



CITY COUNCIL AGENDA

CITY COUNCIL CHAMBERS, CITY HALL
7351 ROSANNA STREET, GILROY, CA
95020

**REGULAR MEETING | 6:00 PM
MONDAY, MARCH 6, 2023**

MAYOR
Marie Blankley

COUNCIL MEMBERS

Rebeca Armendariz
Dion Bracco
Tom Cline
Zach Hilton
Carol Marques
Fred Tovar

CITY COUNCIL PACKET MATERIALS ARE AVAILABLE ONLINE AT www.cityofgilroy.org
AGENDA CLOSING TIME IS 5:00 P.M. THE TUESDAY PRIOR TO THE MEETING

Due to COVID-19, it is possible that the planned in-person meeting may have to change to a virtual meeting at any time and possibly on short notice. Please check the City of Gilroy website www.cityofgilroy.org for any updates to meeting information.

COMMENTS BY THE PUBLIC WILL BE TAKEN ON AGENDA ITEMS BEFORE ACTION IS TAKEN BY THE CITY COUNCIL. Public testimony is subject to reasonable regulations, including but not limited to time restrictions for each individual speaker. [Please limit your comments to 3 minutes](#). The amount of time allowed per speaker may vary at the Mayor's discretion depending on the number of speakers and length of the agenda.

Written comments on any agenda item may be emailed to the City Clerk's Office at cityclerk@cityofgilroy.org or mailed to the Gilroy City Clerk's Office at City Hall, 7351 Rosanna Street, Gilroy, CA 95020. Comments received by the City Clerk's Office by 1 p.m. on the day of a Council meeting will be distributed to the City Council prior to or at the meeting and available for public inspection with the agenda packet located in the lobby of Administration at City Hall, 7351 Rosanna Street prior to the meeting. Any correspondence received will be incorporated into the meeting record. Items received after the 1 p.m. deadline will be provided to the City Council as soon as practicable. Written comments are also available on the City's Public Records Portal at bit.ly/3NuS1IN.



In compliance with the Americans with Disabilities Act, the City will make reasonable arrangements to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the City Clerk's Office at least 72 hours prior to the meeting at (408) 846-0204 or cityclerk@cityofgilroy.org to help ensure that reasonable arrangements can be made.



If you challenge any planning or land use decision made at this meeting in court, you may be limited to raising only those issues you or someone else raised at the public hearing held at this meeting, or in written correspondence delivered to the City Council at, or prior to, the public hearing. Please take notice that the time within which to seek judicial review of any final administrative determination reached at this meeting is governed by Section 1094.6 of the California Code of Civil Procedure.

A Closed Session may be called during this meeting pursuant to Government Code Section 54956.9 (d)(2) if a point has been reached where, in the opinion of the legislative body of the City on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the City.

Materials related to an item on this agenda submitted to the City Council after distribution of the agenda packet are

available with the agenda packet on the City website at www.cityofgilroy.org subject to the Staff's ability to post the documents before the meeting.

KNOW YOUR RIGHTS UNDER THE GILROY OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, task forces, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE, TO RECEIVE A FREE COPY OF THE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE OPEN GOVERNMENT COMMISSION STAFF AT (408) 846-0204.

If you need assistance with translation and would like to speak during public comment, please contact the City Clerk a minimum of 72 hours prior to the meeting at 408-846-0204 or e-mail the City Clerk's Office at cityclerk@cityofgilroy.org.

Si necesita un intérprete durante la junta y gustaría dar un comentario público, comuníquese con el Secretario de la Ciudad un mínimo de 72 horas antes de la junta al 408-846-0204 o envíe un correo electrónico a la Oficina del Secretario de la Ciudad a cityclerk@cityofgilroy.org.



To access written translation during the meeting, please scan the QR Code or click this link:

Para acceder a la traducción durante la reunión, por favor escanee el código QR o haga clic en el enlace:

bit.ly/3FBiGA0

Choose Language and Click Attend | *Selecione su lenguaje y haga clic en asistir*

Use a headset on your phone for audio or read the transcript on your device.
Use sus auriculares para escuchar el audio o leer la transcripción en el dispositivo.

The agenda for this regular meeting is as follows:

1. **OPENING**
 - 1.1. **Call to Order**
 - 1.2. **Pledge of Allegiance**
 - 1.3. **Invocation**
 - 1.4. **City Clerk's Report on Posting the Agenda**
 - 1.5. **Roll Call**
 - 1.6. **Orders of the Day**
 - 1.7. **Employee Introductions**

2. **CEREMONIAL ITEMS - Proclamations and Awards**

- 2.1. **Proclamation – Proclaiming March 2023 as American Red Cross Month**

3. **PRESENTATIONS TO THE COUNCIL**

- 3.1. **Presentation from Community Agency for Resources, Advocacy and Services (CARAS) - Gilroy Youth Center**
- 3.2. **PUBLIC COMMENT BY MEMBERS OF THE PUBLIC ON ITEMS NOT ON THE AGENDA BUT WITHIN THE SUBJECT MATTER JURISDICTION OF THE CITY COUNCIL**

This portion of the meeting is reserved for persons desiring to address the Council on matters within the Gilroy City Council's jurisdiction but not on the agenda. Persons wishing to address the Council are requested to complete a Speaker's Card located at the entrances and handed to the City Clerk. Speakers are limited to 1 to 3 minutes each, varying at the Mayor's discretion depending on the number of speakers and length of the agenda. The law does not permit Council action or extended discussion of any item not on the agenda except under special circumstances. If Council action is requested, the Council may place the matter on a future agenda.

Written comments to address the Council on matters not on this agenda may be e-mailed to the City Clerk's Office at cityclerk@cityofgilroy.org or mailed to the Gilroy City Clerk's Office at City Hall, 7351 Rosanna Street, Gilroy, CA 95020. Comments received by the City Clerk's Office by 1:00pm on the day of a Council meeting will be distributed to the City Council prior to or at the meeting and available for public inspection with the agenda packet located in the lobby of Administration at City Hall, 7351 Rosanna Street, prior to the meeting. Any correspondence received will be incorporated into the meeting record. Items received after the 1:00pm deadline will be provided to the City Council as soon as practicable. Written material provided by public members under this section of the agenda will be limited to 10 pages in hard copy. An unlimited amount of material may be provided electronically.

4. **REPORTS OF COUNCIL MEMBERS**

Council Member Bracco – Cities Association Santa Clara County Board of Directors (*alternate*), Santa Clara County Library Joint Powers Authority, Santa Clara Valley Water Commission, Santa Clara Valley Water Joint Water Resources Commission, SCRWA

Council Member Armendariz – Santa Clara County Library Joint Powers Authority, Santa Clara Valley Habitat Agency Governing Board, Santa Clara Valley Habitat Agency Implementation Board, Silicon Valley Clean Energy Authority JPA Board (*alternate*), South County United for Health

Council Member Marques – ABAG, Gilroy Gardens Board of Directors, Santa Clara Valley Habitat Agency Governing Board, Santa Clara Valley Habitat Agency Implementation Board, SCRWA (*alternate*)

Council Member Hilton – CalTrain Policy Group (*alternate*), Silicon Valley Clean Energy Authority JPA Board, South County United for Health (*alternate*), VTA Policy Advisory Committee

Council Member Cline – Gilroy Economic Development Partnership (*alternate*), Gilroy Sister Cities Association, Gilroy Youth Task Force, Silicon Valley Regional Interoperability Authority Board, VTA Policy Advisory Committee (*alternate*), Visit Gilroy California Welcome Center Board

Council Member Tovar – Gilroy Youth Task Force (*alternate*), Santa Clara County Expressway Plan 2040 Advisory Board, Santa Clara Valley Water Commission, SCRWA, South County Youth Task Force Policy Team, VTA Mobility Partnership

Mayor Blankley – ABAG (*alternate*), CalTrain Policy Group, Cities Association Santa Clara County Board of Directors, Gilroy Economic Development Partnership, Gilroy Sister Cities Association (*alternate*), Gilroy Youth Task Force, Santa Clara Valley Water Joint Water Resources Commission, SCRWA, South County Youth Task Force Policy Team, VTA Board of Directors, VTA Mobility Partnership

5. **COUNCIL CORRESPONDENCE**

5.1. **City Council Member Meeting Attendance**

5.2. **Support for the City of Gilroy's 2023 RAISE Application – 10th Street Bridge**

6. **FUTURE COUNCIL INITIATED AGENDA ITEMS**

7. **CONSENT CALENDAR**

All matters listed under the Consent Calendar are considered by the City Council to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a request is made by a member of the City Council or a member of the public. Any person desiring to speak on any item on the consent calendar should ask to have that item removed from the consent calendar prior to the time the Council votes to approve. If removed, the item will be discussed in the order in which it appears.

7.1. **Approval of the Action Minutes of the February 27, 2023 City Council Regular Meeting**

7.2. **Time Extension Request No. 4 for Tentative Map and Architectural and Site Review Permit Approvals for Development of 202 Townhouse Units at the Southeast Corner of Santa Teresa Boulevard and First Street, APNs 808-01-21, 808-01-22 and 808-01-23; filed by Eagle Garden, LLC (TM 13-11 & AS 18-20).**

8. **BIDS AND PROPOSALS**

8.1. **Award a Contract to McKim Corporation for the FY23 Annual CDBG Sidewalk/Curb Ramp Project No. 23-PW-279 and Approve a Project Expenditure of \$271,205**

1. Staff Report: Daryl Jordan, Public Works Director

2. Public Comment

3. Possible Action:

a) Award a contract to McKim Corporation in the amount of \$246,550 for the construction of the FY23 Annual CDBG Sidewalk/Curb Ramp Project No. 23-PW-279 and authorize the City Administrator to execute the contract and associated documents; and

b) Approve a contingency amount of \$24,655 to be expended only with approved change orders for a maximum project expenditure of \$271,205.

9. **PUBLIC HEARINGS**

9.1. **Architectural and Site Review Permit to amend the Plaza Allium sign program, located on property at the northeast corner of Tenth Street and Chestnut Street, Application No. AS 22-24**

1. Disclosure of Ex-Parte Communications
2. Staff Report: Sharon Goei, Community Development Director
3. Open Public Hearing
4. Close Public Hearing
5. Possible Action:

Staff has analyzed the proposed project and recommends that the City Council take the following actions:

- a) Determine pursuant to CEQA Guidelines Section 15162, that the proposed amendment to the approved sign program is adequately assessed by the Mitigated Negative Declaration (MND) (SCH # 2021060521) adopted for the commercial development project on September 20, 2021, and that no subsequent environmental review shall be required, based on its independent analysis.
- b) Adopt a resolution to approve the proposed sign program amendment AS 22-24.

10. **UNFINISHED BUSINESS**

11. **INTRODUCTION OF NEW BUSINESS**

11.1. **Approval of the Updated City of Gilroy Purchasing Policy**

1. Staff Report: Harjot Sangha, Finance Director
2. Public Comment
3. Possible Action:

Approve the updated City of Gilroy Purchasing Policy.

11.2. **Update on the Status of Council and Departmental Work Plans**

1. Staff Report: Bryce Atkins, Assistant to the City Administrator
2. Public Comment
3. Possible Action:

Council receive the update.

12. **CITY ADMINISTRATOR'S REPORTS**

13. **CITY ATTORNEY'S REPORTS**

14. **CLOSED SESSION**

14.1. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION Pursuant to Government Code Section 54957 and Gilroy City Code Section 17A.11 (2);**

Employee Name/Title: Jimmy Forbis, City Administrator

15. **ADJOURN TO OPEN SESSION**

Report of any action taken in Closed Session and vote or abstention of each Council Member if required by Government Code Section 54957.1 and GCC Section 17A.13 (a); Public Report of the vote to continue in closed session if required under GCC Section 17A.11 (e).

16. **ADJOURNMENT**

FUTURE MEETING DATES

March 2023

- 13 Council Goal / Priority Setting Workshop - 6:00 p.m
- 20 Regular Meeting - 6:00 p.m

April 2023

- 3 Regular Meeting - 6:00 p.m
- 17 Regular Meeting - 6:00 p.m

May 2023

- 1 Regular Meeting - 6:00 p.m
- 3 Capital Improvement Plan Workshop – 6:00 – 8:00 p.m.
- 15 Regular Meeting - 6:00 p.m
- 22 Recommend Operating Budget Workshop – 6:00 – 8:00 p.m.

Meetings are webstreamed on the City of Gilroy's website at gilroy.city/meetings.

City of Gilroy Proclamation



WHEREAS, the City of Gilroy has a long history of helping our neighbors in need. American Red Cross Month is a special time to recognize and thank our heroes – those Red Cross volunteers and donors who give of their time and resources to help community members; and

WHEREAS, these heroes help families find shelter after a home fire. They give blood to help trauma victims and cancer patients. They deliver comfort items to military members in the hospital. They use their lifesaving skills to save someone from a heart attack, drowning or choking. They enable children around the globe to be vaccinated against measles and rubella; and

WHEREAS, across the country and around the world, the American Red Cross responds to disasters big and small. In fact, every eight minutes the organization responds to a community disaster, providing shelter, food, emotional support and other necessities to those affected. It collects nearly 40 percent of the nation's blood supply; provides 24-hour support to military members, veterans and their families; teaches millions lifesaving skills, such as lifeguarding and CPR; and through its Restoring Family Links program, connects family members separated by crisis, conflict or migration; and

WHEREAS, we dedicate the month of March to all those who support the American Red Cross mission to prevent and alleviate human suffering in the face of emergencies. Our community depends on the American Red Cross, which relies on donations of time, money and blood to fulfill its humanitarian mission.

NOW, THEREFORE, I, Marie Blankley, Mayor of the City of Gilroy, on this 6th day of March 2023, along with my colleagues on the City Council, do hereby proclaim the month of March 2023 as

AMERICAN RED CROSS MONTH

Attested to by:

Marie Blankley
Marie Blankley
MAYOR



Thai Nam Pham
Thai Nam Pham
City Clerk

**City of Gilroy City Council Member Attendance to Council Meetings
(2023 - 2024 YTD)**

	2023 (YTD)		2024			TOTAL	
	<i>Present</i>	<i>Absent</i>	<i>Present</i>	<i>Absent</i>		<i>Present</i>	<i>Absent</i>
Marie Blankley	6	0	0	0		6	0
Rebeca Armendariz	6	0	0	0		6	0
Dion Bracco	6	0	0	0		6	0
Tom Cline	6	0	0	0		6	0
Zach Hilton	6	0	0	0		6	0
Carol Marques	6	0	0	0		6	0
Fred Tovar	6	0	0	0		6	0

2023 Calendar Year Attendance with 12/12/2022 Attendance

5.1

	<i>12/12/2022 Special</i>	<i>1/9/2023 Regular</i>	<i>1/23/2023 Regular</i>	<i>1/28/2023 Special</i>	<i>2/6/2023 Regular</i>	<i>2/27/2023 Regular</i>	<i>3/6/2023 Regular</i>	<i>3/13/2023 Special</i>	<i>3/20/2023 Regular</i>	<i>4/3/2023 Regular</i>	<i>4/17/2023 Regular</i>	<i>5/1/2023 Regular</i>	<i>5/15/2023 Regular</i>	<i>6/5/2023 Regular</i>	<i>6/19/2023 Regular</i>
Marie Blankley	P	P	P	P	P	P									
Rebeca Armendariz	P	P	P	P	P	P									
Dion Bracco	P	P	P	P	P	P									
Tom Cline	P	P	P	P	P	P									
Zach Hilton	P	P	P	P	P	P									
Carol Marques	P	P	P	P	P	P									
Fred Tovar	P	P	P	P	P	P									

	<i>7/10/2023 Special</i>	<i>8/7/2023 Regular</i>	<i>8/21/2023 Regular</i>	<i>9/11/2023 Regular</i>	<i>9/18/2023 Regular</i>	<i>10/2/2023 Regular</i>	<i>10/16/2023 Regular</i>	<i>11/6/2023 Regular</i>	<i>11/20/2023 Regular</i>	<i>12/4/2023 Regular</i>	<i>12/11/2023 Special</i>				
Marie Blankley															
Rebeca Armendariz															
Dion Bracco															
Tom Cline															
Zach Hilton															
Carol Marques															
Fred Tovar															

	Total 2023 Present YTD					
Marie Blankley	6					
Rebeca Armendariz	6					
Dion Bracco	6					
Tom Cline	6					
Zach Hilton	6					
Carol Marques	6					
Fred Tovar	6					



City of Gilroy Mayor's Office

7351 Rosanna Street
Gilroy, California
95020-6197

Marie Blankley, Mayor
marie.blankley@cityofgilroy.org
City Hall Office (408) 846-0227
Facsimile (408) 846-0500
<http://www.cityofgilroy.org>

February 28, 2023

Secretary Pete Buttigieg
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: Support for the City of Gilroy's 2023 RAISE Application – 10th Street Bridge

Dear Secretary Buttigieg,

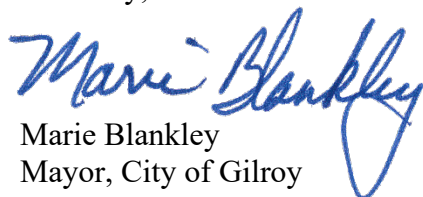
I am writing on behalf of the City Council of the City of Gilroy to express our strong support for the City of Gilroy's 2023 RAISE grant application to construct the 10th Street Bridge project. The project establishes a critical connection between the east and west parts of Gilroy, spanning over a large creek that limits vehicular, bicycle and pedestrian access across the two halves of Gilroy.

This bridge will establish a regional connector between U.S. Highway 101, and Santa Teresa Boulevard, a regional, county-wide expressway. This project will help to reduce critical police, fire, and ambulance response times, it will reduce traffic volumes travelling through smaller city streets to travel to other bridges in less ideal locations, and will provide additional reliability as the nearest alternative crossing, Miller Avenue, floods each winter blocking access for days across the creek.

The bridge will connect with local trails, which ultimately connect with the county-wide and regional trail systems. Additionally, the bridge provides Class 1 bicycle lanes and wide pedestrian paths to encourage multi-modal transportation use.

We fully support the application to help fund the construction of the 10th Street Bridge. Please do not hesitate to contact me should you have any questions.

Sincerely,


Marie Blankley
Mayor, City of Gilroy

cc: California Federal Delegation
Senior Review Team, Office of Infrastructure Finance and Innovation, U.S. Department of Transportation

**City of Gilroy
City Council Regular Meeting Minutes
Monday, February 27, 2023 | 6:00 PM**

1. OPENING (CITY COUNCIL)

1.1 Call to Order

Meeting was called to order by Mayor Blankley at 6:00 PM.

1.2. Pledge of Allegiance

Council Member Hilton led the Pledge of Allegiance.

1.3. Invocation

There were none.

1.4. City Clerk's Report on Posting the Agenda

City Clerk Pham reported on the posting of the Agenda.

1.5. Roll Call

Attendance	Attendee Name
Present	Rebeca Armendariz, Council Member Dion Bracco, Mayor Pro Tempore Tom Cline, Council Member Zach Hilton, Council Member Carol Marques, Council Member Fred Tovar, Council Member Marie Blankley, Mayor

1.6. Orders of the Day

Mayor Blankley requested Agenda Item No. 11.1 be held after the consent calendar. There were no objections to the request.

1.7. Employee Introductions

Community Development Director Goei introduce Hazardous Material Inspector David Ayers, Jr. to the Council.

2. CEREMONIAL ITEMS – Proclamations and Awards

2.1. Proclamation – Proclaiming March 2023 as Youth Arts Month

Mayor Blankley acknowledged the proclamation.

3. **PRESENTATIONS TO THE COUNCIL**

3.1. **PUBLIC COMMENT BY MEMBERS OF THE PUBLIC ON ITEMS NOT ON THE AGENDA BUT WITHIN THE SUBJECT MATTER JURISDICTION OF THE CITY COUNCIL**

Mayor Blankley opened Public Comment.

The following members spoke on items that were not in the agenda:

Jeff Orth provided a status update on the Downtown Business Association meeting with the Spanish speaking community.

Jan Guffey expressed concerns about the freight trains going through the City carrying toxic chemicals.

Joanne Fierro expressed disappointment of the video shown at the January 23, 2023 City Council Regular Meeting as it did not display the City's diversity.

Ron Kirkish opined about the article from Gilroy Dispatch with regards to Silicon Clean Energy and reiterated that carbon dioxide is not a pollutant.

There being no further speakers, Mayor Blankley closed Public Comment.

4. **REPORTS OF COUNCIL MEMBERS**

Council Member Bracco had nothing to report.

Council Member Armendariz had nothing to report.

Council Member Marques reported on Gilroy Gardens Board of Directors.

Council Member Hilton reported on VTA Policy Advisory Committee.

Council Member Cline had nothing to report.

Council Member Tovar reported on meetings with community members. He also reminded the public about the Poppy Jasper International Film Festival being held in April 2023 and his second annual Salsa Tasting Contest and Classic Car Show in mid May 2023.

Mayor Blankley reported that City Staff will submit a federal grant application in the amount of \$21 million for the construction of the 10th Street Bridge and welcomed the public to submit letters of advocacy. She also reported on the CalTrain Policy Group.

5. **COUNCIL CORRESPONDENCE**

5.1. **Advisory and Request from the California League of Cities for a Resolution Opposing the Taxpayer Protection and Government Accountability Act Ballot Measure**

Council acknowledged receipt of the correspondence.

6. **FUTURE COUNCIL INITIATED AGENDA ITEMS**

There were none.

7. **CONSENT CALENDAR**

Mayor Blankley requested for Agenda Item Nos. 7.1 and 7.4 to be pulled out of the Consent Calendar.

Council Member Cline notified the Council he would recuse from voting on Consent Calendar Item No. 7.4 due to a conflict of interest.

MOTION: Approve the Consent Calendar excluding Consent Calendar Item No. 7.1 and 7.4.

RESULT: Pass

MOVER: Fred Tovar, Council Member

SECONDER: Dion Bracco, Mayor Pro Tempore

AYES: Council Member Armendariz, Mayor Pro Tempore Bracco, Council Member Cline, Council Member Hilton, Council Member Marques, Council Member Tovar, Mayor Blankley

7.1. **Approval of the Action Minutes of the February 6, 2023 City Council Regular Meeting**

Item was pulled from Consent Calendar.

7.2. **Adoption of a Resolution Approving Budget Amendments in Fiscal Year 2022-23 Adding \$43,529 from the Board of State and Community Corrections Officer Wellness and Mental Health Grant Program to the Police Department Grants Fund.**

A motion was made to adopt the resolution.

RESULT: Pass

Enactment No.: Resolution No. 2023-07

7.3. **Resolution of the City Council of the City of Gilroy Declaring Weeds a Nuisance**

A motion was made to adopt the resolution.

RESULT: Pass

Enactment No.: Resolution No. 2023-08

7.4. **Tentative Map Time Extension Request for Greenfield Subdivision approval to subdivide 8.36 acres into 14 residential lots, and dedication of 3.7 acres to Uvas Creek Preserve, located at the northerly end of Greenfield Drive, APN 808-20-008, Applicant James Suner (TM 16-02)**

Item was pulled from Consent Calendar.

7.5. **Adopt an Ordinance of the City Council of the City of Gilroy Amending Chapter 19B of the Gilroy City Code Relating to Smoking Pollution Control to Prohibit Smoking at Multi-Family Housing Properties and Public Events Except in Designated Areas**

A motion was made to adopt the ordinance.

RESULT: Pass

Enactment No.: Ordinance No. 2023-02

- 7.6. **Adopt an Ordinance of the City Council of the City of Gilroy Amending Chapter 19C of the Gilroy City Code Relating to Social Host Accountability to Increase the Penalty Amounts and Increase the Period of Time for Issuing Citations**

A motion was made to adopt the ordinance.

RESULT: Pass

Enactment No.: Ordinance No. 2023-03

- 7.7. **Claim of Loreen Clark (The City Administrator recommends a "yes" vote under the Consent Calendar shall constitute a denial of the claim).**

A motion was made to deny the claim.

RESULT: Pass

ITEMS PULLED FROM CONSENT CALENDAR

- 7.1. **Approval of the Action Minutes of the February 6, 2023 City Council Regular Meeting**

Mayor Blankley requested to add additional verbiage in the title of the ordinance of the minutes for further clarification.

Motion: Approve the minutes with additional verbiage for clarification in the title

RESULT: Pass

MOVER: Marie Blankley, Mayor

SECONDER: Fred Tovar, Council Member

AYES: Council Member Armendariz, Mayor Pro Tempore Bracco, Council Member Cline, Council Member Hilton, Council Member Marques, Council Member Tovar, Mayor Blankley

- 7.4. **Tentative Map Time Extension Request for Greenfield Subdivision approval to subdivide 8.36 acres into 14 residential lots, and dedication of 3.7 acres to Uvas Creek Preserve, located at the northerly end of Greenfield Drive, APN 808-20-008, Applicant James Suner (TM 16-02)**

Motion: to approve the Tentative Map Time Extension Request for Greenfield Subdivision approval to subdivide 8.36 acres into 14 residential lots, and dedication of 3.7 acres to Uvas Creek Preserve, located at the northerly end of Greenfield Drive, APN 808-20-008, Applicant James Suner (TM 16-02)

RESULT: Pass

MOVER: Dion Bracco, Mayor Pro Tempore

SECONDER: Rebeca Armendariz, Council Member

AYES: Council Member Armendariz, Mayor Pro Tempore Bracco, Council Member Hilton, Council Member Marques, Council Member Tovar, Mayor Blankley

RECUSED: Council Member Cline

Enactment No.: Resolution No. 2023-09

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11. INTRODUCTION OF NEW BUSINESS

11.1. Renaming of the Gilroy Senior Center's Classroom One after Theodore "Ted" Carpenetti

Recreation Manager Henig provided staff presentation and responded to Council Member questions.

Mayor Blankley opened Public Comment.

The following speakers spoke in support of the item:

Barbara Lemal
Albert E. Noble
Joe Carpenetti

There being no further speakers, Mayor Blankley closed public Comment.

MOTION: Approve the renaming the Gilroy Senior Center's Classroom One after Theodore "Ted" Carpenetti.

RESULT: Pass

MOVER: Fred Tovar, Council Member

SECONDER: Carol Marques, Council Member

AYES: Council Member Armendariz, Mayor Pro Tempore Bracco, Council Member Cline, Council Member Hilton, Council Member Marques, Council Member Tovar, Mayor Blankley

8. BIDS AND PROPOSALS

8.1. Award a Contract to Itech Solution in the Amount of \$134,140 with a project contingency of \$13,414 (10%) and Approve a Project Expenditure of \$147,554 for Gilroy Sports Park Playground Surface Repair, Project No. 23-PW-276

Public Works Management Analyst Michael Lewis provided staff presentation and responded to Council Member questions.

Mayor Blankley opened Public Comment. There being no further speakers, Mayor Blankley closed public Comment.

There being no further speakers, Mayor Blankley closed Public Comment.

Motion: Award a Contract to Itech Solution in the Amount of \$134,140 with a project contingency of \$13,414 (10%) and Approve a Project Expenditure of \$147,554 for Gilroy Sports Park Playground Surface Repair, Project No. 23-PW-276 and authorize the City Administrator to execute the contract and associated documents.

RESULT: Pass

MOVER: Dion Bracco, Mayor Pro Tempore

SECONDER: Rebeca Armendariz, Council Member

AYES: Council Member Armendariz, Mayor Pro Tempore Bracco, Council Member Cline, Council Member Hilton, Council Member Marques, Council Member Tovar, Mayor Blankley

- 8.2. **Approve an Amendment to the Agreement for Services with Alpine Landscapes for Community Facilities District (CFD) Landscape Maintenance Services to Include Trash and Debris Removal, the Annual Cost for the Expanded Service, Extend the Agreement for 18 Months, with a Total Cost of \$500,450 for the 18 Month Extension**

Public Works Director Jordan provided staff presentation and responded to Council Member questions.

Mayor Blankley opened Public Comment. There being no speakers, Mayor Blankley closed Public Comment.

MOTION: Approve an amendment with Alpine Landscapes to increase the annual contract amount by \$26,916 per year to a total amount of \$333,633 and extend the term of the existing agreement by 18 months for landscape and maintenance services and authorize the City Administrator to execute the amendment and related documents.

RESULT: Pass

MOVER: Carol Marques, Council Member

SECONDER: Fred Tovar, Council Member

AYES: Council Member Armendariz, Mayor Pro Tempore Bracco, Council Member Cline, Council Member Hilton, Council Member Marques, Council Member Tovar, Mayor Blankley

- 8.3. **Approve an Amendment to the Agreement for Services with Jensen Landscape Services, LLC for Parks and Landscape Maintenance Services to Include Trash and Debris Removal, the Annual Cost for the Expanded Service, Extend the Agreement for 18 Months, with a Total Cost of \$1,541,637 for the 18 Month Extension**

Public Works Director Jordan provided staff presentation and responded to Council Member questions.

Mayor Blankley opened Public Comment. There being no speakers, Mayor Blankley closed Public Comment.

Motion: Approve an amendment with Jensen Landscape Services, LLC to increase the annual contract amount by \$92,750 to a total annual amount of \$1,027,758 and extend the term of the existing agreement by 18 months for landscape and maintenance services and authorize the City Administrator to execute the amendment and related documents.

RESULT: Pass

MOVER: Tom Cline, Council Member

SECONDER: Fred Tovar, Council Member

AYES: Council Member Armendariz, Mayor Pro Tempore Bracco, Council Member Cline, Council Member Hilton, Council Member Marques, Council Member Tovar, Mayor Blankley

9. PUBLIC HEARING

- 9.1. **Proposed Tentative Map to divide 6955 Camino Arroyo into two parcels (within Gilroy Crossing commercial development), Application No. TM 22-05**

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Mayor Blankley asked Council Members to disclose any ex-parte communications. None were disclosed.

Community Development Director Goei provided staff presentation and responded to Council Member questions.

Mayor Blankley open the Public Hearing at 6:53 PM. There being no speakers, Mayor Blankley closed the Public Hearing at 6:53 PM.

MOTION: Determine that the proposed Tentative Map is exempt from further environmental review and qualifies for the State CEQA Guidelines Class 15 Exemption, Minor Land Divisions because the proposed subdivision results in less than four parcels, is in conformance with the City's General Plan and Zoning, seeks no exceptions or variances, and all services and access to the resulting parcels is available, based on its independent analysis; and adopt a resolution to approve the proposed tentative map to divide the property known as APN 841-70-045 into two separate parcels.

RESULT: Pass

MOVER: Dion Bracco, Mayor Pro Tempore

SECONDER: Rebeca Armendariz, Council Member

AYES: Council Member Armendariz, Mayor Pro Tempore Bracco, Council Member Cline, Council Member Hilton, Council Member Marques, Council Member Tovar, Mayor Blankley

Enactment No.: Resolution No. 2023-10

10. UNFINISHED BUSINESS

There were none.

11. INTRODUCTION OF NEW BUSINESS - CONTINUED

11.1. Renaming of the Gilroy Senior Center's Classroom One after Theodore "Ted" Carpenetti

Item was heard after the Consent Calendar.

11.2. Adopt a Resolution Declaring Additional Gilroy Gardens Property as Surplus Pursuant to Government Code Section 54221; find that the Council's action in doing so is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3)

City Administrator Forbis provided staff presentation and responded to Council Member questions.

Mayor Blankley opened Public Comment. There being no speakers, Mayor Blankley closed public Comment.

MOTION: Adopt a Resolution Declaring Additional Gilroy Gardens Property as Surplus Pursuant to Government Code Section 54221; find that the Council's action in doing so is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3).

RESULT: Pass

MOVER: Dion Bracco, Mayor Pro Tempore

SECONDER: Tom Cline, Council Member

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AYES: Council Member Armendariz, Mayor Pro Tempore Bracco, Council Member Cline, Council Member Hilton, Council Member Marques, Council Member Tovar, Mayor Blankley

Enactment No.: Resolution No. 2023-11

11.3. Accept the Annual Comprehensive Financial Report for Fiscal Year-Ended June 30, 2022

Finance Director Sangha provided staff presentation and responded to Council Member questions.

Mayor Blankley opened Public Comment. There being no speakers, Mayor Blankley closed public Comment.

Council accepted the report.

11.4. Report on Illegal Fireworks Administrative Citations

Community Development Director Goei provided staff presentation and responded to Council Member questions.

Mayor Blankley opened Public Comment. There being no speakers, Mayor Blankley closed public Comment.

Mayor Blankley expressed support in bringing the item back to Council in a future meeting date. She received unanimous support.

12. ADJOURN TO THE MEETING OF GILROY PUBLIC FACILITIES FINANCING AUTHORITY

Mayor Blankley adjourned to the Gilroy Public Facilities Financing Authority at 7:25 PM.

13. OPENING (GILROY PUBLIC FACILITIES FINANCING AUTHORITY)

13.1. Call to Order

The Gilroy Public Facilities Financing Authority Regular Meeting was called to order by Chair Blankley at 7:25 PM.

13.2. Roll Call

Attendance	Attendee Name
Present	Rebeca Armendariz, Director Dion Bracco, Vice Chair Tom Cline, Director Zach Hilton, Director Carol Marques, Director Fred Tovar, Director Marie Blankley, Chair

14. CONSENT CALENDAR (GILROY PUBLIC FACILITIES FINANCING AUTHORITY)

Motion: Approve the Consent Calendar

RESULT: Pass

MOVER: Carol Marques, Director

SECONDER: Fred Tovar, Director

AYES: Director Armendariz, Director Cline, Director Hilton, Director Marques, Director Tovar, Chair Blankley

ABSENT: Vice Chair Bracco

14.1. **Approval of the Action Minutes of the December 5, 2022 Gilroy Public Facilities Financing Authority Regular Meeting**

A motion was made to approve the minutes.

15. **INTRODUCTION OF NEW BUSINESS (GILROY PUBLIC FACILITIES FINANCING AUTHORITY)**

15.1. **Approval of Resolutions Specifying Circumstances Under Which Regular Meetings Will Not Be Held; Designating Certain Officers and Employees as Ex Officio Positions; and Adopting a Budget for Fiscal Year 2023-24**

General Counsel/Legal Advisor Faber provided staff presentation and responded to board member questions.

Chair Blankley opened Public Comment. There being no speakers, Chair Blankley closed Public Comment.

Motion: Approve Resolutions Specifying Circumstances Under Which Regular Meetings Will Not Be Held; Designating Certain Officers and Employees as Ex Officio Positions; and Adopting a Budget for Fiscal Year 2023-24

RESULT: Pass

MOVER: Rebeca Armendariz, Director

SECONDER: Carol Marques, Director

AYES: Director Armendariz, Vice Chair Bracco, Director Cline, Director Hilton, Director Marques, Director Tovar, Chair Blankley

Enactment No.: Resolution Nos. GPFFA 2023-01, 2023-02, and 2023-03

16. **ADJOURN TO THE MEETING OF GILROY CITY COUNCIL**

Chair Blankley adjourned the Gilroy Public Facilities Financing Authority and returned to the Gilroy City Council Regular Meeting at 7:31 PM.

17. **CITY ADMINISTRATOR'S REPORTS**

17.1. **Gilroy Clean Up Program Announcement**

City Administrator Forbis provided a brief report and responded to Council Member questions.

18. **CITY ATTORNEY'S REPORTS**

City Attorney Faber reported on a court case involving City of Arcadia with regards to CEQA.

19. **CLOSED SESSION**

Mayor Blankley opened Public Comment. There being no speakers, Mayor Blankley closed Public Comment.

The Mayor recessed the City Council at 7:44 PM.

The Mayor reconvened the Council to Closed Session at 7:53 PM. The motion to stay in Closed Session was unanimous.

19.1. Conference with Negotiator – Collective Bargaining Unit Pursuant to Government Code Section 54957.6, Gilroy City Code Section 17A.11 (4)

Collective Bargaining Unit: Gilroy Police Officers Association, Inc., Representing Gilroy Police Officers;

City Negotiators: Jimmy Forbis, City Administrator; LeeAnn McPhillips, Assistant City Administrator/Administrative Services & Human Resources Director;

Anticipated Issue(s) Under Negotiation: Wages, Hours, Benefits, Working Conditions; Memorandum of Understanding: MOU Between City of Gilroy & Gilroy Police Officers

No reportable action.

20. ADJOURN TO OPEN SESSION

Mayor Blankley reported out of Closed Session as shown above.

21. ADJOURNMENT

The meeting was adjourned by Mayor Blankley at 8:01 PM.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the City Council of the City of Gilroy.

/s/Thai Nam Pham, CMC, CPMC
City Clerk



City of Gilroy

STAFF REPORT

Agenda Item Title: Time Extension Request No. 4 for Tentative Map and Architectural and Site Review Permit Approvals for Development of 202 Townhouse Units at the Southeast Corner of Santa Teresa Boulevard and First Street, APNs 808-01-21, 808-01-22 and 808-01-23; filed by Eagle Garden, LLC (TM 13-11 & AS 18-20)

Meeting Date: March 6, 2023
 From: Jimmy Forbis, City Administrator
 Department: Community Development
 Submitted By: Sharon Goei, Community Development Director
 Prepared By: Kraig Tambornini, Senior Planner

STRATEGIC PLAN GOALS

Promote Safe Affordable Housing for All

RECOMMENDATION

Adopt a resolution approving the fourth time extension of Tentative Map TM 13-11 and Architecture and Site Review AS 18-20.

EXECUTIVE SUMMARY

The applicant has filed a request for an extension of time to process a final map for this project, as permitted by the State Subdivision Map Act. The project was approved in April 2016 for two years and has been granted an additional three 12-month time extensions. In addition, legislative time extensions were applied to the project which further extended project approvals through November 30, 2022.

Pursuant to State law, a project qualifies for an extension of time under the same conditions and circumstances under which it was originally approved. Local review is limited to the length of the time extension. No changes to conditions can be required, except to comply with a provision of state or federal law. Approval of this request would extend the permit expiration dates for both TM 13-11 and AS 18-20 through to November 30, 2023.

BACKGROUND

City Council approved the Tentative Map and Architectural and Site Review Permit for the development, which consists of 202 townhouse units on 10.83 acres of vacant property located at the southeast corner of Santa Teresa Boulevard and First Street. The units are located within 40 three-story townhome buildings, and onsite amenities include a clubhouse, swimming pool and tot lot. Driveways provide vehicular access from both Santa Teresa Boulevard and First Street to serve the new residential community.

On November 30, 2022, the applicant filed an application for final map with the Public Works Department and is working with the City to complete this submittal. However, the final map submittal process could not be completed before the expiration of the approvals. Therefore, the applicant has also filed this time extension application to allow time to complete processing of the final map.

ANALYSIS

Staff has analyzed the time extension request and determined approval is warranted based on the following:

Municipal Code and Subdivision Map Act:

The Subdivision Map Act, Government Code §66452.6(a), mandates an initial two-year life for a tentative map, which may be extended by local ordinance for an additional 12 months. Gilroy City Code Section 21.41(i), provides that the City Council, at its discretion, may extend approval of a tentative map for an additional 12 months. Moreover, Government Code §66452.6(e) provides that a local agency may extend a Tentative Map for an additional period or periods not to exceed six years. This provision preempts City regulations that limit the number of extensions to three years.

Although granting an extension of the tentative map is discretionary, under Government Code §66452.6(e), the courts have held that the local agency's discretion is limited to the length of the extension and that the local agency cannot add new conditions to the tentative map. Under Government Code §66498.1 a local agency may condition or deny a permit, approval, extension, or entitlement only if it determines any of the following:

- (1) A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.
- (2) The condition or denial is required in order to comply with state or federal law.

There were no specific health or safety concerns identified with the original approval. There have been no material changes to the project site, conditions, or state or federal laws that would warrant denial or revised conditions.

This current request would extend approval through November 30, 2023. The applicant has filed an application with the Public Works Department for processing of the final map.

Housing Accountability Act:

In addition to the above, it is worth noting that since implementation of the Housing Accountability Act in 1982, the intent of the law is to promote housing development in response to the dire housing crisis in California. As a result, the State laws limit the ability of local government to deny any new housing development. Government Code Section 65589.5(j) states that a “proposed housing development project cannot be denied if it complies with applicable, objective general plan, zoning, and subdivision standards and criteria, including design review standards, in effect at the time that the housing development project’s application is determined to be complete.”

The original project was deemed complete and approved by City Council with conditions of approval. The requested time extension considers the housing project to be complete based on the fact that the development complies with applicable, objective general plan, zoning, and subdivision standards and criteria, including design review standards. At this time, the applicant proposes no changes to the approved project and conditions of approval.

ALTERNATIVES

The City Council may deny the time extension. In this case, the City Council would need to make the necessary findings. Staff does not recommend this option.

FISCAL IMPACT/FUNDING SOURCE

No fiscal impacts are associated with this request for Council’s consideration and determination. Collection of fees (as established by the City Council) for subsequent review of the final map and improvement plans is adequate to cover the necessary resources.

PUBLIC OUTREACH

Extensions are legislative actions that do not require notice and hearing. The item was included on the publicly posted agenda for this meeting.

NEXT STEPS

Upon grant of the extension request, the applicant may proceed with the final map process.

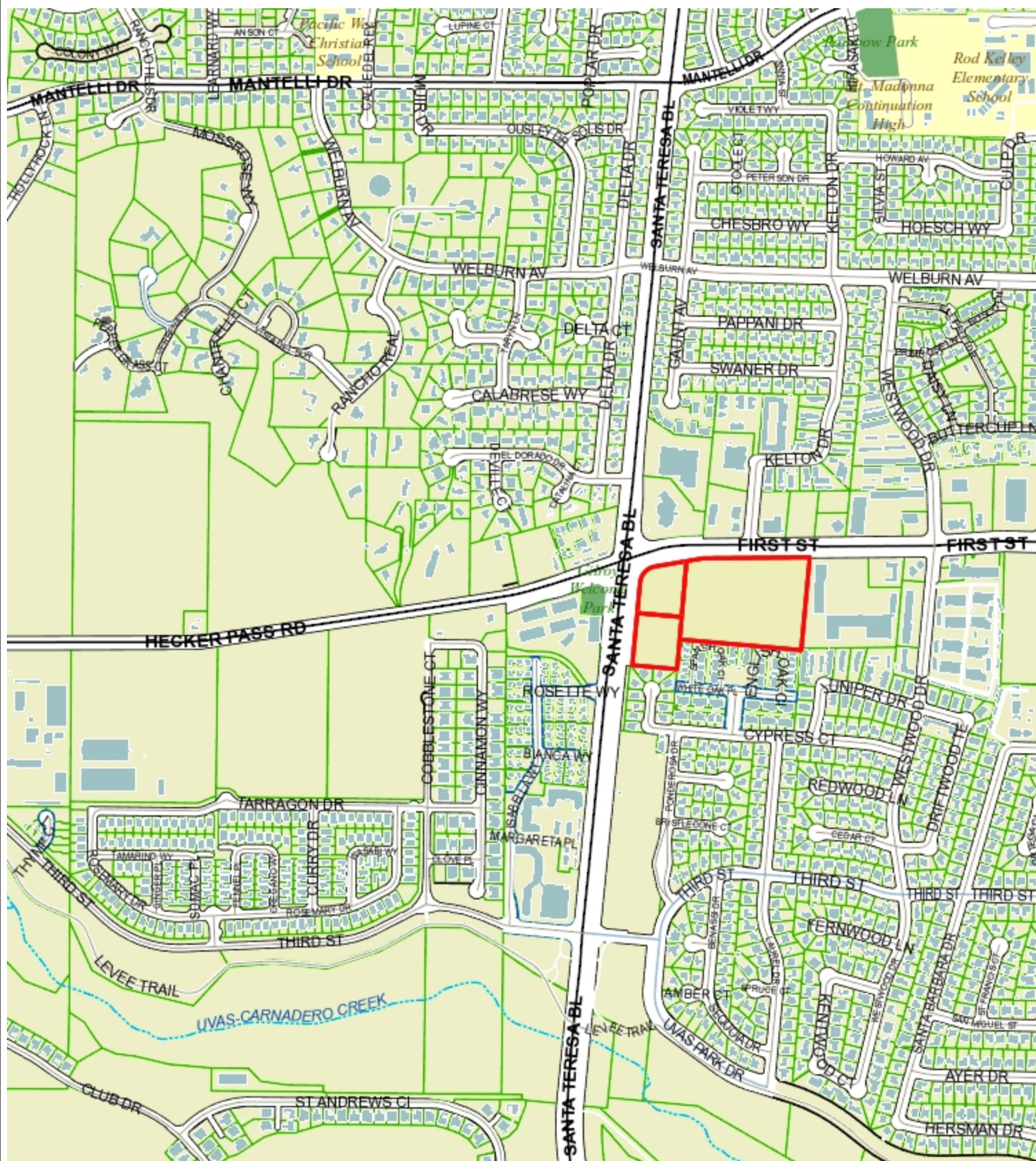
Time Extension Request No. 4 for Tentative Map and Architectural and Site Review Permit Approvals for Development of 202 Townhouse Units at the Southeast Corner of Santa Teresa Boulevard and First Street, APN's 808-01-21, 808-01-22 and 808-01-23; filed by Eagle Garden, LLC (TM 13-11 & AS 18-20) 7.2

Attachments:

1. Vicinity Map
2. Time Extension Request
3. City Council Approval Extension No. 3
4. Approved Tentative Parcel Map
5. Draft City Council Resolution to Approve Extension No. 4

City of Gilroy

Vicinity Map - TM 13-11 Time Extension



1,475.6 0 737.78 1,475.6 Feet

NAD_1983_StatePlane_California_III_FIPS_0403_Feet
City of Gilroy, GIS Services

1: 8,853

Note: Map is for reference purposes only.

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**MH engineering Co.**

16075 Vineyard Blvd. Morgan Hill, CA 95037 (408) 779-7381

November 28, 2022

Job No.: 217055

Kraig Tambornini
Senior Planner
Community Development Department
Planning Division
7351 Rosanna Street
Gilroy, California 95020

Re: Eagle Garden Development (TM 13-11 & AS 13-35) Request for Time Extension

Dear Kraig:

Please accept this letter on behalf of the owner/applicant, Bethany Liou, President of Eagle Garden, LLC, requesting for extension of time for Tentative Map TM 13-11 and Architectural Site Review AS 13-35 known as Eagle Garden Development. Eagle Gardens has received approval for improvement plans and final map; however, there are outstanding issues regarding off-site improvements that need to be resolved.

We respectfully request additional time for the Tentative Map TM 13-11 and Architectural Site Review AS 13-35 for the Eagle Garden. The approval of this request will enable us to review with Public Works staff and allow the owner to seek further consultation.

Please call me should you have any questions, regarding this matter.

Sincerely,

Arman Nazemi, PE, LS
Project Engineer

RESOLUTION NO. 2020-27

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GILROY
APPROVING A THIRD AND FINAL TIME EXTENSION FOR
TENTATIVE MAP TM 13-11 AND ARCHITECTURE AND SITE
REVIEW AS 18-2, CREATING A 202-UNIT CONDOMINIUM
TOWNHOUSE DEVELOPMENT ON PROPERTY LOCATED AT THE
SOUTHEAST CORNER OF SANTA TERESA BOULEVARD AND FIRST
STREET, APN's 808-01-21, 808-01-22 AND 808-01-23, FILED BY EAGLE
GARDEN LLC**

WHEREAS, on April 4, 2016, the City Council of the City of Gilroy approved TM 13-11 and AS 13-35 creating a 202-unit condominium townhouse development at the southeast corner of Santa Teresa Boulevard and First Street (APNs 808-01-21, 808-01-22 & 808-01-23); and

WHEREAS, on June 18, 2018, the City Council of the City of Gilroy approved a 12-month time extension for TM 13-11 and AS 13-35, pursuant to the provisions in Gilroy City Code Chapter 21, Subdivisions and Land Development; and

WHEREAS, on October 29, 2018, the Community Development Director of the City of Gilroy approved AS 18-20 allowing minor revisions of a previously approved Architecture and Site Permit (AS 13-35) pursuant to Tentative Map approval TM 13-11; and

WHEREAS, on June 3, 2019, the City Council of the City of Gilroy approved a second 12-month time extension for TM 13-11 and AS 18-20, pursuant to the provisions in Gilroy City Code Chapter 21, Subdivisions and Land Development; and

WHEREAS, The Eagle Garden LLC submitted a third and final Time Extension request for the Tentative Map TM 13-11 and Architecture and Site Review AS 18-20 creating a 202-unit condominium townhouse development; and

WHEREAS, the subject property is located at the southeast corner of Santa Teresa Blvd. and First St. and consists of approximately 10 acres; and

WHEREAS, in accordance with the California Environmental Quality Act, the City Council adopted the Mitigated Negative Declaration (MND) that was prepared for the project in 2016. It was determined, with implementation of the identified mitigation measures, there would be no significant adverse impacts resulting from the development, and that the proposed time extension would not impose any further significant adverse effects; and

WHEREAS, the City Council held a duly noticed public meeting on May 4, 2020, and considered the public testimony, the staff report and all other documentation related to the requested time extension; and

WHEREAS, the location and custodian of the documents or other materials that constitute the record of proceedings upon which TM 13-11 and AS 18-20 time extension request is based is the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT, The City Council of the City of Gilroy hereby approves the third and final 12-month time extension for TM 13-11 and AS 18-20 to April 4, 2021, subject to the attached conditions of approval set forth in Exhibit "A" attached hereto.

PASSED AND ADOPTED this 4th day of May 2020, by the following roll call vote:

AYES: COUNCILMEMBERS: BLANKLEY, BRACCO, LEROE-
MUÑOZ, MARQUES, TOVAR, TUCKER and VELASCO

NOES: COUNCILMEMBERS: NONE

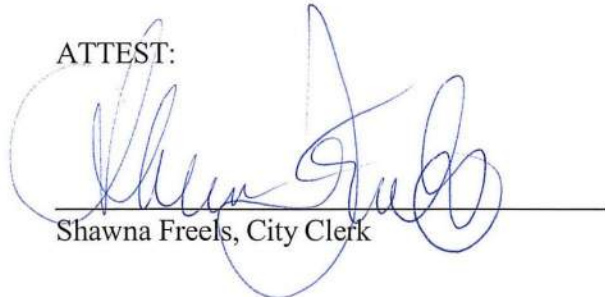
ABSENT: COUNCILMEMBERS: NONE

APPROVED:



Roland Velasco, Mayor

ATTEST:



Shawna Freels, City Clerk

Exhibit A
City Council Resolution 2020-xx
TM 13-11 Conditions of Approval

Note: The following abbreviations identify the City department or division responsible for determining compliance with these standard conditions. The first group listed has responsibility for compliance at plan check, the second confirms compliance with the condition at final inspection, prior to final occupancy or issuance of a certificate of occupancy, or as specified in the condition. If only one group is identified, they have responsibilities from initial review through compliance verification. Internal information shown in italics at the end of each condition provides internal reference for the condition: Some are standard permit conditions (e.g. G-1) while some are taken from environmental documents (e.g. MND-S2).

RESPONSIBLE DEPARTMENTS/DIVISIONS			
BL	Building Division/Inspectors	PK	Parks/Landscape Design
CA	City Attorney	PL	Planning Division
CE	Code Enforcement	PW	Public Works/Engineering
FD	Fire Department	TR	Traffic Division
PD	Police Department	WW	Wastewater/Source Control

GENERAL PROJECT CONDITIONS

1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another, unless a request is requested and granted by the Planning Manager, pursuant to the City Code. (PL, G-1)
2. This permit is granted for approved plans ("the plans") on file with the Planning Division. The project shall conform to the plans, except as otherwise specified in these conditions. Any subsequent modification or deviation to the approved plans shall be considered by the Planning Manager, may require separate discretionary approval and shall conform to City Code requirements or policies adopted by City Council. (PL, G-2)
3. Developer means permit applicant, property owner, and/or tenants using the space(s) for the intended use(s). Compliance with project conditions is expected for the life of the project. (CA, G-3)
4. An approved tentative map shall expire twenty-four (24) months from the original approval date. (PL, G-6)
5. Should Developer intend to request an extension to the permit expiration date, Developer must submit to the Planning Division a written application with applicable fees prior to the expiration date. Only timely requests may be considered pursuant to the City Code. (PL, G-7)

6. Failure to appeal this decision in a timely manner or commencement of any activity related to the project is understood to clarify the Developer's acceptance of all conditions and obligations imposed by this permit and waiving any challenge to the validity of the conditions and obligations stated therein. (CA, G-8)
7. Developer shall complete all required off-site and on-site improvements related to the project, including structures, paving, and landscaping, prior to occupancy unless otherwise allowed by the Community Development Director. (BL, G-9)
8. Developer agrees, as a condition of adoption of this resolution, at Developer's own expense, to defend, indemnify, and hold harmless the City of Gilroy and its officers, contractors, consultants, attorneys, employees and agents from any and all claim(s), action(s) or proceeding(s) brought against City or it's officers, contractors, consultants, attorneys, employees, or agents to challenge, attack, set aside, void or annul the approval of this resolution or any condition attached thereto or any proceedings, acts or determinations taken, including actions taken under the California Environmental Quality Act of 1970, as amended, done or made prior to the approval of such resolution that were part of the approval process. (CA, G-10)
9. Any covenants, conditions, and restrictions (CC&Rs) applicable to the project property shall be consistent with the terms of this permit and the City Code. If there is a conflict between the CC&Rs and the City Code or this permit, the City Code or this permit shall prevail. (CA, G-11)
10. Developer shall complete the "Notice of Land Use Restrictions and Conditions" form, using the form provided by the City, for recording with the Santa Clara County Recorder. Before the City issues building permits, Developer shall submit the original completed, signed and notarized document, together with the required fees to the Planning Manager. (PL, G-12)
11. If Developer, owner or tenant fails to comply with any of the conditions of this permit, the Developer, owner or tenant shall be subject to permit revocation pursuant to the City Code. (CA, G-13)
12. Prior to issuance of building permits, Developer shall correct all violations of the City Code existing on the project property for which the City has open cases. (PL/CE, G-14)
13. Approval of this Vesting Tentative Map application is subject to approval of Zoning/Planned Unit Development application Z 13-08 and Architectural and Site Review Permit AS 13-35. Should either of those applications not be approved or be rescinded, this approval shall become null and void.

14. Building and grading permits for the project shall not be issued prior to recordation of the final map.

PLANNING DIVISION STANDARD CONDITIONS

15. Developer acknowledges that because of water limitations placed on the city by its water providers, approval of this permit does not guarantee that the city will issue building permits. Issuance of building permits may be delayed and subject to implementation and/or compliance with mandated water conservation or allocation plans. (PL/PW, PL-1)
16. Developer shall submit plans for building permit applications that include, on all sets, a reproduction of all conditions of approval of this permit, as adopted by the decision-maker. (PL, PL-3)
17. Developer may not modify any use approved by this permit unless the Community Development Director or designee determines that Developer has provided the parking required by the City Code for the modified use. (PL, PL-6)
18. All project on-site lighting shall be of a type and in a location that does not constitute a hazard to vehicular traffic, either on private property or on public property, including streets. Such lighting shall not conflict with drainage plans, landscape plans, tree locations, parking spaces, or any other such land use concerns. (PL, PL-7)

PLANNING DIVISION SPECIAL CONDITIONS

20. Prior to approval of the final map, the subdivision shall be modified to address the following items to the approval of the Planning Division:
 - a. Elimination of the 10-foot PSE in the southeast portion of the site
 - b. Retention and realignment of the emergency vehicle access from the adjacent property to the south to First St.
 - c. An easement to provide access from the subject property and the adjacent property to the south to the shopping center to the east, subject to Shopping Center approval. In the event Shopping Center does not agree to said easement, this condition shall not be enforced.
 - d. Decorative pavement at project entrances and walkways and crosswalks, to the approval of the Public Works and Community Development Directors.
 - e. Elimination of two speed tables and revision to the location of guest parking as shown on Site Plan Alternate, dated 9/11/15.
 - f. Modification of the private street behind unit 119 to provide adequate room for backing out of that garage.
 - g. Minor modification of the project layout near the intersection of Santa

Teresa Blvd. and First St., not resulting in loss of units, in order to maintain adequate front yard setbacks from the roundabout proposed for this intersection.

21. No on-site fill material may be retained by the existing pre-cast concrete property boundary walls.
22. Prior to approval of the final map, a phasing plan for construction of the project shall be submitted to and approved by the Community Development and Public Works Directors. The phasing plan shall include the timing of installation of common area improvements, including private streets, landscaping, recreational facilities and blocks of townhouse units.
23. Prior to approval of the final map, a copy of the CC&Rs and By-Laws for the homeowners association shall be submitted to and approved by the Planning Division. The Homeowners Association shall be responsible for enforcing all requirements of the CC&Rs and By-Laws, with special attention to the following. These documents shall include at a minimum the following provisions that may only be modified or deleted upon City approval:
 - a. At all times, unit garages shall maintain a minimum 20' x 20' clear space be used for parking of vehicles only. Resident vehicles shall be parked in the unit garages and not in guest parking spaces or on public streets.
 - b. For the life of the development, the Homeowner Association shall contract for the placement of garbage and recycling totes on the resident driveway aprons of each unit within two hours after rubbish pick-up and within two hours after recycling pick-up.
 - c. For the life of the development, no parking shall be allowed on the private streets within the subdivision except as shown and conditioned on the approved plans.
24. Prior to issuance of a grading permit, the applicant shall obtain a Santa Clara Valley Habitat Plan permit from the City of Gilroy. The permit will require implementation of all applicable project conditions and payment of appropriate land cover fees.
The applicant shall be responsible for the implementation of this mitigation measure, subject to monitoring by the City of Gilroy.
25. Due to the possibility that significant buried cultural resources might be found during construction, the applicant shall include the following language on any grading, site work, and construction plans issued for the project site, subject to the review and approval of the Gilroy Planning Division (pursuant to Gilroy General Plan Policy 5.07):

If archaeological resources are discovered during construction, work shall be halted within 50 meters (165 feet) of the find until a qualified professional

archaeologist can evaluate it. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented.

26. In the event of an accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the applicant shall include the following language in all grading, site work, and construction plans in accordance with CEQA Guidelines section 15064.5(e), subject to the review and approval of the City of Gilroy Planning Division:

If human remains are found during construction there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the coroner of Santa Clara County is contacted to determine that no investigation of the cause of death is required. If the coroner determines the remains to be Native American the coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent (MLD) from the deceased Native American. The MLD may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code Section 5097.98. The landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if: a) the Native American Heritage Commission is unable to identify a MLD or the MLD failed to make a recommendation within 24 hours after being notified by the commission; b) the descendent identified fails to make a recommendation; or c) the landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

27. Compliance with all conditions of approval of Zoning/Planned Unit Development 13-08 and Architectural and Site Review Permit AS 13-35 shall also be a condition of this approval.

Environmental Mitigation Measures

28. The following Best Management Practices (BMPs) (as set forth in Table 8-1, BAAQMD Basic Construction Mitigation Measures, outlined in the BAAQMD *CEQA Air Quality Guidelines*), shall be included in the Project's construction-contract specifications. The control measures shall be included on all grading, site work, and construction plans and implemented during the duration of all proposed construction activities:
 - a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.

- b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - d. All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
 - f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
 - h. Post a publicly visible sign with the telephone number and person to contact at the City regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations. (MND AQ-1)
29. Prior to issuance of building permits, the Project shall implement the following design recommendations:
- a. Establish and plot onto all plans the vertical and horizontal locations of all trees identified for preservation, and forward the plans to the Consulting Arborist for review and comment.
 - b. Any changes to the plans affecting the trees shall be reviewed by the Consulting Arborist with regard to tree impacts. These include, but are not limited to, demolition plans, improvement plans, utility and drainage plans, grading plans, and landscape and irrigation plans.
 - c. A Tree Protection Zone (TPZ) shall be established around each tree to be preserved. TPZs for trees identified for preservation are identified in the following table. No trenching, excavation, construction or storage of materials shall occur within that zone. No underground services including utilities, sub-drains, water or sewer shall be placed in the TPZ. Spoil from trench, footing, utility, or other excavation shall not be placed within the TPZ, either temporarily or permanently.

29. Tree No.	30. TPZ
31. #21 and 25-31	32. 5' W. DL in all other directions
33. #81-84	34. 5' N. DL in all other directions
35. #22 and 23	36. 10' W. DL in all other directions
37. Note: DL = Dripline	

- d. The Tree Preservation Guidelines, prepared by the Consulting Arborist, shall be included on all plans.
 - e. Underground services including utilities, sub-drains, water or sewer shall be routed around the Tree Protection Zone. Where encroachment cannot be avoided, special construction techniques such as hand digging or tunneling under roots shall be employed to minimize root injury.
 - f. Locate all temporary access roads to remain outside TPZs.
 - g. Any herbicides placed under paving materials must be safe for use around trees and labeled for that use.
 - h. Irrigation systems must be designed so that no trenching shall occur within the TPZs. (MND BIO-1)
30. The Project shall implement the following pre-construction treatments and recommendations:
- a. The construction superintendent shall meet with the Consulting Arborist before beginning work to discuss work procedures and tree protection.
 - b. Fence all trees to be retained to completely enclose the TPZ prior to demolition, grubbing or grading. Fences shall be 6' high chain link, mounted to steel posts firmly driven into the ground or on stanchions fastened securely with rebar staples 12" deep, as required by the City. Fences are to remain until all grading and construction is completed.
 - c. Trees recommended for preservation may require clearance pruning for construction. All pruning shall be completed by a Certified Arborist or Tree Worker and adhere to the latest edition of the ANSI Z133 and A300 standards as well as the Best Management Practices—Tree Pruning, published by the International Society of Arboriculture.
 - d. Structures and underground features to be removed within the TPZ shall use the smallest equipment, and operate from outside the TPZ. The consultant shall be onsite during all operations within the TPZ to monitor demolition activity.
 - e. A 4-6" wood chip mulch shall be applied and maintained within the TPZ. (MND BIO-2)
31. The Project shall implement the following recommendations for tree protection during construction:
- a. Prior to beginning work, all contractors working in the vicinity of trees to be preserved are required to meet with the Consulting Arborist at the site to review all work procedures, access routes, storage areas and tree protection measures.
 - b. No grading, construction, demolition or other work shall occur within the TPZs. Any modifications must be approved and monitored by the Consulting Arborist.

- c. Any excavation within the dripline or other work that is expected to encounter tree roots shall be approved and monitored by the Consulting Arborist. Roots shall be cut by manually digging and trench and cutting exposed roots with a sharp saw. The Consulting Arborist shall identify where root pruning is required.
 - d. If injury should occur to any tree during construction, it shall be evaluated as soon as possible by the Consulting Arborist so that appropriate treatments can be applied.
 - e. Any roots damaged during grading or construction shall be exposed to sound tissue and cut cleanly with a saw.
 - f. Fences have been erected to protect trees to be preserved; these fences define a specific TPZ for each tree or group of trees. Fences shall remain until all site work has been completed. Fences shall not be relocated or removed without permission of the Consultant.
 - g. Construction trailers, traffic and storage areas shall remain outside fenced areas at all times.
 - h. Prior to grading, pad preparation, excavation for foundations/footings/walls, trenching, trees may require root pruning outside the TPZ by cutting all roots cleanly to the depth of the excavation. Roots shall be cut by manually digging a trench and cutting exposed roots with a saw, with a vibrating knife, rock saw, narrow trencher with sharp blades, or other approved root pruning equipment. The Consulting Arborist shall identify where root pruning is required.
 - i. No excess soil, chemicals, debris, equipment or other materials shall be dumped or stored within the TPZs.
 - j. Any additional tree pruning needed for clearance during construction shall be performed by a Certified Arborist and not by PG&E or construction personnel. (MND BIO-3)
32. For the life of the development, the Project shall implement the following measure for tree maintenance:
- a. Tree health and structural stability shall be monitored, since preserved trees may experience a physical environment different from that of pre-development. Occasional pruning, fertilization, mulch, pest management, replanting and irrigation may be required. (MND BIO-4)
33. Significant Trees - Replacement and Planting Measures. Prior to Grading Permit issuance, the Applicant shall contract with a certified arborist to determine the value of the significant trees to be removed. The value of the significant trees to be removed shall be used to enhance tree planting on the site, to the approval of the Community Development Director or designee. (MND BIO-5)
34. Prior to excavation, any soil that is excavated and/or hauled away for disposal shall be characterized by a qualified environmental professional for the possible presence of agricultural chemicals, according to state and federal

regulations, in order to profile the soil for disposal. (MND HAZ-1)

35. Prior to issuance of a Demolition Permit for any structures within the Project area (or prior to issuance of a Grading Permit for vacant properties), the property and any onsite structure(s) shall be evaluated for occurrence of asbestos-containing materials, lead-based paints, and/or other hazardous materials. The City of Gilroy Hazardous Materials Program would perform oversight of cleanup and investigation of hazardous materials and hazardous waste contamination. (MND HAZ-2)
36. Prior to the issuance of the Grading Permit, the Applicant shall prepare a detailed Hydrology Study, approved by the City Engineer, demonstrating that all runoff would be treated and contained onsite. The Study shall demonstrate that all storm drain facilities are designed for the 25- year storm event protection. (MND HYD-1)
37. Prior to Grading Permit issuance, the Applicant shall demonstrate, to the satisfaction of the City of Gilroy Community Development Director or designee that the Project complies with the following:
 - a. Construction contracts specify that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and other state required noise attenuation devices.
 - b. Construction haul routes shall be designed to avoid noise sensitive uses (e.g., residences, convalescent homes, etc.), to the extent feasible.
 - c. During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receivers.
 - d. Construction activities shall not take place outside of the allowable hours specified by Gilroy City Code Section 16.38, Hours of Construction (between 7:00 AM and 7:00 PM on weekdays, and between 9:00 AM and 7:00 PM on Saturdays). Construction activities are not permitted on Sundays or City holidays. (MND N-1)
38. After the plot plans and architectural drawings have been developed, and prior to the issuance of Building Permits, the City of Gilroy Building Official shall confirm that the applicable project plans and specifications include sound-rated windows for Project residential areas immediately adjacent to First Street (SR-152) and Santa Teresa Boulevard (i.e., along the roadway or with a direct line of sight). All exterior windows for residences adjacent to First Street (SR-152) and Santa Teresa Boulevard shall be constructed with upgraded windows to provide an airborne sound insulation system achieving a minimum Sound Transmission Class (STC) of 33. The final site design shall also implement centralized heating/ ventilation/air-conditioning (HVAC) units on all these dwelling units to ensure noise levels would be below 45 dBA CNEL with windows and doors closed. The Applicant, as an alternative, may retain a qualified acoustical

consultant whom shall submit a report for an alternative means of sound insulation satisfactory to the City of Gilroy which achieves a maximum interior noise level of 45 dBA CNEL. (MND N-2)

39. Intersection 1 (Santa Teresa Boulevard / Fitzgerald Avenue) – The significant project impact to this intersection shall be mitigated with the addition of a separate northbound right-turn lane on Santa Teresa Blvd. to eastbound Fitzgerald Ave. Adding a separate northbound right-turn lane would improve the intersection level of service conditions to better than background conditions (LOC C and E during the AM and PM peak hours, respectively.)

This improvement has been identified in the City's Traffic Circulation Master Plan (TCMP) and Traffic Impact Fee (TIF) Program. Thus, a Reimbursement Agreement would be developed between the City and the developer to complete the improvement such that the developer would be reimbursed for the cost of the improvement, less the project's fair-share contribution.

Since this is a County facility and a County encroachment permit will be required, it is prudent to have the developer provide a fair-share contribution, in lieu of construction. Details as to fair-share amount, schedule for payment of fair-share contribution, or construction, shall be established in a subsequent agreement. It is estimated that the fair share contribution will be based on 5% of cumulative project trips passing through this intersection. The estimated cost of the improvement is \$2,062,181 in 2015 TIF dollars. The developer's fair-share cost is estimated at \$103,109.

The Developer shall pay the 5% improvement fair-share contribution in an amount reflective of the current project cost. This value shall be calculated using the 2015 improvement cost plus an escalated amount based on the Engineering News Record Construction Cost Index. Payment of this 5% fair-share cost shall be made by the developer prior to the issuance of the first building permit.

40. Intersection 3 (Santa Teresa Boulevard / Day Road East) – The cumulative project impact to this intersection shall be mitigated with the addition of a second northbound through lane on Santa Teresa Blvd. Adding a second northbound through lane would improve the intersection level of service conditions to better than cumulative (no project) conditions (LOS D during the AM peak hour.)

This improvement has been identified in the City's Traffic Circulation Master Plan (TCMP) and Traffic Impact Fee (TIF) Program. Thus, a Reimbursement Agreement would be developed between the City and the developer to complete the improvement such that the developer would be reimbursed for the cost of the improvement, less the project's fair-share contribution. This condition was also assigned to another developer (Silveira – Tract 10230).

This condition has been fully met by the Tract 10230 developer and is no longer in need of subsequent mitigations by the Imwalle Townhomes project.

41. Intersection 4 (Santa Teresa Boulevard / Sunrise Drive) – The significant project impact to this intersection shall be mitigated with the addition of a second northbound through lane on Santa Teresa Blvd. Adding a second northbound through lane would improve the intersection level of service conditions to better than background conditions (LOS B during the AM peak hour.)

This improvement has been identified in the City's Traffic Circulation Master Plan (TCMP) and Traffic Impact Fee (TIF) Program. Thus, a Reimbursement Agreement would be developed between the City and the developer to complete the improvement such that the developer would be reimbursed for the cost of the improvement, less the project's fair-share contribution.

Timing for completion of this improvement is revised as follows: Construction shall commence prior to issuance of the 100th building permit and construction shall be complete prior to issuance of the 150th building permit, and to the satisfaction of the City Traffic Engineer.

42. Intersection 10 (Kelton Drive-Project Access / First Street) – This intersection is within Caltrans jurisdiction, the Project Applicant shall: 1) Construct the fourth leg of the existing First/Kelton intersection on the south side of the intersection to align with Kelton Street on the north side of First Street to form a four-leg intersection. 2) Coordinate construction of signal improvements at this intersection in conjunction with development of the First and Kelton Commercial Project (AS 17-25). 3) Provide adequate dedication of any Public Service Easement necessary for placement of signal equipment for the signalized intersection improvements. 4) Obtain any necessary permit from Caltrans for work along the project's First Street frontage.

Should the First and Kelton Commercial Project (AS 17-25) proceed with the intersection signal improvements in advance of any site construction work on this project site, the developer shall provide the necessary site accommodation for the signal equipment to be installed.

43. Intersection 13 (Wren Avenue / Welburn Avenue) – The construction of signal improvements at this intersection are underway. Mitigation of this intersection traffic impacts are no longer necessary for this project.
44. Intersection 17 (Monterey Street / Fitzgerald Avenue-Masten Avenue) – The significant project impact to this intersection shall be mitigated by providing protected left-turns on the east and west approaches of the intersection. Additionally, by changing the east-west signal phase from split to protected, Fitzgerald Ave. would need to be widened to provide an exclusive eastbound

left-turn lane. Implementation of the proposed improvements would improve the intersection level of service conditions to better than background conditions (LOS C and D during the AM and PM peak hours, respectively.)

This improvement has been identified in the City's Traffic Circulation Master Plan (TCMP) and Traffic Impact Fee (TIF) Program. Thus, a Reimbursement Agreement would be developed between the City and the developer to complete the improvement such that the developer would be reimbursed for the cost of the improvement, less the project's fair-share contribution.

Since this is a County facility and a County encroachment permit will be required, it is prudent to have the developer provide a fair-share contribution, in lieu of construction. Details as to fair-share amount, schedule for payment of fair-share contribution, or construction, shall be established in a subsequent agreement. It is estimated that the fair share contribution will be based on 5% of cumulative project trips passing through this intersection. The estimated cost of the improvement is \$1,776,143 in 2015 TIF dollars. The developer's fair-share cost is estimated at \$88,807.

The Developer shall pay the 5% improvement fair-share contribution in an amount reflective of the current project cost. This value shall be calculated using the 2015 improvement cost plus an escalated amount based on the Engineering News Record Construction Cost Index. Payment of this 5% fair-share cost shall be made by the developer prior to the issuance of the first building permit.

45. Intersection 22 (US-101 SB Ramps / Masten Avenue) – The significant project impact to this intersection shall be mitigated by installing a traffic signal. The intersection level of service would be LOS B during both peak hours with signalization.

This improvement has been identified in the City's Traffic Circulation Master Plan (TCMP) and Traffic Impact Fee (TIF) Program. Thus, a Reimbursement Agreement would be developed between the City and the developer to complete the improvement such that the developer would be reimbursed for the cost of the improvement, less the project's fair-share contribution.

Since this is a County facility and a County encroachment permit will be required, it is prudent to have the developer provide a fair-share contribution, in lieu of construction. Details as to fair-share amount, schedule for payment of fair-share contribution, or construction, shall be established in a subsequent agreement. It is estimated that the fair share contribution will be based on 2.5% of cumulative project trips passing through this intersection. The estimated cost of the improvement is \$765,618 in 2015 TIF dollars. The developer's fair-share cost is estimated at \$19,140.

The Developer shall pay the 5% improvement fair-share contribution in an amount reflective of the current project cost. This value shall be calculated using the 2015 improvement cost plus an escalated amount based on the Engineering News Record Construction Cost Index. Payment of this 5% fair-share cost shall be made by the developer prior to the issuance of the first building permit.

46. Intersection 23 (US 101 Northbound Ramps / Masten Ave.) – The significant project impact to this intersection shall be mitigated by installing a traffic signal. The intersection level of service would be LOS C and B during the AM and PM peak hours, respectively, with signalization.

This improvement has been identified in the City's Traffic Circulation Master Plan (TCMP) and Traffic Impact Fee (TIF) Program. Thus, a Reimbursement Agreement would be developed between the City and the developer to complete the improvement such that the developer would be reimbursed for the cost of the improvement, less the project's fair-share contribution.

Since this is a County facility and a County encroachment permit will be required, it is prudent to have the developer provide a fair-share contribution, in lieu of construction. Details as to fair-share amount, schedule for payment of fair-share contribution, or construction, shall be established in a subsequent agreement. It is estimated that the fair share contribution will be based on 2.5% of cumulative project trips passing through this intersection. The estimated cost of the improvement is \$788,118 in 2015 TIF dollars. The developer's fair-share cost is estimated at \$19,703.

The Developer shall pay the 5% improvement fair-share contribution in an amount reflective of the current project cost. This value shall be calculated using the 2015 improvement cost plus an escalated amount based on the Engineering News Record Construction Cost Index. Payment of this 5% fair-share cost shall be made by the developer prior to the issuance of the first building permit.

PUBLIC WORKS/ENGINEERING DIVISION STANDARD CONDITIONS

47. GENERAL

- a. Developer shall perform all work in compliance with the City of Gilroy Specifications, Standards Design Criteria, and Development Agreement and is subject to all laws of the City of Gilroy by reference. Street improvements and the design of all off-site storm drainage facilities, sewer and water lines, and all street sections shall be in accordance with City Standards and shall follow the most current City Master Plan for streets, as approved by the City of Gilroy's Public Works Director/City Engineer.
- b. Until such time as the Improvements are accepted by City, Developer

shall be responsible for and bear the risk of loss to any of the Improvements constructed or installed.

- c. The applicant shall obtain all necessary permits from federal, state, and local agencies as required to construct the proposed improvements including, but not limited to, the Santa Clara County Roads & Airports Department, Caltrans and Regional Water Quality Control Board.
- d. All existing utility poles shall be removed, and all utilities placed underground. No new poles are allowed.

48. GENERAL – Applicant shall obtain will serve and review letter from Recology confirming serviceability and site accessibility of solid waste pickup. Contract Steven Lucchetti, Operations Manager 408-842-3358.

49. FEES

- a. The project is subject to the City's Street Tree, Storm, Sewer, Water, Traffic, and Public Facilities Development Impact Fees. Payment of Street Tree and Storm Development Impact Fees is required at first building permit issuance. Sewer, Water, Traffic, and Public Facilities Development Impact Fees are due prior to building occupancy. Note that there will be a fee increase beginning 7/1/2018.
- b. At improvement plan submittal, Developer shall submit an estimate of the probable cost of improvements and shall pay 40% of the plan check and inspection fees.
- c. Prior to final map/improvement plan approval, Developer shall submit a final construction cost estimate and pay the remaining 60% of the revised plan check and inspection fees based on the final revised construction cost estimate and other related fees that the property is subject to, enter into a property improvement agreement, and provide payment and performance bonds.
- d. The fees shall be based on the current comprehensive fee schedule in effect at the time of fee payment, consistent with city policy.
- e. The sum of all fair-share contributions in lieu of construction of the improvements shall be recalculated to reflect current construction costs as identified in each traffic mitigation improvement condition as indicated. Details as to fair-share amount, schedule for payment of fair-share contribution, or construction, shall be established in a subsequent agreement, to be worked out between City and developer, prior to issuance of the first building permit.
- f. The project's estimated Traffic Impact Fee for 202 units is \$9,099per unit (high density residential) for a total of \$1,837,998.00 based on the currently effective fee schedule dated July 1, 2015. Based on the fee schedule that will be effective on July 1, 2018, the estimated Traffic Impact Fee is \$9,372per unit (high density residential) for a total of \$1,893,144.00. The Traffic Impact Fee will be due prior to building occupancy. Note that there will be another 3% traffic impact fee increase beginning July 1, 2019. The Traffic Impact fee and other development

impact fees due for this project shall be based on the current comprehensive fee schedule in effect at the time of fee payment, consistent with city policy.

