

ORDINANCE 1254

AN ORDINANCE OF THE CITY OF TRACY AMENDING SECTIONS 10.08.790, 10.08.3180, AND 10.08.3480 OF THE TRACY MUNICIPAL CODE REGARDING SECOND UNITS, NOW CALLED ACCESSORY DWELLING UNITS

WHEREAS, The California Legislature adopted Assembly Bill 2299 and Senate Bill 1069 amending the Government Code section 65852.2 requirements for second units, and renaming them as accessory dwelling units.

WHEREAS, The Legislation took effect on January 1, 2017 and cities are required to comply with the new requirements.

WHEREAS, The Planning Commission conducted a public hearing to consider the amendments on February 28, 2018, and

WHEREAS, The City Council conducted a public hearing to consider the amendments on April 3, 2018.

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

SECTION 1: A new Section 10.08.052, entitled "Accessory Dwelling Unit" is added to Article 2 "Definitions" of Chapter 10.08 "Zoning Regulations" and shall read as follows:

**"10.08.052 - Accessory dwelling unit.**

"Accessory dwelling unit" means an attached or detached residential dwelling unit that provides complete independent living facilities for one or more persons. It includes permanent provisions for living, sleeping, eating, cooking and sanitation on the same lot as one single-family dwelling is situated. An accessory dwelling unit also includes the following: (1) an efficiency unit, as defined in Health and Safety Code section 17958.1; and (2) a manufactured home, as defined in Health and Safety Code section 18007. Any reference in this Code to "second unit" means "accessory dwelling unit." (Gov't. Code, section 65852.2(i). See TMC, section 10.08.3180.)."

SECTION 2: Section 10.08.3180 of the Tracy Municipal Code is retitled and amended to read as follows:

**"10.08.3180 - Accessory dwelling units.**

(a) *Accessory dwelling unit.* One accessory dwelling unit is permitted on any residentially zoned lot having one existing single-family dwelling (the "primary dwelling") if the proposed unit complies with the standards in subsection b. (See definition at TMC section 10.08.052.) An accessory dwelling unit is not permitted if there is more than one single-family dwelling, a duplex, or multi-family dwelling on the lot. An accessory dwelling unit may be attached or detached from the primary dwelling and may be created by the conversion of a portion of, or an addition to, the primary dwelling, accessory structure, or by the construction of a new structure.

(b) *Standards.* These standards apply to an accessory dwelling unit.

- (1) *One unit.* There may be only one accessory dwelling unit on a lot. The accessory dwelling unit may not be sold separately from the primary dwelling.
  - (2) *Primary dwelling required.* The primary dwelling must be a permitted use in the zoning district, and the lot must contain only one existing single-family dwelling.
  - (3) *Size.* The total area of floor space of a detached accessory dwelling unit shall not exceed 1,200 square feet of living area. The total area of floor space of an attached accessory dwelling unit shall not exceed fifty (50) percent of the living area of the primary dwelling or 1,200 square feet, whichever is less. (*Living area* means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or an accessory structure.)
  - (4) *Zoning requirements.* The accessory dwelling unit shall conform to the height, setback, lot coverage, and other zoning requirements of the zoning district in which it is located.
    - (i) *Setback requirements.*
      - a. A setback of five feet from the side and rear yards is required for an accessory dwelling unit that is constructed above a garage. (See also Government Code section 65852.2 (a)(1)(D)(vii).)
      - b. Accessory dwelling units must conform to the setback requirement of the primary dwelling. However, no setback shall be required for an existing garage that is converted to an accessory dwelling unit.
  - (5) *Building code requirements.* The proposed unit shall conform to the building code requirements that apply to detached dwellings.
  - (6) *Distance; Access.* The minimum distance between an accessory dwelling unit and a primary dwelling or an accessory building is six (6) feet. An attached accessory dwelling unit may have either an exterior or interior access.
  - (7) *Parking.* One additional off-street parking space is required per accessory dwelling unit. The space may be tandem parking, or parking in the setback area. If any required garage or covered parking structure is demolished or converted in conjunction with the construction of an accessory dwelling unit, the number of required parking spaces for the primary dwelling shall be replaced and replacement parking space(s) may be located in a garage, covered, uncovered, or tandem spaces anywhere on the same lot as the accessory dwelling unit.
- However, the parking requirement for an accessory dwelling unit does not apply if one of the following apply:
- (i) the unit is located within one-half mile of a City of Tracy Tracer or San Joaquin RTD bus stop;

- (ii) the unit is located within the existing space of the existing primary dwelling or an existing, accessory structure, and not constructed as additional living area of an attached or detached accessory dwelling unit; or
- (iii) there is a car share vehicle designated pick up and drop off located within one block of the accessory dwelling unit.

(c) *Authority.* This section is adopted under the requirements of Government Code section 65852.2.”

SECTION 3: The “Minimum Parking Spaces Required” for “Single-family residential” within the “PERMITTED PARKING CHART” in Section 10.08.3480 is amended to read as follows:

“Two, non-tandem, enclosed (in garage) spaces per unit. Exception: housing designated by the City as in a very low or low income housing program, in which case only one of the two spaces per unit is required to be enclosed. See section 10.08.3180 for accessory dwelling unit parking regulations.”

SECTION 4: Tracy Municipal Code Section 10.08.790 (the definition of “second unit”) is deleted and replaced with the following: “Reserved.”

SECTION 5: The following sections of the Tracy Municipal Code are amended to substitute the term “second unit” with “accessory dwelling unit ” wherever it appears, matching the singular or plural form of the term:

10.08.1080  
10.08.1100  
10.08.1200  
10.08.1280  
10.08.1390  
10.08.1580  
10.12.060(e)  
12.04.050

SECTION 6: The adoption of this ordinance to implement Government Code 65852.2 is exempt from the California Environmental Quality Act (CEQA), under Public Resources Code section 21080.17.

SECTION 7. The City Clerk shall submit a copy of this ordinance to the California Department of Housing and Community Development within 60 days after adoption. (Government Code section 65852.2(h).)

SECTION 8. This Ordinance shall take effect 30 days after its final passage and adoption.

SECTION 9. 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.)

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The foregoing Ordinance 1254 was introduced at a regular meeting of the Tracy City Council on April 3, 2018, and finally adopted on May 1, 2018, by the following vote:

AYES: COUNCIL MEMBERS: DEMENT, RANSOM, YOUNG, VARGAS, RICKMAN

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE

ABSTAIN: COUNCIL MEMBERS: NONE

\_\_\_\_\_  
Mayor

ATTEST:

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