uses;
Group 4	Temporary buildings and uses;
Group 23	Multi-family uses;
Group 29	Accessory uses;
Group 30	Educational, cultural, institutional and recreational uses (neighborhoods);
Group 31	Educational, cultural, institutional and recreational uses serving the greater community;
Group 40	Traveler's living accommodations, except trailer parks and uses listed as (c-2), Eating and/or drinking establishment that serves alcohol and provides entertainment after 11:00 p.m.;
Group 41	Business offices/professional offices and laboratories, excluding dwelling units;
Group 42	Retail trade establishment, convenience or goods; food stores, except supermarkets;

Group 43	Consumer services and retail trade establishments, except (a), (c-2), (e), and (f);
Group 44	Consumer services and retail trade;
Group 45	General consumer and business services;
Group 46	Special retail trade and consumer establishments;
Group 47	Special business, consumer, and miscellaneous repair services;
Group 50	Farm equipment sales and services; and
Group 51	Wholesale trade establishments.

(b) In the GHC Zone, automobile uses which are included in the following use groups shall be permitted only with conditional approval:

Group 2	Local public service and utility installations;
Group 23	Multi-family uses;
Group 25	Institutional uses with residential accommodations;
Group 40	Traveler's living accommodations, except trailer parks and uses listed as (c-2), Eating and/or drinking establishment that serves alcohol and provides entertainment after 11:00 p.m.;
Group 41	Business offices and professional offices and laboratories including one owner-occupied dwelling unit per business;
Group 42	Food stores and supermarkets;
Group 43	Consumer services and retail trade including (a), (c-2), (e) and (f);
Group 48	Commercial amusement and entertainment establishments (requiring large sites and generating large traffic volumes);
Group 52	Contract construction; and
Group 53	Warehousing and storage.

(Prior code § 10-2.1902, as amended by § 1, Ord. 947 C.S., eff. Oct. 31, 1996)

(Ord. No. 1177, § 11, 1-15-2013)

10.08.2520 Uses to be conducted within buildings (GHC).

All uses established within the GHC Zone shall be conducted wholly within a building, except such uses as drive-in restaurants, gasoline service stations, plant material nurseries, plumbing shops, and similar enterprises deemed by the Commission to be customarily conducted in the open, with the exception that live plant materials and nursery supplies may be displayed outside provided no more than an area equal to twenty (20%) percent of the lineal footage of the building front is occupied by such displays.

(Prior code § 10-2.1903)

10.08.2530 Screening (GHC).

A screening fence six (6') feet in height, measured from the finished grade of the GHC property line, separating the GHC Zone property from adjoining residential or agricultural zones, shall be required. On corner lots adjoining such zoning districts across a minor connecting side street, a screening fence six (6') feet in height shall be constructed to enclose storage areas, trash bins, and delivery areas. The design and location of such screening shall be approved during the site plan review (see Article 30 of this chapter).

(Prior code § 10-2.1904)

10.08.2540 Driveways (GHC).

- (a) All existing lots of record within the GHC Zone as of August 8, 1972, and all lots created within another zoning district prior to reclassification to the GHC Zone, shall be permitted access to the major street in accordance with the following:
 - (1) Lots with less than 120 feet in width along the frontage of the major arterial street shall be allowed one curb cut with a maximum width of thirty-five (35') feet. The location of such curb cut shall be approved by the Community Development Director concurrently with the approval of the development plans.
 - (2) Those lots with 120 feet or more in width along the major arterial street shall be provided access in accordance with the standards set forth in sub.section (b) of this section.
- (b) All lots created within the GHC Zone subsequent to August 8, 1972, shall be permitted access in accordance with the following standards:
 - (1) One curb cut only shall be permitted for each sixty (60') foot increment of lot width along the major arterial street up to a width of 125 feet.
 - (2) Curb cuts shall be a maximum of thirty-five (35') feet from the top of the curb to the top of the curb.

(Prior code § 10-2.1905)

10.08.2550 Building site area (GHC).

There shall be no site area requirements in the GHC Zone.

(Prior code § 10-2.1906)

10.08.2560 Lot area (GHC).

All lots in the GHC Zone located along major arterials shall have a minimum frontage along the major arterial of 125 feet, except lots that have combined parking areas with common ingress and egress.

(Prior code § 10-2.1907; Ord. No. 1241, § 1, 9-19-2017)

10.08.2565 Multi-family Density.

The areas designated GHC shall allow high density multi-family housing residential with a density range of twenty (20) to thirty-five (35) dwelling units per gross acre by the General Plan.

The density of a project may be averaged as a sole parcel or combination of adjacent touching parcels, if part of the overall project.

The clustering of differentiating product types is allowed as long as the minimum density is maintained. A site or project may include multiple product types if allowed in section 10.08.2580 - Permitted uses

10.08.2570 Yard areas (GHC).

Minimum yards: in the GHC Zone shall be as follows:

- (a) Front yards. Every lot within the GHC Zone shall have a front yard of not less than fifteen (15') feet; and
- (b) Side and rear yards. Each lot within the GHC Zone shall have side and rear yards of not less than fifteen (15') feet, except where adjacent to commercial or industrial zones, in which case there shall be no requirements.

(Prior code § 10-2.1908)

10.08.2580 Height (GHC).

There shall be no height requirements in the GHC Zone.

(Prior code § 10-2.1909)

10.08.2590 Permissible lot coverage (GHC).

There shall be no lot coverage requirements in the GHC Zone.

(Prior code § 10-2.1910)

10.08.2600 Floor area (GHC).

There shall be no floor area requirements in the GHC Zone.

(Prior code § 10-2.1911)

10.08.2610 Off-street parking (GHC).

See Article 26 of this chapter. In addition, when two (2) or more uses combine their parking into a single adjoining parking lot with common ingress and egress, they may receive a twenty-five (25%) percent reduction in the required number of spaces. The proposed common parking lot shall be subject to site plan and architectural review at the time of the development plan review.

(Prior code § 10-2.1912)

10.08.2620 Development review (GHC).

All uses requiring a building permit shall obtain development review compliance, except as provided in Article 30 of this chapter and the CEQA Guidelines adopted by the City, prior to being established in the GHC Zone.

Multifamily Residential or High Density Residential projects of five (5) or more units that include a minimum twenty percent (20%) of units affordable to lower-income households

(in accordance with Government Code Section 65583.2(c)) shall be a permitted use by right; however, projects must comply with the Multiple-Unit and Mixed-Use Housing Objective Design Standards in Section 10.10.050. For purposes of this section, “use by right” has the same meaning as provided in Government Code Section 65583.2(i). Residential projects of five (5) or more units not containing a minimum of twenty percent (20%) of affordable units shall require staff level review. Projects that include an entitlement that requires Planning Commission approval, will have the Development Review approved by the Planning Commission.

Article 2 – Definitions

10.08.256 - Density

The “Density” of a parcel or project area shall be the number of units divided by the gross area in acres. The density of a project may be averaged as a sole parcel or combination of adjacent touching parcels, if part of the overall project. The clustering of differentiating product types is allowed as long as the minimum density is maintained. A site or project may include multiple product types if allowed as a permitted or conditionally permitted use.



PLANNING COMMISSION STAFF REPORT

Item No. 1.B

DATE	November 5, 2025
TITLE	Housing Policy Implementation Part I
LOCATION	Citywide
APPLICATION TYPE	Zoning Amendment (ZA25-0002)
CEQA STATUS	Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3).
PROJECT PLANNER	Breanna Alamilla breanna.alamilla@cityoftracy.org

RECOMMENDATION

Staff recommends that the Planning Commission conduct a public hearing, and upon its conclusion, adopt a resolution recommending that the City Council take the following actions:

- (1) Determine that this project is covered by the common sense exemption and is not subject to California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3).
- (2) Recommend that the City Council adopt an ordinance amending Article 2, Definitions, and Article 30, Development Review, of Chapter 10.08, Zoning Regulations, adopt a new Chapter, Chapter 10.10, Housing Regulations, consisting of new articles, Article 1, Qualifying Housing Streamlined Review, Article 2, Multiple-Unit and Mixed-Use Objective Design Standards, Article 3, Community Care Facilities, Article 4, Transitional and Supportive Housing, and Article 5, Emergency Homeless Shelters and Low Barrier Navigation Centers, and repeal and relocate Section 10.08.3195, Day care home, and Section 10.08.3197, Standards for emergency homeless shelters, to Chapter 10.10, Housing Regulations, of Title 10, Planning and Zoning, of the Tracy Municipal Code.

This project is City initiated to come into compliance with State housing laws and to complete implementation actions required in the City Council adopted 2023-2031 Housing Element Update.

BACKGROUND

Throughout the last several years, the California State Legislature has adopted legislation to increase and expedite the production of housing statewide. The State passed various Assembly Bills (AB) and Senate Bills (SB) with the goal of removing local constraints to housing development, particularly focusing on methods to increase affordable housing development. In alignment with this effort, the State requires every jurisdiction to adopt a Housing Element to establish policies and programs to promote increased housing production. The City of Tracy's adopted 2023-2031 Housing Element contains a Housing Plan with established policies and programs intended to fulfill the community's housing needs and comply with state housing laws.

To become consistent with State law and implement the Housing Element, specifically Program 14, Zoning Ordinance, and Program 15, Objective Design/Development Standards, the City is proposing ordinance amendments to establish a streamlined review for qualifying housing projects, establish objective design standards for multiple-unit and mixed-use housing, and establish a streamlined review process specific to residential care facilities, transitional and supportive housing, and low barrier navigation centers. These zoning code amendments foster increased housing opportunities and bring the City into compliance with Government Code Sections (GC §) 65582.1 and 65913.4 (qualifying housing streamlined review), GC § 65650 through 65656 and 65583 (transitional and supportive housing), California Health and Safety Code Section 1566.3 (residential care facilities), and GC § 65660 through 65666 (low barrier navigation centers).

Please see the Project Description section below for further details regarding the proposed amendments.

PROJECT DESCRIPTION

The proposed zoning code amendments revise existing standards and propose new standards to come into compliance with State housing laws. The revisions to existing standards consist of updating several definitions listed in Article 2, Definitions, and updating Article 30, Development Review, of Chapter 10.08, Zoning Regulations, to amend the approval decision and findings to consider projects that qualify for the streamlined approval process and that which abide by objective standards. The proposed amendments also establish a new chapter, Chapter 10.10, Housing Regulations, to provide a distinct chapter for the new and updated sections in the zoning code specific to housing standards. Additional information on the state housing laws and the updates required to the City's zoning code are provided below.

Qualifying Housing Streamlined Review

Government Code Sections 65582.1 and 65913.4, (established and amended by SB 35, SB 423, and AB 3122), implement a streamlined application review process for qualifying multiple-unit and mixed-use housing projects. The provisions of this code apply only when the State determines the City has made insufficient progress toward meeting its regional housing needs allocation defined in the 2023-2031 Housing Element, or when the City has not adopted a

housing element that has been found in substantial compliance with housing element law. The provisions of this code apply to the City at this time.

The intent of this GC is to expedite housing development. Housing projects must meet a list of criteria to qualify for the streamlined review process. To qualify, projects must meet affordability requirements, be located on an urban infill site, be located in a residential or mixed-use zone, be consistent with objective design standards, follow all other applicable laws and ordinances, not be located in an environmentally constrained area, and developers must abide by various workforce regulations. Qualifying projects that are ministerially approved are statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15268 and are only subject to Director review and approval. The provisions of this code expire on January 1, 2036, unless extended by the State at a future time.

The Qualifying Housing Streamlined Review Ordinance complies with the requirements of the State Government Code and consists of the following sections:

- Purpose and Intent
- Objective Zoning and Design Standards
- Exceptions Prohibited
- Review Process

To maintain consistency throughout Title 10, Planning and Zoning, of the Tracy Municipal Code, further revisions to two existing sections were required to ensure a viable streamlined approval process for qualifying projects. Section 10.08.3950, Approval Authority, and Section 10.08.3960, Decision and Findings, of Chapter 10.08, Zoning Regulations, is proposed to be amended to add qualifying language for a streamlined review process and to be consistent with objective standards under specific circumstances. The revisions to these two sections implement the provisions of this ordinance and maintain compliance with State laws.

Please see the attached Exhibit 1, Proposed City Council Ordinance for Chapter 10.10, Article 1, Qualifying Housing Streamlined Review, to review the ordinance in its entirety. Revisions to Section 10.08.3950 and Section 10.08.3960 may also be found in Exhibit 1.

Multiple-Unit and Mixed-Use Housing Objective Design Standards

The proposed ordinance for multiple-unit and mixed-use housing objective design standards has been prepared in response to numerous changes in state law, such as amendments to the Housing Accountability Act, SB 330 (Government Code Section 65589.5), SB 423 (Government Code Section 65913.4), and AB 2162 (Government Code Sections 65650 through 65656). These state laws limit the City's ability to require compliance with subjective development or design standards.