50. TRANSPORTATION

- a. Developer shall submit photometric plans prior to first building permit issuance.
- b. Developer shall install all joint trench to have (4) dedicated 1^{1/2"} SCH 80 PVC conduit for City Fiber Optic need in a quad duct arrangement along Santa Teresa and First Street frontage. Quad duct shall be per City STD EL- 11.
- c. Developer shall install all street light conduits as 2" SCH40 PVC per City Standard EL-1 and related pull boxes shall follow City Standard EL-14.
- d. Final streetlight locations shall be to the satisfaction of the City Transportation Engineer and shall follow City standards.
- e. Developer shall design driveway grades to keep the automobile from dragging or "bottoming out" on the street or driveway and to keep water collected in the street from the flowing onto the lots. The details of such design shall be provided at improvement plan phase and shall be to the satisfaction of the City Transportation Engineer.
- f. Any work in the public right-of-way shall require a traffic control plan prepared by a licensed, professional engineer with experience in preparing such plans. Traffic Control Plan shall be prepared in accordance with the requirements of the latest edition of the California Manual on Uniform Traffic Control Devices. The Traffic Control Plan shall be included in the Improvement Plans and shall be approved prior to grading permit issuance.
- g. Prior to the issuance of 100th building permit, provide for VTA-approved bus stop along the First Street frontage of the project to support the extension of the Line 19 bus route. Contact Rod Ballesteros, Operations Manager at VTA (408) 321-2300 for design requirements.
- h. At improvement plan phase, Developer shall provide street lighting per current Public Works standard LED type 15 arrangement.
- i. Prior to the issuance of the first building permit, Developer shall provide an on-site/off-site striping plan for review and approval by the Engineering Division.

51. GRADING/DRAINAGE

- a. All grading activity shall address National Pollutant Discharge Elimination System (NPDES) concerns. If all or part of the construction occurs during the rainy season, the developer shall submit an Erosion Control Plan to the Public Works Director for review and approval. This plan shall incorporate erosion control devices and other techniques in

accordance with Municipal Code § 27C to minimize erosion. Specific measures to control sediment runoff, construction pollution and other potential construction contamination sediment runoff, construction pollution and other potential construction contamination shall be addressed through the Erosion Control Plan and Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall supplement the Erosion Control Plan and project improvement plans. These documents shall also be kept on-site while the project is under construction. A Notice of Intent (NOI) shall be filed with the State Water Resources Control Board, with a copy provided to the Engineering Division before a grading permit will be issued. WDID# shall be provided prior to Improvement Plan/Final Map approval.

- b. All grading operations and soil compaction activities shall be per the approved project's geotechnical report that was prepared for the design of the project and shall be subject to the approval of the Public Works Director. Site preparation and cut/fill construction shall be conducted under the observation of, and tested by, a licensed soils or geotechnical engineer. A report shall be filed with the City of Gilroy for each phase of construction, stating that all site preparation and cut/fill construction were performed in conformance with the requirements of the project's geotechnical report. This shall be subject to review and approval by the Engineering Division. The developer shall add this condition to the general notes on the grading plan.
- c. Prior to issuance of the first building permit, the applicant's soils engineer shall review the final grading and drainage plans to ensure that designs for foundations, retaining walls, site grading, and site drainage are in accordance with their recommendations and the peer review comments. The applicant's soils engineer's approval shall then be conveyed to the City either by letter or by signing the plans.

52. **TRANSPORTATION**

All streets and alleys shall be private and maintained by the HOA.

53. **TRANSPORTATION** - At first plan submittal developer shall model all Solid Waste Vehicle circulation movements, as a separate plan sheet. The circulation plan shall be prepared to the City Engineer's satisfaction, and modeled with AutoTurn swepth analysis software, all turning and street circulation movements.

54. **TRANSPORTATION**

At first plan submittal developer shall model all Emergency Vehicle circulation movements, as a separate plan sheet. The circulation plan shall be prepared to the City Engineer's satisfaction, and modeled with AutoTurn swepth analysis software, all turning and street circulation movements.

55. **WATER CONSERVATION:** The project shall fully comply with the measures required by the City's Water Supply Shortage Regulations Ordinance (Gilroy

City Code, Chapter 27, Article VI), and subsequent amendments to meet the requirements imposed by the State of California's Water Board. This ordinance established permanent voluntary water saving measures and temporary conservation standards.

- a. All construction water from fire hydrants shall be metered and billed at the current hydrant meter rate.
- b. Recycled water shall be used for construction water, where available, as determined by the Public Works Director. Recycled water shall be billed at the municipal industrial rate based on the current Santa Clara Valley Water District's municipal industrial rate.
- c. Where recycled water is not available, as determined by the Public Works Director, potable water shall be used. All City potable water will be billed based on the City's comprehensive fee schedule under the Portable Fire hydrant meter rate.

56. WATER: The Developer shall perform field verification testing of the water system and will modify any part of the systems that does not perform to the standards established by the City.

57. UTILITIES

- a. Sanitary sewer laterals and/or water meters located in driveways shall have traffic rated boxes and lids.
- b. All mainline storm drain piping shall have a minimum diameter of 18 inches and the lateral connections shall have a minimum diameter of 15 inches.
- c. The Developer/Contractor shall make accessible any or all City utilities as directed by the Public Works Director.
- d. Storm and sewer lines in private areas shall be privately maintained unless approved by the Public Works Director.
- e. Improvement plans are required for all on-site and off-site improvements. The following items will need to be completed prior to first building permit submittal:
 - i. The Developer shall provide joint trench composite plans for the underground electrical, gas, telephone, cable television, and communication conduits and cables including the size, location and details of all trenches, locations of building utility service stubs and meters and placements or arrangements of junction structures as a part of the Improvement Plan submittals for the project. Show preferred and alternative locations for all utility vaults and boxes if project has not obtained PG&E approval. A licensed Civil or Electrical Engineer shall sign the composite drawings and/or utility improvement plans. (All dry utilities shall be placed underground).
 - ii. The Developer shall negotiate right-of-way with Pacific Gas and Electric and other utilities subject to the review and approval by

- the Engineering Division and the utility companies.
 - iii. "Will Serve Letter" from each utility company for the subdivision shall be supplied to the City.
 - f. Joint trench composite plans shall be approved prior to final map/improvement plan approval or as otherwise determined by the Public Works Director/City Engineer.
 - g. A note shall be placed on the joint trench composite plans which states that the plan agrees with City Codes and Standards and that no underground utility conflict exists.
 - h. Prior to any construction of the dry utilities in the field, the following will need to be supplied to the City:
 - i. A professional engineer-signed and PG&E-approved original electrical plan.
 - ii. A letter from the design Electrical or Civil Engineer that states the electrical plan conforms to City codes and Standards, and to the approved subdivision improvement plans.
58. NOTICING: At least one week prior to commencement of work, the Developer shall post at the site and mail to owners of property within (300') three hundred feet of the exterior boundary of the project site, to the homeowner associations of nearby residential projects and to the Engineering Division, a notice that construction work will commence on or around the stated date. The notice shall include a list of contact persons with name, title, phone number and area of responsibility. The person responsible for maintaining the list shall be included. The list shall be current at all times and shall consist of persons with authority to initiate corrective action in their area of responsibility. The names of individuals responsible for dust, noise and litter control shall be expressly identified in the notice.
59. START OF CONTRUCTION: The City shall be notified at least two (2) working days prior to the start of any construction work and at that time the contractor shall provide a project schedule and a 24-hour emergency telephone number list.
60. WORKING HOURS: Construction activity shall be restricted to the period between 7:00 a.m. to 7:00 p.m. Mondays through Fridays, Saturday 9:00 a.m. to 7:00 p.m. for general construction activity. No work shall be done on Sundays and City Holidays. The Public Works Director will apply additional construction period restrictions, as necessary, to accommodate standard commute traffic along arterial roadways and along school commute routes.
61. WORK INSPECTION: All work shown on the improvement plans shall be inspected. Uninspected work shall be removed as deemed appropriate by the Public Works Director.
62. HAUL PERMIT: If the project has excess fill or cut that will be off-hauled to a

site or on-hauled from a site within the city limits of Gilroy, an additional permit is required. This statement must be added as a general note to the Grading and Drainage Plan.

63. **DUST CONTROL:** Blowing dust shall be reduced by timing construction activities so that paving and building construction begin as soon as possible after completion of grading, and by landscaping disturbed soils as soon as possible. Further, water trucks shall be present and in use at the construction site. All portions of the site subject to blowing dust shall be watered as often as deemed necessary by the City, or a minimum of three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites in order to insure proper control of blowing dust for the duration of the project. Watering on public streets shall not occur. Streets will be cleaned by street sweepers or by hand as often as deemed necessary by the Public Works Director, or at least once a day. Watering associated with on-site construction activity shall take place between the hours of 8 a.m. and 5 p.m. and shall include at least one late-afternoon watering to minimize the effects of blowing dust. All public streets soiled or littered due to this construction activity shall be cleaned and swept on a daily basis during the workweek to the satisfaction of the Public Works Director. Demolition or earthwork activities shall be halted when wind speeds (instantaneous gusts) exceed 25 MPH. All trucks hauling soil, sand, or other loose debris shall be covered.
64. **CONSTRUCTION STREET PARKING:** No vehicle having a manufacturer's rated gross vehicle weight exceeding ten thousand (10,000) pounds shall be allowed to park on the portion of a street which abuts property in a residential zone without prior approval from the Public Works Director (§ 15.40.070).
65. **STREET MAINTENANCE:** It is the responsibility of the contractor to make sure that all dirt tracked into the public right-of-way is cleaned up on a daily basis. Mud, silt, concrete and other construction debris shall not be washed into the City's storm drains.
66. **RESTORATION OF PUBLIC IMPROVEMENTS:** The developer shall repair or replace all existing improvements not designated for removal that are damaged or removed because of developer's operations. Improvements such as, but not limited to: curbs, gutters, sidewalks, driveways, signs, pavements, raised pavement markers, thermoplastic pavement markings, etc. shall be repaired and replaced to a condition equal to or better than the original condition. Existing improvement to be repaired or replaced shall be at the direction of the Engineering Construction Inspector, and shall comply with all Title 24 Disabled Access provisions. Developer shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.

67. FINAL MAP: The tentative map and all final maps shall designate all common lots and easements as lettered lots or lettered easements. The Final map should be clear on the limits of Public vs. Private (HOA) responsibilities. The Final map should also be clear of the HOA vs. Homeowners responsibilities.
68. FINAL MAP: Prior to final map approval, the developer shall establish a homeowner association. The homeowner association shall be responsible for the maintenance of the landscaping, walls, private streetlights, private utilities, private streets, and common areas, and shall have assessment power. **HOA shall be responsible maintenance of the Storm Water Control treatment areas** and the CC&R's shall describe how the stormwater BMPs associated with privately owned improvements and landscaping shall be maintained by the association. This information shall be clearly included in the Conditions,
69. MONUMENTS
- a. A minimum of one exterior monument shall be set. Additional monuments can be required by the City Engineer or City Surveyor as deemed necessary.
 - b. Location of monuments shall be tied out prior to work. Any City monument damaged, displaced or destroyed shall be replaced at the developer's sole expense.
 - c. In accordance with the California Professional Land Surveyors' Act (Business and Professions Code) Chapter 15 Sections 8771 and 8725, California Penal Code 605, and California Government Code 27581, the developer, their employees, subcontractors, and/or any person performing construction activities that will or may disturb an existing roadway/ street monument, corner stake, or any other permanent surveyed monument shall show all current monuments on the plans and shall ensure that a Corner Record and/or Record of Survey are filed with the County Surveyor Office prior to disturbing said monuments. All disturbed or destroyed monuments shall be reset and filed in compliance with Section 8771.
70. GRADE CERTIFICATION: Certification of grades and compaction is required prior to Building Permit final. This statement must be added as a general note to the Grading and Drainage Plan.
71. ACCEPTANCE OF IMPROVEMENTS: Until such time as all improvements required are fully completed and accepted by City, Developer will be responsible for the care maintenance of and any damage to such improvements. City shall not, nor shall any officer or employee thereof, be liable or responsible for any accident, loss or damage, regardless of cause, happening or occurring to the work or Improvements required for this project prior to the completion and acceptance of the work or Improvements. All such risks shall be the responsibility of and are hereby assumed by the Developer.

PUBLIC WORKS/ENGINEERING DIVISION SPECIAL CONDITIONS

72. UTILITY PLAN: Prior to issuance of construction permits, applicant shall revise the Utility Plan to comply with the following:
 - a. Provide missing invert elevations for the sanitary sewer system.
 - b. Revise invert information on private streets to show the correct direction of flow.
73. UTILITY PLAN: All utilities shall be private (Storm, Water, Sewer)
74. STORMWATER: This project shall comply with post-construction stormwater quality requirements per Chapter 27D of the Gilroy Municipal Code.
 - a. At grading permit phase, submit design level Stormwater Management Plan for review and approval that includes the following:
 - i. Areas to be converted to pervious surface: The type of pervious surface(s) and proposed areas for conversion shall be to the satisfaction of the Community Development Director and Public Works Director or their designees.
 - ii. Stormwater Treatment Summary Table that meets the required percentage of equivalent impervious surface area.
 - iii. stormwater calculations
 - iv. Overland release arrows
 - v. A report including the above items and summarizing existing conditions, design summary, opportunities/constraints regarding the stormwater management design, and detailed explanation of all aspects of the stormwater management design.
 - b. At grading permit phase, applicant shall submit the final signed Performance Requirement Certifications specified in the Stormwater Guidance Manual.
 - c. Stormwater BMP Operation and Maintenance Agreement
 - i. Prior to the issuance of the first building permit, the Developer of the site shall enter into a formal written Stormwater BMP Operation and Maintenance Agreement with the City. The City shall record this agreement, against the property or properties involved, with the County of Santa Clara and it shall be binding on all subsequent owners of land served by the storm water management treatment BMPs. The City- standard Stormwater BMP Operation and Maintenance Agreement will be provided by Public Works Engineering.
 - ii. This Agreement shall require that the BMPs not be modified and BMP maintenance activities not alter the designed function of the facility from its original design unless approved by the City prior to the commencement of the proposed modification or maintenance

- activity.
- iii. This Agreement shall also provide that in the event that maintenance or repair is neglected, or the stormwater management facility becomes a danger to public health or safety, the city shall have the authority to perform maintenance and/or repair work and to recover the costs from the owner.
- iv. All on-site stormwater management facilities shall be operated and maintained in good condition and promptly repaired/replaced by the property owner(s), an owners' or homeowners' association or other legal entity approved by the City.
- v. Any repairs or restoration/replacement and maintenance shall be in accordance with City-approved plans.
- vi. The property owner(s) shall develop a maintenance schedule for the life of any stormwater management facility and shall describe the maintenance to be completed, the time period for completion, and who shall perform the maintenance. This maintenance schedule shall be included with the approved Stormwater Runoff Management Plan.
- d. Stormwater BMP Inspections will be required for this project and shall adhere to the following:
 - i. The property owner(s) shall be responsible for having all stormwater management facilities inspected for condition and function by a knowledgeable third party.
 - ii. Unless otherwise required by the City Engineer or designee, stormwater facility inspections shall be done at least twice per year, once in fall, in preparation for the wet season, and once in winter. Written records shall be kept of all inspections and shall include, at minimum, the following information:
 - iii. Site address;
 - iv. Date and time of inspection;
 - v. Name of the person conducting the inspection;
 - vi. List of stormwater facilities inspected;
 - vii. Condition of each stormwater facility inspected;
 - viii. Description of any needed maintenance or repairs; and
 - ix. As applicable, the need for site re-inspection.
- e. Upon completion of each inspection, an inspection report shall be submitted to Public Works Engineering no later than October 1st for the fall report, and no later than March 15th of the following year for the winter report.

75. **STORMWATER:** All stormwater management design facilities shall not conflict with surrounding structures, footings, utilities, etc. All BMP and LID design shall consider the proximity to existing and proposed structures.

76. **STORMWATER:** The Civil design engineer shall ensure that the landscape design does not conflict or obstruct the design, use, and maintenance of stormwater management facilities. All landscape planting shall not interfere with the stormwater management design and facilities.

FIRE DEPARTMENT STANDARD CONDITIONS

77. TM Conditions shall be included on off-site improvement plans as "Fire Department Notes" Prior to street completion the Fire Marshal shall be contacted and a fire clearance for off-site improvements be scheduled. No building permits will be issued without a Fire –Off-Site Improvement Inspection and Fire Flow Test administered by the Fire Marshal.
78. Secondary access shall be provided when 30 or more units served. Secondary Access does not need to serve as public access, however the roadway shall meet the City standards as a street. Any alternative designs are subject to review and approval by the Fire Chief.
79. Gated Access Roadways shall be provided with electronic and provided with a click to open electronic opening system compatible with the Fire Department equipment as well as KNOX key over ride for both Fire and Police access.
80. Fire Hydrants shall be able to flow 1500 gpm with a 20 psi residual pressure. Street Hydrants shall be spaced every 300 ft., and within 150 ft. of any building. Off-site improvement plan shall provide Fire Hydrants per the City Standard for type, location, red curb and blue reflective marker placement. Hydrants shall be installed prior to commencement of construction with combustible materials. Note: if hydrant placement causes a parking space to be obstructed the parking space shall be replaced at another location in the development.
81. All homes shall be provided with water laterals and meters sized to allow for a residential NFPA 13d fire sprinkler system. At a minimum the off-site improvement plan shall provide 1.5 inch water laterals and 1" meters sized to allow for a residential NFPA 13d fire sprinkler system. A fire flow test shall be obtained from the Fire Marshal for the purpose of Fire Sprinkler design.
82. Roadways shall provide a minimum 20 feet of unobstructed travel. Vertical clearance of not less than 13.5 ft. shall be provided. Turning radius shall not be less than 32' inside and 39'. Dead end streets greater than 150' in shall be provided with a cul-de-sac of 78'diameter unless they qualify for an exemption.

83. Road widths shall be as follows:
 - a. Less than 28 ft., no parking on either side
 - b. Less than 36 ft., no parking on one side.
 - c. At or over 36 ft., parking not restricted.
 - d. 78' diameter cul de sac- no parking
 - e. 98' diameter cul de sac- parking not restricted
84. Where parking is restricted, curbs shall be painted red at installation with the stencil FIRE LANE every 25 feet, or every 75 feet No Parking - Fire Lane signs shall be installed per MUTCD standard at street completion. Repainting may be necessary at final project completion and prior to tract acceptance. Include curbing and/or signage details in the Off-Site improvement plans. Private roadway striping and/or signage shall be enforced and maintained by the HOA. A parking enforcement plan will be required.
85. Street naming shall be done prior to off-site improvement plan and building plan submittal. Street A shall be named as two streets as the City Street naming policy does not provide for a street name to continue in a perpendicular route. Addresses shall be assigned by the City Engineering Section prior to improvement plan and building permit submittal. Street signage shall be installed prior to any on-site improvements (foundations or buildings) has begun.
86. Open Spaces, including storm water detention/retention basins, agricultural lots, landscaped and naturally vegetated areas shall have vegetation management to remove dead plants and debris, and to remove, disc or mow weeds during weed abatement season from April to November of each year. In HOA managed areas the HOA shall be responsible. For privately owned property it shall be performed by the property owner.

FIRE DEPARTMENT SPECIAL CONDITIONS

87. Turning radii for Fire Apparatus on private streets in the project shall be to the approval of the Fire Marshal prior to approval of the final map.
88. The EVA shall meet City Standard Roadway criteria for compaction, drainage and weight bearing for a Fire apparatus. If a design is not accepted the EVA shall be constructed as a roadway.
89. Prior to scheduling the proposed development for City Council consideration, the applicant shall re-design the site plan to properly accommodate the turning movement of all emergency response vehicles to the satisfaction of the Fire Chief and Community Development Director. The necessary re-design shall not result in any loss of existing landscaping or parking, as conditioned, nor shall the re-design result in any significant alterations to the on-site stormwater retention requirements.

Exhibit B

Zoning Amendment Z 13-08, Vesting Tentative Map TM 13-11 and Architectural and Site Review AS 13-35

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Monitoring Phase/Timing	Monitoring Procedure	Implementing Party/Agency	Verification of Compliance			
				Initials	Date	Remarks	
Air Quality							
AQ-1	The following Best Management Practices (BMPs) (as set forth in Table 8-1, BAAQMD Basic Construction Mitigation Measures, outlined in the BAAQMD CEQA Air Quality Guidelines), shall be included in the Project's construction-contract specifications. The control measures shall be implemented during the duration of all proposed construction activities: • All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. • All haul trucks transporting soil, sand, or other loose material off-site shall be covered. • All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. • All vehicle speeds on unpaved roads shall be limited to 15 mph. • All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. • Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure	Prior to Issuance of Demolition Permit or Grading Permit	Review of Project Plans; Construction Inspections	Building & Safety Division			

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Mitigation Measure		Monitoring Phase/Timing	Monitoring Procedure	Implementing Party/Agency	Verification of Compliance		
					Initials	Date	Remarks
	- Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. - All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. - Post a publicly visible sign with the telephone number and person to contact at the Town regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.						
Biological Resources							
BIO-1	The Project shall implement the following design recommendation: - Establish and plot onto all plans the vertical and horizontal locations of all trees identified for preservation, and forward the plans to the Consulting Arborist for review and comment. - Any changes to the plans affecting the trees shall be reviewed by the Consulting Arborist with regard to tree impacts. These include, but are not limited to, demolition plans, improvement plans, utility and drainage plans, grading plans, and landscape and irrigation plans. - A Tree Protection Zone (TPZ) shall be established around each tree to be preserved. TPZs for trees identified for preservation are identified in the following table. No trenching, excavation, construction or storage of materials shall occur within that zone. No underground services including utilities, sub-drains, water or	Prior to Issuance of Demolition Permit or Grading Permit	Review of Project Plans; Construction Inspections	Planning Division			

Mitigation Measure	Monitoring Phase/Timing	Monitoring Procedure	Implementing Party/Agency	Verification of Compliance												
				Initials	Date	Remarks										
sewer shall be placed in the TPZ. Spoil from trench, footing, utility, or other excavation shall not be placed within the TPZ, either temporarily or permanently. <table><tr><th>Tree No.</th><th>TPZ</th></tr><tr><td>#21 and 25-31</td><td>5'W. DL in all other directions</td></tr><tr><td>#81-84</td><td>5' N. DL in all other directions</td></tr><tr><td>#22 and 23</td><td>10' W. DL in all other directions</td></tr><tr><td colspan="2">Note: DL = Dripline</td></tr></table> d. The Tree Preservation Guidelines, prepared by the Consulting Arborist, shall be included on all plans. e. Underground services including utilities, sub-drains, water or sewer shall be routed around the Tree Protection Zone. Where encroachment cannot be avoided, special construction techniques such as hand digging or tunneling under roots shall be employed to minimize root injury. f. Locate all temporary access roads to remain outside TPZs. g. Any herbicides placed under paving materials must be safe for use around trees and labeled for that use. h. Irrigation systems must be designed so that no trenching shall occur within the TPZs.	Tree No.	TPZ	#21 and 25-31	5'W. DL in all other directions	#81-84	5' N. DL in all other directions	#22 and 23	10' W. DL in all other directions	Note: DL = Dripline							
Tree No.	TPZ															
#21 and 25-31	5'W. DL in all other directions															
#81-84	5' N. DL in all other directions															
#22 and 23	10' W. DL in all other directions															
Note: DL = Dripline																
BIO-2	The Project shall implement the following preconstruction treatments and recommendations: a. The construction superintendent shall meet with the Consulting Arborist before beginning work to discuss work procedures and tree protection. b. Fence all trees to be retained to completely enclose the TPZ prior to demolition, grubbing or	Prior to Issuance of Demolition Permit or Grading Permit	Review of Project Plans; Construction Inspections	Planning Division												

Mitigation Measure		Monitoring Phase/Timing	Monitoring Procedure	Implementing Party/Agency	Verification of Compliance		
					Initials	Date	Remarks
	grading. Fences shall be 6' high chain link, mounted to steel posts firmly driven into the ground or on stanchions fastened securely with rebar staples 12" deep, as required by the City. Fences are to remain until all grading and construction is completed. c. Trees recommended for preservation may require clearance pruning for construction. All pruning shall be completed by a Certified Arborist or Tree Worker and adhere to the latest edition of the ANSI Z133 and A300 standards as well as the <i>Best Management Practices—Tree Pruning</i>, published by the International Society of Arboriculture. d. Structures and underground features to be removed within the TPZ shall use the smallest equipment, and operate from outside the TPZ. The consultant shall be onsite during all operations within the TPZ to monitor demolition activity. e. A 4-6" wood chip mulch shall be applied and maintained within the TPZ.						
BIO-3	The Project shall implement the following recommendations for tree protection during construction: a. Prior to beginning work, all contractors working in the vicinity of trees to be preserved are required to meet with the Consulting Arborist at the site to review all work procedures, access routes, storage areas and tree protection measures. b. No grading, construction, demolition or other work shall occur within the TPZs. Any modifications must be approved and monitored by the Consulting Arborist. c. Any excavation within the dripline or other work that is expected to encounter tree roots shall be approved and monitored by the Consulting	Prior to Issuance of Demolition Permit or Grading Permit	Review of Project Plans; Construction Inspections	Planning Division Building & Safety Division			

Mitigation Measure	Monitoring Phase/Timing	Monitoring Procedure	Implementing Party/Agency	Verification of Compliance		
				Initials	Date	Remarks
Arborist. Roots shall be cut by manually digging and trench and cutting exposed roots with a sharp saw. The Consulting Arborist shall identify where root pruning is required. d. If injury should occur to any tree during construction, it shall be evaluated as soon as possible by the Consulting Arborist so that appropriate treatments can be applied. e. Any roots damaged during grading or construction shall be exposed to sound tissue and cut cleanly with a saw. f. Fences have been erected to protect trees to be preserved; these fences define a specific TPZ for each tree or group of trees. Fences shall remain until all site work has been completed. Fences shall not be relocated or removed without permission of the Consultant. g. Construction trailers, traffic and storage areas shall remain outside fenced areas at all times. h. Prior to grading, pad preparation, excavation for foundations/footings/walls, trenching, trees may require root pruning outside the TPZ by cutting all roots cleanly to the depth of the excavation. Roots shall be cut by manually digging a trench and cutting exposed roots with a saw, with a vibrating knife, rock saw, narrow trencher with sharp blades, or other approved root pruning equipment. The Consulting Arborist shall identify where root pruning is required. i. No excess soil, chemicals, debris, equipment or other materials shall be dumped or stored within the TPZs. j. Any additional tree pruning needed for clearance during construction shall be performed by a Certified Arborist and not by PG&E or construction						

Mitigation Measure		Monitoring Phase/Timing	Monitoring Procedure	Implementing Party/Agency	Verification of Compliance		
					Initials	Date	Remarks
	personnel.						
BIO-4	The Project shall implement the following measure for tree maintenance: a. a. Tree health and structural stability shall be monitored, since preserved trees may experience a physical environment different from that of predevelopment. Occasional pruning, fertilization, mulch, pest management, replanting and irrigation may be required.	Prior to Issuance of Demolition Permit or Grading Permit	Inclusion in Conditions of Approval	Planning Division			
BIO-5	Significant Trees - Replacement and Planting Measures. Prior to Grading Permit issuance, the Applicant shall contract with a certified arborist to determine the value of the significant trees to be removed. The value of the significant trees to be removed shall be used to enhance tree planting on the site, to the approval of the Planning Manager.	Prior to Issuance of Demolition Permit or Grading Permit	Inclusion in Conditions of Approval	Planning Division Building & Safety Division			
Hazards and Hazardous Materials							
HAZ-1	Prior to excavation, any soil, including soil that is excavated and/or hauled away for disposal shall be characterized by a qualified environmental professional for the possible presence of agricultural chemicals, according to state and federal regulations, in order to profile the soil for use and disposal.	Prior to Issuance of Demolition Permit or Grading Permit	Oversight of Investigation and Cleanup	Building & Safety Division Hazardous Materials Program			
HAZ-2	Prior to issuance of a Demolition Permit for any structures within the Project area (or prior to issuance of a Grading Permit for vacant properties), the property and any onsite structure(s) shall be evaluated for occurrence of asbestos-containing materials, lead-based paints, and/or other hazardous materials. The City of Gilroy Hazardous Materials Program would perform oversight of cleanup and investigation of hazardous materials and hazardous waste contamination. Cleanup activities shall include necessary techniques as determined by the City to verify conformance with regulatory cleanup levels for residential use.	Prior to Issuance of Demolition Permit or Grading Permit	Oversight of Investigation and Cleanup	Building & Safety Division Hazardous Materials Program			

Mitigation Measure		Monitoring Phase/Timing	Monitoring Procedure	Implementing Party/Agency	Verification of Compliance		
					Initials	Date	Remarks
Hydrology and Water Quality							
HYD-1	Prior to the issuance of the Grading Permit, the Applicant shall prepare a detailed Hydrology Study, approved by the City Engineer, demonstrating that all runoff would be treated and contained onsite. The Study shall demonstrate that all storm drain facilities are designed for the 25- year storm event protection.	Prior to Issuance of Demolition Permit or Grading Permit	Review and Approval of Hydrology Study	Engineering Division Building & Safety Division			
Noise							
N-1	Prior to Grading Permit issuance, the Project Applicant shall demonstrate, to the satisfaction of the City of Gilroy Planning Manager that the Project complies with the following: - Construction contracts specify that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and other state required noise attenuation devices. - Construction haul routes shall be designed to avoid noise sensitive uses (e.g., residences, convalescent homes, etc.), to the extent feasible. - During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receivers. - Construction activities shall not take place outside of the allowable hours specified by Gilroy City Code Section 16.38, <i>Hours of Construction (between 7:00 AM and 7:00 PM on weekdays, and between 9:00 AM and 7:00 PM on Saturdays)</i>. Construction activities are not permitted on Sundays or City holidays.	Prior to Issuance of Demolition Permit or Grading Permit	Review of Project Plans; Construction Inspections	Planning Division Engineering Division Building & Safety Division			
N-2	After the plot plans and architectural drawings have been developed, and prior to the issuance of Building Permits, the City of Gilroy Building Official shall confirm that the applicable project plans and specifications include sound-rated windows for Project residential areas immediately adjacent to First Street (SR-152) and	Prior to Issuance of Demolition Permit or Grading Permit	Review of Project Plans	Planning Division Building & Safety Division			

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Mitigation Measure		Monitoring Phase/Timing	Monitoring Procedure	Implementing Party/Agency	Verification of Compliance		
					Initials	Date	Remarks
	Santa Teresa Boulevard (i.e., along the roadway or with a direct line of sight). All exterior windows for residences adjacent to First Street (SR- 152) and Santa Teresa Boulevard shall be constructed with upgraded windows to provide an airborne sound insulation system achieving a minimum Sound Transmission Class (STC) of 33. The final site design shall also implement centralized heating/ ventilation/air-conditioning (HVAC) units on all these dwelling units to ensure noise levels would be below 45 dBA CNEL with windows and doors closed. The Applicant, as an alternative, may retain a qualified acoustical consultant whom shall submit a report for an alternative means of sound insulation satisfactory to the City of Gilroy which achieves a maximum interior noise level of 45 dBA CNEL.						
Transportation/Traffic							
TRA-1	Intersection 1 (Santa Teresa Boulevard / Fitzgerald Avenue) – The significant project impact to this intersection shall be mitigated with the addition of a separate northbound right-turn lane on Santa Teresa Blvd. to eastbound Fitzgerald Ave. Adding a separate northbound right-turn lane would improve the intersection level of service conditions to better than background conditions (LOC C and E during the AM and PM peak hours, respectively.) This improvement has been identified in the City's Traffic Circulation Master Plan (TCMP) and Traffic Impact Fee (TIF) Program. Thus, a Reimbursement Agreement would be developed between the City and the developer to complete the improvement such that the developer would be reimbursed for the cost of the improvement, less the project's fair-share contribution. Since this is a County facility and a County encroachment permit will be required, it is prudent to have the developer provide a fair-share contribution, in lieu of construction. Details as to fair-share amount, schedule for payment of fair-share contribution, or construction, shall be established in a subsequent	Prior to Issuance of a Building Permit	Enter into an agreement	Engineering Division			

Mitigation Measure	Monitoring Phase/Timing	Monitoring Procedure	Implementing Party/Agency	Verification of Compliance		
				Initials	Date	Remarks
	agreement. It is estimated that the fair share contribution will be based on 5% of cumulative project trips passing through this intersection. The estimated cost of the improvement is \$2,062,181 in 2015 TIF dollars. The developer's fair-share cost is estimated at \$103,109.					
TRA-2	Intersection 3 (Santa Teresa Boulevard / Day Road East) – The cumulative project impact to this intersection shall be mitigated with the addition of a second northbound through lane on Santa Teresa Blvd. Adding a second northbound through lane would improve the intersection level of service conditions to better than cumulative (no project) conditions (LOS D during the AM peak hour.) This improvement has been identified in the City's Traffic Circulation Master Plan (TCMP) and Traffic Impact Fee (TIF) Program. Thus, a Reimbursement Agreement would be developed between the City and the developer to complete the improvement such that the developer would be reimbursed for the cost of the improvement, less the project's fair-share contribution. This condition was also assigned to another developer (Silveira – Tract 10230). This condition has been fully met by the Tract 10230 developer and is no longer in need of subsequent mitigations by the Imwalle Townhomes project.	Implemented by Tract 10230. No additional action needed				
TRA-3	Intersection 4 (Santa Teresa Boulevard / Sunrise Drive) – The significant project impact to this intersection shall be mitigated with the addition of a second northbound through lane on Santa Teresa Blvd. Adding a second northbound through lane would improve the intersection level of service conditions to better than background conditions (LOS B during the AM peak hour.) This improvement has been identified in the City's Traffic Circulation Master Plan (TCMP) and Traffic Impact Fee (TIF) Program. Thus, a Reimbursement Agreement would be developed between the City and the developer to complete the improvement such that the developer would be reimbursed for the cost of the improvement, less the project's fair-share contribution.	Prior to Issuance of a Building Permit	Enter into an agreement	Engineering Division		

Mitigation Measure	Monitoring Phase/Timing	Monitoring Procedure	Implementing Party/Agency	Verification of Compliance		
				Initials	Date	Remarks
	Timing for completion of this improvement is revised as follows: Construction shall commence prior to issuance of the 100th building permit and construction shall be complete prior to issuance of the 150th building permit, and to the satisfaction of the City Traffic Engineer.					
TRA-4	Intersection 10 (Kelton Drive-Project Access / First Street) – This intersection is within Caltrans jurisdiction, the Project Applicant shall: 1) Coordinate with and obtain concurrence from Caltrans for the improvements outlined below; and 2) Fully design and install the following improvements prior to occupancy of first unit: Install “pork chop island” at northbound (Project driveway) approach to restrict Project driveway access to only right-turns in and right-turns out. Northbound and southbound approaches would continue to be unsignalized stop-sign controlled. Full left-turn access would continue to be allowed from First Street onto Kelton Drive and from Kelton Drive onto First Street. (RBF mitigation MND TRA-6)	Prior to Issuance of a Building Permit	Enter into an agreement	Engineering Division		
TRA-5	Intersection 13 (Wren Avenue / Welburn Avenue) – The significant project impact to this intersection shall be mitigated by installing a traffic signal, as planned in the City’s TCMP. This improvement includes signalizing the intersection, restriping all of the intersection approaches, and adding left-turn pockets on the east and west approaches. Additionally, 260 feet of parking would need to be removed on the east leg to accommodate the left-turn pocket. With implementation of these improvements, the overall intersection level of service would be LOS C during both peak hours. These improvements have been identified in the City’s Traffic Circulation Master Plan (TCMP) and Traffic Impact Fee (TIF) Program. Thus, a Reimbursement Agreement would be developed between the City and the developer to complete the improvement such that the developer would be reimbursed for the cost of the improvement, less the project’s fair-share contribution. The intersection of Wren Avenue and Welburn Avenue	Prior to Issuance of a Building Permit	Enter into an agreement	Engineering Division		

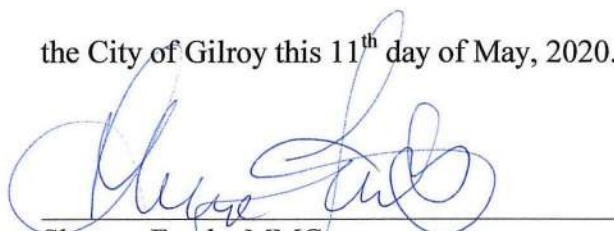
Mitigation Measure		Monitoring Phase/Timing	Monitoring Procedure	Implementing Party/Agency	Verification of Compliance		
					Initials	Date	Remarks
	is also projected to be impacted by another proposed project, Las Animas Residential development, located along the east side of Wren Avenue just north of Welburn Avenue. The Las Animas project is currently awaiting city approval. Pending approval of the proposed project and the Las Animas Residential development, responsibility for implementation of the above mitigation measures may be shared between the two proposed projects. City suggests that both developers coordinate this mitigation for project delivery. Timing for completion of this improvement is revised as follows: Construction shall commence prior to issuance of the 100th building permit and construction shall be complete prior to issuance of the 150th building permit, and to the satisfaction of the City Traffic Engineer.						
TRA-6	Intersection 17 (Monterey Street / Fitzgerald Avenue-Masten Avenue) – The significant project impact to this intersection shall be mitigated by providing protected left-turns on the east and west approaches of the intersection. Additionally, by changing the east-west signal phase from split to protected, Fitzgerald Ave. would need to be widened to provide an exclusive eastbound left-turn lane. Implementation of the proposed improvements would improve the intersection level of service conditions to better than background conditions (LOS C and D during the AM and PM peak hours, respectively.) This improvement has been identified in the City's Traffic Circulation Master Plan (TCMP) and Traffic Impact Fee (TIF) Program. Thus, a Reimbursement Agreement would be developed between the City and the developer to complete the improvement such that the developer would be reimbursed for the cost of the improvement, less the project's fair-share contribution. Since this is a County facility and a County encroachment permit will be required, it is prudent to have the developer provide a fair-share contribution, in lieu of construction. Details as to fair-share amount,	Prior to Issuance of a Building Permit	Enter into an agreement	Engineering Division			

Mitigation Measure		Monitoring Phase/Timing	Monitoring Procedure	Implementing Party/Agency	Verification of Compliance		
					Initials	Date	Remarks
	schedule for payment of fair-share contribution, or construction, shall be established in a subsequent agreement. It is estimated that the fair share contribution will be based on 5% of cumulative project trips passing through this intersection. The estimated cost of the improvement is \$1,776,143 in 2015 TIF dollars. The developer's fair-share cost is estimated at \$88,807.						
TRA-7	Intersection 22 (US-101 SB Ramps / Masten Avenue) – The significant project impact to this intersection shall be mitigated by installing a traffic signal. The intersection level of service would be LOS B during both peak hours with signalization. This improvement has been identified in the City's Traffic Circulation Master Plan (TCMP) and Traffic Impact Fee (TIF) Program. Thus, a Reimbursement Agreement would be developed between the City and the developer to complete the improvement such that the developer would be reimbursed for the cost of the improvement, less the project's fair-share contribution. Since this is a County facility and a County encroachment permit will be required, it is prudent to have the developer provide a fair-share contribution, in lieu of construction. Details as to fair-share amount, schedule for payment of fair-share contribution, or construction, shall be established in a subsequent agreement. It is estimated that the fair share contribution will be based on 2.5% of cumulative project trips passing through this intersection. The estimated cost of the improvement is \$765,618 in 2015 TIF dollars. The developer's fair-share cost is estimated at \$19,140.	Prior to Issuance of a Building Permit	Enter into an agreement	Engineering Division			
TRA-8	Intersection 23 (US 101 Northbound Ramps / Masten Ave.) – The significant project impact to this intersection shall be mitigated by installing a traffic signal. The intersection level of service would be LOS C and B during the AM and PM peak hours, respectively, with signalization. This improvement has been identified in the City's	Prior to Issuance of a Building Permit	Enter into an agreement	Engineering Division			

Mitigation Measure	Monitoring Phase/Timing	Monitoring Procedure	Implementing Party/Agency	Verification of Compliance		
				Initials	Date	Remarks
Traffic Circulation Master Plan (TCMP) and Traffic Impact Fee (TIF) Program. Thus, a Reimbursement Agreement would be developed between the City and the developer to complete the improvement such that the developer would be reimbursed for the cost of the improvement, less the project's fair-share contribution. Since this is a County facility and a County encroachment permit will be required, it is prudent to have the developer provide a fair-share contribution, in lieu of construction. Details as to fair-share amount, schedule for payment of fair-share contribution, or construction, shall be established in a subsequent agreement. It is estimated that the fair share contribution will be based on 2.5% of cumulative project trips passing through this intersection. The estimated cost of the improvement is \$788,118 in 2015 TIF dollars. The developer's fair-share cost is estimated at \$19,703.						

I, SHAWNA FREELS, City Clerk of the City of Gilroy, do hereby certify that the attached Resolution No. 2020-27 is an original resolution, or true and correct copy of a city Resolution, duly adopted by the Council of the City of Gilroy at a regular meeting of said held on Council held on the 4th day of May, 2020, at which meeting a quorum was present.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of the City of Gilroy this 11th day of May, 2020.



Shawna Freels, MMC
City Clerk of the City of Gilroy

(Seal)

VESTING TENTATIVE MAP

FIRST STREET AND SANTA TERESA BOULEVARD TOWNHOMES

A 205 UNIT CONDOMINIUM DEVELOPMENT

LEGEND

---	DISTINCTIVE BOUNDARY / PROPERTY LINE
---	EXISTING PROPERTY LINE
---	PROPOSED LOT LINE
---	CENTER LINE
---	EASEMENT LINE
---	BOUNDARY TIE LINE
○	CITY MONUMENT, AS NOTED
①	LOT NUMBER
■	AREA OF EXISTING PUBLIC RIGHT-OF-WAY TO BE VACATED

REFERENCES

[1]	817 M 51-52
[2]	777 M 34-36
[3]	745 M 14-17
[4]	662 M 18-19
[5]	264 M 25-26

ABBREVIATIONS

FD.	FOUND
MON.	MONUMENT
E.V.A.E.	EMERGENCY VEHICLE ACCESS EASEMENT
I.E.E.	INGRESS AND EGRESS EASEMENT
P.F.S.E.	PRIVATE FIRE SYSTEM EASEMENT
PL	PROPERTY LINE
P.S.D.E.	PRIVATE STORM DRAIN EASEMENT
P.S.E.	PUBLIC SERVICE EASEMENT
P.S.S.E.	PRIVATE SANITARY SEWER EASEMENT
P.W.E.	PRIVATE WATER EASEMENT
P.U.E.	PUBLIC UTILITY EASEMENT

NOTES

OWNER: HECKER PASS ASSOCIATES, LLC
40 SOUTH MARKET STREET, SUITE 100
SAN JOSE, CA 95113

DEVELOPER: PALO ALTO PARTNERS, LLC
1875 SOUTH BASCOM AVENUE, SUITE 2400
CAMPBELL, CA 95008

ENGINEER: CIVIL ENGINEERING ASSOCIATES, INC.
224 AIRPORT PARKWAY, SUITE 525
SAN JOSE, CA 95110
(408) 453-1066

1. THERE IS ONE EXISTING WELL ON THE PROPERTY.
2. NO EXISTING BUILDINGS TO REMAIN
3. ASSESSORS PARCEL NUMBER: 808-01-021, 022 AND 023
4. EXISTING USE: RESIDENTIAL
5. PROPOSED USE: SINGLE FAMILY ATTACHED RESIDENTIAL CONDOMINIUM UNITS
6. EXISTING ZONING: C3 (SHOPPING CENTER COMMERCIAL)
7. PROPOSED ZONING: PD (PLANNED DEVELOPMENT)
8. SANITARY SEWER: CITY OF GILROY
9. STORM CONDUIT: CITY OF GILROY
10. WATER SYSTEM: CITY OF GILROY
11. NUMBER OF LOTS: 84
12. PROJECT AREA:

EXISTING PROPERTY	
PARCEL ONE/APN 808-01-023	1.56 ACRES
PARCEL TWO/APN 808-01-022	1.67 ACRES
PARCEL 4/APN 808-01-021	7.60 ACRES
TOTAL	10.83 ACRES
PROPOSED PROJECT SITE	
EXISTING PROPERTY	10.83 ACRES
+AREA FROM STREET VACATION	0.05 ACRES
TOTAL GROSS SITE AREA	10.88 ACRES

13. LOTS 1 THROUGH 15 AND 17 THROUGH 41 ARE RESIDENTIAL CONDOMINIUMS.
14. LOTS AA THROUGH ZZ, AAA THROUGH EEE ARE COMMON OPEN SPACE.
15. LOTS A THROUGH P ARE PRIVATE STREETS. (LOTS I AND O HAVE BEEN INTENTIONALLY OMITTED)
16. LOTS AA THROUGH ZZ AND AAA THROUGH DDD ARE COMMON OPEN SPACE (LOTS "I" AND "O" OMITTED). INGRESS AND EGRESS EASEMENT, PRIVATE FIRE SYSTEM EASEMENT, PRIVATE STORM DRAIN EASEMENT, PRIVATE SANITARY SEWER EASEMENT, PUBLIC UTILITY EASEMENT, AND PRIVATE WATER EASEMENT.
17. LOTS A THROUGH M ARE PRIVATE STREETS (LOT "Y" OMITTED). VEHICLE ACCESS EASEMENT, INGRESS AND EGRESS EASEMENT, PRIVATE FIRE SYSTEM EASEMENT, PRIVATE STORM DRAIN EASEMENT, PRIVATE SANITARY SEWER EASEMENT, PUBLIC UTILITY EASEMENT, AND PRIVATE WATER EASEMENT.
18. THE SUBJECT PROPERTY IS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 06085C0638H, DATED MAY 18, 2009, ZONE "X".

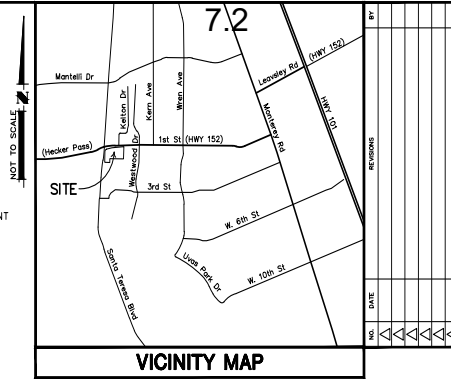
ZONE X, AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREA LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.
19. MULTIPLE FINAL MAPS MAY BE FILED.

BENCHMARK

BRASS DISK AT NORTHEAST CORNER SANTA TERESA BOULEVARD AND FIRST STREET (HECKER PASS ROAD); ON TOP OF CURB; 2 FEET WESTERLY OF ELECTROLIER #07952. CITY OF GILROY.

BASIS OF BEARINGS

THE BEARING NORTH 04°56'15" EAST BEING THE CENTERLINE OF SANTA TERESA BOULEVARD AS SHOWN ON RECORD OF SURVEY FILED IN BOOK 264 PAGES 25 TO 28 OF SURVEYS IN THE CITY OF GILROY, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA WAS USED AS THE BASIS OF BEARINGS FOR THIS SURVEY.



VICINITY MAP

SHEET INDEX

- 1 VESTING TENTATIVE MAP
- 2 VESTING TENTATIVE MAP

224 Airport Parkway
Suite 525
San Jose, CA 95110
Tel: (408) 453-1066

Civil Engineering Associates
Civil Engineers • Planners • Surveyors



PREPARED FOR:
Hecker Pass Associates, LLC
40 South Market St., Suite 100
San Jose, CA 95113

VESTING TENTATIVE MAP
FIRST ST & SANTA TERESA BLVD
TOWNHOMES

CALIFORNIA
GILROY

DATE: OCT. 26, 15
SCALE: -
DESIGNED: J.G.
DRAWN: C.H.
JOB NO.: 13-115
SHEET
1
OF 2 SHEETS

FIRST STREET - HECKER PASS HIGHWAY

SPANISH OAK CIRCLE

ENGLISH OAK CIRCLE

SECTION SANTA TERESA BOULEVARD

SCALE: HORIZ. 1"=20' VERT. 1"=10'

SECTION FIRST STREET - HECKERPASS HIGHWAY

SCALE: HORIZ. 1"=20' VERT. 1"=10'

SECTION ONSITE PRIVATE STREET

SCALE: 1"=10'

p. 69 of 332

GRAPHIC SCALE

(IN FEET)
1 inch = 40 ft.

PREPARED FOR:
Hecker Pass Associates, LLC
40 South Market St., Suite 100
San Jose, CA 95128

VESTING TENTATIVE MAP
FIRST ST & SANTA TERESA BLVD
TOWNHOMES

GILROY CALIFORNIA

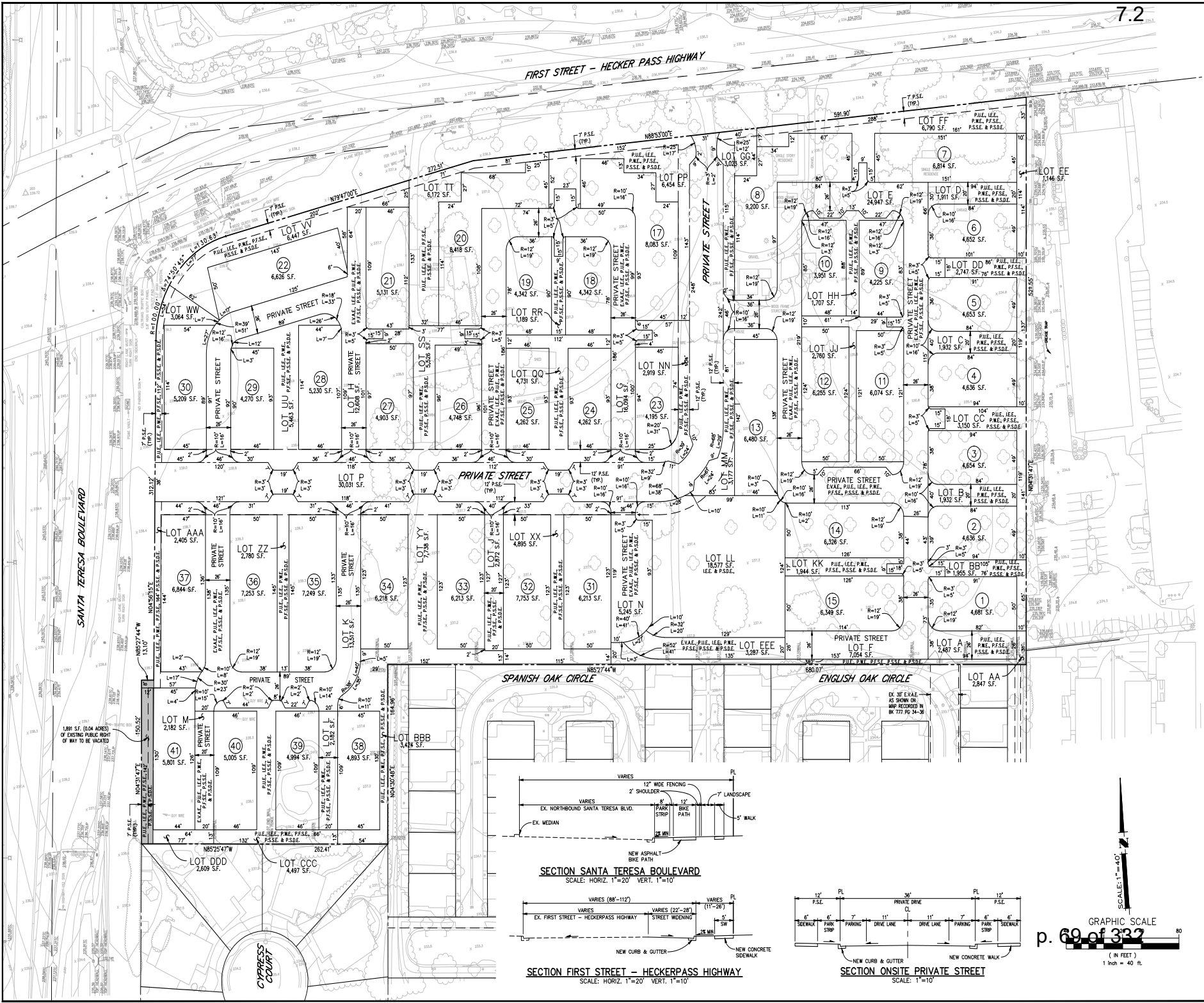
DATE: OCT. 26, 15
SCALE: 1"=40'
DESIGNED: J.G.
DRAWN: C.H.
JOB NO. 13-115
SHEET
2
OF 2 SHEETS

Civil Engineering Associates
Civil Engineers • Planners • Surveyors

224 Alameda Parkway
Suite 305
San Jose, CA 95126
Tel: 408.933.1000
Fax: 408.933.1001



NO.	DATE	REVISIONS
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RESOLUTION 2023-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GILROY APPROVING FOURTH EXTENSION FOR TENTATIVE MAP, TM 13-11, AND ARCHITECTURE AND SITE REVIEW, AS 18-20, CREATING A 202-UNIT CONDOMINIUM TOWNHOUSE DEVELOPMENT ON PROPERTY LOCATED AT THE SOUTHEAST CORNER OF SANTA TERESA BLVD. AND FIRST ST, APNs 808-01-21, 808-01-22 & 808-01-23; FILED BY EAGLE GARDEN LLC.

WHEREAS, on November 28, 2022, The Eagle Garden LLC submitted a Fourth Time Extension request for the Tentative Map, TM13-11 and Architecture and Site Review, AS 18-20 creating a 202-unit condominium townhouse development; and

WHEREAS, the subject property is located at the southeast corner of Santa Teresa Blvd. and First St. and consists of approximately 10 acres; and

WHEREAS, in accordance with the California Environmental Quality Act, the City Council adopted the Mitigated Negative Declaration (MND) that was prepared for the project in 2016. It was determined, with implementation of the identified mitigation measures, there would be no significant adverse impacts resulting from the development, and that the proposed time extension would not impose any further significant adverse effects; and

WHEREAS, on April 4, 2016, the City Council approved Tentative Map TM 13-11 (Resolution No. 2016-20), and Architectural and Site Review Permit AS 13-35 (Resolution No. 2016-21), for the construction of 202 townhomes, a clubhouse, a swimming pool, a tot lot and an onsite public art amenity and associated onsite and offsite improvements; and

WHEREAS, on June 18, 2018, the City Council approved a time extension request, extending TM 13-11 and AS 13-35 approvals to April 4, 2019; and

WHEREAS, on October 29, 2018, the Planning Manager approved AS 18-20 for minor revisions and adjustment of other onsite improvements. (AS 18-20 approval supersedes AS 13-35); and

WHEREAS, on January 22, 2019, the developer submitted building permits for the townhome buildings and the clubhouse; and

WHEREAS, on June 3, 2019, the City Council approved the second time extension of TM 13-11 and AS 13-35/AS 18-20 approvals to April 4, 2020; and

WHEREAS, on May 4, 2020, the City Council approved the third time extension of TM 13-11 and AS 13-35/AS 18-20 approvals to April 4, 2021; and

WHEREAS, on June 1, 2020, the City Council adopted resolution 2020-33 which extended the expiration periods for all active entitlements, including the subject project, through May 31, 2021; and

WHEREAS, on September 30, 2020, the State legislature enacted AB 1561 which granted an additional extension of 18 months to housing entitlements issued before March 4, 2020 that would expire before December 31, 2021. This extended the project approvals through November 30, 2022; and

WHEREAS, on November 30, 2022, the applicant had filed application materials with the Department of Public Works for processing of the final map; and

WHEREAS, the City Council considered the fourth time extension request at their March 6, 2023 meeting; and

WHEREAS, the location and custodian of the documents or other materials that constitute the record of proceedings upon which TM 13-11 and AS 18-20 time extension request is based is the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT, the City Council of the City of Gilroy hereby approves the fourth 12-month time extension for TM 13-11 and AS 18-20 to November 30, 2023, subject to the attached conditions of approval set forth in Exhibit "A" attached hereto.

PASSED AND ADOPTED this 6th day of March 2023, by the following roll call vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

APPROVED:

Marie Blankley, Mayor

ATTEST:

Thai Pham, City Clerk

Exhibit A
City Council Resolution 2023-XX
TM 13-11 Conditions of Approval

Note: The following abbreviations identify the City department or division responsible for determining compliance with these standard conditions. The first group listed has responsibility for compliance at plan check, the second confirms compliance with the condition at final inspection, prior to final occupancy or issuance of a certificate of occupancy, or as specified in the condition. If only one group is identified, they have responsibilities from initial review through compliance verification. Internal information shown in italics at the end of each condition provides internal reference for the condition: Some are standard permit conditions (e.g. G-1) while some are taken from environmental documents (e.g. MND-S2).

RESPONSIBLE DEPARTMENTS/DIVISIONS			
BL	Building Division/Inspectors	PK	Parks/Landscape Design
CA	City Attorney	PL	Planning Division
CE	Code Enforcement	PW	Public Works/Engineering
FD	Fire Department	TR	Traffic Division
PD	Police Department	WW	Wastewater/Source Control

GENERAL PROJECT CONDITIONS

1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another, unless a request is requested and granted by the Planning Manager, pursuant to the City Code. (PL, G-1)
2. This permit is granted for approved plans ("the plans") on file with the Planning Division. The project shall conform to the plans, except as otherwise specified in these conditions. Any subsequent modification or deviation to the approved plans shall be considered by the Planning Manager, may require separate discretionary approval and shall conform to City Code requirements or policies adopted by City Council. (PL, G-2)
3. Developer means permit applicant, property owner, and/or tenants using the space(s) for the intended use(s). Compliance with project conditions is expected for the life of the project. (CA, G-3)
4. An approved tentative map shall expire twenty-four (24) months from the original approval date. (PL, G-6)
5. Should Developer intend to request an extension to the permit expiration date, Developer must submit to the Planning Division a written application with applicable fees prior to the expiration date. Only timely requests may be considered pursuant to the City Code. (PL, G-7)
6. Failure to appeal this decision in a timely manner or commencement of any activity related to the project is understood to clarify the Developer's

acceptance of all conditions and obligations imposed by this permit and waiving any challenge to the validity of the conditions and obligations stated therein. (CA, G-8)

7. Developers shall complete all required off-site and on-site improvements related to the project, including structures, paving, and landscaping, prior to occupancy unless otherwise allowed by the Community Development Director. (BL, G-9)
8. Developer agrees, as a condition of adoption of this resolution, at Developer's own expense, to defend, indemnify, and hold harmless the City of Gilroy and its officers, contractors, consultants, attorneys, employees and agents from any and all claim(s), action(s) or proceeding(s) brought against City or its officers, contractors, consultants, attorneys, employees, or agents to challenge, attack, set aside, void or annul the approval of this resolution or any condition attached thereto or any proceedings, acts or determinations taken, including actions taken under the California Environmental Quality Act of 1970, as amended, done or made prior to the approval of such resolution that were part of the approval process. (CA, G-10)
9. Any covenants, conditions, and restrictions (CC&Rs) applicable to the project property shall be consistent with the terms of this permit and the City Code. If there is a conflict between the CC&Rs and the City Code or this permit, the City Code or this permit shall prevail. (CA, G-11)
10. Developer shall complete the "Notice of Land Use Restrictions and Conditions" form, using the form provided by the City, for recording with the Santa Clara County Recorder. Before the City issues building permits, Developer shall submit the original completed, signed and notarized document, together with the required fees to the Planning Manager. (PL, G-12)
11. If Developer, owner or tenant fails to comply with any of the conditions of this permit, the Developer, owner or tenant shall be subject to permit revocation pursuant to the City Code. (CA, G-13)
12. Prior to issuance of building permits, Developer shall correct all violations of the City Code existing on the project property for which the City has open cases. (PL/CE, G-14)
13. Approval of this Vesting Tentative Map application is subject to approval of Zoning/Planned Unit Development application Z 13-08 and Architectural and Site Review Permit AS 13-35. Should either of those applications not be approved or be rescinded, this approval shall become null and void.
14. Building and grading permits for the project shall not be issued prior to recordation of the final map.

PLANNING DIVISION STANDARD CONDITIONS

15. Developer acknowledges that because of water limitations placed on the city by its water providers, approval of this permit does not guarantee that the city will issue building permits. Issuance of building permits may be delayed and subject to implementation and/or compliance with mandated water conservation or allocation plans. (PL/PW, PL-1)
16. Developer shall submit plans for building permit applications that include, on all sets, a reproduction of all conditions of approval of this permit, as adopted by the decision-maker. (PL, PL-3)
17. Developer may not modify any use approved by this permit unless the Community Development Director or designee determines that Developer has provided the parking required by the City Code for the modified use. (PL, PL-6)
18. All project on-site lighting shall be of a type and in a location that does not constitute a hazard to vehicular traffic, either on private property or on public property, including streets. Such lighting shall not conflict with drainage plans, landscape plans, tree locations, parking spaces, or any other such land use concerns. (PL, PL-7)

PLANNING DIVISION SPECIAL CONDITIONS

20. Prior to approval of the final map, the subdivision shall be modified to address the following items to the approval of the Planning Division:
 - a. Elimination of the 10-foot PSE in the southeast portion of the site
 - b. Retention and realignment of the emergency vehicle access from the adjacent property to the south to First St.
 - c. An easement to provide access from the subject property and the adjacent property to the south to the shopping center to the east, subject to Shopping Center approval. In the event Shopping Center does not agree to said easement, this condition shall not be enforced.
 - d. Decorative pavement at project entrances and walkways and crosswalks, to the approval of the Public Works and Community Development Directors.
 - e. Elimination of two speed tables and revision to the location of guest parking as shown on Site Plan Alternate, dated 9/11/15.
 - f. Modification of the private street behind unit 119 to provide adequate room for backing out of that garage.
 - g. Minor modification of the project layout near the intersection of Santa Teresa Blvd. and First St., not resulting in loss of units, in order to maintain adequate front yard setbacks from the roundabout proposed for this intersection.

21. No on-site fill material may be retained by the existing pre-cast concrete property boundary walls.
22. Prior to approval of the final map, a phasing plan for construction of the project shall be submitted to and approved by the Community Development and Public Works Directors. The phasing plan shall include the timing of installation of common area improvements, including private streets, landscaping, recreational facilities and blocks of townhouse units.
23. Prior to approval of the final map, a copy of the CC&Rs and By-Laws for the homeowners association shall be submitted to and approved by the Planning Division. The Homeowners Association shall be responsible for enforcing all requirements of the CC&Rs and By-Laws, with special attention to the following. These documents shall include at a minimum the following provisions that may only be modified or deleted upon City approval:
 - a. At all times, unit garages shall maintain a minimum 20' x 20' clear space be used for parking of vehicles only. Resident vehicles shall be parked in the unit garages and not in guest parking spaces or on public streets.
 - b. For the life of the development, the Homeowner Association shall contract for the placement of garbage and recycling totes on the resident driveway aprons of each unit within two hours after rubbish pick-up and within two hours after recycling pick-up.
 - c. For the life of the development, no parking shall be allowed on the private streets within the subdivision except as shown and conditioned on the approved plans.
24. Prior to issuance of a grading permit, the applicant shall obtain a Santa Clara Valley Habitat Plan permit from the City of Gilroy. The permit will require implementation of all applicable project conditions and payment of appropriate land cover fees. The applicant shall be responsible for the implementation of this mitigation measure, subject to monitoring by the City of Gilroy.
25. Due to the possibility that significant buried cultural resources might be found during construction, the applicant shall include the following language on any grading, site work, and construction plans issued for the project site, subject to the review and approval of the Gilroy Planning Division (pursuant to Gilroy General Plan Policy 5.07):

If archaeological resources are discovered during construction, work shall be halted within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented.
26. In the event of an accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the applicant shall include the following language in all grading, site work, and construction plans in accordance with CEQA Guidelines section 15064.5(e), subject to the review and approval of the City of Gilroy Planning Division:

If human remains are found during construction there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the coroner of Santa Clara County is contacted to determine that no investigation of the cause of death is required. If the coroner determines the remains to be Native American the coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent (MLD) from the deceased Native American. The MLD may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code Section 5097.98. The landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if: a) the Native American Heritage Commission is unable to identify a MLD or the MLD failed to make a recommendation within 24 hours after being notified by the commission; b) the descendent identified fails to make a recommendation; or c) the landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

27. Compliance with all conditions of approval of Zoning/Planned Unit Development 13-08 and Architectural and Site Review Permit AS 13-35 shall also be a condition of this approval.

Environmental Mitigation Measures

28. The following Best Management Practices (BMPs) (as set forth in Table 8-1, BAAQMD Basic Construction Mitigation Measures, outlined in the BAAQMD *CEQA Air Quality Guidelines*), shall be included in the Project's construction-contract specifications. The control measures shall be included on all grading, site work, and construction plans and implemented during the duration of all proposed construction activities:
- a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - d. All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
 - f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as

- required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
 - h. Post a publicly visible sign with the telephone number and person to contact at the City regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations. (MND AQ-1)
29. Prior to issuance of building permits, the Project shall implement the following design recommendations:
- a. Establish and plot onto all plans the vertical and horizontal locations of all trees identified for preservation, and forward the plans to the Consulting Arborist for review and comment.
 - b. Any changes to the plans affecting the trees shall be reviewed by the Consulting Arborist with regard to tree impacts. These include, but are not limited to, demolition plans, improvement plans, utility and drainage plans, grading plans, and landscape and irrigation plans.
 - c. A Tree Protection Zone (TPZ) shall be established around each tree to be preserved. TPZs for trees identified for preservation are identified in the following table. No trenching, excavation, construction or storage of materials shall occur within that zone. No underground services including utilities, sub-drains, water or sewer shall be placed in the TPZ. Spoil from trench, footing, utility, or other excavation shall not be placed within the TPZ, either temporarily or permanently.
- | Tree No. | TPZ |
|---------------------|-----------------------------------|
| #21 and 25-31 | 5'W. DL in all other directions |
| #81-84 | 5' N. DL in all other directions |
| #22 and 23 | 10' W. DL in all other directions |
| Note: DL = Dripline | |
- d. The Tree Preservation Guidelines, prepared by the Consulting Arborist, shall be included on all plans.
 - e. Underground services including utilities, sub-drains, water or sewer shall be routed around the Tree Protection Zone. Where encroachment cannot be avoided, special construction techniques such as hand digging or tunneling under roots shall be employed to minimize root injury.
 - f. Locate all temporary access roads to remain outside TPZs.
 - g. Any herbicides placed under paving materials must be safe for use around trees and labeled for that use.

- h. Irrigation systems must be designed so that no trenching shall occur within the TPZs. (MND BIO-1)
30. The Project shall implement the following pre-construction treatments and recommendations:
- a. The construction superintendent shall meet with the Consulting Arborist before beginning work to discuss work procedures and tree protection.
 - b. Fence all trees to be retained to completely enclose the TPZ prior to demolition, grubbing or grading. Fences shall be 6' high chain link, mounted to steel posts firmly driven into the ground or on stanchions fastened securely with rebar staples 12" deep, as required by the City. Fences are to remain until all grading and construction is completed.
 - c. Trees recommended for preservation may require clearance pruning for construction. All pruning shall be completed by a Certified Arborist or Tree Worker and adhere to the latest edition of the ANSI Z133 and A300 standards as well as the Best Management Practices—Tree Pruning, published by the International Society of Arboriculture.
 - d. Structures and underground features to be removed within the TPZ shall use the smallest equipment, and operate from outside the TPZ. The consultant shall be onsite during all operations within the TPZ to monitor demolition activity.
 - e. A 4-6" wood chip mulch shall be applied and maintained within the TPZ. (MND BIO-2)
31. The Project shall implement the following recommendations for tree protection during construction:
- a. Prior to beginning work, all contractors working in the vicinity of trees to be preserved are required to meet with the Consulting Arborist at the site to review all work procedures, access routes, storage areas and tree protection measures.
 - b. No grading, construction, demolition or other work shall occur within the TPZs. Any modifications must be approved and monitored by the Consulting Arborist.
 - c. Any excavation within the dripline or other work that is expected to encounter tree roots shall be approved and monitored by the Consulting Arborist. Roots shall be cut by manually digging and trench and cutting exposed roots with a sharp saw. The Consulting Arborist shall identify where root pruning is required.
 - d. If injury should occur to any tree during construction, it shall be evaluated as soon as possible by the Consulting Arborist so that appropriate treatments can be applied.
 - e. Any roots damaged during grading or construction shall be exposed to sound tissue and cut cleanly with a saw.
 - f. Fences have been erected to protect trees to be preserved; these fences define a specific TPZ for each tree or group of trees. Fences shall remain until all site work has been completed. Fences shall not be

- g. relocated or removed without permission of the Consultant.
 - g. Construction trailers, traffic and storage areas shall remain outside fenced areas at all times.
 - h. Prior to grading, pad preparation, excavation for foundations/footings/walls, trenching, trees may require root pruning outside the TPZ by cutting all roots cleanly to the depth of the excavation. Roots shall be cut by manually digging a trench and cutting exposed roots with a saw, with a vibrating knife, rock saw, narrow trencher with sharp blades, or other approved root pruning equipment. The Consulting Arborist shall identify where root pruning is required.
 - i. No excess soil, chemicals, debris, equipment or other materials shall be dumped or stored within the TPZs.
 - j. Any additional tree pruning needed for clearance during construction shall be performed by a Certified Arborist and not by PG&E or construction personnel. (MND BIO-3)
32. For the life of the development, the Project shall implement the following measure for tree maintenance:
- a. Tree health and structural stability shall be monitored, since preserved trees may experience a physical environment different from that of pre-development. Occasional pruning, fertilization, mulch, pest management, replanting and irrigation may be required. (MND BIO-4)
33. Significant Trees - Replacement and Planting Measures. Prior to Grading Permit issuance, the Applicant shall contract with a certified arborist to determine the value of the significant trees to be removed. The value of the significant trees to be removed shall be used to enhance tree planting on the site, to the approval of the Community Development Director or designee. (MND BIO-5)
34. Prior to excavation, any soil that is excavated and/or hauled away for disposal shall be characterized by a qualified environmental professional for the possible presence of agricultural chemicals, according to state and federal regulations, in order to profile the soil for disposal. (MND HAZ-1)
35. Prior to issuance of a Demolition Permit for any structures within the Project area (or prior to issuance of a Grading Permit for vacant properties), the property and any onsite structure(s) shall be evaluated for occurrence of asbestos-containing materials, lead-based paints, and/or other hazardous materials. The City of Gilroy Hazardous Materials Program would perform oversight of cleanup and investigation of hazardous materials and hazardous waste contamination. (MND HAZ-2)
36. Prior to the issuance of the Grading Permit, the Applicant shall prepare a detailed Hydrology Study, approved by the City Engineer, demonstrating that all runoff would be treated and contained onsite. The Study shall demonstrate that all storm drain facilities are designed for the 25- year storm event protection. (MND HYD-1)

37. Prior to Grading Permit issuance, the Applicant shall demonstrate, to the satisfaction of the City of Gilroy Community Development Director or designee that the Project complies with the following:
- Construction contracts specify that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and other state required noise attenuation devices.
 - Construction haul routes shall be designed to avoid noise sensitive uses (e.g., residences, convalescent homes, etc.), to the extent feasible.
 - During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receivers.
 - Construction activities shall not take place outside of the allowable hours specified by Gilroy City Code Section 16.38, Hours of Construction (between 7:00 AM and 7:00 PM on weekdays, and between 9:00 AM and 7:00 PM on Saturdays). Construction activities are not permitted on Sundays or City holidays. (MND N-1)
38. After the plot plans and architectural drawings have been developed, and prior to the issuance of Building Permits, the City of Gilroy Building Official shall confirm that the applicable project plans and specifications include sound-rated windows for Project residential areas immediately adjacent to First Street (SR-152) and Santa Teresa Boulevard (i.e., along the roadway or with a direct line of sight). All exterior windows for residences adjacent to First Street (SR-152) and Santa Teresa Boulevard shall be constructed with upgraded windows to provide an airborne sound insulation system achieving a minimum Sound Transmission Class (STC) of 33. The final site design shall also implement centralized heating/ventilation/air-conditioning (HVAC) units on all these dwelling units to ensure noise levels would be below 45 dBA CNEL with windows and doors closed. The Applicant, as an alternative, may retain a qualified acoustical consultant whom shall submit a report for an alternative means of sound insulation satisfactory to the City of Gilroy which achieves a maximum interior noise level of 45 dBA CNEL. (MND N-2)
39. Intersection 1 (Santa Teresa Boulevard / Fitzgerald Avenue) – The significant project impact to this intersection shall be mitigated with the addition of a separate northbound right-turn lane on Santa Teresa Blvd. to eastbound Fitzgerald Ave. Adding a separate northbound right-turn lane would improve the intersection level of service conditions to better than background conditions (LOC C and E during the AM and PM peak hours, respectively.)

This improvement has been identified in the City's Traffic Circulation Master Plan (TCMP) and Traffic Impact Fee (TIF) Program. Thus, a Reimbursement Agreement would be developed between the City and the developer to complete the improvement such that the developer would be reimbursed for the cost of the improvement, less the project's fair-share contribution.

Since this is a County facility and a County encroachment permit will be required, it is prudent to have the developer provide a fair-share contribution, in lieu of construction. Details as to fair-share amount, schedule for payment of fair-share contribution, or construction, shall be established in a subsequent agreement. It is estimated that the fair share contribution will be based on 5% of cumulative project trips passing through this intersection. The estimated cost of the improvement is \$2,062,181 in 2015 TIF dollars. The developer's fair-share cost is estimated at \$103,109.

The Developer shall pay the 5% improvement fair-share contribution in an amount reflective of the current project cost. This value shall be calculated using the 2015 improvement cost plus an escalated amount based on the Engineering News Record Construction Cost Index. Payment of this 5% fair-share cost shall be made by the developer prior to the issuance of the first building permit.

40. Intersection 3 (Santa Teresa Boulevard / Day Road East) – The cumulative project impact to this intersection shall be mitigated with the addition of a second northbound through lane on Santa Teresa Blvd. Adding a second northbound through lane would improve the intersection level of service conditions to better than cumulative (no project) conditions (LOS D during the AM peak hour.)

This improvement has been identified in the City's Traffic Circulation Master Plan (TCMP) and Traffic Impact Fee (TIF) Program. Thus, a Reimbursement Agreement would be developed between the City and the developer to complete the improvement such that the developer would be reimbursed for the cost of the improvement, less the project's fair-share contribution. This condition was also assigned to another developer (Silveira – Tract 10230). This condition has been fully met by the Tract 10230 developer and is no longer in need of subsequent mitigations by the Imwalle Townhomes project.

41. Intersection 4 (Santa Teresa Boulevard / Sunrise Drive) – The significant project impact to this intersection shall be mitigated with the addition of a second northbound through lane on Santa Teresa Blvd. Adding a second northbound through lane would improve the intersection level of service conditions to better than background conditions (LOS B during the AM peak hour.)

This improvement has been identified in the City's Traffic Circulation Master Plan (TCMP) and Traffic Impact Fee (TIF) Program. Thus, a Reimbursement Agreement would be developed between the City and the developer to complete the improvement such that the developer would be reimbursed for the cost of the improvement, less the project's fair-share contribution.

Timing for completion of this improvement is revised as follows: Construction shall commence prior to issuance of the 100th building permit and construction shall be complete prior to issuance of the 150th building permit,

and to the satisfaction of the City Traffic Engineer.

