



CITY COUNCIL REGULAR MEETING AGENDA PACKET

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

MAYOR

Marie Blankley

COUNCIL MEMBERS

Rebeca Armendariz

Dion Bracco

Tom Cline

Zach Hilton

Carol Marques

Fred Tovar

MONDAY, SEPTEMBER 11, 2023 | 6:00 PM

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

PUBLIC COMMENTS ON AGENDA ITEMS ARE TAKEN BEFORE THE CITY COUNCIL TAKES ACTION. [Please keep your comments to 3 minutes](#). Time restrictions may vary based on the Mayor's discretion.

Send written comments on any agenda item to publiccomment@cityofgilroy.org or City Hall, 7351 Rosanna Street, Gilroy, CA 95020. Comments received by 1 p.m. on the meeting day will be distributed to the City Council before the meeting. Comments are also available 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 assistance, contact the City Clerk's Office 72 hours before the meeting at (408) 846-0204 or cityclerk@cityofgilroy.org.



If you dispute any planning or land use decision from this meeting in court, you may only raise issues you or someone else presented at this meeting's public hearing or in written letters to the City Council before the hearing. Be aware that the time to seek a judicial review of any final decision made at this meeting is defined by Section 1094.6 of the California Code of Civil Procedure.

During this meeting, a Closed Session may be called under Government Code Section 54956.9 (d)(2). This will happen if, in the City's legislative body's opinion (based on current facts, circumstances, and legal advice), there's a significant risk of a lawsuit against the City.

Additional materials submitted after agenda distribution are available on www.cityofgilroy.org as soon as possible.

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 translation assistance, contact the City Clerk 72 hours before the meeting at 408-846-0204 or 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.

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The agenda for this meeting is outlined 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 September 2023 as Childhood Cancer Awareness Month
- 2.2. Proclamation Proclaiming September 2023 National Preparedness Month

3. PRESENTATIONS TO THE COUNCIL

- 3.1. Annual Presentation to Council – Library Commission

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 part of the meeting allows public address on non-agenda topics within the Council's jurisdiction. To speak, complete a Speaker's Card from the entrances and give it to the City Clerk. Speaking time ranges from 1-3 minutes based on the Mayor's discretion. Extended discussions or actions on non-agenda items are restricted by law. For Council action, the topic may be listed on a future agenda.

Email written comments on non-agenda topics to publiccomment@cityofgilroy.org or mail to City Hall, 7351 Rosanna Street, Gilroy, CA 95020, by 1:00 pm on the meeting day. These comments, available at City Hall, will be shared with the Council and included in the meeting record. Late submissions will be shared as soon as possible. A 10-page limit applies to hard-copy materials, but electronic submissions are unlimited.

4. CITY COUNCIL TRAINING

4.1. Council Roles and Responsibilities During an Emergency Operation Activation

5. REPORTS OF COUNCIL MEMBERS

Council Member Bracco – Downtown Committee, Santa Clara County Library Joint Powers Authority, Santa Clara Valley Water Joint Water Resources Committee, SCRWA

Council Member Armendariz – Downtown Committee, Santa Clara County Library Joint Powers Authority (*alternate*), 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, Downtown Committee, 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, VTA Mobility Partnership Committee

Council Member Tovar – Downtown Committee, 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

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

6. COUNCIL CORRESPONDENCE

- 6.1. City Council Member Meeting Attendance**
- 6.2. Receive State-Certified 2023-2031 Housing Element for the City of Gilroy
(Note that this is the final, official version of the Housing Element that was approved on May 1, 2023)**
- 6.3. Letter from City of Gilroy Open Government Commission**

7. FUTURE COUNCIL INITIATED AGENDA ITEMS

8. CONSENT CALENDAR

Items under the Consent Calendar are deemed routine and approved with one motion. If a Council member or a member of the public wishes for a separate discussion on an item, it must be requested for removal before the Council's approval vote. If removed, the item will be discussed in its original order.

- 8.1. Approval of the Action Minutes of the August 21, 2023 City Council Regular Meeting**
- 8.2. A Resolution of the City Council of the City of Gilroy to Release Unclaimed Checks to the City's General Fund in accordance with California Government Code Section 50053**
- 8.3. A Resolution of the City Council of the City of Gilroy Updating the Appropriation Limit for Fiscal Year 2023-24**
- 8.4. Approving the 2024 City Council Meeting Schedule**
- 8.5. Adoption of an Ordinance of the City of Gilroy Amending Section 2.13 of the Gilroy City Code to Modify the Regular Meeting Schedule of the City Council**
- 8.6. Approval of City Council Members' Travel for the League of California Cities Conference**
- 8.7. Claim of Rita Castro (The City Administrator Recommends a 'Yes' Vote Under the Consent Calendar Shall Constitute a Denial of the Claim)**

9. BIDS AND PROPOSALS (NONE)

10. PUBLIC HEARINGS

- 10.1. Proposed Tentative Map for a three-lot subdivision at 7040 Church Street, Application No. TM 22-03**

- 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 the following:

- a) That the City Council, based on its independent analysis, determines 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 necessary services and access to the resulting parcels are available; and

- b) Adopt a resolution to approve the proposed tentative map to divide the property, known as 7040 Church Street, APN 799-11-068, into three residential parcels.

11. UNFINISHED BUSINESS (NONE)

12. INTRODUCTION OF NEW BUSINESS

12.1. Gilroy Garlic Festival Memorial Repairs/Upgrades

- 1. Staff Report: Jimmy Forbis, City Administrator
- 2. Public Comment
- 3. Possible Action:
Council receive report and provide feedback as appropriate.

13. CITY ADMINISTRATOR'S REPORTS

13.1. Love Gilroy/Fight Dirty Campaign Update

13.2. Gilroy Cares – Employee Wellness Program

13.3. Update on Sidewalk Vending Enforcement Program

14. CITY ATTORNEY'S REPORTS

15. CLOSED SESSION

15.1. THREAT TO PUBLIC SERVICES OR FACILITIES

Pursuant to Government Code section 54957; Gilroy City Code Chapter 17A
Consultation with Gilroy Police Department and Chief Espinoza
Gilroy City Code Section 17A.11(1)

16. 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).

17. ADJOURNMENT

FUTURE MEETING DATES

September 2023

18 Regular Meeting - 6:00 p.m

October 2023

2 Regular Meeting - 6:00 p.m

16 Regular Meeting - 6:00 p.m

November 2023

6 Regular Meeting - 6:00 p.m

20 Regular Meeting - 6:00 p.m

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

2.1. Proclamation Proclaiming September 2023 as Childhood Cancer Awareness Month

City of Gilroy
Proclamation

WHEREAS, the character of our community is revealed in how we treat our most vulnerable; and

WHEREAS, cancer remains the leading cause of death by disease among children — more than asthma, diabetes, cystic fibrosis, congenital anomalies, and AIDS combined; and

WHEREAS, nonprofit organizations serving South Santa Clara County such as Jacob's Heart have been keeping medically fragile children and families housed, fed and emotionally supported; and

WHEREAS, the oncology department at Lucile Packard Children's Hospital at Stanford recognizes Jacob's Heart as a trusted community partner in providing family-centered care that addresses the emotional, practical, and financial struggles of families of children with cancer in South Santa Clara County; and

WHEREAS, it is important for all Gilroy City residents to recognize the impact of pediatric cancer on families within our community and honor the children in our community whose lives have been cut short by cancer.

NOW, THEREFORE, I, Marie Blankley, Mayor of the City of Gilroy, on this 11th day of September 2023, together with the City Council, do hereby proclaim September 2023 as

CHILDHOOD CANCER AWARENESS MONTH

Attested to by:

Marie Blankley
MAYOR

Thai Nam Pham
City Clerk

2.2. Proclamation Proclaiming September 2023 National Preparedness Month

City of Gilroy Proclamation



WHEREAS,

across the Nation, September has been designated as National Preparedness Month to encourage all Americans and communities to prioritize emergency preparedness; and

WHEREAS,

National Preparedness Month is led by the Federal Emergency Management Agency (FEMA) and is sponsored by its Ready Campaign promoting Preparing for Older Adults for 2023; and

WHEREAS,

all Gilroy citizens are urged to prepare for disasters and encourage their family and friends to do so by visiting the FEMA's Ready Campaign at ready.gov for essential preparedness resources; and

WHEREAS,

the City of Gilroy is committed to promoting community resilience through partnership development to improve awareness and educate citizens about preparing their homes, businesses, and communities for any type of emergency, including natural, technological, and human-caused, thereby reducing social and economic impacts in our community; and

WHEREAS,

when citizens working together with the government take responsibility for preparing their families and their communities, community resilience is improved after a disaster; and

WHEREAS,

ongoing emergency preparedness is the responsibility of every citizen, and as such, all citizens are urged to make preparedness a priority and work together, as a team, to ensure that individuals, families, and communities are prepared for disasters and emergencies of any type.

NOW, THEREFORE, I, Marie Blankley, Mayor of the City of Gilroy, on this 11th day of September 2023, together with the City Council, do hereby proclaim September 2023 as

NATIONAL PREPAREDNESS MONTH


Marie Blankley
MAYOR



Attested to by:


Thai Nam Pham
City Clerk

6.1. City Council Member Meeting Attendance

**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	21	0	0	0		21	0
Rebeca Armendariz	18	3	0	0		18	3
Dion Bracco	21	0	0	0		21	0
Tom Cline	21	0	0	0		21	0
Zach Hilton	18	3	0	0		18	3
Carol Marques	20	1	0	0		20	1
Fred Tovar	20	1	0	0		20	1

2023 Calendar Year Attendance Including 12/12/2022 Meeting

	<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>5/3/2023 Special</i>	<i>5/15/2023 Regular</i>	<i>5/22/2023 Special</i>
Marie Blankley	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Rebeca Armendariz	P	P	P	P	P	P	P	P	P	P	P	A	A	P	P
Dion Bracco	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Tom Cline	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Zach Hilton	P	P	P	P	P	P	P	P	P	A	P	P	P	P	P
Carol Marques	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Fred Tovar	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	<i>6/5/2023 Regular</i>	<i>6/19/2023 Regular</i>	<i>7/10/2023 Special</i>	<i>7/19/2023 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	P	P	P	P	P	P									
Rebeca Armendariz	P	P	P	A	P	P									
Dion Bracco	P	P	P	P	P	P									
Tom Cline	P	P	P	P	P	P									
Zach Hilton	P	A	P	A	P	P									
Carol Marques	P	P	P	A	P	P									
Fred Tovar	P	P	P	P	A	P									
	<i>Total 2023 Present YTD</i>		<i>Total 2023 Absent YTD</i>												
Marie Blankley	21		0												
Rebeca Armendariz	18		3												
Dion Bracco	21		0												
Tom Cline	21		0												
Zach Hilton	18		3												
Carol Marques	20		1												
Fred Tovar	20		1												

- 6.2. Receive State-Certified 2023-2031 Housing Element for the City of Gilroy**
(Note that this is the final, official version of the Housing Element that was approved on May 1, 2023)

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



August 21, 2023

Sharon Goei, Director
Community Development Department
City of Gilroy
7351 Rosanna Street
Gilroy, CA 95020

Dear Sharon Goei:

RE: City of Gilroy's 6th Cycle (2023-2031) Adopted Housing Element

Thank you for submitting the City of Gilroy's housing element that was adopted on May 1, 2023. Technical modifications to the adopted element, authorized by Resolution Number 2023-26, were made available to the public for seven days and received for review on August 9, 2023. Pursuant to Government Code section 65585, subdivision (h), the California Department of Housing and Community Development (HCD) is reporting the results of its review.

HCD is pleased to find the adopted housing element in substantial compliance with State Housing Element Law (Gov. Code, § 65580 et seq) as of August 21, 2023. The adopted element, including technical modifications, address the statutory requirements described in HCD's July 6, 2023 review.

Additionally, the City must continue timely and effective implementation of all programs including but not limited to the following:

- Program A-1 (No Net Loss Inventory and Monitoring)
- Program A-2 (Surplus Lands/Affordable Housing on City-Owned Sites)
- Program A-3 (By-Right Approval on "Reused" RHNA Sites)
- Programs A-6 through A-9 and A-15 (Facilitate ADU Production)
- Program A-10 (Facilitate Missing Middle)
- Program A-11 (Inclusionary Housing Policy)
- Program B-3 (SB 35 Permit Processing)
- Program B-6 (Objective Standards)
- Programs C-1 and C-6 (Monitoring and Preservation of At-Risk Units)
- Program E-3 (Emergency Shelter Standards)
- Program E-4 (Low Barrier Navigation Centers)
- Program E-7 (Development and Conservation of Housing for Farmworkers)

Sharon Goei, Director
Page 2

- Program E-10 (Housing for Persons with Disabilities)
- Program E-11 (Extremely Low Income and Special Needs Households)
- Program E-13 (Permanent Supportive Housing)
- Program F-3 (Place-Based Improvements in Downtown Gilroy)
- Program F-4 (Housing Mobility and Choice in Higher Opportunity Areas)

The City must monitor and report on the results of these and other programs through the annual progress report, required pursuant to Government Code section 65400. Please be aware, Government Code section 65585, subdivision (i) grants HCD authority to review any action or failure to act by a local government that it determines is inconsistent with an adopted housing element or housing element law. This includes failure to implement program actions included in the housing element. HCD may revoke housing element compliance if the local government's actions do not comply with state law.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the City to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: <https://www.opr.ca.gov/planning/general-plan/guidelines.html>.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant, the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities program, and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City now meets housing element requirements for these and other funding sources.

HCD appreciates the effort and cooperation the City's housing element team provided throughout the housing element review and update. HCD wishes the City success in implementing its housing element and looks forward to following its progress through the General Plan annual progress reports pursuant to Government Code section 65400. If HCD can provide assistance in implementing the housing element, please contact Emily Hovda, of our staff, at Emily.Hovda@hcd.ca.gov.

Sincerely,



Paul McDougall
Senior Program Manager

Certified Housing Element Document

The Certified Housing Element Document is available for viewing. As the document is comprehensive, spanning over 300 pages, it has not been directly attached to the Agenda Packet. However, it is accessible through the provided link and QR code.

Document Link: bit.ly/45KnvCz

Scan the QR Code to access the document:



Note: The Certified Housing Element Document is in PDF. Ensure you have a compatible viewer or software to access it.

For further inquiries or any issues accessing the document, please contact the City Clerk's Office at cityclerk@cityofgilroy.org or (408) 846-0204.

6.3. Letter from City of Gilroy Open Government Commission



Open Government Commission Council Correspondence

7351 Rosanna Street, Gilroy, California 95020-6197
Telephone: (408) 846-0202 | <http://www.cityofgilroy.org>

Commission Chair

Diana Bentz

Commissioners

Karen Enzensperger
Jessica Irwin
Shayne Somavia

Date: September 11, 2023
To: Gilroy City Council
Jimmy Forbis, City Administrator
From: Gilroy Open Government Commission
Re: Enabling Hybrid Public Meetings

The Commission embarked on the hybrid public meetings initiative to further their Fiscal Year 2024-2025 workplan and in support of the ordinance that enacted its purpose "...so that every citizen can know and participate in democracy at the local level" (Gilroy City Code, Chapter 17A). While some of the city's technological capabilities to host hybrid meetings pre-existed the COVID pandemic, the City has invested significantly in modernizing and enhancing its conferencing capability to improve its ability to host local public meetings.

The Commission studied the hybrid public meeting environment (public attendance in-person and online) to gauge how other municipalities in Santa Clara County leveraged their technology, procedures, and visual aids to enhance public participation and access to local government meetings (Attached). The Commission identified seven (7) technological benchmarks and procedural best practices for the City Councils' consideration.

The Commission seeks to provide the City Council with an update of their analysis, highlighting how these recommended improvements can enhance public engagement and participation while leveraging a return on investment by enabling hybrid public meetings.

RECOMMENDATION: The City Council approves agendizing the Commission's topic to *Enabling Hybrid Public Meetings* to allow the Council to receive a 20-minute briefing on enacting the Commission's seven (7) recommendations.

The Commission approved this correspondence with the following vote:

Ayes: 3 (Somavia, Enzensperger, Bentz)
Noes: 0
Absent: 1 (Irwin)
Abstain: 0

DocuSigned by:

Diana Bentz

A9D2EE97E8CA4FA...

Diana Bentz

Open Government Commission Chair

DocuSigned by:

Jimmy Forbis

CC6456EF9B054DC...

Jimmy Forbis

City Administrator and
Commission Executive Sponsor

ATTACHMENT

Capabilities Analysis Matrix

				Live View Listen					Public Comment		
CITY	POPULATION	WEBSITE	AGENDA	Webcast	Televised	Zoom	Dial-In	Applications	Email	Call In	Zoom
Gilroy	59,269	cityofgilroy.org	19-Jun-2023	X				YouTube	X		
Campbell	42,833	http://www.ci.campbell.ca.us/	18-Jul-2023	X	X	X		YouTube	X		X
Cupertino	59,610	cupertino.org	25-Jul-2023	X	X	X	X	YouTube	X	X	X
Los Altos	31,526	losaltosca.gov	27-Jun-2023			X	X	YouTube	X	X	X
Los Altos Hills	8,400	losaltoshills.ca.gov	15-Jun-2023	X		X	X		X	X	X
Los Gatos	33,062	losgatosca.gov	20-Jun-2023	X	X	X	X	YouTube	X	X	X
Milpitas	80,839	ci.milpitas.ca.gov	20-Jun-2023	X		X	X	Facebook YouTube	X	X	X
Monte Sereno	3,488	montesereno.org	11-Jul-2023	X		X	X	YouTube	X	X	X
Morgan Hill	46,451	morgan-hill.ca.gov	21-Jun-2023	X	X	X	X	Facebook	X	X	X
Mountain View	83,864	mountainview.gov	25-Jul-2023	X		X	X	YouTube	X	X	X
Palo Alto	67,473	cityofpaloalto.org	19-Jun-2023	X	X	X	X	YouTube	X	X	X
San Jose	976,482	sanjoseca.gov	27-Jun-2023	X	X	X	X	YouTube	X	X	X
Santa Clara	130,127	santaclaracagov	27-Jun-2023	X	X	X	X	YouTube Facebook	X		
Saratoga	30,667	saratoga.ca.us	19-Jul-2023	X	X	X	X		X	X	X
Sunnyvale	156,234	sunnyvale.ca.gov	11-Jul-2023	X	X	X	X	YouTube	X	X	X

**8.1. Approval of the Action Minutes of the August 21, 2023 City Council
Regular Meeting**

**City of Gilroy
City Council Regular Meeting Minutes
Monday, August 21, 2023 | 6:00 PM**

1. OPENING

1.1 Call to Order

The 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

Pastor Trevor Van Laar from Gilroy Presbyterian Church led the Invocation.

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
Absent	None

1.6. Orders of the Day

Mayor Blankley requested that Agenda Item 12.1 be done after 1.6. The request received unanimous support.

12. CITY ADMINISTRATOR'S REPORTS

12.1. Gilroy 2023-2031 Housing Element Update

City Administrator Forbis and Community Development Director Goei reported that the state approved the City's Housing Element Update.

1.7. Employee Introductions

Police Chief introduced the following new employees to Council:

- Sandra Quintanar, Police Records Technician
- Neil Garrett, Detention Services Officer
- Officer Antonio Gomez
- Officer Brett Batey

Finance Director Sangha introduced newly promoted Accountant Erika Pacheco

and newly hired Kellie Ullom to Council.