The existing objective standards in Tracy Municipal Code Title 10 and the City of Tracy's Design Goals and Standards are limited in scope and do not currently provide objective standards for mixed-use housing. As applicable, the objective design standards were derived from the City's existing Design Goals and Standards and Municipal Code. The proposed ordinance establishes objective design standards for multiple-unit and mixed-use development projects with the intent that these standards will apply to such housing projects where State law has restricted the City's discretionary review.

The proposed objective design standards apply to multiple-unit and mixed-use development in all zone districts. These standards apply to qualifying housing development projects, qualifying multifamily housing development, qualifying transitional or supportive housing, qualifying farmworker housing, and any other multiple-unit or mixed-use project that requires compliance with objective design standards under state law.

To comply with state laws and implement the Housing Element, staff prepared the Multiple-Unit and Mixed-Use Housing Objective Design Standards ordinance. The ordinance consists of the following sections:

- Purpose and Intent
- Building Design
- Site Design
- Mixed-Use Standards
- Utilitarian Elements

The Building Design Section includes objective standards for building form, articulation, unit entrances, windows, doors, materials, parking structures, garages, carports, and other architectural standards. The Site Design Section provides standards on building orientation to the street, where parking areas can be located, pedestrian access, open space, and landscaping. The Mixed-Use Standards Section lists standards for mixed-use projects, including details on ground floor and entry requirements, setbacks, bicycle parking, and walls and fences. The Utilitarian Elements Section provides standards for bicycle parking, trash, recycling, container enclosures, walls and fences, lighting, and screening of mechanical equipment.

Please see the attached Exhibit 2, Proposed City Council Ordinance for Chapter 10.10, Article 2, Multiple-Unit and Mixed-Use Housing Objective Design Standards, to review the ordinance in its entirety.

Community Care Facilities

California Health and Safety Code Section 1566.3 requires residential care facilities serving six or fewer persons to be permitted by right as a single-family residential use in all residential zones. Tracy Municipal Code currently does not have language surrounding residential care facilities, or community care facilities, as which is required by state law. To comply with state law and implement the housing element, staff is proposing the adoption of a new article, Article 3, Community Care Facilities, under the proposed Chapter 10.10, Housing Regulations. Existing Section 10.08.3195, Day care home, is proposed to be removed from its existing location and placed under this new article, alongside residential care facilities. These uses both serve as community care facilities and best fit under this proposed article. Lastly, the existing definition of “family” is proposed to be updated to comply with state law.

Please see Exhibit 3, Proposed City Council Ordinance for Chapter 10.10, Article 3, Community Care Facilities, to review the ordinance in its entirety. The repeal and relocation of Section 10.08.3195, Day care home, and the update to the existing definition of “family” may also be found in Exhibit 3.

Transitional and Supportive Housing

Government Code Sections 65650 through 65656, and 65583(c)(3), (established by AB 2162 and amended by SB 744 and AB 1801), require supportive housing that meets specific criteria to be permitted by right in zones where multifamily and mixed-use developments are permitted. The provisions of this code are intended to promote the development of transitional and supportive housing, which is housing aimed at assisting those with low incomes and one or more disabilities find stable housing, improve their health, and find work in the community as feasible.

To comply with state law and implement the housing element, staff is proposing updates to the existing definitions of supportive housing and transitional housing, and proposing a new article, Article 4, Transitional and Supportive Housing, to be in the proposed chapter, Chapter 10.10, Housing Regulations. The proposed article establishes criteria and procedures for supportive housing to be processed ministerially without discretionary review. To qualify for ministerial review, the supportive housing must be located in any zone permitting multifamily or mixed uses and abide by a list of criteria. The qualifying project shall only be subject to objective development standards and contains limits on disapproval of the project. Furthermore, the proposed article provides completeness determination and decision deadlines for qualifying projects. The entirety of the proposed amendments are required by state law.

Please see the attached Exhibit 4, Proposed City Council Ordinance for Chapter 10.10, Article 4, Transitional and Supportive Housing, to review the ordinance in its entirety.

Low Barrier Navigation Center (LBNC)

Government Code Sections 65660 through 65666, (established by AB 101 and amended by SB 1395), establishes qualifying low barrier navigation centers (LBNCs) as a use by right in areas zoned for mixed use and in nonresidential zones that permit multifamily uses. These qualifying LBNCs are subject to a streamlined ministerial review. The provisions of this code are intended to promote LBNC developments, which help reduce barriers for the City's homeless population by providing residents with shelter and access to services to assist them in obtaining permanent housing.

The City's municipal code does not currently address LBNCs. However, the City currently has one active low barrier navigation center within city limits, located on 4.8 acres at 370 W. Arbor Avenue. The LBNC has been open and serving residents since November of 2022, and it is currently in the process of expanding to reach a total capacity of 156 beds. The City's LBNC provides residents access to onsite case management services, restrooms, showers, laundry, and storage. The case management services are tailored to individual needs and include connecting the homeless individuals with behavioral health services, document preparation for housing, medical resources, employment assistance, and client resources.

To come into compliance with state law, implement the housing element, and establish clear criteria for current city processes, staff is proposing the creation of a new Article, Article 5, Emergency Homeless Shelters and Low Barrier Navigation Centers, to be in proposed Chapter 10.10, Housing Regulations. The proposed article provides application requirements, decision deadlines, and development standards for LBNCs to qualify for streamlined review. Qualifying LBNCs are only subject to director review and must follow objective design standards provided

within the article and within proposed Article 2, (Multiple-Unit and Mixed-Use Housing Objective Design Standards).

To maintain a well-organized municipal code, staff is proposing to relocate existing Tracy Municipal Code Section 10.08.3197, Standards for emergency homeless shelters, of Chapter 10.08, Zoning Regulations, to be located into its own section within the proposed Article 5, Emergency Homeless Shelters and Low Barrier Navigation Centers. Section 10.08.3197 provides the standards for discretionary emergency homeless shelters and would be best suited next to the new section dedicated to low barrier navigation centers to maintain cohesiveness.

Please see the attached Exhibit 5, Proposed City Council Ordinance for Chapter 10.10, Article 5, Emergency Homeless Shelters and Low Barrier Navigation Centers, to review the ordinance in its entirety. The repeal and relocation of Section 10.08.3197, Standards for emergency homeless shelters, may also be found in Exhibit 5.

DISCUSSION

This agenda item involves a Planning Commission public hearing to make recommendations to the City Council regarding the Housing Policy Implementation Part I Project. Specifically, the Planning Commission will be asked to make a recommendation to the City Council on the following item:

- Approval of a Zoning Amendment (Application Number ZA25-0002)

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) DETERMINATION

The proposed ordinance is not a project within the meaning of section 15378 of the CEQA Guidelines because it has no potential for resulting in physical change in the environment, either directly or ultimately. In the event that the ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment.

SUMMARY

This item introduces revisions to existing and proposes new Tracy Municipal Code chapters and articles to come into compliance with state housing laws. The proposed ordinance amendments to existing text include amendments to existing definitions, amendments to the approval decision and findings to consider new permit approval processes, and repealing and relocating two existing sections, Section 10.08.3197, Standards for emergency homeless shelters, and Section 10.08.3195, Day care home, into the proposed Chapter 10.10, Housing Regulations, to establish continuity and clarity.

The new items proposed in the ordinance amendments include the proposal of new definitions and the establishment of a new chapter strictly for housing regulations to come into compliance with state law. Finally, the proposed ordinance establishes new sections to institute a streamlined review for qualifying housing projects, establishes objective design standards for multiple-unit and mixed-use housing projects, and establishes a streamlined review process specific to residential care facilities, transitional and supportive housing, and low barrier navigation centers.

ATTACHMENTS

Attachment A – Planning Commission Resolution

- Exhibit 1 – Proposed City Council Ordinance for Chapter 10.10, Article 1, Qualifying Housing Streamlined Review; and Amendments to Section 10.08.3950, Approval Authority and Section 10.08.3960, Decision and Findings, of Chapter 10.08, Zoning Regulations
- Exhibit 2 – Proposed City Council Ordinance for Chapter 10.10, Article 2, Multiple-Unit and Mixed-Use Housing Objective Design Standards
- Exhibit 3 – Proposed City Council Ordinance for Chapter 10.10, Article 3, Community Care Facilities; and the Repeal and Relocation of Section 10.08.3195, Day care home
- Exhibit 4 – Proposed City Council Ordinance for Chapter 10.10, Article 4, Transitional and Supportive Housing
- Exhibit 5 – Proposed City Council Ordinance for Chapter 10.10, Article 5, Emergency Homeless Shelters and Low Barrier Navigation Centers

APPROVED AS TO FORM

CITY ATTORNEY'S OFFICE

TRACY PLANNING COMMISSION

RESOLUTION 2025-____

RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF TRACY CONDUCT A PUBLIC HEARING, AND UPON ITS CONCLUSION, TAKE THE FOLLOWING ACTIONS:

1. INTRODUCE AND ADOPT AN ORDINANCE THAT

(A) APPROVES AN AMENDMENT TO ARTICLE 2, DEFINITIONS, AND ARTICLE 30, DEVELOPMENT REVIEW, OF CHAPTER 10.08, ZONING REGULATIONS, AND; AND ADDS A NEW CHAPTER, CHAPTER 10.10, HOUSING REGULATIONS, CONSISTING OF NEW ARTICLES, ARTICLE 1, QUALIFYING HOUSING STREAMLINED REVIEW, ARTICLE 2, MULTIPLE-UNIT AND MIXED-USE HOUSING OBJECTIVE DESIGN STANDARDS, ARTICLE 3, COMMUNITY CARE FACILITIES, ARTICLE 4, TRANSITIONAL AND SUPPORTIVE HOUSING, AND ARTICLE 5, EMERGENCY HOMELESS SHELTERS AND LOW BARRIER NAVIGATION CENTERS, AND REPEALS AND RELOCATES SECTION 10.08.3195, DAY CARE HOME, AND SECTION 10.08.3197, STANDARDS FOR EMERGENCY HOMELESS SHELTERS, TO CHAPTER 10.10 HOUSING REGULATIONS, OF TITLE 10, PLANNING AND ZONING, OF THE TRACY MUNICIPAL CODE.

(B) DETERMINES THAT THE ORDINANCE IS NOT A PROJECT WITHIN THE MEANING OF SECTION 15378 OF THE CEQA GUIDELINES BECAUSE IT HAS NO POTENTIAL FOR RESULTING IN PHYSICAL CHANGE IN THE ENVIRONMENT, EITHER DIRECTLY OR ULTIMATELY. IN THE EVENT THAT THE ORDINANCE IS FOUND TO BE A PROJECT UNDER CEQA, IT IS SUBJECT TO THE CEQA EXEMPTION CONTAINED IN CEQA GUIDELINES SECTION 15061(B)(3) BECAUSE IT CAN BE SEEN WITH CERTAINTY TO HAVE NO POSSIBILITY OF A SIGNIFICANT EFFECT ON THE ENVIRONMENT; AND

WHEREAS, on September 29, 2017, the State Legislature adopted Senate Bill (SB) 35 (Government Code [GC] Sections 65582.1 and 65913.4) requiring a streamlined application review process for qualifying multiple-unit and mixed-use housing projects, with a provision that qualifying projects shall be subject to objective design standards; and

WHEREAS, on September 26, 2018, the State Legislature adopted Assembly Bill (AB) 2162 (Government Code [GC] Sections 65650 through 65656 and 65583) requiring ministerial approval of supportive housing meeting specific eligibility criteria in zones where multifamily and mixed-uses are permitted, with a provision that qualifying projects shall be subject to objective design standards; and

WHEREAS, on July 31, 2019, the State Legislature adopted Assembly Bill 101 (Government Code [GC] Sections 65660 through 65666) requiring ministerial approval of qualifying low barrier navigation centers in areas zoned for mixed use and nonresidential zones permitting multifamily uses, with a provision that qualifying projects shall be subject to objective design standards; and

WHEREAS, on September 26, 2019, the State Legislature adopted SB 744 (GC§ 65650 through 65656) to, among other updates, expand the exemption for the ministerial approval for qualifying supportive housing projects under CEQA; and

WHEREAS, on October 11, 2023, the State Legislature adopted SB 423 (GC §65913.4) to, among other updates, establish requirements for a public meeting in the review process for qualifying streamlined housing projects, and extend the provisions of SB 35 to expire on January 1, 2036 in place of the original expiration date of January 1, 2026; and

WHEREAS, on September 27, 2024, the State Legislature adopted AB 3122 (GC §65913.4) to, among other updates, establish new qualifications to process a subdivision map ministerially with an SB 35 application, further clarify modification processing, and establish timelines for a response to a resubmittal for qualifying housing projects subject to streamlined review; and

WHEREAS, California Health and Safety Code Section 1566.3 requires residential care facilities serving six or fewer persons to be considered as a residential use of property and that its residents be considered a family for zoning purposes, with the use being treated as a single-family dwelling; and