42. Intersection 10 (Kelton Drive-Project Access / First Street) – This intersection is within Caltrans jurisdiction, the Project Applicant shall: 1) Construct the fourth leg of the existing First/Kelton intersection on the south side of the intersection to align with Kelton Street on the north side of First Street to form a four-leg intersection. 2) Coordinate construction of signal improvements at this intersection in conjunction with development of the First and Kelton Commercial Project (AS 17-25). 3) Provide adequate dedication of any Public Service Easement necessary for placement of signal equipment for the signalized intersection improvements. 4) Obtain any necessary permit from Caltrans for work along the project's First Street frontage.

Should the First and Kelton Commercial Project (AS 17-25) proceed with the intersection signal improvements in advance of any site construction work on this project site, the developer shall provide the necessary site accommodation for the signal equipment to be installed.

43. Intersection 13 (Wren Avenue / Welburn Avenue) – The construction of signal improvements at this intersection are underway. Mitigation of this intersection traffic impacts are no longer necessary for this project.
44. Intersection 17 (Monterey Street / Fitzgerald Avenue-Masten Avenue) – The significant project impact to this intersection shall be mitigated by providing protected left-turns on the east and west approaches of the intersection. Additionally, by changing the east-west signal phase from split to protected, Fitzgerald Ave. would need to be widened to provide an exclusive eastbound left-turn lane. Implementation of the proposed improvements would improve the intersection level of service conditions to better than background conditions (LOS C and D during the AM and PM peak hours, respectively.)

This improvement has been identified in the City's Traffic Circulation Master Plan (TCMP) and Traffic Impact Fee (TIF) Program. Thus, a Reimbursement Agreement would be developed between the City and the developer to complete the improvement such that the developer would be reimbursed for the cost of the improvement, less the project's fair-share contribution.

Since this is a County facility and a County encroachment permit will be required, it is prudent to have the developer provide a fair-share contribution, in lieu of construction. Details as to fair-share amount, schedule for payment of fair-share contribution, or construction, shall be established in a subsequent agreement. It is estimated that the fair share contribution will be based on 5% of cumulative project trips passing through this intersection. The estimated cost of the improvement is \$1,776,143 in 2015 TIF dollars. The developer's fair-share cost is estimated at \$88,807.

The Developer shall pay the 5% improvement fair-share contribution in an amount reflective of the current project cost. This value shall be calculated

using the 2015 improvement cost plus an escalated amount based on the Engineering News Record Construction Cost Index. Payment of this 5% fair-share cost shall be made by the developer prior to the issuance of the first building permit.

45. Intersection 22 (US-101 SB Ramps / Masten Avenue) – The significant project impact to this intersection shall be mitigated by installing a traffic signal. The intersection level of service would be LOS B during both peak hours with signalization.

This improvement has been identified in the City's Traffic Circulation Master Plan (TCMP) and Traffic Impact Fee (TIF) Program. Thus, a Reimbursement Agreement would be developed between the City and the developer to complete the improvement such that the developer would be reimbursed for the cost of the improvement, less the project's fair-share contribution.

Since this is a County facility and a County encroachment permit will be required, it is prudent to have the developer provide a fair-share contribution, in lieu of construction. Details as to fair-share amount, schedule for payment of fair-share contribution, or construction, shall be established in a subsequent agreement. It is estimated that the fair share contribution will be based on 2.5% of cumulative project trips passing through this intersection. The estimated cost of the improvement is \$765,618 in 2015 TIF dollars. The developer's fair-share cost is estimated at \$19,140.

The Developer shall pay the 5% improvement fair-share contribution in an amount reflective of the current project cost. This value shall be calculated using the 2015 improvement cost plus an escalated amount based on the Engineering News Record Construction Cost Index. Payment of this 5% fair-share cost shall be made by the developer prior to the issuance of the first building permit.

46. Intersection 23 (US 101 Northbound Ramps / Masten Ave.) – The significant project impact to this intersection shall be mitigated by installing a traffic signal. The intersection level of service would be LOS C and B during the AM and PM peak hours, respectively, with signalization.

This improvement has been identified in the City's Traffic Circulation Master Plan (TCMP) and Traffic Impact Fee (TIF) Program. Thus, a Reimbursement Agreement would be developed between the City and the developer to complete the improvement such that the developer would be reimbursed for the cost of the improvement, less the project's fair-share contribution.

Since this is a County facility and a County encroachment permit will be required, it is prudent to have the developer provide a fair-share contribution, in lieu of construction. Details as to fair-share amount, schedule for payment of fair-share contribution, or construction, shall be established in a subsequent agreement. It is estimated that the fair share contribution will be based on 2.5%

of cumulative project trips passing through this intersection. The estimated cost of the improvement is \$788,118 in 2015 TIF dollars. The developer's fair-share cost is estimated at \$19,703.

The Developer shall pay the 5% improvement fair-share contribution in an amount reflective of the current project cost. This value shall be calculated using the 2015 improvement cost plus an escalated amount based on the Engineering News Record Construction Cost Index. Payment of this 5% fair-share cost shall be made by the developer prior to the issuance of the first building permit.

PUBLIC WORKS/ENGINEERING DIVISION STANDARD CONDITIONS

47. GENERAL

- a. Developer shall perform all work in compliance with the City of Gilroy Specifications, Standards Design Criteria, and Development Agreement and is subject to all laws of the City of Gilroy by reference. Street improvements and the design of all off-site storm drainage facilities, sewer and water lines, and all street sections shall be in accordance with City Standards and shall follow the most current City Master Plan for streets, as approved by the City of Gilroy's Public Works Director/City Engineer.
- b. Until such time as the Improvements are accepted by City, Developer shall be responsible for and bear the risk of loss to any of the Improvements constructed or installed.
- c. The applicant shall obtain all necessary permits from federal, state, and local agencies as required to construct the proposed improvements including, but not limited to, the Santa Clara County Roads & Airports Department, Caltrans and Regional Water Quality Control Board.
- d. All existing utility poles shall be removed, and all utilities placed underground. No new poles are allowed.

48. GENERAL – Applicant shall obtain will serve and review letter from Recology confirming serviceability and site accessibility of solid waste pickup. Contract Steven Lucchetti, Operations Manager 408-842-3358.

49. FEES

- a. The project is subject to the City's Street Tree, Storm, Sewer, Water, Traffic, and Public Facilities Development Impact Fees. Payment of Street Tree and Storm Development Impact Fees is required at first building permit issuance. Sewer, Water, Traffic, and Public Facilities Development Impact Fees are due prior to building occupancy. Note that there will be a fee increase beginning 7/1/2018.
- b. At improvement plan submittal, Developer shall submit an estimate of the probable cost of improvements and shall pay 40% of the plan check and inspection fees.
- c. Prior to final map/improvement plan approval, Developer shall submit a

final construction cost estimate and pay the remaining 60% of the revised plan check and inspection fees based on the final revised construction cost estimate and other related fees that the property is subject to, enter into a property improvement agreement, and provide payment and performance bonds.

- d. The fees shall be based on the current comprehensive fee schedule in effect at the time of fee payment, consistent with city policy.
- e. The sum of all fair-share contributions in lieu of construction of the improvements shall be recalculated to reflect current construction costs as identified in each traffic mitigation improvement condition as indicated. Details as to fair-share amount, schedule for payment of fair-share contribution, or construction, shall be established in a subsequent agreement, to be worked out between City and developer, prior to issuance of the first building permit.
- f. The project's estimated Traffic Impact Fee for 202 units is \$9,099 per unit (high density residential) for a total of \$1,837,998.00 based on the currently effective fee schedule dated July 1, 2015. Based on the fee schedule that will be effective on July 1, 2018, the estimated Traffic Impact Fee is \$9,372 per unit (high density residential) for a total of \$1,893,144.00. The Traffic Impact Fee will be due prior to building occupancy. Note that there will be another 3% traffic impact fee increase beginning July 1, 2019. The Traffic Impact fee and other development impact fees due for this project shall be based on the current comprehensive fee schedule in effect at the time of fee payment, consistent with city policy.

50. TRANSPORTATION

- a. Developer shall submit photometric plans prior to first building permit issuance.
- b. Developer shall install all joint trench to have (4) dedicated 1^{1/2"} SCH 80 PVC conduit for City Fiber Optic need in a quad duct arrangement along Santa Teresa and First Street frontage. Quad duct shall be per City STD EL- 11.
- c. Developer shall install all street light conduits as 2" SCH40 PVC per City Standard EL-1 and related pull boxes shall follow City Standard EL-14.
- d. Final streetlight locations shall be to the satisfaction of the City Transportation Engineer and shall follow City standards.
- e. Developer shall design driveway grades to keep the automobile from dragging or "bottoming out" on the street or driveway and to keep water collected in the street from the flowing onto the lots. The details of such design shall be provided at improvement plan phase and shall be to the satisfaction of the City Transportation Engineer.
- f. Any work in the public right-of-way shall require a traffic control plan prepared by a licensed, professional engineer with experience in

preparing such plans. Traffic Control Plan shall be prepared in accordance with the requirements of the latest edition of the California Manual on Uniform Traffic Control Devices. The Traffic Control Plan shall be included in the Improvement Plans and shall be approved prior to grading permit issuance.

- g. Prior to the issuance of 100th building permit, provide for VTA-approved bus stop along the First Street frontage of the project to support the extension of the Line 19 bus route. Contact Rod Ballesteros, Operations Manager at VTA (408) 321-2300 for design requirements.
- h. At improvement plan phase, Developer shall provide street lighting per current Public Works standard LED type 15 arrangement.
- i. Prior to the issuance of the first building permit, Developer shall provide an on-site/off-site striping plan for review and approval by the Engineering Division.

51. GRADING/DRAINAGE

- a. All grading activity shall address National Pollutant Discharge Elimination System (NPDES) concerns. If all or part of the construction occurs during the rainy season, the developer shall submit an Erosion Control Plan to the Public Works Director for review and approval. This plan shall incorporate erosion control devices and other techniques in accordance with Municipal Code § 27C to minimize erosion. Specific measures to control sediment runoff, construction pollution and other potential construction contamination sediment runoff, construction pollution and other potential construction contamination shall be addressed through the Erosion Control Plan and Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall supplement the Erosion Control Plan and project improvement plans. These documents shall also be kept on-site while the project is under construction. A Notice of Intent (NOI) shall be filed with the State Water Resources Control Board, with a copy provided to the Engineering Division before a grading permit will be issued. WDID# shall be provided prior to Improvement Plan/Final Map approval.
- b. All grading operations and soil compaction activities shall be per the approved project's geotechnical report that was prepared for the design of the project and shall be subject to the approval of the Public Works Director. Site preparation and cut/fill construction shall be conducted under the observation of, and tested by, a licensed soils or geotechnical engineer. A report shall be filed with the City of Gilroy for each phase of construction, stating that all site preparation and cut/fill construction were performed in conformance with the requirements of the project's geotechnical report. This shall be subject to review and approval by the Engineering Division. The developer shall add this condition to the general notes on the grading plan.
- c. Prior to issuance of the first building permit, the applicant's soils engineer shall review the final grading and drainage plans to ensure that designs for foundations, retaining walls, site grading, and site

drainage are in accordance with their recommendations and the peer review comments. The applicant's soils engineer's approval shall then be conveyed to the City either by letter or by signing the plans.

52. TRANSPORTATION

All streets and alleys shall be private and maintained by the HOA.

53. TRANSPORTATION - At first plan submittal developer shall model all Solid Waste Vehicle circulation movements, as a separate plan sheet. The circulation plan shall be prepared to the City Engineer's satisfaction, and modeled with AutoTurn swepth analysis software, all turning and street circulation movements.

54. TRANSPORTATION

At first plan submittal developer shall model all Emergency Vehicle circulation movements, as a separate plan sheet. The circulation plan shall be prepared to the City Engineer's satisfaction, and modeled with AutoTurn swepth analysis software, all turning and street circulation movements.

55. WATER CONSERVATION: The project shall fully comply with the measures required by the City's Water Supply Shortage Regulations Ordinance (Gilroy City Code, Chapter 27, Article VI), and subsequent amendments to meet the requirements imposed by the State of California's Water Board. This ordinance established permanent voluntary water saving measures and temporary conservation standards.

- a. All construction water from fire hydrants shall be metered and billed at the current hydrant meter rate.
- b. Recycled water shall be used for construction water, where available, as determined by the Public Works Director. Recycled water shall be billed at the municipal industrial rate based on the current Santa Clara Valley Water District's municipal industrial rate.
- c. Where recycled water is not available, as determined by the Public Works Director, potable water shall be used. All City potable water will be billed based on the City's comprehensive fee schedule under the Portable Fire hydrant meter rate.

56. WATER: The Developer shall perform field verification testing of the water system and will modify any part of the systems that does not perform to the standards established by the City.

57. UTILITIES

- a. Sanitary sewer laterals and/or water meters located in driveways shall have traffic rated boxes and lids.
- b. All mainline storm drain piping shall have a minimum diameter of 18 inches and the lateral connections shall have a minimum diameter of 15 inches.
- c. The Developer/Contractor shall make accessible any or all City utilities

- as directed by the Public Works Director.
 - d. Storm and sewer lines in private areas shall be privately maintained unless approved by the Public Works Director.
 - e. Improvement plans are required for all on-site and off-site improvements. The following items will need to be completed prior to first building permit submittal:
 - i. The Developer shall provide joint trench composite plans for the underground electrical, gas, telephone, cable television, and communication conduits and cables including the size, location and details of all trenches, locations of building utility service stubs and meters and placements or arrangements of junction structures as a part of the Improvement Plan submittals for the project. Show preferred and alternative locations for all utility vaults and boxes if project has not obtained PG&E approval. A licensed Civil or Electrical Engineer shall sign the composite drawings and/or utility improvement plans. (All dry utilities shall be placed underground).
 - ii. The Developer shall negotiate right-of-way with Pacific Gas and Electric and other utilities subject to the review and approval by the Engineering Division and the utility companies.
 - iii. "Will Serve Letter" from each utility company for the subdivision shall be supplied to the City.
 - f. Joint trench composite plans shall be approved prior to final map/improvement plan approval or as otherwise determined by the Public Works Director/City Engineer.
 - g. A note shall be placed on the joint trench composite plans which states that the plan agrees with City Codes and Standards and that no underground utility conflict exists.
 - h. Prior to any construction of the dry utilities in the field, the following will need to be supplied to the City:
 - i. A professional engineer-signed and PG&E-approved original electrical plan.
 - ii. A letter from the design Electrical or Civil Engineer that states the electrical plan conforms to City codes and Standards, and to the approved subdivision improvement plans.
58. NOTICING: At least one week prior to commencement of work, the Developer shall post at the site and mail to owners of property within (300') three hundred feet of the exterior boundary of the project site, to the homeowner associations of nearby residential projects and to the Engineering Division, a notice that construction work will commence on or around the stated date. The notice shall include a list of contact persons with name, title, phone number and area of responsibility. The person responsible for maintaining the list shall be included. The list shall be current at all times and shall consist of persons with authority to initiate corrective action in their area of responsibility. The names of individuals responsible for dust, noise and litter control shall be expressly identified in the notice.

59. **START OF CONSTRUCTION:** The City shall be notified at least two (2) working days prior to the start of any construction work and at that time the contractor shall provide a project schedule and a 24-hour emergency telephone number list.
60. **WORKING HOURS:** Construction activity shall be restricted to the period between 7:00 a.m. to 7:00 p.m. Mondays through Fridays, Saturday 9:00 a.m. to 7:00 p.m. for general construction activity. No work shall be done on Sundays and City Holidays. The Public Works Director will apply additional construction period restrictions, as necessary, to accommodate standard commute traffic along arterial roadways and along school commute routes.
61. **WORK INSPECTION:** All work shown on the improvement plans shall be inspected. Uninspected work shall be removed as deemed appropriate by the Public Works Director.
62. **HAUL PERMIT:** If the project has excess fill or cut that will be off-hauled to a site or on-hauled from a site within the city limits of Gilroy, an additional permit is required. This statement must be added as a general note to the Grading and Drainage Plan.
63. **DUST CONTROL:** Blowing dust shall be reduced by timing construction activities so that paving and building construction begin as soon as possible after completion of grading, and by landscaping disturbed soils as soon as possible. Further, water trucks shall be present and in use at the construction site. All portions of the site subject to blowing dust shall be watered as often as deemed necessary by the City, or a minimum of three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites in order to insure proper control of blowing dust for the duration of the project. Watering on public streets shall not occur. Streets will be cleaned by street sweepers or by hand as often as deemed necessary by the Public Works Director, or at least once a day. Watering associated with on-site construction activity shall take place between the hours of 8 a.m. and 5 p.m. and shall include at least one late-afternoon watering to minimize the effects of blowing dust. All public streets soiled or littered due to this construction activity shall be cleaned and swept on a daily basis during the workweek to the satisfaction of the Public Works Director. Demolition or earthwork activities shall be halted when wind speeds (instantaneous gusts) exceed 25 MPH. All trucks hauling soil, sand, or other loose debris shall be covered.
64. **CONSTRUCTION STREET PARKING:** No vehicle having a manufacturer's rated gross vehicle weight exceeding ten thousand (10,000) pounds shall be allowed to park on the portion of a street which abuts property in a residential zone without prior approval from the Public Works Director (§ 15.40.070).

65. **STREET MAINTENANCE:** It is the responsibility of the contractor to make sure that all dirt tracked into the public right-of-way is cleaned up on a daily basis. Mud, silt, concrete and other construction debris shall not be washed into the City's storm drains.
66. **RESTORATION OF PUBLIC IMPROVEMENTS:** The developer shall repair or replace all existing improvements not designated for removal that are damaged or removed because of developer's operations. Improvements such as, but not limited to: curbs, gutters, sidewalks, driveways, signs, pavements, raised pavement markers, thermoplastic pavement markings, etc. shall be repaired and replaced to a condition equal to or better than the original condition. Existing improvement to be repaired or replaced shall be at the direction of the Engineering Construction Inspector, and shall comply with all Title 24 Disabled Access provisions. Developer shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.
67. **FINAL MAP:** The tentative map and all final maps shall designate all common lots and easements as lettered lots or lettered easements. The Final map should be clear on the limits of Public vs. Private (HOA) responsibilities. The Final map should also be clear of the HOA vs. Homeowners responsibilities.
68. **FINAL MAP:** Prior to final map approval, the developer shall establish a homeowner association. The homeowner association shall be responsible for the maintenance of the landscaping, walls, private streetlights, private utilities, private streets, and common areas, and shall have assessment power. HOA shall be responsible maintenance of the Storm Water Control treatment areas and the CC&R's shall describe how the stormwater BMPs associated with privately owned improvements and landscaping shall be maintained by the association. This information shall be clearly included in the Conditions.
69. **MONUMENTS**
 - a. A minimum of one exterior monument shall be set. Additional monuments can be required by the City Engineer or City Surveyor as deemed necessary.
 - b. Location of monuments shall be tied out prior to work. Any City monument damaged, displaced or destroyed shall be replaced at the developer's sole expense.
 - c. In accordance with the California Professional Land Surveyors' Act (Business and Professions Code) Chapter 15 Sections 8771 and 8725, California Penal Code 605, and California Government Code 27581, the developer, their employees, subcontractors, and/or any person performing construction activities that will or may disturb an existing roadway/ street monument, corner stake, or any other permanent surveyed monument shall show all current monuments on the plans and shall ensure that a Corner Record and/or Record of Survey are filed with the County Surveyor Office prior to disturbing said monuments. All disturbed or destroyed monuments shall be

reset and filed in compliance with Section 8771.

70. **GRADE CERTIFICATION:** Certification of grades and compaction is required prior to Building Permit final. This statement must be added as a general note to the Grading and Drainage Plan.
71. **ACCEPTANCE OF IMPROVEMENTS:** Until such time as all improvements required are fully completed and accepted by City, Developer will be responsible for the care maintenance of and any damage to such improvements. City shall not, nor shall any officer or employee thereof, be liable or responsible for any accident, loss or damage, regardless of cause, happening or occurring to the work or Improvements required for this project prior to the completion and acceptance of the work or Improvements. All such risks shall be the responsibility of and are hereby assumed by the Developer.

PUBLIC WORKS/ENGINEERING DIVISION SPECIAL CONDITIONS

72. **UTILITY PLAN:** Prior to issuance of construction permits, applicant shall revise the Utility Plan to comply with the following:
 - a. Provide missing invert elevations for the sanitary sewer system.
 - b. Revise invert information on private streets to show the correct direction of flow.
73. **UTILITY PLAN:** All utilities shall be private (Storm, Water, Sewer)
74. **STORMWATER:** This project shall comply with post-construction stormwater quality requirements per Chapter 27D of the Gilroy Municipal Code.
 - a. At grading permit phase, submit design level Stormwater Management Plan for review and approval that includes the following:
 - i. Areas to be converted to pervious surface: The type of pervious surface(s) and proposed areas for conversion shall be to the satisfaction of the Community Development Director and Public Works Director or their designees.
 - ii. Stormwater Treatment Summary Table that meets the required percentage of equivalent impervious surface area.
 - iii. stormwater calculations
 - iv. Overland release arrows
 - v. A report including the above items and summarizing existing conditions, design summary, opportunities/constraints regarding the stormwater management design, and detailed explanation of all aspects of the stormwater management design.
 - b. At grading permit phase, applicant shall submit the final signed Performance Requirement Certifications specified in the Stormwater Guidance Manual.
 - c. Stormwater BMP Operation and Maintenance Agreement

- i. Prior to the issuance of the first building permit, the Developer of the site shall enter into a formal written Stormwater BMP Operation and Maintenance Agreement with the City. The City shall record this agreement, against the property or properties involved, with the County of Santa Clara and it shall be binding on all subsequent owners of land served by the storm water management treatment BMPs. The City- standard Stormwater BMP Operation and Maintenance Agreement will be provided by Public Works Engineering.
 - ii. This Agreement shall require that the BMPs not be modified and BMP maintenance activities not alter the designed function of the facility from its original design unless approved by the City prior to the commencement of the proposed modification or maintenance activity.
 - iii. This Agreement shall also provide that in the event that maintenance or repair is neglected, or the stormwater management facility becomes a danger to public health or safety, the city shall have the authority to perform maintenance and/or repair work and to recover the costs from the owner.
 - iv. All on-site stormwater management facilities shall be operated and maintained in good condition and promptly repaired/replaced by the property owner(s), an owners' or homeowners' association or other legal entity approved by the City.
 - v. Any repairs or restoration/replacement and maintenance shall be in accordance with City-approved plans.
 - vi. The property owner(s) shall develop a maintenance schedule for the life of any stormwater management facility and shall describe the maintenance to be completed, the time period for completion, and who shall perform the maintenance. This maintenance schedule shall be included with the approved Stormwater Runoff Management Plan.
- d. Stormwater BMP Inspections will be required for this project and shall adhere to the following:
- i. The property owner(s) shall be responsible for having all stormwater management facilities inspected for condition and function by a knowledgeable third party.
 - ii. Unless otherwise required by the City Engineer or designee, stormwater facility inspections shall be done at least twice per year, once in fall, in preparation for the wet season, and once in winter. Written records shall be kept of all inspections and shall include, at minimum, the following information:
 - iii. Site address;
 - iv. Date and time of inspection;
 - v. Name of the person conducting the inspection;
 - vi. List of stormwater facilities inspected;
 - vii. Condition of each stormwater facility inspected;
 - viii. Description of any needed maintenance or repairs; and

- ix. As applicable, the need for site re-inspection.
 - e. Upon completion of each inspection, an inspection report shall be submitted to Public Works Engineering no later than October 1st for the fall report, and no later than March 15th of the following year for the winter report.
75. STORMWATER: All stormwater management design facilities shall not conflict with surrounding structures, footings, utilities, etc. All BMP and LID design shall consider the proximity to existing and proposed structures.
 76. STORMWATER: The Civil design engineer shall ensure that the landscape design does not conflict or obstruct the design, use, and maintenance of stormwater management facilities. All landscape planting shall not interfere with the stormwater management design and facilities.

FIRE DEPARTMENT STANDARD CONDITIONS

77. TM Conditions shall be included on off-site improvement plans as "Fire Department Notes" Prior to street completion the Fire Marshal shall be contacted and a fire clearance for off-site improvements be scheduled. No building permits will be issued without a Fire –Off-Site Improvement Inspection and Fire Flow Test administered by the Fire Marshal.
78. Secondary access shall be provided when 30 or more units served. Secondary Access does not need to serve as public access, however the roadway shall meet the City standards as a street. Any alternative designs are subject to review and approval by the Fire Chief.
79. Gated Access Roadways shall be provided with electronic and provided with a click to open electronic opening system compatible with the Fire Department equipment as well as KNOX key over ride for both Fire and Police access.
80. Fire Hydrants shall be able to flow 1500 gpm with a 20 psi residual pressure. Street Hydrants shall be spaced every 300 ft., and within 150 ft. of any building. Off-site improvement plan shall provide Fire Hydrants per the City Standard for type, location, red curb and blue reflective marker placement. Hydrants shall be installed prior to commencement of construction with combustible materials. Note: if hydrant placement causes a parking space to be obstructed the parking space shall be replaced at another location in the development.
81. All homes shall be provided with water laterals and meters sized to allow for a residential NFPA 13d fire sprinkler system. At a minimum the off-site improvement plan shall provide 1.5 inch water laterals and 1" meters sized to allow for a residential NFPA 13d fire sprinkler system. A fire flow test

shall be obtained from the Fire Marshal for the purpose of Fire Sprinkler design.

82. Roadways shall provide a minimum 20 feet of unobstructed travel. Vertical clearance of not less than 13.5 ft. shall be provided. Turning radius shall not be less than 32' inside and 39'. Dead end streets greater than 150' in shall be provided with a cul-de-sac of 78' diameter unless they qualify for an exemption.
83. Road widths shall be as follows:
 - a. Less than 28 ft., no parking on either side
 - b. Less than 36 ft., no parking on one side.
 - c. At or over 36 ft., parking not restricted.
 - d. 78' diameter cul-de-sac no parking.
 - e. 98' diameter cul-de-sac parking not restricted
84. Where parking is restricted, curbs shall be painted red at installation with the stencil FIRE LANE every 25 feet, or every 75 feet No Parking - Fire Lane signs shall be installed per MUTCD standard at street completion. Repainting may be necessary at final project completion and prior to tract acceptance. Include curbing and/or signage details in the Off-Site improvement plans. Private roadway striping and/or signage shall be enforced and maintained by the HOA. A parking enforcement plan will be required.
85. Street naming shall be done prior to off-site improvement plan and building plan submittal. Street A shall be named as two streets as the City Street naming policy does not provide for a street name to continue in a perpendicular route. Addresses shall be assigned by the City Engineering Section prior to improvement plan and building permit submittal. Street signage shall be installed prior to any on-site improvements (foundations or buildings) has begun.
86. Open Spaces, including storm water detention/retention basins, agricultural lots, landscaped and naturally vegetated areas shall have vegetation management to remove dead plants and debris, and to remove, disc or mow weeds during weed abatement season from April to November of each year. In HOA managed areas the HOA shall be responsible. For privately owned property it shall be performed by the property owner.

FIRE DEPARTMENT SPECIAL CONDITIONS

87. Turning radii for Fire Apparatus on private streets in the project shall be to the approval of the Fire Marshal prior to approval of the final map.
88. The EVA shall meet City Standard Roadway criteria for compaction, drainage and weight bearing for a Fire apparatus. If a design is not accepted the EVA shall be constructed as a roadway.

89. Prior to scheduling the proposed development for City Council consideration, the applicant shall re-design the site plan to properly accommodate the turning movement of all emergency response vehicles to the satisfaction of the Fire Chief and Community Development Director. The necessary re-design shall not result in any loss of existing landscaping or parking, as conditioned, nor shall the re-design result in any significant alterations to the on-site stormwater retention requirements.

Exhibit B**Zoning Amendment Z 13-08, Vesting Tentative Map TM 13-11 and Architectural and Site Review AS 13-35****MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure		Monitoring Phase/Timing	Monitoring Procedure	Implementing Party/Agency	Verification of Compliance		
					Initials	Date	Remarks
Air Quality							
AQ-1	The following Best Management Practices (BMPs) (as set forth in Table 8-1, BAAQMD Basic Construction Mitigation Measures, outlined in the BAAQMD <i>CEQA Air Quality Guidelines</i>), shall be included in the Project's construction-contract specifications. The control measures shall be implemented during the duration of all proposed construction activities: • All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. • All haul trucks transporting soil, sand, or other loose material off-site shall be covered. • All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. • All vehicle speeds on unpaved roads shall be limited to 15 mph. • All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. • Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure • Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.	Prior to Issuance of Demolition Permit or Grading Permit	Review of Project Plans; Construction Inspections	Building & Safety Division			
	• All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. • Post a publicly visible sign with the telephone number and person to contact at the Town regarding dust complaints. This person shall						

Mitigation Measure		Monitoring Phase/Timing	Monitoring Procedure	Implementing Party/Agency	Verification of Compliance												
					Initials	Date	Remarks										
	respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.																
Biological Resources																	
BIO-1	The Project shall implement the following design recommendation: a. Establish and plot onto all plans the vertical and horizontal locations of all trees identified for preservation, and forward the plans to the Consulting Arborist for review and comment. b. Any changes to the plans affecting the trees shall be reviewed by the Consulting Arborist with regard to tree impacts. These include, but are not limited to, demolition plans, improvement plans, utility and drainage plans, grading plans, and landscape and irrigation plans. c. A Tree Protection Zone (TPZ) shall be established around each tree to be preserved. TPZs for trees identified for preservation are identified in the following table. No trenching, excavation, construction or storage of materials shall occur within that zone. No underground services including utilities, sub-drains, water or sewer shall be placed in the TPZ. Spoil from trench, footing, utility, or other excavation shall not be placed within the TPZ, either temporarily or permanently. <table><tr><th>Tree No.</th><th>TPZ</th></tr><tr><td>#21 and 25-31</td><td>5'W. DL in all other directions</td></tr><tr><td>#81-84</td><td>5' N. DL in all other directions</td></tr><tr><td>#22 and 23</td><td>10' W. DL in all other directions</td></tr><tr><td colspan="2">Note: DL = Dripline</td></tr></table> d. The Tree Preservation Guidelines, prepared by the Consulting Arborist, shall be included on all plans. e. Underground services including utilities, sub-drains, water or sewer shall be routed around the Tree Protection Zone. Where encroachment cannot be avoided, special construction techniques such as hand digging or tunneling under roots shall be employed to minimize root injury. f. Locate all temporary access roads to remain outside TPZs. g. Any herbicides placed under paving materials must be	Tree No.	TPZ	#21 and 25-31	5'W. DL in all other directions	#81-84	5' N. DL in all other directions	#22 and 23	10' W. DL in all other directions	Note: DL = Dripline		Prior to Issuance of Demolition Permit or Grading Permit	Review of Project Plans; Construction Inspections	Planning Division			
Tree No.	TPZ																
#21 and 25-31	5'W. DL in all other directions																
#81-84	5' N. DL in all other directions																
#22 and 23	10' W. DL in all other directions																
Note: DL = Dripline																	

Mitigation Measure		Monitoring Phase/Timing	Monitoring Procedure	Implementing Party/Agency	Verification of Compliance		
					Initials	Date	Remarks
	safe for use around trees and labeled for that use.						
	h. Irrigation systems must be designed so that no trenching shall occur within the TPZs.						
BIO-2	The Project shall implement the following preconstruction treatments and recommendations: a. The construction superintendent shall meet with the Consulting Arborist before beginning work to discuss work procedures and tree protection. b. Fence all trees to be retained to completely enclose the TPZ prior to demolition, grubbing or grading. Fences shall be 6' high chain link, mounted to steel posts firmly driven into the ground or on stanchions fastened securely with rebar staples 12" deep, as required by the City. Fences are to remain until all grading and construction is completed. c. Trees recommended for preservation may require clearance pruning for construction. All pruning shall be completed by a Certified Arborist or Tree Worker and adhere to the latest edition of the ANSI Z133 and A300 standards as well as the <i>Best Management Practices—Tree Pruning</i>, published by the International Society of Arboriculture. d. Structures and underground features to be removed within the TPZ shall use the smallest equipment, and operate from outside the TPZ. The consultant shall be onsite during all operations within the TPZ to monitor demolition activity. e. A 4-6" wood chip mulch shall be applied and maintained within the TPZ.	Prior to Issuance of Demolition Permit or Grading Permit	Review of Project Plans; Construction Inspections	Planning Division			
BIO-3	The Project shall implement the following recommendations for tree protection during construction: a. Prior to beginning work, all contractors working in the vicinity of trees to be preserved are required to meet with the Consulting Arborist at the site to review all work procedures, access routes, storage areas and tree protection measures. b. No grading, construction, demolition or other work shall occur within the TPZs. Any modifications must be approved and monitored by the Consulting Arborist. c. Any excavation within the dripline or other work that is expected to encounter tree roots shall be approved and monitored by the Consulting Arborist. Roots shall be cut by manually digging and trench and cutting	Prior to Issuance of Demolition Permit or Grading Permit	Review of Project Plans; Construction Inspections	Planning Division Building & Safety Division			

Mitigation Measure		Monitoring Phase/Timing	Monitoring Procedure	Implementing Party/Agency	Verification of Compliance		
					Initials	Date	Remarks
	exposed roots with a sharp saw. The Consulting Arborist shall identify where root pruning is required. d. If injury should occur to any tree during construction, it shall be evaluated as soon as possible by the Consulting Arborist so that appropriate treatments can be applied. e. Any roots damaged during grading or construction shall be exposed to sound tissue and cut cleanly with a saw. f. Fences have been erected to protect trees to be preserved; these fences define a specific TPZ for each tree or group of trees. Fences shall remain until all site work has been completed. Fences shall not be relocated or removed without permission of the Consultant. g. Construction trailers, traffic and storage areas shall remain outside fenced areas at all times. h. Prior to grading, pad preparation, excavation for foundations/footings/walls, trenching, trees may require root pruning outside the TPZ by cutting all roots cleanly to the depth of the excavation. Roots shall be cut by manually digging a trench and cutting exposed roots with a saw, with a vibrating knife, rock saw, narrow trencher with sharp blades, or other approved root pruning equipment. The Consulting Arborist shall identify where root pruning is required. i. No excess soil, chemicals, debris, equipment or other materials shall be dumped or stored within the TPZs. j. Any additional tree pruning needed for clearance during construction shall be performed by a Certified Arborist and not by PG&E or construction personnel.						
BIO-4	The Project shall implement the following measure for tree maintenance: a. a. Tree health and structural stability shall be monitored, since preserved trees may experience a physical environment different from that of predevelopment. Occasional pruning, fertilization, mulch, pest management, replanting and irrigation may be required.	Prior to Issuance of Demolition Permit or Grading Permit	Inclusion in Conditions of Approval	Planning Division			

Mitigation Measure		Monitoring Phase/Timing	Monitoring Procedure	Implementing Party/Agency	Verification of Compliance		
					Initials	Date	Remarks
BIO-5	Significant Trees - Replacement and Planting Measures. Prior to Grading Permit issuance, the Applicant shall contract with a certified arborist to determine the value of the significant trees to be removed. The value of the significant trees to be removed shall be used to enhance tree planting on the site, to the approval of the Planning Manager.	Prior to Issuance of Demolition Permit or Grading Permit	Inclusion in Conditions of Approval	Planning Division Building & Safety Division			
Hazards and Hazardous Materials							
HAZ-1	Prior to excavation, any soil, including soil that is excavated and/or hauled away for disposal shall be characterized by a qualified environmental professional for the possible presence of agricultural chemicals, according to state and federal regulations, in order to profile the soil for use and disposal.	Prior to Issuance of Demolition Permit or Grading Permit	Oversight of Investigation and Cleanup	Building & Safety Division Hazardous Materials Program			
HAZ-2	Prior to issuance of a Demolition Permit for any structures within the Project area (or prior to issuance of a Grading Permit for vacant properties), the property and any onsite structure(s) shall be evaluated for occurrence of asbestos-containing materials, lead-based paints, and/or other hazardous materials. The City of Gilroy Hazardous Materials Program would perform oversight of cleanup and investigation of hazardous materials and hazardous waste contamination. Cleanup activities shall include necessary techniques as determined by the City to verify conformance with regulatory cleanup levels for residential use.	Prior to Issuance of Demolition Permit or Grading Permit	Oversight of Investigation and Cleanup	Building & Safety Division Hazardous Materials Program			
Hydrology and Water Quality							
HYD-1	Prior to the issuance of the Grading Permit, the Applicant shall prepare a detailed Hydrology Study, approved by the City Engineer, demonstrating that all runoff would be treated and contained onsite. The Study shall demonstrate that all storm drain facilities are designed for the 25- year storm event protection.	Prior to Issuance of Demolition Permit or Grading Permit	Review and Approval of Hydrology Study	Engineering Division Building & Safety Division			
Noise							
N-1	Prior to Grading Permit issuance, the Project Applicant shall demonstrate, to the satisfaction of the City of Gilroy Planning Manager that the Project complies with the following: - Construction contracts specify that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and other state required noise attenuation devices. - Construction haul routes shall be designed to avoid noise sensitive uses (e.g., residences, convalescent homes, etc.), to the extent feasible.	Prior to Issuance of Demolition Permit or Grading Permit	Review of Project Plans; Construction Inspections	Planning Division Engineering Division Building & Safety Division			

Mitigation Measure		Monitoring Phase/Timing	Monitoring Procedure	Implementing Party/Agency	Verification of Compliance		
					Initials	Date	Remarks
	- During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receivers. - Construction activities shall not take place outside of the allowable hours specified by Gilroy City Code Section 16.38, <i>Hours of Construction</i> (between 7:00 AM and 7:00 PM on weekdays, and between 9:00 AM and 7:00 PM on Saturdays). Construction activities are not permitted on Sundays or City holidays.						
N-2	After the plot plans and architectural drawings have been developed, and prior to the issuance of Building Permits, the City of Gilroy Building Official shall confirm that the applicable project plans and specifications include sound-rated windows for Project residential areas immediately adjacent to First Street (SR-152) and Santa Teresa Boulevard (i.e., along the roadway or with a direct line of sight). All exterior windows for residences adjacent to First Street (SR- 152) and Santa Teresa Boulevard shall be constructed with upgraded windows to provide an airborne sound insulation system achieving a minimum Sound Transmission Class (STC) of 33. The final site design shall also implement centralized heating/ ventilation/air-conditioning (HVAC) units on all these dwelling units to ensure noise levels would be below 45 dBA CNEL with windows and doors closed. The Applicant, as an alternative, may retain a qualified acoustical consultant whom shall submit a report for an alternative means of sound insulation satisfactory to the City of Gilroy which achieves a maximum interior noise level of 45 dBA CNEL.	Prior to Issuance of Demolition Permit or Grading Permit	Review of Project Plans	Planning Division Building & Safety Division			
Transportation/Traffic							
TRA-1	Intersection 1 (Santa Teresa Boulevard / Fitzgerald Avenue) – The significant project impact to this intersection shall be mitigated with the addition of a separate northbound right-turn lane on Santa Teresa Blvd. to eastbound Fitzgerald Ave. Adding a separate northbound right-turn lane would improve the intersection level of service conditions to better than background conditions (LOC C and E during the AM and PM peak hours, respectively.) This improvement has been identified in the City's Traffic Circulation Master Plan (TCMP) and Traffic Impact Fee (TIF) Program. Thus, a Reimbursement Agreement would be developed between the City and the developer to complete the improvement such that the developer would be reimbursed for the cost of the improvement, less the project's fair-share contribution. Since this is a County facility and a County encroachment permit will be required, it is prudent to have the developer provide a fair-share contribution, in lieu of construction. Details as to fair-share amount, schedule for payment of fair-	Prior to Issuance of a Building Permit	Enter into an agreement	Engineering Division			

Mitigation Measure	Monitoring Phase/Timing	Monitoring Procedure	Implementing Party/Agency	Verification of Compliance		
				Initials	Date	Remarks
share contribution, or construction, shall be established in a subsequent agreement. It is estimated that the fair share contribution will be based on 5% of cumulative project trips passing through this intersection. The estimated cost of the improvement is \$2,062,181 in 2015 TIF dollars. The developer's fair-share cost is estimated at \$103,109.						
TRA-2 Intersection 3 (Santa Teresa Boulevard / Day Road East) – The cumulative project impact to this intersection shall be mitigated with the addition of a second northbound through lane on Santa Teresa Blvd. Adding a second northbound through lane would improve the intersection level of service conditions to better than cumulative (no project) conditions (LOS D during the AM peak hour.) This improvement has been identified in the City's Traffic Circulation Master Plan (TCMP) and Traffic Impact Fee (TIF) Program. Thus, a Reimbursement Agreement would be developed between the City and the developer to complete the improvement such that the developer would be reimbursed for the cost of the improvement, less the project's fair-share contribution. This condition was also assigned to another developer (Silveira – Tract 10230). This condition has been fully met by the Tract 10230 developer and is no longer in need of subsequent mitigations by the Imwalle Townhomes project.	Implemented by Tract 10230. No additional action needed					
TRA-3 Intersection 4 (Santa Teresa Boulevard / Sunrise Drive) – The significant project impact to this intersection shall be mitigated with the addition of a second northbound through lane on Santa Teresa Blvd. Adding a second northbound through lane would improve the intersection level of service conditions to better than background conditions (LOS B during the AM peak hour.) This improvement has been identified in the City's Traffic Circulation Master Plan (TCMP) and Traffic Impact Fee (TIF) Program. Thus, a Reimbursement Agreement would be developed between the City and the developer to complete the improvement such that the developer would be reimbursed for the cost of the improvement, less the project's fair-share contribution. Timing for completion of this improvement is revised as follows: Construction shall commence prior to issuance of the 100th building permit and construction shall be complete prior to issuance of the 150th building permit, and to the satisfaction of the City Traffic Engineer.	Prior to Issuance of a Building Permit	Enter into an agreement	Engineering Division			
TRA-4 Intersection 10 (Kelton Drive-Project Access / First Street) – This intersection is within Caltrans jurisdiction, the Project Applicant shall: 1) Coordinate with and obtain concurrence from Caltrans for the improvements outlined below; and 2) Fully design and install the following improvements prior to occupancy of first unit: Install "pork chop island" at northbound (Project driveway)	Prior to Issuance of a Building Permit	Enter into an agreement	Engineering Division			

Mitigation Measure		Monitoring Phase/Timing	Monitoring Procedure	Implementing Party/Agency	Verification of Compliance		
					Initials	Date	Remarks
	approach to restrict Project driveway access to only right-turns in and right-turns out. Northbound and southbound approaches would continue to be unsignalized stop-sign controlled. Full left-turn access would continue to be allowed from First Street onto Kelton Drive and from Kelton Drive onto First Street. (RBF mitigation MND TRA-6)						
TRA-5	Intersection 13 (Wren Avenue / Welburn Avenue) – The significant project impact to this intersection shall be mitigated by installing a traffic signal, as planned in the City's TCMP. This improvement includes signalizing the intersection, restriping all of the intersection approaches, and adding left-turn pockets on the east and west approaches. Additionally, 260 feet of parking would need to be removed on the east leg to accommodate the left-turn pocket. With implementation of these improvements, the overall intersection level of service would be LOS C during both peak hours. These improvements have been identified in the City's Traffic Circulation Master Plan (TCMP) and Traffic Impact Fee (TIF) Program. Thus, a Reimbursement Agreement would be developed between the City and the developer to complete the improvement such that the developer would be reimbursed for the cost of the improvement, less the project's fair-share contribution. The intersection of Wren Avenue and Welburn Avenue is also projected to be impacted by another proposed project, Las Animas Residential development, located along the east side of Wren Avenue just north of Welburn Avenue. The Las Animas project is currently awaiting city approval. Pending approval of the proposed project and the Las Animas Residential development, responsibility for implementation of the above mitigation measures may be shared between the two proposed projects. City suggests that both developers coordinate this mitigation for project delivery. Timing for completion of this improvement is revised as follows: Construction shall commence prior to issuance of the 100th building permit and construction shall be complete prior to issuance of the 150th building permit, and to the satisfaction of the City Traffic Engineer.	Prior to Issuance of a Building Permit	Enter into an agreement	Engineering Division			
TRA-6	Intersection 17 (Monterey Street / Fitzgerald Avenue-Masten Avenue) – The significant project impact to this intersection shall be mitigated by providing protected left-turns on the east and west approaches of the intersection. Additionally, by changing the east-west signal phase from split to protected, Fitzgerald Ave. would need to be widened to provide an exclusive eastbound left-turn lane. Implementation of the proposed improvements would improve the intersection level of service conditions to better than background conditions (LOS C and D during the AM and PM peak hours, respectively.)	Prior to Issuance of a Building Permit	Enter into an agreement	Engineering Division			

Mitigation Measure		Monitoring Phase/Timing	Monitoring Procedure	Implementing Party/Agency	Verification of Compliance		
					Initials	Date	Remarks
	This improvement has been identified in the City's Traffic Circulation Master Plan (TCMP) and Traffic Impact Fee (TIF) Program. Thus, a Reimbursement Agreement would be developed between the City and the developer to complete the improvement such that the developer would be reimbursed for the cost of the improvement, less the project's fair-share contribution. Since this is a County facility and a County encroachment permit will be required, it is prudent to have the developer provide a fair-share contribution, in lieu of construction. Details as to fair-share amount, schedule for payment of fair-share contribution, or construction, shall be established in a subsequent agreement. It is estimated that the fair share contribution will be based on 5% of cumulative project trips passing through this intersection. The estimated cost of the improvement is \$1,776,143 in 2015 TIF dollars. The developer's fair-share cost is estimated at \$88,807.						
TRA-7	Intersection 22 (US-101 SB Ramps / Masten Avenue) – The significant project impact to this intersection shall be mitigated by installing a traffic signal. The intersection level of service would be LOS B during both peak hours with signalization. This improvement has been identified in the City's Traffic Circulation Master Plan (TCMP) and Traffic Impact Fee (TIF) Program. Thus, a Reimbursement Agreement would be developed between the City and the developer to complete the improvement such that the developer would be reimbursed for the cost of the improvement, less the project's fair-share contribution. Since this is a County facility and a County encroachment permit will be required, it is prudent to have the developer provide a fair-share contribution, in lieu of construction. Details as to fair-share amount, schedule for payment of fair-share contribution, or construction, shall be established in a subsequent agreement. It is estimated that the fair share contribution will be based on 2.5% of cumulative project trips passing through this intersection. The estimated cost of the improvement is \$765,618 in 2015 TIF dollars. The developer's fair-share cost is estimated at \$19,140.	Prior to Issuance of a Building Permit	Enter into an agreement	Engineering Division			
TRA-8	Intersection 23 (US 101 Northbound Ramps / Masten Ave.) – The significant project impact to this intersection shall be mitigated by installing a traffic signal. The intersection level of service would be LOS C and B during the AM and PM peak hours, respectively, with signalization. This improvement has been identified in the City's Traffic Circulation Master Plan (TCMP) and Traffic Impact Fee (TIF) Program. Thus, a Reimbursement Agreement would be developed between the City and the developer to complete the improvement such that the developer would be reimbursed for the cost of the improvement, less the	Prior to Issuance of a Building Permit	Enter into an agreement	Engineering Division			

Mitigation Measure		Monitoring Phase/Timing	Monitoring Procedure	Implementing Party/Agency	Verification of Compliance		
					Initials	Date	Remarks
	project's fair-share contribution. Since this is a County facility and a County encroachment permit will be required, it is prudent to have the developer provide a fair-share contribution, in lieu of construction. Details as to fair-share amount, schedule for payment of fair-share contribution, or construction, shall be established in a subsequent agreement. It is estimated that the fair share contribution will be based on 2.5% of cumulative project trips passing through this intersection. The estimated cost of the improvement is \$788,118 in 2015 TIF dollars. The developer's fair-share cost is estimated at \$19,703.						



City of Gilroy

STAFF REPORT

Agenda Item Title: **Award a Contract to McKim Corporation for the FY23 Annual CDBG Sidewalk/Curb Ramp Project No. 23-PW-279 and Approve a Project Expenditure of \$271,205**

Meeting Date: March 6, 2023
 From: Jimmy Forbis, City Administrator
 Department: Public Works
 Submitted By: Daryl Jordan, Public Works Director
 Prepared By: Marco Martinez, Engineer I

STRATEGIC PLAN GOALS

Maintain and Improve City Infrastructure

RECOMMENDATION

- a) Award a contract to McKim Corporation in the amount of \$246,550 for the construction of the FY23 Annual CDBG Sidewalk/Curb Ramp Project No. 23-PW-279 and authorize the City Administrator to execute the contract and associated documents; and
- b) Approve a contingency amount of \$24,655 to be expended only with approved change orders for a maximum project expenditure of \$271,205.

EXECUTIVE SUMMARY

The City receives Community Development Block Grant (CDBG) Program funds from the U.S. Department of Housing and Urban Development (HUD). Eligible activities that can be funded under Capital Improvements include annual curb ramp and sidewalk improvements, principally within low- and moderate-income neighborhoods. For this reason the FY23 Annual CDBG Sidewalk/Curb Ramp Project (the Project), No. 23-PW-279, was created. The Project will upgrade curb ramps that are not in compliance with the Americans with Disabilities Act (ADA).

The CDBG capital improvement allocation for the Project was approved previously by the City Council through the FY 2021-22 CDBG allocation of \$70,592 and FY 2022-23

CDBG allocation of \$145,090. The Annual Action Plans identified the sidewalk and curb ramp project as public improvements that create safe pedestrian pathways in low- and moderate-income neighborhoods.

Staff advertised the Project in the San Jose Mercury News and on the City's website and received two bids. After a successful bid opening, staff recommends awarding a contract to the lowest bidder, McKim Corporation, in the amount of \$246,550. In addition, staff recommends approval of a contingency in an amount not to exceed \$24,655. Including the base bid amount and contingency, Council is requested to approve a maximum expenditure of \$271,205 to construct the Project. Staff identified unspent prior year resources from CDBG funds that can be used to fund the overage that exists due to the bid being higher than the Engineer's Estimate. The entire Project will be funded through grant money received from the CDBG Program.

BACKGROUND

The City is a designated "entitlement" jurisdiction participating in the U.S. Department of Housing and Urban Development's (HUD) Community Development Block Grant (CDBG) Program. This classification as an "entitlement" jurisdiction allows the City to receive an annual allocation of CDBG funds. The City is required to spend a minimum amount of these funds each year. The City is also required to submit an Annual Action Plan (Plan) which identifies specific projects/activities within that fiscal/program year. Community Development Department and Public Works Department staff collaborated to identify projects that qualify as defined by HUD.

The City receives Community Development Block Grant (CDBG) Program funds from the U.S. Department of Housing and Urban Development (HUD). Eligible activities that can be funded under Capital Improvements include, among others, the annual curb ramp and sidewalk improvements, principally within low- and moderate-income neighborhoods. For this reason, the FY23 Annual CDBG Sidewalk/Curb Ramp Project (the Project), No. 23-PW-279, was created. The Project will upgrade curb ramps that are not in compliance with the Americans with Disabilities Act (ADA).

The CDBG capital improvement allocation for the Project was approved previously by the City Council through the FY 2021-22 CDBG allocation of \$70,592 and FY 2022-23 CDBG allocation of \$145,090. The Annual Action Plans identified the sidewalk and curb ramp project as public improvements that create safe pedestrian pathways in low- and moderate-income neighborhoods. Staff identified unspent prior year resources from CDBG allocations that can be used to fund the entire Project.

ANALYSIS

Staff advertised the Project in the San Jose Mercury News and on the City's website and received two bids. After a successful bid opening, staff recommends awarding a contract to the lowest bidder, McKim Corporation, in the amount of \$246,550. In addition, staff recommends approval of a contingency in an amount not to exceed \$24,655. Including the base bid amount and contingency, Council is requested to

approve a maximum expenditure of \$271,205 to construct the Project. The Project will be funded through grant money received from the CDBG Program.

Staff identified and prioritized work for infrastructure improvements based on the following criteria:

1. Upgrading existing curb ramps on streets to be resurfaced or rehabilitated in upcoming pavement rehabilitation projects.
2. Closing sidewalk gaps that may be present on the streets to be resurfaced or rehabilitated in upcoming pavement rehabilitation projects.
3. Construction of new curb ramps.

Title II of the ADA requires state and local governments to provide ADA-compliant curb ramps along pedestrian routes in the public right of way whenever streets are altered. Alterations include reconstruction, rehabilitation, resurfacing, and widening.

Based on the Engineer's Estimate, it was anticipated that there would be enough CDBG funds to upgrade a total of twenty-three curb ramps in FY23. Therefore, staff identified twenty-three locations that would require curb ramp removal and replacement, new construction, or retrofitting due to the FY23 Annual Citywide Pavement Rehabilitation Project.

The Project includes ADA curb ramp improvements at the following locations:

1. La Paloma Way / Chiesa Drive
Southwest and Southeast Corners
2. Welburn Avenue/ Carmel Street
Northwest, Southwest and Northeast Corners
3. El Cerrito Way / Glenwood Drive
Northeast and Northwest Corners
4. Welburn Avenue / Glenwood Drive
Southeast and Southwest Corners
5. El Toro Drive / Hanna Street
Northeast and Southeast Corners
6. El Toro Drive / La Coche Way
Northeast and Southeast Corners
7. Hanna Street / Welburn Avenue
Northwest and Southwest
8. Hanna Street / Sherwood Drive
All Four Corners

9. Hanna Street / Arnold Drive
All Four Corners

On February 3, 2023, staff advertised the Project in the San Jose Mercury News and on the City's website with a bid opening date of February 23, 2023. One addendum was issued for this bid on February 13, 2023. Staff received two bids for the Project. A summary of the bid results is shown below:

RANK	COMPANY NAME	TOTAL BID AMOUNT
1	McKim Corporation	\$246,550.00
2	Golden Bay Construction	\$341,943.00

The lowest responsive bidder is McKim Corporation with a total bid of \$246,550. The Engineer's Estimate was \$195,870. The lowest bid is 26% higher than the Engineer's Estimate. The bid is higher than the Engineer's Estimate due to unforeseen concrete material cost increases.

Staff recommends awarding the construction contract to McKim Corporation for the following reasons:

1. The Project is time sensitive. Not awarding this contract may jeopardize the allocation of future CDBG funds from HUD due to not utilizing funds in a timely manner.
2. The curb ramp improvements are along streets that will be resurfaced in FY23 using Gas Tax, Vehicle Registration Fee, SB-1, and Measure B funding. Streets that are resurfaced are required to have their associated curb ramps upgraded. Upgrading the curb ramps along these streets in advance of the paving project will allow more of these funds to be spent on paving the City's streets.

Staff anticipates construction of the Project to begin in March 2023 and to be completed in May 2023.

ALTERNATIVES

The alternative to the staff recommendations is to reject all bids. Staff does not recommend this option as this will jeopardize the allocation of future CDBG funds from HUD due to not utilizing funds in a timely manner.

FISCAL IMPACT/FUNDING SOURCE

Staff recommends award of the contract in the amount of \$271,205. The City receives Community Development Block Grant (CDBG) Program funding annually from the United States Department of Housing and Urban Development (HUD). The funding for this Project is through the City's previously approved FY 2021-22 CDBG allocation and

FY 2022-23 CDBG allocation, and prior year resources that are still available in the CDBG program. The funds will be expended in the City's CDBG fund (Fund 245). There are sufficient budgetary appropriations available to accommodate this project's expenditure. No additional appropriations are needed at this time.

PUBLIC OUTREACH

Outreach material will be provided via the City's social media channels and E-mail Express to ensure the public is aware of the Project. The contractor also will be notifying nearby residents twice; both two weeks and 48 hours in advance of construction.

NEXT STEPS

Upon Council's approval of this contract, the contract will be executed, and Staff will work with the contractor to develop a final construction schedule to begin construction in March 2023.

Attachments:

1. McKim Contractor – Agreement
2. 23-PW-279 Plans

SECTION 00500 AGREEMENT

FY23 ANNUAL CDBG SIDEWALK/CURB RAMP PROJECT NO. 23-PW-279

THIS AGREEMENT, made this 27th day of February, 2023, by and between the City of Gilroy, hereinafter called the "City," and McKim Corporation hereinafter called the "Contractor."

WITNESSETH:

WHEREAS, the City has caused the Contract Documents to be prepared comprised of bidding and contract requirements and technical specifications and drawings for the construction of the FY23 Annual CDBG Sidewalk/Curb Ramp Project No. 23-PW-279, as described therein, and

WHEREAS, the Contractor has offered to perform the proposed work in accordance with the terms of the Contract Documents.

NOW, THEREFORE, in consideration of the mutual covenants and agreements of the parties herein contained and to be performed, the City and Contractor agree as follows:

Article 1. Work.

Contractor shall complete the Work as specified or indicated in the Contract Documents.

Article 2. Contract Time.

The Work shall be completed by the Contractor in accordance with the Contract Documents within the time period required by Paragraph 00810-2.0, Time Allowed for Completion, subject to extension as expressly provided in the Contract Documents.

Article 3. Liquidated Damages.

The city and the contractor recognize that the city will suffer substantial damages and significant financial loss as a result of the contractor's delays in performance of the work described in the contract documents. The city and the contractor hereby acknowledge and agree that the damages and financial loss sustained as

a result of any such delays in performance will be extremely difficult and impractical to ascertain. Therefore, the city and contractor hereby agree that in the event of such delays in performance, the city shall be entitled to compensation by way of liquidated damages (and not penalty) for the detriment resulting therefrom in accordance with paragraph 00700-6.5, liquidated damages, of the contract documents. The city and the contractor further agree that the amounts designated as liquidated damages are a reasonable estimate of the city's damages and financial loss in the event of any such delays in performance considering all of the circumstances existing as of the date of this agreement, including the relationship of such amounts to the range of harm to the city which reasonably could be anticipated as of the date of this agreement and the expectation that proof of actual damages would be extremely difficult and impractical.

By initialing this paragraph below, the parties hereto signify their approval and consent to the terms of this article 3.

City's Initials



Contractors Initials

Article 4. Contract Price.

In consideration of the Contractors performance of the Work in accordance with the Contract Documents, the City shall pay the Contract Price set forth in the Contract Documents.

Article 5. Contract Documents.

The Contract Documents which comprise the entire agreement between City and Contractor concerning the Work consist of this Agreement (Section 00500 of the Contract Documents) and the following, all of which are hereby incorporated into this Agreement by reference with the same force and effect as if set forth in full.

- Invitation to Bid
- Instructions to Bidders
- Bid Documents
- Designation of Subcontractors
- Bid Guaranty Bond
- Agreement
- Acknowledgements
- Performance Bond
- Payment Bond
- General Conditions
- Supplementary Conditions

General Requirements
 Standard Specifications (Caltrans)
 Technical Specifications
 Drawings
 Addenda, if any
 Executed Change Orders, if any
 Maintenance Bond
 Notice of Award
 Notice to Proceed

Article 6. Miscellaneous.

Capitalized terms used in this Agreement which are defined in Section 01090, References, of the Contract Documents will have the meanings set forth in Section 01090, References.

Contractor shall not assign any rights, obligations, duties or responsibilities under or interest in the Contract Documents without the prior written consent of the City, which consent may be withheld by the City in its sole discretion. No assignment by the Contractor of any rights, obligations, duties or responsibilities under or interests in the Contract Documents will be binding on the City without the prior written consent of the City (which consent may be withheld in City's sole discretion); and specifically but without limitation monies that may become due and monies that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment, executed by the City, no assignment will release or discharge the assignor from any liability, duty, obligation, or responsibility under the Contract Documents.

Subject to the foregoing, the Contract Documents shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns. Nothing contained in the Contract Documents shall in any way constitute a personal obligation of or impose any personal liability on any employees, officers, directors, agents or representatives of the City or its successor and assigns.

In accordance with California Business and Professions Code Section 7030, the Contractor is required by law to be licensed and regulated by the Contractors' State License Board which has jurisdiction to investigate complaints against Contractors if a complaint regarding a latent act or omission is filed within four years of the date of the alleged violation. A complaint regarding a latent act or omission pertaining to structural defects must be filed within 10 years of the date of the alleged violation. Any questions concerning the Contractor may be referred to the Registrar, Contractors' State License Board, P.O. Box 26000, Sacramento, California 95826.

IN WITNESS WHEREOF, this agreement has been executed on this
day of 2/27, 2023.

McKim Corporation

Name of Contractor


Signature of Contractor

Signature of City

City Administrator

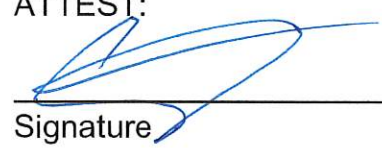
Title of Signator

President

Title of Signator

Approved as to form by
City Attorney

ATTEST:


Signature

ATTEST:

Signature

Project Manager

Title of Signator

Title of Signator

END OF SECTION

Bond Number: GM224801
 Premium: \$4,438.00
 Premium is for contract term and is subject
 to adjustment based on contract price.

SECTION 00610 FAITHFUL PERFORMANCE BOND

KNOW ALL PERSONS BY THESE PRESENTS, THAT, WHEREAS, City of Gilroy, hereinafter designated the "City," has, on February 23, 2023, awarded to, McKim Corporation hereinafter designated as the "Principal," a Contract for the construction of the FY23 Annual CDBG Sidewalk-Curb Ramp Project, and

WHEREAS, said Principal is required under the terms of said Contract to furnish a bond for the faithful performance of said Contract:

NOW, THEREFORE, WE, the Principal, and *, as Surety, are held and firmly bound unto the City the penal sum of Two Hundred Forty-Six Thousand Five Hundred Fifty and No/100----- dollars (\$ 246,550.00-----) lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents.

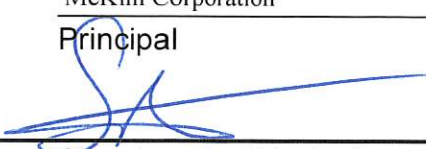
THE CONDITION OF THIS OBLIGATION IS SUCH, that if the above bounden Principal, it or its heirs, executors, administrators, successors, or assigns, shall in all things stand to and abide by, and well and truly keep and faithfully perform the covenants, conditions, and agreements in the said contract and any alterations made as therein provided, on it or their part to be kept and performed, at the time and in the manner therein specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless, the City, its officers and agents as therein stipulated, then this obligation shall become null and void; otherwise it shall be and remain in full force and virtue.

It is acknowledged that the Contract provides for a one-year warranty period, during which time this bond remains in full force and effect.

And the said Surety, for value received, hereby stipulates and agrees that no change, extension of time, alteration, or addition to the terms of the Contract or to the work to be performed thereunder or the specifications accompanying the same shall, in any way, affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration, or addition to the terms of the Contract or to the work or to the specifications. Said Surety hereby waives the provisions of Sections 2819 and 2845 of the Civil Code of the State of California.

IN WITNESS WHEREOF, the above bounden parties have executed this instrument under their seals this 24 day of Feb., 2023, the name and corporate seal of each

corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body.

	McKim Corporation
	Principal
(Seal)	
	Signature for Principal
	President
	Title of Signator
	*Great Midwest Insurance Company
	Surety
(Seal)	
	Signature for Surety
	Elizabeth Collodi, Attorney-in-Fact
	Title of Signator

END OF SECTION

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Butte

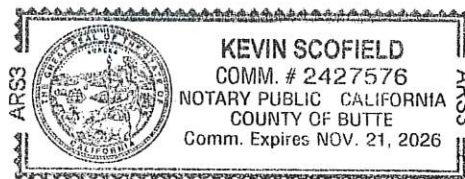
On February 24, 2023 before me, Kevin Scofield, Notary Public
(insert name and title of the officer)

personally appeared Elizabeth Collodi
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~
subscribed to the within instrument and acknowledged to me that ~~he~~/she/~~they~~ executed the same in
~~his~~/her/~~their~~ authorized capacity(ies), and that by ~~his~~/her/~~their~~ signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature  (Seal)



POWER OF ATTORNEY

Great Midwest Insurance Company

KNOW ALL MEN BY THESE PRESENTS, that **GREAT MIDWEST INSURANCE COMPANY**, a Texas Corporation, with its principal office in Houston, TX, does hereby constitute and appoint:

Bill Rapp, Deanna Quintero, Elizabeth Collodi, Jason March, Jennifer Lakmann, John Hopkins, John J. Weber, Matthew Foster, Mindy Whitehouse, Phil Watkins, Renee Ramsey, Samantha Watkins, Sara Walliser, Tony Clark, Mary Collins, Brad Espinosa, Paula Senna, Pam Sey, Breanna Boatright, Kathleen Le, Sharon Smith

its true and lawful Attorney(s)-In-Fact to make, execute, seal and deliver for, and on its behalf as surety, any and all bonds, undertakings or other writings obligatory in nature of a bond.

This authority is made under and by the authority of a resolution which was passed by the Board of Directors of **GREAT MIDWEST INSURANCE COMPANY**, on the 1st day of October, 2018 as follows:

Resolved, that the President, or any officer, be and hereby is, authorized to appoint and empower any representative of the Company or other person or persons as Attorney-In-Fact to execute on behalf of the Company any bonds, undertakings, policies, contracts of indemnity or other writings obligatory in nature of a bond not to exceed Ten Million dollars (\$10,000,000.00), which the Company might execute through its duly elected officers, and affix the seal of the Company thereto. Any said execution of such documents by an Attorney-In-Fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company. Any Attorney-In-Fact, so appointed, may be removed in the Company's sole discretion and the authority so granted may be revoked as specified in the Power of Attorney.

Resolved, that the signature of the President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Secretary, and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certificate so executed and sealed shall, with respect to any bond of undertaking to which it is attached, continue to be valid and binding on the Company.

IN WITNESS THEREOF, **GREAT MIDWEST INSURANCE COMPANY**, has caused this instrument to be signed by its President, and its Corporate Seal to be affixed this 11th day of February, 2021.



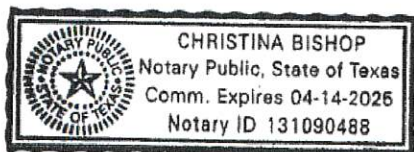
GREAT MIDWEST INSURANCE COMPANY

BY

Mark W. Haushill
President

ACKNOWLEDGEMENT

On this 11th day of February, 2021, before me, personally came Mark W. Haushill to me known, who being duly sworn, did depose and say that he is the President of **GREAT MIDWEST INSURANCE COMPANY**, the corporation described in and which executed the above instrument; that he executed said instrument on behalf of the corporation by authority of his office under the By-laws of said corporation.



BY

Christina Bishop
Notary Public

CERTIFICATE

I, the undersigned, Secretary of **GREAT MIDWEST INSURANCE COMPANY**, A Texas Insurance Company, DO HEREBY CERTIFY that the original Power of Attorney of which the foregoing is a true and correct copy, is in full force and effect and has not been revoked and the resolutions as set forth are now in force.

Signed and Sealed at Houston, TX this 24th Day of February, 2023.



BY

Leslie K. Shaunty
Secretary

"WARNING: Any person who knowingly and with intent to defraud any insurance company or other person, files and application for insurance of claim containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties.

Bond Number: GM224801
Premium: Included in Performance Bond

SECTION 00620 PAYMENT BOND

KNOW ALL PERSONS BY THESE PRESENTS, THAT, WHEREAS, City of Gilroy, hereinafter designated as the "City," has, on February 23, 2023, awarded to McKim Corporation, hereinafter designated as the "Principal," a Contract for the construction of the FY23 Annual CDBG Sidewalk-Curb Ramp Project and

WHEREAS, said Principal is required to furnish a bond in connection and with said Contract, providing that if said Principal, or any of it or its subcontractors shall fail to pay for any materials, provisions, or other supplies used in, upon, for, or about the performance of the work contracted to be done, or for any work or labor done thereon of any kind, the Surety of this bond will pay the same to the extent hereinafter set forth:

NOW, THEREFORE, we, the Principal, and *, as Surety, are held and firmly bound unto the City the penal sum of Two Hundred Forty-Six Thousand Five Hundred Fifty and No/100----- Dollars (\$ 246,550.00-----) lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, and successors jointly and severally, firmly by these presents.

The Payment Bond for which this Section provides shall secure the payment of those persons or entities to whom the Principal, its Subcontractors or its heirs, executors, administrators, successors, or assigns, shall be become legally indebted for labor, materials, tools, equipment or services of any kind used or employed by the bidder in performing the work, or taxes or amounts to be withheld thereon. The Surety or Sureties will pay the following amounts should the Principal or a Subcontractor fail to pay the same, plus reasonable attorneys' fees to be fixed by the court if suit is brought upon the bond: (1) amounts due to any of the persons named in California Civil Code Section 3181; (2) amounts due under the Unemployment Insurance Code with respect to work contracted to be done or any work or labor thereon of any kind; and (3) any amounts required to be deducted, withheld, and paid over to the Employment Development Department from the wages of employees of the Principal and Subcontractors pursuant to Section 13020 of the Unemployment Insurance Code with respect to the work and labor. This Payment Bond shall inure to the benefit of any of the persons named in Civil Code Section 3181 so as to give a right of action to those persons or their assigns in any suit brought upon this bond.

And the said Surety, for value received, hereby stipulates and agrees that no change, extension of time, alteration, or addition of the terms of the Contract or to the work to be performed thereunder or the specifications accompanying the same

shall, in any way, affect its obligations of this bond, and it does hereby waive notice of any change, extension of time, alteration, or addition to the terms of the contract or to the work or to the specifications. Said Surety hereby waives the provisions of Sections 2819 and 2845 of the Civil Code of the State of California.

IN WITNESS WHEREOF, the above bounded parties have executed this instrument under their seals this 24th day of February, 2023, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body

McKim Corporation

Principal

(Seal)



Signature for Principal

Title

President

*Great Midwest Insurance Company

Surety

(Seal)



Signature for Surety

Elizabeth Collodi, Attorney-in-Fact

Title

END OF SECTION

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Butte

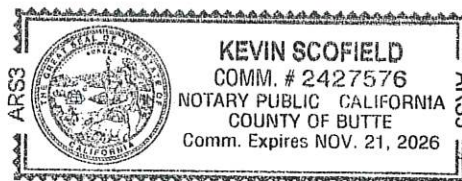
On February 24, 2023 before me, Kevin Scofield, Notary Public
(insert name and title of the officer)

personally appeared Elizabeth Collodi
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~
subscribed to the within instrument and acknowledged to me that ~~he~~/she/~~they~~ executed the same in
~~his~~/her/~~their~~ authorized capacity(ies), and that by ~~his~~/her/~~their~~ signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature  (Seal)



POWER OF ATTORNEY

Great Midwest Insurance Company

KNOW ALL MEN BY THESE PRESENTS, that **GREAT MIDWEST INSURANCE COMPANY**, a Texas Corporation, with its principal office in Houston, TX, does hereby constitute and appoint:

Bill Rapp, Deanna Quintero, Elizabeth Collodi, Jason March, Jennifer Lakmann, John Hopkins, John J. Weber, Matthew Foster, Mindy Whitehouse, Phil Watkins, Renee Ramsey, Samantha Watkins, Sara Walliser, Tony Clark, Mary Collins, Brad Espinosa, Paula Senna, Pam Sey, Breanna Boatright, Kathleen Le, Sharon Smith

its true and lawful Attorney(s)-In-Fact to make, execute, seal and deliver for, and on its behalf as surety, any and all bonds, undertakings or other writings obligatory in nature of a bond.

This authority is made under and by the authority of a resolution which was passed by the Board of Directors of **GREAT MIDWEST INSURANCE COMPANY**, on the 1st day of October, 2018 as follows:

Resolved, that the President, or any officer, be and hereby is, authorized to appoint and empower any representative of the Company or other person or persons as Attorney-In-Fact to execute on behalf of the Company any bonds, undertakings, policies, contracts of indemnity or other writings obligatory in nature of a bond not to exceed Ten Million dollars (\$10,000,000.00), which the Company might execute through its duly elected officers, and affix the seal of the Company thereto. Any said execution of such documents by an Attorney-In-Fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company. Any Attorney-In-Fact, so appointed, may be removed in the Company's sole discretion and the authority so granted may be revoked as specified in the Power of Attorney.

Resolved, that the signature of the President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Secretary, and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certificate so executed and sealed shall, with respect to any bond of undertaking to which it is attached, continue to be valid and binding on the Company.

IN WITNESS THEREOF, **GREAT MIDWEST INSURANCE COMPANY**, has caused this instrument to be signed by its President, and its Corporate Seal to be affixed this 11th day of February, 2021.



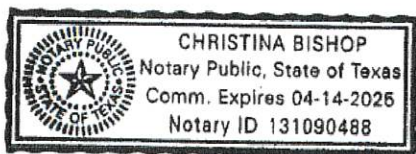
GREAT MIDWEST INSURANCE COMPANY

BY

Mark W. Haushill
President

ACKNOWLEDGEMENT

On this 11th day of February, 2021, before me, personally came Mark W. Haushill to me known, who being duly sworn, did depose and say that he is the President of **GREAT MIDWEST INSURANCE COMPANY**, the corporation described in and which executed the above instrument; that he executed said instrument on behalf of the corporation by authority of his office under the By-laws of said corporation.



BY

Christina Bishop
Notary Public

CERTIFICATE

I, the undersigned, Secretary of **GREAT MIDWEST INSURANCE COMPANY**, A Texas Insurance Company, DO HEREBY CERTIFY that the original Power of Attorney of which the foregoing is a true and correct copy, is in full force and effect and has not been revoked and the resolutions as set forth are now in force.

Signed and Sealed at Houston, TX this 24th Day of February, 2023.



BY

Leslie K. Shaunty
Secretary

"WARNING: Any person who knowingly and with intent to defraud any insurance company or other person, files and application for insurance of claim containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties.

SEE ATTACHED

The following coverage or conditions are in effect:	Yes	No
The Agency, its officials, and employees are named on all liability policies described above as insureds as respects: (a) activities performed for the Agency by or on behalf of the Named Insured, (b) products and completed operations of the Named Insured, and (c) premises owned, leased or used by the Named Insured.		
Products and Completed Operations		
The undersigned will mail to the Agency 30 days written notice of cancellation or reduction of coverage or limits		
Cross Liability Clause (or equivalent wording)		
Personal Injury, Perils A, B and C		
Broad Form Property Damage		
X, C, U& Hazards included		
Contractual Liability Coverage applying to this Contract		
Liquor Liability		
Coverage afforded the Agency, its officials, employees and volunteers as Insureds applies as primary and not excess or contributing to any insurance issued in the name of the Agency		
Waiver of subrogation from Workers' Compensation Insurer		

This certificate is issued as a matter of information. This certificate is not an insurance policy and does not amend, extend or alter the coverage afforded by the policies listed herein. Notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate of insurance may be issued or may pertain, the insurance afforded by the policies described herein is subject to all the terms, exclusions and conditions of such policies.

Whitney Oaks Inc.

Agency or Brokerage

Insurance Company

Address

Home Office

1221 Pleasant grove BLVD, Roseville, CA

Name of Person to be Contacted

Authorized Signature Date
916-415-1930

Telephone No.

Note: Authorized signatures may be the agent's if the agent has placed insurance through an agency agreement with the insurer. If insurance is brokered, authorized signature must be that of official of insurer.

GENERAL LIABILITY ENDORSEMENT

City of Gilroy ("the Agency") 7351 Rosanna Street
 Gilroy, CA 95020
 Attn: Risk Manager

SEE ATTACHED

A. POLICY INFORMATION

Endorsement No. _____

Policy No. _____

1. Insurance Company _____
2. Policy Term (from) _____ (to) _____
3. Named Insured _____
4. Address of Named Insured _____
5. Limit of Liability Any One Incident/Aggregate \$ _____
6. Deductible or Self-Insured Retention:
 (Nil unless otherwise specified): \$ _____
7. Coverage is equivalent:
 Comprehensive General Liability form GL0002 (Ed 1/73) _____
 Comprehensive General Liability "occurrence" form CG0001 _____
 Comprehensive General Liability "claims-made" form CG0002 _____
8. Bodily Injury and Property Damage Coverage is: "claims-made" - "occurrence"
 if claims-made, the retroactive date is _____.

NOTE: The Agency's standard insurance requirements specify "occurrence" coverage. "Claims-made" coverage requires special approval.