Interim Public Works Director Bjarke introduced the following new employees to Council:

- Salvatore Russo, Maintenance Worker – Parks and Landscapes
- Everardo Gallegos, Maintenance Worker – Parks and Landscapes
- John Sousa, Supervisor – Parks and Landscapes

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

There were none.

3. **PRESENTATIONS TO THE COUNCIL**

3.1. **Presentation from the League of California Cities**

Seth Miller, Regional Public Affairs Manager from League of California Cities, provided his presentation.

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**

Mayor Blankley opened Public Comment on items that were not on the agenda.

Robert Zepeda expressed concerns about the recent events in Hawaii, highlighting the suspicious circumstances surrounding fires and the significant investments in Hawaiian Electric, and emphasized skepticism towards potential new COVID-19 mandates and restrictions.

Ron Kirkish addressed concerns about an individual spreading false information and targeting elected officials on local mass media platforms, emphasizing his ongoing efforts to address the situation.

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

4. **REPORTS OF COUNCIL MEMBERS**

Council Member Bracco had no report.

Council Member Armendariz had no report.

Council Member Marques reported on Gilroy Gardens Board of Directors.

Council Member Hilton reported on VTA Policy Advisory Committee and Silicon Clean Energy Authority JPA Board.

Council Member Cline had no report.

Council Member Tovar reported on South County Youth Task Force Policy Team and attended the "Fill the Boot Maui" fundraiser at the Gilroy Premium Outlets on August 19, 2023.

Mayor Blankley reported on South County Youth Task Force Policy Team, the cancellation of a VTA Administration and Finance Committee meeting, a potential position on Senator Wiener's Bill SB 532, the introduction of a fourth weekday Caltrain from Gilroy, and state funding for a battery-equipped electric train pilot program on non-electrified tracks.

5. **COUNCIL CORRESPONDENCE**

There were none.

6. FUTURE COUNCIL INITIATED AGENDA ITEMS

There were none.

7. CONSENT CALENDAR

Council Member Marques requested to pull Agenda Item 7.5 from the Consent Calendar.

Mayor Blankley opened Public Comment for items not pulled out of the agenda. There being no speakers, Mayor Blankley closed Public Comment.

Motion: Adopt Consent Calendar Items 7.1 through 7.4.

RESULT: Pass

MOVER: Dion Bracco, Mayor Pro Tempore

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

7.1. Approval of the Action Minutes of the August 7, 2023 City Council Regular Meeting

A motion was made to approve the action minutes.

7.2. Accept and File Quarterly Cash and Investment Report as of June 30, 2023

A motion was made to accept and file the Quarterly Cash and Investment Report.

7.3. Approval of the Annual Evaluation Report for the Santa Clara County Multi-Jurisdictional Program for Public Information Associated with the Community Rating System of the National Flood Insurance Program

A motion was made to approve the Annual Evaluation Report for the Santa Clara County Multi-Jurisdictional Program for Public Information Associated with the Community Rating System of the National Flood Insurance Program.

7.4. Authorization to Approve Application to Receive Grant Funds from the California Youth Community Access Grant Program

A motion was made to adopt a resolution to approve the application to receive grant funds from the California Youth Community Access Grant Program.

Enactment No.: Resolution No. 2023-48

7.5. Adoption of an Ordinance Adding Chapter 16B, Sidewalk Vending, to the Gilroy City Code

Council discussion ensued about the proposed item. Special Assistant to City Administration Biggs responded to Council Member questions.

Mayor Blankley opened Public Comment.

Rocio Rojas expressed concerns about the city's response to complaints regarding street vendors, emphasizing the need for proper investigation before action and questioning the protocol once vendor licenses are approved.

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

Motion: Adopt the Ordinance Adding Chapter 16B, Sidewalk Vending, to the Gilroy City Code.

RESULT: Pass

MOVER: Tom Cline, Council Member

SECONDER: Marie Blankley, Mayor

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

Enactment No.: Ordinance No. 2023-08

8. BIDS AND PROPOSALS

8.1. Award of Contract to Perkins & Will for the Preparation of 'Basis of Design' Documents for the Gilroy Ice Center and Approve a Contract Expenditure of \$275,000

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

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

Motion: Award a contract to Perkins & Will in the amount of \$250,000 and approve an additional project contingency of \$25,000 (10%) for a total amount of \$275,000 for the preparation of 'Basis of Design' documents related to the Gilroy Ice Center project and authorize the City Administrator to execute the contract and associated documents.

RESULT: Pass

MOVER: Rebeca Armendariz, 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

9. PUBLIC HEARINGS

There were none.

10. UNFINISHED BUSINESS

10.1. Selection and Appointment of Youth Commission Members

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

Council appointed the following individuals to the Youth Commission:

- Lavander Hwang to a seat starting on October 1, 2023, and expiring September 30, 2025;
- Aiden Francis to a seat starting on October 1, 2023, and expiring September 30, 2025;
- Crystal Garcia Pablo to a seat starting on August 21, 2023 and expiring September 30, 2025;
- Maya Beyret to a seat starting on August 21, 2023, and expiring September 30, 2025;
- Saed Mustafa to a seat starting on August 21, 2023, and expiring September 30, 2025; and
- Thamay Sarath to a seat starting on August 21, 2023, and expiring September 30, 2024

10.2. Introduction of an Ordinance of the City of Gilroy Amending Section 2.13 of the Gilroy City Code to Modify the Regular Meeting Schedule of the City Council

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: Read the ordinance by title only and waive further reading of the ordinance.

RESULT: Pass

MOVER: Dion Bracco, Mayor Pro Tempore

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

City Clerk Pham read aloud the title of the ordinance.

Motion: Introduce an ordinance of the City Council of the City of Gilroy amending Chapter 2 relating to the Regular Meeting Schedule of the City Council.

RESULT: Pass

MOVER: Tom Cline, Council Member

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

11. INTRODUCTION OF NEW BUSINESS

11.1. Presentation of the Comprehensive Water and Wastewater Utilities Rate Study; Adoption of a Resolution Commencing the Proposition 218 Noticing Process, and Setting October 16, 2023, as the Date for the Public Hearing

to Adopt Water and Wastewater Rates

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

Public Comment was opened by Mayor Blankley and closed due to no speakers.

Motion: Receive the report and adopt the resolution declaring intent to adjust water and wastewater rates, commencing the Proposition 218 noticing process, and setting October 16, 2023, as the date for the Public Hearing to adopt the new proposed water and wastewater rates.

RESULT: Pass

MOVER: Dion Bracco, Mayor Pro Tempore

SECONDER: Marie Blankley, Mayor

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. 2023-49

11.2. Extension of Temporary Outdoor Dining Program

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

Mayor Blankley opened Public Comment.

Sammy Trujillo spoke in support of the resolution.

Jose Montes spoke in support of the resolution.

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

Motion: Adopt the Resolution.

RESULT: Pass

MOVER: Fred Tovar, Council Member

SECONDER: Zach Hilton, Council Member

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

NAYS: Council Member Cline

Enactment No.: Resolution No.: 2023-50

11.3. Adopt a Resolution of Intention to Reimburse Expenditures for Costs Incurred in Connection with the Gilroy Ice Center Project

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

Public Comment was opened by Mayor Blankley and closed due to no speakers.

Motion: Adopt a Resolution of Intention to Reimburse Expenditures for Costs Incurred in Connection with the Gilroy Ice Center Project (the

“Project”).

RESULT: Pass

MOVER: Tom Cline, 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

Enactment No.: Resolution No. 2023-51

12. CITY ADMINISTRATOR'S REPORTS

12.1. Gilroy 2023-2031 Housing Element Update

The item was reported earlier.

12.2. Santa Teresa Interim Fire Station Update

Fire Chief Wyatt provided a report on this item and responded to Council Member questions.

13. CITY ATTORNEY'S REPORTS

City Attorney Faber provided a brief report and responded to Council Member questions.

14. ADJOURNMENT

Mayor Blankley adjourned the meeting at 8:29 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, MMC, CPMC
City Clerk

**8.2. A Resolution of the City Council of the City of Gilroy to Release
Unclaimed Checks to the City's General Fund in accordance with
California Government Code Section 50053**



City of Gilroy

STAFF REPORT

Agenda Item Title: **A Resolution of the City Council of the City of Gilroy to Release Unclaimed Checks to the City's General Fund in accordance with California Government Code Section 50053**

Meeting Date: September 11, 2023
 From: Jimmy Forbis, City Administrator
 Department: Finance
 Submitted By: Harjot Sangha, Finance Director
 Prepared By: Rosemary Guerrero, Finance Manager

STRATEGIC PLAN GOALS

Develop a Financially Resilient Organization

RECOMMENDATION

Adopt a resolution of the City Council of the City of Gilroy to release unclaimed checks to the City's General Fund in accordance with California Government Code Section 50053.

ANALYSIS

The City of Gilroy has several checks that have been outstanding and unclaimed for more than three years. Finance staff has attempted to contact Payees and mailed out letters with forms to claim the funds. According to guidelines set forth by the California Government Code Section 50053, any individual check for more than fifteen (\$15) dollars, which remains unclaimed for more than three years, may be transferred to the General Fund by the City Council after public notification in a local newspaper.

Attached is the notice that was advertised on July 14, 2023, and July 21, 2023, in the Gilroy Dispatch newspaper. The advertised total amount of checks is \$3,479.40. Of this total, \$2,706.18 remains unclaimed.

In compliance with the state guidelines, staff recommends the adoption of the attached

Adoption of a Resolution of the City Council of the City of Gilroy to Release Unclaimed Checks to the City's General Fund in accordance with California Government Code Section 50053 and Section 50055

resolution to claim the unclaimed checks and transfer the total amount of \$2,706.18 to the City's General Fund.

FISCAL IMPACT/FUNDING SOURCE

The release of these unclaimed funds will increase General Fund revenue by \$2,706.18.

PUBLIC OUTREACH

Notification to the public was made via Gilroy Dispatch advertisement on July 14th and July 21st.

Attachments:

1. Draft Resolution
2. Public Notice/Proof of Publication

RESOLUTION 2023-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GILROY TO RELEASE UNCLAIMED CHECKS TO THE CITY OF GILROY PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 50053

WHEREAS, on the attached list, Exhibit A, checks over fifteen (\$15) dollars have been outstanding and unclaimed for more than three years.

WHEREAS, California Government Code 50053 authorizes the legislative body of a local agency to transfer the unclaimed funds to its General Fund.

WHEREAS, a Public Notice of unclaimed funds was advertised in a newspaper of local circulation.

NOW, THEREFORE, BE IT RESOLVED that the unclaimed checks, over fifteen (\$15) dollars on the attached list in Exhibit A in the total amount of \$2,706.18, shall be transferred to the City of Gilroy's General Fund, in accordance with Section 50053 of the California Government code.

PASSED AND ADOPTED by the City Council of the City of Gilroy at a regular meeting duly held on the 11th day of September 2023 by the following roll call vote:

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

APPROVED:

Marie Blankley, Mayor

ATTEST:

Thai Nam Pham, City Clerk

EXHIBIT A

<u>PAYEE</u>	<u>AMOUNT</u>
ADRIANA ORTIZ	\$15.33
KYLE JORDAN	\$66.00
ALEXANDRA CUZNER	\$912.60
CALIFORNIA NARCOTIC OFFIC	\$120.00
ZEPEDA, IRVING G.	\$26.73
ALEXANDRA CUZNER	\$608.40
DIANA SESMA	\$89.82
EDGAR CUEVAS	\$83.60
KIMBERLY ROYSTON	\$205.00
KRYSTLE BRAVO	\$44.40
MARIA GARIBALDI	\$38.50
ROMAN RAMIREZ	\$24.78
SCOTT JOST	\$116.88
STEPHANNY GOMEZ	\$52.20
VANESSA GARCIA	\$43.50
KENARD HARPER	\$16.87
LISA PEREZ	\$17.50
MANN HARDWICKE	\$16.87
MARIA APARICIO	\$55.20
LETICIA RODRIGUEZ	\$92.00
BROOKDALE SENIOR LIVING S	\$35.00
INSTITUTE ON AGING	\$25.00
TOTAL	\$2,706.18

**PROOF OF PUBLICATION
(2015.5 C.C.P.)
STATE OF CALIFORNIA
County of Santa Clara**

I am a resident of the State of California and over the age of eighteen years, and not a party to or interested in the above entitled matter.

I am the principal clerk of the publisher of the Gilroy Dispatch, published in the city of Gilroy, County of Santa Clara, State of California, **Friday, and on line** for which said newspaper has been adjudicated a newspaper of general circulation by the **Superior Court of the County of Santa Clara, State of California, under the date of June 10, 1961, Action Number 80709**, that the notice of which the annexed is a printed copy had been published in each issue thereof and not in any supplement on the following date(s):

July 14, 21, 2023.

I, under penalty of perjury, that the foregoing is true and correct. This declaration has been executed **on July 21, 2023.**

**GILROY DISPATCH
7455 MONTEREY ROAD
GILROY, CA 95020**



/s/ Juliana B. Pulcrano /
Legal Publications Specialist
Gilroy Dispatch, Morgan Hill Times
Hollister Free Lance

Phone # (408) 709 3952
E-mail: jpulcrano@newsymedia.com
Website: www.gilroydispatch.com

**City of Gilroy
Finance
Department**

Public Notice

CITY OF GILROY
FINANCE DEPARTMENT
7351 Rosanna Street
Gilroy, CA 95020

Notice is hereby given that the City of Gilroy is holding funds for the following persons and businesses. If said funds are not claimed by August 28, 2023 these funds will become the property of the City of Gilroy in accordance with California Government Code Section 50052.

The said funds may be released to the depositor, their heir, beneficiary, or duly appointed representative provided a claim form has been completed with the necessary information. The information needed is as follows:

- Name, address, telephone number, and social security number (or FEIN).

- Amount of claim.

- Proof of identity, such as copy of driver's license, social security card or birth certificate.

- Grounds on which claim is founded.

The Unclaimed Money Claim Form is available at the City of Gilroy Finance Department, located at 7351 Rosanna Street in Gilroy.

Persons or entities with funds on deposits for three (3) years are:

NAME, AMOUNT

ADRIANA ORTIZ
\$15.33

KYLE JORDAN
\$66.00

ALEXANDRA CUZNER
\$912.60

CALIFORNIA NARCOTIC OFFICE
\$120.00

ZEPEDA, IRVING G.
\$26.73

ALEXANDRA CUZNER
\$608.40

DIANA SESMA
\$89.82

EDGAR CUEVAS
\$83.60

KIMBERLY ROYSTON
\$205.00

KRYSTLE BRAVO
\$44.40

MARIA GARIBALDI
\$38.50

ROMAN RAMIREZ
\$24.78

SCOTT JOST
\$116.88

STEPHANNY GOMEZ
\$52.20

VANESSA GARCIA
\$43.50

KENARD HARPER
\$16.87

LISA PEREZ
\$17.50

MANN HARDWICKE
\$16.87

MARIA APARICIO
\$55.20

LETICIA RODRIGUEZ
\$92.00

BROOKDALE SENIOR LIVING S
\$35.00

INSTITUTE ON AGING
\$25.00

CHEN, QIANG
\$50.00

DADO, STEPHANY
\$50.00

THIRD DEGREE COMMUNICATIO
\$225.00

DAVID LUDDEN
\$72.00

RA'SOLAR
\$314.00

GARZA, ROEL
\$62.22

(Pub GD 7/14)

8.3. A Resolution of the City Council of the City of Gilroy Updating the Appropriation Limit for Fiscal Year 2023-24



City of Gilroy

STAFF REPORT

Agenda Item Title: A Resolution of the City Council of the City of Gilroy Updating the Appropriation Limit for Fiscal Year 2023-24 (FY24)

Meeting Date: September 11, 2023

From: Jimmy Forbis, City Administrator

Department: Finance

Submitted By: Harjot Sangha, Finance Director

Prepared By: Rosemary Guerrero, Finance Manager

STRATEGIC PLAN GOALS

Develop a Financially Resilient Organization

RECOMMENDATION

Adopt a resolution of the City Council of the City of Gilroy setting the revised appropriation limit for Fiscal Year 2024.

ANALYSIS

Each fiscal year, the City must adopt an appropriation limit on the City's expenditures made from tax sources in conformance with Proposition 4, otherwise known as the GANN Initiative or Limit. The appropriation limit typically exceeds the amount of actual City expenditure and serves to set the maximum upper limit of expenditure even though the City's expenditures are not as high as the limit itself.

Proposition 4 and the subsequent Proposition 111 set forth the procedure for calculating the limit, which is based upon the approved appropriation limit from the prior year, adjusted each year for inflation and population growth factors. Only those General Fund revenues received from proceeds of taxes (such as Sales Tax, Property Tax, Utility Tax, Transient Occupancy Tax, etc.) are subject to this limit. In addition, proceeds of taxes may be spent on several types of appropriations that do not count against the appropriation limit. The law allows a city to spend tax proceeds on voter-approved debt, costs of complying with court orders and federal mandates, with certain restrictions, and

expenditures for qualified capital outlay. Appropriations for these excludable categories do not count against the limit.

The FY24 appropriation limit was adopted as part of the biennial budget adoption on June 5, 2023. A subsequent review of the calculation determined a revision is warranted, particularly the population growth factor utilized, which required a correction.

Based on the updated factor and calculation, the appropriation limit for FY24 is \$234,422,112. This is an increase of \$2.3 million from the original calculation of \$232,162,228. The appropriation limit typically far exceeds the amount of actual City expenditures that are appropriated in the annual budget. Attached to this staff report is a revised resolution for adopting the updated FY24 appropriation limit. Based upon the formula set forth in Proposition 111, the revised calculation demonstrates that the City is substantially below (\$182.0 million) the maximum allowable appropriation limit and should remain so in the foreseeable future.

ALTERNATIVES

No other viable alternative is available. The State Constitution requires the establishment of the appropriation limit, and methodology established by Proposition 4 and the subsequent Proposition 111.

FISCAL IMPACT/FUNDING SOURCE

None. Preparation of the annual appropriation limit calculations and related adoption of the resolution is an annual activity of the Finance Department and is included in its workplan.

Attachments:

1. Revised Draft Resolution
2. Exhibit A to the Resolution

RESOLUTION 2023-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
GILROY ADOPTING THE CITY OF GILROY
APPROPRIATION LIMIT FOR FISCAL YEAR 2023-24**

WHEREAS, the voters of the State of California elected to add Article XIII. B. of the California Constitution known as the Gann Initiative and Proposition 4; and

WHEREAS, the State of California, Department of Finance, and the League of California Cities have established uniform guidelines and have published appropriate percentages for California per capita personal income and population changes for the implementation of the subject limit.

NOW, THEREFORE, BE IT RESOLVED THAT the appropriation limit for the City of Gilroy for Fiscal Year 2023-24 is \$234,422,112, as calculated and included in Exhibit A.