WHEREAS, on September 27, 2024, the State Legislature adopted AB 1801 (GC§ 65650 through 65656) to revise supportive housing floor area requirements for onsite supportive services and specify that supportive housing includes transitional housing for youth and young adults for purposes of the use by right provisions; and

WHEREAS, on September 19, 2024, the State Legislature adopted SB 1395 (GC§ 65660 through 65666), to, among other updates, permanently establish low barrier navigation centers as a use by right and expand CEQA exemptions for local agencies' actions related to low barrier navigation centers; and

WHEREAS, on July 1, 2025, Tracy City Council adopted the 2023-2031 Housing Element Update, requiring staff to implement the objectives, policies, and programs set forth in the Housing Plan to provide housing that fulfills the diverse needs of the community; and

WHEREAS, the ordinance brings the City of Tracy into compliance with the state laws mentioned above and implements Program 14, Zoning Ordinance, and Program 15, Objective Design/Development Standards, of the City of Tracy's 2023-2031 Housing Element Update; and

WHEREAS, the ordinance is not a project within the meaning of Section 15378 of the CEQA Guidelines because it has no potential for resulting in physical change in the environment, either directly or ultimately. In the event that the ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines Section 15061(B)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment; and

WHEREAS, the Planning Commission considered this matter at a duly noticed public hearing held on November 5, 2025; now, therefore, be it

RESOLVED: That the Planning Commission of the City of Tracy hereby recommends that the City Council of the City of Tracy determine that the ordinance is not a project within the meaning of Section 15378 of the CEQA Guidelines because it has no potential for resulting in physical change in the environment, either directly or ultimately. In the event that the ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines Section 15061(B)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment; and be it

FURTHER RESOLVED: That the Planning Commission of the City of Tracy hereby recommends that the City Council of the City of Tracy introduce and adopt an ordinance to amend Article 2, Definitions, and Article 30, Development Review, of Chapter 10.08, Zoning Regulations, adopt a new Chapter, Chapter 10.10, Housing Regulations, consisting of new articles, Article 1, Qualifying Housing Streamlined Review, Article 2, Multiple-Unit and Mixed-Use Objective Design Standards, Article 3, Community Care Facilities, Article 4, Transitional and Supportive Housing, and Article 5, Emergency Homeless Shelters and Low Barrier Navigation Centers, and repeal and relocate Section 10.08.3195, Day care home, and Section 10.08.3197, Standards for emergency homeless shelters, to Chapter 10.10, Housing Regulations, of Title 10, Planning and Zoning, of the Tracy Municipal Code.

The foregoing Resolution 2025-____ was adopted by the Planning Commission of the City of Tracy on November 5, 2025, by the following vote:

AYES: COMMISSION MEMBERS:
NOES: COMMISSION MEMBERS:
ABSENT: COMMISSION MEMBERS:
ABSTENTION: COMMISSION MEMBERS:

CHAIR

ATTEST: _____
 STAFF LIAISON

Date of Attestation: _____

- Exhibit 1 – Proposed City Council Ordinance for Chapter 10.10, Article 1, Qualifying Housing Streamlined Review; and Amendments to Section 10.08.3950, Approval Authority and Section 10.08.3960, Decision and Findings, of Chapter 10.08, Zoning Regulations
- Exhibit 2 – Proposed City Council Ordinance for Chapter 10.10, Article 2, Multiple-Unit and Mixed-Use Housing Objective Design Standards
- Exhibit 3 – Proposed City Council Ordinance for Chapter 10.10, Article 3, Community Care Facilities; and the Repeal and Relocation of Section 10.08.3195, Day care home
- Exhibit 4 – Proposed City Council Ordinance for Chapter 10.10, Article 4, Transitional and Supportive Housing
- Exhibit 5 – Proposed City Council Ordinance for Chapter 10.10, Article 5, Emergency Homeless Shelters and Low Barrier Navigation Centers

APPROVED AS TO FORM AND LEGALITY

CITY ATTORNEY'S OFFICE

TRACY CITY COUNCIL

ORDINANCE NO. _____

AN ORDINANCE 1) DETERMINING THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, PURSUANT TO CEQA GUIDELINES SECTION 15061(b)(3) AND 2) APPROVING AN AMENDMENT TO SECTION 10.08.3950 AND SECTION 10.08.3960, AND ADDING A NEW ARTICLE, ARTICLE 1, QUALIFYING HOUSING STREAMLINED REVIEW, TO A NEW CHAPTER, CHAPTER 10.10, HOUSING REGULATIONS TO THE TRACY MUNICIPAL CODE.

WHEREAS, on September 29, 2017, the State Legislature adopted Senate Bill (SB) 35 (Government Code [GC] Sections 65582.1 and 65913.4) requiring a streamlined application review process for qualifying multiple-unit and mixed-use housing projects; and

WHEREAS, on October 11, 2023 the State Legislature adopted SB 423 (GC §65913.4) to, among other updates, establish requirements for a public meeting in the review process for qualifying streamlined housing projects, and extend the provisions of SB 35 to expire on January 1, 2036 in place of the original expiration date of January 1, 2026; and

WHEREAS, on September 27, 2024, the State Legislature adopted AB 3122 (GC §65913.4) to, among other updates, establish new qualifications to process a subdivision map ministerially with an SB 35 application, further clarify modification processing, and establish timelines for a response to a resubmittal for qualifying housing projects subject to streamlined review; and

WHEREAS, on July 1, 2025, Tracy City Council adopted the 2023-2031 Housing Element Update, requiring staff to implement the objectives, policies, and programs set forth in the Housing Plan to provide housing that fulfills the diverse needs of the community; and

WHEREAS, the proposed ordinance would bring the City of Tracy into compliance with the state laws mentioned above and implement Program 14, Zoning Ordinance, of the City of Tracy's 2023-2031 Housing Element Update; and

WHEREAS, on November 5, 2025, the Planning Commission conducted a public hearing and recommended that the City Council adopt the ordinance; and

WHEREAS, the ordinance is not a project within the meaning of Section 15378 of the CEQA Guidelines because it has no potential for resulting in physical change in the environment, either directly or ultimately. In the event that the ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines Section 15061(B)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment; and

WHEREAS, on _____, _____, the City Council conducted a public hearing regarding the proposed amendments to Section 10.08.3950 and Section 10.08.3960 and the proposed Article 1, Qualifying Housing Streamlined Review, of proposed Chapter 10.10, Housing Regulations, of the Tracy Municipal Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TRACY DOES ORDAIN AS FOLLOWS:

SECTION 1. Incorporation of Recitals/Findings. The City Council finds and determines the foregoing recitals are true and correct and are hereby incorporated herein as findings and determinations of the City.

SECTION 2. Amendment to Section 10.08.3950. The City Council hereby amends Tracy Municipal Code Section 10.08.3950, Approval Authority, to read as follows:

10.08.3950 – Approval Authority.

Each development review application will be considered in one of three tiers, depending on the nature of the application, as follows:

...

- (c) Tier 3. A Tier 3 application is reviewed by the Director and occurs when not covered by Tier 1 or Tier 2, above. The Director may refer review and approval of an application to the Planning Commission, unless the application qualifies for a streamlined ministerial approval without discretionary review, as permitted in Chapter 10.10, Housing Regulations.

The Director will consider a development review permit application after notice and a public hearing, unless the application qualifies for a streamlined ministerial approval without discretionary review, as permitted in Chapter 10.10, Housing Regulations.

SECTION 3. Amendment to Section 10.08.3960. The City Council hereby amends Tracy Municipal Code Section 10.08.3960, Decision and findings, to read as follows:

10.08.3960 – Decision and findings.

The reviewing body will consider the following factors: general site considerations including height, bulk, and size of buildings; physical and architectural relationship with the existing and proposed structures; site layout, orientation, and location of the buildings and relationships with open areas and topography; location and type of landscaping; off-street parking areas; height, materials, colors and variations in boundary walls, fences, and screen plantings; appropriateness of the sign design and exterior lighting; and appropriate City utilities, public infrastructure, circulation, and roadway access.

Before approving a development review permit, the reviewing body (under section 10.08.3950) must make written findings that:

- (1) the proposal increases the quality of the project site, and enhances the property in a manner that therefore improves the property in relation to the surrounding area and the citizens of Tracy.
- (2) the proposal conforms to this chapter, the general plan, any applicable specific plan, the Design Goals and Standards, any applicable Infrastructure Master Plans, and other City regulations.

Qualifying projects subject to streamlined review shall only be subject to objective design standards, in which case the proposal shall conform to applicable objective standards and policies per Tracy's Title 10 Planning and Zoning Code and the City's General Plan, any applicable Infrastructure Master Plans, and other City regulations.

SECTION 4. Amendment to add Chapter 10.10, Housing Regulations. The City Council hereby amends Tracy Municipal Code to add Chapter 10.10, Housing Regulations, to Title 10, Planning and Zoning, of the Tracy Municipal Code.

SECTION 5. Amendment to add Article 1, Qualifying Housing Streamlined Review. The City Council hereby amends Tracy Municipal Code to add Article 1, Qualifying Housing Streamlined Review, to Chapter 10.10, Housing Regulations, to read as follows:

Article 1- Qualifying Housing Streamlined Review

Sections:

10.10.010 – Purpose and Intent

10.10.020 – Objective Zoning and Design Standards

10.10.030 – Exceptions Prohibited

10.10.040 – Review Process

10.10.010 – Purpose and Intent

- (a) *Purpose and Intent.* The purpose of this Article is to implement a streamlined application review process for “qualifying streamlined housing projects”, consistent with the requirements of state law. It is intended that the provisions of this Article be interpreted, as needed, to comply with the requirements of Government Code Section 65913.4.
- (b) *Applicability.* The provisions of this Article apply to applications deemed complete before January 1, 2036, that meet the criteria for “qualifying streamlined housing projects”. The City will not accept any application under this Article after January 1, 2036, unless the State extends Government Code Section 65913.4. This Article shall not apply if the state has determined that the City is not subject to the streamlined ministerial approval process based on its housing element annual progress report or shall apply only to projects with specific affordability restrictions under specific circumstances as described in Government Code Section 65913.4(a)(4). The provisions of this Article 1 will become null and void, and are repealed, once the last application deemed completed before January 1, 2036 is fully processed.

- (c) *Qualifying Streamlined Housing Projects.* For purposes of this Chapter, “qualifying streamlined housing projects” means housing development projects that satisfy all of the standards set forth in Government Code Section 65913.4(a).

10.10.020 – Objective Zoning and Design Standards

Qualifying streamlined housing projects must comply with all objective land use regulations, development standards, and design review standards including but not limited to objective design standards provided in Article 2, Multiple-Unit and Mixed-Use Housing Objective Design Standards, of Chapter 10.10, Housing Regulations. The objective standards applied to the project shall be those in effect at the time a notice of intent in the form of a complete preliminary application is submitted pursuant to Subsection 10.10.040(a). Qualifying streamlined housing projects are eligible for parking exemptions under certain circumstances as described in Government Code Section 65913.4(e)(1). Qualifying streamlined housing projects do not require a conditional use permit or other discretionary review or approval.

10.10.030 – Exceptions Prohibited

Qualifying streamlined housing projects may not include a request for an exception to objective standards by applying for a variance, modification, exception, waiver, or other discretionary approval for height, density, setbacks, open yard, land use, development plan approval, or similar development standard, other than modifications granted as part of a density bonus concession or incentive pursuant to Article 36.5 – Density Bonus or State Density Bonus Law.

10.10.040 – Review Process

- (a) *Preliminary Application/Notice of Intent.* Before submitting an application for a development subject to this Section, the applicant must submit a notice of intent in the form of a preliminary application that includes all of the information described in Government Code Section 65941.1.
- (b) *Public Meeting.* Public meetings are required following submittal of a notice of intent for certain projects. See Government Code Section 65913.4(q) for definitions and implementation requirements.
- (c) *Scoping Consultation.* Upon receipt of a notice of intent, the City will engage in a scoping consultation with any California Native American tribe that is traditionally and culturally affiliated with the geographic area, as described in Public Resources Code Section 21080.3.1, according to the timelines and procedures established by state law and described in Government Code Section 65913.4(b). After concluding the scoping consultation as described in Government Code Section 65913.4(b)(2)(D), the applicant and any California Native American tribe that is a party to that scoping consultation will be notified as follows:
- (1) The applicant may submit an application for review if it is either determined that no potential tribal cultural resource could be affected by the proposed development, or if all parties enter into an enforceable agreement establishing the methods, measures,

and conditions for treatment of the tribal cultural resource. The agreement shall be included in the requirements and conditions for the proposed development.

- (2) The development is not eligible for approval under this Section if it is determined that a potential tribal cultural resource could be affected by the proposed development, and all parties do not reach an enforceable agreement on methods, measures, and conditions to avoid or address impacts to tribal cultural resources. Additionally, the development is not eligible if any of the reasons included in Government Code Section 65913.4(b)(5)(A) apply.

If the development or environmental setting substantially changes after the completion of the scoping consultation, the Department shall notify the California Native American tribes that were party to the original scoping consultation of the changes and engage in a subsequent scoping consultation if requested by the California Native American tribes.