B. POLICY AMENDMENTS

This endorsement is issued in consideration of the policy premium. Notwithstanding any inconsistent statement in the policy to which this endorsement is attached or any other endorsement attached thereto, it is agreed as follows:

1. **INSURED.** The Agency, its elected and appointed officers, officials, employees and volunteers are included as insureds with regards to damages and defense of claims arising from: (a) activities performed by or on behalf of the Named Insured, (b) products and completed operations of the Named Insured, or (c) premises owned, leased or used by the Named Insured.
2. **CONTRIBUTION NOT REQUIRED.** As respects: (a) work performed by the Named Insured for or on behalf of the Agency; or (b) products sold by the Named Insured to the Agency; or (c) premises leased by the Named Insured from the Agency, the insurance afforded by this policy shall be primary insurance as respects the Agency, its elected or appointed officers, officials, employees or volunteers; or stand in an unbroken chain of coverage excess of the Named Insured's scheduled underlying primary coverage. In either event, any other insurance maintained by the Agency, its elected or appointed officers, officials, employees and volunteers shall be in excess of this insurance and shall not contribute with it.
3. **SCOPE OF COVERAGE.** This coverage, if primary, affords coverage at least as broad as:

- (1) Insurance Services Office form number GL 002 (Ed. 1/73), Comprehensive General Liability Insurance and Insurance Services Office form number GL 0404 Broad Form comprehensive General Liability endorsement: or
- (2) Insurance Services Office Commercial General Liability Coverage, "occurrence" form CG 0001 or "claims-made" form CG 0002; or
- (3) If excess, affords coverage which is at least as broad as the primary insurance forms referenced in the preceding sections (1) and (2).

3. SEVERABILITY OF INTEREST. The insurance afforded by this policy applies separately to each insured who is seeking coverage or against whom a claim is made or a suit is brought, except with respects to the Company's limit of liability.

4. PROVISIONS REGARDING THE INSURED'S DUTIES AFTER ACCIDENT OR LOSS. Any failure to comply with reporting provisions of the policy shall not affect coverage provided to the Agency, its elected or appointed officers, officials, employees or volunteers.

5. CANCELLATION NOTICE. The insurance afforded by this policy shall not be suspended, voided, cancelled, reduced in coverage or in limits except after thirty (30) days prior written notice by certified mail return receipt requested has been given to the Agency. Such notice shall be addressed as shown in the heading of this endorsement.

C. INCIDENT AND CLAIM REPORTING PROCEDURE

SEE Attached

Incidents and claims are to be reported to the insurer at:

ATTN:

(Title)

(Department)

(Company)

(Address) _____

(Telephone)

D. SIGNATURE OF INSURER OR AUTHORIZED REPRESENTATIVE OF THE INSURER

I, _____ (print/type name), warrant that I have authority to bind the below listed insurance company and by my signature hereon do so bind this company.

SIGNATURE OF AUTHORIZED REPRESENTATIVE

(original signature required on endorsement furnished to the Agency)

ORGANIZATION _____ TITLE _____

ADDRESS _____ TELEPHONE _____

WORKER'S COMPENSATION/EMPLOYERS LIABILITY ENDORSEMENT

The City of Gilroy ("the Agency")
 7351 Rosanna Street
 Gilroy, CA 95020
 Attn: Risk Manager

A. POLICY INFORMATION

Endorsement #

1. Insurance Company SEE ATTACHED ("the Company")
 Policy Number _____
 2. Effective Date of This Endorsement _____
 3. Named Insured _____
 4. Employer's Liability Limit (Coverage B) _____

B. POLICY AMENDMENTS

In consideration of the policy premium and notwithstanding any inconsistent statement in the policy to which this endorsement is attached or any other endorsement attached thereto, it is agreed as follows:

1. **Cancellation Notice.** The insurance afforded by this policy shall not be suspended, voided, cancelled, reduced in coverage or in limits except after thirty (30) days prior written notice by certified mail return receipt requested has been given to the Agency. Such notice shall be addressed as shown in the heading of this endorsement.
2. **Waiver of Subrogation.** The Insurance Company agrees to waive all rights of subrogation against the Agency, its elected or appointed officers, officials, agents and employees for losses paid under the terms of this policy which arise from work performed by the Named Insured for the Agency.

C. SIGNATURE OF INSURER OR AUTHORIZED REPRESENTATIVE OF THE INSURER

I, _____ (print/type name), warrant that I have authority to bind the below listed insurance company and by my signature hereon do so bind this company.

 SIGNATURE OF AUTHORIZED REPRESENTATIVE
 (original signature required on endorsement furnished to the Agency)

ORGANIZATION _____ TITLE _____

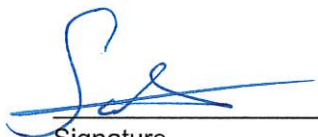
ADDRESS _____ TELEPHONE _____

END OF SECTION

SECTION 00650
WORKERS' COMPENSATION INSURANCE CERTIFICATE

In accordance with California Labor Code Section 1861, prior to commencement of work on the Contract, the Contractor shall sign and file with the City the following certification:

"I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract."



Signature

Mckim Corporation

Name of Contractor

President

Title

2/27/23

Date

END OF SECTION

SECTION 00670

NOTICE OF NONDISCRIMINATION IN EMPLOYMENT

The undersigned contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, age, marital status or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, age, marital status or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer, recruitment advertising; layoff or termination; rates of pay, or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment notice to be provided by the municipality setting forth the provisions of this nondiscrimination clause.

2/27/23
Date

McKim Corporation
Company

976269-1A
Licensed General Contractor

McKim Corporation
License #

POST IN CONSPICUOUS PLACE OF EMPLOYMENT

END OF SECTION

Request for Taxpayer Identification Number and Certification

► Go to www.irs.gov/FormW9 for instructions and the latest information.

Give Form to the
requester. Do not
send to the IRS.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.
McKim Corporation

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only **one** of the following seven boxes.

☐ Individual/sole proprietor or single-member LLC

☒ C Corporation

☐ S Corporation

☐ Partnership

☐ Trust/estate

☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► _____

Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is **not** disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.

☐ Other (see instructions) ► _____

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):

Exempt payee code (if any) _____

Exemption from FATCA reporting code (if any) _____

(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.) See instructions.
60 W 4th Street #210

6 City, state, and ZIP code
Gilroy, CA 95020

7 List account number(s) here (optional)

Requester's name and address (optional)
City of Gilroy, DPW

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number

			-			-				
--	--	--	---	--	--	---	--	--	--	--

or

Employer identification number

4	5	-	5	5	5	9	2	2	4
---	---	---	---	---	---	---	---	---	---

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign
Here

Signature of
U.S. person ►

Date ►

2/27/23

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

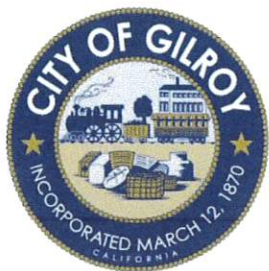
An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
 - Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
 - Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
 - Form 1099-S (proceeds from real estate transactions)
 - Form 1099-K (merchant card and third party network transactions)
 - Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
 - Form 1099-C (canceled debt)
 - Form 1099-A (acquisition or abandonment of secured property)
- Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What's new for 2023*, later.

Page 130 of 382



Dear Business Owner,

The business license renewal for MCKIM CORPORATIONS - Account No. 16620645 has been reviewed and approved.

In order to speed up the delivery of your business license certificate this year, it's being sent to you in electronic format. The certificate you receive by email is exactly the same one you would normally receive by postal mail. Please add Gilroy@hdlgov.com to your contact list in order to prevent the email from going to your spam folder.

If you do not wish to receive your business license via email, please send a request to Gilroy@hdlgov.com. Please make sure to reference your account number 16620645 in your correspondence.

Thank you for doing business in the City of Gilroy!

Best Regards,

Business Support Center

City of Gilroy



City of Gilroy

7351 Rosanna Street
Gilroy, California
95020-6197

8.1

Business License Phone (408) 846-0420
Business License Fax (408) 846-0421

Jun 30, 2021

*Review information for accuracy. If changes are made,
return this form to above address.*

Business ID# 17230
License # 21431
Category ID CNTR-G
Units 1.00

MCKIM CORPORATIONS
60 4TH ST #210

GILROY , CA 95020-5191

Business Information
60 4TH ST #210
GILROY , CA 95020

Owner Information
MCKIM CORPORATIONS

(408) 848-8700

Please detach license at this perf → and post it in a conspicuous place.



City of Gilroy MUNICIPAL LICENSE

License Expiration Date 06/30/2022

Issue Date 02/27/2020
Business ID# 17230
License # 21431
Category ID CNTR-G

MCKIM CORPORATIONS
60 4TH ST #210
GILROY , CA 95020

MCKIM CORPORATIONS
If you have any questions regarding this license, please call (408) 846-0420.

In conformity with the ordinance
of the City of Gilroy.

NOTE: Licenses are due and payable July 1st and
January 1st, unless otherwise provided by Ordinance.
Payments received 30 days after expiration date will be
subject to a penalty of 25% the first month and an
additional penalty of 10% each month thereafter.

This license is issued without
verification that the License is
subject to an exemption from
licensing by the State. SB-1558.

Post License in Conspicuous Place.

THIS LICENSE IS NOT TRANSFERABLE.

93251



Santino Orozco <santino@mckimcorp.com>

City of Gilroy - Your Business License Renewal Has Been Accepted

1 message

gilroy@hdlgov.com <gilroy@hdlgov.com>
To: Santino@mckimcorp.com

Wed, Jun 15, 2022 at 7:45 AM



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

02/27/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	Whitney Oaks Insurance Services Inc. 1221 Pleasant Grove Blvd., Ste. 180 Roseville, CA 95678 License #: 0F74432	CONTACT NAME:	Rachel Silva	
		PHONE (A/C, No, Ext):	(916)415-1930	FAX (A/C, No):
		E-MAIL ADDRESS:	csr@whitneyoaksinsurance.com	
		INSURER(S) AFFORDING COVERAGE		NAIC #
INSURED	McKim Corporation 60 4th St. Ste. 210 Gilroy, CA 95020	INSURER A:	Associated Industries Insurance Company Inc.	
		INSURER B:	American Fire and Casualty Insurance Company	24066
		INSURER C:	Insurance Company of the West	27847
		INSURER D:	Ohio Casualty Insurance Company	24074
		INSURER E:		
		INSURER F:		

COVERAGES

CERTIFICATE NUMBER: 00005635-1364217

REVISION NUMBER: 125

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☒ PROJECT ☐ LOC OTHER:	Y Y	AES1206685 02	01/29/2023	01/29/2024	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
B	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☒ SCHEDULED AUTOS ☒ HIRED AUTOS ONLY ☒ NON-OWNED AUTOS ONLY	Y Y	BAA56235796	08/01/2022	08/01/2023	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB ☐ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED ☐ RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$ \$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N Y N/A	WSA5054222 02	03/10/2022	03/10/2023	☒ PER STATUTE ☐ OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
D	Inland Marine		BMO62995634	04/20/2022	04/20/2023	Rented/Leased Equip 160,000
D	Inland Marine		BMO62995634	04/20/2022	04/20/2023	Scheduled Equipment \$921,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

City of Gilroy, its officers, officials and employees are named additional insured.

Various Locations

CERTIFICATE HOLDER

CANCELLATION

City of Gilroy
Public Works Department
7351 Rosanna Street
Gilroy, CA 95020

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

p. 134 of 332

(RJS)

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COMMERCIAL GENERAL LIABILITY
CG 20 33 07 04

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**ADDITIONAL INSURED – OWNERS, LESSEES OR
CONTRACTORS – AUTOMATIC STATUS WHEN
REQUIRED IN CONSTRUCTION AGREEMENT WITH YOU**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

- A. Section II – Who Is An Insured** ^{AES1200502 02} is amended to include as an additional insured any person or organization for whom you are performing operations when you and such person or organization have agreed in writing in a contract or agreement that such person or organization be added as an additional insured on your policy. Such person or organization is an additional insured only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by:
1. Your acts or omissions; or
 2. The acts or omissions of those acting on your behalf;
- in the performance of your ongoing operations for the additional insured.
- A person's or organization's status as an additional insured under this endorsement ends when your operations for that additional insured are completed.

- B.** With respect to the insurance afforded to these additional insureds, the following additional exclusions apply:

This insurance does not apply to:

1. "Bodily injury", "property damage" or "personal and advertising injury" arising out of the rendering of, or the failure to render, any professional architectural, engineering or surveying services, including:
 - a. The preparing, approving, or failing to prepare or approve, maps, shop drawings, opinions, reports, surveys, field orders, change orders or drawings and specifications, or
 - b. Supervisory, inspection, architectural or engineering activities.
2. "Bodily injury" or "property damage" occurring after:
 - a. All work, including materials, parts or equipment furnished in connection with such work, on the project (other than service, maintenance or repairs) to be performed by or on behalf of the additional insured(s) at the location of the covered operations has been completed; or
 - b. That portion of "your work" out of which the injury or damage arises has been put to its intended use by any person or organization other than another contractor or subcontractor engaged in performing operations for a principal as a part of the same project.

POLICY NUMBER: AES1206685 02

COMMERCIAL GENERAL LIABILITY
CG 20 37 07 04

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**ADDITIONAL INSURED – OWNERS, LESSEES OR
CONTRACTORS – COMPLETED OPERATIONS**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s):	Location And Description Of Completed Operations
ALL PERSONS OR ORGANIZATIONS WHERE WRITTEN CONTRACT WITH THE NAMED INSURED REQUIRES ADDITIONAL INSURED COMPLETED OPERATIONS. THIS FORM DOES NOT APPLY TO YOUR WORK ON "RESIDENTIAL PROPERTY"	
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.	

Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury" or "property damage" caused, in whole or in part, by "your work" at the location designated and described in the schedule of this endorsement performed for that additional insured and included in the "products-completed operations hazard".

POLICY NUMBER: AES1206685 02

COMMERCIAL GENERAL LIABILITY
NX GL 009 08 09

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

PRIMARY AND NON-CONTRIBUTING INSURANCE (THIRD-PARTY)

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Third Party:	As required by written contract
--------------	---------------------------------

(Absence of a specifically named Third Party above means that the provisions of this endorsement apply as required by written contractual agreement with any Third Party for whom you are performing work.)

Paragraph 4. of SECTION IV: COMMERCIAL GENERAL LIABILITY CONDITIONS is replaced by the following:

4. Other insurance:

With respect to the Third Party shown above, this insurance is primary and non-contributing. Any and all other valid and collectable insurance available to such Third Party in respect of work performed by you under written contractual agreements with said Third Party for loss covered by this policy, shall in no instance be considered as primary, co-insurance, or contributing insurance. Rather, any such other insurance shall be considered excess over and above the insurance provided by this policy.

POLICY :AES1206685 02

COMMERCIAL GENERAL LIABILITY
CG 24 04 05 09**WAIVER OF TRANSFER OF RIGHTS OF RECOVERY
AGAINST OTHERS TO US**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART
PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART

SCHEDULE

Name Of Person Or Organization:
Blanket as required by written contract.

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

The following is added to Paragraph 8. Transfer Of Rights Of Recovery Against Others To Us of Section IV – Conditions:

We waive any right of recovery we may have against the person or organization shown in the Schedule above because of payments we make for injury or damage arising out of your ongoing operations or "your work" done under a contract with that person or organization and included in the "products-completed operations hazard". This waiver applies only to the person or organization shown in the Schedule above.

WORKERS COMPENSATION AND EMPLOYERS LIABILITY INSURANCE POLICY

WC 99 06 34

(Ed. 8-00)

WAIVER OF OUR RIGHT TO RECOVER FROM OTHERS ENDORSEMENT • BLANKET

We have the right to recover our payments from anyone liable for an Injury covered by this policy. We will not enforce our right against the person or organization named in the Schedule. (This agreement applies only to the extent that you perform work under a written contract that requires you to obtain this agreement from us).

The additional premium for this endorsement shall be 2 % of the total California Workers' Compensation premium otherwise due.

Schedule

Person or Organization
ANY PERSON / ORG
WHEN REQUIRED BY
WRITTEN CONTRACT

Job Description
ALL CA OPERATIONS

This endorsement changes the policy to which it is attached and is effective on the date issued unless otherwise stated.
(The information below is required only when this endorsement is issued subsequent to preparation of the policy.)

Endorsement Effective 03/10/2022 Policy No. WSA 5054222 02

Endorsement No.

Insured MCKIM CORP

Premium \$ INCL.

Insurance Company INSURANCE COMPANY OF THE WEST

Countersigned By _____

POLICY NUMBER: BAA56235796

BUSINESS AUTO COVERAGE ENHANCEMENT ENDORSEMENT (CA) INCLUDES:

Coverage	Description
Broad Form Insured	Covers, with limitations, all legally incorporated entities of which you own more than a 50% interest.
Employees as Insureds	Provides excess liability coverage to cover the individual liability of employees using their own autos in your business.
Blanket Additional Insured	When required by contract.
Supplementary Payments	Increases bail bonds to \$3000 and loss of earnings to \$500 per day.
Amended Fellow Employee Exclusion	Amends the Fellow Employee Exclusion to extend to Bodily Injun' resulting from the use of a covered auto.
Hired Auto Physical Damage	Provides coverage up to \$50,000 if at least one owned vehicle is covered for comprehensive and collision and hired auto liability is included. Up to \$1000 per 'accident' for the actual loss of use of the hired auto if it results from an accident, you are legally liable and the lessor incurs an actual financial loss
Towing and Labor	Provides towing and labor up to \$50 per disablement for private passenger autos and light weight trucks; up to \$150 per disablement for medium weight trucks.
Physical Damage Additional Transportation Expense Coverage	Increase coverage for temporary transportation expense up to \$50 per day (\$1500 total) if a covered auto is stolen.
Rental Reimbursement	Provides up to \$75 per day for rental reimbursement because of an accident or loss to an auto with Physical Damage coverage and up to \$500 for expenses incurred to remove and replace tools and equipment from the covered auto.
Extra Expense - Broadened Coverage	Covers up to \$1000 for the expense of returning to you a stolen covered auto.
Personal Effects Coverage	Provides coverage up to \$600 for personal effects if stolen with a covered auto.
Accidental Airbag Deployment	Provides Excess Coverage to reset or replace an airbag that inflates accidentally if the auto is covered for comprehensive or collision coverage.
Audio, Visual and Data Electronic Equipment Coverage	Covers permanently installed electronic equipment that receives or transmits audio, visual or data signals. \$100 deductible applies to equipment or accessories used with this equipment.
Loan/Lease Gap Coverage	Pays the outstanding balance of a lease, if it exceeds the actual cash value of the auto and the loss is a total loss.
Glass Repair - Waiver of Deductible	Waives the deductible if the glass is repaired instead of replaced.
Parked Auto Collision Coverage (Waiver of Deductible)	The Collision Deductible doesn't apply to private passenger autos or light trucks while in the charge of an insured, legally parked and unoccupied.
Two or More Deductibles	When two or more deductibles apply to the same claim the smaller deductible will be waived if all coverage is provided by a member of the Liberty Mutual Group.
Unintentional Failure to Disclose Hazards	Clarifies that the insured's failure to disclose all hazards or exposures will not affect coverage unless the failure was intentional.
Amended Duties in the Event of Accident, Claim, Suit or Loss	Clarifies that the insured's duty to notify us of a loss does not begin until the loss is known to the insured.
Hired Auto Coverage Territory	Territory for autos hired 30 days or less is extended to anywhere in the world.
Bodily Injun' Redefined	Redefines bodily injury' to include mental anguish.
Waiver of Transfer of Rights of Recovery Against Others to Us	Clarifies if any person or organization to or for whom we make payment has waived their rights of recovery' before an accident or loss, our rights are waived also.
Extended Cancellation Condition	Provides at least 60 days' time in which to replace coverage if cancellation is for any reason other than nonpayment.

* This summary contains highlights only and is subject to change. The specific terms of coverage, exclusions, and limitations are contained in the Insurance Policy.

FY23 ANNUAL CDBG SIDEWALK/CURB RAMP PROJECT

NO. 23-PW-279

DRAWING INDEX		
Sheet	Sheet Description	Sheet Title
1	TITLE SHEET	T-1
2	GENERAL NOTES	GN-1
3	LAYOUT 1	L-1

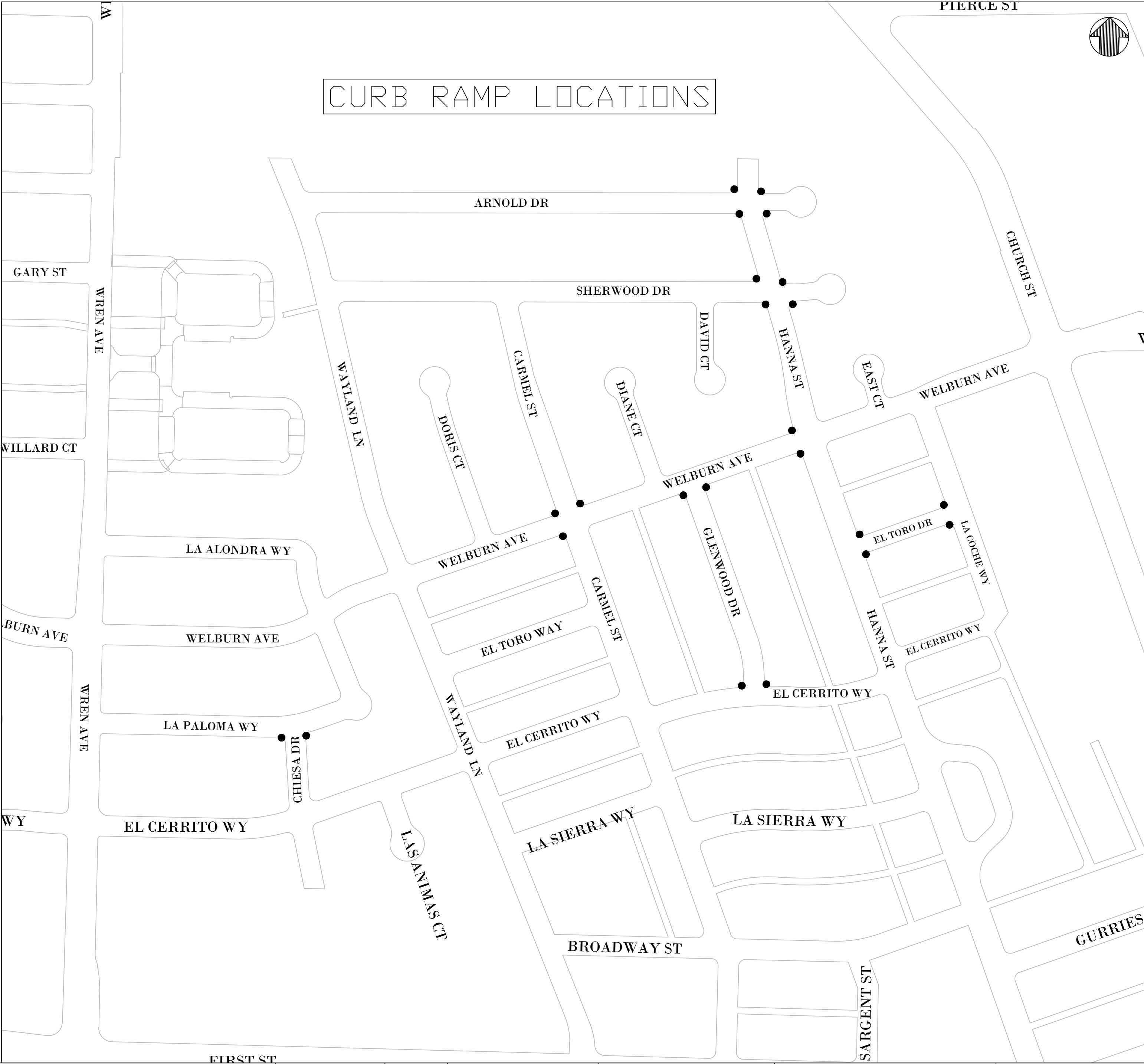
ACCEPTANCE OF PLANS

THE CITY OF GILROY HEREBY ACCEPTS THESE PLANS FOR CONSTRUCTION, AS BEING IN GENERAL COMPLIANCE WITH PLANS PREPARATION REQUIREMENTS OF THIS GOVERNMENT. RESPONSIBILITY FOR THE COMPLETENESS AND ACCURACY OF THE PLANS AND RELATED DESIGN RESIDES WITH THE ENGINEER.

APPROVED FOR BIDDING
GARY HEAP, CITY ENGINEER
DATE 11/31/23

THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING SIZES, DEPTHS, AND LOCATIONS OF ALL UTILITIES PRIOR TO PROCEEDING WITH ANY WORK. ANY CHANGES TO THESE PLANS AND SPECIFICATIONS SHALL BE APPROVED BY THE ENGINEER.

CONTRACTOR SHALL NOTIFY USA (UNDERGROUND SERVICE ALERT) AT 811 OR 1-800-642-2444, A MINIMUM OF 48 HOURS BEFORE BEGINNING ANY EXCAVATIONS.





USA North 811
Call 811 Before You Dig
811 or 800-642-2444

No.	DATE	BY	REVISIONS	No.	DATE	BY	CITY APPROVALS
							MARCO MARTINEZ, PROJECT ENGINEER
							GARY HEAP, CITY ENGINEER

 CITY OF GILROY DEPARTMENT OF PUBLIC WORKS 7351 ROSANNA STREET GILROY, CALIFORNIA 95020 MAIN (408) 846-0223	DRAWN BY:	MM	DATE 1/31/2023	Scale NTS	FY23 ANNUAL CDBG SIDEWALK/CURB RAMP PROJECT	Sheet No. T-1
	DESIGNED BY:	MM		PROJECT No. 23-PW-279	TITLE SHEET	SHEET 1 OF 3
	REVIEWED BY:	GH				

General Notes

1.

THE ENGINEER ASSUMES NO RESPONSIBILITY BEYOND ADEQUACY OF THE DESIGN CONTAINED HEREIN

2.

CONTRACTOR AGREES TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY. THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS AND THE CONTRACTOR SHALL DEFEND, INDEMNIFY AND HOLD THE OWNER AND ENGINEER HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPT FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR ENGINEER.

3.

IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO OBTAIN PERMITS NECESSARY TO PERFORM THE IMPROVEMENTS IN THESE PLANS FROM THE APPROPRIATE AGENCIES AND TO COMPLY WITH THE CITY'S REQUIREMENTS. THE CONTRACTOR MUST COMPLY WITH ALL LOCAL, STATE, AND FEDERAL LAWS.

4.

THE CONTRACTOR SHALL PROVIDE ALL LIGHTS, SIGNS, BARRICADES, FLAGGERS, OR OTHER DEVICES NECESSARY TO PROVIDE FOR PUBLIC SAFETY AND WORKER SAFETY IN ACCORDANCE WITH LATEST CALTRANS, CA MUTCD, AND CAL-OSHA SPECIFICATIONS.

5.

IF ANY CULTURAL FEATURES OR ARCHAEOLOGICAL MATERIALS ARE UNCOVERED DURING GRADING, TRENCHING, OR OTHER EXCAVATION WORK, ALL WORK WITHIN ONE HUNDRED (100) FEET OF THESE MATERIALS SHALL BE STOPPED UNTIL A PROFESSIONAL ARCHAEOLOGIST CERTIFIED BY THE REGISTER OF PROFESSIONAL ARCHAEOLOGISTS (RPA) AND/OR SOCIETY FOR CALIFORNIA ARCHAEOLOGY (SCA) HAS HAD AN OPPORTUNITY TO EVALUATE THE SIGNIFICANCE OF THE FIND AND APPROPRIATE MITIGATION MEASURES ARE DETERMINED AND IMPLEMENTED.

6.

THE CONTRACTOR IS RESPONSIBLE FOR HAVING A COMPLETE AND CURRENT COPY OF THE APPROVED PLAN ON THE JOB SITE AT ALL TIMES.

7.

THE CONTRACTOR SHALL BE HELD RESPONSIBLE FOR ANY FIELD CHANGES MADE WITHOUT WRITTEN AUTHORIZATION FROM THE CITY.

8.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR MATCHING EXISTING STREETS, SURROUNDING LANDSCAPE, AND ALL OTHER EXISTING CONDITIONS WITH A SMOOTH TRANSITION IN PAVING, CURBS, GUTTERS, SIDEWALKS, GRADING, ETC., AND TO AVOID ANY ABRUPT OR APPARENT CHANGES IN GRADES OR CROSS SLOPES, LOW SPOTS, AND HAZARDOUS CONDITIONS.

9.

THE CONTRACTOR SHALL BE RESPONSIBLE TO IDENTIFY THE EXACT LOCATION OF SURFACE UTILITIES. THIS IDENTIFICATION SHALL BE VERIFIED AND COORDINATED BY THE CONTRACTOR WITH THE APPROPRIATE UTILITY COMPANY AS REQUIRED. CALL U.S.A (UNDERGROUND SERVICE ALERT) FOR UTILITY LOCATION QUESTIONS AT LEAST 48 HOURS BEFORE DIGGING. PHONE 1-800-642-2444 (OR DIAL 811)

10.

CONTRACTOR SHALL PROVIDE A TWO (2) WEEK ADVANCE NOTICE AND 48 HOUR ADVANCE NOTICE TO PROPERTY OWNERS AND RESIDENTS PRIOR TO COMMENCING CONSTRUCTION WORK. NOTIFICATION TO BE BY LETTER AND SHALL BE APPROVED BY THE ENGINEER.

11.

TRAFFIC CONTROL SHALL BE PERFORMED IN ACCORDANCE WITH THE REQUIREMENTS OF THE LATEST "CALIFORNIA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES" PUBLISHED BY CALTRANS, AND AS REQUIRED IN THE PROJECT SPECIFICATION.

12.

THE CONTRACTOR SHALL SUBMIT A PROPOSED HAUL ROUTE AND SHALL NOT BEGIN HAULING UNTIL RECEIVING WRITTEN APPROVAL OF THE PROPOSED HAUL ROUTE FROM THE CITY.

13.

PROPOSED IMPROVEMENTS IDENTIFIED HEREIN SHALL BE SUPPLEMENTED BY THE LATEST EDITIONS OF THE CITY STANDARD PLANS AND SPECIFICATIONS AND CALTRANS PLANS AND SPECIFICATIONS.

14.

DUST CONTROL - THE CONTRACTOR SHALL CONTROL DUST TO THE MAXIMUM EXTENT PRACTICABLE. MEETING OR EXCEEDING REQUIREMENTS ESTABLISHED BY THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT, AND AS REQUIRED IN THE PROJECT SPECIFICATIONS.

15.

SAFETY MEASURES - AT ALL TIMES, INCLUDING NON-WORKING HOURS, THE CONTRACTOR SHALL BE SOLELY AND COMPLETELY RESPONSIBLE FOR CONDITIONS OF THE JOB SITE, CONTRACTOR'S OPERATIONS AND/OR MATERIALS AND EQUIPMENT STORED IN THE STAGING AREAS, INCLUDING SAFETY OF PERSONS AND PROPERTY, AND FOR ALL NECESSARY INDEPENDENT ENGINEERING REVIEW OF THE CONDITIONS. THE ENGINEER'S JOB SITE REVIEW IS NOT INTENDED TO INCLUDE REVIEW OF THE ADEQUACY OF THE CONTRACTOR'S SAFETY MEASURES.

16.

CONTRACTOR SHALL BE RESPONSIBLE FOR PREPARING A WPCP FOR APPROVAL BY THE ENGINEER. CONTRACTOR SHALL IMPLEMENT THE WPCP THROUGHOUT THE DURATION OF THE PROJECT, AND AS REQUIRED IN THE PROJECT SPECIFICATIONS.

17.

ALL EXISTING CURBS, GUTTERS, SIDEWALKS, AND DRIVEWAYS THAT ARE TO BE RECONSTRUCTED SHALL BE REPLACED WITHIN FIVE (5) CALENDAR DAYS AFTER THEIR REMOVAL, UNLESS OTHERWISE APPROVED BY THE ENGINEER.

18.

THE CITY MUST APPROVE CONCRETE FORMS BEFORE THE POURING OF CONCRETE. CONCRETE POURED PRIOR TO APPROVAL IS SUBJECT TO REJECTION AND REMOVAL.

19.

CURB RAMPS SHALL BE REPLACED BY SAWCUTTING ALONG SCORE MARKS, THEN REMOVING AND REPLACING THE ENTIRE WIDTH OF THE SIDEWALK OVER 4" AGGREGATE BASE AND INSTALLING NO. 4 DOWELS (6" MINIMUM AND 9" MAXIMUM LENGTH) AT 3' ON CENTERS. THE DOWELS ARE TO BE DRILLED 3" INTO THE EXISTING CURB AND REMAINING SIDEWALK AND EPOXIED INTO PLACE.

20.

IF THERE ARE TREE ROOTS PRESENT AT LOCATIONS WHERE CONCRETE REPAIRS ARE SPECIFIED, CONTRACTOR SHALL OBTAIN APPROVAL FROM THE ENGINEER PRIOR TO CUTTING, PRUNING, OR REMOVING TREE ROOTS WHILE PERFORMING CONCRETE REPAIRS. CONTRACTOR SHALL APPLY ROOT CONTROL BARRIERS PRIOR TO PLACING NEW CONCRETE.

BUS STOPS

21.

CONTRACTOR SHALL CONTACT THE VTA GENERAL BUS STOP HOTLINE AT (408) 321-5800 OR VIA EMAIL AT BUS.STOP@VTA.ORG TO COORDINATE IMPACTS TO VTA BUS STOPS. CONTRACTOR SHALL PROVIDE NATURE OF IMPACT AND ESTIMATED NUMBER OF WORKING DAYS. CONTRACTOR MAY BE REQUIRED TO CONSTRUCT TEMPORARY IMPROVEMENTS TO ACCOMMODATE RELOCATING THE BUS STOPS.

GARBAGE COLLECTION

22.

FOR ANY WORK ON OR ADJACENT TO GARBAGE AND RECYCLING COLLECTION ROUTES, THE CONTRACTOR SHALL ALLOW GARBAGE TRUCKS TO SAFELY PASS THROUGH THE CONTRACTOR'S SITE AT ALL TIMES, UNLESS AN EXCEPTION IS GRANTED BY THE ENGINEER. CONTRACTOR SHALL NOTIFY RECOLOGY (408-842-3358) PRIOR TO COMMENCING CONSTRUCTION OF WORK WITHIN THE COLLECTION SITE.

DRIVEWAY ACCESS

23.

THE CONTRACTOR SHALL MAINTAIN INGRESS AND EGRESS OF PRIVATE PROPERTY ADJACENT TO THE WORK THROUGHOUT THE PERIOD OF CONSTRUCTION.

MAIL SERVICE

24.

THE CONTRACTOR SHALL CONTACT USPS AT (408-842-1354) TO COORDINATE IMPACTS TO MAIL SERVICE.

SITE RESTORATION

25.

EXISTING LANDSCAPING WITHIN THE AREA OF WORK SHALL BE CAREFULLY REMOVED AND REPLACED IN KIND WITH MINIMAL DAMAGE, LANDSCAPE SOIL SHALL BE REPLACED WHEN DIRECTED BY THE ENGINEER WITH BACKFILL MIX PER THE STATED STANDARD SPECIFICATIONS UNLESS OTHERWISE DIRECTED BY THE ENGINEER.

26.

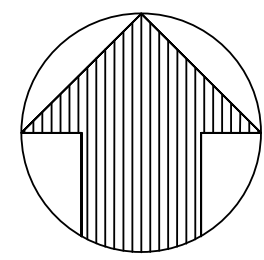
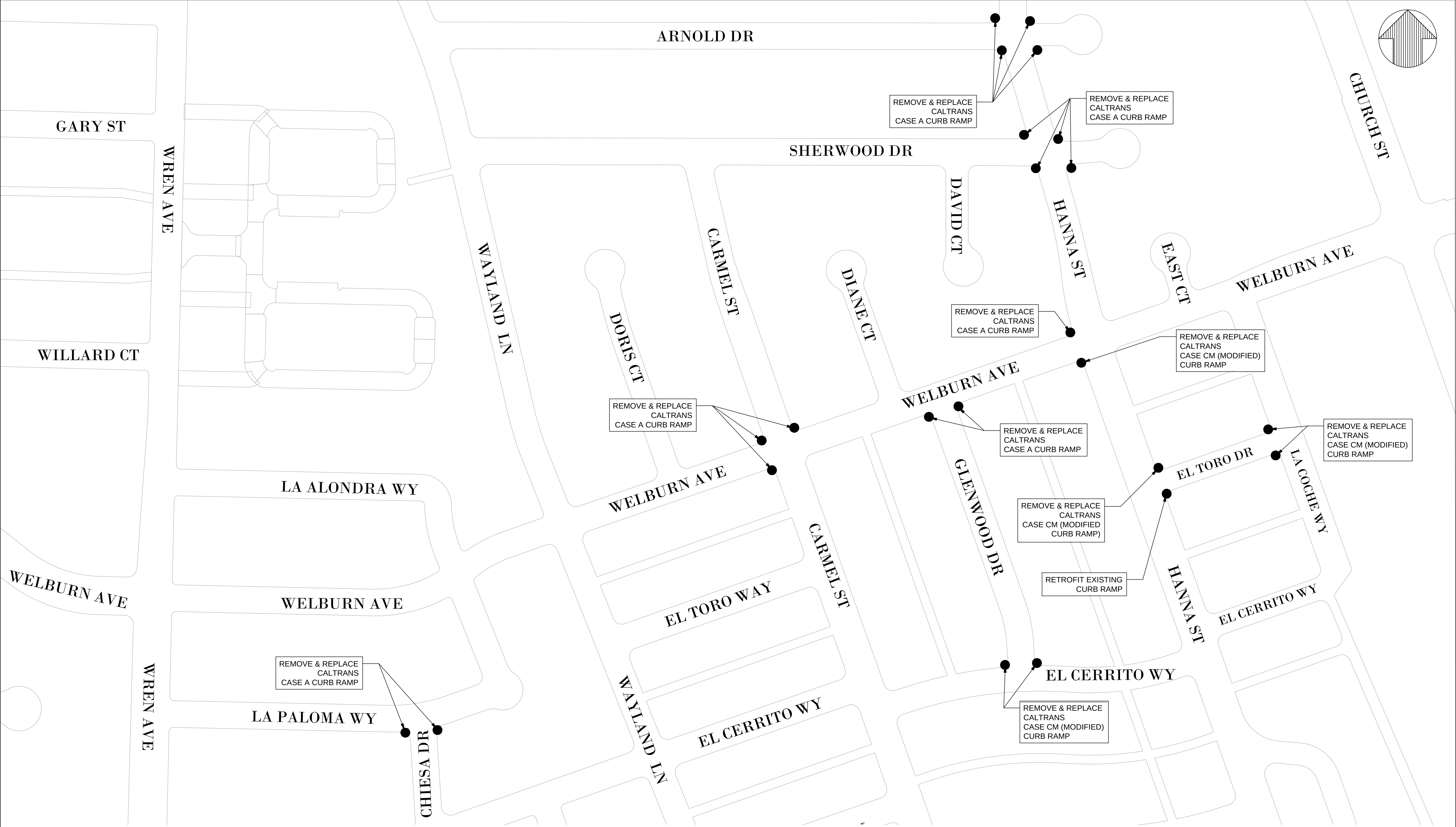
THE CONTRACTOR SHALL RETURN THE PRIVATE YARDS, SIDEWALKS, PLANTERS, IRRIGATION SYSTEMS, AND OTHER FACILITIES, PUBLIC OR PRIVATE, DISTURBED BY THE WORK TO THE SAME OR BETTER CONDITION THAT EXISTED PRIOR TO COMMENCEMENT OF THE WORK. THE CONTRACTOR SHALL MAKE A REASONABLE EFFORT TO RESTORE EACH PRIVATE YARD DISTURBED BY THE WORK WITHIN ONE WEEK AFTER THE WORK IS COMPLETE ON THE SAME YARD EXCEPT WHERE THE CITY'S INSPECTOR AGREES THAT FOR CONSTRUCTION REASONS, THE ONE WEEK REQUIREMENT MAY BE EXTENDED. IRRIGATION THAT IS DAMAGED SHALL BE REPAIRED WITHIN ONE WEEK OF DAMAGE.

No.	DATE	BY	REVISIONS	No.	DATE	BY	CITY APPROVALS	CITY OF GILROY DEPARTMENT OF PUBLIC WORKS 7351 ROSANNA STREET GILROY, CALIFORNIA 95020 MAIN (408) 846-0223 CITY OF GILROY DEPARTMENT OF PUBLIC WORKS 7351 ROSANNA STREET GILROY, CALIFORNIA 95020 MAIN (408) 846-0223	DRAWN BY:	MM	DATE	Scale	FY23 ANNUAL CDBG SIDEWALK/CURB RAMP PROJECT	Sheet No.
							MARCO MARTINEZ, PROJECT ENGINEER	DESIGNED BY:	MM	1/31/2023	NTS			
							GARY HEAP, CITY ENGINEER	REVIEWED BY:	GH		PROJECT No.			
											23-PW-279			
											GENERAL NOTES	SHEET 2 OF 3		

K:\Capital Improvement Program\Capital Improvement Projects\ - FY23 Annual CDBG Sidewalk-Curb Ramp Project\AutoCAD\FY23 Annual CDBG Sidewalk-Curb Ramp Project.dwg

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No.	DATE	BY	REVISIONS	No.	DATE	BY	CITY APPROVALS
							MARCO MARTINEZ, PROJECT ENGINEER
							GARY HEAP, CITY ENGINEER



CITY OF GILROY
DEPARTMENT OF PUBLIC WORKS
7351 ROSANNA STREET
GILROY, CALIFORNIA 95020
MAIN (408) 846-0223

DRAWN BY:	MM	DATE	Scale	FY23 ANNUAL CDBG SIDEWALK/CURB RAMP PROJECT	Sheet No.
DESIGNED BY:	MM	1/31/2023	NTS		L-1
REVIEWED BY:	GH		PROJECT No. 23-PW-279	LAYOUT 1	SHEET 3 OF 3

1/31/2023 5:48:35 PM



City of Gilroy

STAFF REPORT

Agenda Item Title: Architectural and Site Review Permit to amend the Plaza Allium sign program, located on property at the northeast corner of Tenth Street and Chestnut Street, Application No. AS 22-24

Meeting Date: March 6, 2023
 From: Jimmy Forbis, City Administrator
 Department: Community Development
 Submitted By: Sharon Goei, Community Development Director
 Prepared By: Kraig Tambornini, Senior Planner

STRATEGIC PLAN GOALS

Promote Economic Development Activities

RECOMMENDATION

Staff has analyzed the proposed project and recommends that the City Council take the following actions:

- a) Determine pursuant to CEQA Guidelines Section 15162, that the proposed amendment to the approved sign program is adequately assessed by the Mitigated Negative Declaration (MND) (SCH # 2021060521) adopted for the commercial development project on September 20, 2021, and that no subsequent environmental review shall be required, based on its independent analysis.
- b) Adopt a resolution to approve the proposed sign program amendment AS 22-24.

PROJECT DESCRIPTION

The developer requests a revision to the sign program standards approved for the Plaza Allium, a planned unit development (PUD) commercial shopping center, in order to better address visibility issues discovered during further field study. The specific changes are as follows:

- Increase the allowed height of the pylon sign from 75 feet to 80 feet to improve freeway visibility.
- Compact the sign panel with a 4-foot increase in overall width, from 30 feet to 34 feet, and reduced sign area from 720 square feet to 515 square feet.

No other changes are proposed. Documents provided in support of this request are included as exhibits to the attached Planning Commission staff report.

BACKGROUND

On September 20, 2021, City Council approved redevelopment of the subject property as a commercial planned unit development C3-PUD rezoning (AS 20-14). The shopping center complex approval includes a hotel and several retail shops, and adoption of site-specific development standards for the buildings and signage.

The sign program was approved with the following deviations from the Zoning Code standards:

1. Deviation to allow one of the two monument signs ("M1") at 16 feet in height instead of 14 feet.
2. Freeway pylon sign (P1) sign area of 720 square feet, instead of the standard maximum 330 square feet permitted by code.

Environmental Assessment: On September 20, 2021, the City Council adopted a mitigated negative declaration for the commercial development project (SCH # 2021060521), which included the installation of a 75-foot high freeway pylon sign. The revisions represent a 6.7-percent increase in height and an overall reduction in sign area. No environmental issues were identified with the pylon signage, which is comparable to existing signage installed along the freeway. Thus, the proposed amendment to the sign height is considered adequately addressed by the existing Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the project. Pursuant to CEQA, no further environmental review is required.

California Environmental Quality Act (CEQA) Guidelines Section 15162 provide, when a negative declaration has been adopted for a project, that no subsequent environmental document shall be required unless the lead agency makes certain determinations based on substantial evidence in the light of the whole record. As noted in the Planning Commission staff report, these determinations do not apply to the requested amendment.

ANALYSIS

General Plan Consistency: General Plan policy LU 8.7 Signs and Billboards requires signs to be located to respect the surrounding context in order to minimize any negative impact on the visual environment. No other policies have been identified that would be relevant to this request. The sign would maintain the design qualities required under the sign program, and as such is considered to remain in compliance with this policy. The sign would have a minimal change in anticipated visual impact and results in an overall reduction in sign area.

Zoning Code Conformance: Pursuant to Gilroy Municipal Code Section 30.50.50.g, the Community Development Director may only approve modifications to an approved PUD if they conform to the requirements of the underlying zoning district. In this case, the zoning district permits a maximum pylon sign height of 75 feet. Therefore, approval of the modified Sign Program standards requires review by the Planning Commission and approval by the City Council.

The original PUD permit review criteria (Section 30.50.43) and findings (Section 30.50.50.d) would apply to the amendment. The amendment continues to meet the signage criteria, as follows:

- (1) *Potential traffic hazards.* The increased sign size would not create any traffic hazards.
- (2) *Appearance.* The sign design details would remain unchanged, to conform to the PUD design standards.
- (3) *Harmony with adjacent development.* Considering the location of the sign with respect to the freeway frontage, the pylon sign would be visually comparable to the 65-foot tall signs located along the freeway at Gilroy Crossing to the east and shopping center to the south, as well as the 90-foot tall Garlic Farm signage at Monterey and US 101.
- (4) *Favorable image of the city.* The signage would not result in a significant change in the approved height and maintains the high-quality design consistent with approved criteria.
- (5) *Number, area, bulk, shape, height, location, separation, clearance, projection, illumination, color and landscaping of such signs.* The sign location would maximize its visibility while reducing overall sign area, which serves to reduce the bulk and mass of proposed signage. No other changes are proposed with respect to design.

Based on this review, staff concludes the findings for a PUD amendment can be supported based on the following:

1. The amendment conforms to the Gilroy general plan in terms of general location and standards of development given that the scale remains comparable to other

nearby pylon signage and the design quality is preserved, thus would remain consistent with Policy LU 8.7.

2. The amended signage would continue to support retail development that fills a specific need of the surrounding area.
3. The amended signage would continue to provide a harmonious, integrated plan and together with reduced sign massing, justifies the 5 foot height increase above the normal requirements of the Zoning Code.
4. The minor increase in height, and reduction in sign area, would not create adverse effects on surrounding areas.
5. The sign modification would not create any potential traffic hazards, would maintain a high-quality appearance, remains in harmony with the development, presents a favorable image of the city and promotes a high quality, well designed sign that is in scale with the project and in keeping with similar signage along the freeway.
6. The amendment remains in conformance with the planned unit development approval.

Technical Advisory Committee (TAC): Plans were routed to Engineering, Building, Police, and Fire representatives for internal review and comment and no issues were identified.

ALTERNATIVES

The City Council may deny the requested amendment in which case the applicant can proceed with development under the current approval. Staff does not recommend this alternative.

FISCAL IMPACT/FUNDING SOURCE

There is no fiscal impact associated with the adoption of the Resolution. The applicant has paid the fees associated with the application.

PUBLIC OUTREACH

Property owner information (i.e. list, labels, and map) within 500 feet of the subject site were generated using current ownership data. On or before February 17, 2023, notices of this City Council meeting were mailed to the property owners along with other interested parties. In addition, the property has been posted with on-site signage notifying passers-by of pending development, published in the Gilroy Dispatch, and the City Council public hearing packets are available through the City's webpage.

NEXT STEPS

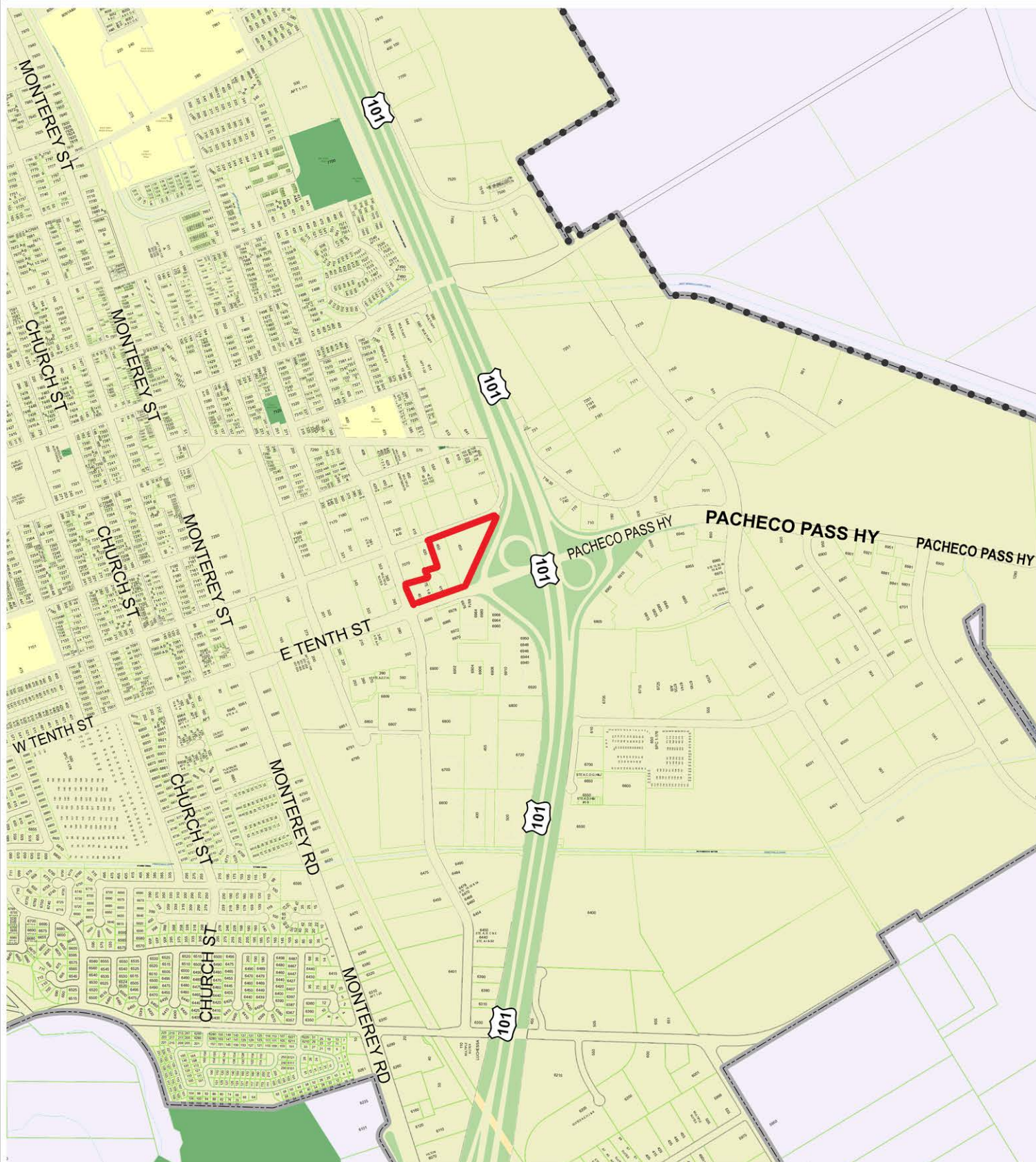
If approved the applicant may proceed with the project as amended.

Attachments:

1. Vicinity Map
2. Planning Commission Report and Attachments
3. Planning Commission Resolution
4. Mitigated Negative Declaration (Link)
5. City Council Resolution (Draft)

Vicinity Map

Chestnut and Tenth



2,352.6 0 1,176.28 2,352.6 Feet

NAD_1983_StatePlane_California_III_FIPS_0403_Feet
City of Gilroy, GIS Services

1:14,115

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Community Development Department

Sharon Goei
DIRECTOR

7351 Rosanna Street, Gilroy, CA 95020-6197
Telephone: (408) 846-0451 | Fax: (408) 846-0429
cityofgilroy.org | planningdivision@cityofgilroy.org

DATE: February 2, 2023

TO: Planning Commission

FROM: Kraig Tambornini, Senior Planner

SUBJECT: Architectural and Site Review Permit to amend the Plaza Allium sign program, located on property at the northeast corner of Tenth Street and Chestnut Street, Application No. AS 22-24

RECOMMENDATION:

Staff has analyzed the proposed project and recommends that the Planning Commission take the following actions:

- a) Recommend that the City Council, based on its independent analysis, determine pursuant to CEQA Guidelines Section 15162, that the proposed amendment to the approved sign program is adequately assessed by the Mitigated Negative Declaration (MND) (SCH # 2021060521) adopted for the commercial development project on September 20, 2021, and that no subsequent environmental review shall be required.
- b) Adopt a resolution recommending that the City Council approve the proposed sign program amendment AS 22-24.

PROJECT DESCRIPTION:

The applicant requests an amendment to the Plaza Allium Commercial Planned Development (PUD) approval AS 20-14, in order to allow an increase in the freeway-oriented pylon sign height from 75 feet to 80 feet in height and increase in the sign width by 4 feet. The sign area would reduce from 720 square feet to 515 square feet. This request requires an amendment to the standards for the sign program approved as part of the PUD approval AS 20-14.

BACKGROUND:

PUD Approval. On September 20, 2021, the City Council approved redevelopment of the subject property as a commercial planned unit development C3-PUD rezoning (AS 20-14). The shopping center complex approval includes a hotel and several retail shops, and adoption of site-specific development standards for the buildings and signage. The PUD sign program standards allow the following, which includes deviations from the Zoning Code:

1. Deviation to allow one of the two monument signs ("M1") at 16 feet in height instead of 14 feet. The second monument sign, M2, complies with a standard 7'

height allowance. Further, the signs proposed 82sf and 68sf, respectively, which is below the maximum standard 100 square feet in area allowed in the Code.

2. Freeway pylon sign (P1) is designed to the maximum height standard of 75 feet in response to the site elevation relative to the freeway, with increased sign area of 720sf instead of the standard 330sf permitted by code.

Proposed Amendment: The following revisions to the Freeway-oriented Pylon Sign standards are requested in order to better address visibility issues discovered during further field study:

- Increase the pylon sign height from 75 feet to 80 feet to improve freeway visibility.
- Compact sign panel with a small increase in width from 30 feet to 34 feet, and reduced area from 720 square feet down to 515 square feet.

No other changes are proposed. The applicant has provided a letter along with other supporting documentation to explain the need for the revision. Visual illustrations are attached to show views of the approved and proposed sign from the freeway.

Environmental Assessment: On September 20, 2021, the City Council adopted a mitigated negative declaration for the commercial development project (SCH # 2021060521), which included the installation of a 75-foot tall freeway pylon sign. The revisions represent a 6.7 percent increase in height and an overall reduction in sign area. No environmental issues were identified with the pylon signage, which is comparable to existing signage installed along the freeway. Thus, the proposed amendment to the sign height is considered adequately addressed by the existing IS/MND prepared for the project. Pursuant to CEi A, no further environmental review is required.

California Environmental Quality Act (CEi A) Guidelines Section 15162 provide, when a negative declaration has been adopted for a project, that no subsequent environmental document shall be required unless the lead agency determines based on substantial evidence in the light of the whole record, one or more of the following:

- (1) **Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.** Staff concludes the increase in height allowance from 75 feet to 80 feet, increase in overall width from 30 feet 34 feet, and reduction in sign area is not a substantial change and impacts remain adequately analyzed under the section 4.1 of the MND (Aesthetics). Impact discussion items in Section 4.1.2 would not be materially affected by this change and no further discussion is required.
- (2) **Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental**

effects or a substantial increase in the severity of previously identified significant effects. Staff concludes there are no substantial changes of the

circumstances under which the project was reviewed and will be undertaken, and no revisions to the MND are required.

- (3) ***New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:***
- (A) ***The project will have one or more significant effects not discussed in the previous EIR or negative declaration.*** Staff concludes this determination cannot be made as the project will not have any additional environmental effects.
 - (B) ***Significant effects previously examined will be substantially more severe than shown in the previous EIR.*** Staff concludes this determination cannot be made for the project as the change in sign height and dimensions would not have any material physical effects on the environment.
 - (C) ***Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative.*** Staff concludes this determination cannot be made for this project as the project changes do not require changes to any existing mitigation measures. There are no measures applicable to the freeway sign with respect to design, placement or its height.
 - (D) ***Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.*** Staff concludes this determination cannot be made for this project as the proposed amendment does not trigger any changes to the mitigation measures adopted for this project.

ANALYSIS:

General Plan Consistency: General Plan policy LU 8.7 Signs and Billboards requires signs to be located to respect the surrounding context in order to minimize any negative impact on the visual environment. No other policies have been identified that would be relevant to this request. The sign would maintain the design qualities required under the sign program, and as such is considered to remain in compliance with this policy. The sign would have a minimal change in anticipated visual impact and results in an overall reduction in sign area.

Zoning Code Conformance: Pursuant to Gilroy Municipal Code Section 30.50.50.g, the Community Development Director may only approve modifications to an approved PUD if they conform to the requirements of the underlying zoning district. In this case, the zoning district permits a maximum pylon sign height of 75 feet. Therefore, approval of the modified Sign Program standards requires review by the Planning Commission and approval by the City Council.

The original PUD permit review criteria (Section 30.50.43) and findings (Section 30.50.50.d) would apply to the amendment. Staff recommends the amendment continues to meet the signage criteria, as follows:

- (1) **Potential traffic hazards.** The increased sign size would not create any traffic hazards.
- (2) **Appearance.** The sign design details would remain unchanged, to conform to the PUD design standards.
- (3) **Harmony with adjacent development.** Considering the location of the sign with respect to the freeway frontage, the pylon sign would be visually comparable to the 65 foot tall signs located along the freeway at Gilroy Crossing to the east and shopping center to the south, as well as the 90' tall Garlic Farm signage at Monterey and US 101.
- (4) **Favorable image of the city.** The signage would not result in a significant change in the approved height, and maintains the high quality design consistent with approved criteria.
- (5) **Number, area, bulk, shape, height, location, separation, clearance, projection, illumination, color and landscaping of such signs.** The sign location would maximize its visibility while reducing overall sign area, which serves to reduce the bulk and mass of proposed signage. No other changes are proposed with respect to design.

Based on review of the proposal, staff concludes the findings for a PUD amendment can be supported based on the following:

1. The amendment conforms to the Gilroy general plan in terms of general location and standards of development given that the scale remains comparable to other nearby pylon signage and the design quality is preserved, thus would remain consistent with Policy LU 8.7.
2. The amended signage would continue to support retail development that fills a specific need of the surrounding area.
3. The amended signage would continue to provide a harmonious, integrated plan and together with reduced sign massing, justifies the 5 foot height increase above the normal requirements of the Zoning Code.
4. The minor increase in height, and reduction in sign area, would not create adverse effects on surrounding areas.
5. The sign modification would not create any potential traffic hazards, would maintain a high quality appearance, remains in harmony with the development, presents a favorable image of the city and promotes a high quality, well-designed sign that is in scale with the project and in keeping with similar signage along the freeway.
6. The amendment remains in conformance with the planned unit development approval.

Technical Advisory Committee (TAC): Plans were routed to Engineering, Building, Police, and Fire representatives for internal review and comment and no issues were identified.

PUBLIC NOTICING:

Property owner information (i.e., list, labels, and map) within 500 feet of the subject site were generated using current ownership data. On or before January 20, 2023, notices of this Planning Commission meeting were mailed to the property owners along with other interested parties. In addition, the property has been posted with on-site signage notifying passers-by of pending development, published in the Gilroy Dispatch, and the Planning Commission public hearing packets are available through the City webpage.

APPEAL PROCEDURE:

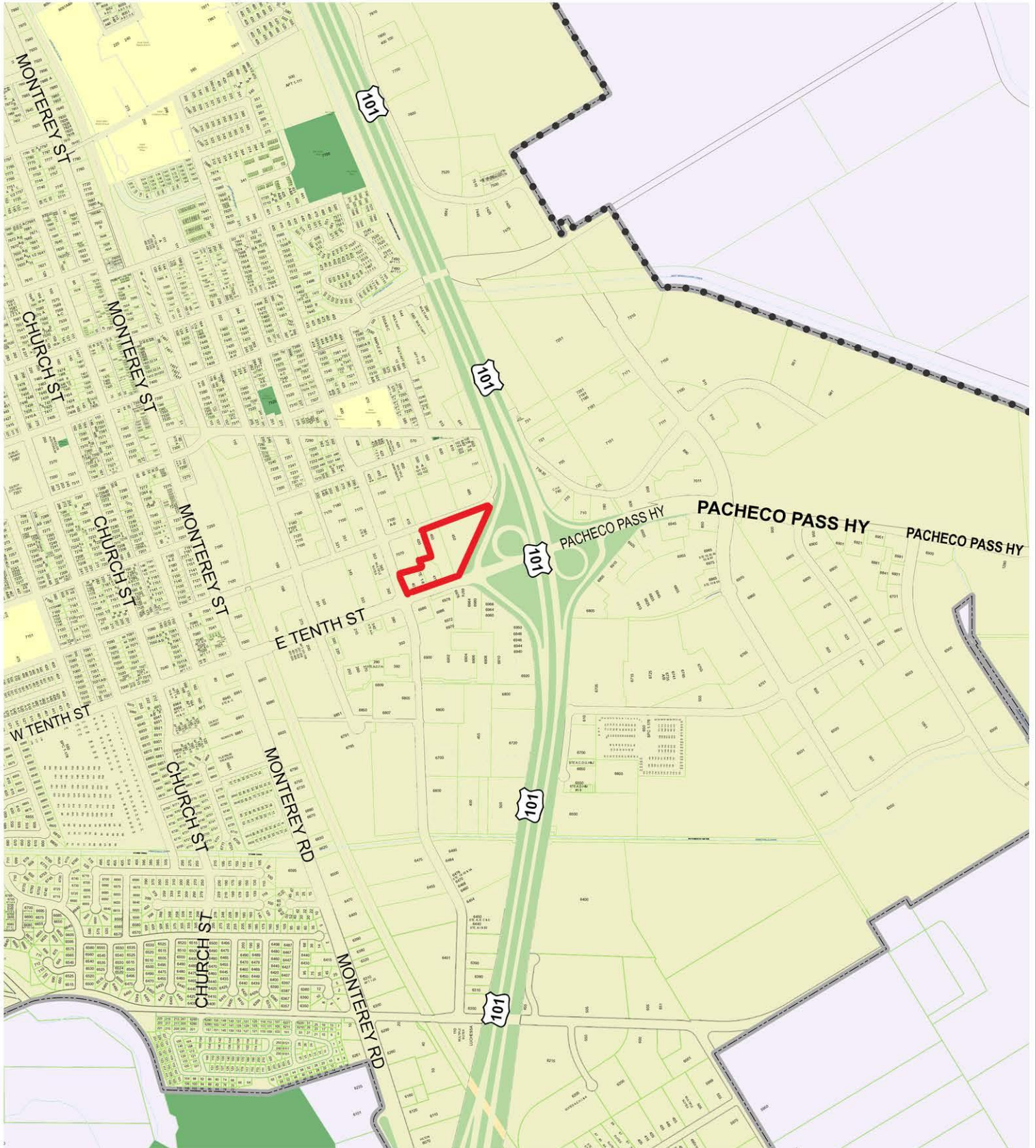
The Planning Commission is providing its recommendations to the City Council, thus there is no expected action to be taken that would be subject to appeal.

Attachments:

1. Vicinity Map
2. Justification Statement Increased height
 - a. Caltrans Tree Removal Question
3. Surrounding signage exhibit
4. Visual Illustrations
5. Site Plan
6. Proposed Pylon Sign
7. Existing Pylon Sign Approval
8. Current Sign Program
9. Links to the Adopted Mitigated Negative Declaration
10. Planning Commission Resolution AS 20-14 Approval
11. Draft Planning Commission Resolution AS 22-24

Vicinity Map

Chestnut and Tenth



2,352.6 0 1,176.28 2,352.6 Feet

NAD_1983_StatePlane_California_III_FIPS_0403_Feet
City of Gilroy, GIS Services

1:14,115

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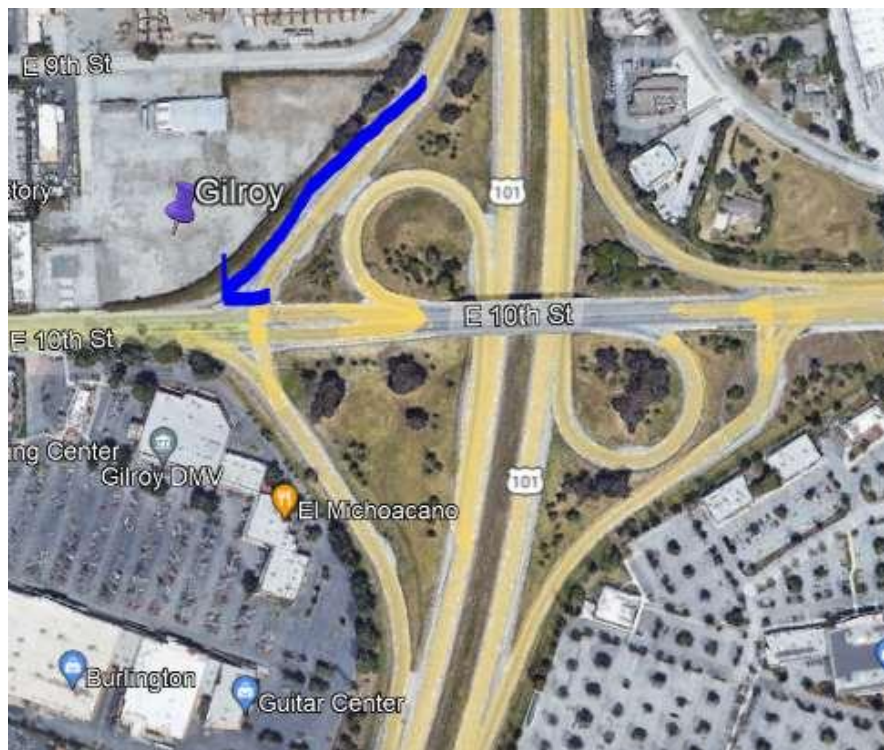
JAN. 24, 2023

Reasoning – Increased Height for Pylon Sign to 80' from 75'

Our current signage approval (granted through **Res. 2021-10**) allows a pylon sign with a maximum height of 75'.

However, various signs tests performed by the applicant by driving north/south on the 101 Freeway and employing a truck with a telescopic boom and a specialized hoisted panel (see illustrations section below), concluded that the approved height of 75' doesn't not provide adequate visibility to the freeway due to the following two reasons:

1. **Distance of the property from the freeway:** our property is unique among the adjoining shopping centers within proximity to the freeway because:
 - A.) instead of our freeway-facing frontage running parallel to the freeway, it travels diagonally away from the freeway.
 - B.) located between our property and the freeway lanes of travel, is the off-ramp exit, which further increases the distance our site from the freeway- see image below:



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The consequence of the diagonal property line, and of the off-ramp's location being between our site and the freeway, is that our proposed location for the pylon sign is **distanced approximately 460 and 570 feet away** from the freeway's south and northbound lanes respectively, which results in visibility which ranges from no visibility to greatly diminished visibility when compared with the pylon signage of neighboring properties.

For comparison, the aerial image and the summary below detail the heights and distances from both freeway lanes of the pylon signs of the centers closest to our property.

- **GUITAR CENTER / McDonald's Shopping Center** – 65' pylon:
Pylon sign is distanced 110' from the south bound lane / 220' from the northbound lane.
- **GILROY CROSSING** – 65' pylon sign:
There are two pylon signs; the range of their distance is 55' and 97' from the south bound lane / 155'-210' from the northbound lane.
- **GARLIC FARM** – 90' pylon sign:
Pylon sign is distanced 205' from the south bound lane / 315' from the northbound lane.



2. **Tree obstruction:** the mature height of several rows of trees along the freeway frontages west of the freeway (which is the same direction where the sign will be installed) block the sign's visibility for cars approaching from both the northerly and southerly directions of travel.

The location of those trees is highlighted below:



While we approached Caltrans to allow us to trim these rows of trees that block the sign, Caltrans would only allow trimming a very short row of trees that are within the frontage of our property (because state regulations prohibit them from allowing developers to trim any healthy trees that are not within our property).

For these two reasons, we are asking for approval of a 5-foot increase in height of our pylon sign, from 75 to 80 feet.

ILLUSTRATIONS



Kraig Tambornini

From: Alex Gonzalez <agonzalez@evgre.com>
Sent: Wednesday, January 18, 2023 3:25 PM
To: Alex Gonzalez
Subject: FW: Tree Removal Question - 04-SCL-101 PM 6.2 in Gilroy
Attachments: SP0001.pdf; TR0165.pdf

From: Naseer, Amjad@DOT <amjad.naseer@dot.ca.gov>
Sent: Wednesday, November 4, 2020 12:24 PM
To: Alex Gonzalez <agonzalez@evgre.com>
Subject: RE: Tree Removal Question - 04-SCL-101 PM 6.2 in Gilroy

Alex,

These trees are in good health. Therefore, their removal is not justified. In addition, use of public property for private benefit is prohibited under the California Constitution, Article XVI, Section 6. It is also not statutorily exempt, meaning such removal requires environmental clearance under CEQA.

The alternatives are:

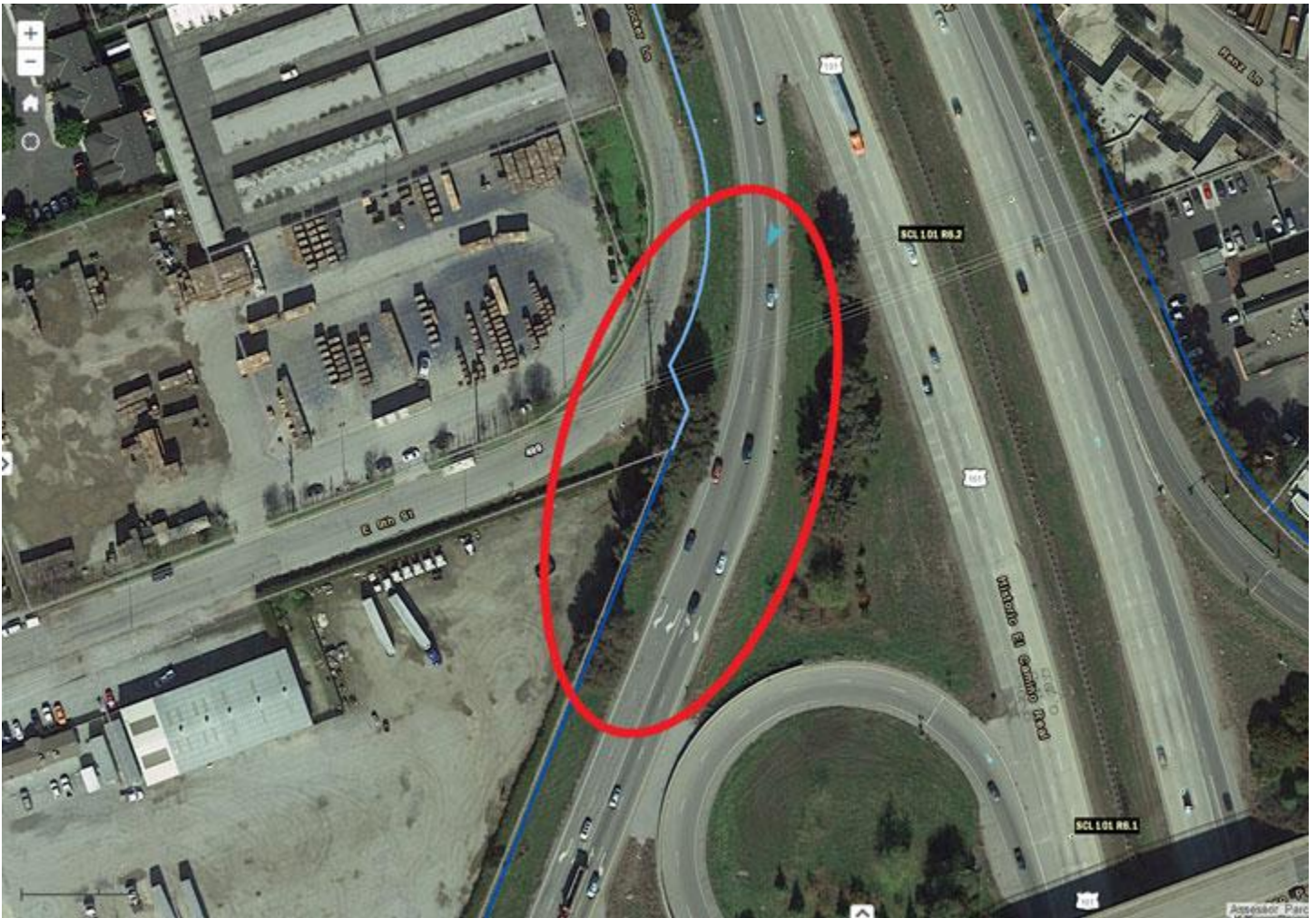
1. Relocated the proposed sign, or
2. Apply for a visibility improvement encroachment for outdoor advertising to prune trees only.

We can discuss at 2pm.

Thank you.

Amjad Naseer
 District Branch Chief - South region
 (510) 286-4423





From: Alex Gonzalez <agonzalez@evgre.com>
Sent: Wednesday, November 4, 2020 10:36 AM
To: Naseer, Amjad@DOT <amjad.naseer@dot.ca.gov>
Subject: RE: Tree Removal Question

EXTERNAL EMAIL. Links/attachments may not be safe.

Good idea. Here it is:



Alex Gonzalez | Director, Development
 2390 East Camelback Road, Suite 410, Phoenix, Arizona 85016
 Phone: 602.808.8600 | Direct: 602.567.7171
agonzalez@evgre.com | www.evgre.com



From: Naseer, Amjad@DOT <amjad.naseer@dot.ca.gov>
 Sent: Wednesday, November 4, 2020 11:33 AM

To: Alex Gonzalez <agonzalez@evgre.com>

Subject: RE: Tree Removal Question

Meanwhile, please send me a google aerial and street view with trees and the sign. Thank you.

From: Alex Gonzalez <agonzalez@evgre.com>

Sent: Wednesday, November 4, 2020 10:31 AM

To: Naseer, Amjad@DOT <amjad.naseer@dot.ca.gov>

Subject: RE: Tree Removal Question

EXTERNAL EMAIL. Links/attachments may not be safe.

Ok..I will call you at 2.

Alex Gonzalez | Director, Development

2390 East Camelback Road, Suite 410, Phoenix, Arizona 85016

Phone: 602.808.8600 | Direct: 602.567.7171

agonzalez@evgre.com | www.evgre.com



Growing With Purpose

From: Naseer, Amjad@DOT <amjad.naseer@dot.ca.gov>

Sent: Wednesday, November 4, 2020 11:25 AM

To: Alex Gonzalez <agonzalez@evgre.com>

Subject: RE: Tree Removal Question

Sure, Alex.

I am available in the office today from now - 12 noon and then 2 - 4 pm.

Thank you.

Amjad Naseer

District Branch Chief – South Region

(510) 286-4423 (Office)

From: Alex Gonzalez <agonzalez@evgre.com>

Sent: Wednesday, November 4, 2020 8:30 AM

To: Naseer, Amjad@DOT <amjad.naseer@dot.ca.gov>

Subject: FW: Tree Removal Question

EXTERNAL EMAIL. Links/attachments may not be safe.

Amjad- hello.

Gary Heap in Gilroy forwarded to me your information.

Can we set a time to talk today, tomorrow, or Friday so I can understand what is / isn't possible regarding the trees?

Alex Gonzalez | Director, Development

2390 East Camelback Road, Suite 410, Phoenix, Arizona 85016

Phone: 602.808.8600 | Direct: 602.567.7171

agonzalez@evgre.com | www.evgre.com



Growing Wild's Purpose

From: Gary Heap <Gary.Heap@ci.gilroy.ca.us>
Sent: Wednesday, November 4, 2020 9:27 AM
To: Alex Gonzalez <agonzalez@evgre.com>
Cc: Kraig Tambornini <Kraig.Tambornini@ci.gilroy.ca.us>
Subject: FW: Tree Removal Question

Alex,

After our meeting yesterday, I inquired about the tree removal you requested with a contact I have at Caltrans. The response was that an encroachment permit is required to be issued by the State. Amjad is the permit manager for District 4.