PASSED AND ADOPTED by the City Council of the City of Gilroy at a regular meeting duly held on the 11th day of September 2023 by the following roll call vote:

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

APPROVED:

Marie Blankley, Mayor

ATTEST:

Thai Nam Pham, City Clerk

**DETERMINATION OF THE APPROPRIATIONS LIMIT
CITY OF GILROY
FY 2023-24**

Fiscal Year 2022-23	Adopted Limit	\$	223,073,200
Population Factor	(City Growth)		1.0062
Inflation Factor	(California per capita income)		1.0444
Fiscal Year 2023-24	Limit	\$	<u>234,422,112</u>

CALCULATION OF PROCEEDS OF TAXES

Agenda Item 8.3

CITY OF GILROY

FY 2023-24

BUDGET

GENERAL FUND

REVENUE	Proceeds of Taxes	Non-Proceeds of Taxes	Total
TAXES			
Property taxes	\$ 19,918,573	\$ -	\$ 19,918,573
Sales & Use Tax	21,818,000	-	21,818,000
Business Licence Tax	724,000	-	724,000
Utility Users Tax	6,538,139	-	6,538,139
Transient Occupancy Tax	1,957,000	-	1,957,000
Other Taxes	442,000	-	442,000
FROM STATE			
Motor Vehicle in Lieu	62,800	-	62,800
Homeowners Relief	29,000	-	29,000
State Grants	-	147,858	147,858
Federal		197,017	197,017
LOCALLY RAISED			
Franchise Fees	-	2,271,965	2,271,965
Fines, Forfeitures, Penalties	-	223,547	223,547
USER FEES			
(from Worksheet #1)	553,353	4,464,209	5,017,562
OTHER MISCELLANEOUS			
Transfers	-	4,418,027	4,418,027
Miscellaneous	-	1,942,245	1,942,245
SUB-TOTAL	52,042,865	13,664,868	65,707,733
(for Worksheet #2)			
INTEREST EARNINGS	379,123	99,544	478,667
(From Worksheet #2)			
TOTAL REVENUE	\$ 52,421,988	\$ 13,764,412	\$ 66,186,400

**INTEREST EARNINGS PRODUCED BY TAXES
CITY OF GILROY
FY 2023-24
BUDGET WORKSHEET #2**

A. NON-INTEREST TAX PROCEEDS	\$	52,042,865
B, MINUS EXCLUSIONS	\$	-
C. NET INVESTED TAXES	\$	52,042,865
D. TOTAL NON-INTEREST Revenue plus Reserve Withdraws	\$	65,707,733
E. TAX PROCEEDS AS PERCENT OF BUDGET		0.79204
F. INTEREST EARNINGS	\$	478,667
G. AMOUNT OF INTEREST EARNED FROM TAXES	\$	379,123
H. AMOUNT OF INTEREST EARNED FROM NON-TAXES	\$	99,544

**USER FEES VERSUS COSTS
CITY OF GILROY
FY 23/24
WORKSHEET #1**

Division	DEPARTMENT NAME	USER FEES	COSTS	USER FEES Over(Under) COSTS
2601/5530	Engineering	\$ 1,438,362	\$ 1,177,366	\$ 260,996
2602/4020	Planning	660,000	1,861,235	(1,201,235)
2603/4030	B.L.E.S.	2,365,000	1,932,174	432,826
2605/4040	Fire Prevention - Haz Mat	554,200	433,673	120,527
Totals		<u>\$ 5,017,562</u>	<u>\$ 5,404,448</u>	<u>\$ (386,886)</u>

8.4. 2024 City Council Meeting Schedule



City of Gilroy

STAFF REPORT

Agenda Item Title:	Approving the 2024 City Council Meeting Schedule
Meeting Date:	September 11, 2023
From:	Jimmy Forbis, City Administrator
Department:	City Clerk
Submitted By:	Thai Nam Pham, City Clerk
Prepared By:	Thai Nam Pham, City Clerk

STRATEGIC PLAN GOALS

Not Applicable

RECOMMENDATION

Approve the 2024 City Council Meeting Schedule.

BACKGROUND

The City of Gilroy typically establishes an annual City Council Meeting Schedule to ensure transparent and effective governance. The schedule maintains the City's established practice of conducting regular Council meetings on predefined dates. The proposed 2024 City Council Meeting Schedule continues the established scheduling pattern approved by the Council in prior years. In addition, the City's observed holidays are included for reference.

ANALYSIS

The attached proposed 2024 City Council Meeting Schedule encompasses the period from January 2024 to December 2024. This year's schedule also reflects the recent ordinance adoption, which modifies the regular meeting dates for July and December. This modification ensures that Council meetings are scheduled for the last Monday of July and the second Monday of December. This adjustment fulfills the City Charter's mandate of holding a minimum of one regular meeting per month while concurrently providing an extended summer break and compliance with the requirement for installing newly elected council members during a regular meeting in December.

The Council Meeting schedule is included in various City publications as well as posted on the City of Gilroy website. Therefore, advance approval is requested given upcoming publication deadlines such as the Recreation Activity Guide. Staff is requesting review and approval of the 2024 City Council Meeting Schedule, as attached.

ALTERNATIVES

There are no alternatives under consideration at this time.

FISCAL IMPACT/FUNDING SOURCE

Approving the 2024 City Council Meeting Schedule does not entail any direct financial implications for the City of Gilroy.

PUBLIC OUTREACH

The proposed 2024 City Council Meeting Schedule will be included in various City publications and posted on the City's official website, ensuring accessibility to the general public.

NEXT STEPS

Upon approval by the Council, the 2024 City Council Meeting Schedule will be finalized and published in accordance with the established timeline. This schedule will be a reference for Council members, staff, and the public.

Attachments:

1. Proposed 2024 City Council Meeting Schedule



CITY OF GILROY 2024 City Council Meeting Schedule

1st and 3rd Mondays every Month*

Gilroy City Council Chambers | 7351 Rosanna Street, Gilroy, CA
6:00 p.m.

January	Monday, January 8, 2024* Moved from January 1, 2024 Monday, January 22, 2024* Moved from January 15, 2024
February	Monday, February 5, 2024 Monday, February 26, 2024* Moved from February 19, 2024
March	Monday, March 4, 2024 Monday, March 18, 2024
April	Monday, April 8, 2024* Moved from April 1, 2024 Monday, April 15, 2024
May	Monday, May 6, 2024 Monday, May 20, 2024
June	Monday, June 3, 2024 Monday, June 17, 2024
July	Monday, July 29, 2024¹
August	Monday, August 5, 2024 Monday, August 19, 2024
September	Monday, September 9, 2024* Moved from September 2, 2024 Monday, September 16, 2024
October	Monday, October 7, 2024 Monday, October 21, 2024
November	Monday, November 4, 2024 Monday, November 18, 2024
December	Monday, December 9, 2024²

* If a regular meeting falls on a holiday, it is rescheduled to the following Monday, with the exception of the single regular meeting in July, which will fall on the first day of the month, not a holiday, or a Friday, Saturday or Sunday

¹ Subject to the regular meeting amendment ordinance going into effect on October 11, 2023

² Subject to the regular meeting amendment ordinance going into effect on October 11, 2023



CITY OF GILROY

2024 City Council Meeting Schedule

1st and 3rd Mondays every Month*
 Gilroy City Council Chambers | 7351 Rosanna Street, Gilroy, CA
 6:00 p.m.

2024

■ = Observed Holiday

■ = Regular Meeting

■ = Special Meeting

JANUARY

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

FEBRUARY

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29		

MARCH

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

APRIL

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

MAY

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

JUNE

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

JULY

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
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AUGUST

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SEPTEMBER

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OCTOBER

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NOVEMBER

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DECEMBER

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8.5. Adoption of an Ordinance of the City of Gilroy Amending Section 2.13 of the Gilroy City Code to Modify the Regular Meeting Schedule of the City Council



City of Gilroy

STAFF REPORT

Agenda Item Title: **Adoption of an Ordinance of the City of Gilroy Amending Section 2.13 of the Gilroy City Code to Modify the Regular Meeting Schedule of the City Council**

Meeting Date: September 11, 2023
 From: Jimmy Forbis, City Administrator
 Department: City Clerk
 Submitted By: Thai Nam Pham, City Clerk
 Prepared By: Thai Nam Pham, City Clerk

STRATEGIC PLAN GOALS

Not Applicable

RECOMMENDATION

Adopt the ordinance amending Section 2.13 of the Gilroy City Code to modify the regular meeting schedule of the City Council.

EXECUTIVE SUMMARY

The proposed ordinance, which amends Section 2.13 of the Gilroy City Code, was introduced at the August 21, 2023 City Council Regular Meeting. The amendment focuses on adjusting the regular meeting schedule of the City Council for the months of July and December. This modification is aimed at providing a more suitable timing for Council activities while adhering to the City Charter's requirements.

BACKGROUND

At the August 21, 2023 City Council Regular Meeting, the City Council introduced the proposed ordinance. This ordinance seeks to modify the regular meeting schedule of the City Council to accommodate specific considerations in the months of July and December. This proposed amendment seeks to address the need for a more extended legislative recess during the summer and ensures compliance with the City Charter's requirement of holding a minimum of one regular meeting per month. Further context

Adoption of an Ordinance of the City of Gilroy Amending Section 2.13 of the Gilroy City Code to Modify the Regular Meeting Schedule of the City Council

can be found in the attached introduction of the ordinance staff report from August 21, 2023. Upon adoption, the ordinance would go into effect thirty (30) days thereafter.

ANALYSIS

The proposed ordinance amends Section 2.13(a) of the Gilroy City Code to establish the regular City Council meeting in December on the second Monday of the month and to move the regular City Council meeting in July to the last Monday of the month. This amendment creates a balanced approach, offering an extended summer break while maintaining the necessary functions of the City Council. The adjusted meeting schedule aligns with the City Charter's provisions and respects the requirements for newly elected council members' installation during a regular meeting in December.

ALTERNATIVES

The City Council may amend or reject this proposed ordinance. Any changes to the language will result in the need to restart the adoption process.

FISCAL IMPACT/FUNDING SOURCE

The proposed ordinance does not entail direct financial or operational implications for the City of Gilroy. It primarily addresses procedural matters to enhance the scheduling of regular City Council meetings.

PUBLIC OUTREACH

Public outreach efforts were conducted regarding the proposed amendment. The outreach activities included:

- City's Website: The proposed amendment was posted on the City's official website, accessible to the general public.
- Notice of Adoption of the Ordinance published in the Gilroy Dispatch on September 1, 2023.

NEXT STEPS

Once adopted, the ordinance will be incorporated into the Gilroy City Code and will guide the scheduling of regular City Council meetings, ensuring efficient governance.

Attachments:

1. Proposed Ordinance
2. August 21, 2023 Staff Report

ORDINANCE NO. 2023-XX**AN ORDINANCE OF THE CITY OF GILROY AMENDING
SECTION 2.13 OF THE GILROY CITY CODE TO MODIFY
THE REGULAR MEETING SCHEDULE OF THE CITY
COUNCIL**

WHEREAS, the City of Gilroy currently holds regular meetings on the first and third Mondays of each month, as specified in Section 2.13(a) of the Gilroy City Code; and

WHEREAS, it is deemed necessary and in the best interest of the City to modify the City Code to establish the regular City Council meeting in December on the second Monday of the month; and

WHEREAS, it is further deemed necessary and in the City's best interest to move the regular City Council meeting for July to the last Monday of the month.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GILROY DOES
HEREBY ORDAIN AS FOLLOWS:**

SECTION I

The foregoing recitals are true and correct and are incorporated herein by this reference.

SECTION II

Section 2.13(a) of the Gilroy City Code shall be amended as follows:

Time. Regular meetings of the city council shall be held on the first and third Mondays of each month at 6:00 p.m. Whenever the day fixed for any regular meeting of the council falls upon a day designated by law as a legal or national holiday, such meeting shall be held at the same hour on the next Monday. If said Monday is also a legal or national holiday, the council meeting shall be held on the next weekday not a holiday following said Monday.

In July, there shall be at least one regular meeting of the council, held on the last Monday of the month at 6:00 p.m. If the last Monday of July is a legal or national holiday, the meeting shall be held on the immediately preceding weekday that is not a holiday or a Friday.

In December, there shall be at least one regular meeting of the council, held on the second Monday of the month at 6:00 p.m. If the second Monday of December is a legal or national holiday, the meeting shall be held on the next weekday not a holiday.

SECTION III

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the

remaining portions of this Ordinance. The City Council of the City of Gilroy hereby declares that it would have passed and adopted this ordinance and each section, subsection, sentence, clause, or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases may be declared invalid or unconstitutional.

SECTION IV

This Ordinance shall take effect thirty (30) days after its adoption. The City Clerk is hereby directed to publish this Ordinance or a summary thereof pursuant to Government Code Section 36933.

PASSED AND ADOPTED this 11th day of September 2023 by the following roll call vote:

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

APPROVED:

 Marie Blankley, Mayor

ATTEST:

 Thai Nam Pham, City Clerk



City of Gilroy

STAFF REPORT

Agenda Item Title: Introduction of an Ordinance of the City of Gilroy Amending Section 2.13 of the Gilroy City Code to Modify the Regular Meeting Schedule of the City Council

Meeting Date: August 21, 2023
 From: Jimmy Forbis, City Administrator
 Department: City Clerk
 Submitted By: Thai Nam Pham, City Clerk
 Prepared By: Thai Nam Pham, City Clerk

STRATEGIC PLAN GOALS

Not Applicable

RECOMMENDATION

1. Motion to read the ordinance by title only and waive further reading of the ordinance; and
2. Introduce an ordinance of the City Council of the City of Gilroy amending Chapter 2 relating to the Regular Meeting Schedule of the City Council.

EXECUTIVE SUMMARY

This staff report presents a revised ordinance amendment for the City Council's consideration. The proposed amendment is based on the Council's direction provided at the August 7, 2023, City Council meeting. The revision addresses the timing of regular City Council meetings for the months of July and December. Specifically, the proposed amendment stipulates that the regular City Council meeting in July is moved to the last Monday of the month and that the City Council meeting in December be held on the second Monday of the month.

The rationale behind moving the July meeting is to offer a designated legislative recess during the summer months, allowing for a more substantial break for all stakeholders. This break recognizes the historically lower attendance during the summer season,

making it an opportune time for Council members and staff to take vacations and for the community to enjoy a break. The change aligns with practices observed in other cities and ensures that Council convenes in July when necessary. The proposed changes aim to accommodate the needs of the City while adhering to the City Charter's requirements.

BACKGROUND

The City of Gilroy currently holds regular City Council meetings on the first and third Mondays of each month, as outlined in Section 2.13(a) of the Gilroy City Code. The Council has recognized the need to modify the meeting schedule, particularly in December, due to the timing of installing newly elected council members following the certification of election results by the Santa Clara County Registrar of Voters (ROV).

Initially, Staff recommended that Council introduce the ordinance with the following changes (the previous staff report is attached as a reference):

- No regular meetings for the month of July; and
- One regular meeting in December scheduled for the second Monday of the month.

However, the City Charter mandates at least one regular meeting each month, which necessitated further evaluation of the proposed ordinance's feasibility.

As a result, staff asked Council to refrain from proceeding with the introduction of the proposed ordinance. Instead, staff sought additional direction from the Council to address the Charter's requirements while still pursuing the goal of providing a more extended legislative recess during the summer months. The revised ordinance now aims to strike a balance between these considerations, aligning with the Council's direction while respecting the Charter's stipulations.

ANALYSIS

The proposed ordinance amends Section 2.13(a) of the Gilroy City Code to establish the regular City Council meeting in December on the second Monday of the month and to move the regular City Council meeting in July to the last Monday of the month. The amended ordinance reads as follows (additions are **bolded** and *italicized*, and removals are ~~redlined~~ and ~~strikethrough~~):

2.13 Regular meetings.

(a) Time. Regular meetings of the City Council shall be held on the first and third Mondays of each month at 6:00 p.m. Whenever the day fixed for any regular meeting of the Council falls upon a day designated by law as a legal or national holiday, such meeting shall be held at the same hour on the next Monday. If said Monday is also a legal or national holiday, the Council meeting shall be held on the next weekday not a holiday following

said Monday.

~~Notwithstanding the above, at least one regular council meeting shall be held in July. The date of the first regular meeting shall be held on the first day of July not a holiday and excluding Friday, Saturday or Sunday. In July, there shall be at least one regular meeting of the council, held on the last Monday of the month at 6:00 p.m. If the last Monday of July is a legal or national holiday, the meeting shall be held on the immediately preceding weekday that is not a holiday or a Friday.~~

In December, there shall be at least one regular meeting of the council, held on the second Monday of the month at 6:00 p.m. If the second Monday of December is a legal or national holiday, the meeting shall be held on the next weekday not a holiday.

This amendment aims to provide a more suitable timeframe for the installation of newly elected council members in December and accommodates the holiday season while adhering to the City Charter.

Additionally, the proposed changes resonate with the Council's objective of offering an extended summer recess, providing council members, staff, and the public an opportunity to benefit from a more substantial break during the summer months.

ALTERNATIVES

The Council may choose to approve, modify, or reject the proposed ordinance. Any modifications to the ordinance will require a new introduction and first reading.

FISCAL IMPACT/FUNDING SOURCE

The proposed ordinance does not entail direct financial or operational implications for the City of Gilroy. It primarily addresses procedural matters to enhance the scheduling of regular City Council meetings.

PUBLIC OUTREACH

Public outreach efforts were conducted regarding the proposed amendment. The outreach activities included posting the proposed ordinance on the City's official website, accessible to the general public.

NEXT STEPS

Should Council introduce the proposed ordinance, Council will need to adopt it at the next regular meeting. Once adopted, staff will update the Gilroy City Code and prepare the 2024 meeting schedule.

Introduction of an Ordinance of the City of Gilroy Amending Section 2.13 of the Gilroy City Code to Modify the Regular Meeting Schedule of the City Council

Attachments:

1. Proposed Ordinance
2. August 7, 2023 Staff Report

8.6. Approval of City Council Members' Travel for the League of California Cities Conference



City of Gilroy

STAFF REPORT

Agenda Item Title: Approval of City Council Members' Travel for the League of California Cities Conference

Meeting Date: September 11, 2023

From: Jimmy Forbis, City Administrator

Department: City Clerk

Submitted By: Thai Nam Pham, City Clerk

Prepared By: Thai Nam Pham, City Clerk

STRATEGIC PLAN GOALS

Not Applicable

RECOMMENDATION

Council approve the travel expenses of Council Members attending the League of California Cities ("League") Annual Conference, as per the City's Travel Policy.

BACKGROUND

The League of California Cities Annual Conference is scheduled from September 20 to September 22, 2023. The annual conference provides a platform for city officials to collaborate on pressing issues, learn, and strategize. Several City Council Members are planning to attend, namely Mayor Blankley and Council Members Armendariz, Marques, and Tovar. According to the City's Travel and Meeting Expense Policy, any travel by Council Members requires prior approval by the City Council itself.

ANALYSIS

Ensuring the travel is approved beforehand not only aligns with our Travel Policy but also provides transparency and due diligence in managing City expenses. The City of Gilroy is a member of the League, and this event is not only an educational conference it is also the annual membership meeting. The Conference presents an opportunity for the members to gather knowledge, collaborate with other cities, and bring back insights beneficial to Gilroy. The City has historically sent the City's League representative and alternate representative to the conference.

FISCAL IMPACT/FUNDING SOURCE

The estimated fiscal impact for the travels, including per diem, lodging, and other associated costs, is anticipated to be \$4,300.00.

PUBLIC OUTREACH

This agenda item was announced in the Preliminary Agenda, and the staff report was made available to the public by September 7, 2023, ensuring transparency and allowing ample time for the community to review and provide input if they wish.

Attachments:

1. League of California Cities Annual Conference and Expo Schedule
2. City of Gilroy Travel and Meeting Expense Policy



Schedule subject to change.