- (d) *Consistency Determination.* After receiving notification pursuant to Subsection (c)(1) above, the applicant may submit a complete application. After an application is determined to be complete, the Director will review the application for consistency with the applicable criteria required for streamlined housing projects and for compliance with applicable objective zoning, subdivision, and design review standards. If it is determined that the project is in conflict with any of the applicable objective standards, the applicant will be provided with written documentation of which standard or standards the development conflicts with, and an explanation for the reason or reasons the development conflicts with that standard or standards. This notification will be issued within 60 days of a complete application submittal if the development contains 150 or fewer housing units or within 90 days of a complete application submittal if the development contains more than 150 housing units. Notification will be issued within 30 days of a submittal that was resubmitted to address written feedback provided by the Director.
- (e) *Design Review.* Design review will be completed within the scope of the Director's review and shall not be subject to separate design review approval.
- (f) *Project Approval.* The Director must approve a project that meets all the requirements of state law and this Section, and complies with all applicable objective standards within 90 days of a complete application submittal if the development contains 150 or fewer housing units, or within 180 days of a complete application submittal if the project contains more than 150 housing units.
- (g) *Subdivision Application.* An application for a subdivision pursuant to the Subdivision Map Act shall be exempt from the requirements of the California Environmental Quality Act and shall be subject to the timelines set forth in Section 10.10.040(f) above, so long as the development is consistent with the requirements of this section and all objective subdivision standards.
- (h) *Expiration.* Projects approved pursuant to this Section shall not have that approval expire as long as the project includes public investment in housing affordability beyond tax credits and at least 50 percent of the project units are affordable to households

making at or below 80 percent of the area median income. For projects that do not meet these requirements, the project approval shall remain valid for three years from the date of final action subject to the limitations and allowances under Government Code Section 65913.4(g).

- (i) *Modifications.* An applicant may request a modification to a development that has been approved under the streamlined, ministerial approval process if that request is submitted before the issuance of the final building permit required for the construction of the development. Modifications will be considered in accordance with Government Code Section 65913.4(h).

SECTION 6. CEQA Determination. The City Council finds and determines this Ordinance is not a project within the meaning of section 15378 of the CEQA Guidelines because it has no potential for resulting in physical change in the environment, either directly or ultimately. In the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment.

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

SECTION 8. Effective Date. This ordinance shall become effective upon the thirtieth (30th) day after final adoption.

SECTION 9. Publication. The City Clerk is directed to publish this ordinance in a manner required by law.

SECTION 10. Codification. This Ordinance shall be codified in the Tracy Municipal Code.

* * * * *

The foregoing Ordinance _____ was introduced at a regular meeting of the Tracy City Council on the ___ day of _____ 2025, and finally adopted on the ___ day of _____, 2025, by the following vote:

- AYES –
- NOES –
- ABSENT –
- ABSTENTION –

DAN ARRIOLA
Mayor of the City of Tracy, California

ATTEST: _____
City Clerk and Clerk of the Council of the
City of Tracy, California

Date of Attestation: _____

APPROVED AS TO FORM AND LEGALITY

CITY ATTORNEY'S OFFICE

TRACY CITY COUNCIL

ORDINANCE NO. _____

AN ORDINANCE 1) DETERMINING THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, PURSUANT TO CEQA GUIDELINES SECTION 15061(b)(3) AND 2) APPROVING AN AMENDMENT TO ADD A NEW ARTICLE, ARTICLE 2, MULTIPLE-UNIT AND MIXED-USE HOUSING OBJECTIVE DESIGN STANDARDS, TO CHAPTER 10.10, HOUSING REGULATIONS, OF TITLE 10, PLANNING AND ZONING, OF THE TRACY MUNICIPAL CODE.

WHEREAS, on September 29, 2017, the State Legislature adopted Senate Bill (SB) 35 (Government Code [GC] Sections 65582.1 and 65913.4) requiring a streamlined application review process for qualifying multiple-unit and mixed-use housing projects, with a provision that qualifying projects shall be subject to objective design standards; and

WHEREAS, on September 26, 2018, the State Legislature adopted Assembly Bill (AB) 2162 (Government Code [GC] Sections 65650 through 65656 and 65583) requiring ministerial approval of supportive housing that meets specific eligibility criteria, with a provision that qualifying projects shall be subject to objective design standards; and

WHEREAS, on July 31, 2019, the State Legislature adopted Assembly Bill 101 (Government Code [GC] Sections 65660 through 65666) requiring ministerial approval of qualifying low barrier navigation centers, with a provision that qualifying projects shall be subject to objective design standards; and

WHEREAS, on October 11, 2023 the State Legislature adopted SB 423 (GC §65913.4) to, among other updates, extend the provisions of SB 35 to expire on January 1, 2036 in place of the original expiration date of January 1, 2026; and

WHEREAS, on July 1, 2025, Tracy City Council adopted the 2023-2031 Housing Element Update, requiring staff to implement the objectives, policies, and programs set forth in the Housing Plan to provide housing that fulfills the diverse needs of the community; and

WHEREAS, the proposed ordinance would establish objective design standards for multiple-unit and mixed-use housing to bring the City of Tracy into compliance with the state laws mentioned above and implement Program 15, Objective Design/Development Standards, of the City of Tracy's 2023-2031 Housing Element Update; and

WHEREAS, on November 5, 2025, the Planning Commission conducted a public hearing and recommended that the City Council adopt the ordinance; and

WHEREAS, the ordinance is not a project within the meaning of Section 15378 of the CEQA Guidelines because it has no potential for resulting in physical change in the environment, either directly or ultimately. In the event that the ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines Section 15061(B)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment; and

WHEREAS, on _____, _____, the City Council conducted a public hearing regarding the proposed amendment to add Article 2, Multiple-Unit and Mixed-Use Housing Objective Design Standards, to Chapter 10.10, Housing Regulations, of the Tracy Municipal Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TRACY DOES ORDAIN AS FOLLOWS:

SECTION 1. Incorporation of Recitals/Findings. The City Council finds and determines the foregoing recitals are true and correct and are hereby incorporated herein as findings and determinations of the City.

SECTION 2. Amendment to add Article 2, Multiple-Unit and Mixed-Use Housing Objective Design Standards. The City council hereby amends Tracy Municipal Code to add Article 2, Multiple-Unit and Mixed-Use Housing Objective Design Standards, to Chapter 10.10, Housing Regulations, of Title 10, Planning and Zoning, to read as follows:

Article 2 - Multiple-Unit and Mixed-Use Housing Objective Design Standards.

Sections:

10.10.050 – Purpose and Intent

10.10.060 – Building Design

10.10.070 – Site Design

10.10.080 – Mixed-Use Standards

10.10.090 – Utilitarian Elements

10.10.050 - Purpose and Intent.

- (a) **Purpose and Intent.** The purpose of this Article is to provide the public, building and design professionals, and decision-makers with objective criteria for multiple-unit and mixed-use housing development projects in the City of Tracy. The intent is to provide clear design direction that enhances an area’s sense of place, respects existing neighborhood compatibility and privacy, and ensures a high-quality living environment. It is also intended that this Article establish “objective” design standards, as that term is defined under state housing law, that apply to multiple-unit residential and mixed-use development projects where state housing law restricts City review of such projects to objective standards, to the fullest extent permitted under state housing law.
- (b) **Applicability.** The provisions of this Article apply to multiple-unit residential and mixed-use development in all Zone Districts, including such development that constitutes a “housing development project” under Government Code Section 65589.5 (Housing

Accountability Act), qualifying “multifamily housing development” under Government Code Section 65913.4 (SB 423), “transitional or supportive housing” under Government Code Section 65651 (AB 2162), and “farmworker housing” under Health and Safety Code Section 50199.7, as well as any other multiple-unit residential or mixed-use development project for which the Department may require compliance with “objective” standards under applicable state housing law.

(c) **Consistency with All Objective Standards.** In addition to the objective design standards established in this Article, multiple-unit residential and mixed-use development projects shall also comply with all other applicable objective standards and policies, including all adopted design guidelines, per Tracy’s Title 10 Planning and Zoning Code and the City’s General Plan.

(1) **Exception.** Applicants may request concessions, incentives, or waivers of development standards pursuant to Article 36.5 (Density Bonus).

(2) **Conflicting Standards.** If there is any conflict between the objective standards set forth in this Article and any existing City or State objective standards, the more restrictive objective standard shall apply.

Nothing in this Article is intended to limit the City’s discretion, to the fullest extent permitted under law, to condition the approval of multiple-unit residential and mixed-use development projects, as authorized under state housing law and this code.

(d) **Design Standards Compliance.** Department staff may consult with a design professional to assist in determining a project’s compliance with the objective design standards contained in this Article.

10.10.060 - Building Design.

(a) **Building Form, Massing, and Articulation.**

(1) **Building Form and Vertical Hierarchy.** Buildings that are three stories or more in height shall be designed to differentiate between a defined base; a middle or body; and a top, cornice, or parapet cap. Buildings two stories or less shall include a defined base and a top, cornice, or parapet cap. All buildings shall achieve this effect through at least two of the following:

- i. Color, texture, or material changes.
- ii. Variations, projections, or reveals in the wall plane.
- iii. Variations in fenestration size or pattern.
- iv. Decorative architectural details, such as cornices and columns.

(2) **Wall Plane Variation.** Building façades visible from the primary street shall not extend more than 50 feet in length without either an architectural element or a two-foot variation in depth in the wall plane. Architectural elements include: building entrances, front porches, balconies, upper-story setbacks, projections, and recessions, such as stoops, bay windows, overhangs, and trellises.

(3) **All-Sided Architecture.** Buildings shall be designed and articulated with common details, articulation, materials, and elements on all sides.

- (4) **Corner Lots.** Buildings located on corner lots shall include one or more of the following features on both street-facing facades, located within 25 feet of the corner of the building closest to the intersection:
 - i. An entrance to a ground-floor use or a primary building entrance.
 - ii. A different material application, color, or fenestration pattern of windows and doors from the rest of the façade.
 - iii. A change in height of at least 18 inches from the height of the abutting façade.
 - (5) **Roof Line Variation.** Roof lines shall not extend more than a length of 50 feet without at least one prominent change as described below:
 - i. Variation in roof form, such as hip, mansard, gable, shed, and flat with parapet.
 - ii. Variation in architectural elements, such as parapets or varying cornices.
 - iii. Variation of roof height of at least 24 inches for buildings of two stories or less and 30 inches for buildings of three stories or more (as measured from the highest point of each roof line).
 - (6) **Roof Slopes.** For buildings of three or more stories or roof spans of 30 feet or greater, sloped roofs shall have a minimum pitch of 4:12.
 - (7) **Flat Roofs and Parapets.**
 - i. A parapet shall be provided that is a minimum of twelve inches taller than all roof-top equipment.
 - ii. Interior side of parapet walls shall not be visible from a common open space or public right-of-way.
 - iii. Parapets shall be capped with precast treatment, continuous banding, projecting cornices, dentils, or similar edge treatment.
- (b) **Building and Dwelling Unit Entrances.** See Subsection 10.10.070(a) for orientation of building and dwelling unit entrances within a site.
- (1) **Primary Building Entrance.**
 - i. **Street-Facing Entrance.** Buildings located within 20 feet of the primary street right-of-way shall have a ground-level primary building entrance facing the primary street.
 - (2) **Exterior Individual Dwelling Unit Entrance**
 - i. **General Requirement.** All individual unit entrances shall have either a projected sheltering element or be recessed from the main facade; the projection or recess shall have a minimum depth of 24 inches.
 - ii. **Visibility.** All individual unit entrances shall be illuminated or shall face towards a common area or public street.
 - iii. **Street-Facing Unit Entrance.** Each dwelling unit located within 20 feet of a primary street right-of-way shall include at least one street-facing porch, balcony, or patio unless a setback of five feet or less is provided.
 - iv. **Upper-Floor Unit Entrance.** Exterior entrances to individual dwelling units on upper floors are permitted.

(3) **Architectural Treatments.** Entrances for buildings and individual dwelling units shall incorporate at least two of the following:

- i. Feature window details
- ii. Towers
- iii. Columns
- iv. Decorative veneer or siding
- v. Porches or stoops
- vi. Changes in roof line or wall plane

(c) Windows.

(1) **Privacy.** Where windows are proposed within 10 feet of a window on another building, the design and placement shall avoid unfiltered/direct views into the adjacent site and shall be designed with one or more of the following:

- i. Use non-transparent or obscured glazing, such as frosted/patterned glass. Reflective glazing is not permitted.
- ii. Provide permanent architectural screens or affixed louvers at windows.
- iii. Offset windows horizontally at least 12 inches from any windows in adjacent buildings (edge to edge), so as not to have a direct line-of-sight into adjacent units.
- iv. Permanent landscaping screening.

(2) Window Treatment.