Gary

From: Naseer, Amjad@DOT [<mailto:amjad.naseer@dot.ca.gov>]
Sent: Tuesday, November 3, 2020 9:22 PM
To: Bains, Surjit@DOT; Gary Heap
Subject: Re: Tree Removal Question

Gary,

Tree removal is not statutorily exempt. It requires CEQA approval. But in this case healthy trees removal in State right-of-way for private benefit (because it is blocking their sign) is not allowed under a permit.

Thank you.

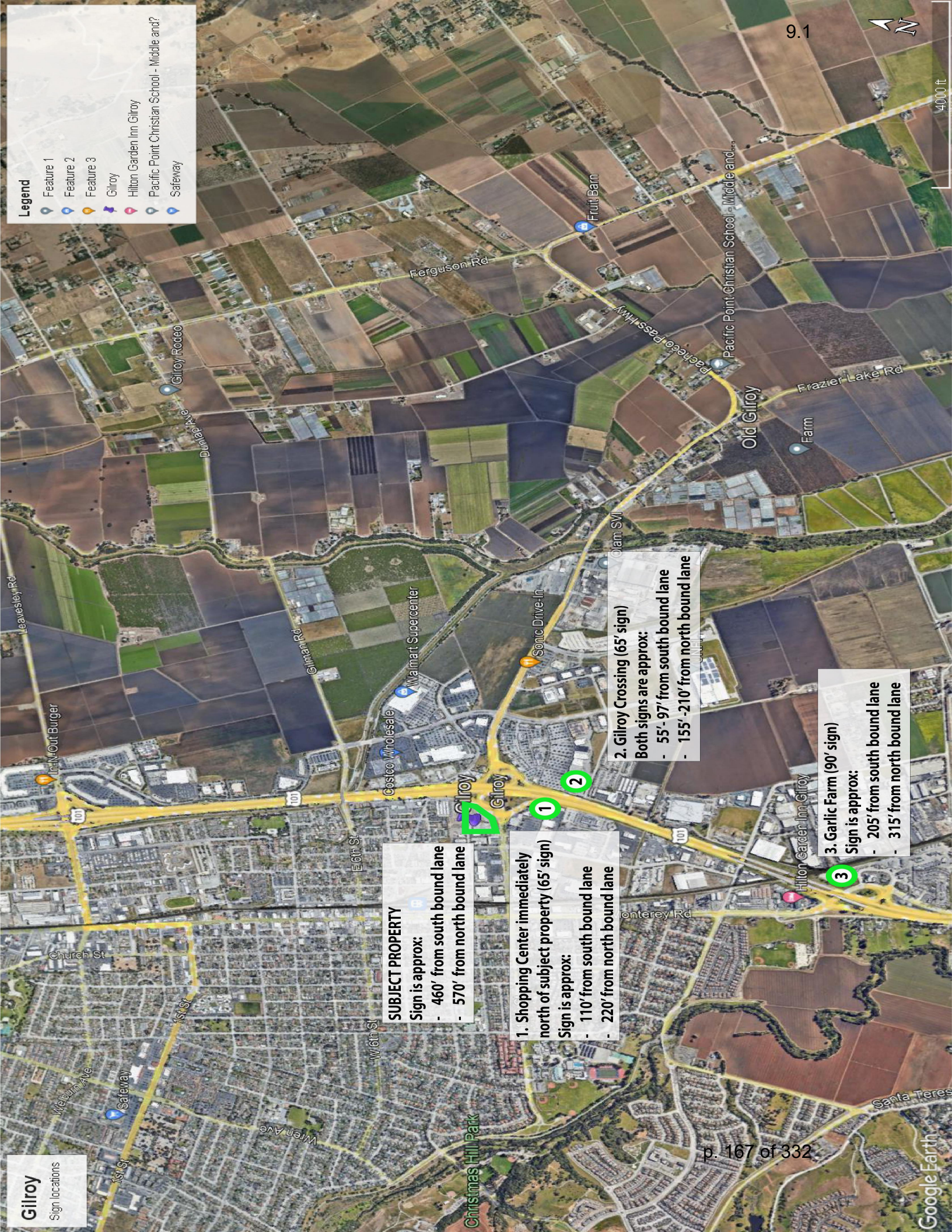
Amjad Naseer

Legend

- Feature 1
- Feature 2
- Feature 3
- Gilroy
- Hilton Garden Inn Gilroy
- Pacific Point Christian School - Middle and?
- Safeway



4000 ft



SUBJECT PROPERTY
Sign is approx:
- 460' from south bound lane
- 570' from north bound lane

1. Shopping Center immediately north of subject property (65' sign)
Sign is approx:
- 110' from south bound lane
- 220' from north bound lane

2. Gilroy Crossing (65' sign)
Both signs are approx:
- 55'- 97' from south bound lane
- 155'- 210' from north bound lane

3. Garlic Farm (90' sign)
Sign is approx:
- 205' from south bound lane
- 315' from north bound lane

NORTHBOUND - 62' HEIGHT - APPROX. 4m AWAY

CURRENT SIGN / HEIGHT
(75')

NEW SIGN / HEIGHT
(80')

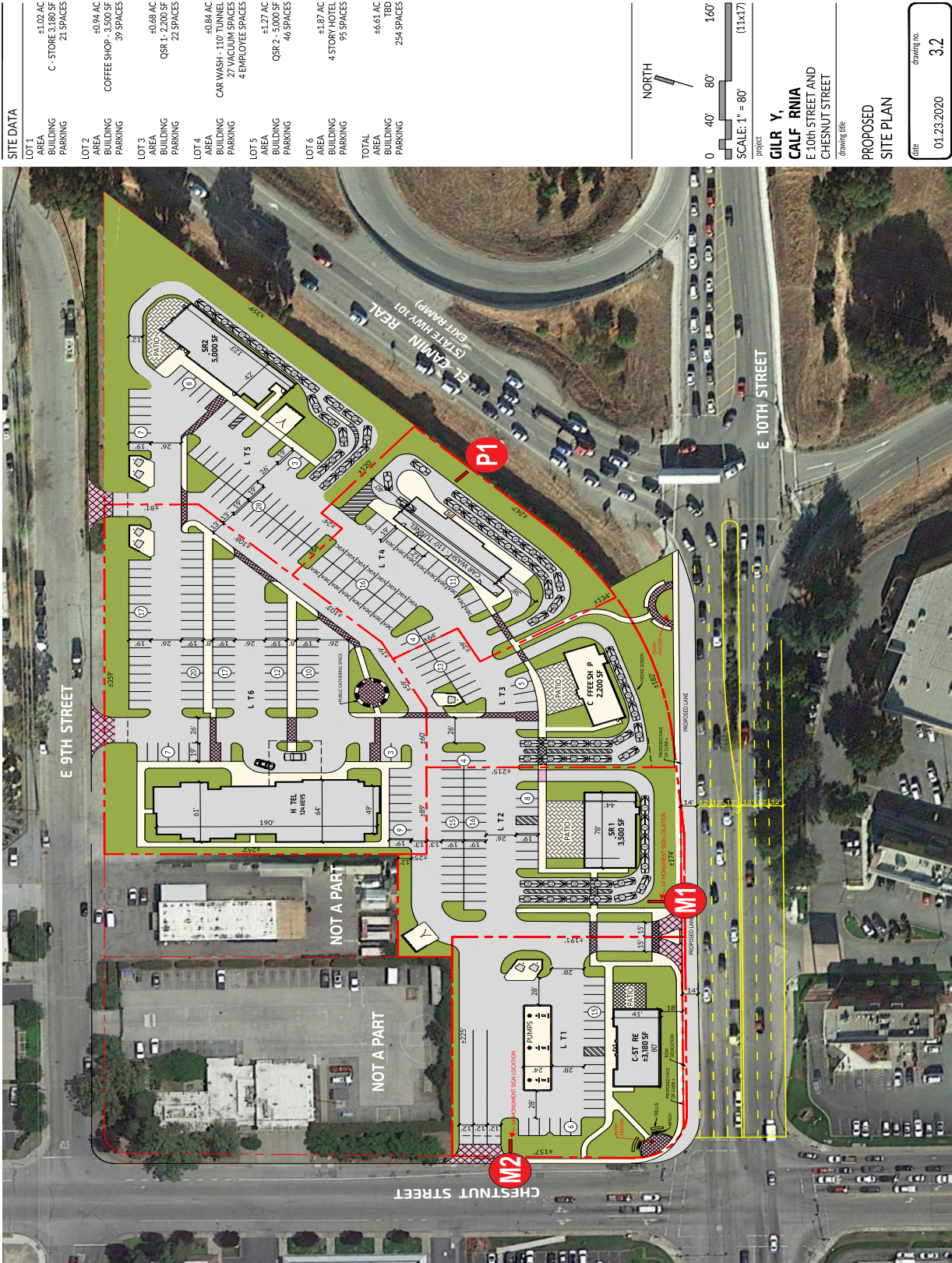
LOW PART OF THE PANEL
HOISTED AT 62'

SOUTHBOUND - 62' HEIGHT - APPROX. .4M AWAY

NEW SIGN / HEIGHT
(80')

CURRENT SIGN / HEIGHT
(75')

LOW PART OF THE PANEL
HOISTED AT 62'



P1

Manufacture and Install One(1) Internally Illuminated Pylon Sign
 515.00 Sq. Ft.
 Scale: 3/32" = 1'-0"

Monument Sign:

- **Structure:** Aluminum Angle Skinned with .090" Aluminum Painted to Match
- **Faces:** Routed .125 Painted to Match with Routed Copy
- **Backed:** 3/16" Acrylic Stud Mounted to the Face
- **Vinyl:** TBD
- **Illumination:** LEDs Spaced as Necessary for Ample Illumination
- **Power:** 120v to 12v Power Supplies in Sign as Necessary for LED Count
- **Installation:** On ASA Pipe and Footer at Customer Specified Location

8 Amps x 6 Panels = 48 Amps Total @120 Volts
 or 5 Amps x 6 Panels = 30 Amps Total @ 277 Volts

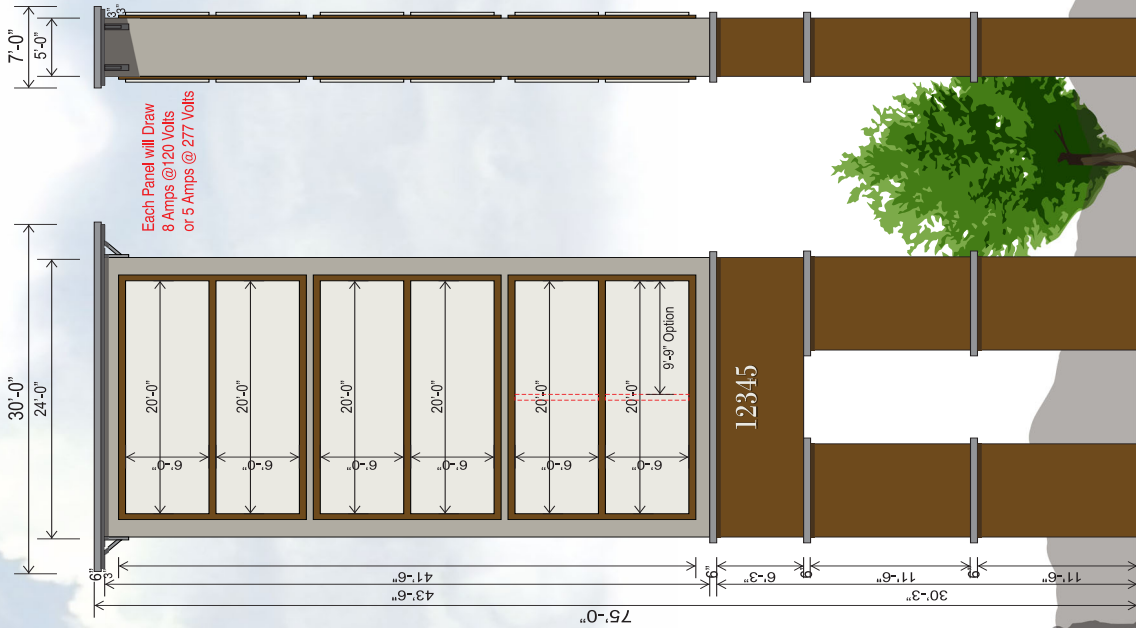


P1 **Manufacture and Install One(1) Internally Illuminated Pylon Sign**
 720.00 Sq. Ft. Scale: 3/32" = 1'-0"

Monument Sign:

- **Structure:** Aluminum Angle Skinned with .090" Aluminum Painted to Match
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8 Amps x 6 Panels = 48 Amps Total @120 Volts
 or 5 Amps x 6 Panels = 30 Amps Total @ 277 Volts



Comprehensive Sign Plan

The Gilroy Center Gilroy, CA 95020



March 16, 2021

Prepared by:



Address: 2831 W. Weldon Ave. | Phoenix, AZ 85017
Phone: 602-272-9356 | Fax: 602-272-4608
www.bootzandduke.com

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1.2 Design Specification / All Tenants	1	General Guidelines / General Construction
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2.3 Installation & Removals	1	General Guidelines / General Construction
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SECTION 1: General Guidelines

1.1 Purpose

The GILROY CENTER signage guidelines are established for the purpose of ensuring a functional, coordinated, and consistent program that will provide project and TENTANT identification as well as traffic control, while encouraging creativity and compatibility

This program was developed to compliment the update architectural elements of the center and to coordinate the type, placement, and appropriate sign sizing within the center thereby appering as an integral part of the center and not an afterthought. In cases not covered by these guidelines, the City of Gilroy's Sign Ordinance will be in force.

1.2 Design Specification / All Tenants

All signs shall be reviewed for conformance with these guidelines, overall design quality, and compatibility with the architectural of the center. Approval or disapproval of sign submittals shall remain the right of the Declarant and Gilroy Planning Department.

The area of a sign may be measured by height of the letters times the length of each line. The area of the sign may be measured to the outside perimeter of the sign, including the area of any voids within a simple bounding perimeter.

Sign content shall be limited to the Tenant's name and primary logo and allowable secondary signage as provided for herein. Notwithstanding the following Sign Provisions, Tenants may utilize standard corporate logo and/or prototypical signage graphics, subject to approval of the Declarant and City.

All signage, with exception of certain logo/graphic, shall be of individual channel letters internally illuminated with LED's. Backlit channel letters are also permitted when mounted to building fascia. Where tenant signs are at the edge of canopies, backing is to be routed and to match individual letters. All signs must be internally illuminated. No cabinet signs / raceways will be permitted except as allowed by landlord in landlord's sole discretion for ancillary and/or logo type signage. Signage illumination shall not include flashing, moving or scintillating effects.

Signage must be constructed and installed to meet or exceed all applicable building codes and City requirements (i.e. electrical, structural, mechanical, etc).

SECTION 2: General Construction

Signage must meet all requirements of the State of California and the City of Gilroy.

All building signs shall be constructed, installed and maintained at the Tenant's expense.

All exterior signs must be secured and concealed fasteners; all bolts bolts, fasteners, clips and conduits shall be hidden from public view. If exposed, all sign parts shall be painted to match with exterior color of the surfaces on which they are mounted.

All building fascia signs shall be mounted directly to either the wall [Except where aluminum woodgrain sidings and/or any types of decorative elements such as stone veneer are installed unless approved by the landlord] or on the edge of the canopy. All penetrations of the building structure required for the sign installation shall be neatly sealed and watertight. Color and finish of attachments and sealant shall match adjacent exterior finishes.

Surfaces of all signage are intended to be flat without bulges, oil canning or other imperfections. Light baffles to be provided where light leakage occurs (i.e. at weep holes)

2.1 Submittals & Review

No signs shall be fabricated or installed unless the following approvals have been obtained.

Declarant Approval: Submit two (2) sets of plans, to scale, showing the sign elevation. This drawing must have all materials and colors specified. Also provide material and samples if requested by the landlord. The plans must also include the building elevation and the location(s) of the signs on the building and site plan indicating location of the store within the center. All measurements of tenant's signs and storefront must also be included in the plans.

Once these plans are stamped and approved, the landlord will send back the approval to the tenant to be submitted Planning Department with application and fee.

If the plans are submitted to the Declarant are not acceptable or require revisions, they must be resubmitted unless they are approved "with conditions".

2.2 Electrical and Illumination

Fabrication and installation will comply with all Underwriter Laboratories (U.L.) requirements and applicable state and local codes. All components shall be U.L. listed, and be manufactured and installed by a U.L. certified company.

All wiring, conductors, transformers, ballasts and other equipment shall be concealed from public view. Primary electrical service to all Tenant's signs shall be tied to Tenant's electrical service. Tenant shall provide time clock for use in conjunction with the electrical services and be responsible for all associated costs.

The illumination of all sign components shall be uniform in intensity over all the illumination surfaces.

Illumination and electrical specifications must appear on all shop drawings submitted for approval.

2.3 Installation & Removals

All penetrations of any building structure required for sign installation shall be neatly sealed and continuously maintained in watertight condition.

All signage contractors used by Tenants for installation, removal or service call must be fully licensed, and must provide Declarant with certificates of insurance prior to the commencement of any work.

All methods of attachment to any struture must be detailed on shop drawings and be approved by the Declarant.

Sign removals shall include the patching and repairing (Refinishing / Resurfacing) of the entire work area, plus the repainting of any "ghosted" areas as directed by the Declarant.

Tenant's Sign Contractor shall repair any damage caused by his/her work. Tenant's sign contractor must follow the rules and regulations for T.I. contractors provided in each Tenant lease. Damage to any structure that is not repaired by the Contractor shall become the Tenant's responsibility to correct.

The Tenant's Sign Contractor shall be fully licensed by the State of California and have an active business license in the City of Gilroy. The sign contractor must carry workman's compensation and general liability insurance against all damages suffered or done to any and all persons and/or property while engage in the construction or erection of signs.

SECTION 2 General Construction (Continued)

2.4 Tenant Responsibilities

Tenant's shall be responsible for all fulfillment of all requirements of this Signage Program and all applicable codes and ordinances. Each Tenant is responsible for the cost of design, fabrication, installation, maintenance of all signage components.

Tenant is responsible for the immediate repair of illumination outages as well as routine maintenance of all signage components.

All permits required by the City of Gilroy and associated fees shall be obtained and paid for by the tenant or tenant's representative. Tenants shall be required to perform or cause to have performed such necessary action to correct or repair signage within 10 days of written notice from Declarant.

All sign contractors employed or retained by Tenant must carry all applicable city and state licenses, Workman's Compensation and General Liabilities insurance per the lease, providing coverage against damages suffered or done to any and all persons and/or property while engage in the construction or erection of signs, in an amount deemed appropriate by lessor. Tenants shall indemnify and hold harmless the city of Gilroy and the Declarant from any damages that arise from the installation, maintenance or use of Tenant's signage.

Upon the termination or conclusion of tenant's lease, the tenant is responsible at their sole cost for the removal of all signs. All signs must be removed and their electrical connections capped off within FIVE (5) days of the lease termination or per terms of lease. The storefront shall be patched, reskimmed/resurfaced per sole discretion of Declarant. Touch-up painted to match the surrounding fascia areas and otherwise repaired as detailed in previous section of these guidelines.

2.5 Prohibited Signs

No Flasing, moving or scintillating light bulbs or effects are permitted.

Windows signs, other than the Permanent Window Graphics, will not be allowed. These signs include neon signs, fiber optic/neon simulated plastic signs and border neon except as allowed by landlord in Declarant's sole discretion.

No signs shall be installed, relocated or maintained so as to prevent entry or exit out of any door. No signs shall create a safety hazard by obstructing view of pedestrian and vehicular traffic.

No sign shall be relocated within a required easement, unless an encroachment permit

No signs shall obstruct access to fire hydrant, fire department connections, or fire department access roads.

Signs on/ or affixed to trucks, automobiles, trailers or other vehicles which advertise, identify, or provide direction to a use or activity not related to its lawful making of deliveries or sales of merchandise or rendering of services from such vehicles are prohibited when such vehicles are located on the Shopping Center.

Signs, which audibly advertise, identify or provide direction to a use or activity, are prohibited.

The Declarant reserves the right to determine the acceptability of signs. Noncompliant signs are to be removed immediately upon request. Promotional and temporary signs will not be permitted without written Declarant approval and must be in accordance with the Gilroy City Ordinances.

2.6 Temporary Signs

Temporary wall signs, leasing signs, window signs, pennants, banners or flags, inflatable displays or sandwich boards will be allowed if consistent with provisions in the City of Gilroy Zoning Code and approved in advance by the Declarant.

All temporary promotional signage must be professionally produced. Handmade or personal computer graphic signs are prohibited.

2.7 Approvals and Permits

Each Tenant or Lessee will be provided with a copy of the Sign Program and Guidelines as their first step in obtaining signs within the Patio Shopping Center. Compliance with this signage program will be strictly enforced. Any non-conforming or unapproved sign installed by the Tenant must be brought into compliance at Tenant's expense.

SECTION 3 General Signage Provisions

Tenants are encouraged to use various letter styles and colors to achieve a creative and individual look. However, these signage guidelines limit the number of signs, sign sizes including width and overall letter heights. Internal illumination is permitted.

Notwithstanding the following provisions, tenant may utilize standard corporate logos and/or prototypical signage graphics, subject to approval of the Declarant and local governing entity. All tenant signage is subject to Declarant approvals.

3.1 Building Wall Sign

Tenants will be allowed 1.5 square feet of signage area per lineal foot of frontage, (1) not exceeding 150 square feet of signage area regardless of building frontage and (2) not exceeding 75% of the storefront or building elevation, and must comply with the city of Gilroy's sign regulations under section 30.37.50. Except where wood-sidings and stone veneers are installed, tenant's sign(s) may be installed on both (1) the sign band or/and (2) the canopy.

Signs attached on canopies are restricted to 16" max in height except logos are allowed to be at 18" max in height and is confined in a square shape of dimensions 18in x 18in

Tenants may be allowed allowed signage on free standing monument signs in addition to signage specified above subject to landlord approval and availability. Tenant Sign will be in Text Form only and must placed within the white dotted line, which indicates the maximum sign area allowable. [See Exhibit B:]

All signs must meet the GILROY CENTER Signage Guidelines and City Gilroy's Sign Ordinances

3.2 Permanent Windows Graphics

Permanent Window Graphics are those signs affixed to a storefront window. A standard font format shall be used for the Permanent Window's Graphics that indicates hours of operation, suite or street address, open/closed and relevant information only. No advertising.

Signage is applied to the surface of storefront glazing window next to door using vinyl graphics in 3M White 7725-10.

All Tenants shall affix suite or street address on at least one business storefront window.

Maximum cap height for permanent identification letters shall be 2" with the exception for suite/address identification which shall not exceed a 4" cap height.

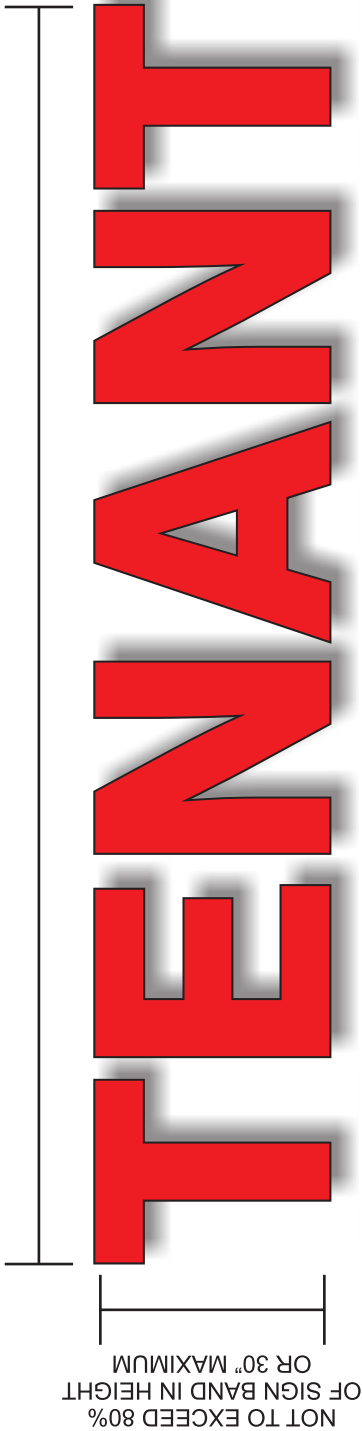
The aggregate square footage of all window signs shall not exceed Twenty Five (25) percent of the surface area of the window on which it is placed.

Window signs shall not be illuminated. All window signs shall be approved in writing by the Declarant.

3.3 Master Shopping Center Sign [See Exhibit A]

- One(1) 7' Fuel Center Monument Signs on 10th St
- Two(2) 15' Monument Signs on 10th St and Chestnut St
- One(1) 75' Freeway Pylon Sign on 9th St and State Highway

NOT TO EXCEED 80%
SUITE FRONTAGE

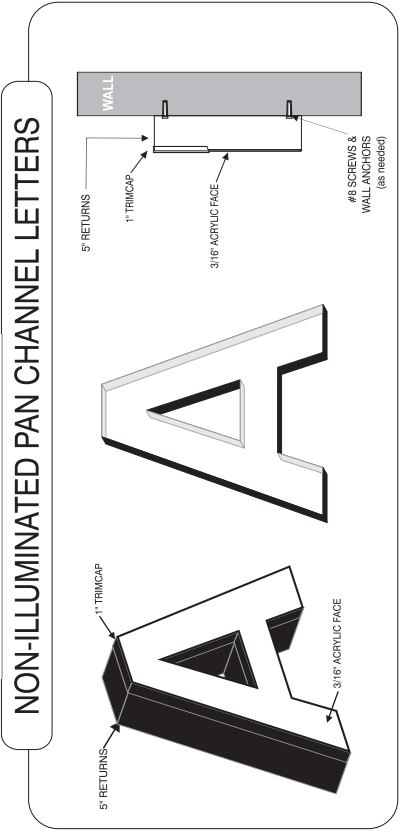
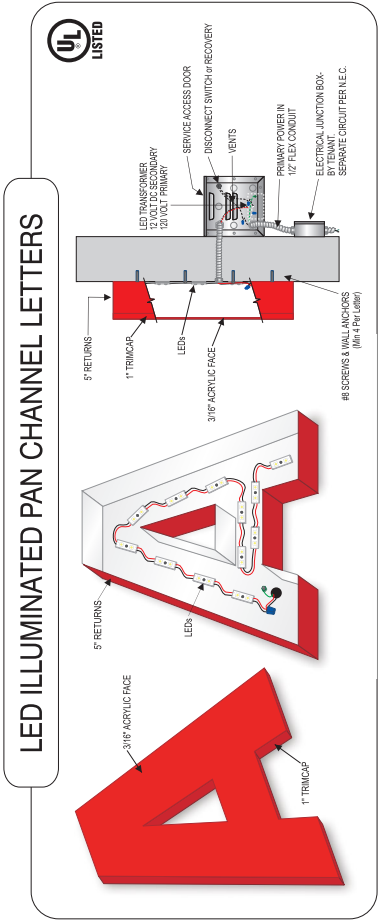


CONSTRUCTION
.063" ALUMINUM CONSTRUCTION.
5" DEEP RETURNS, .040" CLC, COLOR AS PER
OCCUPANT.
1" TRIM CAP, COLOR AS PER OCCUPANT.

MOUNTING
MOUNT FLUSH TO WALL.

FACE
3/16" SG ACRYLIC, COLOR AS PER OCCUPANT.

ILLUMINATION
INTERNAL LEDs SPACED AS NECESSARY FOR
PROPER ILLUMINATION WITH REMOTE POWER
SUPPLIES



TYPICAL INDIVIDUAL REVERSE PAN CHANNEL LETTERS

NOT TO EXCEED 80%
SUITE FRONTAGE

NOT TO EXCEED 80%
OF SIGN BAND IN HEIGHT
OR 30" MAXIMUM

THANKS

CONSTRUCTION

.063" CLC RETURNS 3" DEEP WITH .090"
ALUMINUM FACES PAINTED COLOR AS PER
OCCUPANT

3/16 CLEAR LEXAN BACKS CLIP MOUNTED TO THE LETTERS

MOUNTING

STUD MOUNTED 1" OFF THE WALL TO CREATE
HALO ILLUMINATION.

ILLUMINATION

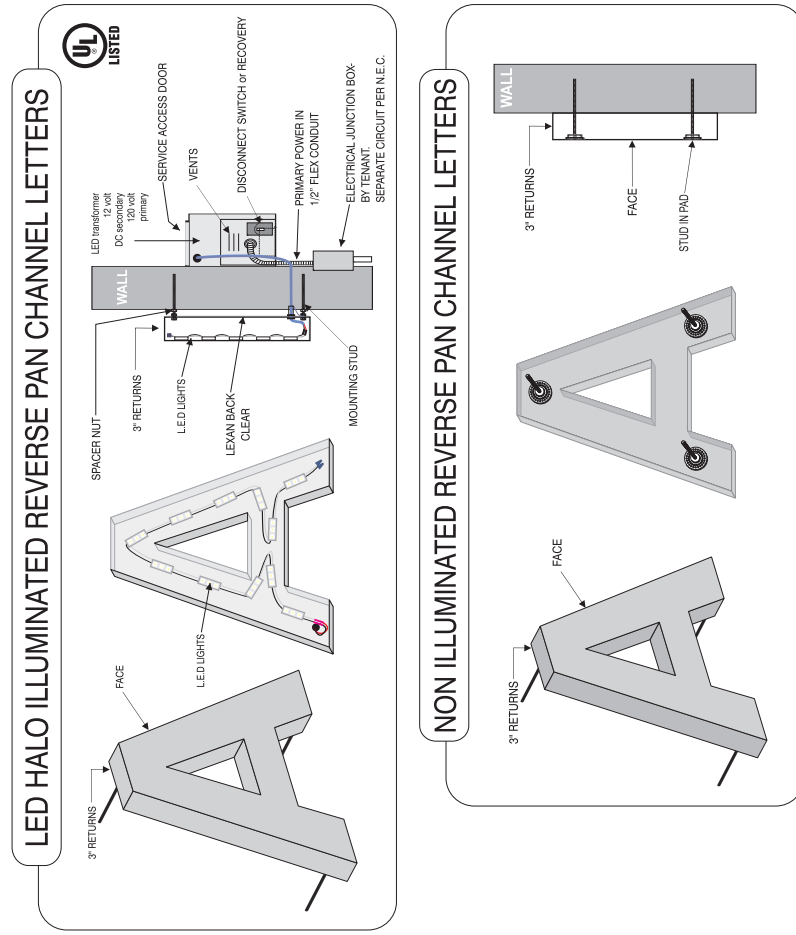
ILLUMINATION
INTERNAL LEDS SPACED AS NECESSARY FOR
PROPER ILLUMINATION WITH REMOTE POWER
SUPPLIES

9.1

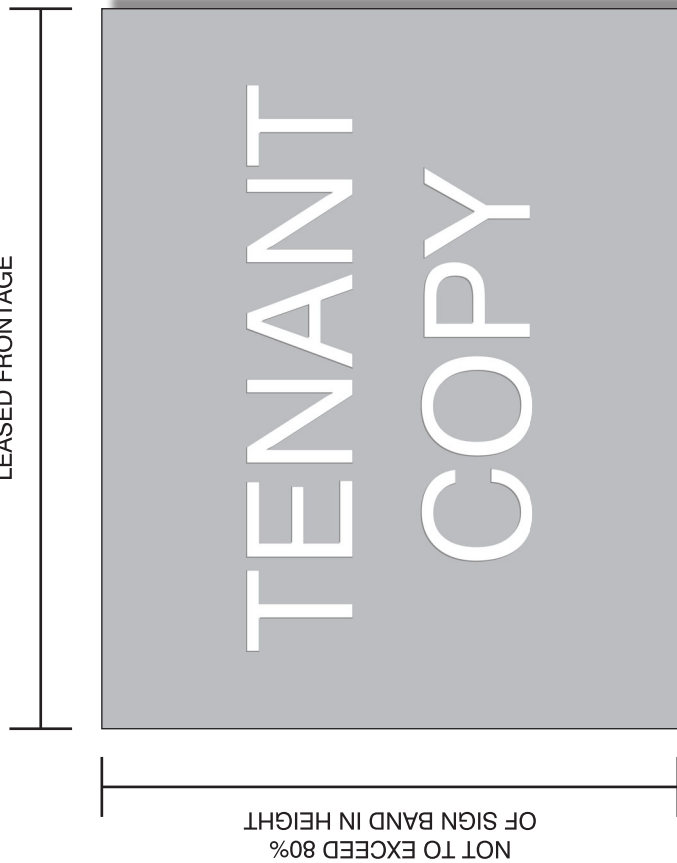
Comprehensive Sign Program - The Gilroy Center - Gilroy, CA 95020

6

p. 178 of 332



NOT TO EXCEED 80%
LEASED FRONTAGE



CONSTRUCTION

ALUMINUM ANGLE FRAME SKINNED WITH .090" ALUMINUM PAINTED CUSTOMER SPECIFIED COLORS

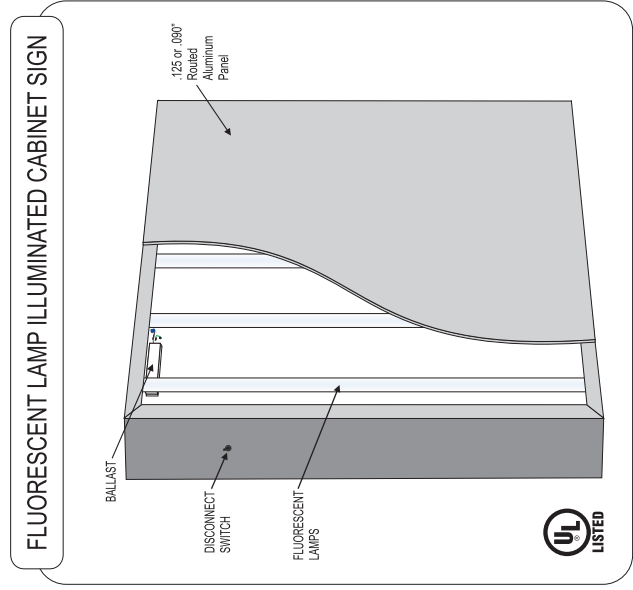
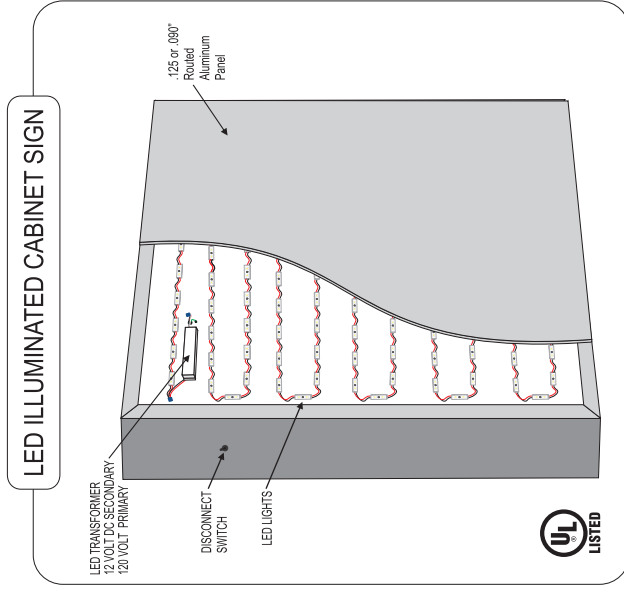
.125" or .090" ROUTED ALUMINUM PANEL

MOUNTING

FLUSH TO THE BUILDING WITH HARDWARE AS NECESSARY

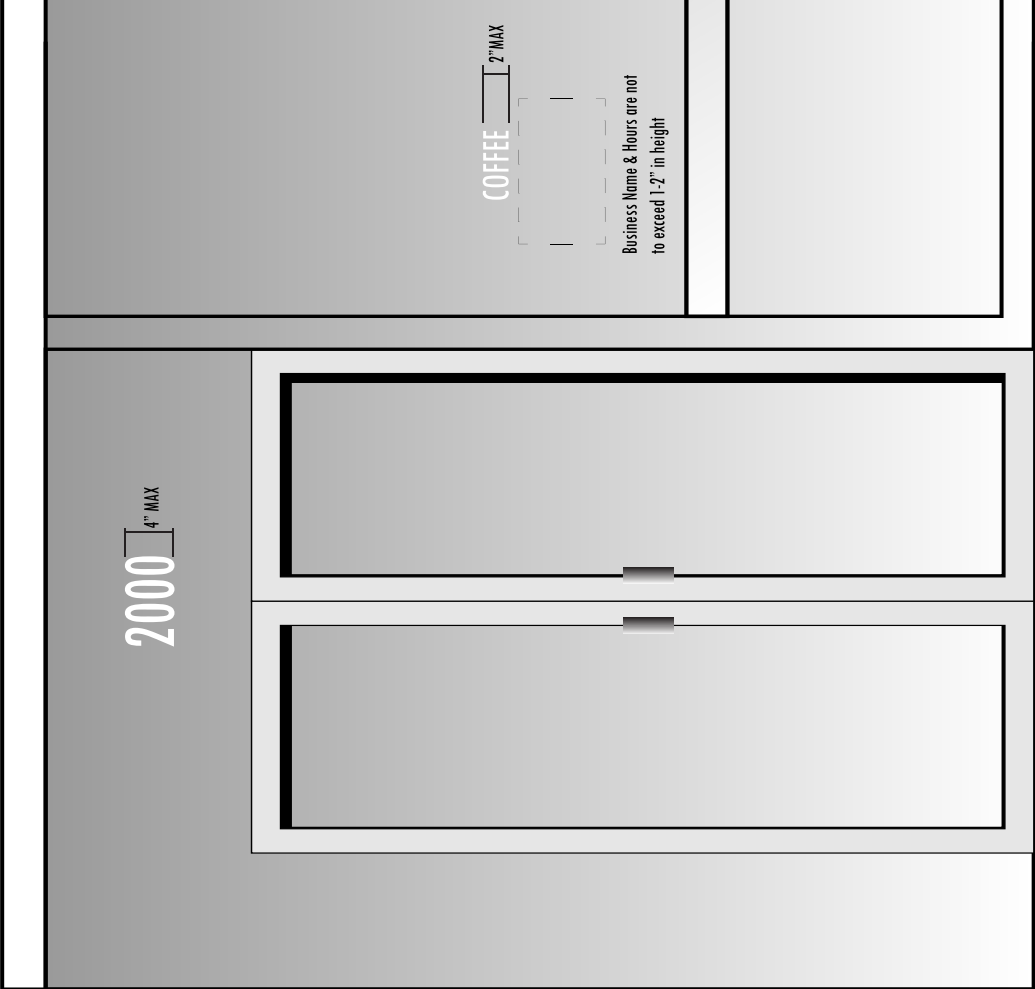
ILLUMINATION

LED OR FLUORESCENT ILLUMINATION WITH INTERNAL POWER SUPPLIES OR BALLASTS









Scale: 3/4" = 1'-0"

- P1

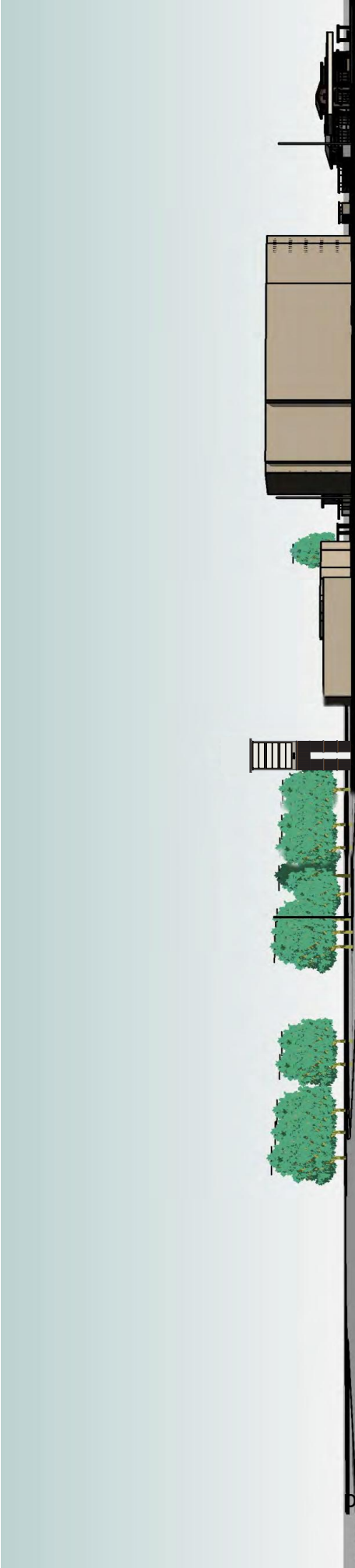
Manufacture and Install One(1) Internally Illuminated Pylon Sign

720.00 Sq. Ft.

Monument Sign:

Scale: 3/32" - 1"-0"
- **Structure:** Aluminum Angle Skinned with .090" Aluminum Painted to Match
 - **Faces:** Routed .125 Painted to Match with Routed Copy
 - **Backed:** 3/16" Acrylic Stud Mounted to the Face
 - **Vinyl:** TBD
 - **Illumination:** LEDs Spaced as Necessary for Ample Illumination
 - **Power:** 120v to 12v Power Supplies in Sign as Necessary for LED Count
 - **Installation:** On ASA Pipe and Footer at Customer Specified Location





- M1

Manufacture and Install Two(2) Internally Illuminated Monument Sign
81.78 Sq. Ft.
Scale: 3/8" = 1'-0"

Monument Sign:

 - **Structure:** Aluminum Angle Skinned with .090" Aluminum Painted to Match
 - **Faces:** Routed .125 Painted to Match with Routed Copy
 - **Backed:** 3/16" Acrylic Stud Mounted to the Face
 - **Vinyl:** TBD
 - **Illumination:** LEDs Spaced as Necessary for Ample Illumination
 - **Power:** 120v to 12v Power Supplies in Sign as Necessary for LED Count
 - **Installation:** On ASA Pipe and Footer at Customer Specified Location



- M2

Manufacture and Install Two(2) Internally Illuminated Monument Sign
68.33 Sq. Ft.
Scale: 3/8" = 1'-0"

Monument Sign:

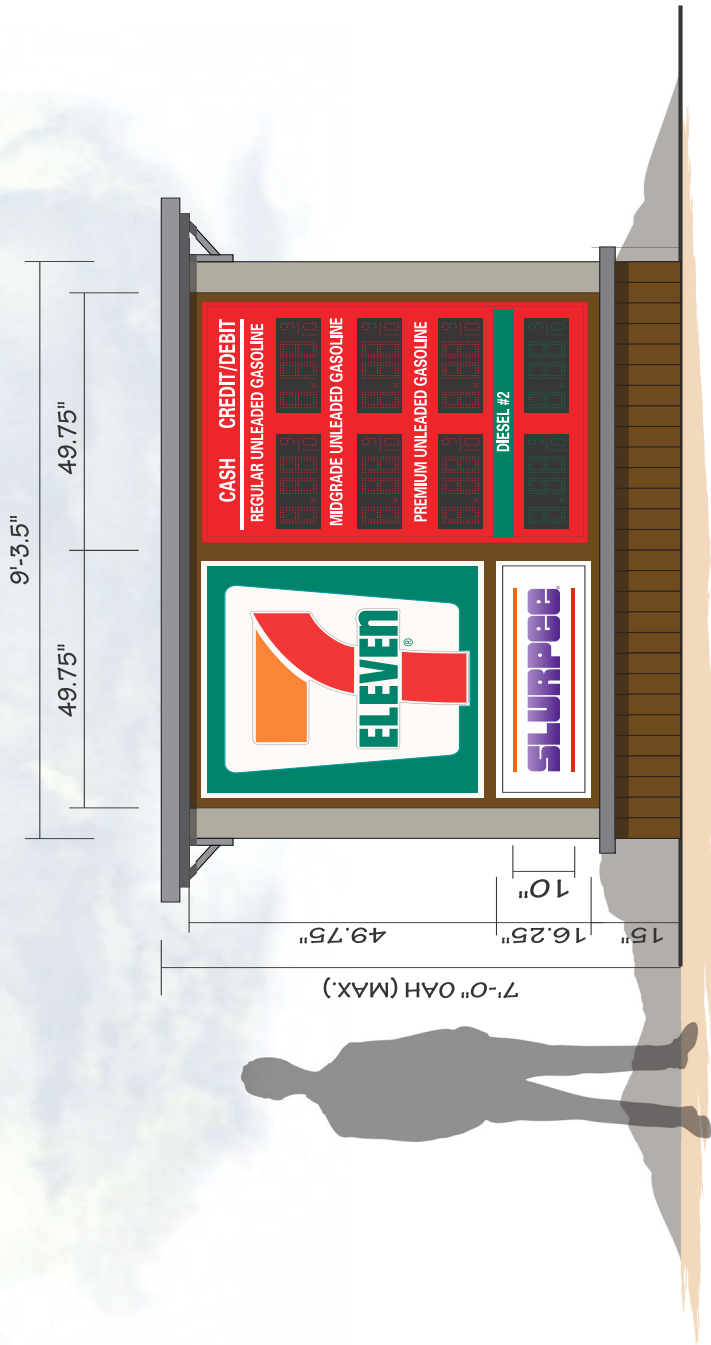
 - **Structure:** Aluminum Angle Skinned with .090" Aluminum Painted to Match
 - **Faces:** Routed .125 Painted to Match with Routed Copy
 - **Backed:** 3/16" Acrylic Stud Mounted to the Face
 - **Vinyl:** TBD
 - **Illumination:** LEDs Spaced as Necessary for Ample Illumination
 - **Power:** 120v to 12v Power Supplies in Sign as Necessary for LED Count
 - **Installation:** On ASA Pipe and Footer at Customer Specified Location

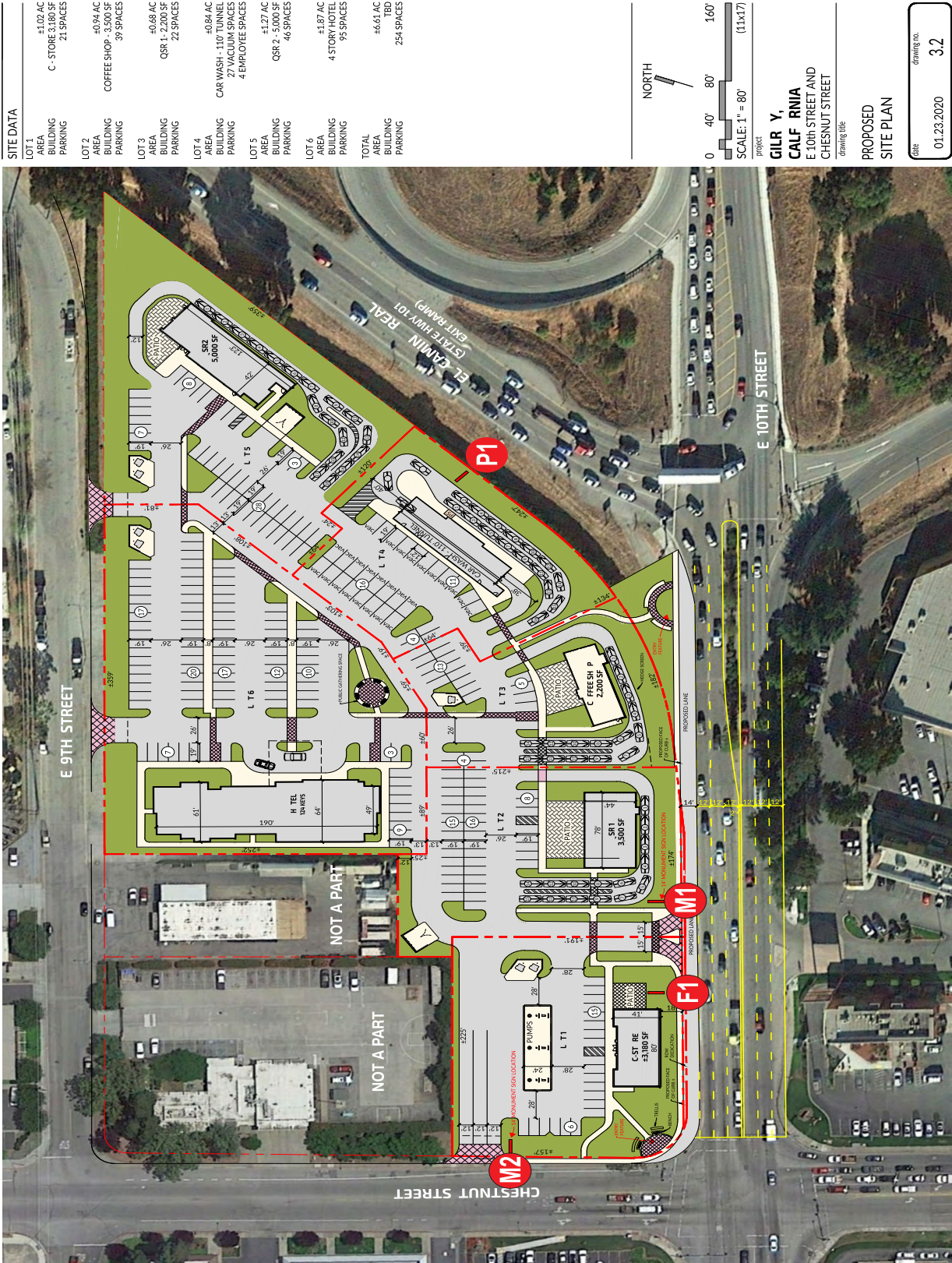


- F1

Manufacture and Install One(1) Internally Illuminated Directory Sign
45.95 Sq. Ft. TBD
Scale: 1/2" = 1'-0"
- Monument Sign:

- Structure: Aluminum Angle Skinned with .090" Aluminum Painted to Match
 - Faces: Routed .125 Painted to Match with Routed Copy
 - Backed: 3/16" Acrylic Stud Mounted to the Face
 - Vinyl: TBD
 - Illumination: LEDs Spaced as Necessary for Ample Illumination
 - Power: 120v to 12v Power Supplies in Sign as Necessary for LED Count
 - Installation: On ASA Pipe and Footer at Customer Specified Location





Project AS 22-24 Attachment: Link to MND SCH # 2021060521

<https://www.cityofgilroy.org/298/Development-Activity-Projects>

RESOLUTION NO. 2020-53

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GILROY APPROVING AN ARCHITECTURAL AND SITE REVIEW PERMIT FOR A PLANNED UNIT COMMERCIAL DEVELOPMENT ON PROPERTY LOCATED AT 450 E NINTH STREET, CHESTNUT STREET, 401 AND 411 E TENTH STREET/AUTOMALL PARKWAY, APN: 841-66-010, 011, 014 AND 015. FILE NUMBER AS 20-14 (20070017)

WHEREAS, on May 6, 2021, an application submitted on behalf and with the consent of the property owner Donald J. Triolo (Trustee for "The Triolo Revocable Living Trust" and agent for 450 East LLC), Evergreen Development Company Inc. was accepted as complete, requesting architectural and site review permit approval to develop a planned commercial shopping center complex and hotel on a 6.8 acre property located at 401 and 411 East Tenth Street (aka, Automall Parkway) and 450 East Ninth Street, between Chestnut Street and Hwy 101 Offramp; and

WHEREAS, the project includes and is contingent upon a concurrent application for planned development rezoning from the C3 and CM zoning districts to a C3 PUD zoning district Z 20-04 (20070021), as well as a request for a vesting tentative map TM 20-03 (20070020); and

WHEREAS, an initial study/mitigated negative declaration and mitigation monitoring and reporting program has been prepared and recommended for adoption as the environmental document for the project, in compliance with the California Environmental Quality Act; and

WHEREAS, the Planning Commission held a duly noticed public hearing on September 2, 2021, at which time the Planning Commission received and considered the staff report as well as all evidence received including written and oral public testimony related to the project, and recommended approval of the project to the City Council; and

WHEREAS, the City Council held a duly noticed public hearing on September 20, 2021, at which time the Council received and considered the staff report as well as all evidence received including written and oral public testimony related to the project; and

WHEREAS, the location and custodian of the documents or other materials which constitute the record of proceedings upon which the project approval is based is the Community Development Department, Planning Division.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Article L, Planning department Applications, the City Council of the City of Gilroy hereby find as follows:

- 1) The project as proposed and conditioned has been analyzed and confirmed to comply with Section 30.50.43 scope of review criteria.
- 2) The project as proposed and conditioned complies with the C3 PUD zoning standards adopted for the project as Z 20-04.

- 3) The commercial land use is allowed within the General Services Commercial land use designation.
- 4) The findings required pursuant to section 30.50.50 for approval of a planned unit development approval are met as follows:
 - a. The project conforms to the Gilroy general plan in terms of general location and standards of development given that the project consists of a C3PUD commercial development which is anticipated for the site based on the General Services Commercial land use designation.
 - b. The project provides the type of development which will fill a specific need of the surrounding area as it will result in a planned commercial shopping center with outdoor gathering areas, high quality design details, public art, internal and external pedestrian connectivity, expanded retail services for residents, a desirable hotel use for visitors, and new employment opportunities, which are all encouraged by the general plan.
 - c. The project will not require urban services beyond those which are currently available, as the City has infrastructure available to serve the commercial development as anticipated by the General Plan and the project shall be designed to comply with City standards.
 - d. The project will provide a harmonious, integrated plan which justifies exceptions, if such are required, to the normal requirements of this chapter given that the project will provide additional right of way along Tenth Street/Automall Parkway which warrant setback reductions to the base C3 zoning, proposes a highly desirable hotel use which warrants an increase in height, would promote a pedestrian oriented urban frontage by reducing the setbacks along the Tenth Street and Ninth Street frontages, and proposes well designed signage that will complement the architecture of the center and provide for adequate visibility and identification for the center and services contained therein.
 - e. The project reflects an economical and efficient pattern of land uses in that the site is fully developed with adequate parking and circulation to accommodate all of the intended uses, as well as providing for pedestrian enhancements and outdoor gathering areas which are supported and desirable for the development.
 - f. The project includes greater provisions for landscaping and open space than would generally be required by providing outdoor gathering spaces, and landscaping extending fully to the public street.
 - g. The project utilizes creative, aesthetic design principles to create attractive buildings, open space and site design to blend with the character of surrounding areas as detailed in the comprehensive design guidelines prepared for the commercial center.
 - h. The project would not create traffic congestion, noise, odor, or other adverse effects on surrounding areas, as detailed in the environmental document prepared for the project.
 - i. The project will provide adequate access, parking, landscaping, trash areas and storage, as necessary, as indicated on project development plans.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Gilroy hereby approves AS 20-14, subject to the conditions Attachment A and Mitigation Monitoring and Reporting Program Attachment B.

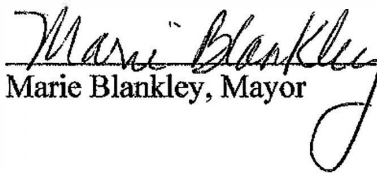
PASSED AND ADOPTED this 20th day of September 2021, by the following roll call vote:

AYES: COUNCILMEMBERS: ARMENDARIZ, BRACCO,
LEROE-MUÑOZ, MARQUES, TOVAR,
BLANKLEY

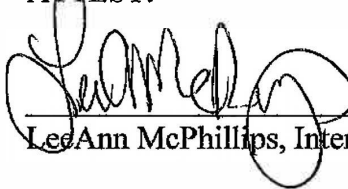
NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: HILTON

APPROVED:

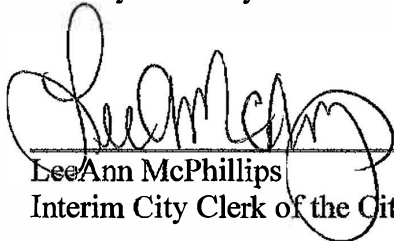

Marie Blankley, Mayor

ATTEST:


Lee Ann McPhillips, Interim City Clerk

I, LeeAnn McPhillips, Interim City Clerk of the City of Gilroy, do hereby certify that the attached Resolution No. 2021-53 is an original ordinance, or true and correct copy of a city Resolution, duly adopted by the Council of the City of Gilroy at a regular meeting of said Council held on the 20th day of September, 2021, at which meeting a quorum was present.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of the City of Gilroy this 27th day of September, 2021.



LeeAnn McPhillips
Interim City Clerk of the City of Gilroy

(Seal)

ATTACHMENT A

**STANDARD CONDITIONS OF APPROVAL
AS 20-14**

Note: The following abbreviations identify the City department or division responsible for determining compliance with these conditions. The first group listed has responsibility for compliance at plan check, the second confirms compliance with the condition at final inspection, prior to final occupancy or issuance of a certificate of occupancy, or as specified in the condition. If only one group is identified, they have responsibilities from initial review through compliance verification. In the context of these Conditions of Approval, the term "Developer" means permit applicant, property owner, operator, permittee, lessee, and/or tenants using the space(s) for the intended use(s). Developer shall comply with project conditions for the life of the project.

RESPONSIBLE DEPARTMENTS/DIVISIONS			
BL	Building Division/Inspectors	PK	Parks/Landscape Design
CA	City Attorney	PL	Planning Division
C	Chemical Control Agency	PW	Public Works/Engineering
FP	Fire Prevention	TR	Traffic Division
PD	Police Department	WW	Wastewater/Source Control

COMMUNITY DEVELOPMENT DEPARTMENT**PLANNING DIVISION CONDITIONS**

*The following **GENERAL** conditions authorize specific terms of the project ENTITLEMENT(S).*

1. **APPROVED PROJECT:** Approval is granted to construct a commercial shopping center and 5 story hotel as a planned unit development on Assessor Parcel No's. 846-66-010, 011, 014 & 014. Development plan approval shall include and be in conformance with the following project plans and documents:
 - Architectural Plans for Laurel Square last revised Oct 1, 2020, prepared by JL Architects, consisting of Sheets A0-A12.
 - Civil Plans, Vesting Tentative Map/Development Plan for Laurel Square dated April 2021, prepared by MacKay & Somps, consisting of 14 sheets.
 - Landscape Plans for Garlic Center dated 6-22-21 by RW Stover and Associates Inc. consisting of sheets L0-L2.5 (14 sheets)
 - Photometric Site Plan for Gilroy Commercial Development, by Belden CE, Sheet SP

- ALTA NSPS Land Title Survey by MacKay & Soms
- Gilroy Center Design Guidelines prepared for Evergreen dated 10.13.20
- Comprehensive Sign Plan dated 3.16.2021 prepared by Bootz & Duke Signs
- Art Sculpture Concept Drawings by Ride Art Studio
- Updated Phasing Plan received 8.25.21

The following pad building plans are approved

- Bluewave Express plans dated October 30, 2020 Sheets A-201 and A-202 and elevation renderings (9 sheets)
- Chick Filet Elevations [Brand Compliant Design Solution] (2 sheets)
- Starbucks E 10th & HWY 101 dated 2021-06-15, Site Plan SP-2, Renderings and Elevations (4 Sheets)
- QSR1 (Speculative)

The following Hotel building plans are approved.

- Hyatt Place Gilroy Ca Garlic Center Development plans dated October 23, 2020 by SERA Architecture, Sheet A001, A051, A101-A103, A301-302, A310, A451-A452, A701-A702 (12 sheets) & Hyatt Colors and Materials Board

Build-out of the project shall conform to the plans, except as otherwise specified in these conditions. Adjustment or modification including any site or building changes made at time of building permit submittal, shall be considered by the Community Development Director or designee for compliance with the C3 PUD zoning approvals, and may require additional entitlement review and approval. Any conflicts amongst project plan sheet details shall be resolved by the Community Development Director.

2. **RELATED ENTITLEMENTS:** This permit is subject to adoption of rezoning Z 20-04 establishing a commercial C3 PUD and the mitigation measures of MND SCH 2021060521).
3. **TENTATIVE MAP:** If the concurrent application for TM 20-03 is pursued, Developer shall establish a common site management agreement for the development. The site management shall be responsible for the maintenance and enforcement of parking, private streets, landscaping, and other interior areas held in common by the complex. Such responsibilities shall be provided within the Covenants, Conditions, and Restrictions (CC&Rs) for the development. The City shall review all CC&Rs prior to recordation

Any covenants, conditions, and restrictions (CC&Rs) applicable to the project property shall be consistent with the terms of this permit and the City Code. If there is a conflict between the CC&Rs and the City Code or this permit, the City Code or this permit shall prevail

4. **PHASING:** Project phasing shall be completed consistent with the Phasing Plan Sheet TM 14, as revised to include Caltrans ROW landscaping Phase 1. Phase 1 consists of all site frontage improvements and landscaping, common driveways and drive aisles (including landscaping enhancement in public rights of way as shown on the plan). Phase 2 consists of buildout of each building pad site.
5. **WATER LIMITATIONS:** Developer shall be advised that the approval is subject to the drought emergencies provisions pursuant to the Gilroy City Code Chapter 27.98.
6. **INDEMNIFICATION:** Developer agrees, as a condition of permit approval, at Developer's own expense, to defend, indemnify, and hold harmless the City of Gilroy ("the City") and its officers, contractors, consultants, attorneys, employees and agents from any and all claim(s), action(s) or proceeding(s) brought against the City or its officers, contractors, consultants, attorneys, employees, or agents to challenge, attack, set aside, void or annul the approval of this resolution or any condition attached thereto or any proceedings, acts or determinations taken, including actions taken under the California Environmental Quality Act of 1970, as amended, done or made prior to the approval of such resolution that were part of the approval process.
7. **PERMIT EXPIRATION:** The expiration date for this approval shall run concurrent with the tentative parcel map approval, which shall expire October 4, 2023 (two years from the final decision date). This related approval AS 20-14 shall expire within 12 months after recordation of the Final Parcel Map or within 12 months from expiration of the Tentative Map approval (if a final map is not pursued). If development is not pursued within 12 months of the Final Map recordation or Tentative Map Expiration Date, this approval shall be deemed automatically revoked.

Upon application, an extension of time may be granted by the Community Development Director or designee. Developer must submit a written application for any time extension, with applicable fees prior to the expiration date. Only timely requests may be considered pursuant to the City Code.

The following conditions shall be addressed prior to issuance of any BUILDING PERMIT, GRADING PERMIT or IMPROVEMENT PLAN, whichever is first issued, or as otherwise specified in the condition.

8. **HABITAT PERMIT:** Concurrent with or prior to an application for a grading permit, Developer shall submit a Habitat Permit application to the City of Gilroy. The application shall consist of the application processing fee, Santa Clara Valley Habitat Plan *Application For Private Projects and Fees and Conditions* (available on the Santa Clara Valley Habitat Agency website: <https://www.scv->

habitatagency.org/). The grading permit will be issued only after approval of the Habitat Plan permit and payment of assessed fees.

9. **PUBLIC ART:** Prior to issuance of building permits, submit a request for approval and installation of a suitable, significant piece of public-oriented sculpture or similar public art installation, which shall be completed prior to occupancy. All public art must be reviewed and approved by the City of Gilroy Arts and Culture Commission and City Council.
10. **CONDITIONS OF APPROVAL:** Developer shall include a plan sheet(s) that includes a reproduction of all conditions of approval of this permit, as adopted by the decision-maker.
11. **MITIGATION MEASURES:** All mitigation measures identified in the Mitigated Negative Declaration (MND) must be addressed during grading/building permit submittal and construction. The applicant must note how they have addressed each mitigation measure to the satisfaction of the Community Development Director or designee, prior to issuance of permits.
12. **CERTIFICATION OF BUILDING PERMIT PLANS:** The project architect shall certify in writing that the architectural design shown in the building permit plans match the plans approved by the Community Development Director or designee/Planning Commission/City Council. Any changes must be clearly noted. The project architect shall also certify that the structural plans are consistent with the architectural plans. In the event of a discrepancy between the structural plans and the architectural plans, the architectural plans shall take precedence, and revised structural drawings shall be submitted to the Building Division.
13. **COLORS AND MATERIALS:** Plans submitted for building permit applications shall include all exterior building materials and colors, including product and finish manufacturer name, color name and number, and surface finish type (e.g. stucco with sand finish, plaster with smooth finish) to be used in construction.
14. **WINDOWS AND DOORS:** The manufacturer type, design, material, and installation details for all windows within the project shall be specified in the construction drawings for review and approval by the Community Development Director or designee.
15. **FENCES AND WALLS:** All fencing and walls are to be shown on construction drawings for review and approval. The design and location must comply with all height and setback requirements.
16. **BICYCLE RACKS OR STORAGE:** Developer shall provide a minimum of 24 bicycle racks as indicated on approved plans and subject to compliance with building code requirements. The racks shall be an "inverted U," or equivalent as

approved by the Community Development Director and must secure the frame and both wheels. Racks shall be located near the building entrance (i.e., within constant visual range) unless it is demonstrated that they create a public hazard or locating them there is otherwise infeasible. If space is unavailable near building entrances, the racks must be designed so that the lock is protected from physical assault. Bicycle lockers may be provided in addition to bicycle racks.

17. **LOADING ZONES:** Plans for issuance of building permit shall show location of all designated loading zones. Deliveries shall be scheduled outside of regular business hours and peak traffic periods. Striping and signage for loading and unloading activities may be required to be posted as determined by the Community Development Director.
18. **TRASH ENCLOSURE:** Details of an opaque screen trash enclosure are to be shown on construction drawings and approved by the Community Development Director or designee. The trash enclosure should match the architectural design, color, and materials of the primary structure. The trash enclosure for food service uses shall be equipped with hot water, a drain inlet to the sanitary sewer system, and a locking device.
19. **SCREENING OF APPURTENANCES:** Show on construction drawings details of screening for all exterior equipment, including but not limited to mechanical equipment, post indicator valves, backflow prevention devices, utility meters, mailboxes and address directories, etc. Ground mounted utility appurtenances such as transformers shall not be visible from any public right-of-way and shall be adequately screened through the use or combination of concrete or masonry walls, berms, and landscaping.

In addition to the above, backflow preventers shall be painted dark green, except the fire connection which shall be painted yellow. The final placement and design of these items shall be to the satisfaction of the Community Development Director or designee.

20. **ROOFTOP EQUIPMENT:** Developer shall ensure rooftop mechanical equipment, including but not limited to heating and cooling systems, plumbing vents, ducts, antennas and other appurtenances protruding from the roof are recessed or otherwise screened pursuant to the City zoning code. Details of the rooftop equipment and roof screens shall be included in the building permit drawings and approved by the Community Development Director or designee.
21. **ROOF AND BUILDING DRAINPIPES:** Developer shall install all roof and building drainpipes and downspouts inside building elements. These items shall not be visible on any exterior building elevations.

22. **MASTER SIGN PROGRAM** Developer shall comply with the master sign program approved for the project. Separate sign permit approval shall be required for building signage and new sign copy. Signage shall conform to the Sign Program.

23. **LANDSCAPING AND LIGHTING:** Prior to building permit issuance, proposed landscaping shall be shown on the site plan and submitted with the construction drawings for review and approval by the Community Development Director or designee.

Landscaping shall be extended beyond the property to include any right of way extending to the roadway curb or pavement edge as necessary and as indicated on the Civil phasing plan and landscape plan. This shall include extending landscaping and providing a pedestrian connection into the site within the US 101 right-of-way located at the southeast corner of the site, at the offramp at Tenth Street intersection.

24. **LANDSCAPE MULCH:** As part of the Landscape Plan submittal, Developer shall clarify a minimum three (3) inch layer of mulch to be applied on all exposed soil surfaces, as required by the State Model Water Efficient Landscape Ordinance (MWELo).
25. **INVASIVE PLANT SPECIES:** Developer shall not include any invasive plant species, such as those listed by the California Invasive Plant Council.
26. **LANDSCAPE DOCUMENTATION PACKAGE:** Prior to issuance of building permits or initiation of the proposed use, whichever comes first, Developer shall submit a completed Landscape Documentation Package, including a soil analysis/management report along with appropriate application review fees, to the Community Development Department, including required documentation for compliance verification, and obtain approval of such plans.
27. **IRRIGATION SENSORS:** Prior to issuance of building permits, developer shall (as part of the irrigation system) indicate on construction drawings sensors that suspend or alter irrigation operation during unfavorable weather conditions (e.g. automatic rain shut-off devices).

The following conditions shall be met prior to RELEASE OF UTILITIES, FINAL INSPECTION, or ISSUANCE OF A CERTIFICATE OF OCCUPANCY, whichever occurs first, or as otherwise specified in the condition.

28. **ON- AND OFF-SITE IMPROVEMENTS:** Prior to occupancy, Developer shall complete all required offsite and onsite improvements related to the project, including structures, paving, and landscaping, unless otherwise allowed by the Community Development Director, or stated in these conditions.

29. **LANDSCAPE AND IRRIGATION INSTALLATION:** Prior to issuance of certificate of occupancy or building permit final sign-off, Developer of each pad shall complete all landscaping and irrigation in accordance with the approved plans. This condition pertains to buildout of each parcel. The Phase I landscaping shall be installed as specified under Condition 4.
30. **LANDSCAPE CERTIFICATE OF COMPLETION:** Prior to occupancy or initiation of the proposed use, or completion of each build-out phase of development, Developer shall submit a signed Certificate of Completion, along with all necessary supporting documentation and payment to the Community Development Department, for compliance verification of the landscape installation. Developer is required under the Model Water Efficient Landscape Ordinance (MWELO) to provide a copy of the approved Certificate of Completion to the property owner or his or her designee.
31. **PLANNING INSPECTION:** Inspection(s) by the Planning Division may be required for the foundation, framing, application of exterior materials, and final completion of each structure to ensure that the construction matches the approved plans.
32. **SITE CLEAN-UP:** Prior to issuance of a certificate of occupancy, Developer shall remove all construction materials, debris, and vehicles from the subject property.

The following conditions shall be complied with AT ALL TIMES DURING THE CONSTRUCTION PHASE OF THE PROJECT, or as *otherwise specified in the condition.*

33. **CONSTRUCTION RELATED NOISE:** To minimize potential construction-related impacts to noise, Developer shall include the following language on any grading, site work, and construction plans issued for the subject site

“During earth-moving, grading, and construction activities, Developer shall implement the following measures at the construction site:

- a. Limit construction activity to weekdays between 7:00 a.m. and 7:00 p.m., and on Saturdays between 9:00 a.m. and 7:00 p.m. Construction noise is prohibited on Sundays and City-observed holidays;
- b. Locate stationary noise-generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area;
- c. Construct sound walls or other noise reduction measures prior to developing the project site;
- d. Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment;
- e. Prohibit all unnecessary idling of internal combustion engines;

- f. Utilize “quiet” models of air compressors and other stationary noise sources where technology exists; and
- g. Designate a “disturbance coordinator” who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g. bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem.”

34. **CONSTRUCTION RELATED AIR QUALITY:** To minimize potential construction-related impacts to air quality, Developer shall require all construction contractors to implement the basic construction mitigation measures recommended by the Bay Area Air Quality Management District (BAAQMD) and shall include the following language on any grading, site work, and construction plans issued for the project site

“During earth-moving, grading, and construction activities, Developer shall implement the following basic control measures at the construction site:

- a. All exposed surfaces (e.g. parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day;
- b. All haul trucks transporting soil, sand, or other loose material onsite or offsite shall be covered;
- c. All visible mud or dirt tracked out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited;
- d. All vehicle speeds on unpaved roads or pathways shall be limited to 15 miles per hour;
- e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
- f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points;
- g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified visible emissions evaluator; and
- h. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District’s phone number shall also be visible to ensure compliance with applicable regulations.”

35. **DISCOVERY OF CONTAMINATED SOILS:** If contaminated soils are discovered, the Developer will ensure the contractor employs engineering controls and Best Management Practices (BMPs) to minimize human exposure to potential contaminants. Engineering controls and construction BMPs will include, but not be limited to, the following:

- a. Contractor employees working on-site will be certified in OSHA's 40-hour Hazardous Waste Operations and Emergency Response (HAZWOPER) training;
- b. Contractor will stockpile soil during development activities to allow for proper characterization and evaluation of disposal options;
- c. Contractor will monitor area around construction site for fugitive vapor emissions with appropriate filed screening instrumentation;
- d. Contractor will water/mist soil as it is being excavated and loaded onto transportation trucks;
- e. Contractor will place any stockpiled soil in areas shielded from prevailing winds; and
- f. Contractor will cover the bottom of excavated areas with sheeting when work is not being performed.

36. **DISCOVERY OF PALEONTOLOGICAL RESOURCES:** In the event that a fossil is discovered during construction of the project, excavations within 50' of the find shall be temporarily halted or delayed until the discovery is examined by a qualified paleontologist, in accordance with the Society of Vertebrate Paleontology standards. The City shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. If the find is determined to be significant and if avoidance is not feasible, the paleontologist shall design and carry out a data recovery plan consistent with the Society of Vertebrate Paleontology standards.

37. **DISCOVERY OF ARCHAEOLOGICAL RESOURCES:** In the event of an accidental discovery of archaeological resources during grading or construction activities, Developer shall include the following language on any grading, site work, and construction plans issued for the project site:

"If archaeological or cultural resources are discovered during earth-moving, grading, or construction activities, all work shall be halted within at least 50 meters (165 feet) of the find and the area shall be staked off immediately. The monitoring professional archaeologist, if one is onsite, shall be notified and evaluate the find. If a monitoring professional archaeologist is not onsite, the City shall be notified immediately and a qualified professional archaeologist shall be retained (at Developer's expense) to evaluate the find and report to the City. If the find is determined to be significant, appropriate mitigation measures shall be formulated by the professional archaeologist and implemented by the responsible party."

38. **DISCOVERY OF HUMAN REMAINS:** In the event of an accidental discovery or recognition of any human remains, Developer shall include the following language in all grading, site work, and construction plans:

"If human remains are found during earth-moving, grading, or construction activities, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the coroner of Santa Clara County is contacted to determine that no investigation of the cause of death is required. If the coroner determines the remains to be Native American the coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent (MLD) from the deceased Native American. The MLD may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code Section 5097.98. The landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if: a) the Native American Heritage Commission is unable to identify a MLD or the MLD failed to make a recommendation within 24 hours after being notified by the commission; b) the descendent identified fails to make a recommendation; or c) the landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner."

The following conditions shall be complied with AT ALL TIMES that the use permitted by this entitlement occupies the premises.

39. **GROUND FLOOR TRANSPARENCY:** Storefronts (including windows) must always maintain a minimum of 75 percent transparency along the ground floor of the building(s). No signage, window tinting/treatment, permanent/affixed furniture, or sunshades which permanently block the windows/storefronts are permitted. Sunshades which maximize transparency while providing UV light screening for building occupants may be permitted, subject to review and approval by the Community Development Director or designee.
40. **LANDSCAPE MAINTENANCE:** For the life of the project, Developer shall maintain landscaping and irrigation in accordance with the approved plans, except as otherwise permitted or required by law. Significant changes to the number, placement, and selection of plant species may require a modification to this approval, to be determined by the Community Development Director or designee.

FIRE INSPECTION DIVISION

41. The car wash facility shall be equipped with water recycling equipment and shall also be equipped with a sand oil water clarifier size to meet the expected demand.
42. For future plans, show the underground fire water supply components (point of connection, piping type & size, backflow preventer (DDCA), fire department connection (FDC), post indicator valve (PIV), etc. The fire water supply shall be designed to the current NFPA 24 standard. Note that 6" is the minimum underground fire hydrant supply line pipe size. Show all fire hydrants.
43. Buildings shall be equipped with a fire sprinkler system designed to the appropriate standard (NFPA 13) for the highest expected hazard. A stainless steel continuous riser pipe connection shall connect to an internal fire riser (the fire riser pipe shall be located inside the building). All fire sprinkler system components shall be monitored per the current NFPA 72.
44. A Fire Flow calculation for the project shall be based on the largest building and its construction type in conformance with the IFC/CFC Appendix B Table B105. The below data is more than 12 months old, but it has been provided for informational purposes:

	Static	Residual	Pitot	2.5" Outlet	GPM @ 20psi
450 E. Ninth Street	75	73	33.5	971	5815

45. The fuel station located on Parcel A shall comply with current state and federal tank (underground and/or above ground) laws and regulations. Condition: A sewer test manhole shall be installed for each building in an accessible location. Food facilities shall be equipped with a grease interceptor with a sample box per the grease trap/interceptor sizing policy. Contact Jennifer Rojero at 408-846-0438 for details.
46. The trash enclosure floor drains shall be equipped with a Zurn (or equivalent) Vandal Proof floor drain lid with screen and small grease trap (e.g. 40 pound).
47. The car wash facility shall be equipped with water recycling equipment and shall also be equipped with a sand oil water clarifier sized to meet the expected demand.