Speaker names will be added as they are confirmed.

MCLE sessions are noted on pages 14-15.

Wednesday, Sept. 20

8:30 a.m.-1:00 p.m. City Clerks Workshop (additional registration required)

2024 Elections: Trends, Legislation, and Practical Advice

The 2024 elections are right around the corner. This session will focus on trends for the upcoming local and statewide elections, related legislation and case law, and practical tips for preparing for the worst while hoping for the best in our elections.

Speakers: Randi Johl, Legislative Director / City Clerk, Temecula
Paul Mitchell, Owner, Redistricting Partners
Holly Whatley, Shareholder, Colantuono, Highsmith & Whatley, PC

10:00-Noon

Understanding Public Service Ethics Laws and Principles (AB 1234)

State law requires elected and appointed officials to receive two hours of training in specified ethics laws and principles every two years. Newly elected and appointed officials must receive this training within one year of becoming a public servant. Join a panel of experts as they help navigate the ethics laws and principles. Sign-in will begin 30 minutes prior to the session and you must be present for the full two hours to receive the certification of attendance. Entry will be prohibited once the session begins.

The Institute for Local Government is a State Bar of California minimum continuing legal education (MCLE) approved provider and certifies this activity meets the standards for MCLE credit by the State Bar of California in the total amount of 2 hours (general credits). Provider #13881

Speaker: Kimberly Horiuchi, Associate, Liebert Cassidy Whitmore

3:45-5:00 p.m. Concurrent Sessions

Building a Culture of Accountability in Your Police Department

It is more important than ever before to reinforce trust between law enforcement agencies and citizens. Law enforcement must build, bolster, and demonstrate transparency and accountability within their departments. Hear from law enforcement leaders from throughout California about their strategies for

building a culture of accountability through community conversations, transparent policies, technology deployment, and public auditing.

Moderator: Holly Beilin, Director, Communications, Flock Safety

Speakers: Angela S. Averiett, Chief of Police, City of Los Altos
Danny Renfrow, Chief of Police, Truckee Police Department

Building Mobile Crisis Response Teams

BeWell OC and the West Hollywood Care Team have a successful track record of providing compassionate care to vulnerable community members, including the LGBTQ+ community. In this session, gain valuable insight into how you can bring similar programs to your own city. This includes understanding how to provide compassionate care, build effective mobile crisis response teams, secure funding for innovative programs, and replicate successful models in your own communities. *Planned with the Cal Cities LGBTQ Caucus.*

Moderator: Tyller Windell Williamson, Mayor, City of Monterey

Speakers: Karen W. Linkins, Principal, Desert Vista Consulting
Corri Planck, Human Services Manager, City of West Hollywood
Sepi Shyne, Mayor, City of West Hollywood

California Cannabis: Seven Years After Legalization

It's been almost seven years since voters approved Prop. 64 to regulate and authorize cannabis for adult use. Now the question is: How are we doing? Join top regulatory, industry, and local representatives for a coffee table-style conversation on the state of the industry, emerging issues, and how to effectively regulate cannabis in your community.

Moderator: Barigye McCoy, Chief of Communications, Culture Cannabis Club

Speakers: Angela Hill, Deputy Director of Governmental Affairs, Department of Cannabis Control

Scott Matas, Mayor, City of Desert Hot Springs

Amy O'Gorman Jenkins, President, Precision Advocacy

Fees! You Got 'Em. How Do They Work Today?

Every city has fees, and the state has plenty of laws governing them. Receive an update on the full range of municipal fees, including general, regulatory, development impact, and property-related fees, as well as recent legal developments. Panelists will discuss the impact of a case allowing property-related fees for parts of the mandate viewed as "trash fees" on stormwater fees, changes to franchise fees under the Zolly Case, and how the proposed California Business Roundtable measure would severely restrict municipal fees and other revenue tools.

Moderator: Timothy William Seufert, Managing Director, NBS

Speakers: Michael G. Colantuono, Managing Shareholder, Colantuono, Highsmith & Whatley, PC
Christina Judith Turner, City Manager, Morgan Hill

Homelessness to Housed: How Cities Create and Leverage Strong Partnerships

City leaders in every part of California struggle with homelessness. A 2023 Public Policy Institute of California Statewide survey found that seven out of every 10 Californians view homelessness as a big problem in their area. While federal and state resources are essential, it is local leadership and political will where strong collaborative partnerships are formed and sustainable solutions are created. This panel brings together federal, county, city, and nonprofit leaders for a discussion on best practices in effective street outreach engagement, public/private shelter and housing partnerships, and how to leverage funding to its maximum impact.

Moderator: Helene Schneider, Senior Regional Advisor, U.S. Interagency Council on Homelessness

Speakers: Elizabeth Funk, CEO and Cofounder, DignityMoves

Mike LeBarre, Mayor, King City

Terri Maus-Nisich, Assistant County Executive Officer – Retired, County of Santa Barbara

Minority Leaders Reshaping Local Government

California has become increasingly diverse and so too are the faces of local government. This panel will discuss all the challenges that minority leaders face in local government and ways to manage these challenges, including how to create real diversity, equity, inclusion, and belonging. The panel will explore how each of these leaders has faced their own challenges in the communities they've served and the ways they've turned these challenges into opportunities for learning, growth, and management.

Moderator: Domenica Megerdichian, Deputy City Manager, South Pasadena

Speakers: Arminé Chaparyan, City Manager, South Pasadena

Ingrid Hardy, Assistant City Manager, Thousand Oaks

Carmen Nichols, Assistant City Manager, Camarillo

Thursday, Sept. 21

8:30-9:45 a.m. Concurrent Sessions

A Tale of Two Cities: The Mental Health Crisis

The nation's mental health crisis, exacerbated by pandemic isolation, has prompted a new wave of advocacy for de-stigmatization, equitable access, and open dialogue. It is critical that we find new ways of delivering care. Mental health is often linked to homelessness and crime, with hospitals and jails serving as default, cyclical destinations. Data shows that this is a tale of two cities, with the most vulnerable populations facing the most difficulties. In this fireside chat, speakers will explore the mental health data from more than 300 California communities and propose new frameworks for addressing the needs of the community.

Speakers: Chad Castruita, CEO, Care Solace
Gilbert Livas, Retired City Manager, Downey

Addressing the Fentanyl Crisis

Fentanyl and other synthetic opioid overdoses are spiking in every community. With no end to the crisis in sight, local officials are responding with strategies to support communities and public safety. This session will explore how two communities are responding to the spike in fentanyl overdoses through educational campaigns, prevention, and early intervention. Panelists will also discuss possible law enforcement responses and what can be done increased access to overdose treatment.

Speaker: Sandi Snelgrove, Chief, Community Support Branch, DHCS

Building in Economically Challenging Times

Against the backdrop of less state funding, more state regulations, and a slowing economy, many cities are struggling to meet their housing goals, secure state financing for their civic projects, and attract private developers to stimulate economic growth. A growing number of cities have endorsed public-private partnerships for libraries, city halls, convention centers, emergency services, housing, and other buildings. What can we learn from these developments?
Planned with the Cal Cities Latino Caucus.

Moderator: Grace Ruiz Stepter, Director, City of Anaheim Housing and Community Development

Speakers: Korin Crawford, Executive Vice President, Griffin Swinerton
Yvonne Martinez Beltran, Council Member, City of Morgan Hill
Joy Silver, Chief Strategy Officer, Community Housing Opportunities Corporation
Ernesto M. Vasquez, Founder and CEO, SVA Architects, Inc.

Case Study: Response to Homelessness in the City of Rialto

Recognizing deep-rooted issues beyond the normal parameters of policing, the Rialto Police Department teamed up with Social Work Action Group to enhance the city's response to homelessness. The nonprofit, which focuses on helping individuals and families achieve sustainable independence through community support, provided the city with outreach expertise and new resources. The drastic improvements in quality of life issues and homeless-related activities are now highlighted in academia as a model for public administration.

Moderator: Rafael Trujillo, Council Member, City of Rialto

Speakers: Mark Kling, Chief of Police, Rialto Police Department
Aaron Anthony Petroff, Vice President, Social Work Action Group

Navigating the New State Housing Laws

California has passed more than 100 new state housing laws affecting cities since 2016. Many cities around the state have limited planning and housing capacity

and are overwhelmed by the task of understanding and implementing these laws. In this panel from the Turner Center for Housing Innovation at the University of California, Berkeley, learn how to understand these new state housing laws, the “tricks of the trade” developers are learning about using in cities, and how cities can effectively implement these laws with limited capacity.

Moderator: David Garcia, Policy Director, UC Berkeley Turner Center for Housing Innovation

Speakers: Barbara Ehrlich Kautz, Partner, Goldfarb Lipman LLP
Megan Kirkeby, Deputy Director, Housing Policy Development, California Department of Housing and Community Development (HCD)
David T. Loya, Community Development Director, City of Arcata

The Mayor Said What?! Staying Ahead of the News

News and information are often sourced from not only local media outlets but also social media. To ensure that your agency's message is relevant, and its reputation is sterling, you must tune into the world of media relations and social listening. Navigating of-the-moment buzz includes monitoring news and social sources, cultivating relationships with reporters and influencers, and analyzing data from diverse channels. Learn how public agencies can pair proactive listening with data analysis to get a leg up on their local scuttlebutt.

Moderator: Katherine Juhl Griffiths, Principal, Tripepi Smith

Speakers: Sharon Gonsalves, Director of Government Affairs, Renne Public Law Group, LLP DBA Renne Public Policy Group
Peter Pirnejad, City Manager, Los Altos Hills

11:45 a.m.-12:05 p.m. Speed Session

Centralized Customer Relations

Beverly Hills has created a centralized customer relations program to provide concierge-level access to information and non-emergency assistance to residents, businesses, and visitors. Get a speedy look at how Beverly Hills developed a high-performing centralized customer service program, some of the lessons learned, and the benefits to date.

Speaker: Michael V. Hensley, Deputy Director of Public Works, City of Beverly Hills

12:15-12:35 p.m. Speed Session

Introduction to the California Fire and Rescue Mutual Aid System

The California Fire and Rescue Mutual Aid System provides firefighters and fire engines to local communities during all-hazard disasters. The concept of mutual aid is based on neighbor helping neighbor. This session will give leaders an understanding of how their community benefits from the system and how their fire department participates.

Speaker: Brian S. Marshall, Fire and Rescue Chief, California Governor's Office of Emergency Services

1:00-2:15 p.m. Concurrent Sessions

“What the Bleep!” Limits of Public Comment

What are the limitations of public comment? What is protected speech and when can public comment be limited? In this panel discussion, hear stories and examples of how and when public comments can be terminated. The panel will also review the newly enacted SB 1100 (Cortese, 2022), which allows a presiding officer to remove a person from a public meeting.

Speakers: Henry Castillo, Associate, Best, Best and Krieger
Lauren Langer, City Attorney- West Hollywood, Best Best & Krieger
Christopher Lopez, City Manager, Livingston

Adapting Main Street for a Changing Retail Landscape

The state of retail has changed. New research from the National League of Cities shows that retail is rebounding, but downtowns are still affected by the growth in flexible, work-from-home schedules. The session will begin with a brief presentation about important retail trends for cities, followed by a moderated conversation with three city leaders about lessons learned and creative strategies that promote downtown and main street vitality in a post-pandemic world.

Moderator: Lena Geraghty, Director, Sustainability and Innovation, National League of Cities

Speakers: Brooke Fox, Marketing and Communications Consultant, California Main Street
David M. Sander, Vice Mayor, City of Rancho Cordova
Sepi Shyne, Mayor, City of West Hollywood

Assets and Opportunities: Surplus Land Act 101

Cities across the state are examining their land assets and considering possibilities for the future. But they're not the only ones. The state has revamped the Surplus Land Act and its implementing regulations. Drawing from the speakers' experience as city planners, city attorneys, and planning and development consultants, attendees will learn the ins and outs of the Surplus Land Act. Despite surface concerns, the law can be a valuable tool for cities' housing, economic development, and community improvement plans.

Speakers: Genesis Crank, Planning & Community Development Administrator, City of Barstow
Matthew Summers, City Attorney, Barstow, Calabasas, Ojai, Colantuono, Highsmith & Whatley, PC
Mark Teague, Managing Principal, PlaceWorks

Black Health and Wellness: Healthcare Services within Communities of Color

African Americans seek and access health care services like any other ethnic group. But in most cases, they are provided subpar or negligent care. In light of the 2020 conversation about racism as a health crisis, this panel will explore and

provide insight into how communities of color can seek adequate health care services and self-advocate for top-tier health care services that address mental, reproductive, and maternal health, as well as the overall healthcare needs of millions of African Americans in California. *Planned with the Cal Cities African American Caucus.*

Moderator: Walter Allen III, President, Cal Cities African American Caucus

Speakers: Lehman E Black III, Pediatrician, Retired

Rhonda M. Smith, Executive Director, California Black Health Network

Enhancing Emergency Preparedness Through Whole Community Collaboration and Partnerships

Collaboration between cities, counties, and other stakeholders is crucial to disaster preparation, response, recovery, and mitigation. Hear from community leaders about effective strategies, lessons learned, and resources that can enhance local emergency management and disaster response. Speakers will also discuss how promoting authentic community engagement can strengthen community resilience and trust while reducing risks (and costs) in the face of disasters.

Moderator: Robert Madrid, Senior Associate, Operations Support (Planning), Team Rubicon

Speakers: Nancy A. Brown, PhD, Community Preparedness Program Manager, Sonoma County Department of Emergency Management

Patrice Chamberlain, Health Program Specialist, California Department of Public Health

Jason Roberts, Council Member, City of Vacaville

One City, One Team: Establishing Effective City Manager-Council Relations

Running cities is complex and challenging, even when things are going well. The key to a thriving city is establishing productive relationships between the city council and the city manager. This means that choosing the right person as city manager and providing them with proper support and guidance is the most crucial responsibility of the city council. In this session geared for city managers and city councils, learn how you can navigate issues — both common and difficult — to create significant results for your community.

Moderator: Reva Feldman, Strategic Advisor, Avenu Insights and Analytics

Speakers: Aaron Adams, City Manager, Temecula

Rachelle Arizmendi, Former Mayor, City of Sierra Madre and Government Industry Advisor, Avenu Insights and Analytics

Patricia Lock Dawson, Mayor, City of Riverside

Stop Hate: How Local Elected Officials Can Combat Rising Hate Crimes and Hate Speech

Whether it's community members being targeted based on their appearance or hate speech in our council chambers, it is key that local elected officials directly speak to rising hate and help lead the city's response. Panelists will share their

experiences with hate crimes and hate speech at the local level, lessons learned, and tips on how local elected officials can support their constituencies in this time of rising polarization.

Moderator: Tessa Rudnick, Mayor Pro Tem, City of El Cerrito

Speakers: Lily Mei, Mayor, City of Fremont

Letecia "Holly" Tillman, Council Member, City of Clayton

Kevin Wilk, Council Member, City of Walnut Creek

Cesar Zepeda, Council Member, City of Richmond

12:45-1:05 p.m. Speed Session

Opt In: Why Cities Should Care About Digital Rights

Digital technology is increasingly embedded into how our cities work. We deploy and operate cameras, sensors, and other technologies that collect data to help advance transportation, public safety, and climate goals. How can we help our constituents understand how that data is used to manage city operations?

Drawing on examples from Long Beach and a growing coalition of California cities, this session will discuss the importance of being transparent and engaging with residents about the use of smart technologies in the public realm, as well as the intersections with data privacy and the emerging concept of digital rights.

Speaker: Ryan Kurtzman, Smart Cities Program Manager, Long Beach

1:15-1:35 p.m. Speed Session

Building America's Greenest City Hall

In 2023, Sunnyvale will complete the nation's first net zero energy city hall. The project will also achieve a LEED Platinum rating for sustainability. This session will describe the development of the project — from initial community outreach to planning, financing, design, and construction — with an emphasis on its sustainable features, such as the solar energy system and microgrid.

Speaker: Kent Steffens, City Manager, Sunnyvale

1:45-2:05 p.m. Speed Session

From Idea to Action: Budgeting for Strategic Impact

To create meaningful outcomes, city leaders need to identify strategic priorities, resources, and opportunities early in the budget process. No matter how you budget or measure performance, you can make small and meaningful changes that increase your budget framework maturity, better align your processes with your strategic plan, track your progress, and drive community outcomes. In this session, dive into best-in-class examples of budget planning and performance frameworks that led to exceptional progress.

Speaker: Monica Cook, Director, Solutions Engineering, OpenGov

2:15-2:35 p.m. Speed Session

AI in Governance: Opportunities and Ethical Considerations

Machine learning has the potential to reshape governance and create a sustainable future for communities — for good or ill. It can enhance public safety,

refine transportation, and promote environmental sustainability. Explore the challenges faced by governing bodies and how artificial intelligence (AI) can empower decision-makers with data-driven insights, with an emphasis on unbiased data, algorithmic fairness, transparency, and accountability. Attendees will leave the session with an appreciation for AI's transformative impact on policy, its applications, and crucial ethical challenges for responsible, equitable use.

Speaker: Scott Larson, CFO, Inquisio.AI Inc

2:30-3:45 p.m. Concurrent Sessions

A Local Agency's Guide to HCD's Housing Accountability Unit

Get practical, hands-on tips to help your agency better comply with state housing law. Panelists will provide an overview of the state's Housing Accountability Unit, examples of common accountability cases, and recommendations for documenting state housing law compliance. This session is tailored both for local agency staff processing residential development projects and those working on land use changes in the general plan or zoning code.

Speakers: Brian Heaton, Senior Housing Accountability Manager, California Department of Housing and Community Development (HCD)
David Zisser, Assistant Deputy Director, CA Department of Housing and Community Development

Connecting and Engaging to Make a Difference: Mentoring, Not Managing

Connecting with team members is crucial to achieving organizational goals and creating high-functioning, passionate, and effective teams. In this session, focus on simple tactics for connecting and engaging with your team in a way that strengthens their skills, fosters open communication, gives work a sense of meaning, and unlocks your organization's full potential. The discussion will cover active listening and ways to empower team members, promote ownership and growth, and encourage togetherness. *Planned with the Cal Cities Women's Caucus.*

Moderator: Priya Bhat-Patel, Mayor Pro Tem, City of Carlsbad

Speakers: Diandra Bremond, President, CA Women Lead
Sonya Harris, Founder and CEO, Sage Strategies

How To Solve Big City Problems in Small Towns

Anyone that has worked in a small town or city understands the challenges and opportunities that exist in smaller communities. This interactive session will bring together elected officials and city managers to discuss the trials, tribulations, and triumphs of working through complex problems in a small town. The panel of experts will share their perspective from the council dais and the staff desk on how to work through local government challenges that affect all cities,

regardless of size, when the role of administrator, volunteers, elected, resident, and tenant cross the traditional lanes established in a council-manager form of government.

Moderator: Peter Pirnejad, City Manager, Los Altos Hills

Speakers: Laurel Prevetti, Town Manager, Los Gatos

Marico Sayoc, Former Mayor, Town of Los Gatos

Frank V. Zerunyan, Council Member, Rolling Hills Estates and Professor, USC

Increasing Collaboration Between Local Governments and Utilities on Installing Infrastructure

Installing infrastructure is an expensive process, especially when you factor in the cost to resurface streets after a project is complete. Increasing the communications between local governments, utilities, and other stakeholders can reduce costs for everyone, minimize traffic interruptions, and optimize projects so that multiple projects can be completed at once. Learn about potential technological solutions and how city leaders can better track projects that have the potential for collaboration between multiple entities.