- i. **Design Treatment.** Windows shall either be recessed at least three inches from the plane of the surrounding exterior wall or shall have a trim or windowsill at least one-half inch in depth.
- ii. **Windows Facing a Public Street.** Windows facing a public street shall feature enhanced window treatments, such as decorative architectural brackets, trim, shutters, awnings, and/or trellises.

(d) Materials and Colors.

(1) **Wall Material.** The primary exterior siding material for buildings shall be wood, composite wood, stone, stone veneer, granite, slate, brick, brick veneer, stucco, plaster, fiber cement, vinyl, or metal including aluminum or steel. The use of exposed plywood or glass curtain walls is prohibited. Buildings shall not be comprised wholly of metal.

(2) **Window Consistency.** Window frame materials and color shall be used on all elevations.

(3) **Material and Color Transition.** Changes in material or color shall occur at inside corners of intersecting walls or at architectural features that break up the wall plane, such as columns.

(4) **Accent Material.** Use of two or more accent materials, such as glass, tile, brick, stone, concrete, wood, metal, or plaster, shall be incorporated to highlight building features.

(5) **Architectural Consistency.** Affordable units and market rate units in the same development shall be constructed of the same exterior materials and details such that the units are not distinguishable from one another in quality and detail.

(e) Parking Structures.

- (1) Wall Plane Variation.** Building façades visible from the primary street shall not extend more than 50 feet in length without at least one of the following: a two-foot variation in depth in the wall plane, architectural element, or other prominent feature that provides visual interest.
- (2) Materials and Colors.** The parking structure shall utilize the same colors and materials as the primary buildings.
- (3) Articulation.** The exterior of the parking structure shall apply at least one of the following as articulation:
 - i. Applied materials, such as brick, stone, and/or siding, which extend at least two inches from the face of the structure to the face of the applied materials. Painted concrete, smooth concrete, or stucco walls shall not be considered sufficient articulation.
 - ii. Decorative architectural features, such as cut metal screens, awnings, trellises, louvers, and/or decorative security grills.
- (4) Vertical Plantings.** Vertical plantings shall be located between openings, entrances, and architectural accent features. Plantings shall be evergreen vegetation that will grow to a minimum height equivalent to 75 percent of the height of the parking structure; container size shall be selected to achieve a height of at least 50 percent of the height of the parking structure within at least two years from the time of installation.

(f) Garages and Carports.

(1) Garages.

- i. Garage doors shall be recessed a minimum of five feet from the surrounding wall plane when facing a public right of way.
- ii. Garages shall feature at least one of the following treatments:
 - a. Garage door windows.
 - b. Paneled garage door surface.
 - c. Two different colors.
 - d. Alternative architectural materials, finishes, or treatments.

- (2) Carports.** Carports shall incorporate the same colors and materials as the primary residential or mixed-use building design.

10.10.070 - Site Design.

(a) Building Placement and Orientation.

- (1) Street Façade.** If buildings on adjacent properties establish a contiguous street facade along the primary street frontage, new buildings shall be located to maintain the contiguous street wall, with allowances for variation in facade and entrances which are projected or recessed.
- (2) Visibility of Entrances.** On all lots 60 feet or less in width, at least one primary building entrance or individual unit entrance shall be visible from the front or street side lot line. See Subsection 10.10.070(c).

(3) Buffer for Adjacent Single-Family Homes. When developing multi-family buildings of three or more stories adjacent to single-family residential zones, site design shall utilize parking areas, common open space, landscaping, and/or other site features to provide a buffer for adjacent development.

(b) Vehicular Parking and Access. Vehicular parking and access shall comply with the provisions of the California Building Code, California Fire Code, and Article 26 (Off-Street Parking Requirements), of this Code. In addition, projects shall provide the following:

(1) Primary Access. Side street or alley access shall serve as the primary vehicular access to parking areas, if available. If not available, the primary street shall serve vehicular access.

(2) Number of Access Points.

- i. **Interior Lots.** A maximum of one vehicle access point from the street is permitted per 100 feet of street frontage.
- ii. **Corner Lots.**
 - a. One vehicular access point is permitted per lot where all street frontages are less than 100 linear feet.
 - b. Two vehicular access points are permitted on lots where at least one street has a frontage of 100 linear feet or more.

(3) Parking Location. Parking areas shall not be located within any front or street side setback.

(4) Mixed-Use Loading and Service Areas. In addition to the provisions below, loading and service areas shall comply with the standards of Article 26 (Off-Street Parking Requirements), as applicable.

- i. All required loading and service areas shall be located adjacent to a façade other than the primary street frontage.
- ii. Loading and service areas shall be located so as to not disrupt or block the flow of on-site and off-site vehicular traffic.
- iii. Loading and service areas shall not be located adjacent to residential dwelling units or common open space areas.
- iv. Loading and service areas shall be screened from view with walls, solid fencing, and/or landscape privacy screening as described in Subsection 10.10.070(e) Landscaping.
- v. **On-Site Loading Spaces.** Every nonresidential use shall provide and maintain on-site loading, unloading, and service spaces for vehicles as required by this Section:

Table 10.10-1 Number of Spaces Required

Gross Floor Area (Square Feet)	Number of Spaces
Office	
5,000-36,000	1

36,000 and greater	2
Commercial	
5,000-24,000	1
24,000-60,000	2

Table 10.10-2 Minimum Dimensions for Loading Spaces

Gross Floor Area (Square Feet) of Commercial Space	Minimum Length (feet)	Minimum Width (feet)	Required Vertical Clearance (feet)
5,000 or less	20	10	14
5,000 or more	25	12	14

(5) Enhanced Paving for Entrance Driveways. Paving treatment using patterned and/or colored pavers, brick, or decorative colored and/or scored concrete shall be used for entrance driveways, a minimum of 14 feet in length, and spanning the width of the entrance driveway.

(6) Vehicle Light Intrusion. Vehicle headlights shall be obstructed from direct alignment with habitable interior spaces with a minimum 3-foot high evergreen shrub or vine and/or features such as fencing or walls.

(c) Pedestrian Circulation and Access.

(1) General. The following pedestrian walkways shall be provided and interconnected within the site:

- i. Pedestrian walkways shall connect residential dwelling units to areas throughout the site, such as vehicle parking areas, bicycle parking areas, common open space, waste and recycling enclosures, and other amenities.
- ii. Pedestrian walkways shall connect public sidewalks, building entrances, and vehicle parking areas.
- iii. Pedestrian walkways shall connect building entrances and vehicle parking areas through the site interior to all transit stops directly adjacent to the site.

(2) Pedestrian Walkways. Pedestrian walkways shall be provided with a minimum width of four feet along their entire length and shall be designed as follows:

- i. **Through Lot Connection.** Through lots located more than 300 feet from a street intersection, measured from the closest point of the lot, shall provide a publicly accessible sidewalk or walkway connecting the two streets.

- ii. **Materials.** Walkways shall be constructed of firm, stable, and slip-resistant materials, such as poured-in-place concrete (including stamped concrete), permeable paving, decomposed granite, or concrete pavers.
 - iii. **Paving for Pedestrian Crossings.** Where an intersection of pedestrian and vehicle access exists, enhanced paving treatment using patterned and/or colored pavers, brick, or decorative colored and scored concrete shall be used. Pedestrian crossings shall feature enhanced paving a minimum width of five feet and span the length of the intersecting drive area.
 - iv. **Maintenance.** Pedestrian walkways shall be maintained in good condition for the life of the project and shall not be allowed to fall into disrepair so as to constitute a nuisance or hazard to the public.
- (3) Enhanced Paving for Building Entrances.** Primary building entrances shall provide decorative and accent paving that contrast in color and texture with the adjacent walkway paving. Grasscrete is prohibited.
- (d) Common Open Space.** Common open spaces for multiple-unit developments shall provide a minimum usable open space of 100 square feet for each of the first ten (10) dwelling units, fifty (50) square feet for each of the second ten units, and twenty-five square feet for each unit in excess of twenty (20). Rooftops may be used to satisfy up to 75% of the common open space requirements. The open space shall not include the required front yard or street side yard, off-street parking, driveways, or service areas.
- (e) Landscaping.** Landscaping shall be used for all outdoor areas that are not specifically used for parking, driveways, walkways, or open space.
- (1) Additional Landscaping Requirements.** Landscaping must comply with all requirements of the City of Tracy Municipal Water Management Plan and the State and City's Water Efficient Landscape Ordinance (WELo), including the submittal of irrigation plans and landscape plans. Landscape plans shall include paving materials, finishes, plant palettes, notes, call-outs, details, the type of irrigation technology, the total square footage of the area to be landscaped and irrigated, all existing utilities, and a WELo checklist.
 - (2) Plant Materials.** Plant materials shall be limited to native, climate adapted and large stature species.
 - (3) Parking and Loading Area Landscaping.** Parking and loading area landscaping must comply with Subsection 10.08.3560 (Landscaping Requirements for Parking Areas)
 - (4) Landscape Buffer.** A landscape buffer of a minimum width of seven feet shall include plants for screening and noise buffering between adjacent non-residential and residential uses. A landscape strip shall be planted along lot lines to separate different land uses, unless adjacent sites have the same land use type.
 - (5) Pedestrian Walkways.** Pedestrian walkways shall be flanked on at least one side with landscaping, and may include a mix of trees, shrubs, and groundcover. Trees shall be provided along walkways in order to shade at least 40 percent of the overall walkway length at maturity.

- (6) Number of Plants.** A minimum of two 24-inch box trees or three 15-gallon trees shall be planted per every 1,000 square feet of landscaped area.
- (7) Groundcover and Shrubs.** Groundcover and shrubs shall be sized and located to cover a minimum of 35 percent of all landscape areas that are not planted with trees prior to final inspection of certificate of occupancy. Organic wood mulch shall only be used within shrub and groundcover areas and shall be installed at a minimum of three inch depth.
- (8) Plant Selection.** Artificial or synthetic plants, except for turf, are prohibited. Artificial turf or a natural lawn substitute shall be limited to a maximum of 30 percent of the front landscape area.
- (9) Solar Access.** Landscaping shall not obstruct solar access to adjacent solar collectors for water heating, space heating or cooling, or electricity generation.
- (10) Privacy.** Landscape screening shall obscure direct sight lines into dwelling units and open space areas from communal areas such as parking areas, common mailboxes, and pedestrian walkways. Landscape screening may be used in combination with walls, fencing, and/or trellises to screen views.
 - i. **Location.** Landscape screening shall fit within associated planting areas and canopy sizes must not overlap with building foundations or eaves.
 - ii. **Plant Selection.** Landscape screening shall use trees, shrubs, and/or vines located and sized to buffer views. Deciduous species, perennials, and grasses or grass-like plants are not permitted for privacy screening.
 - iii. **Minimum Sizes.** Landscape screening and vegetation shall use the following minimum container sizes at the time of planting:
 - a. Trees: 24-inch box
 - b. Shrubs: 5-gallon size
 - c. Vines: 1-gallon at 10 feet

10.10.080 - Mixed-Use Standards

- (a) Ground Floor Height.** The ground floor of a mixed-use building shall have a minimum floor height of 12 feet, measured from the finished ground floor to the bottom of the finished second floor.
- (b) Ground Floor Transparency.** Exterior walls facing a public street shall include transparent windows and doors for at least 50 percent of the building wall area located between three and seven feet above the elevation of the sidewalk. Parking garages are not required to meet the ground floor transparency requirement.
- (c) Street-Facing Setbacks.** Street-facing setbacks shall be landscaped and/or prepared for use by pedestrians. The setback area on each lot shall contain at least two amenities per 50 linear feet, such as benches, drinking fountains, shade structures, or other design element (e.g., public art, planters, kiosks, etc.).
- (d) Street-Facing Entrance.** Mixed-use buildings located within 20 feet of a primary street right-of-way shall incorporate at least one primary building entrance directly from the public sidewalk or right-of-way. The primary building entrance shall include weather

protection that is a minimum of six feet wide and four feet deep by recessing the entrance or providing an awning or similar weather protection element.

10.10.090 - Utilitarian Elements

(a) Bicycle Parking. Bicycle parking shall comply with the California Building Code and shall be provided as follows:

(1) Parking Spaces Required. One (1) space for every two (2) dwelling units. A minimum of two (2) spaces shall be provided.

(2) Parking Location. Bicycle parking must be located on the same lot as the use it serves.

- i. Located at surface levels near main pedestrian entrances to nearby facilities or structures, or in the parking garages of such facilities or structures;
- ii. Located as not to obstruct pedestrian and auto access;
- iii. Access to nearby public streets and sidewalks for the bicycle users;
- iv. Accessible only to residents and owners, operators, and managers of a residential facility when the involved use is residential.

(3) Size and Accessibility. Each bicycle parking space must be a minimum of five and one-half feet long and two and one-half feet wide and must be accessible without moving another bicycle. Bicycle parking shall be at least five feet from vehicle parking spaces and two feet from adjacent walls, landscaping, and pedestrian ways.

(4) Anchoring and Security.