BUILDING DIVISION

48. Prior to submittal of permits, the applicant shall contact the Building Division to schedule a pre-construction meeting.
49. Based on 246 proposed visitor parking spots, short term bicycle parking is required at five-percent (5%) of the visitor parking spots, with a minimum of 13 short term bicycle parking spots are required. Based on 37 proposed Tenant-Occupant

required parking spots, long term bicycle parking is required at five-percent (5%) of the tenant-occupant required parking, with a minimum of 2 (covered) long term bicycle parking spots required.

PUBLIC WORKS MASTER CONDITIONS OF APPROVAL

The following conditions make up the ENTITLEMENTS for your project. They authorize and approve the specific terms of your project.

The following conditions shall be addressed on the construction plans submitted for any BUILDING PERMIT or GRADING PERMIT, and shall be satisfied prior to issuance of whichever permit is issued first, or if another deadline is specified in a condition, at that time.

50. **PAYMENT OF PUBLIC WORKS PLAN CHECK AND INSPECTION FEE** – At the time of first improvement plan submittal, the applicant shall submit a \$20,000 (twenty thousand dollar) initial deposit for project plan check and construction inspection. This deposit will be credited/accounted toward final plan check and inspection fee for the project. In addition, the applicant shall submit a detailed project cost estimate prepared by the project engineer, to approval of the City Engineer, with the initial project plan submittal. The cost estimate shall be broken out into on-site and off-site improvements. Prior to plan approval, the applicant shall pay 100% of the plan check and inspection fee based on the approved project cost estimate. Public Works will not sign-off on the issuance of the project building permit without full payment of this plan check and inspection fee.
51. **Funding Agreement** – The applicant shall execute the “Funding Agreement” dated _____ that provides the framework to secure payment for the City to conduct the project traffic mitigations in lieu of the developer making the physical improvements, collection of development impact fees, and create a lien or other acceptable means of security, as described in the document between the Developer, Evergreen Development Company – 2019, LLC, an Arizona limited liability company, and the City of Gilroy. The agreement shall be executed by the developer within thirty (30) days of project entitlement to the approval of the City Engineer. The proposed development shall comply with all terms and conditions specified in the Agreement. (*PUBLIC WORKS*)
52. **PLAN SUBMITTAL** – The Engineering project plans shall be submitted, in full, with the building permit plans. Improvement plans are required for both on-site and off- site improvements, and the improvement plan set cover sheet shall include an index referencing on-site and off-site improvements. All improvements shall be designed and constructed in accordance with the City of Gilroy Municipal Code and Standard Specifications and Details and are subject to all laws of the City of Gilroy by reference. The improvement plans shall include all civil project plans including, but not limited to, site plans, grading plans, utility plans, joint trench, off-site plans, lighting (photometric)

plans, and landscaping plans within the public right-of-way. The plan shall clearly identify both public and private utilities. The improvement plans shall be submitted with the Public Works Engineering submittal checklist provided by the City, and available on the City website.

In addition:

- a. A complete set of improvement plans shall consist of Civil site design, landscape site design, Electrical, Joint Trench. Any walls or structural features part of the landscape design shall also be included;
- b. Improvement plans are required for both on-site and off-site improvements. A separate plan set for each shall be prepared, or at the approval of the City Engineer, onsite and offsite sheets can be combined into one plan set;
- c. The improvement plan submittal, including utility sheets, shall show appropriate line types and labels to identify different type of utilities and pipe sizes. Utility boxes, hydrants, backflow preventers, etc. shall be relocated/installed behind the back of sidewalk;
- d. Improvement plans (as second sheet in plan set) shall contain Approved Conditions of Approval;
- e. Improvement plans shall include General Notes found in the City of Gilroy General Guidelines;
- f. Improvement plans shall be completed per the Public Works Engineering submittal checklist, which can be found in the City's website. At first submittal, a completed checklist shall be included in the submittal package, and shall show which items have been included.
- g. The improvement plan cover sheet shall include a table summarizing all facilities (Streets, Utilities, Parks, Landscaping, etc.), showing the ownership of all facilities, access rights to, and the maintenance responsibilities of all facilities;
- h. Improvement and grading plans shall show existing topo and features at least 50' beyond the project boundary. The plan shall clearly show existing topo, label contour elevations, drainage patterns, flow lines, slopes, and all other property encumbrances;
- i. If the project has excess fill or cut that will be off-hauled to a site or on-hauled from a site within the city limits of Gilroy, an additional Haul Permit is required. A statement indicating the need to obtain a Haul Permit must be added as a general note to the Grading and Drainage Plan;
- j. All grading and improvement plans shall identify the vertical elevation datum, date of survey, and surveyor;
- k. A Title Report shall be submitted with first submittal improvement plans. An existing site plan shall be submitted showing all existing site conditions and title report easements. The plan shall include bearing and distance information for all right-of-way and easements;
- l. The plan shall show any proposed easements to be dedicated for any needed purpose, or any easement expected to be abandoned through separate instrument. This includes PUE, PSE, EVAE, Cross-Property Access Easement, Landscape Easement, Drainage Easement, Pole Line Easement, etc.;

- m. To ensure the plans are coordinated and there are no conflicts between disciplines, the applicant shall provide a "composite exhibit" showing Civil, Landscape, Electrical, and Joint Trench design information (as a separate sheet titled "Composite Plan") to confirm that there are no conflicts;
- n. All Solid Waste Vehicle circulation movements shall be modeled and shown on a separate plan sheet. The circulation plan shall be prepared to the City Engineer's satisfaction, and modeled using AutoTurn swept analysis software, and shall include all turning and street circulation movements;
- o. All Emergency Vehicle circulation movements shall be modeled and shown on a separate plan sheet. The circulation plan shall be prepared to the City Engineer's satisfaction, and modeled using AutoTurn swept analysis software, and shall include all turning and street circulation movements;
- p. All utility boxes exposed to traffic or in a driveway, including sanitary sewer and/or water meter boxes, shall have traffic-rated boxes and lids;
- q. All on-site recycled water system improvements, including appurtenances, shall be located within a PSE. (*PUBLIC WORKS*)

53. **UTILITY PLANS** – A utility plan shall be provided for all projects as specified within these conditions of approval. To ensure coordination between the applicant and the relevant utility company:

- a. The applicant shall provide joint trench composite plans for the underground electrical, gas, telephone, cable television, and communication conduits and cables including the size, location and details of all trenches, locations of building utility service stubs and meters and placements or arrangements of junction structures as a part of the Improvement Plan submittals for the project. Show preferred and alternative locations for all utility vaults and boxes if project has not obtained PG&E approval. A licensed Civil or Electrical Engineer shall sign the composite drawings and/or utility improvement plans. (All dry utilities shall be placed underground).
- b. The applicant shall negotiate any necessary right-of-way or easement with PG&E, or any other utilities, subject to the review and approval by the Engineering Division and the utility companies.
- c. A "Will Serve Letter" shall be provided for each utility company expected to service the subdivision. Early coordination with the utility companies is necessary to obtain this letter. Coordination of City utilities shall be through the Engineering Division.
- d. A note shall be placed on the joint trench composite plans which states that the plan agrees with City Codes and Standards and that no underground utility conflict exists. (*PUBLIC WORKS*)

54. **UTILITY RESPONSIBILITIES** – Storm and sewer utilities in private areas shall be privately owned and privately maintained. The water system in Gilroy is owned and maintained by the City. Conversely, public utilities within utility easements on private property remain the responsibility of the individual utility companies to maintain. The plans shall note the inspection, ownership and maintenance responsibility for each utility shown on the plans within a Table of Responsibilities on the project cover sheet

of the improvement plans submitted with the initial plan submittal. The table shall include the list of streets, the responsible party for inspection of the improvements, who is responsible for the ownership of the utility, and who is responsible for the maintenance of the utility. An example of this table, including the types of utilities to be listed, can be provided by the Engineering Division upon request. (*PUBLIC WORKS*)

55. **PREPARATION OF ELECTRICAL PLANS** – The project electrical plans shall be prepared by a registered professional engineer experienced in preparing these types of plans. The applicant shall submit, with the improvement plans submitted with the initial plan submittal, a letter from the design Electrical or Civil Engineer that states the electrical plan conform to City Codes and Standards, and to the approved improvement plans. The letter shall be signed and stamped by the professional engineer that prepares the improvement plans. (*PUBLIC WORKS*)
56. **EXISTING FACILITIES PROTECTION** – All existing public utilities shall be protected in place and if necessary relocated as approved by the City Engineer. No permanent structure is permitted within City easements without the approval of the City of Gilroy. (*PUBLIC WORKS*)
57. **WATER QUALITY** – Project design shall comply with the Stormwater Management Guidance Manual for Low Impact Development & Post-Construction Requirements. The applicant shall submit the Source Control Checklist as well as the appropriate Performance Requirements Checklist found in Appendix A of the manual at the time of the initial submittal for building permit. The manual can be found at the following site: www.cityofgilroy.org/261/Storm-Water-Management
(*PUBLIC WORKS*)
58. **DEVELOPER STORM WATER QUALITY RESPONSIBILITY** – The developer is responsible for ensuring that all contractors are aware of all storm water quality measures, and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations, or a project stop order. (*PUBLIC WORKS*)
59. **BEST MANAGEMENT PRACTICES (BMP)** – The applicant shall perform all construction activities in accordance with Gilroy Municipal Code Section 27C, Municipal Storm Water Quality Protection and Discharge Controls, and Section E.10, Construction Site Storm Water Run-Off Control Program of the Regional NPDES Permit. Detailed information can be located at: www.flowstobay.org/documents/business/construction/SWPPP.pdf. This sheet shall be printed and included in all building construction plan sets permitted for construction in the City of Gilroy. (*PUBLIC WORKS*)
60. **FIRE DEPARTMENT HYDRANT FLOW TEST** – The applicant shall perform a Fire Hydrant flow test to confirm the water system will adequately serve the development, and will modify any part of the systems that does not perform to the standards established by the City. Applicant shall coordinate with Fire Department for the Fire

Hydrant flow test. The flow test results shall be submitted with the initial plan submittal. *(PUBLIC WORKS)*

61. **WATER CONSERVATION** – The project shall fully comply with the measures required by the City's Water Supply Shortage Regulations Ordinance (Gilroy City Code, Chapter 27, Article VI), and subsequent amendments to meet the requirements imposed by the State of California's Water Board. This ordinance established permanent voluntary water saving measures and temporary conservation standards. *(PUBLIC WORKS)*
62. **PROJECT STUDIES** – The applicant shall submit, for City approval, any applicable water, sewer, storm drain or traffic studies for the development deemed appropriate by the City Engineer. These studies shall provide the supporting hydraulic calculation for pipe sizing per the City Standard Design Guidelines. The study shall be reviewed and approved by Engineering. If the results of the study indicate that this development contributes to the over-capacity of the trunk line, the applicant will be required to mitigate the impact by removing and replacing, or upsizing of the existing utilities to accommodate the appropriate level of project flows to the approval of the City Engineer. The improvements shall be addressed on the construction drawings, to the approval of the City Engineer, prior to the issuance of the first building permit. *(PUBLIC WORKS)*
63. **MASTER PLAN COMPLIANCE** – The project shall comply with all City Master Plans to the approval of the City Engineer. Street improvements, all street sections, the design of all off-site storm drainage facilities, sewer and water lines shall be in accordance with City Standards and shall follow the most current City Master Plan as approved by the City Engineer. Improvements deemed necessary by the City Engineer shall be shown on the project improvement plans. *(PUBLIC WORKS)*
64. **IMPACT FEES** – The project is subject to the City's Street Tree, Storm, Sewer, Water, Traffic, and Public Facilities Development Impact Fees. The City's latest impact fee schedule is available on the City's website. Payment of all Impact Fees is required at first building permit issuance. Fees shall be based on the current fee schedule in effect at the time of fee payment, consistent with and in accordance with City policy. Note that impact fees increase at the beginning of each fiscal year, July 1. Specific fee language is provided further in these conditions of approval. *(PUBLIC WORKS)*
65. **STORMWATER MANAGEMENT PLAN** – At first improvement plan submittal, the applicant shall submit a Storm Water Management Plan (SWMP) prepared by a registered Civil Engineer. The SWMP shall analyze the existing and ultimate conditions and facilities, and the study shall include all off-site tributary areas. Study and the design shall be in compliance with the City's Stormwater Management Guidance Manual (latest edition). Existing off-site drainage patterns, i.e., tributary areas, drainage amount, and velocity shall not be altered by the development. The plan shall be to the approval of the City Engineer and shall be approved prior to the issuance of the building permit. *(PUBLIC WORKS)*

66. **STORMWATER CONTROL PLAN** – At first improvement plan submittal, the applicant shall submit a design level Stormwater Control Plan Report (in 8 ½ x 11 report format), to include background, summary, and explanation of all aspects of stormwater management. The report shall also include exhibits, tables, calculations, and all technical information supporting facts, including but not limited to, exhibit of the proposed site conditions, which clearly delineates impervious and pervious areas on site. The plan shall provide a separate hatch or shading for landscaping/pervious areas on-site including those areas that are not bio-retention areas. This stormwater control plan report format does not replace, or is not in-lieu of any stormwater control plan sheet in the improvement plans. The stormwater control plan shall include a signed Performance Requirement Certifications specified in the Stormwater Guidance Manual. At applicant's sole expense, the stormwater control plan shall be submitted for review by an independent third party accepted by the City for compliance. Result of the peer review shall be submittal and approved by the City Engineer prior to the issuance of the first building permit. (*PUBLIC WORKS*)
67. **REPAIR OF PUBLIC IMPROVEMENTS** – The applicant shall repair or replace all existing improvements not designated for removal, and all new improvements that are damaged during construction or removed because of the applicant's operations. The applicant shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions. Said repairs shall be completed prior to the first occupancy of the project. (*PUBLIC WORKS*)
68. **TRIANGULAR AREA OF VISIBILITY** – Landscaping and permanent structures located within the 10' triangular area of visibility at the driveway, and 45' triangular area of visibility at any project corner, shall have a minimum vertical clearance of 9', and/or be less than 2' in height. This includes all PG&E above ground structures and other utility facilities. The sight triangle shall be shown on the site civil plans, to the approval of the City Engineer, to demonstrate this condition. (*PUBLIC WORKS*)
69. **DRIVEWAY DESIGN** – Driveway grades shall be designed to keep a standard design vehicle from dragging or "bottoming out" on the street or driveway, and to keep water collected in the street from flowing onto the lots. The details of such design shall be provided on the site civil plans to the satisfaction of the City Engineer. (*PUBLIC WORKS*)
70. **GRADING & DRAINAGE** – All grading activity shall address National Pollutant Discharge Elimination System (NPDES) concerns. There shall be no earthwork disturbance or grading activities between October 15th and April 15th unless otherwise approved by the City Engineer. If approved, the applicant shall submit a Winterization Erosion Control Plan to the City Engineer for review and approval. This plan shall incorporate erosion control devices and other techniques in accordance with Gilroy Municipal Code § 27C to minimize erosion. Specific measures to control sediment runoff, construction pollution and other potential construction contamination sediment runoff, construction pollution and other potential construction contamination shall be addressed through the Erosion Control Plan and Storm Water Pollution Prevention

Plan (SWPPP). The SWPPP shall supplement the Erosion Control Plan and project improvement plans. These documents shall also be kept on-site while the project is under construction. A Notice of Intent (NOI) shall be filed with the State Water Resources Control Board, with a copy provided to the Engineering Division before a grading permit will be issued. A project WDID# shall be added to the grading plans prior to plan approval. *(PUBLIC WORKS)*

71. **GEOTECHNICAL ENGINEER** – Prior to building permit issuance, the applicant's Geotechnical Engineer shall review the final grading, pavement design and drainage plans to ensure that said designs are in accordance with the recommendations or the project geotechnical study, and the peer review comments. The applicant's Geotechnical Engineer's approval shall then be conveyed to the City either by letter, or by signing the plans.

All grading operations and soil compaction activities shall be per the approved project's design level geotechnical report. All grading activities shall be conducted under the observation of, and tested by, a licensed geotechnical engineer. A report shall be filed with the City of Gilroy for each phase of construction, stating that all grading activities were performed in conformance with the requirements of the project's geotechnical report. The applicant shall add this condition to the general notes on the grading plan.

Certification of grades and compaction are required prior to Building Permit final. This statement must be added as a general note to the Grading and Drainage Plan.
(PUBLIC WORKS)

72. **FINISH FLOOR ELEVATION** – Site design, including building finished floor elevations, shall comply with the 1995 Uvas Creek Overflow Floodplain Delineation Project prepared by Schaaf & Wheeler Consulting Civil Engineers. The project will be required to have a hydrologist review the project grading, to confirm this project does not have cumulative impacts to floodwaters. The City will require a review letter by Schaaf & Wheeler (Contact Caitlin Gilmore at 415-823-4964, Schaaf & Wheeler) be submitted to the approval of the City Engineer prior to the issuance of the building permit. *(PUBLIC WORKS)*
73. **TREE REMOVAL PERMIT** – The applicant shall obtain a Tree Removal Permit from the Engineering Division for removal of existing trees in the public right-of-way, prior to the issuance of a building permit or demolition building permit, whichever is issued first. *(PUBLIC WORKS)*
74. **PHASED PERMITS** – The applicant may, with the approval of the City Engineer, phase the permits to expedite the construction process. If this is done, each phase of the work will require a separate and complete set of plans to be submitted, reviewed and approved prior to the issuance of the said permit. Overlapping of permits may occur, if approved by the City Engineer. No work on the next phase of construction, in advance of the permitted work, may occur. No "at risk" work will be permitted. Only the below phased permitted work will be allowed:

- a. Rough Grading
- b. Fine Grading
- c. Underground Utilities
- d. Site Improvements
- e. Landscaping
- f. Off-Site

Plans shall be submitted, reviewed, and approved by the City Engineer prior to the commencement of work. (*PUBLIC WORKS*)

75. **ENCROACHMENT PERMITS, BONDS, AND INSURANCE** – The applicant must obtain an encroachment permit, posting the required bonds and insurance, and provide a one (1) year warranty for all work to be done in the City's right-of-way or City easement. This encroachment permit shall be obtained prior to the issuance of a foundation building permit and prior to any work being done in the City's right-of-way. All existing public utilities shall be protected in place and if necessary relocated as approved by the City Engineer. No permanent structures are permitted within the City right-of-way, or within any City easement unless otherwise approved by the City Engineer. The applicant shall have street improvement plans prepared for all work in the public right-of-way by a licensed civil engineer, whose signed engineer's stamp shall appear on the plans. Prior to issuance of the encroachment permit, the applicant shall submit any applicable pedestrian or traffic control plans for any lane or sidewalk closures. The traffic control plan shall comply with the State of California Manual of Uniform Traffic Control Devices (MUTCD), and standard construction practices. Construction plans for improvements in the right-of-way shall be submitted to the City Engineer at 30%, 60%, and 90% design for review. All design assumptions and criteria shall be submitted with each phase of design submittal. Project specifications shall be included for review with the 90% design review.

Final construction plans and specifications shall be approved by the City Engineer, and released for construction, prior to the issuance of the encroachment permit. The applicant is required to confirm the location of existing utility lines along the project frontage by potholing. Prior to any potholing, applicant shall submit a pothole plan for City review and approval. Applicant shall provide the pothole result to the City Engineer prior to final design. Right-of-way improvements shall include, at a minimum, the following items: (*PUBLIC WORKS*)

- a. **STREET WIDENING** - The applicant shall either widen 10th Street along the entire project frontage or execute the funding agreement as identified above. The applicant shall install new street section, curb, gutter, and sidewalk and relocate affected utilities as directed by the City Engineer. All work shall be shown on the required improvement plans.
- b. **STREET TREES** - The applicant shall plant street trees along the project frontage consistent with the approved entitlement documents, and to match the City of Gilroy's Street Tree Plan in effect at the time of construction. The street

tree plans shall be per City Standard Drawings, and are to include City Standard tree grates if trees are installed within sidewalk.

- c. **TREE GRATES** – The applicant shall install City Standard Tree Grates as specified in the approved plans. Tree grates shall be 4'x6', model OT-T24 by Urban Accessories, and shall be black power coated. The tree grates shall be shown on the improvement plans to be located at the back of curb to the approval of the City Engineer, and shall be installed with the street trees prior to the first occupancy.
- d. **STREET MARKINGS** - The applicant shall install necessary street markings of a material and design approved by the City Engineer, and replace any that are damaged during construction. These include but are not limited to all pavement markings, painted curbs and handicap markings. All permanent pavement markings shall be thermoplastic and comply with Caltrans Standards. Color and location of painted curbs shall be shown on the plans, and are subject to approval by the City Engineer. Any existing painted curb or pavement markings no longer required shall be removed by grinding if thermoplastic, or sand blasting if in paint.
- e. **SIDEWALK** - The applicant shall construct a 10-foot wide City standards sidewalk along the entire project frontage. Sidewalk replacement shall be constructed per the City Standard Drawings.
- f. **CURB RAMP(S)** - The applicant shall construct one curb ramp in accordance with the latest Caltrans State Standard Drawing at the corner of Chestnut/9th Street. The actual ramp "Case" shall be identified on the plans and shall be to the approval of the City Engineer.
- g. **CURB AND GUTTER** - The applicant shall replace to existing City standards all curb and gutter surrounding the project site. New curb and gutter shall be constructed per the City Standard Drawing STR-12. The applicant shall also construct new curb as necessary to maintain full function of the intersection at the Northeast curb return and curb ramps of the 10th St and Chestnut intersection to align with widened 10th St. These improvements shall not be "interim" but shall be permanent improvements as part of Phase 1 of the project.
- h. **DRIVEWAY APPROACH(ES)** - The applicant shall install City Standard Commercial driveway approaches along 9th Street, 10th Street, and Chestnut Street as shown on the approved plans. The new commercial driveway approach shall be constructed per the City Standard Drawing.
- i. **DRIVEWAY REMOVAL** - The applicant is to remove the existing driveway approaches on 9th Street, 10th Street, and Chestnut Street as shown on the approved A&S application plans, and replace them with sidewalk, curb and gutter per the City Standard Drawing.

- j. **SEWER LATERAL** - The applicant shall install as a minimum a six (6) inch City Standard sewer lateral connection from the property line to the sewer main located in the street right-of-way. The installation shall be done in accordance with the City Standard Drawing SWR-6 including a 6" property line clean-out.
- k. **STORM WATER CATCH BASINS** - The applicant shall install standard storm water catch basins per approved plans and in accordance with the City Standard Drawing.
- l. **SIDEWALK UNDERDRAIN(S)** - The applicant shall install standard sidewalk underdrains in accordance with the City Standard Drawing STR-19.
- m. **STREET LIGHT(S)** - The applicant shall provide and install standard aluminum electrolier street lights per City Standard Drawing EL-1 to EL-5 as shown on the plans. The applicant is responsible for all PG&E service fees and hook-up charges. Any new service point connection required to power the new lights shall be shown on the construction drawings along with the conduit, pull boxes and other items necessary to install the street lights. An Isometric lighting level needs to be provided by the designer/contractor. A separate light study may be required by the City Engineer. The new street light shall have 32' mounting height per Standard Drawing EL-3, with mounting arm length per Standard Drawing EL-4, the Fixture shall be Leotek GC1 or GC2 series in an approved configuration per detail EL-2 or approved equal. The arm shall be installed at the location as shown on the approved plans.
- n. **SIGNAL EQUIPMENT** - The applicant shall relocate/replace the signal equipment, including the mast arm lights, boxes, cabinets, conduit, etc. due to the widening of 10th Street should the applicant decide to construct the widening improvements in lieu of executing the funding agreement indicated above.
- o. **FIRE HYDRANTS** - The applicant shall install new fire hydrants along the project frontage. Fire Hydrant laterals along project frontage shall contain no bends without approval of the City Engineer. Spacing of hydrants shall meet City and Fire Marshall requirements. The applicant shall perform Fire Hydrant test to confirm water system will adequately serve the development, and will modify any part of the systems that does not perform to the standards established by the City. Developer shall coordinate with Fire Department for the Fire Hydrant test.
- p. **FIRE SERVICES** - Each lot shall have a separate fire water service and double check detector assembly per City Standards.
- q. **STREET PAVING** - The applicant shall grind and overlay the entire width of both 9th Street (Lip of Gutter to Lip of Gutter), and 10th Street (Lip of Gutter to median) along project frontage with a minimum 2.5" hot mix AC, and with

pavement section dig-outs and repairs. Extend of the dig-outs and repairs to be determined by the Developers Geotechnical Engineer and City Engineer.

76. **UTILITIES** – All new services to the development shall be "underground service" designed and installed in accordance with the Pacific Gas and Electric Company, AT&T (phone) Company and local cable company regulations. Transformers and switch gear cabinets shall be placed underground unless otherwise approved by the Planning Director and the City Engineer. Underground utility plans must be submitted to the City prior to installation. (*PUBLIC WORKS*)
77. **STREET CUT MORATORIUM** – If the project is making new pavement cuts on streets that the City has recently resurfaced, including Chestnut, the project shall Grind and pave the entire width of that street (Lip of Gutter to Lip of Gutter) along project frontage with a minimum 2.5" hot mix AC, and with pavement section dig-outs and repairs. Extend of the dig-outs and repairs to be determined by the Developers Geotechnical Engineer and City Engineer. (*PUBLIC WORKS*)
78. **EXTERIOR SITE LIGHTING STANDARDS** – The applicant shall submit a photometric plan for on-site lighting showing lighting levels to Illuminating Engineering Society (IES) Standards. The plan shall comply with the requirement of an average of 1 foot-candle with a 4:1 minimum to average ratio and a minimum lighting of 0.3 foot-candle. This lighting standard is applicable to all publicly-accessibly parking lots, driveways, circulation areas, aisles, passageways, recesses, and publicly-accessible grounds contiguous to all buildings. Private, interior courtyards not accessible to the public are not required to meet this standard. The lighting system shall be so designed as to limit light spill beyond property lines and to shield the light source from view from off site. The photometric plan shall be approved by the City Engineer or their designee and shall be addressed on the construction plans submitted for any demolition permit, building permit, or grading permit and shall be satisfied prior to issuance of whichever permit is issued first. Any subsequent building permits that include any site lighting shall also meet these requirements. (*PUBLIC WORKS*)
79. **STREET LIGHTING STANDARDS** – The applicant shall submit plans for street/sidewalk showing lighting levels to Illuminating Engineering Society (IES) Standards. The plan shall comply with lighting requirements as follows:
 - a. Arterial Streets – 1.0 fc with minimum lighting of 0.5 fc
 - b. Collector/Local Streets – 0.6 fc average with a 0.3 fc minimum
 - c. High Volume Intersections – 1.0 fc with a 4:1 minimum to average ratio and a minimum lighting of 0.5 fc
 - d. Low Volume Intersections – 0.6 fc with a 4:1 minimum to average ratio and a minimum lighting of 0.3 fc.

The applicant shall submit a photometric plan identifying how these lighting levels are

being met given the site geometrics, using the City Standard street lights, and a Type III lighting distribution. The width of the street shall and lighting levels shall determine the lighting spacing. Street lights and pull boxes shall be installed in the planter strip if one is present, or behind the back of walk where feasible so as to maintain sidewalk clear of obstructions to the approval of the City Engineer. The photometric plan shall be approved prior to the issuance of the building permit. (*PUBLIC WORKS*)

80. **FLOOR DRAINS** – All floor drains shall be plumbed to connect to the sanitary sewer system, and shall not be connected to stormwater collection system. The plumbing connections shall be shown on the plans to the approval of the City Engineer. (*PUBLIC WORKS*)
81. **STORM DRAIN INLETS AND WATERWAYS** – Per the City's Clean Water Program's requirements, the applicant shall mark with the words "No Dumping! Flows to Bay," or equivalent, using methods approved by the City standards on all storm inlets surrounding and within the project parcel. Furthermore, storm drains shall be designed to serve exclusively stormwater. Dual-purpose storm drains that switch to sanitary sewer are not permitted in the City of Gilroy. (*PUBLIC WORKS*)
82. **SEPARATE WATER METERS SERVICES** – When a development includes multiple uses (mixed use or other), within one area designated as restaurant space, there shall be a separate water service, meter and backflow preventer for the commercial space and a separate water meter and backflow preventer for the other development use(s). This will facilitate the accurate assessment of the Sewer Service Charge, which is based on water use and customer class. (*PUBLIC WORKS*)
83. **FOOD SERVICE EQUIPMENT CLEANING** – The applicant of any food service facilities must agree to have any sink or other floor mat, container, and equipment cleaning area, connected to a grease interceptor prior to discharging to the sanitary sewer system. The cleaning area shall be large enough to clean the largest mat or piece of equipment to be cleaned. The cleaning area shall be indoors or in a roofed outdoor area; either areas being plumbed to the sanitary sewer. Per Gilroy Municipal Code Section 27C.8 *Prohibition of Discharges from Industrial or Commercial Activity* outdoor cleaning areas shall be designed to prevent stormwater run-on from entering the sanitary sewer and to prevent stormwater run-off from carrying pollutants to the site storm drains. Signs shall be posted indicating that all food service equipment washing activities shall be conducted in this area. Regular maintenance and cleaning of the grease interceptor is required. (*PUBLIC WORKS*)
84. **LOADING DOCKS** – Per Gilroy Municipal Code Section 27C.8 *Prohibition of Discharges from Industrial or Commercial Activity*, the applicant shall cover loading docks to minimize run-on to and run-off from the loading area. Roof downspouts shall be positioned to direct stormwater away from the loading area. Water from covered loading dock areas shall be drained to the sanitary sewer to the approval of the City Engineer. (*PUBLIC WORKS*)

85. **GARBAGE/RECYCLE STORAGE AND SERVICE** – The applicant shall provide an adequate area for the purposes of storing garbage and recycling collection containers for scheduled servicing by the franchise solid waste collection service. If required, the containers may be placed on the street within the loading zone for a maximum of two hours; one hour prior to the scheduled servicing time, and must be removed from the street within one hour after the service. The containers shall be placed at the service location allowing enough room for the truck to safely approach the containers. The collection containers shall be brought to the service area on the day of service and returned to the storage enclosure by the property owner. The containers are not to be in public view or in the public right-of-way prior to, or beyond the scheduled service times. A letter shall be provided, to the approval of the City Engineer, from the City's franchise solid waste collection service provider (Recology) confirming serviceability and site accessibility of the solid waste pickup as designed and shown on the project plans. Contact Recology at 408-842-3358. (*PUBLIC WORKS*)
86. **FUEL DISPENSING AREAS** – Per Gilroy Municipal Code Section 27C.8 *Prohibition of Discharges from Industrial or Commercial Activity*, the applicant shall install impermeable surfaces that are graded at the minimum slope necessary to prevent ponding and separated from the rest of the site by a grade break that prevents run-on of stormwater to the maximum extent practicable. A canopy that extends a minimum of ten feet in each direction from each pump shall cover fueling area. The canopy shall not drain onto the fueling area. (*PUBLIC WORKS*)
87. **CLEAN, INSPECT AND REPAIR SANITARY SEWER** – The applicant is required to evaluate the conditions of the existing Sewer Lines along the project frontage by videotaping and providing the result to the City Engineer. The applicant shall clean and inspect (via remote TV camera) the mainline sewer from the manhole upstream to the manhole downstream of the project lateral connection, or the sewer lateral the project is connecting to if not connecting directly to the sewer main. The video inspection shall be done by a professional sanitary sewer video inspection company, to City Standards, and be completed prior to building permit issuance. The video of the inspection shall be reviewed with the Department of Public Works and any cracked or broken areas of the line along the project frontage shall be repaired by the applicant at his expense. If the integrity of existing utilities found to be compromised, applicant will be required to repair, or remove and replace if necessary, to the approval of the City Engineer. The required repairs (spray foam-RazoRooter or flushing, or removal of roots, or replacement), as determined by the City Engineer, shall appear on the improvement plans submitted by the applicant for permit plan check. All necessary repairs to the sewer shall be completed and approved prior to connection of the project lateral to the City sewer system. (*PUBLIC WORKS*)
88. **CLEAN, INSPECT AND REPAIR STORM LINE** – The applicant is required to evaluate the conditions of the existing Storm Lines along the project frontage by videotaping and providing the result to the City Engineer. The applicant shall clean and inspect (via remote TV camera) the storm line from the manhole upstream to the manhole downstream of the project area. The video inspection shall be done by a professional

video inspection company, to City standards, and be completed prior to building permit issuance. The video of the inspection shall be reviewed with the Department of Public Works and any cracked or broken areas of the line along the project frontage shall be repaired by the applicant at his expense. If the integrity of existing utilities found to be compromised, applicant will be required to repair, or remove and replace if necessary, to the approval of the City Engineer. The required repairs, as determined by the City Engineer, shall appear on the improvement plans submitted by the applicant for permit plan check. All necessary repairs to the storm line shall be completed and approved prior to connection from the project site. (*PUBLIC WORKS*)

89. **UNDERGROUND FRONTAGE UTILITY LINES** – The applicant must underground all overhead utilities, and remove all related utility poles, along the project frontage from utility pole to utility pole. The applicant shall be responsible for the coordination with all utility companies existing on the poles and coordinate for their undergrounding or relocation as necessary so that the project frontage is free from utilities to the approval of the City Engineer. The applicant shall submit plans for this undergrounding work with the civil plans submitted with the first building permit. Permitting for this undergrounding work shall occur prior to the issuance of the first building permit unless otherwise approved by the City Engineer. (*PUBLIC WORKS*)
90. **OVERHEAD UTILITY CLEARANCE** – For projects that have overhead utility lines on-site that travel over new buildings, the applicant shall obtain a letter from the utility company indicating that there is adequate overhead clearance from the utility to the proposed building. The letter shall be submitted with the first set of improvement plans submitted. The plans shall show the existing utility pole, any necessary proposed pole protection (including overhead clearance warning identification), and shall be confirmed satisfactory with the utility company. The letter shall be to the approval of the City Engineer. (*PUBLIC WORKS*)
91. **DRAINAGE** – Drainage designed into landscaping with the purpose of reducing volume or improving quality of runoff from the site shall be implemented according to the requirements of the Stormwater Management Guidance Manual for Low Impact Development & Post Construction Requirements (June 2015) and shall also be, subject to the approval of the City Engineer. Where necessary, sidewalk drains per the City Standard Drawing shall be provided to direct the water under the sidewalk and through the curb. No increase to the peak discharge shall be permitted downstream. In addition, discharge must conform to any non-point source permit issued by the Regional Water Quality Control Board. Drainage improvements made on-site shall conform to standard engineering practices and shall not allow any site drainage to impact adjacent properties. All drainage capacity calculations shall be performed by a licensed Civil Engineer, whose signed engineer's stamp shall appear on the calculations sheets, and shall be submitted to the City for review and approval with the project civil plans. For projects that include permanent structural controls for water quality protection, the O&M (operation and maintenance) procedures for such control features shall be submitted in a site-specific Stormwater Control Plan (SWCP) which shall be reviewed and approved prior to occupancy. A formal O&M Agreement shall

specify the owner's responsibility to ensure their ongoing effective operation and maintenance. Such O&M responsibility requirements shall be recorded on the property deed.

If the project is proposing to connect to an existing storm drain system within or downstream from the site, the design engineer shall provide calculations with the final design plans to demonstrate that the downstream drainage system has adequate capacity to accommodate the additional site flows being added to the system for the design storm per City Standards. The calculations shall be to the approval of the City Engineer prior to the issuance of the first building permit. *(PUBLIC WORKS)*

92. **STORMWATER MANAGEMENT** – At Developer's sole expense, Developer shall submit results from a third-party review of the project's stormwater design. The results shall confirm that the project is complying with requirements set in the City of Gilroy Stormwater Management Guidance Manual for Low Impact Development and Post-Construction Requirements. *(PUBLIC WORKS)*
93. **SITE LANDSCAPING COORDINATION** – The site landscaping needs to be coordinated between the stormwater treatment area and the overall site landscaping plan area. The landscaping within the stormwater treatment area will not count towards the site landscaping requirement. Stormwater treatment areas should be identified on the site first, and then site landscaping to make sure the correct plant material is identified for each area. Some site landscaping plant material may not be suitable in stormwater treatment areas due to the nature of the facility. Sewer facilities cannot be aligned through stormwater treatment facilities. It is the applicant's responsibility to coordinate the civil stormwater treatment facilities and the plans from the project landscaper. *(PUBLIC WORKS)*
94. **PARKING LOTS** – The applicant shall submit plans for all required off-street parking lots showing proper grading, drainage, ramps profile, and parking dimensions in conformance with City parking standards. The plans shall be approved by the City Engineer prior to the issuance of the first City permits. *(PUBLIC WORKS)*
95. **BICYCLE PARKING** – The applicant shall provide both long-term bicycle lockers and short-term bicycle racks on-site, as shown on the approved site plan, to the approval of the City Engineer. *(PUBLIC WORKS)*
96. **OFF-HOURS MATERIAL DELIVERY** – The applicant shall coordinate with the future site operators so that all site delivery of materials and goods are delivered off-hours and on-site. This will allow the on-site customer parking for the development site to be utilized during business hours, and not be impacted by the staging of delivery vehicles. The applicant shall provide a written plan, to ensure that this condition is satisfied, prior to occupancy of the first site building. The plan shall be to the approval of the Director of Community Development and City Engineer. *(PUBLIC WORKS)*

97. **TRANSPORTATION** - The Project shall comply with all the traffic mitigation measures identified in the project's Traffic Study including:
- a. **10th Street Widening** – widen the project's 10th Street frontage on the north side to accommodate a second west bound left-turn lane at the intersection of 10th Street/Chestnut-Automall Parkway
 - b. **Chestnut/10th Street Westbound Left-Turn Addition** – add a second westbound left-turn pocket to address queuing deficiencies
 - c. **Monterey/10th Street Westbound Turn Lane Extension** – extend the existing westbound left-turn pocket an additional 30 feet to address queuing deficiencies
 - d. **Chestnut/10th Street Eastbound Turn Lane Extension** – extend the existing eastbound left-turn pocket an additional 25 feet to address queuing deficiencies. This will require the partial removal of the existing landscaped center median, including two trees.
- These improvements shall be completed by the project prior to first project building occupancy, per the approved project traffic study prepared by Hexagon Transportation Consultants, dated August 6, 2020, unless the funding agreement referenced above is executed by the developer to the approval of the City Engineer. *(PUBLIC WORKS)*
98. **PHASE I WORK REQUIREMENTS** – The applicant shall construct the following improvements during Phase I of the project:
- a. All utility work in the public right of way and public easement that is required to service the development shall be constructed in Phase 1 of this project.
 - b. All project frontage improvements along 9th Street, 10th Street, and Chestnut Street shall be constructed in Phase 1 of this project.
 - c. On-site backbone street/drive aisle, utilities, landscaping, stormwater treatment and management, lighting, signing, striping, etc. shall be constructed in Phase 1 of the project.
 - d. New landscaping along 10th street (between the existing curb/gutter to the new 10' sidewalk) shall be constructed in Phase 1 of this project. This landscaped area (known as "temporary landscaping") shall be in place until a future 10th Street widening project (by others) is completed. This temporary landscape area shall be maintained by the HOA until the future 10th widening project replaces said landscape area with pavement. The City and Developer shall enter into a landscape maintenance agreement. *(PUBLIC WORKS)*
99. **ADDRESS PLAN** – The applicant shall submit to the Public Works Department a final address plan. The plan shall be substantially in conformance with the address plan approved with the Arch & Site application. Said submittal shall be approved by the City Engineer prior to the submittal of plans for any demolition permit, building permit, or site development permit and shall be satisfied prior to issuance of whichever permit is issued first. *(PUBLIC WORKS)*
100. **PERMITS REQUIRED BY OTHER AGENCIES** – The applicant shall obtain all applicable permits from federal, state, and local agencies as required to construct the proposed improvements. The applicant is hereby informed that permits may be

required by one (1) or more of the following: Army Corps of Engineers, UPRR, Fish and Wildlife, Regional Water Quality Control Board, Santa Clara County Roads and Airports, Santa Clara Valley Water District or Habitat Permit. If project is within jurisdiction of any of these agencies, verification of permit or waiver of permit must be given to the Public Works Department prior to issuance of any required City permits. If the City is required to be a party to the permit application and a fee is required, the applicant shall reimburse the City for its cost. A copy of these permits shall be provided to the satisfaction of the City Engineer prior to the issuance of the building permit. (*PUBLIC WORKS*)

101. **CALTRANS PERMIT** – Prior to the issuance of a building permit, the applicant must submit evidence to the Public Works Department of approval by the State of California for the performance of any work within the State right-of-way. If the City is required to be a party to the permit application and a fee is required, the applicant shall reimburse the City for its cost. The Applicant is encouraged to contact the Caltrans permit office as soon as possible to learn what is required to obtain Caltrans approval and issuance of a State Encroachment Permit. (*PUBLIC WORKS*)
102. **STREET TREE DEVELOPMENT IMPACT FEE** – The applicant shall pay a fee to prove funding towards additional tree planting in the City. The fee is based on the amount of added hardscape the project is adding. The estimated impact fee, based on the approved plans, is \$656.00. This fee is only an estimate. The actual impact fee will be calculated based on building permit plans submitted, and the fees approved by the City Council in place at the time of the building permit submittal. The fee shall be collected by the Public Works Department and paid prior to issuance of the first building permit. (*PUBLIC WORKS*)
103. **STORM DEVELOPMENT IMPACT FEE** – The applicant shall pay a fee proportional to the project's share of storm drainage flowing off-site, and shall be used to enhance the City's storm drainage system based on the recommendations of the adopted Storm Drainage Master Plan. The estimated impact fee, based on the approved plans, is \$10,767.00. This fee is only an estimate. The actual impact fee will be calculated based on building permit plans submitted, and the fees approved by the City Council in place at the time of the building permit submittal. The fee shall be collected by the Public Works Department and paid prior to issuance of the first building permit. (*PUBLIC WORKS*)
104. **SANITARY SEWER DEVELOPMENT IMPACT FEE** – The applicant shall pay a fee proportional to the project's share of the increase amount of sewage generated by the project, which shall be used to enhance the City's sewer system based on the adopted Sewer Master Plan. The estimated impact fee, based on the approved plans, is \$83,619. This fee is only an estimate. The actual impact fee will be calculated based on building permit plans submitted, and the fees approved by the City Council in place at the time of the building permit submittal. The fee shall be collected by the Public Works Department and paid prior to issuance of the first building permit. At first improvement plan submittal, applicant's engineer shall submit a calculation for sanitary

sewer and water generation per the City's Master Plan design criteria. The fee shall be collected by the Public Works Department and paid prior to issuance of the first building permit. (*PUBLIC WORKS*)

105. **WATER DEVELOPMENT IMPACT FEE** – The applicant shall pay a fee proportional to the project's share of impact to the City's water system, and the water needs of the development. The fee shall be used to fund improvements identified in the City's Water Master Plan. The estimated impact fee, based on the approved plans, is \$37,938. This fee is only an estimate. The actual impact fee will be calculated based on building permit plans submitted, and the fees approved by the City Council in place at the time of the building permit submittal. At first improvement plan submittal, applicant's engineer shall submit a calculation for water generation per the City's Master Plan design criteria. The fee shall be collected by the Public Works Department and paid prior to issuance of the first building permit. (*PUBLIC WORKS*)
106. **TRANSPORTATION IMPROVEMENT FEE** – The applicant shall pay a fee proportional to the project's share of transportation improvements needed to serve cumulative development within the City of Gilroy. The funds shall be used to fund improvements identified in the City Traffic Circulation Master Plan. The estimated impact fee, based on the approved plans, is \$1,548,381. This fee is only an estimate. The actual impact fee will be calculated based on building permit plans submitted, and the fees approved by the City Council in place at the time of the building permit submittal. The fee shall be collected by the Public Works Department and paid prior to issuance of the first building permit. (*PUBLIC WORKS*)
107. **PUBLIC FACILITIES IMPACT FEE** – The applicant shall pay a fee proportional to the project's share of the increase to the use of City Public facilities. The estimated impact fee, based on the approved plans, is \$295,550. This fee is only an estimate. The actual impact fee will be calculated based on building permit plans submitted, and the fees approved by the City Council in place at the time of the building permit submittal. The fee shall be collected by the Public Works Department and paid prior to issuance of the first building permit. (*PUBLIC WORKS*)
108. **CONSTRUCTION NOTICING** – At least one week prior to commencement of any on or off-site work, the applicant shall post at the site, and to property owners within (300') three hundred feet of the exterior boundary of the project site a notice that construction work will commence on or around the stated date. The notice shall include a list of contact persons with name, title, phone number and area of responsibility. The person responsible for maintaining the list shall be included. The list shall be current at all times and shall consist of persons with authority to initiate corrective action in their area of responsibility. The names of individuals responsible for dust, noise and litter control shall be expressly identified in the notice. Noticing shall be in both English and Spanish. The notice shall be submitted for review to the approval of the City Engineer two weeks prior to the issuance of the building permit. (*PUBLIC WORKS*)

The following conditions shall be met prior to the approval of the FINAL MAP or PARCEL MAP, or if another deadline is specified in a condition, at that time

109. **UTILITY DEDICATIONS** – The applicant or owner shall dedicate all necessary private utility easements needed for the development in Phase 1 of the project. (*PUBLIC WORKS*)
110. **DRIVEWAY ACCESS EASEMENT** – The applicant or owner shall dedicate reciprocal driveway ingress and egress easements, as delineated on the approved plans. Said easements shall be approved by both affected property owners. The easements shall be approved by the City Engineer, recorded with the County Recorder's Office, and a recorded copy of the document returned to the City prior to the release of the first building permit. The easement may also be designated on any associated parcel or subdivision map. (*PUBLIC WORKS*)
111. **SUBDIVISION (FINAL) TRACT MAP** – The applicant shall have a subdivision map, prepared by a person authorized to practice land surveying in California, delineating all parcels created or deleted and all changes in lot lines in conformance with the Gilroy Municipal Code. The Final Subdivision Map shall be approved by the Department of Public Works and recorded by the County Recorder's Office prior to the issuance of the first building permit. A map guarantee shall be submitted to the City, by the applicant's title company, prior to release of the map to the title company for recordation. Prior to the City's release of the parcel map to the title company, the applicant may, at the discretion of the City Engineer, be required to submit to the City an electronic copy of the map in the AutoCAD Version being used by the City at the time of recordation. It is the applicant's responsibility to check with their title company and the County Recorder's Office to determine the time necessary to have the map recorded after City approval.

The Subdivision (Final) Tract Map shall be presented to the City Council for review and action. The City Council meeting will be scheduled approximately fifty (50) days after the Subdivision (Final) Tract Map is deemed technically correct, and Improvement Plans with supporting documents, reports and agreements are approved by the City. Executed Subdivision (Final) Tract Map shall be returned to the City Public Works Department if Subdivision (Final) Map has not been filed in the County Recorder's Office within ninety (90) days from the date of City Council's approval. (*PUBLIC WORKS*)

112. **PROPERTY IMPROVEMENT AGREEMENT (PIA)** – The applicant shall enter into a public improvement agreement with the City per Gov. Code Section 66462(a), and shall arrange to provide Payment and Performance bonds each for 100% of the cost of public infrastructure improvements to be constructed in the public right-of-way. These improvements shall include, but not be limited to, roadway construction, sidewalk, curb and gutter, water lines, storm lines, sewer lines, street lights, and signal equipment. City Standard insurance shall be provided per the terms of the agreement. The agreement will be forwarded to the City Council for approval with project (parcel or

final) map. The PIA shall be approved by the City Council prior to the issuance of the project building permit. (*PUBLIC WORKS*)

113. **MONUMENTS** – The applicant shall arrange for the engineer to have all monuments set per the recorded final map. A certificate letter by the Surveyor or Engineer will be provided to the City Engineer. (*PUBLIC WORKS*)

The following conditions shall be met prior to RELEASE OF UTILITIES, FINAL INSPECTION, or ISSUANCE OF A CERTIFICATE OF OCCUPANCY, whichever occurs first, or if another deadline is specified in a condition, at that time.

114. **ELEVATION CERTIFICATE** – (specifically for projects in the flood zone) An elevation certificate per FEMA requirements must be complete by a Land Surveyor or Civil Engineer. The elevation certificate shall be submitted, to the approval of the City Engineer, prior to the first building occupancy. (*PUBLIC WORKS*)
115. **RECORD DRAWINGS** – The applicant shall submit one full set of original record drawings and construction specifications for all off-site improvements to the Department of Public Works. All underground facilities shall be shown on the record drawings as constructed in the field. The applicant shall also provide the City with an electronic copy of the record drawings in the AutoCAD Version being used by the City at the time of completion of the work. The applicant shall also submit an AutoCAD drawing file of all consultants composite basemap linework showing all public improvements and utility layouts. This condition shall be met prior to the release of utilities, final inspection, or issuance of a certificate of occupancy, whichever occurs first. (*PUBLIC WORKS*)
116. **STORMWATER MANAGEMENT FACILITIES MAINTENANCE AGREEMENT** – The applicant shall execute a Stormwater Management Facilities Maintenance Agreement with the City Engineer as specified in Chapter 7.39.210-230 of the Stormwater Management and Discharge Control ordinance. The agreement shall outline the operation and maintenance (O&M) plan for the permanent storm water treatment facilities. The City-Standard Stormwater BMP Operation and Maintenance Agreement will be provided by Public Works Engineering. The agreement shall include the following:
- a. This Agreement shall also provide that in the event that maintenance or repair is neglected, or the stormwater management facility becomes a danger to public health or safety, the city shall have the authority to perform maintenance and/or repair work and to recover the costs from the owner.
 - b. All on-site stormwater management facilities shall be operated and maintained in good condition and promptly repaired/replaced by the property owner(s) or other legal entity approved by the City.
 - c. Any repairs or restoration/replacement and maintenance shall be in accordance with City-approved plans.

- d. The property owner(s) shall develop a maintenance schedule for the life of any stormwater management facility and shall describe the maintenance to be completed, the time period for completion, and who shall perform the maintenance. This maintenance schedule shall be included with the approved Stormwater Runoff Management Plan.

This agreement shall be executed prior to the first occupancy of the building. (*PUBLIC WORKS*)

117. **STORMWATER MANAGEMENT FACILITIES INSPECTION** – The Stormwater Management Facilities Maintenance Agreement work shall require inspections be performed which shall adhere to the following:
- a. To comply with the State Stormwater requirements and the NPDES permit, the applicant shall secure a QSD or QSP to maintain all erosion control and BMP measures during construction. The applicant's QSD or QSP shall provide the City weekly inspection reports to the approval of the City Engineer.
 - b. Stormwater facility inspections shall be done at least twice per year, once in Fall by October 1st, in preparation for the wet season, and once in Winter by March 15th. Written records shall be kept of all inspections and shall include, at minimum, the following information:
 - 1. Site address;
 - 2. Date and time of inspection;
 - 3. Name of the person conducting the inspection;
 - 4. List of stormwater facilities inspected;
 - 5. Condition of each stormwater facility inspected;
 - 6. Description of any needed maintenance or repairs; and
 - 7. As applicable, the need for site re-inspection.
 - c. Upon completion of each inspection, an inspection report shall be submitted to Public Works Engineering no later than October 1st for the Fall report, and no later than March 15th of the following year for the Winter report.
 - d. Before commencing any grading or construction activities, the applicant shall obtain a National Pollutant Discharge Elimination System (NPDES) permit and provide evidence of filing of a Notice of Intent (NOI) with the State Water Resources Control Board.
 - e. The applicant is responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop order.
 - f. Sequence of construction for all stormwater facilities (bioswales, detention/retention basins, drain rock, etc.) shall be done toward final phases of project to prevent silting of facilities and reduce the intended use of the facilities.
 - g. Prior to final inspection, all stormwater facilities will be tested by a certified QSP or QSD to meet the minimum design infiltration rate. All tests shall be made at on 20 ft x 20ft grid pattern over the surface of the completed stormwater facility unless otherwise approved by the City Engineer.
 - h. All soil and infiltration properties for all stormwater facilities shall be evaluated by the geotechnical engineer. Percolation tests (using Double Ring Infiltrometer

Testing with appropriate safety factors) at horizontal and vertical (at the depth of the stormwater facility) shall be conducted for each stormwater facility. A 50% safety factor shall be applied to the calculated percolation test and shall be used as the basis for design (the design percolation rate). The geotechnical report shall include a section designated for stormwater design, including percolation results and design parameters. *(PUBLIC WORKS)*

118. **REGIONAL BOARD STORMWATER REVIEW** – This project may be subject to an audit by the Central Coast Regional Board. City may be required to provide the project stormwater design and storm water management plan for Regional Board review and comment. Prior to building permit issuance, the project shall receive approval or acknowledgment by the Regional Board. The project may need to provide the Regional Board any and all necessary documents (including reports, technical data, plans, etc.) for the Regional Board approval. *(PUBLIC WORKS)*

The following conditions shall be complied with AT ALL TIMES DURING THE CONSTRUCTION PHASE OF THE PROJECT, or if another deadline is specified in a condition, at that time

119. **PUBLIC WORKS CONSTRUCTION ACTIVITIES** – The City shall be notified at least ten (10) working days prior to the start of any construction work, and at that time the contractor shall provide a project construction and phasing schedule, and a 24-hour emergency telephone number list. The schedule shall be in Microsoft Project, or an approved equal, and shall identify the scheduled critical path for the installation of improvements to the approval of the City Engineer. The schedule shall be updated weekly. The approved construction and phasing schedule shall be shared with Gilroy Unified School District (GUSD) to avoid traffic impacts to surrounding school functions. An approved construction information handout(s) shall also be provided to GUSD to share with school parents. *(PUBLIC WORKS)*
- a. All work shown on the improvement plans shall be inspected to the approval of the City Engineer as applicable. Uninspected work shall be removed as deemed appropriate by the City Engineer.
 - b. Construction activities related to the issuance of any Public Works permit shall be restricted to the weekday between 7:00 a.m. and 7:00 p.m., Saturday 9:00 a.m. to 7:00 p.m. for general construction activities. No work shall be done on Sundays and on City Holidays unless otherwise approved by the City Engineer. Please note that no work shall be allowed to take place within the City right-of-way after 5:00 p.m. Monday through Friday. In addition, no work being done under the issuance of a Public Works encroachment permit may be performed on the weekend unless prior approvals have been granted by Public Works. The City Engineer may apply additional construction period restrictions, as necessary, to accommodate standard commute traffic along arterial roadways and along school commute routes. Signs outlining the project construction times shall be posted at

conspicuous locations on site where it is visible to the public. The signs shall be per the City Standard Drawing for posting construction hours. The sign shall be kept free of graffiti at all times. Contact the Public Works Department to obtain sample City Standard sign outlining hours of operation.

- c. The allowed hours of Public Works construction activities may be waived or modified through an exemption, for limited periods, if the City Engineer finds that the following criteria are met:
 - i. Permitting extended hours of construction will decrease the total time needed to complete the project thus mitigating the total amount of noise associated with the project as a whole; or,
 - ii. Permitting extended hours of construction are required to accommodate design or engineering requirements, such as a large concrete pour. Such a need would be determined by the project's design engineer and require approval of the City Engineer.
 - iii. An emergency situation exists where the construction work is necessary to correct an unsafe or dangerous condition resulting in obvious and eminent peril to public health and safety. If such a condition exists, the City may waive any of the remaining requirements outlined below.
 - iv. The exemption will not conflict with any other condition of approval required by the City to mitigate significant impacts.
 - v. The contractor or owner of the property will notify residential and commercial occupants of property adjacent to the construction site of the hours of construction activity which may impact the area. This notification must be provided three days prior to the start of the extended construction activity.
 - vi. The approved hours of construction activity will be posted at the construction site in a place and manner that can be easily viewed by any interested member of the public.
 - vii. The City Engineer may revoke the exemption at any time if the contractor or owner of the property fails to abide by the conditions of exemption or if it is determined that the peace, comfort and tranquility of the occupants of adjacent residential or commercial properties are impaired because of the location and nature of the construction. The waiver application must be submitted to the Public Works Construction Inspector ten (10) working days prior to the requested date of waiver.

- d. The following provision to control traffic congestion, noise, and dust shall be followed during site excavation, grading and construction:
- i. All construction vehicles should be properly maintained and equipped with exhaust mufflers that meet State standards.
 - ii. Blowing dust shall be reduced by timing construction activities so that paving and building construction begin as soon as possible after completion of grading, and by landscaping disturbed soils as soon as possible.
 - iii. Further, water trucks shall be present and in use at the construction site. All portions of the site subject to blowing dust shall be watered as often as deemed necessary by the City, or a minimum of three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites in order to insure proper control of blowing dust for the duration of the project.
 - iv. Watering on public streets, and wash down of dirt and debris into storm drain systems will not be allowed. Streets will be cleaned by street sweepers or by hand as often as deemed necessary by the Construction Inspector, or at least once a day. Watering associated with on-site construction activity shall take place between the hours of 8 a.m. and 5 p.m. and shall include at least one late-afternoon watering to minimize the effects of blowing dust. Recycled water shall be used for construction watering to manage dust control where possible, as determined by the City Engineer. Recycled water shall be billed at the municipal industrial rate based on the current Santa Clara Valley Water District's municipal industrial rate. Where recycled water is not available potable water shall be used. All potable construction water from fire hydrants shall be metered and billed at the current portable fire hydrant meter rate.
 - v. All public streets soiled or littered due to this construction activity shall be cleaned and swept on a daily basis during the workweek to the satisfaction of the Construction Inspector.
 - vi. Construction grading activity shall be discontinued in wind conditions that in the opinion of the Public Works Construction Inspector cause excessive neighborhood dust problems.
 - vii. Site dirt shall not be tracked into the public right-of-way, and shall be cleaned immediately if done, or the project may risk being shut down. Mud, silt, concrete and other construction debris shall not be washed into the City's storm drains.

- viii. Construction activities shall be scheduled so that paving and foundation placement begin immediately upon completion of grading operation.
- ix. All aggregate materials transported to and from the site shall be covered in accordance with Section 23114 of the California Vehicle Code during transit to and from the site.
- x. Prior to issuance of any permit, the applicant shall submit any applicable pedestrian or traffic detour plans, to the satisfaction of the City Engineer, for any lane or sidewalk closures. The traffic control plan shall be prepared by a licensed professional engineer with experience in preparing such plans. The Traffic Control Plan shall be prepared by a licensed engineer in accordance with the requirements of the latest edition of the California Manual on Uniform Traffic Control Devices (MUTCD) and standard construction practices. The Traffic Control Plan shall be approved prior to the commencement of any work within the public right-of-way.
- xi. During construction, the applicant shall make accessible any or all City utilities as directed by the City Engineer.
- xii. The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual. The applicant shall require the soils engineer submit to daily testing and sampling reports to the City Engineer.

120. **PROJECT CLOSE-OUT** – Prior to City acceptance of all tract subdivision and property improvement agreements, the applicant shall comply with all City construction close-out procedures to the approval of the City Engineer. Refer to the City's website for a copy of these procedure. Prior to final inspections, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director and City Engineer. A letter indicating that all project conditions have been met shall be submitted prior to the first occupancy. All public improvements, including the complete installation of all improvements relative to streets, fencing, sanitary sewer, storm drainage, water system, underground utilities, etc., shall be completed and attested to by the City Engineer before approval of occupancy of any unit. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies. In addition, the applicant shall submit a detailed project cost estimate of all public improvements constructed on-site and within the public right-of-way. The cost estimate shall be prepared by the project engineer, and be to the approval of the City Engineer. The cost estimate shall be broken out into on-site and off-site improvements based on the format provided by the City.

Until such time as all improvements required are fully completed and accepted by City, the applicant shall be responsible for the care maintenance of and any damage to such

improvements. City shall not, nor shall any officer or employee thereof, be liable or responsible for any accident, loss or damage, regardless of cause, happening or occurring to the work or Improvements required for this project prior to the completion and acceptance of the work or Improvements. All such risks shall be the responsibility of, and are hereby assumed by the applicant. *(PUBLIC WORKS)*

121. **MATERIAL HAULING ROUTE AND PERMIT** – For material delivery vehicles equal to, or larger than two-axle, six-tire single unit truck (SU) size or larger as defined by FHWA Standards, the applicant shall submit a truck hauling route and receive a haul permit that conforms to City of Gilroy Standards to the approval of the City Engineer. Note that the City requires a Haul Permit be issued for any hauling activities. The project sponsor shall require contractors to prohibit trucks from using “compression release engine brakes” on residential streets. The haul route for this project shall be: US101 to 10th Street to Chestnut Street to Site. A letter from the applicant confirming the intention to use this hauling route shall be submitted to the Department of Public Works, and approved, prior to the issuance of any City permits. All material hauling activities including but not limited to, adherence to the approved route, hours of operation, staging of materials, dust control and street maintenance shall be the responsibility of the applicant. All storage and office trailers will be kept off the public right-of-way. Tracking of dirt onto City streets and walks will not be allowed. The applicant must provide an approved method of cleaning tires and trimming loads on-site. Any job-related dirt and/or debris that impacts the public right-of-way shall be removed immediately. No wash down of dirt into storm drains will be allowed. All material hauling activities shall be done in accordance with applicable City ordinances and conditions of approval. Mud, silt, concrete and other construction debris shall not be washed into the City’s storm drains. Violation of such may be cause for suspension of work. *(PUBLIC WORKS)*
122. **CONSTRUCTION WORKER PARKING** – The applicant shall provide a construction-parking plan that minimizes the effect of construction worker parking in the neighborhood and shall include an estimate of the number of workers that will be present on the site during the various phases of construction and indicate where sufficient off-street parking will be utilized and identify any locations for off-site material deliveries. Said plan shall be approved by the City Engineer prior to issuance of City permits and shall be complied with at all times during construction. Failure to enforce the parking plan may result in suspension of the City permits. No vehicle having a manufacturer’s rated gross vehicle weight exceeding ten thousand (10,000) pounds shall be allowed to park on the portion of a street which abuts property in a residential zone without prior approval from the City Engineer (§15.40.070). *(PUBLIC WORKS)*
123. **SITE WATER DISCHARGE** – In accordance with the City’s Municipal Code, Prohibition of Illegal Discharges (Gilroy Municipal Code Section 27C.7), the City Engineer may approve the discharge of uncontaminated pumped ground waters to the sanitary sewer only when such source is deemed unacceptable by State and Federal authorities for discharge to surface waters of the United States, whether pretreated or untreated, and for which no reasonable alternative method of disposal is

available. Following the verification of the applicable local, state and/or federal approvals, a Discharge Plan will be approved and monitored by the City Engineer.
(PUBLIC WORKS)

124. **ARCHITECTURAL COPPER** – Per Gilroy Municipal Code Section 27C.7 *Prohibition of Illegal Discharges*, the applicant shall follow the specific best management practices for the installation of the Architectural Copper. For detailed information please distribute the flyer to all construction personnel involved in the fabrication and installation of the Architectural Copper that is located
at:<http://flowstobay.org/files/newdevelopment/flyersfactsheets/ArchitecturalcopperBMPs.pdf> (PUBLIC WORKS)

The following conditions shall be complied with AT ALL TIMES that the use permitted by this entitlement occupies the premises

125. **POST CONSTRUCTION BEST MANAGEMENT PRACTICES (BMP)** – In accordance with Gilroy Municipal Code Chapter 27D *Post Construction Storm Water Pollution Prevention* all projects that meet the criteria described in the Storm Water Guidance Manual for Low Impact Development and Post-Construction Requirements shall prepare a storm water control plan (SWCP) and shall meet the requirements of the design standards and selection of best management practices and shall be selected and designed to the satisfaction of the City Engineer or designee. Requirements shall include:
- a. Owner/occupant shall inspect private storm drain facilities at least two (2) times per year and sweep parking lots immediately prior to and once during the storm season.
 - b. The applicant shall be charged the cost of abatement for issues associated with, but not limited to, inspection of the private storm drain facilities, emergency maintenance needed to protect public health or watercourses, and facility replacement or repair in the event that the treatment facility is no longer able to meet performance standards or has deteriorated. Any abatement activity performed on the applicant's property by City staff will be charged to the applicant at the City's adopted hourly rate.
 - c. Label new and redeveloped storm drain inlets with the phrase "No Dumping – Drains to Bay" plaques to alert the public to the destination of storm water and to prevent direct discharge of pollutants into the storm drain. Template ordering information is available at www.flowstobay.org.
 - d. All process equipment, oils fuels, solvents, coolants, fertilizers, pesticides, and similar chemical products, as well as petroleum based wastes, tallow, and grease planned for storage outdoors shall be stored in covered containers at all times.
 - e. All public outdoor spaces and trails shall include installation and upkeep of dog waste stations.

- f. Garbage and recycling receptacles and bins shall be designed and maintained with permanent covers to prevent exposure of trash to rain. Trash enclosure drains shall be connected to the sanitary sewer system. (*PUBLIC WORKS*)

** MITIGATION MEASURE – This measure mitigates adverse environmental effects identified in the environmental document. Monitoring procedures are contained within the condition of approval. A change in the condition may affect the validity of the current environmental document, and a new or amended environmental document may be required. (PUBLIC WORKS)*



City of Gilroy, California

Community Development Department
Planning Division
7351 Rosanna Street, Gilroy, CA 94583

Project Name: Chestnut & Tenth Street Commercial Project
Project Number: Z 20-04, AS 20-14, TM 20-03
Address/Location: 401 & 505 East Tenth Street, City of Gilroy, CA (Accessor
Parcel Numbers 841-66-010, 011, 014 and 015)

MITIGATION MONITORING AND REPORTING PROGRAM

The Mitigation Monitoring and Reporting Program (MMRP) has been prepared in accordance with Section 21081.6 of the California Environmental Quality Act (CEQA) and 15097 of the CEQA Guidelines, which requires a MMRP as part of the Mitigated Negative Declaration (MND) process. The results of the environmental analysis, including findings related to the proposed mitigation measures, are documented in the Final MND.

CEQA requires that agencies adopting MNDs take the necessary steps to ensure that designated mitigation measures are appropriately implemented during all stages of the project including construction and throughout the project build-out. Therefore, the purpose of this MMRP is to document execution of required mitigations, identify the appropriate entity responsible for mitigation monitoring and reporting, document and establish frequency/duration of monitoring and reporting, and ultimately ensure compliance.

The following MMRP matrix lists required mitigation measures, the method required for implementation, the party or permit responsible for implementing the measures, the timeframe for which the measure is relevant, and the status of compliance.

In addition, the end of this document lists Conditions of Approval the project shall implement in order to comply with applicable regulations.

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Method of Verification	Responsible for Verification	Action Schedule	Verification of Completion
Air Quality				
MM AQ-1.1: The project shall implement the following measures during all phases of construction to control exhaust at the project site: The project applicant shall ensure that construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet or exceed at least U.S. EPA Tier 2 emission standards for PM (PM₁₀ and PM_{2.5}) with CARB Level 3 verifiable diesel emission control devices (VDECS), if one is available for the equipment being used. Alternatively, use of equipment with Tier 4 engine standards would also be acceptable and would not require VDECS.	Submittal of a plan prepared by a qualified air quality consultant documenting that construction equipment used on-site would achieve the performance criteria identified in this measure shall be to the City.	City of Gilroy Planning Division	Prior to issuance of grading and building permits	☐
Biological Resources				
MM BIO-1.1: If noise generation, ground disturbance, vegetation removal, or other construction activities begin during the bird nesting season (February 1 to September 15), or if construction activities are suspended for at least two weeks and recommence during the bird nesting season, then the project applicant shall retain a qualified biologist to conduct a pre-construction survey for nesting birds. The survey shall be performed within suitable nesting habitat areas on and adjacent to the site to ensure that no active nests would be disturbed during project implementation. This survey shall be conducted no more than one week	If construction cannot be scheduled to occur outside of the nesting season, or if construction activities are suspended for at least two weeks and recommence during the bird nesting season, completion of a pre-construction survey by a qualified biologist as described and submittal of a report to the City documenting the results	City of Gilroy Planning Division Project Planner	Prior to the issuance of grading and building permits.	☐

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Method of Verification	Responsible for Verification	Action Schedule	Verification of Completion
prior to initiation of disturbance and/or construction activities. A report documenting survey results and plan for active bird nest avoidance (if needed) shall be completed by the qualified biologist and submitted to the City of Gilroy Planning Division for review and approval prior to disturbance and/or construction activities. If no active bird nests are detected during the survey, then project activities can proceed as scheduled. However, if an active bird nest is detected during the survey, then a plan for active bird nest avoidance shall be completed to identify and clearly delineate an appropriately sized, temporary protective buffer area around each active nest, depending on the nesting bird species, existing site conditions, and type of proposed disturbance and/or construction activities. The protective buffer area shall be established around an active bird nest, in consultation with the California Department of Fish and Wildlife. To ensure that no inadvertent impacts to an active bird nest would occur, no disturbance and/or construction activities shall occur within the protective buffer area(s) until the juvenile birds have fledged (left the nest), and there is no evidence of a second attempt at nesting, as determined by the qualified biologist.	of the nesting bird survey and measures to be implemented to protect nesting birds (if determined necessary).			

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Method of Verification	Responsible for Verification	Action Schedule	Verification of Completion
Cultural Resources				
MM CUL-1.1: If vertebrate fossils are discovered during construction, all work on the site shall stop immediately, the Community Development Department shall be notified, and a qualified professional paleontologist shall assess the nature and importance of the find and recommend appropriate treatment. Treatment may include, but is not limited to, preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection and may also include preparation of a report for publication describing the finds. The project applicant shall be responsible for implementing the recommendations of the qualified paleontologist. A report of all findings shall be submitted to the Community Development Department.	If cultural resources are unearthed, submittal of report by qualified paleontologist of the find and treatment implemented to City of Gilroy Planning Division	City of Gilroy Planning Division Project Planner	During construction, as necessary. Prior to issuance of building permit for report.	☐ ☐ _____
Greenhouse Gas				
MM GHG-1.1: The applicant shall mitigate the project's GHG impact to a less than significant level as outlined below. • Threshold: The applicant shall mitigate the project's operational GHG emissions to the target year threshold for the life of the project ¹ to achieve	Purchase and retire carbon offset credits consistent with the registry performance standards, carbon offset credit standards, and geographic limitations outlined in the mitigation measure.	City of Gilroy Community Development Director, or his or her designee	Prior to issuance of occupancy permit. Prior to the operational year(s) offsets cover.	☐ ☐

¹ The life of the project is assumed to be 30 years since building systems are generally substantially upgraded by year 30 (<https://www.rdh.com/blog/long-buildings-last/>; <https://abgcrealty.com/blog/life-span-commercial-building-components/>; https://www.carbonleadershipforum.org/wp-content/uploads/2018/07/CLF_Recommendations_BuildingComponentLifespans_07-06-2018.pdf). California anticipates a significant increase in electric vehicles within the next 14 years (Executive Order N-79-20; <https://www.experian.com/blogs/insights/2020/11/new-california-mandate-rekindles-electric-vehicle-buzz/>).

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Method of Verification	Responsible for Verification	Action Schedule	Verification of Completion
the applicable year-specific quantitative threshold² up to the year 2030 threshold of 2.72 MT/CO₂e/year/service population by purchasing and retiring carbon offset credits, based upon the amount of GHG emissions set forth in Table 4.8-1 of this Initial Study. • Demonstration of Reduction: The applicant shall demonstrate its reduction of GHG emissions through the retirement of carbon offset credits provided that the following conditions are satisfied: ○ Registry Performance Standards: The applicant shall provide proof to the City's Community Development Director, or his or her designee, that the carbon offset credits were issued by a registry meeting the following requirements:	Submittal of documentation of the applicable quantification protocol, all third-party confirmation or verification reports issued in connection with the carbon offset credits sufficient to monitor compliance by the project applicant with this mitigation measure. Submittal of report by a qualified air quality consultant documenting refinement or recalculation of project GHG emissions, if desired by the applicant. If report documents the project would not exceed the threshold stated, no additional mitigation is required.		On a periodic basis, if desired by the applicant After the adoption of a qualified greenhouse gas reduction strategy.	☐ ☐

Treating a building's and its associated automobile GHG lifespan as 30 years appears conservative and is consistent with the methodology employed by the South Coast Air Quality Management District.

² The year-specific quantitative threshold in MT/CO₂e/year/service population from 2023 to 2030 are as follows:

2023: 4.08
2024: 3.85
2025: 3.63
2026: 3.42
2027: 3.23
2028: 3.05
2029: 2.88
2030: 2.72

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Method of Verification	Responsible for Verification	Action Schedule	Verification of Completion
▪ The registry shall account for and quantify emission reductions using clear and defined standards and incorporating recognized principles of GHG emissions reduction accounting, including those set forth in the ISO 14064 and the WRI/WBCSD Greenhouse Gas Protocol for Project Accounting; ▪ The registry shall use clear information sufficient for reviewers to assess credibility of GHG emission reductions underlying the carbon offset credits. Upon request by the City's Community Development Director, or his or her designee, any governmental entity, or any stakeholder, the registry shall provide the following information within a reasonable time period in connection with any carbon offset credit retired by the applicant: (i) the applicable quantification protocol; and (ii) all third-party confirmation or verification reports issued in connection with the carbon offset credits. Such information shall be sufficient to monitor compliance by the project	If the City adopts a qualified GHG reduction strategy, submittal of documentation identifying how the project is consistent with the qualified greenhouse gas reduction strategy to the City and thereby eliminating the requirement to purchase GHG credits.			

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Method of Verification	Responsible for Verification	Action Schedule	Verification of Completion
applicant with this mitigation measure. Carbon Offset Credit Performance Standards: The carbon offset credits retired by the applicant for the purpose of mitigating GHG emissions shall represent GHG emission reductions that are real, permanent, additional, quantifiable, verifiable and enforceable.³ To demonstrate compliance with such requirements, the developer shall provide the following to the City's Community Development Director, or his or her designee: (i) the protocol				

³ The following terms in this mitigation are defined as follows: "Additional" means GHG emission reductions or removals underlying the carbon offset credits that exceed any GHG reduction or removals otherwise required by law, regulation or legally binding mandate, and that exceed any GHG reductions or removals that would otherwise occur in a business-as-usual scenario. To be additional, the credit shall have reduced GHG emissions below the applicable common industry practice for GHG reductions as in effect at the time the credit project was initiated. "Real" means that GHG reductions or GHG enhancements underlying the carbon offset credits result from a demonstrable action or set of actions, and are quantified using appropriate, accurate, and conservative methodologies that account for all GHG emissions sources, GHG sinks, and GHG reservoirs within the boundary of the applicable credit project and account for uncertainty and the potential for activity-shifting leakage and market-shifting leakage. "Verifiable" means that the GHG reductions or GHG enhancements underlying the carbon offset credits are well documented, transparent and set forth in a document subject to objective review by an accredited verification body. "Permanent" means that GHG reductions and GHG removal enhancements underlying the carbon offset credits are not reversible, or when GHG reductions and GHG removal enhancements may be reversible, that mechanisms are in place to replace any reversed GHG emission reductions and GHG removal enhancements to ensure that all credited reductions endure for at least 100 years. To ensure permanence, reductions from purchased credits must have already occurred. "Quantifiable" means the ability to accurately measure and calculate GHG reductions or GHG removal enhancements relative to a project baseline in a reliable and replicable manner for all GHG emission sources, GHG sinks, or GHG reservoirs included within the boundary of the credit project generating the carbon offset credits, while accounting for uncertainty and activity shifting leakage and market-shifting leakage. "Enforceable" means the authority for the City to hold the project accountable and to take appropriate action if the City determines that any carbon offset credits do not comply with the requirements set forth above.

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Method of Verification	Responsible for Verification	Action Schedule	Verification of Completion
used to quantify and issue such carbon offset credits, (ii) the third-party verification report(s) pursuant to which such carbon offset credits were issued, and (iii) the unique serial numbers of the carbon offset credits to be retired to ensure that the offset cannot be further used in any manner. The Project Planner shall reject any carbon offset credits that do not comply with these requirements, and where reductions are not direct reductions within a confined project boundary or provide opportunities for reversal of the avoided emissions. The Community Development Director or his or her designee shall reject any credits for a project that includes technology or GHG abatement practices that are already widely used. o <u>Geographic Limitations:</u> The carbon offset credits shall be from credit projects developed in the United States. Carbon offset credits resulting from international credit projects shall not be acceptable to satisfy this mitigation measure.				