Moderator: Justin Skarb, VP, Government & Community Affairs, California Water Service

Speakers: Erik Gustafson, Public Works Director - Operations & Maintenance, City of Chico

Reed A. Reisner, Division Manager, SCE

Kenneth Rosenfield, ASCE Region 9 Director, ASCE Region 9

Reducing Wildfire Risk to Wildland-Urban Interface Communities

Wildfires are hotter, more common, and frequently, popping up in new places. In this panel, learn how to understand and quantify the wildfire risk your community faces and prioritize key mitigations. The panel will also explore opportunities and gaps in the current policy framework through a review of relevant codes and statutes. Speakers will share best practices and model ordinances from throughout the San Francisco Bay Area to show how regional cooperation can create fire-adapted communities that comply with the often-contradictory requirements of local housing elements.

Moderator: Jonathan V. Holtzman, Founding Partner, Renne Public Law Group

Speakers: Keith May, Deputy Chief, Berkeley Fire Department

Dave Winnacker, Fire Chief, Moraga-Orinda Fire District

4:00-5:00 p.m.

The Joint Powers Act and Its Utilization in California

California has more joint powers authorities (JPAs) than any other state by a considerable margin. Learn how and why JPAs are formed and more specifically, the how and why of investment pooling within the JPA legal and administrative framework. After this session, attendees will understand the

rationale for forming a JPA investment pool, the benefits of diversifying a city's investment program with JPA investment pools, and how JPA investment pools are managed for the benefit of participating public agencies.

Speakers: Jenna Magan, Partner, Orrick, Herrington & Sutcliffe LLP
Thomas N Tigh II, Managing Director, Public Trust Advisors

4:00-5:15 p.m. Concurrent Sessions

After the Storm: Lessons Learned from the California Storms

The last two years brought a string of storms that battered California's Central Coast. Cities along the coast experienced an unprecedented amount of rainfall that wreaked havoc, caused mudslides and evacuations, and taxed city infrastructure. Quickly and collaboratively managing the minute-by-minute impacts and recovering from the effects of a major disaster is a crucial component of a public agency's resilience. Join the California JPIA and Central Coast cities to learn how they managed and recovered from disasters.

Moderator: Tim Karcz, Senior Risk Manager, California Joint Powers Insurance Authority

Speakers: James Blattler, Emergency Manager, San Luis Obispo City Fire Department
Jorge Garcia, Interim City Manager, Pismo Beach
Gregory Kwolek, Public Works Director, City of Morro Bay

Building Relationships Between Police Departments and the Community

It is critical to build and maintain strong relationships between police departments and the communities they serve. The community must have trust and confidence in the police department that protects them. In this panel discussion, three seasoned police chiefs will share their experiences building and maintaining positive community relationships. Attendees will learn strategies to build and strengthen relationships with their communities.

Moderator: Jeb Brown, Senior Counsel, LCW

Speakers: Larry V. Gonzalez, Chief of Police, City of Riverside
Jeremiah Hart, Chief of Police, Torrance Police Department

DEI Recruitment at All Levels of Your Organization

Cities deliver services to communities that are becoming more diverse every day, which means their teams need to become more diverse. Building a strong team with different cultural backgrounds requires an environment that fosters respect for others and makes your organization a welcoming place for all. It also requires the right recruitment process, starting with the hiring of the city manager and continuing through intentional staff development and investment in retention. Join this exciting and interactive discussion to learn about the executive recruitment process, strategies for diverse recruitment and retention, and city manager perspectives on leading courageous conversations on diversity and organizational change.

Moderator: Tony Winney, Assistant City Manager, Coronado

Speakers: Teri Black, President, Teri Black & Co., LLC

Maxine Gullo, Assistant City Administrator, Carmel-by-the-Sea

Reina J. Schwartz, Retired City Manager, Clayton

Hiring Future Local Leaders: How to Attract Top Talent

In an epidemic of high turnover, building a sustainable, all-star team of staff is a top priority for many municipal agencies. This session centers on exploring the most effective recruitment strategies that cities can use to attract and retain top talent.

Moderator: Karen Pinkos, City Manager, El Cerrito

Speaker: Cathy R. Thompson, Executive Recruiter, TS Talent Solutions

Righting Wrongs: Addressing Discrimination Against AAPIs

Over 11,000 acts of hate against Asian Americans and Pacific Islanders (AAPI) have been reported to the nationwide Stop AAPI Hate coalition since the start of the COVID-19 pandemic. That is likely an undercount since many incidents go unreported. These acts are not just hate crimes but harassment and discrimination. Delve into the results of a landmark survey by Stop AAPI Hate and NORC at the University of Chicago to understand the discrimination faced by Asian Americans and Pacific Islanders and hear recommendations for governments to address these challenges. *Planned with the Cal Cities Asian Pacific Islander Caucus.*

Moderator: Juslyn Manalo, Vice Mayor, City of Daly City and President, Cal Cities AAPI Caucus

Speakers: Candice Cho, Managing Director of Policy and Counsel, AAPI Equity Alliance

Annie Lee, Managing Director of Policy, Stop AAPI Hate

Friday, Sept. 22

8:45-10:45 a.m.

Managing Difficult Conversations with Constituents

Getting stopped at the post office or grocery store by a constituent is part of daily life as an elected official. Learn how you can show people you disagree with that they have been heard, find areas of commonality or agreement, and share your views in a way that is likely to be heard. This lively and interactive session will combine clear explanations and guided practice around common scenarios that elected officials encounter every day, with a focus on one-to-one conversations rather than large public meetings.

Facilitator: Elizabeth Doll, Director of Braver Politics, Braver Angels

8:45-10:45 a.m.

Harassment Prevention Training for Supervisors and Officials (AB 1661)

This informational and interactive workplace harassment prevention training will teach officials and supervisors how to identify, prevent, and properly respond to workplace harassment, discrimination, retaliation, and abusive conduct in order to avoid personal and agency liability in compliance with AB 1825/2053/1661 and SB 396. Sign-in will begin 30 minutes prior to the session and you must be present for the full two hours to receive the certification of attendance. Entry will be prohibited once session begins.

The Institute for Local Government is a State Bar of California minimum continuing legal education (MCLE) approved provider and certifies this activity meets the standards for MCLE credit by the State Bar of California in the total amount of 2 hours (general credits). Provider #13881

Speaker: Gymmel Trembly, Attorney, Hanson Bridgett LLP

9:30-10:45 a.m. Concurrent Sessions**California Economic Forecast: A Look Ahead**

The University of California, Los Angeles (UCLA) and Avenu Insights & Analytics are joining forces for a report on the Golden State's economic future. For 60 years, UCLA Anderson Forecast has provided forecasts for economies across the country; its projections are recognized as one of the most accurate, widely followed, and frequently cited in California. Avenu has provided regional/local forecasts and trends in California for 40 years. Together, their reports provide a comprehensive macro and micro forecast for cities. The session will include a detailed explanation of the numbers and a Q&A session.

Moderator: Reva Feldman, Strategic Advisor, Avenu Insights and Analytics

Speakers: Francesco Mancina, Vice President of National Government Relations, Avenu Insights and Analytics

Jerry Nickelsburg, PhD, Professor, UCLA

CalPERS Funding Levels, Projections, and Strategic Update

Join CalPERS leaders for a discussion on the status of the state pension fund, strategies for managing market volatility, and what it means for cities and employees. Attendees will learn about the challenges facing pension funding today and gain valuable insights into the steps CalPERS is taking to mitigate them. Panelists will also explore the implications of these strategies for employer contribution rates and provide a roadmap for the upcoming year.

Speaker: Michael Cohen, Interim Chief Investment Operating Officer, California Public Employees' Retirement System (CalPERS)

Connecting With Your Community Through Human-Centered Communication

Cities have greatly expanded their communication capacity, with the number of related positions more than doubling in the last 10 years. At the same time, digital outreach — from social media to email to app-based service delivery — has become the norm, accelerated even more by the COVID-19 pandemic. Using several case studies, this presentation will cover how to retain the human

touch in today's highly digital communication environment while increasing trust and transparency with the public.

Moderator: Tom Mallory, Staff Writer, City of Carlsbad

Speakers: Scott Chadwick, City Manager, Carlsbad

Kristina Ray, Communication & Engagement Director, City of Carlsbad

Cybersecurity Checklist

With ransomware attacks attacking municipalities more than any other industry—even more than schools or healthcare organizations—a perfect storm exists as municipalities are also often the least-equipped to handle a cyberattack. Many municipalities do not even have the “basic basics” in place such as multi-factor authentication (MFA), endpoint detection and response (EDR), and data backup. We will answer the question, “Where do I begin with cybersecurity?” and present a checklist that distills tips, best practices, and recommendations that cities and towns can use to score themselves, find cybersecurity gaps, and create an action plan.

Speaker: Corey Kaufman, General Manager, US West, VC3

MCLE Sessions

Wednesday, Sept. 20

3:30-5:00 p.m.

Legal Issues: Artificial Intelligence and the Practice of Law, General Municipal Litigation Update

This session will include a presentation on AI tools and a discussion of legal issues related to AI including threats to privacy, bias in automated decision making, misinformation and IP infringement. The session will also provide a city-focused update on general municipal litigation. *MCLE credit is available.*

Thursday, September 21

8:30-9:45 a.m.

City Attorneys Department Business Meeting and Legal Issues: Meeting Disruptions, Workplace Violence Restraining Orders, and the Bane Act

In addition to the Business Meeting, this session will include a discussion regarding single and organized public meeting disruptions, a presentation on workplace violence restraining orders, and a presentation on the Bane Act. *MCLE credit is available.*

1:00-2:30 p.m.

Legal Issues: Land Use and CEQA Litigation

This session will provide a city-focused update on land use and California Environmental Quality Act litigation. *MCLE credit is available.*

Legal Issues: Affirmatively Furthering Fair Housing – State and Federal Law

This session will provide an overview of best practices for taking meaningful actions and combating discrimination to foster inclusive communities free from barriers that restrict access to housing opportunities. *MCLE credit is available.*

2:45-4:15 p.m.

Legal Issues: Case Study: A Capital City's Approach to the Unsheltered Community

This session will provide an overview on homelessness issues in California and strategies to handle them. *MCLE credit is available.*

4:30-6:00 p.m.

Legal Issues: Labor and Employment Litigation

This session will provide a city-focused update on labor and employment litigation. *MCLE credit is available.*

Legal Issues: CalPERS Legal Update, Emerging Issues and Common Compliance Problems

This session will discuss important issues for local agencies and the financial and legal consequences to employers pertaining to compliance with CalPERS statutes and regulations. *MCLE credit is available.*

Friday, September 22

8:30-10:00 a.m.

Legal Issues: Municipal Tort and Civil Rights Litigation

This session will provide a city-focused update on municipal tort and civil rights litigation. *MCLE credit is available.*

Legal Issues: Pay to Play No More? Levine Act (SB 1439)

This session will provide an overview of the new regulations implementing SB 1439 which extended restrictions to local elected officials. *MCLE credit is available.*

10:15-11:30 a.m.

Legal Issues: Practicing Ethics

This session will provide an overview of updates to the Rules of Professional Conduct and updates to the Cal Cities publication Practicing Ethics: A Handbook for Municipal Lawyers. *MCLE credit is available. Includes 1 hour of Legal Ethics sub-field MCLE credit.*

CITY OF GILROY TRAVEL AND MEETING EXPENSE POLICY

Expense and Use of Public Resources

Originally Adopted by City Council on November 6, 2006

Last Revised on March 2, 2020

FINDINGS

Whereas, the City of Gilroy (the “City”) takes its stewardship over the use of its limited public resources seriously; and,

Whereas, public resources should only be used when there is a substantial benefit to the City. Whereas, such benefits include:

1. The opportunity to discuss the community’s concerns with state and federal officials;
2. Participating in regional, state and national organizations whose activities affect the City’s interest;
3. Attending educational seminars designed to improve officials’ and employees’ skill and information levels; and
4. Promoting public service and morale by recognizing such service; and,

Whereas, legislative and other regional, state and federal agency business is frequently conducted over meals. Sharing a meal with regional, state and federal officials is frequently the best opportunity for a more extensive, focused and uninterrupted communication about the City’s policy concerns; and,

Whereas, each meal expenditure must comply with the limits and reporting requirements of local, state and federal law; and,

Whereas, this Policy provides guidance to elected and appointed officials (officials) and employees on the use and expenditure of City resources, as well as the standards against which those expenditures will be measured; and,

Whereas, this Policy satisfies the requirements of Government Code section 53232.2; and,

Whereas, this Policy supplements the definition of actual and necessary expenses for purposes of state laws relating to permissible uses of public resources; and,

Whereas, this Policy also supplements the definition of necessary and reasonable expenses for purposes of federal and state income tax laws; and,

Whereas, this Policy also applies to any related charges made to a City credit card, cash advances or other line of credit; and,

Whereas, this Policy complies with AB 1234.

AUTHORIZED EXPENSES

City funds, equipment, supplies (including letterhead), titles, and staff time must only be used for authorized City business. Expenses incurred in connection with the following types of

activities generally constitute authorized expenses, as long as the other requirements of this Policy are met. Effective and efficient implementation of these guidelines requires that employees and Department Heads use sound and reasonable judgment in the expenditure of City funds.

1. Communicating with representatives of regional, state and national government on City adopted policy positions;
2. Participating in regional, state and national organizations whose activities affect the City's interests;
3. Attending educational seminars, conferences, training, conventions and other functions designed to improve officials' and employees' skill and information levels;
4. Attending City events;
5. Implementing a City approved strategy for attracting or retaining businesses to the City, which will typically involve at least one staff member;
6. Attending business meetings, functions of local civic or community organizations where there is a clear nexus between the event and City employee duty, i.e. not purely social events;
7. Events where the City is a formal sponsor or participant, in performance of official duties for the City, and when acting as an official City representative; or
8. Serving on professional organization or governmental committees, boards or task forces.

All other expenditures require prior approval by the City governing body, including international travel.

Examples of personal expenses that the City will **not** reimburse include, but are not limited to:

1. The personal portion of any trip (i.e. dry cleaning, laundry, etc.);
2. Political or charitable contributions or events;
3. Family expenses, including partner's expenses when accompanying official or employee on agency-related business, as well as children- or pet-related expenses;
4. Entertainment expenses, including theater, movies (either in-room or at the theater), video games, sporting events (including gym, massage and/or golf related expenses), or other cultural events;
5. Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline;
6. Personal losses incurred while on City business; and
7. Inaccurate receipts that are greater than the approvable cost of the item.

Any questions regarding the propriety of a particular type of expense should be resolved by the approving authority before the expense is incurred.

REIMBURSEMENTS FOR MEETINGS

General

Consistent with this Policy, expenses will be advanced and/or reimbursed for meals, lodging, travel and expenses, utilizing the City of Gilroy Travel and Expense Request Form.

Meetings and Service Subject To Reimbursements

To be entitled to payment under this Policy, the event in question must constitute one of the following:

1. A meeting of the City Council within the meaning of Government Code section 54952.2(a);
2. A meeting of a City committee/board/commission or a meeting for City staff within the meaning of Government Code section 54952(b);
3. An advisory body meeting within the meaning of Government Code section 54952(b);
4. A conference or organized educational activity conducted in compliance with Government Code section 54952.2(c), including ethics training required by Government Code sections 53234 and following;
5. A meeting of any multi-jurisdictional governmental body on which a City Councilmember serves as the City's designated representative;
6. Any meeting attended or service provided on a given day at the formal request of the City Council and for which the City Council approves payment;
7. Business meetings, functions of local civic or community organizations where there is a clear nexus between the event and City employee duty, i.e. not purely social events;
8. Events where the City is a formal sponsor or participant, in performance of official duties for the City, and when acting as an official City representative; or,
9. Meetings of a professional organization or governmental committees, boards or task forces where an employee or official serves as a member of such a body.

COST CONTROL

To conserve City resources and keep expenses within community standards for public officials and employees, expenditures should adhere to the following guidelines. In the event that expenses are incurred which exceed these guidelines, the cost borne or reimbursed by the City will be limited to the costs that fall within the guidelines.

P.O.S.T. (Officers Standards and Training)

Police employees will be reimbursed under P.O.S.T. guidelines when eligible.

Transportation

The most economical mode and class of transportation reasonably consistent with scheduling needs and cargo space requirements must be used, using the most direct and time-efficient route. Government and group rates must be used when available.

When planning the transportation portion of a trip, the employee shall consider all aspects of cost to the City including daily expenses, overtime, lost work time as well as actual transportation costs. If an employee elects to use a mode of transportation other than the most economical, the City will pay only the cost of the least expensive mode. The difference in cost will be borne by the employee. No overtime or compensatory time off is granted for attendance or travel to out-of-town functions other than that mandated by Federal Fair Labor Standards Act requirements and/or approved Memoranda of Understanding. Overtime in connection with travel on City business requires authorization from the Department Director.

The City will not pay for any additional costs related to the extension of stay beyond what is required for business-related purposes (except due to travel restrictions caused by inclement weather, lack of available transportation, or similar reasons), unless pre-approved by the employee's supervisor, Department Director, and City Administrator. If an employee extends his/her stay beyond the business-related purpose, during normal work hours, the employee must charge the time to his/her available leave balance.

Automobile

General

When two or more employees are traveling by vehicle, the employees should make every effort to travel together. The City will pay all expenses, such as bridge tolls and parking fees, incurred as the result of an employee's authorized use of a vehicle while traveling on City business. Employees requesting reimbursement for the payment of such expenses shall obtain receipts and submit them with their reimbursement request. To drive a City or privately-owned vehicle on City business an employee must possess a valid California driver's license. A driver of a privately-owned vehicle must also carry adequate liability insurance coverage, and be responsible for any damage, service, or repair to the car occurring on the trip, as these costs are included in the City's per mile cost reimbursement.

City Vehicles

Use of City pool vehicles is encouraged if deemed the most economical mode of transportation and no other family member or non-City employee will be accompanying the official or employee. See attached City of Gilroy Use of City-Owned Vehicles Policy for additional details. An employee who has been assigned a City vehicle on a full-time basis should use that vehicle for business travel (except when air travel is the least costly mode of transportation) and may not request compensation for the use of a private vehicle.

Personal Vehicles

Automobile mileage for use of a personal vehicle is reimbursed at Internal Revenue Service

("IRS") rates presently in effect (see www.irs.gov). These rates are designed to compensate the driver for gasoline, insurance, maintenance, and other expenses associated with operating the vehicle. This amount does not include bridge and road tolls, which are also approvable. The IRS rates will not be paid for rental vehicles; only receipted fuel expenses and the rental car cost will be reimbursed.

If an official or employee elects to use a personal vehicle, the mileage will only be reimbursed up to the most economical mode of transportation cost (i.e. if a flight and shuttle/rental car would be less than the cost of reimbursement for mileage cost, they would be reimbursed for the lesser amount.)

Employees who receive a car allowance shall, as a condition for receipt of this allowance, utilize their private vehicles for all City-related business and activities taking place within a 40 mile radius from Gilroy City Hall. Officials receiving auto allowance may claim mileage reimbursement for City related business activities only for miles in excess of the 40 mile radius from Gilroy City Hall in accord with the published IRS mileage rate.