- i. Bicycle parking must be located in one or more of the following:
 - a. An enclosed bicycle locker;
 - b. An illuminated, fenced, covered, and locked or guarded bicycle storage area;
 - c. A secure area within a building or structure.
- ii. Bicycle Locker. When using bicycle lockers, they shall be:
 - a. Of sufficient size to hold an entire bicycle; and
 - b. Securely anchored to a permanent surface.
- iii. Bicycle Rack. When using bicycle racks, they shall be:
 - a. Located and installed to support an entire bicycle, including the frame and wheels, so that the frame and wheels can be locked without damage when using a customary, heavy-duty cable, or U-shaped bicycle lock, or any other security device.

(b) Trash, Recycling, and Green Waste Container Enclosures. Enclosures for recycling, green waste, and any other waste containers required by law are required for multiple-unit and mixed-use developments. Enclosures shall be located within a building, incorporated into the exterior building design, or located within a detached enclosure designed and placed as follows:

(1) Location. The enclosure shall be located to the rear or side of the building(s) and located outside of or screened from view from a public right-of-way.

(2) Materials. The enclosure shall incorporate the materials and colors of the primary residential or mixed-use building design.

- (c) **Fences and Walls.** Fences and walls shall comply with the provisions of Section 10.08.3250 (Wall, fence and hedge requirements) of this Code.
- (d) **Lighting.** Lighting shall be compatible with building and site design and shall have a 40' maximum height for a freestanding light pole. Accent lighting shall be used to enhance the appearance of a structure and define open spaces and pathways. Lighting fixtures shall be fully shielded with cut-off fixtures and shall not impact adjacent development or residences.
- (e) **Screening of Mechanical Equipment.** The following development standards shall apply to new development projects subject to this Chapter, as well as to the replacement or provision of new equipment that is added to serve existing building(s) that are subject to this Chapter.
- (1) **General Requirements.** All exterior mechanical equipment, whether on a roof, on the side of a structure, or located on the ground, must be screened from public view. Exterior mechanical equipment to be screened includes, without limitation, heating, ventilation, air conditioning, refrigeration equipment, plumbing lines, ductwork, transformers, smoke exhaust fans, water meters, backflow preventers, service entry sections, and similar utility devices.
- (2) **Requirements for Specific Types of Mechanical Equipment.** The following additional screening standards apply to the specified types of mechanical equipment.
- i. **Ground-Mounted Equipment.** Ground-mounted equipment that faces a public viewing area must be screened to a height of 12 inches above the equipment and designed and painted to blend in with the surrounding area, unless such screening conflicts with utility access, in which case screening shall comply to the greatest extent that is technically feasible. Acceptable screening devices consist of decorative walls, berms, and/or plant materials.
 - ii. **Exterior Wall Equipment.** Screening for wall-mounted equipment, (e.g., electrical meters, cable-connection boxes, electrical distribution cabinets, etc.) must incorporate elements of the building design (e.g., shape, color, texture, material, etc.). For screen walls that are three feet in height or lower, vegetative materials may be substituted for the screening device. This requirement does not apply to equipment that has accessibility and visibility requirements for health and safety.
- (f) **Vents and Exhaust.** All wall-mounted vent and exhaust elements shall be located at interior corners of building walls or behind building elements that conceal them from public view. All flashing, sheet metal vents, exhaust fans or ventilators, and pipe stacks shall be painted a color to match the adjacent roof or wall material.

SECTION 3. CEQA Determination. The City Council finds and determines this Ordinance is not a project within the meaning of section 15378 of the CEQA Guidelines because it has no potential for resulting in physical change in the environment, either directly or ultimately. In the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment.

SECTION 4. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

SECTION 5. Effective Date. This ordinance shall become effective upon the thirtieth (30th) day after final adoption.

SECTION 6. Publication. The City Clerk is directed to publish this ordinance in a manner required by law.

SECTION 7. Codification. This Ordinance shall be codified in the Tracy Municipal Code.

* * * * *

The foregoing Ordinance _____ was introduced at a regular meeting of the Tracy City Council on the ___ day of _____ 2025, and finally adopted on the ___ day of _____, 2025, by the following vote:

- AYES –
- NOES –
- ABSENT –
- ABSTENTION –

DAN ARRIOLA
Mayor of the City of Tracy, California

ATTEST: _____
City Clerk and Clerk of the Council of the
City of Tracy, California

Date of Attestation: _____

APPROVED AS TO FORM AND LEGALITY

CITY ATTORNEY'S OFFICE

TRACY CITY COUNCIL

ORDINANCE NO. _____

AN ORDINANCE 1) DETERMINING THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, PURSUANT TO CEQA GUIDELINES SECTION 15061(b)(3) AND 2) APPROVING AN AMENDMENT TO REVISE ARTICLE 2, DEFINITIONS, REPEAL AND RELOCATE SECTION 10.08.3195, DAY CARE HOME, AND ADD A NEW ARTICLE, ARTICLE 3, COMMUNITY CARE FACILITIES, TO CHAPTER 10.10, HOUSING REGULATIONS, OF TITLE 10, PLANNING AND ZONING, OF THE TRACY MUNICIPAL CODE.

WHEREAS, California Health and Safety Code Section 1566.3 requires residential care facilities serving six or fewer persons to be considered as a residential use of property and that its residents be considered a family for zoning purposes, with the use being treated as a single-family dwelling; and

WHEREAS, on June 19, 2012, Tracy City Council adopted Ordinance No. 1171, to add a new section, Section 10.08.3195, Day care home, to the Tracy Municipal Code; and

WHEREAS, on November 17, 2015, Tracy City Council adopted Ordinance No. 1202, to amend the definition of family as described in Tracy Municipal Code Section 10.08.320; and

WHEREAS, on July 1, 2025, Tracy City Council adopted the 2023-2031 Housing Element Update, requiring staff to implement the objectives, policies, and programs set forth in the Housing Plan to provide housing that fulfills the diverse needs of the community; and

WHEREAS, the proposed ordinance would revise the definition of family, and establish a new article for community care facilities, consisting of day care homes and residential care facilities, to bring the City of Tracy into compliance with the state laws mentioned above and implement Program 14, Zoning Ordinance, of the City of Tracy's 2023-2031 Housing Element Update; and

WHEREAS, on November 5, 2025, the Planning Commission conducted a public hearing and recommended that the City Council adopt the ordinance; and

WHEREAS, the ordinance is not a project within the meaning of Section 15378 of the CEQA Guidelines because it has no potential for resulting in physical change in the environment, either directly or ultimately. In the event that the ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines Section 15061(B)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment; and

WHEREAS, on _____, _____, the City Council conducted a public hearing regarding the proposed amendment to revise Section 10.08.320, Family, repeal and relocate Section 10.08.3195, Day care home, and add Article 3, Community Care Facilities, to Chapter 10.10, Housing Regulations, of the Tracy Municipal Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TRACY DOES ORDAIN AS FOLLOWS:

SECTION 1. Incorporation of Recitals/Findings. The City Council finds and determines the foregoing recitals are true and correct and are hereby incorporated herein as findings and determinations of the City.

SECTION 2. Amendment to revise Section 10.08.320. Article 2, Definitions, of Chapter 10.08, Zoning Regulations, of Title 10, Planning and Zoning, of the Tracy Municipal Code, is hereby amended to revise Section 10.08.320, Family, to read as follows:

10.08.320 - Family.

“Family” shall mean one or more persons occupying a single dwelling unit not operated for profit, as distinguished from two or more persons occupying a boarding or lodging house, hotel, club, or similar structure used for residential purposes. A family shall not include a fraternal, religious, social, or business organization. A family shall be deemed to include the clients and operators of a residential facility licensed by the State that serves six or fewer clients.

SECTION 3. Amendment to add Section 10.08.772. Article 2, Definitions, of Chapter 10.08, Zoning Regulations, of Title 10, Planning and Zoning, of the Tracy Municipal Code is hereby amended to add Section 10.08.772, Residential care facility, to add the definition of “Residential care facility” to read as follows:

10.08.772 – Residential care facility.

“Residential care facility” shall mean any family home, group care facility, or similar facility for 24-hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.

SECTION 4. Amendment to add Article 3, Community Care Facilities. The City Council hereby amends Tracy Municipal Code to add Article 3, Community Care Facilities, to Chapter 10.10, Housing Regulations, of Title 10, Planning and Zoning.

SECTION 5. Amendment to repeal Section 10.08.3195. Section 10.08.3195, Day care home, of Article 23, General Provisions, Conditions, and Exceptions, of Chapter 10.08, Zoning Regulations, of Title 10, Planning and Zoning of the Tracy Municipal code is hereby repealed in its entirety.

~~**10.08.3195 – Day care home.**~~

~~A small family day care home, as defined by Health and Safety Code section 1596.78, or a large family day care home, as defined by Health and Safety Code section 1596.78, is permitted on any residentially zoned property: RE, LDR, MDC, MDR, HDR, or PUD.~~

SECTION 6. Amendment to add Section 10.10.100. The City Council hereby amends Tracy Municipal Code to add Section 10.10.100, Day care homes, to Article 3, Community Care Facilities, of Chapter 10.10, Housing Regulations, to read as follows:

10.10.100 – Day care home.

A small family day care home, as defined by Health and Safety Code section 1596.78, or a large family day care home, as defined by Health and Safety Code section 1596.78, is permitted on any residentially zoned property: RE, LDR, MDC, MDR, HDR, or PUD.

(Ord. No. 1171, § 4, 6-19-2012)

SECTION 7. Amendment to add Section 10.10.110. The City Council hereby amends Tracy Municipal Code to add Section 10.10.110, Residential Care Facilities, to Article 3, Community Care Facilities, to Chapter 10.10, Housing Regulations, to read as follows:

10.10.110 Residential Care Facilities.

- (a) *Purpose.* The purpose of this Section is to establish permit procedures for residential care facilities serving six or fewer persons in compliance with California Health and Safety Code Section 1566.3. This Section establishes a use by right permit process for residential care facilities serving six or fewer persons in all residential zones.
- (b) *Definitions.* See Section 10.08.320 for the definition of Family and Section 10.08.772 for the definition of Residential care facility.
- (c) *Residential care facilities serving six or fewer persons.*
 - (1) *Considered a residential use.* A residential care facility licensed by the State that serves six or fewer persons shall be considered a residential use of property, and the residents and operators of the facility shall be considered a family. A family dwelling includes single-family dwellings, units in multifamily dwellings, inclusive of units in duplexes and apartments, mobile homes, inclusive of mobile homes in mobile home parks, units in cooperatives, units in condominiums, units in townhouses, and units in planned unit developments.
 - (2) *Considered a dwelling.* A residential care facility serving six or fewer persons does not differ in any other way from a family dwelling. Such facilities shall not be included with the definition of a boarding house, rooming house, institution or home for the care of minors, the aged, or persons with mental health disorders, foster care home, guest home, rest home, community residence, or other similar term that implies the residential care facility is a business run for profit.
 - (3) *Allowable Restrictions.*
 - i. Restrictions on structure height, setbacks, lot dimensions, or placement of signs of a residential care facility serving six or fewer persons shall be identical to those applied to other family dwellings of the same type in the same zone.
 - ii. A residential care facility serving six or fewer persons shall comply with City ordinance that deal with health and safety, building standards, environmental impact standards, or any other matter within the jurisdiction of the City, including the imposition of fines and other penalties associated with violations of local ordinances.

- (4) *Fees.* Such facilities shall be subject to the fees to which other dwellings of the same type in the same zone are subject to. Such facilities shall not be subject to any business taxes, local registration fees, use permit fees, or other fees to which other dwellings of the same type in the same zone are not subject to.
 - (5) *Not a change in occupancy.* Use of a family dwelling for purposes of a residential care facility serving six or fewer persons shall not constitute a change of occupancy for purposes of local building codes.
 - (6) *Application Processing.* No conditional use permit shall be required of a residential care facility serving six or fewer persons that is not required of a family dwelling of the same type in the same zone.
- (d) *Reasonable Accommodation.* The requirements of this Section may be modified in compliance with Section 10.08.3199 (Reasonable accommodation) if necessary to comply with the Federal Fair Housing Act and the California Fair Employment and Housing Act relating to accommodations necessary for disabled residents.

SECTION 8. CEQA Determination. The City Council finds and determines this Ordinance is not a project within the meaning of section 15378 of the CEQA Guidelines because it has no potential for resulting in physical change in the environment, either directly or ultimately. In the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment.

SECTION 9. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

SECTION 10. Effective Date. This ordinance shall become effective upon the thirtieth (30th) day after final adoption.

SECTION 11. Publication. The City Clerk is directed to publish this ordinance in a manner required by law.

SECTION 12. Codification. This Ordinance shall be codified in the Tracy Municipal Code.