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Method of Verification	Responsible for Verification	Action Schedule	Verification of Completion
Timing: The applicant shall mitigate GHG emissions resulting from project operations by purchasing and retiring offset credits prior to each year's emissions that exceed the threshold. The applicant shall provide proof in the form of a compliance report to the City that carbon offset credits equal to the amount of project operational GHG emissions in excess of the threshold have been purchased and retired, prior to the operational year in which those emissions would occur. The applicant shall also have the right, at any time, to purchase and retire carbon offset credits for some or all of the operational emissions of the project in advance of the issuance of certificates of occupancy, temporary or permanent. A conservative estimate of the offset credits that need to be purchased by the project applicant for the lifetime of the project is 21,193 MT.⁴ Enforcement: The permits relating to the project shall be conditioned on achievement of GHG mitigation milestones. The purchase and retirement of carbon offset credits required to mitigate the GHG emissions resulting from the operation of the project shall be a condition of the issuance of a certificate of occupancy,				

⁴ This was estimated by: 1) calculating the amount of offset credits needed for year 2023 (680.48 MT) and assuming that amount is required for each year from 2023 to 2029 (680.48 MT x 7 years = 4,763.36 MT); 2) calculating the amount of offset credits needed for year 2030 (714.32 MT) and assuming that amount is required for each year from 2030 to 2053 (714.32 MT x 23 years = 16,429.36); and then adding the sum of the MT for those 30 years together (4,763.36 MT + 16,429.36 MT) to arrive at a conservative estimate of offset credits needing to be purchased to cover the lifetime of the project. This estimate can be adjusted, updated, and refined as appropriate per the Adjustment portion described in mitigation measure MM GHG-1.1

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Method of Verification	Responsible for Verification	Action Schedule	Verification of Completion
temporary or permanent, for the project and as an issuance for continued operation. Should the City determine that the offset credits are non-compliant with the requirements of MM GHG-1, the City may issue a notice of non-consistency and cease permitting activities and/or stop project operations, until the City determines via an issued public notice that the offsets comply with the aforementioned standards. • <u>Adjustment:</u> The required amount of carbon offset credits may be adjusted to account for changes in climate science, GHG regulation, technology, and updated/refined project emissions, as follows: ○ The applicant may recalculate the project emissions in this Initial Study to update/refine the amount of carbon credits required to be purchased and/or demonstrate emissions achieve the year-specific threshold or an applicable quantitative threshold that may be adopted by the City or BAAQMD in the future. If the project applicant chooses to refine or recalculate project GHG emissions, the project applicant shall retain a qualified air quality/GHG professional to calculate the project's				

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Method of Verification	Responsible for Verification	Action Schedule	Verification of Completion
GHG emissions, in accordance with the BAAQMD CEQA Air Quality Guidelines, as they may be updated from time to time. Re-evaluation of project GHG emissions could reflect additional on-site measures incorporated into the project (such as installing solar panels, cool roofs, charging for parking, providing free transit passes, etc.) or increased operational efficiencies (e.g., the state's increased vehicle fuel efficiency standards and renewable energy portfolio requirement). The calculation shall be summarized in a report and submitted as part of the documentation submitted to the City's Community Development Director, or his or her designee for review and approval. OR If the City has adopted a qualified GHG reduction strategy that covers the project, the project applicant can demonstrate that the project is consistent with the applicable mandatory measures in the GHG reduction strategy by submitting written proof documenting the project's consistency to the				

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Method of Verification	Responsible for Verification	Action Schedule	Verification of Completion
City's Community Development Director, or his or her designee for review and approval. If the project is consistent with the applicable mandatory measures in the GHG reduction strategy, it is concluded that it would result in a less than significant GHG impact and no further mitigation is required.				
Hazards and Hazardous Materials				
MM HAZ-1.1: A Site Management Plan (SMP) shall be prepared by a qualified hazardous materials consultant to establish management practices for handling contaminated soil or other materials, if encountered during construction activities. Appropriate soil testing, characterization, storage, transportation, and disposal procedures shall be specified in the SMP. The sampling results shall be compared to appropriate and current risk-based screening levels for the proposed use. The SMP shall identify potential health, safety, and environmental exposure considerations associated with redevelopment activities and shall identify appropriate remediation measures.	Submittal of the SMP to SCCDEH for review and approval and submittal of the approved SMP to the City. All SMP measures shall be printed on all construction documents, contracts, and project plans.	SCCDEH and City of Gilroy Project Planner	Prior to issuance of a grading permit for the approved SMP. During construction for the implementation of the SMP.	☐ ☐

MITIGATION MONITORING AND REPORTING PROGRAM

The SMP shall be submitted to the Santa Clara County Department of Environmental Health (or equivalent oversight agency) for review and approval. A copy of the approved SMP shall be submitted to the project planner at the City of Gilroy Planning Division prior to the issuance of any demolition or grading permits. The SMP shall include, but is not limited to, the following: • A detailed discussion of the site background; • Identification of proper mitigation as needed for demolition of existing structures; • Requirements for periodic observations and field screening of exposed/ excavated soil for indications of contamination including remedial soil segregation during excavation; • Procedures for proper management of stockpiles, including sampling, disposal, and dust and runoff control including implementation of a stormwater pollution prevention program; • Procedures for proper management of underground structures encountered, including utilities and/ or underground storage tanks; • Procedures to follow if evidence of any unknown historic release of hazardous materials (e.g., underground storage tanks polychlorinated biphenyls (PCBs), Total Petroleum Hydrocarbon (TPH), VOCs, asbestos containing materials, lead-based paint, etc.) are discovered. • A Health and Safety Plan (HSP) for each contractor working at the site that addresses the safety and health hazards of each site operation phase, including the requirements and procedures for employee protection. The HSP shall outline proper				
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MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Method of Verification	Responsible for Verification	Action Schedule	Verification of Completion
soil handling procedures and health and safety requirements to minimize work and public exposure to hazardous materials during construction. A Health and Safety Plan (HSP) for each contractor working at the site shall be completed by a qualified professional that addresses the safety and health hazards of each site operation phase, including the requirements and procedures for employee protection. The HSP shall outline proper soil handling procedures and health and safety requirements to minimize work and public exposure to hazardous materials during construction. The HSP shall be submitted to the project planner at the City of Gilroy Planning Division prior to the issuance of any demolition or grading permits.				

Source: City of Gilroy. *Chestnut & Tenth Street Commercial Project Initial Study*. June 2021

MITIGATION MONITORING AND REPORTING PROGRAM

The following lists Conditions of Approval the project shall implement in order to comply with applicable regulations:

Air Quality

- The project shall implement the following measures during all phases of construction to control dust and exhaust at the project site:
 - Water active construction areas at least twice daily or as often as needed to control dust emissions.
 - Cover trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.
 - Remove visible mud or dirt track-out onto adjacent public roads using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
 - Pave new or improved roadways, driveways, and sidewalks as soon as possible.
 - Limit vehicle speeds on unpaved roads to 15 miles per hour.
 - Lay building pads as soon as possible after grading unless seeding or soil binders are used.
 - Replant vegetation in disturbed areas as quickly as possible.
 - Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
 - Minimize idling times either by shutting off equipment when not in use, or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Provide clear signage for construction workers at all access points.
 - Maintain and properly tune construction equipment in accordance with manufacturer's specifications. Check all equipment by a certified mechanic and record a determination of running in proper condition prior to operation.
 - Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints.

Biological Resources

- **Santa Clara Valley Habitat Plan.** The project is subject to applicable Habitat Plan conditions and fees (including the nitrogen deposition fee) prior to issuance of any grading permits. The project applicant is required to submit the Santa Clara Valley habitat

MITIGATION MONITORING AND REPORTING PROGRAM

Plan Coverage Screening Form to City of Gilroy Planning Division for approval and payment of the nitrogen deposition fee prior to the issuance of a grading permit. The Habitat Plan and supporting materials can be viewed at www.scv-habitatplan.org.

Cultural Resources

- If archaeological or cultural resources are discovered during earth-moving, grading, or construction activities, all work shall be halted within at least 50 feet of the find and the area shall be staked off immediately. The City shall be notified immediately and a qualified professional archeologist shall be retained (at the applicant's expense) to evaluate the find and report to the City. If the find is determined to be significant, appropriate protection measures (such as collection, recordation, and analysis), shall be formulated by the professional archaeologist, and implemented by the responsible party.
- Pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California, in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site within a 50-foot radius of the remains or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to the Coroner's authority, the Coroner shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to the state law, the landowner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

Hazards and Hazardous Materials

- Prior to the issuance of a demolition permit, an asbestos survey shall be completed for existing buildings on-site prior to demolition in accordance with the National Emissions Standards for Hazardous Air pollutants (NESHAP) guidelines. NESHAP guidelines require the removal of potentially friable ACMs prior to building demolition or renovation that may disturb the ACM.
- Prior to the issuance of demolition permit, a lead-based paint survey shall be completed for the existing buildings on-site in accordance with the Cal/OSHA guidelines. If lead-based paint is bonded to the building materials, the removal of lead-based paint is not required. If the lead-based paint is flaking, peeling, or blistering, it shall be removed prior demolition. In either case, applicable OSHA regulations shall be followed; these include requirements for worker training and air monitoring and dust control. Any debris containing lead shall be disposed appropriately.

Noise and Vibration

MITIGATION MONITORING AND REPORTING PROGRAM

- During all phases of construction, the project shall comply with General Plan Mitigation Measure 4.7-B and City Code Section 16.38 by implementing the following measures:
 - Limit construction activity to weekdays between 7:00 AM and 7:00 PM and Saturdays between 9:00 AM and 7:00 PM, with no construction on Sundays and City holidays;
 - Equip all internal combustion engine drive equipment with mufflers which are in good condition and appropriate for the equipment;
 - Locate stationary noise-generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area;
 - Construct sound walls or other noise reduction measures prior to developing the project site;
 - Prohibit all unnecessary idling of internal combustion engines;
 - Utilize “quiet” models of air compressors and other stationary noise sources where technology exists; and
 - Designate a “disturbance coordinator” who would be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and require that reasonable measures be implemented to correct the problem.
- Provide all occupied areas and habitable rooms of proposed site buildings with a forced-air mechanical ventilation system to allow windows to be closed to control interior noise levels to 45 dBA L_{dn} at the occupant’s discretion.
- As design of the hotel building continues, require that construction of the eastern façade make use of materials which would provide sufficient noise reduction to bring interior noise in rooms to 45 dBA L_{dn} or less. Preliminary calculations show that a total noise reduction of 27 to 29 dBA L_{dn} is needed along the eastern façade, which under conditions similar to those shown in prototype elevations, would require windows with a minimum STC rating of 32 with typical metal panel or wood siding wall construction, or a minimum STC rating of 30 with stucco wall construction. Additional noise reduction methods such as decreasing the eastern façade’s overall window to wall area ratio should also be considered.

Transportation

- Prior to issuance of any building permits on the proposed project, the project applicant shall make a fair-share contribution toward future improvements at the intersection of Princeville Street and Tenth Street to restore operations at the intersection to acceptable levels (LOS C).
- The project applicant shall construct the following pedestrian facility improvements as part of the project construction:

MITIGATION MONITORING AND REPORTING PROGRAM

- Installing ADA compliant curb ramps at the intersections of Chestnut Street/Tenth Street, US 101 Southbound Ramps/Tenth Street, Chestnut Street/Ninth Street;
- Installing crosswalks at the intersection of Chestnut/Ninth Street; and
- Prior to issuance of any building permits, final project plans shall show the project would provide bicycle parking per the Santa Clara Valley Transportation Authority's Bicycle Technical Guidelines bicycle parking rates:
 - Hotel: One Class I bike parking space for every 30 rooms plus one Class I bike parking space for every 30 employees.
 - Retail: One Class I bike parking space for every 30 employees plus one Class II (bike racks) bike parking space every 6,000 square feet of retail space.
 - Restaurants: One Class I bike parking space for every 30 employees plus one Class II bike parking space for every 3,000 square feet.
- Prior to issuance of any building permits, the project applicant shall fund or construct:
 - Westbound left-turn pocket extension improvements at the intersection of Monterey Road and Tenth Street;
 - Eastbound left-turn pocket extension improvements at the intersection of Chestnut Street and Tenth Street.
- Prior to issuance of any grading permits, the project applicant shall dedicate three feet of additional right-of-way along the project East Tenth Street frontage and fund the improvements necessary to make the widening improvements at the intersection of Chestnut Street and Tenth Street.

RESOLUTION NO. 2023-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GILROY RECOMMENDING TO THE CITY COUNCIL APPROVAL OF AN AMENDMENT TO THE PLAZA ALLIUM PUD SIGN PROGRAM FOR PROPERTY LOCATED AT 450 E NINTH STREET, CHESTNUT STREET AND E TENTH STREET/AUTOMALL PARKWAY, APN: 841-66-36, 37, 38 AND 39 (FILE NUMBER AS 22-24)

WHEREAS, On October 18, 2022 an application was filed by Evergreen 10th and Chestnut LLC proposing to amend the commercial planned unit development sign program standards adopted for the subject site under original approval AS 20-14; and

WHEREAS, On September 20, 2021, an initial study/mitigated negative declaration was certified as the environmental document for the project, in compliance with the California Environmental Quality Act; and

WHEREAS, the Planning Commission held a duly noticed public meeting on February 2, 2023, at which time the Planning Commission received and considered the staff report as well as all evidence received including written and oral public testimony related to the project; and

WHEREAS, the location and custodian of the documents or other materials which constitute the record of proceedings upon which the project approval is based is the Community Development Department, Planning Division.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Gilroy hereby makes the following findings, consistent with Municipal Code Section 30.50.50 (Planned Development Approval), in support of AS 22-24, amending sign program standards established by Planned Unit Development approval AS 20-14:

FINDINGS

1. The findings for PUD approval AS 20-14 in Resolution No 2021-53 remain valid with the amendment to the PUD sign standards, based on the additional findings made below.
2. The amendment as proposed and conditioned conforms to the Gilroy general plan in terms of general location and standards of development, as the modification maintains the same design quality, scale and appearance from the freeway, thus remains consistent with Policy LU 8.7.
3. The amendment continues to support the retail commercial development approved for the site which fills the specific need of the area.
4. The signage would continue to provide a harmonious, integrated plan and together with

Resolution No. 2023-02

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the reduction in the overall sign area, justifies a 5 foot height increase above the normal Zoning standards.

5. The minor increase in height, and reduction in sign area, would not create adverse effects on surrounding areas. The sign modification would not create any potential traffic hazards, would maintain a high quality appearance, remains in harmony with the development, presents a favorable image of the city and promotes a high quality, well design sign that is in scale with the project and in keeping with similar signage along the freeway.
6. The amendment conforms to the intent of the original planned unit development approval.
7. Pursuant to CEQA Guidelines Section 15162, the Planning Commission determines that the project is covered by the Mitigated Negative Declaration prepared for the shopping center planned unit development project (SCH#2021060521), and that no subsequent environmental document shall be required, given that substantial evidence in the record demonstrates none of the determinations that would exclude the project from coverage by Section 15162 are applicable.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Gilroy hereby recommends to the City Council approval of AS 22-24, subject to the following condition:

- AS 20-20 Condition of approval No. 1 is amended to note that Sheet 11 (Pylon Sign) of the Comprehensive Sign Plan, dated 3.16.2021 prepared by Bootz & Duke, shall be replaced with the revised Sheet 11 allowing a Pylon Sign with a maximum height of 80 feet, maximum overall width of 34 feet, and sign area of 515 square feet.

PASSED AND ADOPTED this 2nd day of February, 2023 by the following roll call vote:

AYES: Elle, Kushner, Leongardt, Lewis, Montez, Ramirez, Chair Bhandal

NOES: None

ABSTAIN: None

ABSENT: None

ATTEST:

DocuSigned by:
Sharon Goei
493077E1C0A54C8...
Sharon Goei, Secretary

APPROVED:

DocuSigned by:
Manny Bhandal
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Manny Bhandal, Chairperson

Project AS 22-24 Attachment:**Link to MND SCH # 2021060521**

1. Click: <https://www.cityofgilroy.org/298/Development-Activity-Projects>
2. Select the 10th and Chestnut Street Commercial Project from the list of projects

RESOLUTION NO. 2023-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GILROY TO APPROVE AN AMENDMENT TO THE PLAZA ALLIUM PUD SIGN PROGRAM FOR PROPERTY LOCATED AT 450 E NINTH STREET, CHESTNUT STREET AND E TENTH STREET/AUTOMALL PARKWAY, APN: 841-66-36, 37, 38 AND 39 (FILE NUMBER AS 22-24)

WHEREAS, On October 18, 2022 an application was filed by Evergreen 10th and Chestnut LLC proposing to amend the commercial planned unit development sign program standards adopted for the subject site under original approval AS 20-14; and

WHEREAS, On September 20, 2021, an initial study/mitigated negative declaration was certified as the environmental document for the project, in compliance with the California Environmental Quality Act; and

WHEREAS, the Planning Commission held a duly noticed public hearing on February 2, 2023, at which time the Planning Commission received and considered the staff report as well as all evidence received including written and oral public testimony related to the project; and

WHEREAS, the Planning Commission recommended approval of the project to the City Council by a unanimous vote; and

WHEREAS, the City Council held a duly noticed public hearing on March 6, 2023, at which time the City Council received and considered the staff report as well as all evidence received including written and oral public testimony related to the project; and

WHEREAS, the location and custodian of the documents or other materials which constitute the record of proceedings upon which the project approval is based is the Community Development Department, Planning Division.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby makes the following findings, consistent with Municipal Code Section 30.50.50 (Planned Development Approval), in support of AS 22-24, amending sign program standards established by Planned Unit Development approval AS 20-14:

FINDINGS

1. The findings for PUD approval AS 20-14 in Resolution No 2021-53 remain valid with the amendment to the PUD sign standards, based on the additional findings made below.
2. The amendment as proposed and conditioned conforms to the Gilroy general plan in terms of general location and standards of development, as the modification maintains the same design quality, scale and appearance from the freeway, thus remains consistent with Policy LU 8.7.
3. The amendment continues to support the retail commercial development approved for the site which fills the specific need of the area.

4. The signage would continue to provide a harmonious, integrated plan and together with the reduction in the overall sign area, justifies a 5 foot height increase above the normal Zoning standards.
5. The minor increase in height, and reduction in sign area, would not create adverse effects on surrounding areas. The sign modification would not create any potential traffic hazards, would maintain a high quality appearance, remains in harmony with the development, presents a favorable image of the city and promotes a high quality, well design sign that is in scale with the project and in keeping with similar signage along the freeway.
6. The amendment conforms to the intent of the original planned unit development approval.
7. Pursuant to CEQA Guidelines Section 15162, the Planning Commission determines that the project is covered by the Mitigated Negative Declaration prepared for the shopping center planned unit development project (SCH#2021060521), and that no subsequent environmental document shall be required, given that substantial evidence in the record demonstrates none of the determinations that would exclude the project from coverage by Section 15162 are applicable.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council hereby approves AS 22-24, subject to the following condition:

- AS 20-20 Condition of approval No. 1 is amended to note that Sheet 11 (Pylon Sign) of the Comprehensive Sign Plan, dated 3.16.2021 prepared by Bootz & Duke, shall be replaced with the revised Sheet 11 allowing a Pylon Sign with a maximum height of 80 feet, maximum overall width of 34 feet, and sign area of 515 square feet.

PASSED AND ADOPTED this 6th day of March, 2023 by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

Marie Blankley, Mayor

ATTEST:

Thai Pham, City Clerk



City of Gilroy

STAFF REPORT

Agenda Item Title: **Approval of the Updated City of Gilroy Purchasing Policy**

Meeting Date: March 6, 2023

From: Jimmy Forbis, City Administrator

Department: Finance

Submitted By: Harjot Sangha, Finance Director

Prepared By: Harjot Sangha, Finance Director

STRATEGIC PLAN GOALS

Develop a Financially Resilient Organization

RECOMMENDATION

Approve the updated City of Gilroy Purchasing Policy.

EXECUTIVE SUMMARY

The City placed a ballot measure, also known as Measure D, on the November 8, 2022, general election ballot to amend certain sections of the City's Charter ("Charter") relating to the procurement of public projects and modernization of the public noticing and bid solicitation requirements.

The results of the general elections were certified on December 8, 2022, and the Measure passed with 72% approval. As a result, staff is returning with the City's Purchasing Policy ("Policy") that incorporates the related changes.

ANALYSIS

The changes to the Charter included the following:

1. Increasing the formal bidding threshold for public projects from \$35,000 to be consistent with the California Public Contract Code.

a. Policy sections updated: 3.3, 4.2, 4.4, and 4.5

The California Public Contract Code section 22032 outlines the dollar amount thresholds for formal and informal bidding of Public Projects by local agencies. The Code allows local agencies to bid informally on public projects that cost up to \$200,000, with projects with costs more than \$200,000 required to be let to contract by formal bidding procedures. The approved Charter amendment attained consistency with these thresholds. Now, the Purchasing Policy is being updated to be consistent. It is important to note that although the formal bidding dollar threshold for public projects is increased to be consistent with the California Public Contract Code (currently \$200,000), the dollar threshold authority to award City contracts in the existing purchasing policy will remain the same. The City Council will continue to award purchases or contracts for goods and services, now including public works construction contracts, of \$100,000 or more

2. Adding best-value contracting as a procurement option.

a. Policy sections updated: 1.1 and 4.5

The City's existing formal bidding procedures required selecting a public project contractor based exclusively on the lowest responsive and responsible bidder (the lowest price). The approved Charter amendment allows the City to utilize Best Value Contracting (BVC) as a procurement option for public works projects. Using BVC allows selecting a contractor on criteria other than just the price. The additional objective criteria typically consider the contractor's qualifications and experience, with the cost being an element but not the sole deciding factor. The BVC procurement will utilize the City's existing formal bidding process for public works projects where bids are solicited, and contractors submit sealed bids with a price proposal. The key difference is that the BVC procurement will require the contractors to submit qualifications and experience information for evaluation. Unlike the current process where the lowest apparent bidder is announced at the bid opening for public projects, under the BVC procurement process, the pricing information will remain sealed until the panel completes scoring the bidder's qualifications and experience. This ensures the pricing information does not influence the panel's evaluations. Ultimately, the evaluation criteria established to score qualifications and pricing information is utilized to select the winning contractor.

3. Adding design-build contracting as a procurement option.

a. Policy sections updated: 1.1 and 4.2

The City's existing bidding process requires separate contracting for the two general phases of a public project – design and construction. For example, when developing a public project, the City first contracts with a design firm to design the project plans and specifications. Once

developed, the City solicits competitive bids from contractors for the project's construction according to the designed plans and specifications. Design-build is a public project procurement method in which a public project's design and construction are bid and procured from a single entity. The approved Charter amendment allows for design-build contracting for public projects equal to or in excess of \$1 million, provided the process for competitively selecting a design-build contractor is consistent with the California Public Contract Code.

4. Modernizing the public noticing/bid solicitation rules in the Charter.

a. Policy sections updated: 4.5 and 4.6

The existing language for public projects contract procurement required the bids to be published in a newspaper of general circulation in the City. The approved charter amendment expands these provisions to add an electronic publication, publication in a trade journal, and use of a list of qualified contractors as additional options that may be used in addition to, or in-lieu of under certain circumstances, a newspaper of general circulation. In addition, the approved amendment removes the daily requirement of a newspaper of general circulation since no newspapers serving Gilroy publish every day of the week and updates the definition of “newspaper of general circulation within the City” to be consistent with the California Government Code.

Other Changes to Purchasing Policy

1. Increased staff level of award authority from \$2,999 to \$4,999

a. Policy sections updated: 3.3, 4.2, 4.4, and 4.9

The current purchasing policy grants staff the authority to make purchases up to \$2,999. Given that the cost of basic/small parts/products and services has increased in recent years, the staff recommends increasing this amount to \$4,999. The Policy still requires staff to make such procurements by price shopping to ensure the City receives the best value in exchange for public funds.

2. Administrative/Clarification Changes

a. Policy sections updated: 3.3, 3.6, 4.5, 4.6, 7.2, 8, and 9.1

Staff is also recommending other minor updates to various sections that are administrative in nature or provide further clarification.

Notable items include:

- Addition of new definitions to the glossary with respect to the updated charter amendments

- Updating local preference percentage (5%) to be consistent throughout the document
- Omitting the existing central supply store section as it is no longer relevant/applicable
- Adding requirements for prevailing wage language to be included in contracts
- Updated section and page references throughout the document based on the updated table of contents

ALTERNATIVES

There are two types of changes being proposed to the purchasing Policy

- 1) consistency with the voter-approved Charter amendments; and
- 2) staff-initiated administrative/clarification updates.

The proposed changes related to the Charter amendment are not recommended to be further amended by Council as they align with the respective updated Charter sections and are consistent with the California Public Contract Code, as applicable.

Council can amend or reject the staff-initiated administrative/clarification updates. This is not recommended, as the proposed changes would further streamline processes for procuring small purchases. Other updates merely clarify definitions or ambiguities in interpreting the existing policy language.

FISCAL IMPACT/FUNDING SOURCE

There is no fiscal impact to updating the Purchasing Policy. The effort was accommodated within the Finance Department's existing work plan. The Policy updates are consistent with the recently approved Charter amendments, which primarily update the procurement process for Public Projects.

NEXT STEPS

The Policy will be posted on the City's website and communicated internally to the organization upon approval. Related training will be provided to City staff on the changes to the procurement process.

Attachments:

1. Updated Purchasing Policy – March 2023

RESOLUTION NO. 2022-36

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GILROY CALLING AND GIVING NOTICE OF, ON ITS OWN MOTION, THE SUBMISSION TO THE ELECTORS OF THE CITY OF GILROY AT A SPECIAL MUNICIPAL ELECTION, TO BE CONSOLIDATED WITH THE STATEWIDE GENERAL ELECTION ON NOVEMBER 8, 2022, A BALLOT MEASURE PROPOSAL TO AMEND SECTIONS 1109, 1111 AND 1503 OF THE CITY OF GILROY CITY CHARTER TO MODIFY CONSTRUCTION CONTRACT PROCUREMENT AND THE BIDDING PROCESS

WHEREAS, a General election on Tuesday, November 8, 2022, has been called by Resolution No. 2022-25, adopted on Monday, May 16, 2022, and

WHEREAS, pursuant to authority provided by the California Constitution, Article XI and the Government Code, Title 4, Division 2, Chapter 2 (commencing at Section 34450) and the Election Code Division 9, Chapter 3, Article 3 (commencing at Section 9255) of the State of California, the City Council of the City of Gilroy desires to submit to the voters a proposed charter amendment relating to construction contract procurement and the bidding process, and to place the measure on the ballot for the next General Election on November 8, 2022; and

WHEREAS, the City Council is authorized and directed by statute to submit the proposed charter amendment to the voters.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Gilroy that:

Section 1. A Special Municipal Election is hereby called and ordered to be held in the City of Gilroy on November 8, 2022 to vote on a ballot measure to amend Sections 1109 and 1111 of Article XI, and Section 1503 of Article XV of the Gilroy City Charter to modify construction contract procurement and the bidding process, which shall be deemed ratified, pursuant to Government Code Section 34459, if a majority of the electors voting on the measure vote to approve the measure. The full text of the proposed City Charter amendment is attached as Exhibit A and incorporated by reference in this Resolution.

Section 2. The ballot measure will be placed on the ballot for the November 8, 2022 election which shall be substantially in the following form:

MEASURE _____

Construction Contract Procurement and Public Noticing Modernization

Shall the City of Gilroy Charter be amended to: • Modify the bidding threshold from \$35,000 to the amount authorized by California Public Contract Code Section 22032; • Establish authority to procure for Design-Build and Best Value contracts; • Allow modernization of public noticing?	YES
	NO

Section 3. That the vote requirement for the measure to pass is a majority (50% +1) of the votes cast.

Section 4. The City Council hereby requests the Board of Supervisors of the County of Santa Clara, California to permit the Registrar of Voters of Santa Clara County to render to the City of Gilroy such services as the City Clerk of the City of Gilroy may request relating to the conduct of the above-described Special Municipal Election with respect to the following matters:

Coordination of election precincts, polling places, voting booths, voting systems and election officers; printing and mailing of voter pamphlets; preparation of the tabulation of the results of votes cast and all other services necessary to conduct an election.

Section 5. The City Council hereby requests, consents to, and orders that the Registrar of Voters of the County of Santa Clara consolidate the Special Municipal Election called and ordered to be held on November 8, 2022 with any other election that may be held on that date.

Section 6. The City Council hereby authorized the Board of Supervisors of Santa Clara County, California to canvass the returns of the Special Municipal Election.

Section 7. The City Council hereby directs the City Clerk to reimburse the County of Santa Clara in full for any of the above-mentioned services which may be performed by the Registrar of Voters, upon presentation of a bill to the City, with funds already appropriated to the City Clerk for election purposes.

Section 8. The City Council hereby directs the City Clerk to take all actions necessary to facilitate the Special Municipal Election in the time frame specified herein and comply with provisions of the Elections Code of the State of California, City Charter, Ordinances, Resolutions and Policies regarding the conduct of the Special Municipal Election.

Section 9. Pursuant to Section 12111 of the California Elections Code, the City Council hereby directs the City Clerk to: (a) cause a synopsis of the proposed measure to be published at least one time not later than one week before the election in the Gilroy Dispatch, a newspaper of general circulation within the City of Gilroy; (b) consolidate the Notice of Measure to be Voted with the Notice of Election into a single notice; (c) cause copies of the full text of the proposed measure set forth in the attached Exhibit A to be printed in the Voter Information Portion of the Sample Ballot; (d) cause copies of the Sample Ballot to be mailed to each of the qualified electors of the City of Gilroy; and (e) do all other things required by law to submit the specified measure above to the electors of the City of Gilroy at the Special Municipal Election, including causing the full text of the proposed measure to be made available in the Office of the City Clerk at no cost and posted on the City Clerk's website.

Resolution No. 2022-36

Charter Amendment

City Council Regular Meeting | June 20, 2022

Page 3 of 3

Section 10. Pursuant to Sections 9282 and 9285 of the California Elections Code, the City Council hereby approves the submittal of direct arguments for and against the ballot measure, if any, and authorizes the City Council or any member or members of the Council to author and submit a ballot measure argument in favor of the ballot measure and approves the submittal of rebuttal arguments in response to arguments for and against the ballot measure and authorizes the City Council or any member or members of the City Council to author and submit a rebuttal, if any.

Section 11. The City Council hereby directs the City Clerk to transmit a copy of the measure qualifying for placement on the ballot to the City Attorney for preparation of an impartial analysis.

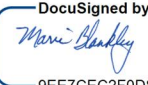
Section 12. The City Council hereby acknowledges that the consolidated election will be held and conducted in the manner prescribed in California Elections Code Section 10418.

Section 13. This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 20th day of June, 2022 by the following roll call vote:

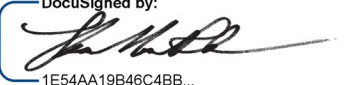
AYES:	COUNCIL MEMBERS:	ARMENDARIZ, BRACCO, HILTON, LEROE-MUÑOZ, TOVAR, BLANKLEY
NOES:	COUNCIL MEMBERS:	
ABSTAIN:	COUNCIL MEMBERS:	
ABSENT:	COUNCIL MEMBERS:	MARQUES

APPROVED:

DocuSigned by:

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Marie Blankley, Mayor

ATTEST:

DocuSigned by:

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Thai Nam Pham, City Clerk

EXHIBIT A TO RESOLUTION NO. 2022-36

That the citizens of the City of Gilroy do hereby enact the following amendment to the City Charter:

1. That Section 1109 of the City Charter be amended to read as follows:

Section 1109. Contracts for Public Projects.

Every public project involving an expenditure of City monies greater than the amount allowed for informal bidding pursuant to Section 22032 of the California Public Contract Code, or successor statute, as the same may be amended from time to time, for the construction or improvement of public buildings, works, drains, sewers, utilities, parks and streets (exclusive of projects for maintenance and repair of streets) shall be let by contract to the lowest responsive and responsible bidder, or through best value contracting, after notice by one or more of the following methods:

- A. Publication in a newspaper of general circulation in the City by one or more insertions, the first of which shall be at least seven (7) days before the time for opening bids;
- B. Publication electronically so that the notice is publicly available to the general community of potential bidders;
- C. Publication in a trade journal specified by the Uniform Cost Accounting Act Commission by one or more insertions, the first of which shall be at least seven (7) days before the time for opening bids; or
- D. By using a list of qualified contractors, which includes responsible contractors who have bid in the past and qualified contractors who ask to be included on the list.

The Council may reject any and all bids, if deemed excessive or unsatisfactory and readvertise for bids, or provide for the work to be procured in the open market, but in no case of open market procurements shall the price paid be higher than the responsible low bid rejected.

The Council, without advertising for bids, following the adoption of a resolution declaring that the project can be performed more economically by day labor, or the materials or supplies furnished at a lower price in the open market, may have the project done in the manner stated without further complying with the provisions of this section.

For contracts equal to or in excess of One Million Dollars (\$1,000,000) the Council may negotiate and award a Design-Build Contract without formal public bidding if the Council finds that such a contract would save money or result in faster project completion. The process for competitively selecting a design-build contractor shall be consistent with the California Public Contract Code.

2. That Section 1111 of the City Charter be amended to read as follows:

EXHIBIT A TO RESOLUTION NO. 2022-36

Section 1111. Contracts for Official Advertising.

The City shall procure services for the official advertising in a newspaper of general circulation in the City in accordance with the California Government Code and the City's purchasing policy.

3. That Section 1503(h) of the City Charter be amended to read as follows:

(h) "Newspaper of general circulation within the City" is as defined by the Government Code of the State of California.

DRAFT



CERTIFICATE OF THE CLERK

I, THAI NAM PHAM, City Clerk of the City of Gilroy, do hereby certify that the attached **Resolution No. 2022-36** is an original resolution, or true and correct copy of a city Resolution, duly adopted by the Council of the City of Gilroy at a Regular Meeting of said held on Council held **Monday, June 20, 2022**, at which meeting a quorum was present.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of the City of Gilroy this **Monday, June 20, 2022**.

DocuSigned by:

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Thai Nam Pham, CMC, CPMC
City Clerk of the City of Gilroy

(Seal)

DocuSigned by:





City of Gilroy Purchasing Policy

Updated: March 6, 2023

~~March 2020~~

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Section 1 – Purchasing Policy Overview

1.1 Purchasing Policy Overview

The purpose of this manual is to provide basic information for procuring goods and services consistent with adopted policies and procedures, and best practices. This manual is intended to provide sufficient information and reference detail to enable City employees to be fully aware of, and comply with, City purchasing policies, and to effectively participate in the purchasing program.

This section of the purchasing policies and procedures manual establishes the legal requirements of the procurement function within the City organization and establishes procurement expectations to safeguard fairness, system integrity and ethical practices.

1. Legal Requirements. The legal bases for the purchasing system are established below.

- Several sections of the [City Charter](#) enumerate authorities relative to purchasing-related functions:
 - **Section 703.** Establishes that the City Administrator:
 - Can enter into contracts on behalf of the city involving Council-appropriated expenditures and bid or proposals approved by Council.
 - Will implement a citywide purchasing system.
 - **Section 800.** Requires in paragraph 4 that purchasing rules and regulations be included in the administrative code which shall be amended by ordinance as necessary.
 - **Section 1104.** Specifies in paragraph 3 that during any fiscal year city employees cannot spend or incur any obligations to spend money for any purpose without a budgeted appropriation.
 - **Section 1109.** Contains requirements for ~~bidding-letting~~ public works construction projects, including best value and design-build contracting.
 - **Section 1110.** Contains certain requirements that bidders must follow when bidding on city projects.

- The [City Code Section 2.43\(c\)](#) establishes the responsibilities of the purchasing function.

2. Expectations of Fair and Open Procurement.

- Secure goods and services at the lowest possible cost commensurate with the quality needed.
- Endeavor to obtain the most open competition possible for all purchases.
- Encourage competitive pricing from responsive and responsible business providers that are qualified, capable and willing to meet the city's requirements.
- Fulfill the requirements of Charter and City Code in the procurement of goods and services.
- Safeguard the city's reputation for fairness, integrity and ethical practices.

Section 2 – Code of Conduct and Ethics

2.1 Code of Conduct Overview

All employees are responsible for impartially assuring fair competitive access to city procurement opportunities by responsible suppliers and contractors. In addition, all employees shall conduct themselves in a manner that avoids any impropriety, or appearance of impropriety, and that fosters the highest level of public confidence in the integrity of Gilroy's purchasing system.

2.2 Conflict of Interest

No employee shall participate in a city procurement when the employee knows that:

1. The employee or the employee's spouse, domestic partner, child, stepchild, parent or stepparent will benefit financially from the procurement; and/or
2. The employee or the employee's spouse, domestic partner, child, stepchild, parent or stepparent is negotiating or has an employment arrangement contingent on or will be affected by the procurement.

Upon discovery of an actual or potential conflict of interest, an employee shall immediately withdraw from further participation in the procurement.

2.3 No Gratuities

No city employee shall solicit, demand, accept or agree to accept a gift of goods or services, payment, loan, advance, deposit of money, or employment offer presented, promised in return for, or in anticipation of favorable consideration in a city procurement.

2.4 Conduct with Vendors

Conduct with vendors who provide goods or services to the city shall be fair, open and transparent. City employees shall:

1. Refrain from showing favoritism to vendors or being unduly influenced.
2. Safeguard confidentiality when required to do so.
3. Select vendors on the basis of meeting appropriate and fair criteria.

2.5 Disciplinary Actions for Policy Violations

City employees shall abide by and be accountable for the codes of conduct established in this section. Policy violations may result in disciplinary actions in accordance with the city's established procedures, consistent with state law.

~~Governing Law(s) and Reference Documents~~

- ~~1. Section 809 of the City Charter~~

Section 3 – Purchasing System Authorities and Responsibilities

3.1 Decentralized Purchasing System Overview

The city has adopted a decentralized purchasing system. This means that for most purchases, requesting departments can directly solicit bids or proposals and place orders with suppliers, subject to the limitations established in policy and subject to the approval of the appropriate award authority. Nothing precludes staff from seeking procurement assistance from the finance director or purchasing coordinator, especially to clarify policies, processes and procedures.

In a decentralized purchasing system, it is very important that all employees understand and abide by the city's procurement rules/policies and ensure their fair and consistent application.

3.2 General Categories of Purchases

City purchase categories generally consist of the following categories, for which different procurement methods may apply (see Section 4, Procurement Methods, page 11):

1. **Goods.** The purchase of goods consists of materials, equipment and supplies needed by any department.
2. **Services.** City staff may require contracts for services, which fall into two categories:
 - a. **General Services.** Services rendered such as custodial services, building/equipment maintenance, and machinery/equipment rental, excluding contracts for public works projects or professional services.
 - b. **Professional Services.** Services provided by a person or firm engaged in a profession based on highly specialized and/or technical knowledge or skill, such as the professions of accountant, attorney, artist, architect, landscape architect, construction manager, engineer, environmental consultant, dentist, physician, training or educational consultant, or land surveyor, and whose services are considered distinct and unique to such a degree that bidding of such services may not be feasible, if appropriately justified and documented (see Subsection 4.9, Exemptions from Competitive Bidding, page 229).
3. **Public Works Projects.** Public works pertain to the construction, alteration, repair, or improvement of any public structure, building, road, or other public improvement of any kind, including demolitions, and the construction and installation of drainage systems, lighting and signaling systems, sewer and water systems, and park and

recreational facilities. Maintenance required to preserve a public improvement is not considered a public work.

3.3 Authority to Award Contracts

The following section outlines the various contract award authorities established under the decentralized Purchasing System.

1. **Award Authority.** Contract award authority is established by dollar threshold for each of the following entities:
 - a. **City Council.** Purchases or contracts for goods and services, including public works construction contracts, of \$100,000 or more, ~~and public works contracts exceeding \$35,000,~~ must be awarded by the City Council.
 - b. **City Administrator.** Purchases or contracts, including public works construction contracts, up to \$99,999 may be awarded by the City Administrator, ~~with the exception of public works contracts exceeding \$35,000.~~
 - c. **Department Heads.** As authorized by the City Administrator, department heads may make purchases and enter into contracts for goods and services, including public works construction contracts, up to \$49,999, ~~and for public works construction contracts up to \$34,999.~~
 - d. **Staff.** Purchases up to \$~~42~~,999 may be made at the staff level as designated by department directors.
2. **Authority to Legally Bind City.** *Unless specifically authorized as established in this section or elsewhere in adopted and written City policy*, staff other than the City Administrator and department heads cannot enter into contractual arrangements to purchase goods or services or otherwise legally bind the City for such purchases.
3. **Award Authority Determined by One Transaction.** For the purpose of determining the appropriate award authority, contract amounts are defined by what constitutes a single or one transaction. This rule also applies to competitive bidding (the estimate of dollar value of the transaction dictates the level of bidding required).
 - a. **One-time Purchases.** Each discrete, one-time purchase is a single transaction.
 - b. **Blanket Purchase Orders.** The contract term of a blanket purchase order is generally considered a single transaction, subject to total contract length requirements established in a competitive bidding process. See also Subsection 3.7.6.b on page 99.

Examples: A blanket order in the amount of \$10,000 that is issued for vehicle parts for a one-year period is a single transaction. Subsequent annual renewals of the blanket order are considered separate, single transactions.

A five-year blanket order for on-call maintenance work in the amount of \$25,000 each year (for a total of \$125,000) requires Council approval.

- c. **Contract Amendments.** Dollar increases to existing contracts require the sum of the original contract to be added to the amount of the amendment to determine the single transaction value.

Example: The City Administrator awards a contract for \$75,000 and a \$30,000 amendment is required. The resulting transaction is \$105,000, now requiring Council approval.

3.4 Responsibilities of Purchasing Division

1. **Purchasing Function.** As established in [Section 2.43\(c\) of the City Code](#), the purchasing division is responsible for:
 - a. Purchasing materials, supplies, and equipment (goods) and services for use by all departments when appropriate.
 - b. Preparing standard specifications for goods and services wherever possible.
 - c. Maintaining a purchase order system and issuing purchase orders as required.
 - d. Verifying that all bids and proposals are in accordance with policy requirements.
 - e. Establishing and operating a system of stores for the bulk purchase of commonly used items.
 - f. Selling surplus personal property of the City, subject to the determinations and approval of department heads, the City Administrator and the City Council.

3.5 Responsibilities of City Staff

1. **Responsibilities of all employees.** As keepers of the public trust, all City employees are required to discharge their duties fairly, impartially and with the highest degree of integrity. In support of these concepts as they apply to the purchase of goods and services, City staff shall:
 - a. Clearly identify procurement needs and the availability of funding.
 - b. Work with the purchasing coordinator to develop suitable competitive specifications.
 - c. Participate in the evaluation of bids and proposals as required.
 - d. Inspect goods delivered and services performed to determine conformity with established requirements and contractual obligations.
 - e. Authorize payment for conforming goods and services.
 - f. Notify the purchasing coordinator of non-conforming goods or services.
 - g. Document tangible or intangible value to the city when requisitioning goods or services without competition.
 - h. Recognize that fair and open competition results in better value to the city.
 - i. Understand and be accountable for the policies and procedures established for purchasing goods and services.

2. **Purchasing Requisition Required.** Goods and services purchases that will require a contract, purchase order, or blanket purchase order, including public works construction, must be initiated with a properly documented and approved purchase requisition which includes:
 - a. Concise description of the purchase which adequately communicates need.
 - b. Actual or estimated dollar amount.
 - c. Valid charge/project and object number.
 - d. Verification of available funding or identification that funding is needed.
 - e. Price quotes with recommended vendor selection and appropriate award justification.
 - f. Bid exemption documentation as required.

3.6 Authorized and Unauthorized Purchases

This section defines authorized and unauthorized purchases and how they are memorialized and establishes that employees can be held responsible for unauthorized purchases that are not ratified by the appropriate award authority.

1. **Authorized Purchases.** Purchases are authorized only when the appropriate award authority has approved the purchase. Only the City Council, City Administrator, and department heads, or authorized designee in writing from the City Administrator, may legally bind the city to a contract.
2. **Unauthorized Purchases.** Purchases approved by anyone other than the designated award authorities are unauthorized. It is the responsibility of every employee to understand the policy requirements and avoid unauthorized purchases to the greatest extent possible.
3. **Ratification Process Required.** Unauthorized purchases ~~are required to be~~ can be validated only if ratified by the appropriate award authority, in its sole and absolute discretion. For unauthorized purchases to be considered for ratification, the following steps must occur:
 - a. The employee making the unauthorized purchase must provide a written explanation of why the purchase was made.
 - b. The written explanation must be reviewed and approved by the appropriate award authority.
4. **Restitution.** In the event that a vendor has been paid and the unauthorized purchase is not subsequently ratified, the employee may be held responsible for reimbursing the city.

3.7 Contracting Requirements

The following section explains the various contracting requirements associated with making purchases with City funds.

1. **Contract Award.** A contract is not considered to be awarded until it is approved by the appropriate award authority, i.e., the City Council, City Administrator or authorized department head as described in Section 3.6 above.
2. **Standard Contract Terms and Conditions.** Use of the city's standard contracts (or terms and conditions for purchase orders) provided by the City Attorney are preferable to using vendor-provided contracts. If presented with a vendor-provided agreement, staff should attempt to replace it with the city's standard agreement or standard terms and conditions for purchase orders. The purchasing coordinator can assist with the negotiation process as necessary.
3. **Written Contract Requirement.** Written contracts on city templates provided by the City Attorney are required for *services* with a value of \$10,000 or more. Services with a value of less than \$10,000 should be put on purchase orders with standard terms and conditions, unless compelling factors such as liability or risk dictate the use of a written agreement.
4. **City-provided Scope of Work Requirement.** Contracts should include well-defined scopes of work provided by city staff and the use of consultant or vendor-provided work scopes should be minimized to the greatest extent possible.
5. **No Contract Splitting.** Under no circumstances can *any* contract be split or separated into smaller components to determine the appropriate award authority or for any other purpose.
6. **Contract Types.** The city utilizes several different types of contracts depending on the nature of the purchase and requirements of the City Attorney's Office.
 - a. **Purchase Orders.** Purchase orders are used to make discrete, non-recurring purchases of goods and/or services. Depending on the cost and complexity of the purchase, a written agreement may be required. Purchase orders are required for most city transactions.
 - b. **Blanket Purchase Orders.** Blanket purchase orders are term contracts, usually established for one-year periods for routine, recurring or as-needed purchases of goods and/or services. Blanket purchase orders can be renewed annually according to the terms established through competitive bidding or negotiation, or as approved by the appropriate award authority. Blanket purchase orders may also be established for multi-year periods and/or as master goods/services agreements.

Blanket purchase orders may be established for as-needed small construction or maintenance projects and/or for urgent or emergency repairs where time is of the

essence. These types of arrangements are referred to as **Job Order Contracts** (JOCs) and are bid on a unit cost basis with contracts awarded based on not-to-exceed amounts approved by the appropriate award authority.

- c. **Service Agreements.** Depending on the cost and complexity, agreements may be required for general or professional services. These are referred to as General Services Agreements (GSAs), Professional Services Agreements (PSAs), Master Service Agreements (MSAs) or Master Professional Service Agreements (MPSA).
 - d. **Confirming Orders.** Confirming orders are written purchase orders that confirm previously placed verbal orders. This form of contract may be utilized for urgent or emergency purchases but requesting departments must use prudent judgment.
7. **Key Contracting Prerequisites.** Contractors or vendors conducting business in the city or working on city property or in city rights-of-way must be properly licensed, insured, and otherwise comply with all lawful requirements such as obtaining a business license as required by the Finance Department and having appropriate insurance coverage as required by the risk manager. The contractor or vendor must include the City of Gilroy as an “additional insured” on their insurance policy and provide up-to-date insurance certificates with required policy endorsements. *These requirements must be met before any work can commence.*

Governing Law(s) and Reference Documents

- 1. Section 2.43(c) of the City Code

Section 4 – Procurement Methods

4.1 Procurement Methods Overview

This section outlines the various methods of procurement to be used by employees who have authority and/or responsibility for procurement processes and procedures.

Below are guiding principles by which staff participating in procurement processes must abide:

- Purchases shall be based on competitive bidding processes whenever possible, unless otherwise exempt in accordance with Subsection 4.9, Purchases Exempt from Competitive Bidding on page 229.
- The complexity of the bidding process, and the applicable requirements, increase with the dollar value of the procurement.
- Under no circumstances shall purchases be artificially split to use a more simplified process.
- In situations where goods and/or services can be defined with a high degree of specificity, then a contract will be awarded to the lowest responsive and responsible bidder through a bid process.
- If the purchase is solution-based and cannot be exactly defined, then a best-value process may be used where the city can pay a higher price for a good and/or service if the overall value can be justified.
- Measured use of cooperative purchasing programs and piggyback agreements, which leverage volume purchases, secure value pricing and reduce administrative overhead, is encouraged.
- Staff must take into account the city's special policies and procedures for many procurements. These include environmental procurement, application of the 53% local purchasing preference (except for public works construction and professional services), disadvantaged business enterprises and purchases using federal grant funds (see Section 7, Special Policies and Programs, page 3127).

4.2 Selecting the Appropriate Procurement Method

To select an appropriate procurement method, employees should know the category of purchase (type of goods, services or public works project) and have an estimated cost in mind.

For goods and services purchases, competitive bidding and approval thresholds are determined by each transaction.

2.1. Goods and services transactions \$42,999 or less. Goods and services \$42,999 or less may be made without a competitive process. This amount is consistent with the threshold established for purchases utilizing federal funding (see Subsection 7.5, Policies and Procedures for Purchases Utilizing Federal Grant Funding, page 3129). ~~However, nothing should preclude employees from “value shopping” to help ensure that the best possible value is being obtained in exchange for public funds. However, staff are encouraged to price shop whenever possible to ensure the city is receiving the best value in exchange for public funds.~~

3.2. Goods and services transactions between \$53,000 and \$99,999. Goods and services with an estimated value between \$53,000 and \$99,999 in a single transaction must be procured using the methods established in the Informal Procurement Procedures in Subsection 4.4 below.

4.3. Goods and services purchases \$100,000 or more. Goods and services purchases with an estimated value of \$100,000 or more in a single transaction must be procured using formal bidding or proposal procedures established in Subsection 4.5, Formal Bidding Procedures on page 153.

4. Public works projects. In accordance with Section 1109 of the [City Charter](#), Public works projects anticipated to ~~cost equal to or less than the amount allowed for informal bidding pursuant to section 22032 of the California Public Contract Code, currently \$200,000, as the same may be amended from time to time, may be let using Informal Bidding Procedures outlined in section 4.4, on page 14.~~

~~In accordance with Section 1109 of the City Charter, Public works projects anticipated to exceed \$35,000 the amount allowed for informal bidding pursuant to section 22032 of the California Public Contract Code, currently \$200,000 or less, as the same may be amended from time to time, must be conducted through sealed bidding and shall be let by contract to the lowest responsive and responsible bidder, or through best value contracting, and awarded by Council,~~ in further accordance with the bidding procedures established in Subsection 4.5, Formal Bidding Procedures, on page 153.

a. Design-Build public works projects. ~~For public works projects with contracts equal to or in excess of \$1,000,000, the City Council may negotiate and award a Design-Build Contract without formal sealed public bidding if the Council finds that such a contract would save money or result in faster project completion. The process for competitively selecting a design-build contract shall be consistent with the California Public Contract Code. The procurement shall be made in accordance with the bidding procedures established in subsection 4.6, Request for Proposals on page 19, and shall include the following:~~

- i. Bridging documents shall be prepared by a design professional designated by the City, identifying the scope and estimated price or cost of the public works project and including additional requirements or information necessary to adequately describe the City's needs for the project. This may include, not limited to, the size, type, and design character of the project, the performance specifications covering the quality of the supplies, materials, equipment, and workmanship, or preliminary plans or building layout plans. The design professional, which prepares the bridging documents, may not subsequently submit or participate in the proposal submitted for an award of design-build contract, or have any financial interest in any design-build entity or team which submits a design-build contract construction proposal or which provides the design-build services.
- ii. A formal request for proposal shall include the bridging documents described in section 4.2.4.a.(i) above, a request for qualification, and the design-build contract documents approved by the City Attorney.
- iii. Design-build entities may be required to pre-qualify in order to be eligible to submit a proposal for the design-build project by responding to the request for qualifications in advance of the date set for the submission of the proposals. A standard template for statement of qualification shall be established and provided in the request outlining the qualification criteria consistent with, but not limited to, section 22164(b) of the California Public Contract Code. The City may establish and maintain a qualified list of design-build entities based on the qualification process for soliciting proposals on future new design-build projects.
- iv. The design-build contract may be awarded to a responsive, responsible design-build entity on the basis of either the lowest lump-sum price or the "best value" provided, as defined in the formal request for proposals. A design-build contract that is awarded on the best value basis shall be evaluated based solely on the selection criteria and procedures set forth in the formal request for proposals.
- v. The design-build contract shall require the design-build entity and its subcontractors to comply with the requirements of Section 22164(c) of the California Public Contract Code, as amended from time to time.

5.

5.34.3 Purchasing Card Program

As an alternative, efficient method of making small dollar purchases, a purchasing card program has been established for use by employees based on operational need. In many

instances, purchasing cards can be used to buy needed materials and supplies, rather than using purchase orders.

Purchasing cards are approved by department heads and issued by the purchasing coordinator, to be used in strict accordance with the Purchasing Card Policy.

4.4 Informal Procurement Procedures

Informal procurement procedures apply to purchases of goods and services anticipated to be less than \$100,000, and for public works project anticipated to cost equal to or less than the amount allowed for informal bidding pursuant to Section 22032 of the California Public Contract Code, currently \$35,000200,000, as the same may be amended from time to time. Such purchases may be made by staff in accordance with this section.

1. **Purchases \$42,999 or less.** Purchases of goods and services less than \$53,000 may be made by staff without obtaining price quotes. However, staff are encouraged to price shop whenever possible to ensure the city is receiving the best value in exchange for public funds.
2. **Purchases between \$53,000 and \$24,999.** Purchases in this estimated price range may be made by staff with department director approval and based, to the best extent possible, on at least three written price quotes. Contracts are typically awarded to the lowest responsive and responsible provider, but best value determinations can be made on factors in addition to pricing if the justification is properly documented and in the best interest of the City.
3. **Purchases between \$25,000 and \$99,999.** Purchases of goods and services in this estimated price range ~~(and public works projects less than \$35,000)~~ may be made using informal bid and/or request for proposal documents, as follows:
 - a. **Invitation to Quote.** Use this template for goods and/or services with an estimated cost at or below \$49,999 (or for a lower threshold amount if required by a department head or the purchasing coordinator). If a contract is not being awarded to the lowest responsive and responsible bidder, the purchasing requisition must contain a concise explanation to justify the selection, including evaluation factors if appropriate or requested by the purchasing coordinator.
 - b. **Informal Request for Proposals (RFP).** Use this template for services (or in some cases specialized goods or a mix of goods and services) between \$50,000 and \$99,999 that are procured through a **best value**, rather than low bid, process. Informal RFPs may also be required for professional services less than \$50,000 as required by department heads.

Best value procurements are awarded based on factors in addition to price (e.g., the city may pay more for a solution if the overall value can be justified), and are conducted through an evaluation process similar to but less formal than that required for formal competitive proposals (see Subsection 4.6, Request for Proposals, on page 196).

4. Public works projects equal to or less than the amount allowed for informal bidding pursuant to California Public Contract Code. Procurement of public works projects

estimated to cost equal to or less than the amount allowed for informal bidding pursuant to Section 22032 of the California Public Contract Code, currently \$200,000, as the same may be amended from time to time, may be made using the informal bid, subject to the appropriate award authority outlined in section 3.3 and contracting requirements outlined in section 3.7:

a. Invitation to Quote. Use this template for public works construction contracts with an estimated cost at or below \$200,000, and to the best extent possible, with at least three written price quotes. If a contract is not being awarded to the lowest responsive and responsible bidder, the designee shall provide a written statement or report of the procurement to the appropriate award authority and must contain a concise explanation to justify the selection, including evaluation factors as appropriate.

4.5. Prevailing Wage Requirements. The payment of prevailing wages is required for maintenance contracts over \$15,000 and construction contracts over \$25,000. Additionally, such contracts must follow [California Department of Industrial Relations \(DIR\)](#) contractor registration requirements for contractors and their subcontractors (see also Subsection 4.5.3.h on page 175). Suitable language regarding this requirement should be in all such contracts.

4.5 Formal Bidding Procedures

Formal sealed bidding using an Invitation for Bids (IFB) is required for purchases anticipated to be more than \$100,000, including materials and equipment (goods), certain services, and public works construction projects greater than ~~\$35,000~~ \$200,000. Contracts associated with formal bids are awarded to the lowest responsive and responsible bidder with the exception of public works construction projects that may be awarded by using the best value contracting per Section 1109 of City Charter. The requirements detailed below apply.

- 1. Coordination with Purchasing.** These actions must be coordinated with Purchasing before conducting a formal bid process:
 - a. Obtain a Bid Number.** The purchasing coordinator will assign a bid number that will be used to track the project throughout its life cycle.
 - b. Request Bid Opening Date.** The purchasing coordinator will determine availability of Council chambers to conduct the public bid opening.
 - c. Creation of Bid File.** All bidding documents created in conjunction with each bid must be sent to the purchasing coordinator so that a bid file constituting the city's official record can be kept in strict accordance with the records retention schedule.
- 2. Advertising the Bid Opportunity.** All formal bids should be publicly noticed by the purchasing coordinator or designated staff for at least 14 calendar days, (except for public works construction projects governed by section 1109 of the City charter) prior to the date and time set for receiving bids, either in a ~~local~~ newspaper of general circulation

~~in the City (for public works construction)~~ or on the City's website, unless a shorter timeframe is warranted.

~~For public works construction projects, the notice shall be given by one or more of the following methods per Section 1109 of the City Charter:~~

- ~~• Publication in newspaper of general circulation in the City by one or more insertions, the first of which shall be at least (7) days before the time of opening bids. This method of publication shall be used if available;~~
- ~~• Publication electronically so that the notice is publicly available to the general community of potential bidders;~~
- ~~• Publication in a trade journal specified by the Uniform Cost Accounting Act Commission by one or more insertions, the first of which shall be at least (7) days before the time of opening bids; or~~
- ~~2. • By using a list of qualified contractors, which includes responsible contractors who have bid in the past and qualified contractors who ask to be included on the list.~~

a. **Notice Inviting Bids.** The Notice Inviting Bids (NIB) specifies:

- i. The date, time and place where and when bids will be received, publicly opened and the bids of each bidder read out loud.
- ii. The name of the staff member to whom bids must be addressed.
- iii. General description of the goods, services or construction work required.

3. **Invitation for Bids (IFB).** An Invitation for Bids (IFB) is the bid template required for use with formal bids. The IFB must include at least the following elements:

a. **Notice Inviting Bids.** The IFB must include the bid notice that was used to advertise the bid.

~~b. **Instructions to Bidders.** Bid documents must include instructions to bidders to explain the bidding process, and explain the city's requirements (see also Subsection 8.34, Instructions to Bidders, page 334).~~

~~b. — For public works construction projects, the bid document must identify the process by which the award will be made, either exclusively based on lowest responsive and responsible bidder, or best value contracting based on objective criteria to determine the best combination of price and qualifications.~~

c. **Bid Specifications.** Detailed specifications that provide technical design and/or performance requirements are required for all IFBs.

d. **Subcontractor Listing.** Contractors bidding on city projects must include a listing of subcontractors.

- e. **Non-collusion Affidavit.** Contractors bidding on city projects must provide a notarized affidavit certifying that they have not colluded with any other entity in providing a bid.
 - f. **Bid Forms and Schedules.** The bid document must include applicable bid forms and schedules necessary for determining the lowest responsive and responsible bidders.
 - g. **Bond Forms as Required.** Many awarded projects will require that contractors provide executed faithful performance bonds (to guarantee their work) and payment bonds (to guarantee payments to subcontractors).
 - h. **Contractor/Subcontractor DIR Registration Section.** Bids for construction and maintenance work must include a form for contractors to provide their Department of Industrial Relations (DIR) contractor registration numbers (applies to contractors and their subcontractors) to ensure prevailing wage compliance. This information must be provided by City staff to the DIR on the PWC-100 Form following contract award.
 - i. **Draft Contract if required.** The bid documents must include a draft contract with the city's terms and conditions.
 - j. **Instructions for Bid Addenda.** Questions received within 10 business days of the due date will be answered in the form of a properly issued bid addendum. No change or modification to the plans or specifications can be made without such notification. Bid addenda must be provided to all holders of official bid documents and posted to the city's website.
4. **Bid Security.** A bid security in the form of a bid bond, cash, certified check or other acceptable instrument, in an amount not exceeding 10% of the bid price, may be required. If a bid security is required, it must be stated in the bid documents.
5. **Public Bid Opening.** Sealed bids will be publicly opened in the presence of at least one witness (typically the purchasing coordinator) at the time and location specified. If members of the public are present, the names of each bidder and their total bid pricing will be read aloud, and the apparent low bidder will be announced.
5. For public works construction projects, if the best value procurement option is utilized, there shall be no public bid opening until the experience and qualifications information is evaluated by a designated evaluation panel. The pricing information shall remain sealed until the panel completes the evaluation to ensure the panel's evaluations are not influenced by the pricing information.
6. **Late Bids.** Under no circumstances can late bids be accepted.
7. **Bid Summary.** Following the bid opening a bid summary will be prepared by the user department and posted to the city's website.

8. Evaluating Bids and Awarding a Contract. The contract award process includes steps detailed below.

- a. **Bid Analysis.** Each bidder will be evaluated by designated staff to determine whether their bid is *responsive* (complies with all material requirements of the bid) and if they are *responsible* (have the skill and ability necessary to complete the work).
- b. **Council Report.** The user department will prepare a report to Council recommending contract award to the lowest responsive and responsible bidder and/or a recommendation for bid rejection.
b. If best value procurement option is utilized for public works construction projects, the report shall include the justification for the selection including the evaluation factors utilized to making the determination.
- c. **Bid Rejection.** The finance director will issue any notice of rejection of any and all bids, or any non-responsive bids, and the bid may be re-advertised at the city's discretion, except that Council is the rejecting authority for all public works bids deemed excessive or unsatisfactory, per Section 1109 of the [City Charter](#). If a contractor provides more than one bid for the same work, those bids must be rejected by the appropriate rejection authority (Section 1110 of the City Charter).
- d. **Determining Bidder's Responsiveness and/or Responsibility.** Bids determined to be non-responsive at the bid opening shall not be accepted. Subsequent determinations of bid responsiveness and bidder responsibility during the due diligence period must be carefully considered, with the latter requiring a much higher level of due process for contractors.
- e. **Bid Protest Procedures.** In the event of a protest by a contractor who has submitted a timely bid, the protesting party must be afforded the opportunity to voice their concerns through the formal process outlined in Section 8, Purchasing-related Instructions and Procedures on page 320.
- f. **Contract Execution.** Upon Council approval, designated staff will prepare and send a contract package, including performance and payment bonds and identification of any other requirements such as insurance, business license, etc., to the awarded contractor.

If the contractor fails to enter into the contract, their bid bond will be forfeited and deposited in the general fund. If a bid bond was not required (in the case of goods or services purchases), then the contractor who fails to execute the contract will be liable for the difference between its bid and the next lowest bid, plus administrative expenses and any required legal costs.

9. **Prevailing Wage Requirements.** Maintenance contracts exceeding \$15,000 and construction contracts exceeding \$25,000 can only be awarded to contractors who are registered with the DIR (including any subcontractors) for the purpose of determining prevailing wage compliance. Suitable language regarding this requirement should be in all such contracts. Awarded contracts must be registered with the DIR by designated staff within 30 days of award. Awarding a contract to a contractor who is not registered with the DIR can result in penalties to the City.
10. **Return of Bid Securities.** Once a contract has been executed, the security accompanying the accepted bids, and the unsuccessful bids, must be returned.
11. **Submit Purchasing Requisition.** Following contract approval by Council, a requisition must be submitted to the purchasing coordinator so a purchase order can be generated.

4.6 Request for Proposals

Competitive sealed proposals using a Request for Proposals (RFP) process are used when contracting for services estimated to be more than \$100,000, or for solutions where procurement needs cannot be determined with a high degree of specificity, unless otherwise exempt from competition as described in Subsection 4.9, Purchases Exempt from Competitive Bidding on page 220. Such procurements are conducted by **competitive negotiation** processes, rather than awarding a contract to the lowest responsive and responsible bidder, as follows:

1. **Coordination with Purchasing.** These actions must be coordinated with the purchasing coordinator before conducting a formal proposal process:
 - a. **Obtain an RFP Number.** The purchasing coordinator will assign an RFP number that will be used to track the project throughout its life cycle.
 - b. **Creation of an RFP File.** All proposal documents created in conjunction with each RFP must be sent to the purchasing coordinator so that a file constituting the city's official record can be kept in strict accordance with records retention policies.
2. **Request for Proposals.** An RFP using the city's standard template(s) must be prepared and advertised.
3. **Best Value.** RFPs are awarded based on the best overall value to the city, as opposed to lowest responsive and responsible bid, and include evaluation of qualitative and/or quantitative factors in addition to price.
4. **Advertising the RFP Opportunity.** RFPs will be publicly noticed by the purchasing coordinator at least 14 calendar days prior to the date and time set for receiving proposals, either in a ~~local~~ newspaper of a general circulation in the City (if required available) or on the city's website, unless a shorter timeframe is warranted.

5. **RFP Document Contents.** The RFP document shall include, at minimum, a Notice Inviting Proposals; instructions to proposers, including protest procedures if warranted; evaluation factors and their relative importance; specifications, requirements or scope(s) of work describing the required goods and/or services; proposal forms and schedules; any required bond forms; insurance requirements; and contract terms and conditions.
6. **Evaluation Program.** Once RFP responses are received, the proposals will be confidentially evaluated and scored in accordance with criteria and procedures established by the user department with input of the purchasing coordinator as necessary. Interviews, presentations, site visits, etc., may be conducted depending on the nature of the procurement.

Once a top-rated proposer is identified, good faith negotiations will commence. If an agreement cannot be reached in consideration of cost and/or scope, the next highest-rated proposer will be engaged, and so on, until a mutually acceptable agreement is reached.

7. **Qualifications-Based Selection Procedures.** RFPs for certain professional or specialized services may, by law, require Qualifications-Based Selection (QBS) procedures where consultants or consulting firms are evaluated on their demonstrated competence and professional qualifications before pricing can be considered. The QBS selection process is typically associated with architectural, engineering, environmental, land surveying and construction management firms in accordance with [Section 4525 et. seq. of the California Government Code](#) or its federal counterpart, the [Brooks Act](#). However, nothing shall preclude staff from utilizing a QBS process for other types of RFPs if in the best interest of the city.

Once a top-rated proposer is identified, then scope and fee negotiations commence. If an acceptable contract cannot be finalized in consideration of scope and/or cost, then the purchasing coordinator may commence scope and fee discussions with the next highest-rated proposer, and so on, until a mutually acceptable agreement is reached. This type of process is also referred to as a Request for Qualifications (RFQL) or Request for Statements of Qualifications (RSQ).

8. **Process Integrity.** To protect the identity of the proposers and safeguard the integrity of the evaluation process, all City employees participating in the evaluation of competitively sealed proposals shall maintain strict confidentiality as well as disclose any real or perceived conflicts of interest that may arise.

The Finance Director and/or City Attorney will review any disclosed potential conflicts of interest and make a determination about the evaluator's continued participation in the procurement.

9. **One Response Received.** If only one RFP response is received and staff wishes to proceed with the procurement (rather than rejecting the proposal), the purchasing

coordinator will document the effort used to generate proposal responses prior contract negotiations.

10. Rejection of proposals. The finance director will issue any notice of rejection of any and all proposals, or any non-responsive proposals, and the RFP ~~would~~may then be re-advertised at the City's discretion.⁷ If a proposer provides more than one RFP response for the same work, those responses must be rejected (Section 1110 of the City Charter).

11. Late Proposals Refused. RFP responses received after the designated closing date and time cannot be accepted and must be returned unopened unless opening is required for identification purposes.

12. Awarding a Contract. The contract award process includes the following steps:

- a. **Council Report.** Following the technical evaluation and competitive negotiation processes, the user department will prepare a report to Council recommending contract award to the firm whose solution provides the best value to the city.
- b. **Determining Proposer Responsiveness and/or Responsibility.** Determinations of proposer responsiveness and responsibility must be carefully considered, ~~with the latter requiring a much higher level of due process for contractors and any determination of non-responsibility should be reviewed by the City Attorney.~~
- c. **Proposal Protest Procedures.** In the event of a protest by a proposer who has submitted a timely RFP response, the protesting party must be afforded the opportunity to voice their concerns through the formal process outlined in Section 8, Purchasing-related Instructions and Procedures on page 3~~2~~9.
- d. **Contract Execution.** Prior to Council approval, staff can begin the contract execution process by obtaining signature(s) from the awardee. Upon Council approval, the contract execution process can be completed.

13. Submit Purchasing Requisition. Following contract approval by Council, a requisition must be submitted to the purchasing coordinator so that a purchase order can be generated.

4.7 Two-step Competitive Bidding Processes

For some procurements, it may be advantageous to conduct a two-step competitive process where the first step is used to "shortlist" or prequalify interested firms. This type of procurement begins with a Request for Qualifications (RFQ or RFQL) process, followed by either an Invitation for Bids (IFB) or a Request for Proposals (RFP) process, depending on the situation.

The **RFQ/IFB process (RFQ/B)** can be utilized to contract for important construction projects or maintenance service contracts for which detailed specifications can be articulated. At the outset, the prequalification process utilizes minimum threshold requirements that prospective bidders

must meet (determined by an evaluation process) to provide a sealed bid, to be awarded to the lowest responsive and responsible bidder.

The **RFQ/RFP process (RFQ/P)** can be an effective way to contract for services or system solutions where professional or technical expertise or complex functional requirements, are critical and overriding considerations. In this type of procurement, submitting firms are evaluated based on their qualifications (which can include minimum threshold requirements), followed by a competitive negotiation.

~~Governing Law(s) and Reference Documents~~

- ~~1. City Charter~~
- ~~2. City Code~~
- ~~3. California Department of Industrial Relations (DIR) Contractor Registration Information~~
- ~~4. California Qualifications Based Selection (QBS) Requirements~~
- ~~5. Federal Brooks Act~~

4.8 Emergency Procurement

This section establishes the fundamental elements required for emergency procurements.

1. **Emergency Procurements Defined.** Emergency procurements are those purchases defined as immediately necessary for the preservation of life, health or property, or for the continued operation of a department. Emergency procurements required as the result full or partial activations of the Emergency Organization shall be conducted in conjunction with [Chapter 9 of the City Code \(Emergency Organization and Functions\)](#).
2. **Authority and Responsibility.** The City Administrator or their designee may make or authorize others to make emergency procurements, regardless of cost.
3. **Competitive Bidding.** Emergency procurements shall be made with such competition as is practical under the circumstances, or that is required for reimbursement funding, and shall be limited to those goods and services necessary to satisfy the emergency need.
4. **Written Report and Ratification Required.** In such circumstances where emergency procurements are required, the department head or designee shall provide a written report of the procurement to the appropriate award authority, including a description of the emergency and the basis for selection of the contractor. A copy of this report shall be included in the procurement records maintained by the purchasing coordinator.

4.9 Purchases Exempt from Competitive Bidding

This section describes the types of purchases that may be exempted from competitive bidding requirements, subject to the appropriate approvals.

1. **Enumerated Bid Exemptions.** The following may be appropriately justified as exemptions to the competitive bidding requirement:

- a. Emergency procurements as defined herein.
 - b. Situations where solicitations of bids or proposals would for any reason be unavailing or impossible.
 - c. Professional or specialized services as defined in Subsection 3.2, General Categories of Purchases on page 5.
 - d. Public library collection materials.
 - e. Insurance, bonds or financial services.
 - f. Single or sole source goods or services as defined herein.
 - g. Highly specialized equipment developed or designed for a special activity or function or whose purpose is in the best interests of the City due to compatibility with existing equipment or training of personnel.
 - h. Procurements funded by grants, donations or gifts when any special conditions require the purchase of particular materials and/or services.
 - i. Purchase of surplus property owned by another public entity, or payment to other public entities or utilities.
 - j. Membership dues, conventions, training, travel arrangements, or advertisements in magazines, newspapers, or other media.
 - k. Works of art, entertainment or performance.
 - l. Goods procured for resale to the public.
 - m. Where competitive bids or proposals have been solicited and no bid or proposal has been received. In such situations the City Administrator may proceed to have the goods procured or services performed without further competitive bidding.
 - n. Computer software license or subscription renewals.
 - o. Human Resources investigation, legal services, and medical services, including but not limited to, fitness for duty evaluations, expert witnesses, and other employment related medical services.
 - p. Regulatory permits.
 - q. Subscriptions.
 - r. Reimbursements and/or refunds of payments made to the City.
 - s. In other cases when specifically authorized by the Council (if over \$100,000) after a finding and determination that it is in the best interests of the city.
2. **Negotiations.** The purchasing coordinator or designated staff can conduct negotiations, if/as appropriate, as to price, delivery and terms and may require the submission of cost or price data in connection with the award of a contract that does not require competitive bidding.
 3. **Competitive Bidding When Possible.** Nothing in this section shall preclude the solicitations of competitive bids or proposals, when possible.
 4. **Documentation and Approval Required.** Goods or services proposed to be exempt from a competitive bidding process must be appropriately documented and approved before a transaction can be conducted, as follows:

- a. Purchases greater than \$50,000 require City Administrator approval that must accompany a purchase requisition before a purchase is made.
- b. Purchases between \$53,000 and \$49,999 require approval by the Finance Director or designee that must accompany a purchase requisition before a purchase is made.

~~Governing Law(s) and Reference Documents~~

- ~~1. Chapter 9 of the City Code~~

4.10 Cooperative Purchases

This section discusses fundamental elements of cooperative purchasing programs. Use of purchasing cooperatives is encouraged as a way of obtaining goods and services by aggregating volume, securing value pricing, and reducing administrative overhead. Measured use of purchasing cooperatives can significantly reduce the time and resources needed to competitively bid goods and services contracts.

1. **Authority to Use Cooperative Purchasing Programs.** The purchase of goods and/or services made under cooperative purchase programs, leveraging purchasing agreements maintained or utilized by the state, county or other public or quasi-public agencies, is authorized under [Section 703 of the City Charter](#), Powers and Duties of the City Administrator. Cooperative purchasing contracts must be approved by the appropriate award authority.
2. **Competitive Bidding.** Cooperative purchasing programs should be based on competitively awarded contracts whenever possible, and documentation as to the advantage of the cooperative purchase will be retained by the purchasing coordinator in conjunction with the value analysis requirements listed below.
3. **Purchasing Cooperatives.** There are numerous purchasing cooperatives the staff can evaluate for use. Some leading cooperatives include state contracts such as [California Multiple Award Schedules \(CMAS\)](#) of the Department of General Services (DGS); [U.S. Communities Cooperative Purchasing](#); [National Joint Powers Alliance \(NJPA\)](#); [NASPO ValuePoint](#) (formerly WSCA-NASPO, or the Western States Contracting Alliance-National Association of State Procurement Officials); and federal General Services Administration (GSA) procurements ([GSA Advantage for State and Local Governments](#)).
4. **Value Analysis.** The determination to make a purchase using a purchasing cooperative agreement requires an analysis to determine whether the procurement represents the best value to the city. Purchases using any given cooperative need not be based on the absolute lowest pricing and may consider factors in addition to price such as the time and/or resources needed to competitively bid the good or service. The analysis will be

performed and documented by user departments, with assistance provided by the purchasing coordinator.

5. **Piggyback Contracting.** Subject to the appropriate approval authority, authorized staff may enter into contracts for goods and services purchases, the pricing and terms of which have been previously established by another public agency. The following requirements apply to piggyback contracts, and must be verified by the purchasing coordinator prior to contract award:
- a. The parties to the original contract agree to the piggyback.
 - b. The contract is for identical or nearly identical goods and/or services.
 - c. The original contract resulted from competitive bidding or proposal procedures similar to those required by the city.
 - d. The original contract was awarded within two years of the city's purchase, or written justification is provided to support the use of an older solicitation.
 - e. The price of the purchase is comparable to that estimated by the requesting department.

Provided that the above conditions are met and the purchase is approved by the appropriate award authority, the purchasing coordinator will issue a purchase order and/or execute (or cause to be executed) a separate contract with the vendor selected by the originating agency which incorporates by reference the original solicitation, terms, conditions and prices.