Rental Vehicles

The use of rental vehicles is generally prohibited under this travel policy. However, special exceptions may be recommended by department heads, and must be approved by the City Administrator in order to be paid for, or reimbursed, by the City.

Airfare

Economy class fares are presumed to be the most economical and reasonable for the purposes of this Policy. City officials and employees on official business are prohibited from traveling by private non-scheduled airplane unless a waiver of all claims for death and injury is first executed to the satisfaction of the City Attorney and City Risk Manager. Travelers are encouraged to make air reservations as early as feasible to obtain the greatest discount and to consider the use of alternate but nearby airports to take advantage of the lowest fares. Extension of the trip to cover a weekend stay to obtain a lower airfare does not entitle the traveler to be reimbursed for the extra day's hotel costs or meal expenses. Travelers that choose to use their personal frequent flyer miles for City business shall not be reimbursed for the value of the tickets. If the airline charges for all checked baggage, the City will cover the cost for one checked bag only. Excess baggage charges are not approvable. Upgrades of any kind shall not be reimbursed, including early boarding. If a trip is cancelled and the employee receives credit for the value of the airfare, the employee should use that credit for future business travel. If the credit is used for personal travel, the employee should reimburse the City for that amount. All cancelled trips must be reported.

Airport Parking

Long-term parking must be used for travel exceeding 24 hours. Transportation to/from airports, bus or train stations will be reimbursed for either actual mileage if a personal vehicle is used or for reasonable taxi fare, airport shuttle, van or other public transportation. If a personal vehicle is left at the airport for more than one day, parking will be reimbursed per day based on long-term parking rates or other transportation fare to/from the airport, whichever is lower. Parking at the short-term rate will not be reimbursed for more than one day.

Taxis/Shuttles/Trains/Other Mass Transit

Employees shall be compensated for train or other mass transit fares and fees provided that it is the most logical and least expensive method of travel. Supplementary transportation within the destination city shall be accomplished by hotel courtesy buses, local shuttle services or public transportation, if available and logical. Taxi or car service shall be used only when no other convenient, less costly mode of transportation is available. Taxi or shuttle fares may be reimbursed, including a 15 percent gratuity per fare, when the cost of such fares is equal or less than the cost of car rentals, gasoline and parking combined, or when such transportation is necessary for time-efficiency.

Lodging

Lodging expenses will be reimbursed or paid for when travel on official City business (including hotel parking fees) is greater than 50 miles from Gilroy City Hall or the employee's residence, or less if the travel reasonably requires an overnight stay at the discretion of the employee's Department Head, or the City Administrator in the case that the traveling employee is a Department Head or appointed official. If multiple officials/employees are attending, room sharing is not required.

Some hotels provide exemptions from transient occupancy tax for government employees. Employees should request exemption for hotel transient occupancy taxes if applicable. No reimbursement will be made when lodging is at a family/friend's residence. Lodging expenses will be limited to single occupant room rates. Travelers shall select single occupancy, standard, non-deluxe accommodations and should stay at hotels offering economical lodging rates. Unless authorized by the approving authority, fees to travel agents and travel agencies will not be reimbursed for in-state, out-of-state travel, and international travel.

Conferences/Meetings

If such lodging is in connection with a conference, lodging expenses must not exceed the group rate published by the conference sponsor for the meeting in question if such rates are available at the time of booking. If the group rate is not available, see next section.

Other Lodging

Travelers must request government rates, when available. Lodging rates that are equal to or less than government rates are presumed to be reasonable and hence approvable for purposes of this Policy.

In the event that government rates are not available at a given time or in a given area, lodging rates that do not exceed the median retail price for lodging for that area listed on travel websites or an equivalent service shall be considered reasonable and hence approvable. The employee must make an effort to obtain lodging at or near the facility where business-related activity is to take place in order to minimize travel time and transportation costs. If an employee registers too late to receive the discounted rate ordinarily offered for business-related activity, the employee will make every effort to find accommodations near the location of the business-related activity at a rate similar to the discounted rate.

Meals

Conference and Overnight Travel Meals

The City will provide a per diem (“per day”) allowance for meals and incidentals to employees who travel overnight for official City business. Travelers will receive a flat rate for meals and will not be required to submit receipts. If travelers use a City Purchase Card to pay for meals, it negates the per diem. The per diem rate varies and is dependent on the destination of travel. The rates for the various travel destinations are available on the U.S. General Services Administration website (<http://www.gsa.gov/portal/content/104877>) (these amounts are subject to change every year).

Each city has a dollar value for the full day depending on the relative cost of meals in that jurisdiction. When meals are provided as part of the cost of an event, that meal will be deducted from the full day per diem rate. For days requiring transportation to and from the location (i.e. departure day and return day), the meals allowed shall be reduced based on the time of departure and return. If departure happens after 8:30 am, no breakfast is provided. If after 1:30 pm, no lunch is provided. If return time is before 12:30 pm, then no lunch or dinner is provided. If the return time is before 6:30 pm, no dinner is provided. Meals provided on days of travel shall be deducted at full-value.

Local and One-Day Travel Meals

Local and one-day travel meals shall be reimbursed, as opposed to advanced via per diem rates. Reimbursement for meals will be allowed only where the employee is attending a seminar or conference as a representative of the City for a specific purpose, or where the employee’s attendance will directly benefit the City. No reimbursement will be allowed for meetings that are of a social nature. Meal expenses and associated gratuities should be moderate, taking into account community standards and the prevailing restaurant costs of the area. These reimbursements shall not exceed the rates specified in the Internal Revenue Service guidelines. See Government Code section 53232.2(c) and Publication 1542 at www.irs.gov or www.policyworks.gov/perdiem.

The City will not pay for alcohol/bar expenses. Additionally, snacks, sodas, or water outside of a meeting or meal are not approvable.

For group meal events organized by others (for example, business meetings and other types of activities that fall within the list of “authorized expenditures” above), the City recognizes that the per person cost may exceed these maximums. Additionally, it is sometimes appropriate to conduct City business with non-employees, such as consultants, oral board participants, prospective businesses, etc., whereby expenses will be incurred for food, beverage, taxes, tip, etc. Actual amounts will be reimbursed with prior approval from the Department Head and/or City Administrator.

Meals will be reimbursed for a staff working breakfast, lunch, or dinner whether for an outside meeting or held within a City of Gilroy facility or Gilroy dining establishment and approved by a Department Head or City Administrator.

In addition, employees have the option of using a City credit card for meal expenses, which

will be for the actual amount plus tip, and must be within the established limits as noted above.

Telephone/Fax/Cellular

Officials and employees will be reimbursed for actual telephone and fax expenses incurred on City business.

Other

Baggage handling fees of up to \$1 per bag and gratuities (when not associated with a per diem amount) of up to 15 percent will be reimbursed. Expenses for which City officials and employees receive reimbursement from another agency are not approvable. Other incidental expenses related to City business (e.g. fax, tolls, parking fees, internet access, public transportation) will be reimbursed at cost as supported by submitted receipts. Personal expenses such as shoe shine, in-room entertainment, personal phone calls, traffic fines, excess baggage charges, etc. will not be paid by the City. Laundry services are generally not eligible for reimbursement. On a case-by-case basis, when an extended business trip extends over seven (7) or more calendar days and the employee is required to conduct City business in excess of five (5) days, reasonable laundry expenses may be reimbursed for necessary business clothing.

Travel Time

An employee will be allowed travel time during work hours in excess of normal commute time. If a non-exempt employee is required to travel beyond the normal work hours, they may be entitled to overtime.

CREDIT CARD USE POLICY

City officials and employees may use City credit cards for such purposes as airline tickets and hotel reservations by following the same procedures for cash advances. Receipts documenting expenses incurred on the City credit card and compliance with this Policy must be submitted within five business days of use. All other requirements and policies in effect regarding purchasing and use of City credit cards apply.

City credit cards may not be used for personal expenses, even if the official or employee subsequently reimburses the City. Utilizing a City credit card for meals will negate the per diem advance per the meal discussion above.

Non-Attendance at Meeting/Conference

If an official or employee has registered for a conference or meeting and either determines that they are unable to attend or do not attend, they will be responsible for all expenses that are charged to the City of Gilroy that were not able to be refunded. Exceptions to this section of the policy will be at the discretion of the employee's Department Head.

APPROVAL AUTHORITY

No individual may authorize his/her own travel. Employee travel requests must be approved by their supervisor or Department Head. Department Head travel shall be approved by the City Administrator or designee and the City Administrator's travel shall be approved by the

Finance Director or designee. Councilmember travel shall be approved by the City Council. Board, commission and/or committee member travel shall be limited to the budget that Council has assigned for their advisory body, allocated by the staff liaison in cooperation with the Chairperson of the advisory body, and approved by the respective commission and/or committee.

Approval must be secured from appropriate approval authority before reimbursement will be made.

Officials and employees must substantiate all expenses, excepting per diem advances. If an official or employee receives an advance for an expense and fails to substantiate the expense, such official or employee must return the advance to the City. The following constitutes "substantiate" for the purpose of this policy: Within 30 days after the expense is incurred, the official or employee shall submit to the City all receipts and other documentary evidence substantiating the time, place, amount, and business connection of the expenditure.

Excepting the portion of an advance made to an employee as a per diem allowance (that does not exceed the per diem rates of the federal government), an official or employee shall return to the City, within 30 days upon return to work (or within 120 days after the expense was incurred, whichever is earlier), any amount of an advance that is in excess of the actual expense incurred. For example, if an employee receives an advance from the City of \$100 to cover the cost of attending a seminar and the actual cost turns out to be \$95, such employee shall return to the City the excess \$5 within 30 days upon return to work.

AUDITS OF EXPENSE REPORTS

All expenses are subject to verification that they comply with this Policy. Requirements for documentation and processing of travel and expense requests shall be at the discretion of the Finance Department, approved by the City Administrator.

REPORTS TO GOVERNING BOARD

At the following City governing body meeting, each official shall briefly report on any meetings attended for which reimbursement was paid.

If multiple officials attended, a joint report may be made. The report may be made orally or in writing.

COMPLIANCE WITH LAWS

City officials should keep in mind that some expenditures may be subject to reporting under the Political Reform Act and other laws. All agency expenditures are public records subject to disclosure under the Public Records Act and other laws.

VIOLATION OF THIS POLICY

Under state law, use of public resources or falsifying Reimbursement Request Forms in violation of this Policy may result in any or all of the following: 1) loss of reimbursement privileges, 2) a demand for restitution to the City, 3) the agency's reporting the expenses as income to the elected or appointed official or employee to state and federal tax authorities

(may result in additional tax liabilities), 4) civil penalties of up to \$1,000 per day and three times the value of the resources used, 5) prosecution for misuse of public resources, and 6) discipline up to and including termination for employees.

The Travel and Expense Request Form shall include the above paragraph as an advisory on each form.

If there are any questions regarding this Policy, contact your Department Head. If any clarification is needed, they will discuss the issue with the Finance Director.

**CITY OF GILROY
USE OF CITY-OWNED VEHICLES POLICY
Revised 9-20-2006**

The City of Gilroy provides vehicles to a few City employees for the conducting of City business. The following are the City policies in regards to such use.

1. In certain cases an employee is assigned a vehicle in the performance of his or her daily duty. The vehicle is not to be used for personal purposes, including the commute to and from home.
2. In other cases, employees are, from time to time, directed to take a City-owned vehicle home with them for use in case of emergency call outs. Such vehicles would include all police vehicles, marked fire vehicles, and specialized utility repair trucks. Such vehicles are not to be used for personal use except as required in order to take the vehicle to the employee's home and minimum personal use en route.

Employees on "on-call duty" may take City vehicles home with the Department Head's approval, if the employee lives within the Gilroy General Plan area. Excluded from this need for Department Head approval or living within the Gilroy General Plan area are the detectives and current Police Department Communications Supervisor.

Use of Police and Fire vehicles for personal use other than commuting, when required in order to allow the employee to respond at any time in performance of City business, will be addressed by separate policy.

In some cases, employees would be allowed to take a City-owned vehicle home if that would be the most economical way to start a trip to a conference or meeting.

3. Some specified employees are permitted to use a City-owned vehicle to commute to and from their home and their worksite. Such vehicles are expressly not to be used for personal purposes other than commuting or minimum personal use (such as a stop for a personal errand on the way between the employee's home and worksite).

In compliance with regulations of the Internal Revenue Service ("IRS"), use of a City-owned vehicle by an employee only for commuting and minimal personal purposes will be reported to the IRS as a taxable fringe benefit at the current rate per one-way trip for such use or by an amount determined by actual mileage calculation. In the latter case, the employee must keep an up-to-date monthly mileage record in his or her vehicle, and the employee's W-2 form will reflect the actual mileage of personal use multiplied by the IRS-approved rate per mile. The current one-way trip rate and IRS mileage allowance figures are available from Human Resources.

In reporting this taxable fringe benefit to the IRS, the City will:

- a. Once the method of calculation (per trip or per mile) is agreed upon with an employee, that method of calculation (per trip or per mile) will be used for that employee for the entire tax year. In the City of Gilroy, the tax year includes monthly paychecks received December 1 through November 30.

- b. The City will not withhold taxes on the vehicle use benefit. The value for the able use will be included annually in gross income on the employee's W-2 form, without an increase in withholding.

8.7. Claim of Rita Castro (The City Administrator Recommends a 'Yes' Vote Under the Consent Calendar Shall Constitute a Denial of the Claim)



City of Gilroy

STAFF REPORT

Agenda Item Title: **Claim of Rita Castro (The City Administrator Recommends a 'Yes' Vote Under the Consent Calendar Shall Constitute a Denial of the Claim)**

Meeting Date: September 11, 2023

From: Jimmy Forbis, City Administrator

Department: Administrative Services

Submitted By: LeeAnn McPhillips, Administrative Services and Human Resources Director / Risk Manager

Prepared By: LeeAnn McPhillips, Administrative Services and Human Resources Director / Risk Manager

STRATEGIC PLAN GOALS

Not Applicable

RECOMMENDATION

Based on the recommendation from Municipal Pooling Authority (MPA) and/or legal counsel, this claim is recommended for rejection.

EXECUTIVE SUMMARY

Based on the recommendation from Municipal Pooling Authority (MPA) and/or legal counsel, the following claim is submitted to the City Council for rejection at the September 11, 2023 meeting:

- Claim of Rita Castro

Attachments:

1. Claim of Rita Castro

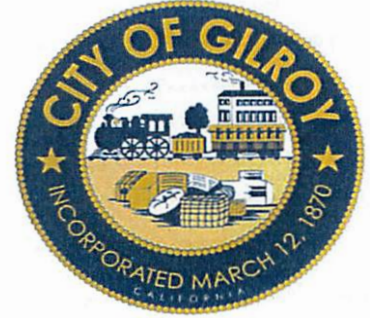
File With:
City Clerk's Office
7351 Rosanna Street
Gilroy, CA 95020-6141

CITY OF GILROY

CLAIM FOR DAMAGES To Person Or Property

CLAIM No. _____

Agenda Item 8.7



INSTRUCTIONS

1. Claims for death, injury to person or to personal property must be filed not later than six months after the occurrence. (Gov. Code Sec. 911.2)
2. Claims for damages to real property must be filed not later than 1 year after the occurrence. (Gov. Code Sec. 911.2)
3. Read entire claim before filing.
4. See page 2 for diagram upon which to locate place of accident.
5. This claim form must be signed on page 2 at bottom.
6. Attach separate sheets, if necessary, to give full details. SIGN EACH SHEET.

RECEIVED FEB 06 2023

TO: CITY OF GILROY

Date of Birth of Claimant

12/25/1969

Name of Claimant

Rita Castro

Occupation of Claimant

Unknown at this time

Home Address of Claimant

City and State

380 S Willard Ave. Apt #7 San Jose CA 95126

Home Telephone Number

669-331-0487

Business Address of Claimant

City and State

Business Telephone Number

Give address and telephone number to which you desire notices or communications to be sent regarding this claim:
Bauman Law 24003A Ventura Blvd 2nd Floor Calabasas, CA 91302 818-285-0222 Option 2

Claimant's e-mail address

Unknown at this time

When did DAMAGE or INJURY occur?

Date 11/22/2022 Time 5:30pm - 6PM

If claim is for Equitable Indemnity, give date claimant served with the complaint: Unknown

Date

Names of any city employees involved in INJURY or DAMAGE: None

Where did DAMAGE or INJURY occur? Describe fully, and locate on diagram on reverse side of this sheet. Where appropriate, give street names and address and measurements from landmarks: Client was walking home from work going to go pick up her grand daughter from the babysitter and as she was walking she tripped over a lifted part of the sidewalk and fell hitting her head and client ended up fracturing 3 of her fingers. Client pushed all her weight on her hands. there were no caution signs.

Describe in detail the DAMAGE or INJURY occurred: Fractured 3 fingers, hit her head on the cement, injured back of the right arm/ hand.

Why do you claim the city is responsible? The city is responsible as they have an obligation to maintain all sidewalks at all times and in this case the part of the sidewalk mentioned above was / is lifted and unsafe. To this day the sidewalk has no been fixed and is still hazardous to all.

Describe in detail each INJURY or DAMAGE: Fractured 3 fingers, hit her head on the cement, injured back of the right arm/ hand.