The foregoing Ordinance _____ was introduced at a regular meeting of the Tracy City Council on the ___ day of _____ 2025, and finally adopted on the _____ day of _____, 2025, by the following vote:

AYES –
NOES –

Ordinance _____
Page 5

ABSENT –
ABSTENTION –

DAN ARRIOLA
Mayor of the City of Tracy, California

ATTEST: _____
City Clerk and Clerk of the Council of the
City of Tracy, California

Date of Attestation: _____

APPROVED AS TO FORM AND LEGALITY

CITY ATTORNEY'S OFFICE

TRACY CITY COUNCIL

ORDINANCE NO. _____

AN ORDINANCE 1) DETERMINING THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, PURSUANT TO CEQA GUIDELINES SECTION 15061(b)(3) AND 2) APPROVING AN AMENDMENT TO REVISE SECTION 10.08.852 AND SECTION 10.08.861 OF ARTICLE 2, DEFINITIONS, AND ADD A NEW ARTICLE, ARTICLE 4, TRANSITIONAL AND SUPPORTIVE HOUSING, TO CHAPTER 10.10, HOUSING REGULATIONS, OF TITLE 10, PLANNING AND ZONING, OF THE TRACY MUNICIPAL CODE.

WHEREAS, on November 17, 2015, Tracy City Council adopted Ordinance No. 1202, to add the definitions of supportive housing facility and transitional housing facility to Tracy Municipal Code Section 10.08.852 and Section 10.08.861; and

WHEREAS, on September 26, 2018, the State Legislature adopted Assembly Bill (AB) 2162 (Government Code [GC] Sections 65650 through 65656 and 65583) requiring ministerial approval of supportive housing meeting specific eligibility criteria in zones where multifamily and mixed-uses are permitted, with a provision that qualifying projects shall be subject to objective design standards; and

WHEREAS, on September 26, 2019, the State Legislature adopted Senate Bill 744 (GC§ 65650 through 65656) to, among other updates, expand the exemption for the ministerial approval for qualifying supportive housing projects under CEQA; and

WHEREAS, on September 27, 2024, the State Legislature adopted AB 1801 (GC§ 65650 through 65656) to revise supportive housing floor area requirements for onsite supportive services and specify that supportive housing includes transitional housing for youth and young adults for purposes of the use by right provisions; and

WHEREAS, on July 1, 2025, Tracy City Council adopted the 2023-2031 Housing Element Update, requiring staff to implement the objectives, policies, and programs set forth in the Housing Plan to provide housing that fulfills the diverse needs of the community; and

WHEREAS, the proposed ordinance would revise the definitions of supportive housing and transitional housing and establish a new article for transitional and supportive housing to bring the City of Tracy into compliance with the state laws mentioned above and implement Program 14, Zoning Ordinance, of the City of Tracy's 2023-2031 Housing Element Update; and

WHEREAS, on November 5, 2025, the Planning Commission conducted a public hearing and recommended that the City Council adopt the ordinance; and

WHEREAS, the ordinance is not a project within the meaning of Section 15378 of the CEQA Guidelines because it has no potential for resulting in physical change in the environment, either directly or ultimately. In the event that the ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines Section 15061(B)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment; and

WHEREAS, on _____, _____, the City Council conducted a public hearing regarding the proposed amendment to revise definitions in Section 10.08.852, Supportive housing facility, and Section 10.08.861, Transitional housing facility, and add a new article, Article 4, Transitional and Supportive Housing, to Chapter 10.10, Housing Regulations, of the Tracy Municipal Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TRACY DOES ORDAIN AS FOLLOWS:

SECTION 1. Incorporation of Recitals/Findings. The City Council finds and determines the foregoing recitals are true and correct and are hereby incorporated herein as findings and determinations of the City.

SECTION 2. Amendment to revise Section 10.08.852. Article 2, Definitions, of Chapter 10.08, Zoning Regulations, of Title 10, Planning and Zoning, of the Tracy Municipal Code is hereby amended to revise Section 10.08.852, Supportive housing facility, to read as follows:

10.08.852 – Supportive housing.

“Supportive housing” shall mean housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community. (Government Code Section 65582(n)). This includes nonresidential uses and administrative office space as provided in paragraph (5) of subdivision (A) of Government Code Section 65651. Supportive housing specifically includes transitional housing for youth and young adults (Government Code Section 65650(b)).

SECTION 3. Amendment to revise Section 10.08.861. Article 2, Definitions, of Chapter 10.08, Zoning Regulations, of Title 10, Planning and Zoning, of the Tracy Municipal Code is hereby amended to revise Section 10.08.861, Transitional housing facility, to read as follows:

10.08.861 – Transitional housing.

“Transitional housing” shall mean buildings configured as rental housing developments but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance. (Government Code Section 65582(q)).

SECTION 4. Amendment to add Article 4, Transitional and Supportive Housing. The City Council hereby amends Tracy Municipal Code to add Article 4, Transitional and Supportive Housing, to Chapter 10.10, Housing Regulations, of Title 10, Planning and Zoning, to read as follows:

Article 4 – Transitional and Supportive Housing

10.10.120 - Transitional and supportive housing.

- (a) *Purpose.* The purpose of this Section is to establish permit procedures and development standards for transitional and supportive housing projects and identify the criteria that must be met for supportive housing to qualify for ministerial review and the requirements associated with qualifying projects. This Section is intended to promote the development of transitional and supportive housing. This Section establishes compliance with Government Code Section 65650 through 65656, and 65583(c)(3).
- (b) *Considered a residential use.* Transitional and supportive housing shall be considered a residential use of property. Supportive housing specifically includes transitional housing for youth and young adults for the purposes of the use by right provisions described in Subsection d.
- (c) *Application Requirements.* The following application and processing requirements shall apply to applications for transitional and/or supportive housing, except for projects that qualify for a streamlined, ministerial review as described under Subsection 10.10.120(d), (By Right Supportive Housing Requirements) below:
 - (1) *Permit Required.* Prior to the development of a new building or use of an existing building for transitional housing, an applicant shall submit an application for a Building Permit.
 - (2) Transitional and supportive housing shall be allowed in any dwelling allowed in a specific zone, subject to the same permit requirements that apply to the dwelling that will be used for transitional and supportive housing.
 - (3) No Conditional Use Permit, Variance, or other planning permit shall be required for transitional or supportive housing that is not required for a dwelling of the same type in the same zone.
 - (4) When transitional or supportive housing is proposed to be located in a zone where the residential use requires a Conditional Use Permit, an additional Conditional Use Permit is not required if the existing residential use has obtained the necessary Conditional Use Permit.
- (d) *By Right Supportive Housing Requirements.* An application for supportive housing shall be considered ministerially without discretionary review or hearing if the project meets all the following requirements in accordance with Government Code Section 65651(a):
 - (1) *Zoning.* The project is located within a zone where multiple-family and mixed uses are permitted, including non-residential zones permitting multiple-family uses, and zones where multiple-family and mixed uses are permitted with a Conditional Use Permit. For the purposes of this Section, multiple-family uses shall include two-family dwellings (i.e., "Dwelling, two-family" as defined in Section 10.08.270(b) of Article 2. Definitions).

Zones permitting two-family dwellings, multiple-family dwellings, and/or mixed uses
Medium Density Cluster (MDC) Zone
Medium Density Residential (MDR) Zone
High Density Residential (HDR) Zone
Professional Office and Medical (POM) Zone
Planned Unit Development (PUD) Zone
Agricultural (A) Zone
Central Business District (CBD) Zone
General Highway Commercial (GHC) Zone

- (2) *Lower income housing.* One hundred percent of the units, excluding managers' units, within the project shall be dedicated to lower income households and are, or will be, receiving public funding, and are subject to a recorded affordability restriction for 55 years. For purposes of this paragraph, "lower income households" has the same meaning as defined in Section 50079.5 of the Health and Safety Code.
- (3) *Minimum number of supportive housing units.* At least 25 percent of the units in the project or 12 units, whichever is greater, are restricted to residents in supportive housing who meet criteria of the target population. If the project consists of fewer than 12 units, then 100 percent of the units, excluding managers' units, in the project shall be restricted to residents in supportive housing.
- (4) *Supportive services.* Projects shall include onsite supportive services limited to tenant use that may include, but are not limited to, community rooms, case management offices, computer rooms, and community kitchens that comply with the following square footage requirements:
 - i. Projects with 20 or fewer total units shall provide at least 90 square feet for onsite supportive services.
 - ii. Projects with more than 20 units shall provide at least 3 percent of the total nonresidential floor area for onsite supportive services.
 - iii. Administrative office space shall not exceed 25 percent of the total floor area.
- (5) *Dwelling unit facilities.* All dwelling units, excluding managers' units, shall include at least one bathroom and a kitchen or other cooking facilities, including, at minimum, a stovetop, a sink, and a refrigerator.
- (6) *Replacement units.* The applicant shall replace any existing dwelling units on the site of the supportive housing project in the manner provided in Government Code Section 65915(c)(3) or successor statutes.
- (7) *Fewer than 50 units.* The project shall consist of 50 units or fewer in accordance with Government Code Section 65651(d).
- (e) *Development Standards.* Transitional and supportive housing projects shall be subject to the same development standards, policies, and occupancy restrictions that apply to other dwellings of the same type in the same zone, except as described in subsection 10.10.120(e)(1) (Exceptions for ministerial projects) and subsection 10.10.120(e)(2) (Parking) below and in Government Code Section 65589.5(f).
 - (1) *Exceptions for ministerial projects.* Projects that qualify for ministerial review in compliance with Subsection d (By right supportive housing requirements) above shall only be subject to objective development standards and policies that apply to other multifamily development within the same zone, and the objective design standards in Article 2 of Chapter 10.10, (Multiple-Unit and Mixed-Use Housing Objective Design Standards).
 - (2) *Parking.* If the supportive housing project qualifies for ministerial review in compliance with Subsection 10.10.120(d) (By right supportive housing requirements) above and is located within one-half mile of a public transit stop, minimum parking requirements will not be imposed for the units occupied by supportive housing residents.
- (f) *Supportive services.* Supportive services provided onsite shall only serve residents of that particular housing project.
- (g) *Application Processing Requirements.*
 - (1) If required based on the permit type, notice of the application and pending decision on a permit for transitional or supportive housing shall be given in compliance with Section 10.08.4170 (Hearings – Notices).

- (2) *Supportive services plan.* For all transitional or supportive housing projects, the applicant shall submit a written plan for providing supportive services with documentation demonstrating that supportive services will be provided onsite to residents in the project, as required by Government Code Section 65651 or successor statute, and describing those services, which shall include all of the following:
 - i. *Services Provider.* The name of the proposed entity or entities that will provide supportive services.
 - ii. *Funding Source.* The proposed funding source or sources for the provided onsite supportive services.
 - iii. *Staffing.* Proposed staffing levels.
 - (3) *Deadlines for by right supportive housing.* Projects that qualify for ministerial review in conformance with Subsection 10.10.120(d) (By right supportive housing requirements) above shall be subject to the following processing deadlines:
 - i. *Completeness determination deadline.* Within 30 days of receipt of an application to develop supportive housing, the Department shall notify an applicant whether the applicant's application is complete. If the Department does not make a written determination within 30 days, the application shall be deemed complete, pursuant to Government Code Section 65943, or successor statute.
 - ii. *Decision deadline.* The Director shall complete their review of the application to develop supportive housing within 60 days after the application is complete for a project with 50 or fewer units, or within 120 days after the application is complete for a project with more than 50 units.
- (h) *Limits on disapproval.*
- (1) Pursuant to Government Code Section 65589.5(d), the Department shall not disapprove a transitional or supportive housing project for very low, low-, or moderate-income households, or condition approval in a manner that renders the project infeasible for development for the use of very low, low-, or moderate-income households, including through the use of design review standards, unless it makes written findings, based upon a preponderance of the evidence in the record, as to one of the findings in Government Code Sections 65589.5(d)(1) through (6) or successor statute.
 - (2) Pursuant to Government Code Section 65589.5(j) or successor statute, if the Department proposes to disapprove a transitional or supportive housing project or approve it upon the condition that the project be developed at a lower density, the Department shall base its decision regarding the proposed project upon written findings supported by substantial evidence on the record that both of the conditions in Government Code Section 65589.5(j)(1) and (2) or successor statutes exist.
- (i) *Fees.* Transitional and supportive housing shall not be subject to any fees to which other dwellings of the same type in the same zone are not likewise subject.
 - (j) *Not a change in occupancy.* The use of an existing dwelling for purposes of transitional or supportive housing shall not constitute a change of occupancy for purposes of local building codes.
 - (k) *Future changes in occupancy.* The required number of units in a supportive housing project dedicated to the target population may be reduced if termination of the operating subsidy or project-based rental assistance occurs at no fault of the project owner and if all conditions outlined in Government Code Section 65651(c) or successor statutes are met.
 - (l) *Reasonable accommodation.* The requirements of this Development Code may be modified in compliance with Section 10.08.3199 (Reasonable Accommodation) if necessary to

comply with the Federal Fair Housing Act and the California Fair Employment and Housing Act relating to accommodations for persons with disabilities including allowances for structural installations that are necessary to accommodate disabled residents (e.g., handrails, lifts, and ramps).