~~Governing Law(s) and Reference Documents~~

- ~~1. Section 703 of the City Charter~~

Section 5 – Specification Development

5.1 Specifications for Competitive Bidding – Overview

Specifications define precise requirements for the solicitation of goods and/or services. Writing specifications is a collaborative process between user departments and the purchasing coordinator to translate specific needs into detailed requirements.

1. **Definition.** A specification is a precise description of the physical characteristics, quality, or desired outcomes of a commodity to be procured, which a supplier must be able to produce or deliver to be considered for contract award.
2. **Collaborative Process.** Writing bids or proposal specifications is a collaborative process between user department and purchasing to develop specifications with the goal of promoting competition.
3. **Clear Language.** Specifications should use plain language that is relevant to and understood by the bidding community.
4. **Promote Competition.** Good specifications should promote and not unduly restrict competition. Use of restrictive specifications must be properly justified in accordance with the provisions of this section.
5. **Specification Attributes.** There are essentially two types of specifications: design and performance. Specifications typically contain elements of design and performance and may be viewed as a continuum with each element on opposing ends.
 - a. **Design Specifications.** Design specifications establish the characteristics that a commodity must possess, and may include manufacturing details such as engineered plans, drawings or blueprints.
 - b. **Performance Specifications.** Performance specifications describe a commodity's desired outcome.
 - i. **Functional Descriptions or Requirements.** Performance specifications may utilize functional descriptions of defined tasks or desired results. Functional requirements are typically used for solutions such as software systems.
 - ii. **Brand Name Specifications.** In areas where the city has standardized a particular product such as fleet vehicles, staff may use one brand name manufacturer, subject to approval by a department head (see also Section 6, Sourcing and Standardization on page 286). Brand name specifications are restrictive, limit competition, and can result in increased cost. Use of brand name specifications must be carefully evaluated before using them in competitive bid documents.

iii. **Brand Name or Approved Equal.** Specifications that contain “brand name or approved equal” are based on functional equivalency and should be used whenever possible to promote competition and reduce pricing.

6. **Specification Development.** Specification development is a critical part of the competitive bidding process. In many cases specifications can be highly complex and technical and require subject-matter expertise beyond that of city staff. The following steps should be considered when developing specifications.

- a. **Collaborate.** Meet with stakeholders of the procurement to formulate and understand needs, and to internally peer review the specifications.
- b. **Conduct Market Research and Analysis.** Research and analysis help inform product design and/or performance and create understanding of market and supply chain trends.
- c. **Contact Other Public Agencies.** Other public agencies may have conducted a similar procurement and can share information and valuable insight.
- d. **Seek Professional Assistance.** In some instances, contractors or consultants must be engaged to create complex or highly technical specifications.

Note: NEVER obtain or accept specifications directly from a potential bidder. This will give the bidder an unfair competitive advantage, require that the bidder be disqualified, and may result in protest actions or legal challenges.

Governing Law(s) and Reference Documents

1. ~~Best practice document on specifications~~

Section 6 – Sourcing and Standardization

6.1 Sourcing and Standardization Overview

It is city policy that purchases be based on competitive bidding whenever possible to maximize the best value in the expenditure of public funds. Competition tends to be limited when goods or services are sourced to one entity or standardized to one particular brand or manufacturer. Careful consideration must be given before a decision is made to standardize products and/or to request single or sole sourced procurements.

6.2 Single and Sole Sourcing

1. **Single Source.** Single source is defined as the selection of a good or service that may be available from two or more sources, but there is compelling reason to select one particular vendor.
2. **Sole Source.** Sole source is defined as the selection of a good or service that can only be obtained from one supplier or manufacturer because of its specialized, proprietary or unique in character.

Single and sole source procurements must be properly documented and approved in accordance with city policies and procedures.

6.3 Standardization

1. **Standardization.** Standardization is an organized process to adopt one product or group of products to be used by the city, such as particular computer hardware or software. Product standardization may be utilized to create efficiencies, enhance safety, increase productivity, promote brand consistency, or to foster interoperability.

Product standardization decisions are made by consensus of the executive team after careful consideration and review of recommendations from staff.

Section 7 – Special Policies and Programs

7.1 Special Programs and Policies Overview

Depending on the amount and/or type of purchase, there are several policies and programs that must be considered. These include:

- Application of Local Purchasing Preference;
- Minority, Disabled and Woman Owned Business Policy Statement;
- Environmentally Preferable Products; and
- Policies and Procedures for Purchases Utilizing Federal Grant Funds.

Each is described below.

7.2 Local Purchasing Preference

The City Council has established a 5% local purchasing preference to be given to local businesses who respond to bidding opportunities or otherwise contract with the city (excluding public works construction and professional services), under the following guidelines and conditions.

1. **Definition of Local Business.** A local business is defined as a vendor or contractor who:
 - a. Has a fixed place of business in the city limits and the point of sale (for the business's sales tax reporting purposes) occurs within the city limits,
 - b. Is current in the payment of their business license tax, and
 - c. Is in compliance with city laws and does not owe money to the city.
2. **Applicable Purchasing Methods.** The local preference will be applied to competitive bidding or letting contracts for the purchase of goods and applicable/associated services, whether by formal bid, informal bid, or competitive proposal processes.
3. **Making the Calculation.** The local preference calculation will be determined as follows:
 - a. The purchasing coordinator will apply a 5% discount to the total bid pricing provided by the local business for the purpose of calculating the lowest responsive and responsible bidder.

- b. If a competitive negotiation process is used, then the local business will be assigned 5% of the total evaluation points.
- 4. **Inapplicability.** Application of the local business preference does not apply in the following situations:
 - a. Purchases of goods and services through legal contracts of other governmental jurisdictions or public agencies, or cooperative purchasing agreements;
 - b. Contracts for professional or legal services;
 - c. Purchases or contracts which are funded, in whole or in part, by a governmental entity, or private and public grants and the laws, regulations or policies governing such funding prohibit application of the local preference; and
 - d. Purchases made under emergency situations.
- 5. **Reserved Rights.** The local purchasing preference does not prohibit the Council or purchasing coordinator from comparing quality or basing purchasing decisions on the quality of goods and/or services.
- 6. **Notification.** Information regarding the local purchasing preference should be provided to prospective bidders to the best extent possible, but failure to do so will not be grounds for invalidation of any purchase order or contract awarded under the city's purchasing policies.

7.3 Minority, Disabled and Woman Owned Business Policy Statement

It is the policy of the City to ensure full and equitable opportunities for minority business enterprises, women business enterprises, disabled business enterprises, and local small businesses.

To assure equitable opportunities for participation, the purchasing coordinator or designated staff carry out the following programs:

- Contractors must sign a certification that they and their subcontractors are in compliance with the City's Fair Employment Practices Policy
- City staff works to actively develop vendors in these disadvantaged classifications on a day-to-day basis.
- Bidding opportunities will be provided to known vendors in targeted groups.
- The purchasing coordinator will assist in the development of technical assistance programs for these disadvantaged classifications.

7.4 Environmentally Preferable Purchasing Policy

Purchases for goods and services shall ascribe, wherever and whenever possible, to the Environmentally Preferable Purchasing Policy. The current policy can be found at the below link.

<https://www.cityofgilroy.org/DocumentCenter/View/13566/Reso-2007-50-Environmental-Preferable-Purchasing-Policy>

7.5 Policies and Procedures for Purchases Utilizing Federal Grant Funding

When purchasing goods and services under a federal grant award, the city is required to follow the provisions of 2 CFR Part 200 Subpart A §200.318 General Procurement Standards through §200.326 Contract Provisions.

Section 8 – Purchasing-related Instructions and Procedures

This section contains several purchasing-related instructions and procedures.

8.1 Bid/Proposal Protest Procedures

Contractors who have submitted timely bids or proposals may wish to protest or appeal a contracting decision or procurement made by the appropriate award authority. Protest actions must follow the procedures provided below. Protests of appeals, which are not submitted in accordance with these procedures, will not be considered.

1. **Protesting Party.** Only bidders or proposers who have submitted timely bids or proposals can initiate a protest action or appeal.
2. **Protest Procedures.** The following procedural steps must be followed to consider a protest:
 - a. The protest must be in writing and hand delivered or sent by registered mail. Once received, it will be date stamped at the Finance Department counter.
 - b. The protest must be filed-received within five working days after the announced decision to award a contract.
 - c. Copies of the protest and all supporting documentation must be concurrently transmitted to all other parties with a direct financial interest that may be adversely impacted by the outcome of the protest. Such parties shall include all other bidders who appear to have a reasonable prospect of receiving an award depending upon the outcome of the protest.
 - d. The protesting party must bear all of its own costs and fees in conjunction with protest or appeals processes.
3. **Protest Filing.** The written protest shall:
 - a. Include the name, street address, business phone number and email address of the protestor.
 - b. Identify the project under protest by name, IFB, RFP or quotation number.
 - c. Contain a concise statement of the grounds for protest.
 - d. Include all supporting documentation.

4. **Protest Review Prior to Award.** The purchasing coordinator or designated staff will withhold contract award pending disposition of the protest unless it is determined that an emergency exists. Upon review with the City Attorney, the purchasing coordinator or designee will respond in writing to the material issues raised in the protest no later than ten working days after receipt of the protest.
5. **Right of Appeal.** The protestor may appeal the initial determination to the finance director in writing within five working days after notification of the purchasing coordinator's decision. The finance director will review the submitted information and render a final decision within ten working days.
6. **Protest Received and Reviewed After Contract Award.** Protests after award will not be considered unless the protest concerns a matter which arises after the award or could not have been discovered or reasonably known prior to award.

~~8.2 Central Supply Stores~~

~~A central supply storeroom for commonly used supplies has been established in the Finance Department and may be accessed by all employees on a self-serve basis. Departments are not charged for supplies.~~

~~Notify the purchasing coordinator if a stock outage is noticed or if any specific supply is getting low, and the item(s) will be restocked. Office supplies not carried in the central storeroom can be evaluated for stock based on need (notify the purchasing coordinator) or obtained through blanket purchase orders or on purchasing cards. The purchasing coordinator can also assist with special orders for items not commonly carried.~~

8.23 Certificates of Insurance and Coverage Requirements

To minimize the city's exposure to loss, all contractors must be appropriately insured and must include the city as an "additional insured" on their insurance policy. Contractors are also responsible for up-to-date insurance certificates with required policy endorsements that provide the city with required insurance coverage and indemnity provisions.

The Human Resources/Risk Management Department maintains current insurance requirements. Please refer to the insurance requirements in effect at the time of procurement.

8.34 Instructions to Bidders

Clear, concise and consistent instructions to bidders and proposers (hereafter "bidders") are a key part of the bidding process and help to enhance process clarity and ensure that prospective offerors are informed of all city requirements.

The instructions inform bidders how to prepare and submit bids, establish mandatory requirements, cover the bid addendum process, and how to withdraw or protest bids, among many other items. The instructions for IFBs and RFPs are similar but contain important differences due to the way contracts are awarded (low bid versus best value). The instructions for each type of competitive process are contained in the bidding templates.

In some cases, modifications can be made to the instructions, but this must be done in consultation with the purchasing coordinator and/or City Attorney's Office.

8.55 Lease, Rental and Lease-to-Purchase Procurements

In some cases it may be beneficial to rent or lease equipment rather than purchasing it due to funding availability, length of time the equipment is needed, etc. Under certain circumstances it may be optimal to purchase the equipment at the end of the lease period. Equipment rentals or leasing may make the best economic sense in these situations:

- Week-to-week or month-to-month **rentals** of short duration (less than one year).
- **Leasing** for short timeframes (more than six months but less than three years).
- **Renting/leasing** to evaluate equipment suitability prior to purchase. In these instances, a "no-cost" purchase order may be a better option if the vendor is willing.
- **Leasing** equipment when a new or improved design is imminent and the leasing charges can be applied to the purchase cost of the new item.
- Securing a **lease to purchase** because the purchase price exceeds the current appropriation.

When considering equipment rental, lease or lease-to-purchase agreements, it is highly recommended that the following provisions be negotiated and included in the agreement:

- **Lease and lease-to-purchase agreements** should include a non-appropriation clause for multi-year financing.
- Agreements under any scenario should include a "cancellation for convenience" clause.
- A percentage of payments should be applied to an eventual purchase.
- **Leasing** agreements must include the annual interest rate, along with a payment schedule that shows each principal and interest payment (to be forwarded to the Accounting Division).
- A **lease-to-purchase** agreement for capital equipment should have a minimum life expectancy of five years.

Equipment leasing must be carefully considered. Leased equipment costs more than purchasing outright, and if the equipment is not purchased, the city cannot take advantage of any residual value.

8.56 Life Cycle Cost Analysis

Life cycle analysis, or total cost of ownership (TCO), considers the long-term cost of equipment assets and citywide systems such as the financial system. Costs include acquisition, installation, ongoing maintenance and end of life disposal.

8.67 Service Provider Evaluation

When preparing to contract for services, it is important to evaluate service providers to determine whether they are independent contractors or if they are more appropriately characterized as temporary employees.

8.78 Surplus Property Disposal

All city equipment, supplies, and vehicles (“personal property” or “property”) will eventually reach the end of their useful life and must be disposed of, and to the best extent possible, generate revenue through sale or traded-in when new equipment is purchased. The following procedures apply to the disposal of surplus property:

- **Surplus Disposal.** It is the responsibility of department heads to determine when an item is obsolete or excess surplus property. After such determination is made, the surplus property may be transferred to another department or used as a trade-in for new equipment. Surplused items may be donated, sold through a competitive sealed bid process, or sold at public auction to another governmental or non-profit entity. For final disposal, City Council shall approve of items to be surplused.
- **Sale of Surplus Property.** As required by [Section 2.43\(c\)\(6\) of the City Code](#), the sale of surplus property is subject the approval of the City Administrator except that sale of property having a value consistent with those classified as fixed assets by the fixed asset accounting rules in effect at the time of the request must be approved by Council.
- **Property List.** The department surplusing an item shall submit a list of property items, the current value, and the asset number, if applicable, to the purchasing coordinator. The purchasing coordinator will periodically compile a list of excess items and provide it to all departments for review, and will subsequently obtain approval from the City Administrator and/or City Council. Upon approval, the following three options are available to dispose of the items:
 - **Sale to Another Governmental Entity.** Surplus personal property may be sold at *fair market value* to another governmental entity (or non-profit organization). Such entity will have no more than 3 weeks to accept or reject the offer. If accepted, the entity will be invoiced by Accounts Receivable. All applicable sales tax shall be included. **Note:** The receiving entity is responsible for transportation and liability of the item
 - **Auction.** This option provides a convenient and efficient means of disposing surplus. After an item has been declared surplus, the purchasing coordinator will coordinate with the surplusing department to arrange for pickup by the auction company.
 - **Competitive Bids.** The purchasing coordinator may require that sealed bids be obtained for certain surplus equipment, such as vehicles with considerable resale value. Sealed bids shall be advertised in a newspaper of general

circulation (if available), and on the City's website, 10 days prior to the bid opening. Prospective bidders shall have the opportunity to evaluate the equipment prior to bid opening as prescribed by the purchasing coordinator. Award will be made to the bidder most responsive to the City's needs.

The equipment shall be bid upon in "as-is" condition with no warranty, and a 10% deposit in the form of a money order or cashier's check must be submitted at the time of bid opening, with a balance due within 7 calendar days. Deposits will be returned to unsuccessful bidders within 14 calendar days.

- **Donations of Surplus and Preferred Recipients.** In order of preference, surplus items may be donated to: 1) the Gilroy Unified School District; 2) the Gilroy Chamber of Commerce. Surplus property unlikely to generate significant revenue and that are not transferred to other departments may be donated to other public agencies, to Gilroy's sister cities, or to non-profit organizations.

Any donation of surplus property to a non-profit organization shall be approved by the City Council upon findings that the non-profit is qualified under section 501(c)(3) of the Internal Revenue Code and that the donation will benefit the City and its constituents.

All donations pursuant to this section shall be without warranty, express or implied, and the transferee shall agree to defend, indemnify and hold harmless the City, its officers and employees, from any claim, cause of action, damage, loss or liability arising out of the condition of the property or its use by the organization or subsequent transferee.

- **Specialized Police Department Surplus.** Upon the request of the Gilroy Police Chief and with City Council approval, surplus items of a unique nature, i.e., guns, vests, and other protective equipment may be disposed of in an appropriate manner to suitable recipients. Disposal shall incorporate the Range Master's Policy in regard to the sale of guns to a Gilroy police officer or other law enforcement officer.
- **Stolen Property.** All stolen property shall be held by the police department for a period of 6 months. Periodic lists shall be prepared by the police department and submitted to the purchasing coordinator, to be agendized and declared surplus. Items will be disposed of in the most equitable manner. The only exception is **Bicycles**, which shall only be sold at public auction once declared surplus.
- **Tracking Surplus.** Regardless of the value established in policy, departments shall furnish a memorandum to the purchasing coordinator for tracking low value items. Broken or unrepairable items considered trash need not be listed in the memorandum.
- **Revenue.** The revenue received for the sale of surplus property shall be deposited in the General Fund or other appropriate fund for certain equipment sales.

8.89 Used Automobile Purchases

For efficiency purposes, the Council has waived formal bidding procedures for purchasing used vehicles under the following conditions:

- A budgeted appropriation exists.
- A determination is made by the fleet manager that purchasing a used vehicle is in the city's best interest.
- All Gilroy used-car vendors are notified of the city's intent to purchase.

The following procedures and requirements must be followed to purchase a used vehicle:

- The fleet manager will develop specifications based on the user department's needs.
- The fleet manager will solicit at least three written quotes utilizing informal procurement procedures; two of which must be solicited from Gilroy vendors.
- The used vehicle must have less than 25,000 miles and be less than 2 years old.
- A thorough inspection of each vehicle under consideration will be performed by Fleet Division staff, who will make a recommendation for purchase.
- The fleet manager will submit a purchasing requisition for department head authorization.
- After the issuance of a purchase order, Fleet Division staff will arrange for transportation to the city and ensure vehicle registration. They are also responsible for submitting sale documentation to accounts payable in a timely manner.
- The fleet manager will prepare a report for Council review.

Section 9 – Glossary of Terms

9.1 Definitions

This section defines relevant purchasing terms and terminology in use by the City of Gilroy.

Agreement. A mutual, written understanding between two or more competent parties, whereby one party agrees to perform as defined in the agreement and the other party agrees to compensation for the performance rendered in accordance with the agreement conditions. Agreement and contract may be used synonymously.

Amendment. An agreed upon modification to an existing contract.

Appropriation. Authorization by the City Council to expend budgeted funding for city operations and infrastructure, or other designated purposes.

Award. The acceptance of a bid or proposal; the presentation of a purchase agreement by the award authority to a bidder or offeror.

Award Authority. The governing body or staff person authorized to approve the purchase of goods and services on behalf of the city; the staff person(s) authorized to approve or execute procurement contracts and otherwise legally bind the city.

Best Value Procurement. A procurement that is awarded based on factors in addition to price. Best value procurements are mainly conducted through the competitive proposal process.

Bid Addendum. A bid addendum is a document issued to all known participants (“planholders”) in a competitive bid process that makes a change to the bid documents/project (i.e., changes to specifications), or process (like a bid due date extension).

Bid Opening. The process in which sealed bids are publicly opened, in the presence of at least one witness, at the time and place specified in the invitation for bids.

Blanket Purchase Order (BPO). A limited-term contract for goods and/or services based on unit pricing, typically for one-year renewable periods. BPOs may be established with indefinite quantities, allowing end users flexibility to order products when needed, or for on-call services.

Change Order. A contract modification consisting of additions or reductions in work or materials approved by the City Council or purchasing coordinator.

Commodity. Goods consisting of supplies, materials and equipment.

Competitive Bidding. The process of soliciting and obtaining formal and informal bids, including price quotations, from competing sources, by which an award is made to the lowest responsive and responsible bidder.

Competitive Proposals. The process of soliciting and obtaining formal and informal proposals from competing sources, by which an award is made to the proposer whose solution provides the best value to the city. The award may be made based on factors in addition to price, e.g., a higher price can be paid for goods and/or services if the value can be justified.

Conflict of Interest. A conflict of interest in conjunction with a city purchase is a situation where an employee or a member of the employee's family stands to benefit financially from the procurement.

Contract. See Agreement.

Cooperative Procurements. A variety of arrangements whereby two or more public entities purchase goods and/or services from the same supplier or multiple suppliers using a single competitive bid or proposal; the combining of the requirements of two or more public entities to leverage the benefits of volume purchases, including administrative savings and other demonstrable advantages.

Design-build. A public works contracts procurement method in which both the design and construction of a project are procured from a single entity.

Design-build contract. A public works contracts equal to or in excess of one million dollars (\$1,000,000) for a project to be constructed using a design-build process.

Design-build entity. A partnership, corporation or other legal entity that provides licensed contracting, architectural or engineering services for a design-build contract.

Design professional. A professional, either City staff or an outside consultant licensed by the State of California, who develops the criteria package which may include, but is not limited to, facility program, design criteria, performance specifications and other project-specific technical materials.

Encumbrance. An accounting entry that commits an appropriated dollar amount to be spent.

Formal Sealed Bid. A procurement method for goods and/or services anticipated to be greater than \$100,000 whereby sealed Invitations for Bids (IFBs) are submitted and publicly opened, with a contract awarded to the lowest responsive and responsible bidder.

Formal Sealed Proposal. A procurement method for goods and/or services anticipated to be greater than \$100,000 whereby sealed Requests for Proposals (RFPs) or similar proposal documents are submitted and reviewed by an evaluation committee based on established criteria, with a contract awarded to the responsive and responsible proposer whose solution provides the best overall value to the city.

General Services. Work performed or services rendered by independent contractors such as custodial services, building and equipment maintenance, machinery and equipment rental, and utility services, excluding contracts for public works.

Goods. Supplies, materials and equipment to be furnished or used by any department of the city, including items purchased by the city and furnished to contractors for use in public works projects.

Informal Bid or Proposal. Competitive bids or proposals anticipated to be \$100,000 or less conducted under informal procurement procedures.

Invitation for Bids (IFB). The type of bid document typically used in a competitive (formal) sealed bidding process. Components include but may not be limited to a bid invitation, instructions to bidders, bid schedule(s), terms and conditions and technical specifications.

Job Order Contract. As-needed contracts for small construction or maintenance projects and/or for urgent or emergency repairs where time is of the essence. These types of contracts are bid on a unit cost basis and awarded based on not-to-exceed amounts approved by the appropriate award authority. Job Order Contracts may be established as Master Agreements.

Local Purchasing Preference. A 53% bid preference granted to local bidders whose principal place of business is located within city limits, subject to policy limitations.

Lowest Responsive and Responsible Bidder. The bidder to be awarded a contract who fully complies with all material bid requirements, whose past performance and financial capacity is determined to be acceptable and has offered the lowest price.

Master Agreement. A contract that is awarded to multiple qualified providers pursuant to a primary agreement with a standard set of terms and conditions, typically created under a competitive proposal process. Once established, services are distributed among providers with discrete project work negotiated through task orders; also referred to as Master Service Agreements (MSA) or Master Professional Service Agreements (MPSA).

Piggybacking. A form of intergovernmental cooperative purchasing whereby the city utilizes the contract pricing and terms of another government agency.

Prevailing Wages. The wage rates, including fringe benefits, paid to a majority of workers in a geographic area for the same type of work on similar projects as established by the California Department of Industrial Relations.

Professional Services. Services provided by a person or firm engaged in a profession based on highly specialized and/or technical knowledge or skill; services considered distinct and unique to such a degree that bidding may not be feasible, if appropriately justified and documented. Some examples include accountants, attorneys, artists, architects, engineers and physicians.

Public Works. The construction, alteration, repair, or improvement of any public structure, building, road, or other public improvement of any kind, including demolitions, and the construction and installation of drainage systems, lighting and signaling systems, sewer and water systems, and park and recreational facilities.

Purchasing Coordinator. Designated finance staff responsible for issuing bid #s, coordinating the issuance and opening of bids and proposals, reviewing requisitions, and issuing purchasing orders.

Purchase Order. A legally binding contract issued by purchasing staff to a vendor which includes the terms and conditions of a transaction.

Purchase Requisition. The document required to be submitted through the financial system to begin the procurement process. Purchase requisitions must be properly documented and approved for the procurement process to proceed.

Qualified list of design-build entities. A list of design-build entities selected based on a competitive selection process and who are determined to be qualified to act as a design-build entity for the City on public works projects equal to or in excess of one million dollars (\$1,000,000).

Ratification. The process by which an unauthorized purchase is approved or ratified by the appropriate award authority after-the-fact.

Request for Proposals (RFP). The solicitation document used to solicit proposals for goods and/or services from potential providers.

Request for Qualifications (RFQL). Also referred to as Requests for Statements of Qualifications (RSQ), this type of solicitation seeks to establish qualified applicants or pools of applicants for as-needed services, sometimes under Master Professional Service Agreements (MPSA); most commonly used for architectural and engineering services or other highly specialized consultants.

Request for Quotations (RFQ). The type of bid document used for obtaining competitive quotes through the informal procurement procedures.

Responsible Bidder. A bidder is considered responsible if they possess the demonstrated ability, capacity, experience and skill to provide the goods and/or services in accordance with the city's requirements; has a record of satisfactory or better performance under prior contracts with the city and other entities; and has complied with laws, regulations and guidelines governing prior or existing contracts.

Responsive Bidder. A person or entity who has submitted a bid which conforms in all material respects to a bid or proposal solicitation.

Single Source. A good or service that may be available from more than one source, but a compelling justification can be made to obtain the good or service from one particular vendor.

Sole Source. A situation where a good or service can only be obtained from one source due to its proprietary or specialized nature.

Specification. A precise description of the physical characteristics, quality, or desired outcomes of a commodity to be procured, which a supplier must be able to produce or deliver to be considered for award of a contract. There are two types of specifications: design and performance.

Standardization. The process to adopt one product or group of products to be used by the city, such as particular computer hardware or software.

Surplus Property. Supplies, materials, and equipment that is no longer used or has become obsolete, to be sold, exchanged or donated by the purchasing coordinator in accordance with policy provisions covering surplus property donations.



City of Gilroy

STAFF REPORT

Agenda Item Title: Update on the Status of Council and Departmental Workplans

Meeting Date: March 6, 2023

From: Jimmy Forbis, City Administrator

Department: Administration

Submitted By: Bryce Atkins, Assistant to the City Administrator

Prepared By: Bryce Atkins, Assistant to the City Administrator

STRATEGIC PLAN GOALS

- Develop a Financially Resilient Organization
 - Ensure Neighborhood Equity from City Services
 - Promote Economic Development Activities
 - Promote Safe Affordable Housing for All
 - Maintain and Improve City Infrastructure
-

RECOMMENDATION

Council receive the update.

EXECUTIVE SUMMARY

Staff is bringing an updated status report for the Fiscal Year 2022 and 2023 Council Legislative Agenda and departmental workplans (collectively, the "Workplan"). Overall, work is progressing on these items, with a few additional items being completed between the January 28, 2022 Strategic Planning Workshop and today. There are also a few other items recommended for removal or consolidation with other Workplan items.

BACKGROUND

The City's Workplan was adopted as part of the budget process in 2021 and incorporated into the Fiscal Year 2022 and 2023 budgets. There was a total of 124 initial items included. These include the 16 items in the City Council's Legislative Agenda, with the remaining being items included in the departmental workplans.

ANALYSIS

Purpose

This report is intended to provide the foundation for the Workplan discussion and prioritization at the special meeting on March 13, 2023. Staff received the feedback from Council at the January 28, 2023 Strategic Planning Session, requesting more specific timelines and for updates that better demonstrate the status of the projects. Staff has compiled the attached, revised Workplan update. Staff will provide a presentation on the status of these items on the March 6, 2023 City Council Regular Meeting.

The remaining Workplan items will be brought back on the March 13 special meeting to discuss and prioritize the tasks to make the next two-year Workplan. At that meeting, the new items that the City's departments wish to add, as well as the 12 items requested by the City Council at the Strategic Planning Session in January, will be included on the Workplan to be prioritized for the following two-year cycle.

Revisions

Since the original report presented on January 28, 13 items have since been completed.

1. ERP Implementation in Finance's workplan
2. ERP Implementation in IT's workplan
3. Multifunction Printer Replacement City-wide
4. Type I Fire Engine Build and Deployment
5. Development of specifications and purchase a second Type I and Type III Engine
6. Develop and Implement Fleet Maintenance/Repairs Alternative Solutions
7. Customer Service Training for employees
8. Pursue Opportunities for City-Owned 536 Acres at Hecker Pass
9. Pursue Opportunities for Sports Park
10. Pursue Grant Opportunities
11. Downtown Committee Recommendation: Implement a Façade/Painting Improvements or Plywood/Blight Removal Program
12. Downtown Committee Recommendation: Create a downtown Building/Planning Fee Reduction Program
13. Downtown Committee Recommendation: Downtown Jumpstart Kickoff Meeting

However, staff has made a few changes in the attached Workplan update document since last being presented. These changes include:

1. A new column with anticipated completion timeframes has been added. Based on feedback from Council at the January 28th Strategic Planning Study Session, staff has added timeframes to better identify the status of projects that are currently underway and when they might be completed. The timeframes are

presented in calendar year and quarter format. For example, if an item is anticipated to be completed in August of 2023, it would read 2023 - Q3. This report is based on calendar years, and not fiscal years, to avoid confusion by members of the public who may not be familiar with the fiscal year the City operates within.

2. Revised descriptions for the updates have been made, some with progress updates between the two reports, and others simply providing more information than was included before.
3. Three new status types have been added:
 - a. Pending, meaning the project is waiting on another process, step, or external requirement to proceed further.
 - b. Consolidated, meaning that the task is being combined with another. Most of these consolidations are the Council Legislative Agenda items that had duplicates in a department's workplan to implement them. There are also a few that had two departments working on the same project, listed separately. There were nine items that were consolidated with duplicate items on the Workplan.
 - c. Removed, meaning that the project, for reason(s) identified in the update column, are being removed from the Workplan. There were five such items, and the reason for their removal is listed in the update.
4. A few of the Workplan items were multiple projects within themselves. As such, the items of implementing the Unhoused and Downtown ad hoc Committees' recommendations have been split apart, with each of their recommendations being listed as their own Workplan item. This increased the total number of projects listed from the original 124 to 146.
5. With the Downtown Committee being reformed, the recommendations have been pulled from the departmental workplans as the Committee is anticipated to receive reports separately on their performance and report back to the City Council. The downtown recommendations and status are included as a separate attachment.
6. Below is a table showing the number of items initially with the expansion described in change #4 listed above, and then adjustments to reach the current total of 60 items remaining in the Workplan¹.

¹ The items moved to the Downtown Committee will still require staff time, but are going to be accounted for differently as the reporting of these items, and discussions relating to them, will be handled in a Council Downtown Committee.

Revised Total Number of Items	146	
Completed	-66	45%
Consolidated	-10	7%
Removed	-5	3%
Moved to Downtown Committee	-6	4%
Total of Remaining Items	59	40%

Below is a table that shows the items in the Workplan update list that are recommended for consolidation or removal, as well as a very brief statement about the reason for the action taken.

Item	Reason
Consolidation Recommended Items	
Downtown Façade Program	Consolidated with Downtown Committee Recommendation
Develop Inclusionary Housing/Affordable Housing Incentive (in-lieu fee) Policy	Combining with Council Legislative Item for In-Lieu Fees vs. Allocations
Begin Downtown Specific Plan (Grant Dependent)	Combining with Council Legislative Item for the Downtown Specific Plan Update
Develop/Revise Permanent Parklet & Outdoor Dining Policies	Combining with Council Legislative Item for Downtown Parklets
Develop Climate Action Plan/Greenhouse Gas Reduction Policy	Consolidated with the Council Legislative Agenda item regarding Climate Action and Benchmarks
Evaluate the South County Pilot Psychiatric Emergency Response Team (PERT)	Consolidated with the Council Legislative Agenda Item regarding Public Safety/Mental Health Response Team
Pilot Program to Activate Gourmet Alley	Consolidated with the Public Works Gourmet Alley Workplan Item
Development of a Downtown Parking Management Plan	Combining with Council Legislative Item for the Downtown Parking Management Plan
Climate Action Benchmarks	Public Works item being consolidated with Community Development's Climate Action Workplan item
Development of a Permanent Parklet Policy with CDD	Combining with Council Legislative Item for Downtown Parklets
Removal Recommended Items	
Homeless Ad Hoc Committee Recommendations	Combined Item being broken out to multiple items. Removing now redundant item.
Develop Community Engagement Plan for PG&E Power Outages	Changes made by PG&E processes and low frequency and impact levels of Public Safety Power Shutoffs make this effort of minimal benefit.

Item	Reason
Earned Media Strategy	Benefits are limited compared to the staff time and resources that would be required to do this successfully, and positive results are not guaranteed.
Over the Top Media Franchise Fees	Similar endeavors in other communities have resulted in litigation where such efforts have resulted in defeat for those communities.
Incorporate County Mobile Crisis Response Team	Recommended for removal due to continued delays by SCCEMSA to implement this program, and lack of adequate local facilities to take on the patient load.

Project Timing

Below is a table showing the number of items that are scheduled per quarter for each calendar year from the remaining Workplan items, to show the breakdown of timeframes for items. Each item has its own timeframe included in the attached comprehensive list.

Calendar Year – Quarter	Number of Items
2023 – Q1	2
2023 – Q2	10
2023 – Q3	16
2023 – Q4	6
2024 – Q1	6
2024 – Q2	9
2024 – Q3	2
2024 – Q4	4
2025 – Q1	1
2025 – Q3	1
2028 – Q2	1
2030 – Q2	1
Total	59

Based on the project timing estimates, 68% of the remaining workplan items will be completed within the next twelve months. This calculation is before anything is added at the Special Meeting on March 13, 2023, which may see changes in the timeframe based on the prioritization identified by the City Council.

ALTERNATIVES

None - this is an informational item.

FISCAL IMPACT/FUNDING SOURCE

None - this is an informational item.

PUBLIC OUTREACH

This item was included on the publicly posted agenda for this Council meeting. The topic was previously discussed at the January 28, 2022 Strategic Planning Workshop.

NEXT STEPS

None - this is an informational item. The Workplan will be updated as part of the two-year budget process that will be completed in June of 2023. This report will be the foundation to build upon at the March 13, 2023 Special Meeting for prioritizing and finalizing the Workplan.

Attachments:

1. Current Workplan Update

Workplan Items Update - Completed

11.2

Item #	Workplan Item	Responsible Department	Category	Status	Council Update
1	Council Legislative Agenda - Renter Protection Policies	Administration	Discretionary	Completed	The item returned to Council, where direction was given not to proceed.
2	Council Legislative Agenda - 5-Year Street Repair	Public Works	Core	Completed	Council approved a five-year plan. FY22 Paving Project in progress. FY23 Paving Project is currently in design.
3	Council Legislative Agenda - Grant Writing	Administration	Discretionary	Completed	The City has secured a grant writing firm to aid in the researching, applying, and reporting for grants. Additionally, Council has approved the creation of a Management Analyst - Grants position, where pursuing grants and outside funding is their full focus. This position recruitment is in the interview phase now.
4	Council Legislative Agenda - Unhoused Community	Administration	Discretionary	Completed	Completed and Ongoing. The Unhoused Ad Hoc Committee was formed and completed development of the recommendations adopted by the City Council. Some tasks have been completed, while some are ongoing. The City Council will receive reports and issue direction going forward to continue these ongoing efforts. The Community Development Department will be taking over the housing functions from Administration.
5	Council Legislative Agenda - Reach Codes	Community Development	Discretionary	Completed	Staff presented to City Council reach codes as part of the full Building Code adoption on 11/7/2022. Ordinance was adopted by Council on 11/21/2022. Reach codes became effective on 1/1/2023.
6	Council Legislative Agenda - RV Towing Policy	Police	Discretionary	Completed	Staff report and presentation on our local efforts was provided to the City Council on April 18, 2022.
7	Create Gourmet Alley Stakeholder Working Group	Administration	Core	Completed	the Gourmet Alley Committee converted into the ad hoc Downtown Committee. The Downtown Committee operated for a year, and developed nine recommendations that are now under the supervision of the City Council.
8	Develop Social Media Policy	Administration	Core	Completed	The Social Media Use Policy was adopted by Council on September 28, 2022.
9	Enhance the Current Social Media Strategy	Administration	Core	Completed	Presentation was provided to Council in December.
10	Hire Economic Development Manager	Administration	Core	Completed	This task was completed with the hiring of the Management Analyst for Economic Development. With the departure of the staff person, the City is currently recruiting for an Economic Development Manager. Depending upon the candidate pool, the position may be filled before the close of the fiscal year.
11	Coordinate identifying and/or applying for Grants	Administration	Discretionary	Completed	The City has secured a grant writing firm to aid in the researching, applying, and reporting for grants. Additionally, Council has approved the creation of a Management Analyst - Grants position, where pursuing grants and outside funding is their full focus.

Workplan Items Update - Completed

11.2

Item #	Workplan Item	Responsible Department	Category	Status	Council Update
12	Enterprise Resource Planning Implementation - Human Capital Module	Human Resources	Core	Completed	The Human Capital Management (HCM) module went live 7/1/22.
13	C19 Response for Employees & Future Re-Opening of City Office and Return of Employees	Human Resources	Core	Completed	Covid-19 response and reopening of City offices completed. Covid-19 employee compliance is ongoing.
14	Complete Labor Contract Negotiations and Implement Approved MOU (AFSCME FY 21 & 22); Fire & GMA (FY 22 & 23)	Human Resources	Core	Completed	New labor contracts have been approved by Council for all groups noted.
15	Health Insurance Open Enrollment	Human Resources	Core	Completed	Open enrollment was successfully completed for 2023 with all updated rates, benefits, and deductions entered in to the HCM system.
16	General Liability Risk Assessment	Human Resources	Core	Completed	All required risk assessments have been completed with the Municipal Pooling Authority and Local Agency Workers Compensation Excess insurance risk pools.
17	Employee Ergonomics	Human Resources	Core	Completed	This project is complete, and ergonomics assessments are continuing on an as-needed basis
18	Orientation and Training of New Fleet Superintendent and Equipment Mechanic	Fleet	Core	Completed	Both positions have been filled, onboarding completed, job specific training is ongoing.
19	Biennial Inspection Terminal Certification for medium and heavy duty trucks	Fleet	Mandated	Completed	All required inspections have been successfully completed.
20	Adopt Objective Design Criteria (Code & Policy Updates)	Community Development	Core	Completed	Multifamily residential and mixed-use residential Objective Design Standards were adopted by Council on 10/18/2021.
21	Complete Development Fee Updates	Community Development	Core	Completed	Staff completed fee updates in June 2022 and configured new fees in permit system in summer 2022.
22	Implementation of New RHNA Cycle	Community Development	Core	Completed	Staff prepared the Housing Element to implement 2023-2031 RHNA. RHNA cycle spans from January 2023 through January 2031. The RHNA progress for the first year of the new cycle will be reported in March 2024.
23	Present CDBG & Housing Trust Fund Policy Discussion & Recommendations	Community Development	Discretionary	Completed	Housing Trust Fund policy recommendations were presented to Council on 2/28/2022. CDBG 2022-23 funding allocations were presented to Council and approved by Council on 5/16/2022.
24	Reach Codes	Community Development	Discretionary	Completed	Staff presented to City Council reach codes as part of the full Building Code adoption on 11/7/2022. Ordinance was adopted by Council on 11/21/2022. Reach codes became effective on 1/1/2023.
25	Update Historic Site Sections of Zoning Code & Historic Resource Policies	Community Development	Core	Completed	Draft changes were vetted by the former Historic Heritage Committee in January 2022. This section of the code will be updated at the same time as the entire Zoning Code.
26	Evaluate Funding Options for Pension Costs	Finance	Discretionary	Completed	City Council adopted a Pension Funding Policy and completed the legal process to position the City to refinance its pension obligations when the markets conditions become favorable.

Workplan Items Update - Completed

11.2

Item #	Workplan Item	Responsible Department	Category	Status	Council Update
27	Cybersecurity Assessment, Plan & Implementation	IT	Mandated	Completed	Assessment and Plan completed. Implementation will be phased in over several years.
28	Police Records Management System Replacement	IT	Core	Completed	This system has been replaced, and the project is complete
29	Complete Council Chambers Audio/Visual Modernization Project	IT	Core	Completed	The audio and video upgrades have completed, including new projector, displays, audio equipment, among other improvements.
30	Initiate "Stop" Data Collection (Racial Identity & Profiling Act) Plan	Police	Mandated	Completed	Data collection was implemented in December 2021. Currently data is being collected via the new CAD/RMS RIMS.
31	Implement Department Legitimacy Training Program (Principled Policing, Implicit Bias, Procedural Justice)	Police	Mandated	Completed	Completed Department-wide LGBTQ+, crisis intervention, and de-escalation training. Five GPD staff are Principled Policing trainers and are responsible for training the entire agency. Ongoing training is made available for newly hired personnel.
32	Increase Trust Building Efforts between Community and PD	Police	Core	Completed	The GPD has been hosting events to help increase community trust in the Department. Such events include National Night Out, Ice Cream with A Cop, Youth Academy, Community Police Academy (CPA) and other ongoing efforts.
33	Increase De-escalation Training - CIT (Crisis Intervention Training)	Police	Core	Completed	De-escalation training was incorporated into internal defensive tactics and firearms training.
34	Conduct an Internal Departmental Survey/Focus Group Led by supervisors	Police	Discretionary	Completed	The focus group was completed prior to April 2021 Leadership Team Building Workshop
35	Implement Youth Engagement/South County Youth Diversion Program	Police	Discretionary	Completed	This program was successfully implemented in December of 2021. A \$1 million BSCC grant was secured to assist with future funding of the program.
36	Develop 5-Year Street Repair Program	Public Works	Core	Completed	Council approved the 5-year Pavement Plan. FY22 Paving Project is currently in progress, and the FY23 Paving Project is in design.
37	Implement CityWorks CMMS Program at Corp Yard	Public Works	Core	Completed	The City's Public Works Department has deployed a new customer service program that is currently being used to track and report customer service requests.
38	Implement Family Resource Center (FRC) at San Ysidro Cultural Center (SYCC)	Recreation	Core	Completed	A lease was awarded to Santa Clara County. The FRC was in operation from March 2022 through September 2022 (provider could no longer offer services). The County was seeking a replacement, but has decided to terminate the lease. Other social services are being provided at SYCC.
39	Publish Seasonal Recreation Activity Guide in English and Spanish	Recreation	Core	Completed	The first recreation guide published in English and Spanish was in Winter 2021. It continues to be published in English and Spanish.
40	Explore issuing RFP for Independent Pool Operator at Christopher High School (CHS) Aquatic Center	Recreation	Discretionary	Completed	The City contracted with a pool operator to manage the CHS Aquatic Center. The agreement is for two years (2022 and 2023) with an option for 2024.

Workplan Items Update - Completed

11.2

Item #	Workplan Item	Responsible Department	Category	Status	Council Update
41	Expand Fee-based Recreation Programs	Recreation	Discretionary	Completed	There were several new programs and services that were offered through the Recreation Division. They include a hip hop dance class, a youth basketball league, a youth soccer league, senior day trips, senior walking group, and mariachi class for East Gilroy youth.
42	Increase Overall Recreation Program Participation Levels	Recreation	Discretionary	Completed	There was a 22% increase in overall recreation program participation from 2021 to 2022 (3,747 to 4,573).
43	Explore Needs Assessment Recommendation to Transform Senior Center into Multi-Generational Community Center	Recreation	Discretionary	Completed	The proposal to transform the Senior Center into a Multi-generational community center, which was recommended by the Parks and Recreation Commission, was not passed by Council (July 2020).
44	Unhoused Committee Recommendation - Proactively Support Affordable Housing	Community Development	Core	Completed	Staff continues to support ongoing affordable housing efforts in housing production through projects, preserving existing units, and protecting residents from displacement. Staff partners with community-based organizations to provide assistance to residents to prevent homelessness. Staff is expanding community outreach to connect residents with housing resources and unhoused residents with service providers.
45	Unhoused Committee Recommendation - Purchase Garbage Truck (Converted to Dump Truck)	Administration	Discretionary	Completed	Staff secured a truck with a custom made dump bed to be used to help remove garbage. The truck has been in use now for over one year.
46	Unhoused Committee Recommendation - Ensure All Property Owners are Accountable for Maintaining Properties Clean	Community Development	Core	Completed	Code Enforcement continues to enforce property standards enforceable within the City Code. The City continues working with public agencies when their properties require clearing and maintenance.
47	Unhoused Committee Recommendation - Partner with Morgan Hill	Community Development	Discretionary	Completed	The City has partnered with Morgan Hill on several issues, and will continue to do so on an ongoing basis.
48	Unhoused Committee Recommendation - Continue Supporting Unhoused Service Providers Through CDBG Grant Funding	Community Development	Discretionary	Completed	The City is supporting unhoused service providers through Permanent Local Housing Allocation funding and allocating funding to community-based organizations to help unhoused residents meet their basic needs and to connect them with services providers that can help them attain housing.
49	Unhoused Committee Recommendation - Coordinate Monthly Check-in Meetings with Lead Unhoused Providers to Address Local Unhoused Issues	Community Development	Discretionary	Completed	Community Development Department now leads the Unhoused Service Providers Network in monthly meetings, and will continue on an ongoing basis.
50	Unhoused Committee Recommendation - Endorse Community Plan to End Homelessness	Administration	Discretionary	Completed	The City Council officially endorsed this plan in 2021.
51	Unhoused Committee Recommendation - Hire Quality of Life Officer(s)	Police	Core	Completed	The Police Department completed the selection process to fulfill this function and report back to the City Council on progress.

Workplan Items Update - Completed

11.2

Item #	Workplan Item	Responsible Department	Category	Status	Council Update
52	Unhoused Committee Recommendation - Explore Differences Between a Police Officer and Community Services Officer	Police	Discretionary	Completed	The differences were presented to the committee and the Quality of Life Team was determined to be filled with Police Officers
53	Unhoused Committee Recommendation - Partner with County Office of Supportive Housing to Access Their Programs and Services	Administration/ Community Development	Discretionary	Completed	The City has partnered with the Office of Supportive Housing (OSH) on several programs and participates in joint meetings with OSH and local agencies. The PLHA funding and program are attributable to the City's partnership with OSH. This item has transitioned from Administration to Community Development Department. Staff is partnering with OSH on the affordable housing development at 8th and Alexander Street and will continue to increase collaboration with OSH on affordable housing programs and services.
54	Enterprise Resource Planning Implementation (ERP)	Finance	Core	Completed	The ERP implementation was performed in 3 phases - (Ph. 1) financials, (Ph. 2) human capital management, and (Ph. 3) utility billing. All three phases are complete and systems are "Live". As the new systems are utilized to perform data processing, staff expects additional modifications and adjustments to the configuration will be warranted but the scope of this ongoing nature of this work will be minimal.
55	Enterprise, Resource, Planning Implementation - Tyler Munis	Information Technology	Core	Completed	The ERP implementation was performed in 3 phases - (Ph. 1) financials, (Ph. 2) human capital management, and (Ph. 3) utility billing. All three phases are complete and systems are "Live". IT's role will transition from an implementation support to an ongoing system administration role to include activities such as coordination of system updates with the software vendor, and providing user(s) security/access controls as needed.
56	Multifunction Printer Replacement (citywide)	Information Technology	Core	Completed	The new fleet of multifunction printers has been installed across all city facilities.
57	Type I Fire Engine Build and Deployment (Rosenbauer)	Fire	Core	Completed	The Fire Department took delivery of the two Rosenbauer Type I Engines in January 2023.
58	Develop Specifications and Purchase 2nd Type I Engine and Type III Engine	Fire	Core	Completed	The Apparatus Committee developed the Type I & Type III engine specifications. The new specifications will apply to future Type I and Type III apparatus purchases.
59	Develop and Implement Fleet Maintenance/Repairs Alternative Solutions	Fire	Core	Completed	Fire and fleet department staff developed and implemented a plan for the repair and maintenance of the fire departments apparatus and response vehicles.

Workplan Items Update - Completed

11.2

Item #	Workplan Item	Responsible Department	Category	Status	Council Update
60	Customer Service Training for Employees	Human Resources	Core	Completed	Some customer service training has been provided within departments. Additionally, customer service training is covered during employee onboarding. The goal is to develop a more formal customer service training program for all new hires and a refresher course for all city staff. This will be an ongoing effort. The planning for the training has been completed, and is being implemented on an on-going basis
61	Pursue Opportunities for City-Owned 536 Acres at Hecker Pass	Administration	Discretionary	Completed	The City completed the Surplus Land Act (SLA) on the majority of the hillside property adjacent to the Gilroy Gardens Family Theme Park for entering into discussion with recreation-based businesses interested in this property. The remaining portion is currently undergoing the SLA process. Negotiations will commence with any interested parties and offers that come in under the SLA process. If nothing comes in, or no deal is reached in negotiations, the City will then determine which opportunities to continue with.
62	Pursue Opportunities for Sports Park	Administration	Discretionary	Completed	The Surplus Lands Act was completed on a portion of the Sports Park for the Ice Center, and now staff is continuing the negotiation with the Sharks. The pursuit of opportunities has been completed.
63	Pursue Grant Opportunities (SB2, REAP, ABAG, etc.)	Community Development	Discretionary	Completed	City was awarded LEAP and REAP grants and utilized them for the Housing Element. Staff continues to seek grant funding. This item is now an ongoing practice, and is consolidated with the grant writing item that is also completed.
64	Downtown Committee Recommendation - Implement a Façade/Painting Improvements or Plywood/Blight Removal Program	Administration	Discretionary	Completed	This one-year program has commenced. The City Council approved this program on January 23, 2023 for a one-year period. There will be continued advertisement of the program throughout this calendar year about the program, and staff will return with a report as the program period nears its end.
65	Downtown Committee Recommendation - Create a Downtown Building/Planning Fee Reduction Program	Administration	Discretionary	Completed	This two-year program has commenced. The City Council approved this program at the end of January for a two-year period. There will be continued advertisement of the program throughout this calendar year about the program, and staff will return with a report at the mid-point, and as the program nears completion of its term.
66	Downtown Committee Recommendation - Kickoff Meeting	Administration	Discretionary	Completed	The kickoff meeting was held in October 2022 to introduce the Downtown Jumpstart Program

Worplan Items Update - Remaining Items

11.2

Item #	Workplan Item	Responsible Department	Category	Status	Anticipated Completion Timeframe (Calendar Year - Quarter)	Council Update
1	Council Legislative Agenda - In-Lieu Fees vs. Allocations	Community Development	Core	Pending	2024 - Q2	The policy is noted in the draft Housing Element. In preparation for Housing Element adoption and funding identification for policy development, staff intends to create an RFP for affordable housing policy(ies) development and in-lieu fee study in spring 2023. Staff anticipates bringing a proposed policy to Council in 2024.
2	Council Legislative Agenda - Downtown/Rule 20 Undergrounding	Public Works	Core	Pending	2025- Q3	The PG&E Rule 20 program schedules currently have a typical two-year time frame. These dates are estimates and often are deferred to longer timelines dependent on the availability of PG&E staff and resource availability.
3	Council Legislative Agenda - Downtown Specific Plan	Community Development	Core	Pending	2024 - Q3	Staff continues to seek grant funding. Staff is meeting with the High Speed Rail Authority and VTA to stay informed of their plans for the transit station. Staff will coordinate efforts with the HSR Station Area Plan and the Downtown Parking Management Plan.
4	Council Legislative Agenda and Downtown Committee Recommendation - Parking Management	Public Works	Core	In Progress	2024 - Q1	Public outreach meetings are underway. Staff and our consultant are compiling input from downtown property owners, surrounding areas and the Gilroy public at large to provide feedback for the overall parking analysis.
5	Council Legislative Agenda - Downtown Parklets	Community Development/ Public Works	Discretionary	Pending	2024 - Q2	Pending the results from the Downtown Parking Management Plan/Study, staff will resume effort on these policies. Temporary policies are in place while we await feedback from the Downtown Parking Management Plan for additional input on impacts. The work is pending the completion of the Downtown Parking Management Plan.
6	Council Legislative Agenda - Climate Action Benchmarks	Community Development	Mandated	Pending	2024 - Q4	Staff is seeking grant funding to develop a plan, including establishing benchmarks. A consultant will be needed. Staff submitted an initial grant concept for Caltrans review in February, and will be submitting a formal grant application to fund both the Climate Action Plan and the VMT/TDM policy work.
7	Council Legislative Agenda - Economic Incentives/Job Protection	Administration	Core	In Progress	2025 - Q1	The City Council has adopted the incentives program from the Downtown Committee, and has approved two incentives programs as a result. These programs commenced in February and will continue for a year, with the permit fee reimbursement program lasting two years. Staff will now be returning to Council in April to determine what job protections policies that the Council is interested in potentially pursuing.

Worplan Items Update - Remaining Items

11.2

Item #	Workplan Item	Responsible Department	Category	Status	Anticipated Completion Timeframe (Calendar Year - Quarter)	Council Update
8	Council Legislative Agenda - Public Safety/Mental Health Response Team	Police	Core	Pending	2024 - Q1	When available designated staff from Mobile Crisis will respond to calls for service involving mental health crisis. The department hopes to explore a more permanent option in South County such as with PERT (Psychiatric Emergency Response Team). PD continues to search for grant opportunities to implement this program.
9	Council Legislative Agenda - Access to Technology	Administration	Discretionary	In Progress	2023 - Q3	This item will now be coming to Council in April. This item is discretionary, and has been delayed due to demands on other projects and initiatives. Staff will be coming before Council to determine the policy intent of Council with addressing issues surrounding access to technology.
10	Council Legislative Agenda and Unhoused Ad Hoc Committee Recommendation - Safe Parking Policy	Administration	Discretionary	In Progress	2024 - Q2	The Safe Parking program was presented to the City Council, and an RFP was issued. The only proposal was rejected. No safe parking program has yet been able to be implemented. These efforts have been transferred to the Community Development Department. Future programming relating to a Safe Parking program will be evaluated in FY24.
11	Implementation of Homeless Ad Hoc Committee Recommendations	Administration	Core	Removed	N/A - Removed	Staff is removing this broad item, as each of the individual, specific recommendations now have their own work plan items for better tracking and reporting purposes. The items are listed with the title beginning "Unhoused Committee Recommendation - " and then the specific recommendation title. All 14 items are included, both on this sheet as well as the completed items listing.
12	Develop City Logo Policy	Administration	Core	Pending	2024 - Q2	This task has been pending the implementation of the Social Media Policy and its language protecting the use of the City Logo in those media channels . Staff will be initiating the work on this policy, and is anticipated to be completed within a year.
13	Complete EOC Operations Plan	Administration	Core	In Progress	2023 - Q3	The Draft Emergency Operations Center (EOC) Operations Plan is currently in production. Staff will be presenting the draft plan to the City Council by the end of fiscal year 2023. The EOC Operations Plan will then be finalized after Council's review.
14	Develop Community Engagement Plan for PG&E Power Outages	Administration	Discretionary	Removed	N/A - Removed	Staff is removing this workplan item. PG&E has made many changes over the past two years to lessen the number and frequency of shutoffs, as well as notifications, inspections, and faster reactivation of power lines. Staff attends meetings every quarter with PG&E regarding their outreach and grid improvements to lessen this need. In reviewing the past few years' worth of data, the number of public safety power shutoffs has been minimal.

Worplan Items Update - Remaining Items

11.2

Item #	Workplan Item	Responsible Department	Category	Status	Anticipated Completion Timeframe (Calendar Year - Quarter)	Council Update
15	Develop Process for Film Permits	Administration	Discretionary	In Progress	2023 - Q3	Draft application forms and procedures have been created and internally reviewed among the City's departments. Staff is transitioning to developing fillable formats and to develop appropriate fees. Once the fee proposal is ready, staff will return with a user fee for consideration of Council to adopt. Once the fee is established, the project will complete and the process will be updated on an as-needed basis. This item should be returning to Council by this fall for fee adoption, if not before.
16	Earned Media Strategy (Media Outreach)	Administration	Discretionary	Removed	N/A - Removed	Staff is removing this item. An earned media strategy typically is a way to induce articles in media to get more exposure without paying for it. At this time, such a strategy has not been developed yet, and is not something that is perceived to add much value for the cost of staff time to try to attract such media exposure.
17	Downtown Façade Program	Administration	Discretionary	Consolidated	N/A - Consolidated	This workplan item is now consolidated with the program under the Downtown Committee Recommendation. The project is complete, as the program is in place and available to downtown businesses and property owners.
18	Update Human Resources Rules and Regulations	Human Resources	Core	Pending	2024 - Q2	This update project was put on hold due to other work priorities, staffing, and Covid. However, the project is still needed. Therefore, the goal is to start the project in the third quarter of 2023 and complete it by the second quarter of 2024.
19	Update to Performance Management System - Coaching Model	Human Resources	Core	Pending	2023 - Q4	This project was put on hold due to other work priorities, staffing and Covid. However, a revised version of the project is needed. Staff plans to work on updated performance management forms to simplify the evaluation process by the fourth quarter of 2023.
20	Initiate Lease Purchase for Two Front Line Type I Fire Engine and One Type III Fire Engine	Fleet	Core	In Progress	2023 - Q2	Two Type I fire engines were identified and purchased using the Lease-to-Own model. The two Type I fire engines were constructed and have been received by the City. Staff is currently evaluating options for purchasing a Type III engine and any recommendations will be brought to Council for approval by the end of the second quarter of 2023.
21	Remove Dilapidated Arbor at Wheeler	Facilities	Mandated	In Progress	2023 - Q1	Removal of the arbor is in process and will be completed in the first quarter of 2023.

Worplan Items Update - Remaining Items

11.2

Item #	Workplan Item	Responsible Department	Category	Status	Anticipated Completion Timeframe (Calendar Year - Quarter)	Council Update
22	Replace HVAC System at City Hall (if funded)	Facilities	Discretionary	Pending	2023 - Q3	Engineering plans completed, however, bid was \$3.8M over the \$3M budgeted (total cost \$6.8M) so project has been put on hold. The next step is to validate bid in the open market. Staff has not started this bid process yet due to other workload demands so this part of the project is noted as pending. Staff is projecting to complete this step by the third or fourth quarter of 2023.
23	Phase I Assessment of Environmental Remediation Work at Police Shooting Range	Facilities	Mandated	In Progress	2023 - Q2	The selection of contractor has been initiated and the selection process will be completed by April 2023. The work is to be completed by the end of June 2023.
24	Oversee Solar Power Project Installation on City Facilities	Facilities	Core	In Progress	2023 - Q4	The project was approved by the City Council. Staff expects the work to begin in the second quarter of 2023, and ending in the fourth quarter.
25	Upgrade Safety Labeling for Electrical Panels	Facilities	Mandated	In Progress	2023 - Q1	Quotes for the work are being acquired, and the work is anticipated to be completed by the end of the first quarter of 2023.
26	Update General Plan Housing Element	Community Development	Mandated	In Progress	2023 - Q2	On 10/31/2022, staff submitted the draft Housing Element to demonstrate how it will accommodate the 2023 – 2031 RHNA to the California Department of Housing and Community Development (HCD) for review. On 1/27/2023, HCD provided comments on the draft. Staff has been revising the draft based on HCD comments and will bring it back to the City Council for review prior to sending a revised draft to HCD for additional review and certification.
27	Publish Annual General Plan & Housing Element Report	Community Development	Mandated	In Progress	2023 - Q2	Staff has been collecting and organizing data and will bring the annual report to City Council on 3/20/2023.
28	Implement EnerGov Land Management System (LMS)	Community Development	Core	In Progress	2023 - Q3	Configuration was completed in fall 2022 in coordination with the consultant. Staff has been conducting user acceptance testing and will finalize system setup with the consultant. Training is anticipated to take place in mid-2023, followed by go-live preparation.
29	Update Zoning Code & Zoning Map (Consistent with adopted General Plan)	Community Development	Core	In Progress	2023 - Q3	Staff has been reviewing, editing, and refining the consultant's draft, along with the City Attorney. Edits and comments will be sent to the consultant, followed by consultant revisions and staff further review. Staff will present final version at public hearings with Planning Commission and City Council.
30	Develop Inclusionary Housing/Affordable Housing Incentive (in-lieu fee) Policy	Community Development	Core	Consolidated	N/A - Consolidated	This item is duplicative with the inclusionary housing/in-lieu fee item in the Council Legislative Agenda. This item will be consolidated into the Council item moving forward.

Worplan Items Update - Remaining Items

11.2

Item #	Workplan Item	Responsible Department	Category	Status	Anticipated Completion Timeframe (Calendar Year - Quarter)	Council Update
31	Integrate GIS with LMS and Increase GIS-based services	Community Development	Core	In Progress	2023 - Q3	Staff has been coordinating with the GIS consultant and the LMS consultant. The GIS Analyst is expected to start in March 2023 and will help facilitate integration with LMS and increase GIS-based services.
32	Begin Downtown Specific Plan (Grant Dependent)	Community Development	Core	Consolidated	N/A - Consolidated	Consolidated with the Downtown Specific Plan item in the Council Legislative Agenda.
33	Develop Traffic Level of Service (LOS) to Vehicle Miles Traveled (VMT) Policy (Grant Dependent)	Community Development	Core	In Progress	2024 - Q2	Staff is seeking grant funding, exploring options, and collaborating with Public Works to develop a draft policy for Council consideration. An application proposal has been sent to Caltrans for a grant opportunity. A formal application for funding for this task, as well as the Climate Action Plan, will be submitted to fund this project.
34	Develop Traffic Demand Management (TDM) Policy (Grant Dependent)	Community Development	Core	In Progress	2024 - Q2	Staff is seeking grant funding, exploring options, and collaborating with Public Works to develop a draft policy for Council consideration. This TDM policy is also to be included in the same grant application as the VMT policy discussed above.
35	Implement Customer Bill of Rights/Customer Service Initiatives	Community Development	Discretionary	Pending	2024 - Q1	This initiative was a discretionary item. Applicants, customers, and mandated items had to be prioritized first due to resource constraints. Staff anticipates resuming the effort in the fall of 2023.
36	Revise Ag Mitigation Policy	Community Development	Discretionary	In Progress	2023 - Q4	Staff is working with the City Attorney on potential changes that can provide flexibility.
37	Revise Mobile Vending Permit Ordinance (16A.13)	Community Development	Discretionary	In Progress	2023 - Q2	Staff is conducting research and anticipates seeking Council direction in spring 2023 for a draft mobile vending policy/ordinance.
38	Develop/Revise Permanent Parklet & Outdoor Dining Policies	Community Development	Discretionary	Consolidated	N/A - Consolidated	Consolidated with the Council Legislative Agenda Item for parklets.
39	Develop Climate Action Plan/Greenhouse Gas Reduction Policy (Grant Dependent)	Community Development	Core	Consolidated	N/A - Consolidated	Consolidated with the Council Legislative Item regarding Climate Action and Benchmarks.
40	Develop and Implement Permit Streamlining Initiatives (non-LMS)	Community Development	Discretionary	In Progress	2023 - Q3	Staff has been taking a proactive approach to streamlining permit processes in the draft Zoning Code. This will be coming before Council in the third quarter of 2023.
41	Resume File Digitization & Management	Community Development	Discretionary	Not Started	2024 - Q4	This initiative was a discretionary item and was not started due to resource constraints. Staff hopes to start the effort in late 2024.
42	Pilot Program to Activate Gourmet Alley	Community Development	Discretionary	Consolidated	N/A - Consolidated	Consolidated with the Public Works Gourmet Alley Workplan item.

Worplan Items Update - Remaining Items

11.2

Item #	Workplan Item	Responsible Department	Category	Status	Anticipated Completion Timeframe (Calendar Year - Quarter)	Council Update
43	Update Fees and Charges	Finance	Core	In Progress	2023 - Q3	The Citywide User Fees schedule update is complete and implemented as of July 2022. Moving forward, the user fee schedule will be adjusted annually in July based on CPI. The City is also conducting a utility rate study to implement new water and wastewater rates. Introduction of study is expected in April, with new rates implementation to occur effective July 1, 2023.
44	Identify Funding Options For Unfunded Infrastructure	Finance	Discretionary	In Progress	2023 - Q2	Staff has worked to identify funding options for projects such as the Downtown Gourmet Parking Lot, 5-Year Street Maintenance Program, and other projects such as solar installation at City facilities and financing of large fire apparatus. This workplan is ongoing in nature. The upcoming budget development will include additional funding options for infrastructure maintenance related projects. Funding for other larger projects such as the potential ice rink facility will be identified in the upcoming 5-year capital improvement program.
45	Over the Top Media Franchise Fees	Finance	Discretionary	Removed	N/A - Removed	Staff is removing this workplan item. The intent for this workplan was to assess whether online video streaming/service providers are subject to City and County assessed franchise and utility fees. City of Lancaster pursued this in recent years and the Los Angeles courts ruled in favor of the streaming service providers noting that they are exempt from such fees as they do not own or operate infrastructure on public right of way that other existing cable service providers have and maintain.
46	Land Management System Implementation - Tyler EnerGov	Information Technology	Core	In Progress	2023 - Q3	The system's configuration is complete. The departments are conducting user acceptance training currently, and staff expects the system to be "live" by Summer of 2023. IT's current role is to support the implementation by procuring and coordinating installation of any hardware and 3rd party software licenses to integrate with the Tyler EnerGov system, including GIS.
47	Citywide Desktop Replacement	Information Technology	Core	In Progress	2023 - Q2	City received the last fleet of computers to be replaced and expects to have them deployed by April of 2023. The computers require City configurations to be installed and end-user data to be copied prior to deployment of the system.
48	Wi-Fi Replacement	Information Technology	Core	Pending	2023 - Q4	This project is put on hold until the vacant IT Manager and Network Administrator positions are filled to conduct an assessment of the Wi-Fi network and identify the appropriate software/hardware to procure which will meet the organization's current and future needs.

Worplan Items Update - Remaining Items

11.2

Item #	Workplan Item	Responsible Department	Category	Status	Anticipated Completion Timeframe (Calendar Year - Quarter)	Council Update
49	Develop and Implement Santa Teresa Temporary/Permanent Fire Station	Fire	Core	Pending	2024 - Q2	Fire staff are working with Public Works staff to identify an alternate location for the Santa Teresa Interim Fire Station with preexisting electrical and sewer connections. The current designated location on 10th Street/DeAnza Place will not be ready until at least June 2024.
50	Identify Funding for Chestnut & Las Animas Station Retrofit Plan	Fire	Core	In Progress	2023 - Q2	Fire staff are developing a plan with the facilities and public works departments to prioritize seismic retrofit and station modifications, and then determine when partial or full funding will be available to complete this project.
51	Develop and Implement Plan for Over the Air Mapping	Fire	Core	Pending	2024 - Q1	The Fire Department received grant funding to purchase new tablets that are compatible with the new CAD system to replace the outdated MDT's on fire apparatus. Once the tablets are placed in service, the over the air mapping feature will be implemented.
52	Improve RMS Incident Data Reporting	Fire	Core	Pending	2024 - Q1	Staff has developed new tabs that capture additional incident data in RMS. Staff has also identified a software program that can analyze the RMS response data to provide more thorough analysis of the Department's emergency responses. The new program will be included in the upcoming FY 24 & 25 budget requests.
53	Incorporate County Mobile Crisis Response Team	Fire	Discretionary	Removed	N/A - Removed	Staff is removing this workplan item due to lack of adequate county mental health facilities to accommodate excessive patient load, and the delay by SCCEMSA to fully implement a countywide behavioral health alternative destination program. City has engaged the County in providing more mental health/addiction services.
54	Implement Legislative Reforms and Mandates	Police	Mandated	In Progress	2023 - Q3	AB481 requires annual update to Council on military equipment inventory and use. Scheduled for May 2023. Concealed Carry Weapon (CCW) ruling by Supreme Court removes 'good cause' for CCW application. A policy formalizes the process to issue CCW permits. Most California LEA are completing CCW policies. The Department will be mandated to constantly implement reforms and mandates as legislation is passed. These are two of the most current mandates the Department is required to complete.
55	Implement Employee Wellness & Resiliency Program	Police	Core	In Progress	2023 - Q2	State of California BSCC granted all CA LEA funding to implement or expand peer support/wellness programs. GPD received \$43,000 to use by December 2025. This item is scheduled for budget amendment 2/27/23.

Worplan Items Update - Remaining Items

11.2

Item #	Workplan Item	Responsible Department	Category	Status	Anticipated Completion Timeframe (Calendar Year - Quarter)	Council Update
56	Conduct a Community Survey	Police	Discretionary	Not Started	2024 - Q2	The Department will explore best practices and methods available to ensure that the survey method chosen is inclusive and addresses the entire community. The Department will benchmark best practices for completing this workplan item. The Department is looking into a grassroots, listening groups and other inclusive and dynamic dialogue methods in the approach to the survey. The Department will be coordinating with SCYTF to assist.
57	Reimplement The CPA: Reimagine New Community Engagement Program	Police	Discretionary	In Progress	2023 - Q3	The Department has completed the Spanish CPA, and anticipates hosting an English CPA this fall. Two youth academies have been held with high success rates with another scheduled for Summer 2023.
58	Establish Supervisor Mentorship Program	Police	Discretionary	In Progress	2024 - Q1	Initial presentation provided to supervisory group. Two sergeants were identified and selected to explore and develop new program. Various programs are being analyzed and will be discussed at the Department's Team Building Workshop in May of 2023.
59	Develop the Police Department's 3 year Strategic Plan	Police	Discretionary	In Progress	2023 - Q3	The Team Building Workshop (TBW) attended by department supervisory staff will work with a POST representative to formalize the department's strategic plan.
60	Evaluate the South County Pilot Psychiatric Emergency Response Team (PERT)	Police	Discretionary	Consolidated	N/A - Consolidated	This item is a duplicate of the Council's Legislative Agenda Item Public Safety/Mental Health Response Team, and is being consolidated into that report.
61	Develop a Department Succession Plan	Police	Discretionary	In Progress	2023 - Q3	The Department applied for and received a grant from the State for a supervisory Team Building Workshop where the succession plan will be drafted in June of 2023. A committee will be formed to formalize a succession plan and mentorship program (workplan) using law enforcement best practices.
62	Promote Neighborhood Watch Program (NWP)	Police	Discretionary	Not Started	2024 - Q3	Department continues to recruit for vacant positions and hopes by 2024 Q3 to have designated positions available to implement a NWP. In the meantime, staff communicates with the public steps to take to enhance community safety through social media, presentations and community events.
63	Install New Back-Up Generator at City Hall (Grant Funded)	Public Works	Core	In Progress	2023 - Q3	Redesign of the electrical connection has been underway with PG&E since Q3 of last year. Completion of the design should be done in March of 2023 allowing the construction to be completed by June of 2023.
64	Replace Steel Water Service Lines	Public Works	Core	In Progress	2028 - Q2	At the rate of 50 replacements per year our staff has another five years to complete. This schedule has been coordinated with the State Water Authority which they have approved.

Worplan Items Update - Remaining Items

11.2

Item #	Workplan Item	Responsible Department	Category	Status	Anticipated Completion Timeframe (Calendar Year - Quarter)	Council Update
65	7th/Eagleberry Parking Lot Construction	Public Works	Discretionary	In Progress	2023 - Q2	PG&E is scheduled to install the transformer for the project at the end of March 2023. Upon this final construction milestone the parking lot will be fully functional for overhead lighting, irrigation controls and the auto charging stations.
66	Upgrade Residential Fire Hydrants	Public Works	Core	In Progress	2030 - Q2	Staff is replacing one per month equating 12 per year. This is the reason the completion date is approximately 2030.
67	Conduct Park Trees Assessment	Public Works	Discretionary	In Progress	2024 - Q4	Our tree maintenance consultant has scheduled the completion of this assessment by end of Calendar 2024
68	Development of a Downtown Parking Management Plan	Public Works	Discretionary	Consolidated	N/A - Consolidated	Consolidated with the Downtown Parking Management Plan Council Legislative Agenda item.
69	Climate Action Benchmarks	Public Works	Discretionary	Consolidated	N/A - Consolidated	Consolidated with the Climate Action Plan item in the Community Development Department's workplan
70	Support Project to Activate Gourmet Alley	Public Works	Discretionary	In Progress	2024 - Q4	Staff is reviewing 50% design plans and will be sharing progress with City Council before final approval of construction documents. Staff completed and was awarded the Clean California Grant which will help activate Gourmet Alley. Additional downtown incentives from the Jumpstart Downtown initiative will aid in activating Gourmet Alley. All Gourmet Alley Work is consolidated under this workplan item.
71	Development of a Permanent Parklet Policy with CDD	Public Works	Discretionary	Consolidated	N/A - Consolidated	Consolidated with the Community Development parklet policy item.
72	Unhoused Committee Recommendation - Organize Community Cleanup Days	Administration/Community Development	Discretionary	In Progress	2023 - Q4	This project will commence with the start of the Gourmet Alley Cleanup days, and transition into broader community cleanup days scheduled for volunteers. This is also part of the new initiative that was announced at the February 27th regular City Council meeting.
73	Unhoused Committee Recommendation - Research Agency to Provide Drug Rehab, Job Training and Placement	Administration/Community Development	Discretionary	Pending	2023 - Q4	Staff applied for grant funding for a drug rehabilitation service to be held within Gilroy, but was not awarded funding. As part of that process, the City reached out to several organizations to recruit to provide this service in Gilroy. None of the organizations responded. This is dependent on an outside organization being willing to provide these services in Gilroy.
74	Unhoused Committee Recommendation - Support a Mobile Garbage Removal Program	Administration/Community Development	Discretionary	In Progress	2023 - Q3	Staff commenced a contract with a vendor. Due to the existing cleanups and additional work that arose, the contract was consumed in clearing existing encampments of garbage and other garbage issues. Staff announced the start of a new garbage initiative, featuring various means of removing garbage in the city. This will become an ongoing project.

Downtown Committee Workplan Update - Remaining Items

11.2

Item #	Workplan Item	Responsible Department	Category	Status	Anticipated Completion Timeframe (Calendar Year - Quarter)	Council Update
1	Downtown Committee Recommendation - Update the Downtown Strategic Plan	Administration	Discretionary	Pending	2023 - Q3	Work on this item will be initiated in the first quarter of FY24. The City will be issuing an RFP to hire a consultant to update the strategic plan for the City's downtown area.
2	Downtown Committee Recommendation - Develop New Ordinances to Address Vacancies and Noise	Administration	Discretionary	Pending	2023 - Q3	This recommendation has not started yet. We have taken initial review of an existing ordinance about vacant properties, involving a registration system, fee, and monitoring. Staff will be evaluating the program to determine if the ordinance is still line effect, due to a sunset provision. Staff will also be working on determining the legality of such ordinances regarding vacancies, and will be reviewing other downtown noise ordinances in the region to put together best practices. The timeframe for the noise ordinance to come back for direction would be in the third quarter of 2023, if not before. The timeframe for the vacancies ordinance is not currently known, due to the research and possibility of it not being legally permissible. Staff will bring an update on this item at the same time as the noise ordinance.
3	Downtown Committee Recommendation - Pursue Opportunities for an Assessment District.	Administration	Discretionary	In Progress	2023 - Q2	The Downtown Property Business Improvement District feasibility study is underway. The consultant and City staff held a meeting with participating property owners virtually on February 13, 2023. The next stages are for property owners to petition for a ballot to place the assessment district to a vote. Until a qualifying petition is received, the process cannot move forward towards formation. City staff will remain available to assist if a steering committee is formed and continues to work on gathering any petitions.
4	Council Legislative Agenda and Downtown Committee Recommendation - Parking Management	Public Works	Core	In Progress	2024 - Q1	Public Outreach meetings are underway. Staff and our consultant are compiling input from downtown property owners, surrounding areas and the Gilroy pubic at large to provide feedback for the overall parking analysis.
7	Downtown Committee Recommendation - Establish a Downtown Pop-Up Park	Administration	Discretionary	In Progress	2023 - Q2	Staff is collaborating with the GDBA and will be determining what the park concept will be like. This item will return to Council in May of 2023 for confirmation of design concept, project budget determination, and timeframe.
8	Downtown Committee Recommendation - Develop Beautification and Decorative Lighting Improvements	Administration	Discretionary	In Progress	2023 - Q2	The City Council approved \$100,000 towards this recommendation for developing beautification and decorative lighting in the Gilroy Downtown. Staff has commenced work on this project, and has been working with the Gilroy Downtown Business Association. Tree trimming in the area will take place in the next few weeks, with lighting improvements being installed during the first weeks of April 2023.