SEE PAGE 2 (OVER)

THIS CLAIM MUST BE SIGNED ON REVERSE SIDE

The amount claimed, as of the date of presentation of this claim, is computed as follows:

Damages incurred to date (exact):

Damage to property..... \$ N/A
 Expense for medical and hospital care..... \$ TBD
 Loss of earnings..... \$ TBD
 Special damages for..... \$ TBD

 General damages..... \$ TBD
 Total damages incurred to date \$ TBD

Estimated prospective damages as far as known:

Future expenses for medical and hospital care..... \$ TBD
 Future loss of earnings..... \$ TBD
 Other prospective special damages..... \$ TBD
 Prospective general damages..... \$ TBD

 Total estimate prospective damages ... \$ 1 Million

Total amount claimed as of date of presentation of this claim: \$

Was damage and/or injury investigated by police? NO If so, what city? _____

Were paramedics or ambulance called? NO If so, name city of ambulance _____

If injured, state date, time, name and address of doctor of your first visit 11/22/22 ER Vist / to be provided

WITNESSES to DAMAGE or INJURY: List all persons and address of persons known to have information:

Name <u>none</u>	Address _____	Phone _____
Name <u>none</u>	Address _____	Phone _____
Name <u>none</u>	Address _____	Phone _____

DOCTORS and HOSPITALS:

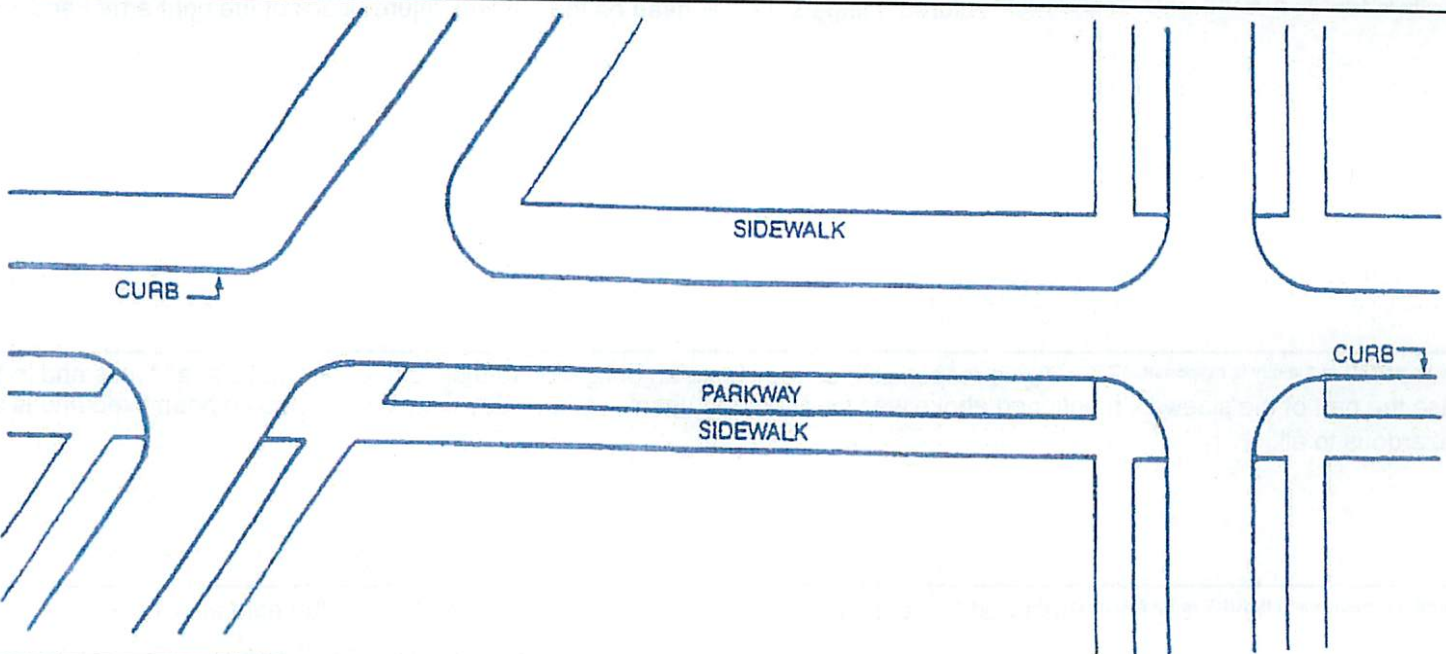
Hospital <u>To Provide later</u>	Address _____	Date Hospitalized _____
Doctor <u>To Provide later</u>	Address _____	Date of Treatment _____
Doctor <u>To Provide later</u>	Address _____	Date of Treatment _____

READ CAREFULLY

For all accident claims, place on following diagram names of streets, including North, East, South and West: Indicate place of accident by "X" and by showing house numbers or distances to street corners. If City vehicle was involved, designate by letter "A" location of City vehicle when you first saw it, and by "B" location of yourself or your vehicle when you first saw City vehicle:

Location of City at time of accident by "A-1" and location of yourself or your vehicle at the time of the accident by "B-1" and the point of impact by "X".

NOTE: If diagrams below do not fit the situation, attach hereto a proper diagram signed by claimant.



Signature of Claimant or person filing on his behalf giving relationship to claimant:

Typed Name:

Date:

Alex Sosa Legal Assistant

Alex Sosa

02/02/2023

NOTE: CLAIMS MUST BE FILED WITH CITY CLERK (Gov. Code Sec. 915a). Presentation of a false claim is a felony (Pen. Code Sec. 72)



BAUMAN LAW, APLC
24003A VENTURA BLVD, 2ND FLOOR, CALABASAS CA 91302
TEL: (818) 285-0222 ♦ FAX: (818) 285-0224 ♦ CHRISTINED@BAUMAN.LAW

February 2, 2023

SENT VIA FACSIMILE:408-846-0500

TO: **CITY OF GILROY**
ATTN: **7578 Alexander St Gilroy CA sidewalk directly in front of this location**

RE: LETTER OF REPRESENTATION & PRESERVATION OF EVIDENCE

Our Client: Rita Castro
Your Insured:
Claim Number:
Our File #: 11116598
Date of Loss: 11/22/2022

To Whom It May Concern,

This law office has been retained by the above-named individual in a claim for personal damages arising from injuries sustained 11/22/2022. Our investigation, thus far, concludes that our client's injuries are a direct and approximate result of negligence on the part of

- Failing to maintain safe & proper conditions on said property and premises.
- Through creating a dangerous condition.
- Failing to warn of the unreasonably dangerous condition.
- In having actual notice of the dangerous condition by virtue of creating it.
- In having actual or constructive notice of the dangerous condition.

We would appreciate your cooperation in having a representative of your insurance company contact our office. All further communications and inquiries regarding this matter should be directed to this office rather than to our client.

We ask that you provide your insurance information at your earliest convenience.

PLEASE TAKE NOTICE that this office possesses a lien for Attorneys' fees and costs advanced in this matter. Therefore, you are requested to include Bauman Law APLC as payee, upon any draft or other negotiable instrument given or tendered in payment of any claim, verdict, judgment, award, or settlement arising out of the above-mentioned matter.



BAUMAN LAW, APLC
24003A VENTURA BLVD, 2ND FLOOR, CALABASAS CA 91302
TEL: (818) 285-0222 ♦ FAX: (818) 285-0224 ♦ CHRISTINED@BAUMAN.LAW

You Have 14 Days to respond or we will pursue with litigation.

Pursuant to Boicourt V. Amex Assurance Company, (78 Cal. App 4th 1390; 93 Cal. Rptr. 2d 763 2000 Cal. App. Lexis 186), we hereby respectfully request that you provide our offices with your insureds policy limits and a copy of the declarations page evidencing said limits. Please provide our office with a written liability decision in this matter as soon as possible and lastly, we request for you to ask permission of your insured to disclose a current address to our office.

An authorization pursuant to section 2695.2(c) of the California Code of regulations, Title 10 Chapter 5, is enclosed herewith.

A second purpose of this letter is to advise you of the requirement of Penal Code Section 135 which reads as follows:

“Destroying evidence: Every person who, knowing that any book, paper, record, instrument in writing, or other matter or thing, is about to be produced in evidence upon any trial, inquiry or investigation whatever, authorized by law, willfully destroys or conceals same with intent thereby to prevent it from being produced, is guilty of a misdemeanor.”

You are also advised that a tort action for intentional spoliation of evidence could subject your company to liability for intentionally destroying evidence.

Please make sure to save all video footage that captures the incident and video footage of the surrounding areas for a minimum of two hours prior to the slip in fall. Preserve all sweep sheets, cleaning reports, witness statements, and any other documents that would be discoverable when suit is filed.

Thank you very much for your anticipated cooperation in this matter.

Very Truly Yours,
BAUMAN LAW APLC

Christine Dickel
Legal Assistant



BAUMAN LAW, APLC
24003A VENTURA BLVD, 2ND FLOOR, CALABASAS, CA 91302
TEL: (818) 285-0222 ♦ FAX: (818) 285-0224 ♦ INFO@THELA-LAWYER.COM

DESIGNATION OF ATTORNEY

TO: _____
Pursuant to Section 2695.2(c) of the California Code of Regulations, Title 10, chapter 5
Subchapter 7.5, I authorize Bauman Law, APLC , to handle my bodily injury and
property damage claim regarding my accident on 11/22/2022

Date: 12/19/2022

X 
(Client Signature)

Rita Castro
(Client Name)

24003A Ventura Blvd, 2nd Floor, Calabasas, CA 91302
818.285.0222 telephone 818.285.0224 facsimile www.thela-lawyer.com

10.1. Proposed Tentative Map for a three-lot subdivision at 7040 Church Street, Application No. TM 22-03

1. Disclosure of Ex-Parte Communications
2. Staff Report:
3. Open Public Hearing
4. Close Public Hearing
5. Possible Action:

Staff has analyzed the proposed project and recommends the following:

That the City Council, based on its independent analysis, determines 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 necessary services and access to the resulting parcels are available; and

Adopt a resolution to approve the proposed tentative map to divide the property, known as 7040 Church Street, APN 799-11-068, into three residential parcels.



City of Gilroy

STAFF REPORT

Agenda Item Title: Proposed Tentative Map for a three-lot subdivision at 7040 Church Street, Application No. TM 22-03

Meeting Date: September 11, 2023

From: Jimmy Forbis, City Administrator

Department: Community Development

Submitted By: Sharon Goei, Community Development Director

Prepared By: Erin Freitas, Planner II

STRATEGIC PLAN GOALS

Promote Economic Development Activities

RECOMMENDATION

Staff has analyzed the proposed project and recommends the following:

- a) That the City Council, based on its independent analysis, determines 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 necessary services and access to the resulting parcels are available; and
- b) Adopt a resolution to approve the proposed tentative map to divide the property, known as 7040 Church Street, APN 799-11-068, into three residential parcels.

EXECUTIVE SUMMARY

The applicant, Amanda Musy-Verdel, representing the owner, Andrew Ding, is seeking approval of a Tentative Map Application, TM 22-03, to subdivide a 0.87-acre lot at 7040 Church Street into three residential lots. Proposed Parcel 1 would be 0.40 acres and contain the existing single-family home and water tank house. Parcel 2 would be 0.24 acres, currently undeveloped, and provide access from Church Street. Parcel 3 would be 0.23 acres, currently undeveloped, and would provide access from West 10th Street. A new sanitary sewer line will be installed along the eastern perimeter of Parcel 2 and

Parcel 3 and will require the demolition of a former greenhouse structure. The proposed lots will remain zoned R-2, Two-Family Residential (See Attachment 2, Tentative Map).

No new construction is proposed currently. Note the zoning district allows for the construction of a single-family home or duplex. For future permitting, an Architectural and Site Review permit would be required for future construction of a multi-family development, and a building permit would be required for future construction of any housing. New development proposed on the future lots would be approved by staff administratively.

BACKGROUND

Site and Surrounding Land Uses: The subject site is a 37,789-square-foot (0.87-acre) lot on the northeast corner of Church Street and West 10th Street. The site is presently developed with a single-family home, water tank house, and various accessory structures. The site is surrounded by a vacant parcel to the north and a mix of single-family and multi-family homes to the east, west, and south.

Historic Resource Evaluation: The existing single-family home was originally built approximately in 1870 for Lyttleton A. Whitehurst in the Folk National architectural style. A 2019 historic resource evaluation completed by Dudek found the property to be eligible for the National and State Historic Registers as a local historic site for “its association with Gilroy’s pattern of early residential development in the original city grid” and “its representation of the Folk National style of architecture.”

Dudek completed an updated evaluation on May 8, 2023 (Attachment 3) to evaluate contributing and non-contributing historical resources on the property and provide a formal integrity assessment. This supplemental evaluation established that the main residence and the tank house are the only contributing resources on the property. These structures are proposed to remain and will not be altered with the proposed subdivision. Therefore, the proposed subdivision would not have any unique impacts on the existing historic resources.

Environmental Determination: The proposed subdivision 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 are available.

Planning Commission Recommendation: On August 3, 2023, the Planning Commission, by unanimous vote, recommended that the City Council approve the project. The Commission discussed concerns with site visibility and potential tree removal on the proposed corner lot that would take access from Tenth Street. Public Works determined that access from Tenth Street would be the best location as it would provide the greatest distance from the Tenth and Church Street intersection. The final

location for the proposed driveways will be determined during the construction design phase for future site development.

ANALYSIS

General Plan Consistency: The City's General Plan designated the subject site as Low Density Residential (LDR) which allows for 3 to 8 units per acre density and is implemented by R1 and R2 zoning districts. The 0.87-acre lot maintains a base density of up to 7 units. The three-lot subdivision will support the intended low-density development of the site.

Zoning Consistency: The proposed subdivision is compliant with the R2 Two Family Residential zoning district minimum lot standard of 8,880 square feet. The existing single-family home on proposed Parcel 1 will be consistent with the required zoning setbacks. However, the water tank house will continue to maintain an existing nonconforming rear setback of 2'-6" feet, where at least 3 feet is required for accessory structures. This rear setback is existing and is not a result of the proposed subdivision. No new development is being proposed with this application. Future development of duplex or multi-family units would require an administrative Architectural and Site Review permit.

Tentative Map Consistency: The subdivision of the property is supported by the R2 zoning district. The subdivision is subject to review pursuant to the State Subdivision Map Act and Gilroy City Code Chapter 21, which regulates the design of subdivisions and improvements to ensure orderly development is proposed. There are specific findings that must be made to deny a tentative map, pursuant to Government Code Section 66474.

Staff has determined that the findings required for denial of the tentative map cannot be made, and approval of the tentative map would be supported in accordance with city and state regulations. The required findings and necessary conditions of approval have been prepared in conformance with the City Code and are included in the City Council Resolution (Attachment 6).

ALTERNATIVES

The Council may modify or deny the requested application. Staff does not recommend denial without making findings as required by the Government Code to deny a tentative map.

FISCAL IMPACT/FUNDING SOURCE

The applicant has paid all planning fees associated with the project. The project will also require payment of all associated building permit fees and development impact fees for citywide improvements as applicable.

PUBLIC OUTREACH

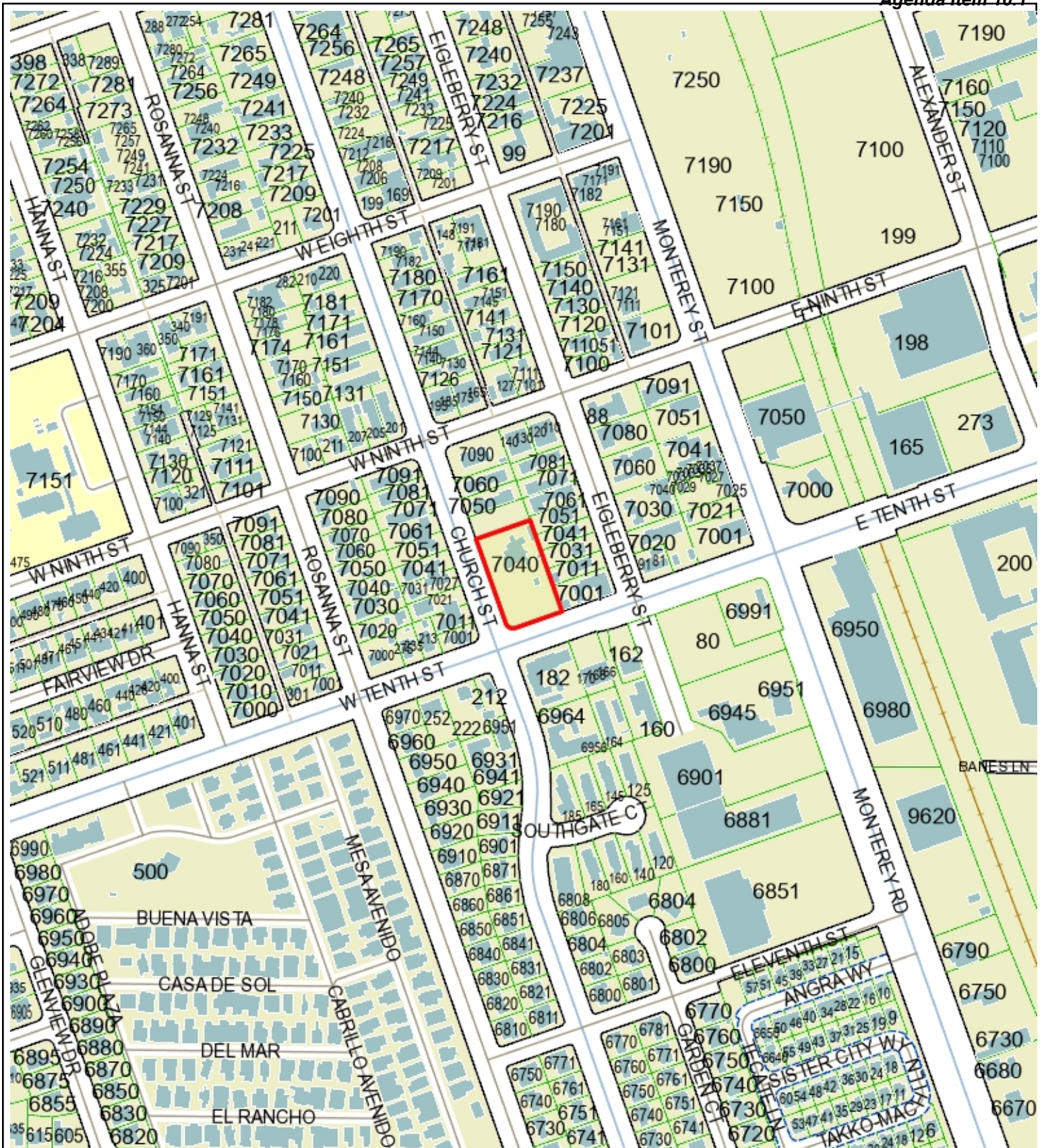
Notices were provided in compliance with code requirements. The plans were routed to all departments and agencies with jurisdiction or interest over development. At least 10 days prior to the hearing notices were mailed to property owners within 500 feet of the site, published in the Gilroy Dispatch, and posted on-site. No comments have been received in response to the noticing. Planning Commission and City Council public hearing packets are available through the City's website.

NEXT STEPS

If approved, the applicant would process a final parcel map to subdivide the lot.