(m) *Conflicts with other Sections of this Development Code.* Where there are conflicts between the standards in this Section 10.10.120 and other requirements of this Development Code, the provisions of this Section shall prevail.

SECTION 5. CEQA Determination. The City Council finds and determines this Ordinance is not a project within the meaning of section 15378 of the CEQA Guidelines because it has no potential for resulting in physical change in the environment, either directly or ultimately. In the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment.

SECTION 6. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

SECTION 7. Effective Date. This ordinance shall become effective upon the thirtieth (30th) day after final adoption.

SECTION 8. Publication. The City Clerk is directed to publish this ordinance in a manner required by law.

SECTION 9. Codification. This Ordinance shall be codified in the Tracy Municipal Code.

* * * * *

The foregoing Ordinance _____ was introduced at a regular meeting of the Tracy City Council on the ___ day of _____ 2025, and finally adopted on the ___ day of _____, 2025, by the following vote:

- AYES –
- NOES –
- ABSENT –
- ABSTENTION –

DAN ARRIOLA
Mayor of the City of Tracy, California

Ordinance _____
Page 7

ATTEST: _____
City Clerk and Clerk of the Council of the
City of Tracy, California

Date of Attestation: _____

APPROVED AS TO FORM AND LEGALITY

CITY ATTORNEY'S OFFICE

TRACY CITY COUNCIL

ORDINANCE NO. _____

AN ORDINANCE 1) DETERMINING THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, PURSUANT TO CEQA GUIDELINES SECTION 15061(b)(3) AND 2) APPROVING AN AMENDMENT TO REPEAL AND RELOCATE SECTION 10.08.3197, STANDARDS FOR EMERGENCY HOMELESS SHELTERS, OF ARTICLE 23, GENERAL PROVISIONS, CONDITIONS, AND EXCEPTIONS, AND ADD A NEW ARTICLE, ARTICLE 5, EMERGENCY HOMELESS SHELTERS AND LOW BARRIER NAVIGATION CENTERS, TO CHAPTER 10.10, HOUSING REGULATIONS, OF TITLE 10, PLANNING AND ZONING, OF THE TRACY MUNICIPAL CODE.

WHEREAS, on November 17, 2015, Tracy City Council adopted Ordinance No. 1202, to add a new section, Section 10.08.3197, Standards for Emergency Homeless Shelters, to Tracy Municipal Code; and

WHEREAS, on July 31, 2019, the State Legislature adopted Assembly Bill 101 (Government Code [GC] Sections 65660 through 65666) requiring ministerial approval of qualifying low barrier navigation centers in areas zoned for mixed use and nonresidential zones permitting multifamily uses, with a provision that qualifying projects shall be subject to objective design standards; and

WHEREAS, on September 19, 2024, the State Legislature adopted SB 1395 (GC§ 65660 through 65666), to, among other updates, permanently establish low barrier navigation centers as a use by right and expand CEQA exemptions for local agencies' actions related to low barrier navigation centers; and

WHEREAS, on July 1, 2025, Tracy City Council adopted the 2023-2031 Housing Element Update, requiring staff to implement the objectives, policies, and programs set forth in the Housing Plan to provide housing that fulfills the diverse needs of the community; and

WHEREAS, the proposed ordinance would relocate standards for emergency homeless shelters and establish standards for low barrier navigation centers to bring the City of Tracy into compliance with the state laws mentioned above, create consistency, and implement Program 14, Zoning Ordinance, of the City of Tracy's 2023-2031 Housing Element Update; and

WHEREAS, on November 5, 2025, the Planning Commission conducted a public hearing and recommended that the City Council adopt the ordinance; and

WHEREAS, the ordinance is not a project within the meaning of Section 15378 of the CEQA Guidelines because it has no potential for resulting in physical change in the environment,

either directly or ultimately. In the event that the ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines Section 15061(B)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment; and

WHEREAS, on _____, _____, the City Council conducted a public hearing regarding the proposed amendment to repeal and relocate Section 10.08.3197, Standards for emergency homeless shelters, and include new standards for low barrier navigation centers, in a new article, Article 5, Emergency Homeless Shelters and Low Barrier Navigation Centers, within Chapter 10.10, Housing Regulations, of the Tracy Municipal Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TRACY DOES ORDAIN AS FOLLOWS:

SECTION 1. Incorporation of Recitals/Findings. The City Council finds and determines the foregoing recitals are true and correct and are hereby incorporated herein as findings and determinations of the City.

SECTION 2. Amendment to add Section 10.08.592. Article 2, Definitions, of Chapter 10.08, Zoning Regulations, of Title 10, Planning and Zoning, of the Tracy Municipal Code is hereby amended to add Section 10.08.592, Low Barrier Navigation Center, to add the definition of “Low Barrier Navigation Center” to read as follows:

10.08.592 – Low Barrier Navigation Center.

“Low Barrier Navigation Center” shall mean a Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. The shelter may be non-congregate and relocatable.

- (a) “Low Barrier” means best practices to reduce barriers to entry, and may include, but is not limited to, the following:
- i. The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth.
 - ii. Pets
 - iii. The storage of possessions
 - iv. Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.
- (b) “Coordinated entry system” means a centralized or coordinated assessment system developed pursuant to Section 576.400(d) or Section 578.7(a)(8), of Title 24 of the Code of Federal Regulations, as those sections read on January 1, 2020, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.

SECTION 3. Amendment to add Article 5, Emergency Homeless Shelters and Low Barrier Navigation Centers. The City Council hereby amends Tracy Municipal Code to add Article 5, Emergency Homeless Shelters and Low Barrier Navigation Centers, to Chapter 10.10, Housing Regulations, of Title 10, Planning and Zoning.

SECTION 4. Amendment to repeal Section 10.08.3197 in its entirety. Section 10.08.3197, Standards for emergency homeless shelters, of Article 23, General Provisions, Conditions, and Exceptions, of Chapter 10.08, Zoning Regulations, of Title 10, Planning and Zoning, of the Tracy Municipal Code is hereby repealed in its current section to read as follows:

~~**10.08.3197 – Standards for emergency homeless shelters.**~~

~~(a) *General.* Emergency homeless shelters are permitted in the MDR, HDR and MDG Zoning Districts, subject to the requirements of this section.~~

~~(b) *Requirements for emergency homeless shelters.*~~

~~(1) *Concentration.* An emergency homeless shelter may not be located closer than 300 feet from another emergency homeless shelter.~~

~~(2) *On-site resident manager.* An emergency homeless shelter shall have a resident, on-site manager.~~

~~(Ord. No. 1202, Exh. A § 21, 12-1-2015)~~

SECTION 5. Amendment to add Section 10.10.130. Section 10.10.130, Standards for emergency homeless shelters, is proposed to be added to Article 5, Emergency Homeless Shelters and Low Barrier Navigation Centers, of Chapter 10.10, Housing Regulations, of Title 10, Planning and Zoning, of the Tracy Municipal Code to read as follows:

10.10.130 – Standards for emergency homeless shelters.

(a) *General.* Emergency homeless shelters are permitted in the MDR, HDR and MDC Zoning Districts, subject to the requirements of this section.

(b) *Requirements for emergency homeless shelters.*

(1) *Concentration.* An emergency homeless shelter may not be located closer than 300 feet from another emergency homeless shelter.

(2) *On-site resident manager.* An emergency homeless shelter shall have a resident, on-site manager.

(Ord. No. 1202, Exh. A § 21, 12-1-2015)

SECTION 6. Amendment to add Section 10.10.140. The City Council hereby amends Tracy Municipal Code to add Section 10.10.140, Low Barrier Navigation Centers, to read as follows:

10.10.140 - Low Barrier Navigation Centers.

(a) *Purpose.* The purpose of this Section is to establish streamlined permit procedures and development standards for low barrier navigation centers to help create permanent solutions for the City's homeless population. This Section establishes compliance with Government Code Sections 65660 through 65666.

(b) *Definitions.* See Section 10.08.592 for the definition of a Low Barrier Navigation Center.

(c) *Application Requirements.* The following application and processing requirements shall apply to applications for low barrier navigation centers:

(1) *Permit Required.* Prior to the development of a new building or use of an existing building as a low barrier navigation center, an applicant shall submit an application for a Development Review Permit subject to a streamlined ministerial review.

(2) *Completeness Determination.* Within 30 days of receipt of an application for a low barrier navigation center, the Department shall notify an applicant whether the

application is complete. If the Department does not make a written determination within 30 days, the application shall be deemed complete.

- (3) *Decision Deadline.* Upon deeming an application complete, the Director shall approve, conditionally approve, or deny the application for a low barrier navigation center within 30 days.
 - (4) *Ministerial Review.* The Director shall consider an application for a low barrier navigation center ministerially without discretionary review or hearing. Ministerial review does not apply to actions to facilitate the lease, conveyance, or encumbrance of land owned by a public agency or to provide financial assistance to a low barrier navigation center.
 - (5) *Conflicts with other Sections of Tracy Municipal Code.* Where there are conflicts between the standards in this Section 10.10.140 (Low Barrier Navigation Centers) and other requirements of this Development Code, the provisions of this Section shall prevail.
- (d) *Development Standards.* A low barrier navigation center that complies with all of the following development standards shall be allowed with a Development Review Permit subject to a streamlined ministerial review.
- (1) *Zoning.* The low barrier navigation center shall only be located within mixed-use zones and nonresidential zones permitting two-family and multiple-family uses, which consist of the following zones:
 - i. Central Business District (CBD)
 - ii. Professional Office and Medical Zone (POM)
 - iii. Agricultural Zone (A)
 - iv. General Highway Commercial Zone (GHC)
 - (2) *Services Plan.* The applicant shall submit a written services plan that identifies staffing services and demonstrates that the low barrier navigation center will offer services to connect people to permanent housing.
 - (3) *Coordinated entry system.* The low barrier navigation center shall be linked to a coordinated entry system, so that staff in the facility may conduct assessments and provide services to connect people to permanent housing. If the proposed project will receive funding from the City of Tracy, the applicant shall submit a memorandum of understanding consistent with the City's coordinated entry system procedures. If the proposed project will not receive funding from the City, the applicant shall demonstrate compliance with the coordinated entry system requirements set forth in Government Code Section 65662(b), or successor statute.
 - (4) *Housing First policies.* The low barrier navigation center shall comply with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.

- (5) *Information collection.* The low barrier navigation center shall have a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.
- (6) *Objective design review.* The low barrier navigation center shall not require discretionary review but shall be subject to the objective design standards applicable to multiple-unit dwellings and mixed-use development in Article 1, Multiple-Unit and Mixed-Use Housing Objective Design Standards, of Chapter 10.10, Housing Regulations. For purposes of this Section 10.10.140 (Low Barrier Navigation Centers), new buildings, existing buildings, and as applicable, additions to existing buildings, shall also comply with the following design review standards:
 - i. *Fences and walls.* The low barrier navigation center shall comply with the fences and walls regulations in Section 10.08.3250 (Wall, fence and hedge requirements).
 - ii. *Height.* The low barrier navigation center shall comply with height limitations of the applicable zone and the height measurement, exceptions, and limitations in Section 10.08.3200 (Height limitations). This standard shall not apply to existing permitted buildings.
 - iii. *Signs.* The low barrier navigation center shall comply with the sign standards in Article 35 (Signs).
 - iv. *Setbacks.* The low barrier navigation center shall comply with the setback requirements of the applicable zone. This standard shall not apply to existing permitted buildings.
 - v. *Lot coverage.* The low barrier navigation center shall comply with any lot coverage standards of the applicable zone. This standard shall not apply to existing permitted buildings.
 - vi. *Open space.* The low barrier navigation center shall comply with any open space standards of the applicable zone. This standard shall not apply to existing permitted buildings.
- (e) *Exempt from other development standards.* Other than the development standards in this Subsection 10.10.140(d), the low barrier navigation center shall not be subject to any other objective or discretionary development standards or other provisions in the General Plan or this Development Code, including parking requirements.

SECTION 7. CEQA Determination. The City Council finds and determines this Ordinance is not a project within the meaning of section 15378 of the CEQA Guidelines because it has no potential for resulting in physical change in the environment, either directly or ultimately. In the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment.

SECTION 8. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

SECTION 9. Effective Date. This ordinance shall become effective upon the thirtieth (30th) day after final adoption.

SECTION 10. Publication. The City Clerk is directed to publish this ordinance in a manner required by law.

SECTION 11. Codification. This Ordinance shall be codified in the Tracy Municipal Code.

* * * * *

The foregoing Ordinance _____ was introduced at a regular meeting of the Tracy City Council on the ___ day of _____ 2025, and finally adopted on the _____ day of _____, 2025, by the following vote:

- AYES –
- NOES –
- ABSENT –
- ABSTENTION –

DAN ARRIOLA
 Mayor of the City of Tracy, California

ATTEST: _____
 City Clerk and Clerk of the Council of the
 City of Tracy, California

Date of Attestation: _____