Attachments:

1. Vicinity Map
2. Tentative Map
3. DPR Form prepared by Dudek Architectural Historians, May 8, 2023
4. Planning Commission Staff Report, August 3, 2023
5. Planning Commission Resolution
6. Draft City Council Resolution



City of Gilroy

Location Map

TM 22-03 - 3 lot subdivision



Scale: 1:4,000

Drawn By:

Checked By:

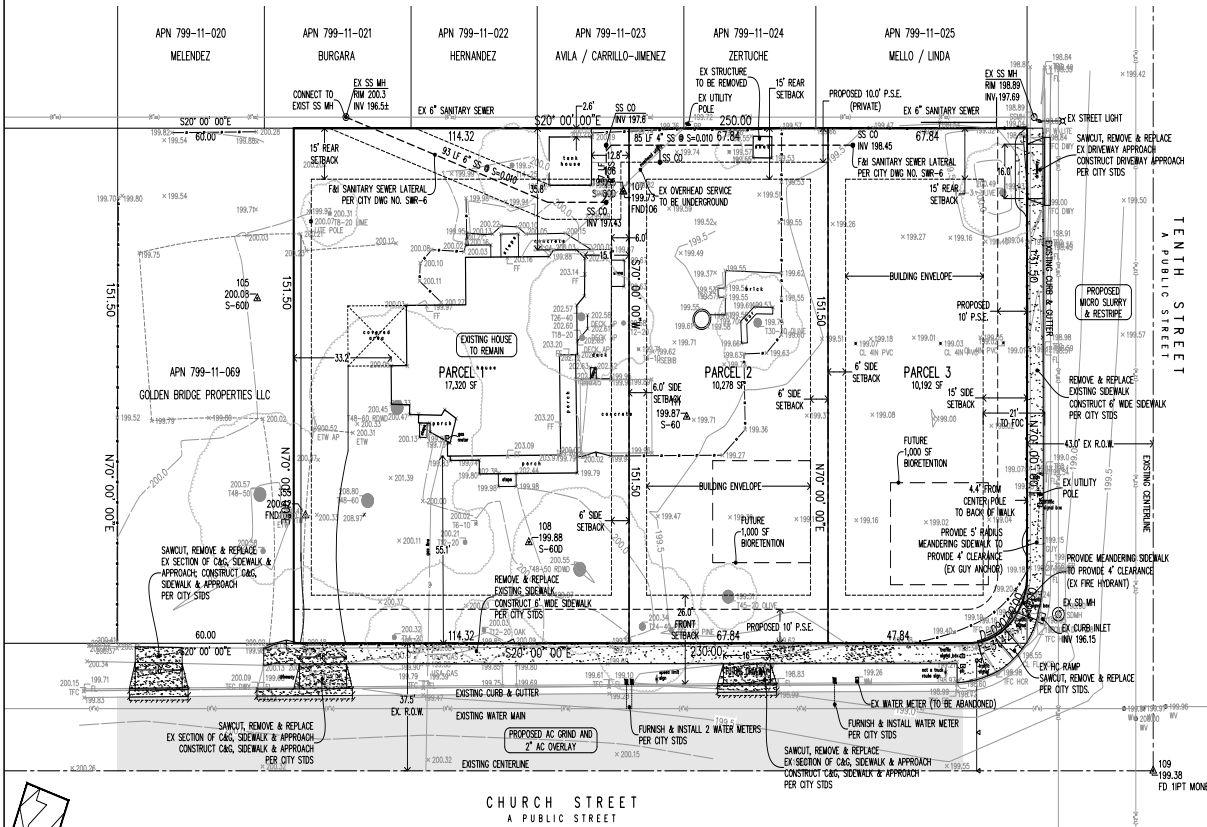
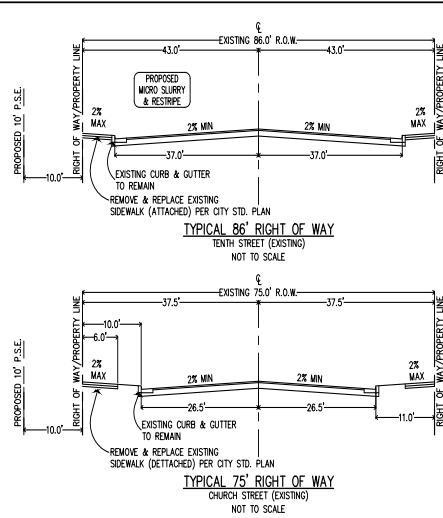
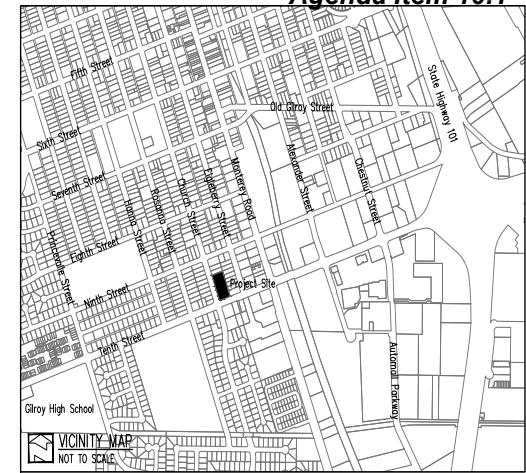
Date:

Sheet:

Tentative Map

for 7040 Church Street

apn 799-11-068
in the
City of Gilroy
Santa Clara County, California



PROJECT SUMMARY

OWNER: ANDREW DING
ADDRESS: 7040 CHURCH STREET
ASSESSOR PARCEL NUMBER: 799-11-068
AREA: 37,789 SF
EXISTING ZONING: R2 - TWO FAMILY RESIDENTIAL
EXISTING LAND USE: LOW DENSITY RESIDENTIAL
NUMBER OF LOTS: 3
CITY OF GILROY
STORM: CITY OF GILROY
SANITARY SEWER: CITY OF GILROY (private onsite)
FIRE: CITY OF GILROY
ELECTRIC: PACIFIC GAS & ELECTRIC
TELEPHONE: FRONTIER
CABLE: SPECTRUM

LOT SUMMARY

PARCEL 1: 17,320 SF
PARCEL 2: 10,278 SF
PARCEL 3: 10,192 SF

BASIS OF BEARINGS

THE BEARINGS SHOWN ON THESE PLANS ARE BASED ON THE FOUND MONUMENTS ALONG THE CENTERLINE OF TENTH STREET WITH A BEARING OF NORTH 70° 00' 00" EAST AS FILED IN THE PARCEL MAP IN BOOK 731 OF MAPS AT PAGES 24 & 25 ON SEPTEMBER 7th, 2000. RECORDER OF SANTA CLARA COUNTY.

BENCHMARK

BENCHMARK ID: B4007
ELEVATION: 197.19 FEET (NAVD83)
ORGANIZATION: VALLEY WATER
DESCRIPTION: BRASS DISK ON TOP OF CONCRETE CURB AT 6880 MONTEREY ROAD, EASTERLY SIDE OF MONTEREY ROAD, ON SOUTH SIDE OF FIRE HYDRANT, 500 FEET SOUTH FROM TENTH STREET. CITY OF GILROY.

FLOOD ZONE

PANEL NUMBER: 06080503H
REVISION DATE: MAY 18, 2009
COMMUNITY NUMBER: CITY OF GILROY

PROJECT LOCATED IN 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 AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.

NOTES

- ALL EXISTING AND PROPOSED OVERHEAD UTILITY CONNECTIONS SHALL BE UNDERGROUND.
- FULL FRONTAGE IMPROVEMENTS ALONG FRONTAGE OF CHURCH STREET AND 10th STREET PER CITY STD.
- ANY EXISTING PEDESTRIAN RAMPS ADJACENT TO THE PROJECT SITE MUST BE VERIFIED AND AS REQUIRED UPGRADED TO COMPLY WITH CURRENT TITLE 24 REQUIREMENTS.

I, AMANDA MUSTY-MERCEL, CERTIFY THAT THIS TENTATIVE MAP WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT IT COMPLIES WITH THE CITY OF GILROY SUBDIVISION ORDINANCE AND THE STATE MAP ACT.

A SOILS REPORT ON THIS PROPERTY HAS BEEN PREPARED BY, BUTANO GEOTECHNICAL ENGINEERING, DATED PROJECT NUMBER 22-125-SOL, WHICH HAS BEEN FILED WITH THE CITY OF GILROY.

I, JOHN KING, A LICENSED LAND SURVEYOR IN THE STATE OF CALIFORNIA, HEREBY STATE THAT THIS TENTATIVE MAP IS BASED UPON SURVEY UNDER MY DIRECT SUPERVISION AND THAT IT COMPLIES WITH THE CITY OF GILROY SUBDIVISION ORDINANCE AND THE STATE MAP ACT.

OWNER

ANDREW DING
7040 CHURCH STREET
GILROY, CA 95020

CIVIL ENGINEER

HANNA-BRUNETTI
7651 EXETERBURY STREET
GILROY, CA 95020
OFFICE: 408-842-2173
EMAIL: ENGINEER@HANNA-BRUNETTI.COM

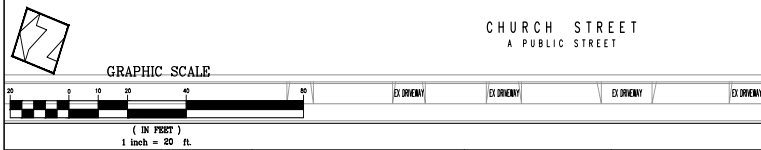
GEOTECH ENGINEER

BUTANO
231 GREEN VALLEY RD, SUITE E
FREMONT, CA 94539
OFFICE: 415-374-3812

SHEET INDEX

- TENTATIVE MAP
- EXISTING CONDITIONS

PRELIMINARY PLANS
NOT FOR CONSTRUCTION



DATE	REVISIONS:	DESCRIPTION	BY:

HANNA-BRUNETTI
CIVIL ENGINEERS • LAND SURVEYORS
CONSTRUCTION MANAGERS
7651 EXETERBURY STREET • GILROY • 95020 • CALIFORNIA
OFFICE: 408-842-2173 • FAX: 408-842-2173
EMAIL: ENGINEER@HANNA-BRUNETTI.COM

DATE: JUNE 2023
HORIZ. SCALE: 1"=40'
VERT. SCALE: 1"=4'
DESIGNED BY: AM
CHECKED BY:
DRAWN BY: TM

date: Hanna - Brunetti
Amanda Joy Musty-Verdel
R.C.E. # 69278
REGISTERED PROFESSIONAL ENGINEER
NO. 69278
CIVIL
STATE OF CALIFORNIA

REFERENCES

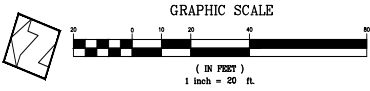
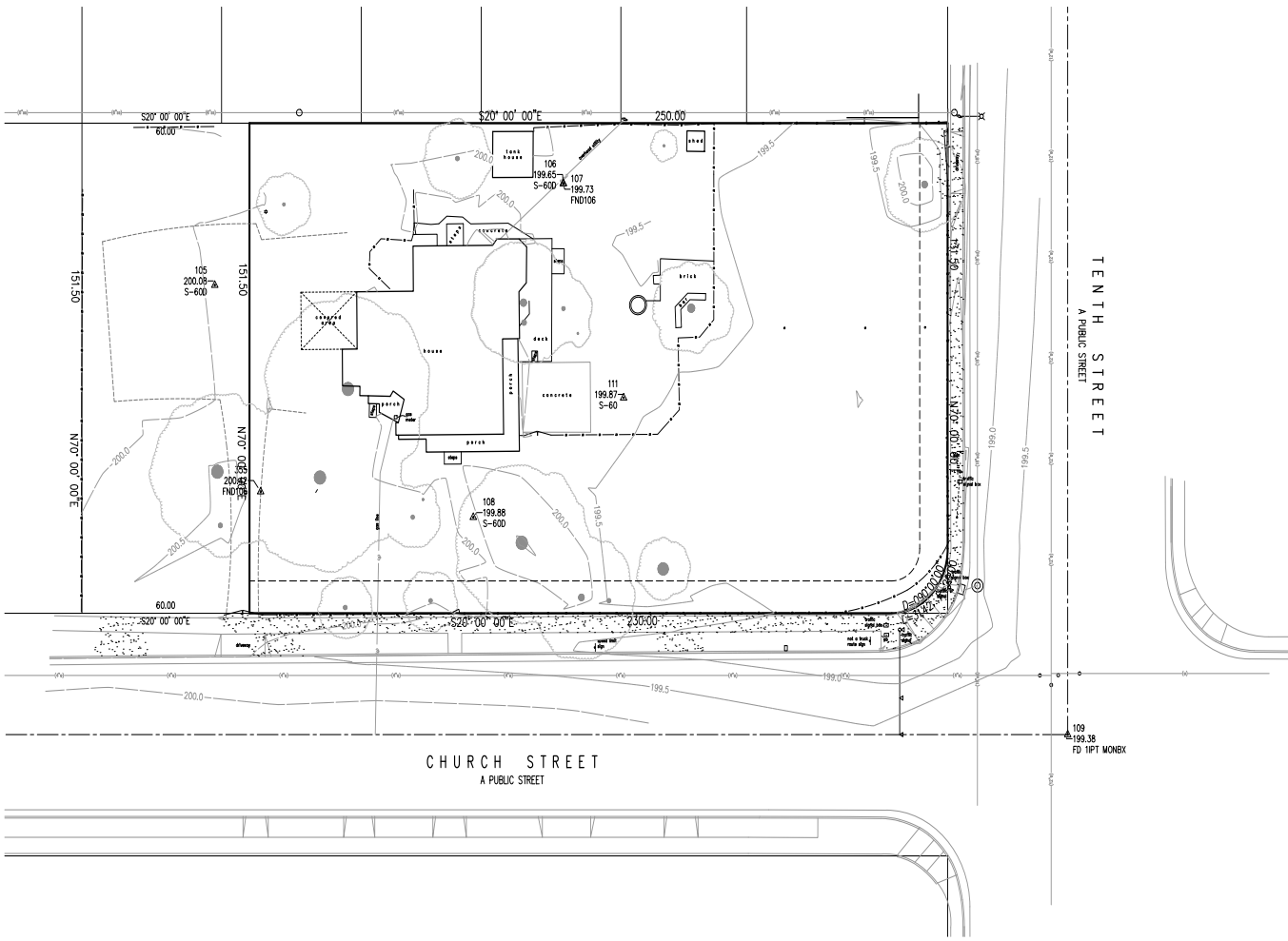
CITY OF GILROY
JUNE 2023

Tentative Map
7040 Church Street - apn 799-11-068

SANTA CLARA COUNTY
CALIFORNIA

SHEET
1
OF 2
JOB NO.
22034

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REVISIONS:		
DATE	DESCRIPTION	BY:

HANNA-BRUNETTI
CIVIL ENGINEERS • LAND SURVEYORS
CONSTRUCTION MANAGERS
7601 ERLBERRY STREET • GILROY • 95020 • CALIFORNIA
OFFICE: (408) 842-5575 • FAX: (408) 842-5582
EMAIL: ENGINEERING@HANNA-BRUNETTI.COM

DATE: JUNE 2023
HORIZ. SCALE: 1"=20'
VERT. SCALE: NONE
DESIGNED BY: AM
CHECKED BY:
DRAWN BY: TM

date:
Hanna - Brunetti
Amanda Joy Musty-Verdel
R.C.E. # 69278



REFERENCES

CITY OF GILROY
JUNE 2023

Existing Conditions

7040 Church Street - apn 799-11-068

SANTA CLARA COUNTY
CALIFORNIA

PRELIMINARY PLANS
NOT FOR CONSTRUCTION

SHEET
2
OF 2
JOB NO. 22034

State of California & The Resources Agency DEPARTMENT OF PARKS AND RECREATION PRIMARY RECORD		Primary # HRI # Trinomial NRHP Status Code 3S
Other Listings Review Code	Reviewer	Date

*Recorded by: Erin Jones, MA *Date: 05/08/2023 ☐ Continuation ☒ Update
 Page 1 of 15 * Resource Name or #: (Assigned by recorder) 7040 Church Street
 *P1. Other Identifier: _____
 *P2. Location: ☐ Not for Publication ☒ Unrestricted
 *a. County Santa Clara and (P2c, P2e, and P2b or P2d. Attach a Location Map as necessary.)
 *b. USGS 7.5' Quad Gilroy Date 1955, Photo Revised 1994 T 11S; R 04E of Sec 06; Mount Diablo B.M.
 c. Address 7040 Church Street City Gilroy Zip 95020-6410
 d. UTM: (Give more than one for large and/or linear resources) Zone 11N, 6274013.83 mE/
4095854.84 mN
 e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, decimal degrees, etc., as appropriate)
 Previous documentation identified the Assessor's Parcel Number (APN) as 799-110-63, however the legal parcels associated with the property are (APNs): 799-110-68 and 799-110-69.
 *P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)
 The purpose of this DPR is to provide updated information to clearly outline contributing and non-contributing resources of this property and provide a formal integrity assessment in order to supplement the recordation and evaluation prepared in 2019 by Dudek Architectural Historians, Sarah Corder and Kate Kaiser. For additional property description, see the prior DPR form set attached (Corder and Kaiser 2019). *See Continuation Sheet

*P3b. Resource Attributes: HP2. Single Family Property; HP4. Ancillary Buildings
 *P4. Resources Present: ☒ Building ☒ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other (Isolates, etc.)



P5b. Description of Photo: (view, date, accession #) Overview of 7040 Church Street from the southwest corner of the APN 799-110-68, view facing northeast. April 14, 2023 (Img_1056).
 *P6. Date Constructed/Age and Source: ☒ Historic ☐ Prehistoric ☐ Both
1870 (Daily Mercury 1870:p.3)
 *P7. Owner and Address:
APN: 799-110-68; Andrew Ding
7040 Church Street
Gilroy, California 95020
APN: 799-110-69; Golden Bridge Properties LLC
16692 Hollenbeck Ave. Unit 185
Sunnyvale, California 94087
 *P8. Recorded by: (Name, affiliation, and address) Erin Jones, MA
1810 13 Street
Sacramento, California 95811
 *P9. Date Recorded: April 13, 2023
 *P10. Survey Type: Intensive
 *P11. Report Citation: (Cite survey

report and other sources or enter "none.") Corder, S., and Kaiser, K. 2019. DPR 523 Form Set for 7040 Church Street, Gilroy, California. Prepared for the City of Gilroy Historic Context Statement and Historic Resources Inventory Update. Gilroy, California: Dudek. 2019.

*Attachments: ☐ NONE ☒ Location Map ☒ Continuation Sheet ☒ Building, Structure, and Object Record ☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record ☐ Artifact Record ☐ Photograph Record ☐ Other (List): _____

State of California & The Resources Agency DEPARTMENT OF PARKS AND RECREATION	Primary # HRI#
BUILDING, STRUCTURE, AND OBJECT RECORD	

*Resource Name or # (Assigned by recorder) 7040 Church Street *NRHP Status Code 3S
 Page 2 of 15

B1. Historic Name: Whitehurst Residence
 B2. Common Name: _____
 B3. Original Use: Single-family residence B4. Present Use: Single-family residence
 *B5. Architectural Style: Folk National
 *B6. Construction History: (Construction date, alterations, and date of alterations) Initial development of 7040 Church Street included the Main Residence and the Tank house completed circa 1870 (Daily Mercury 1870: p.3; Bamburg 1986: p 1; Sanborn Map Company 1906). *See Continuation Sheet
 *B7. Moved? ☒ No ☐ Yes ☐ Unknown Date: N/A Original Location: N/A
 *B8. Related Features: N/A
 B9a. Architect: Unknown b. Builder: Unknown
 *B10. Significance: Theme Residential Development Area Gilroy
 Period of Significance 1870-1904 Property Type Single family Residence
 Applicable Criteria NRHP/CRHR Criterion A/1 and C/3, as well as local Criterion 1/3
 (Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.)

Dudek agrees with the significance findings of the 2019 evaluation prepared by Sarah Corder and Kate Kaiser that recommends that the property be found eligible for the CR as an individual property through survey evaluation (3CS), for the NRHP as an individual property through survey evaluation (3S), and as an individual property to be listed or designated locally. Per the California Office of Historic Preservation preference for assigning the highest applicable California Historical Resources status code, the appropriate status code is limited to 3S. Corder and Kaiser made these recommendations after determining that the property appears eligible under NRHP/CRHR Criterion A/1 "...for its association with Gilroy's pattern of early residential development in the original city grid...(Corder and Kaiser 2019: p.2)" and C/3 "...for its representation of the Folk National style of architecture (Corder and Kaiser 2019: p.3)." They also concluded that the property appears eligible under local criteria 1 and 3 as a historic site. Prior recordation defined the period of significance for the property as 1870 to 1948. However, new research conducted as part of this update suggests that the period of significance for the property should be limited to 1870-1904. This revised period begins in 1870 when L.A. Whitehurst purchased and developed the property and ends in 1904 with the close of the Initial Development period for the City as outlined in the 2020 *City of Gilroy Historic Context Statement and Historic Resources Inventory Update* (p.30). Prior recordation also did not include a formal integrity assessment of the property, which has been added as part of this update. As a result of the integrity assessment prepared in this update, Dudek believes that two features of the property, the Main Residence (1870) and the Tank House (1870, have maintained sufficient integrity to represent the 1870-1904 period of significance (Corder and Kaiser 2019: p.3; Murray et al. 2020: p.30-36). * See Continuation Sheet

B11. Additional Resource Attributes: (List attributes and codes) None.

*B12. References: * See Continuation Sheet

B13. Remarks:

*B14. Evaluator: Erin Jones, MA, Fallin Steffen, MPS, Dudek

*Date of Evaluation: April 27, 2023

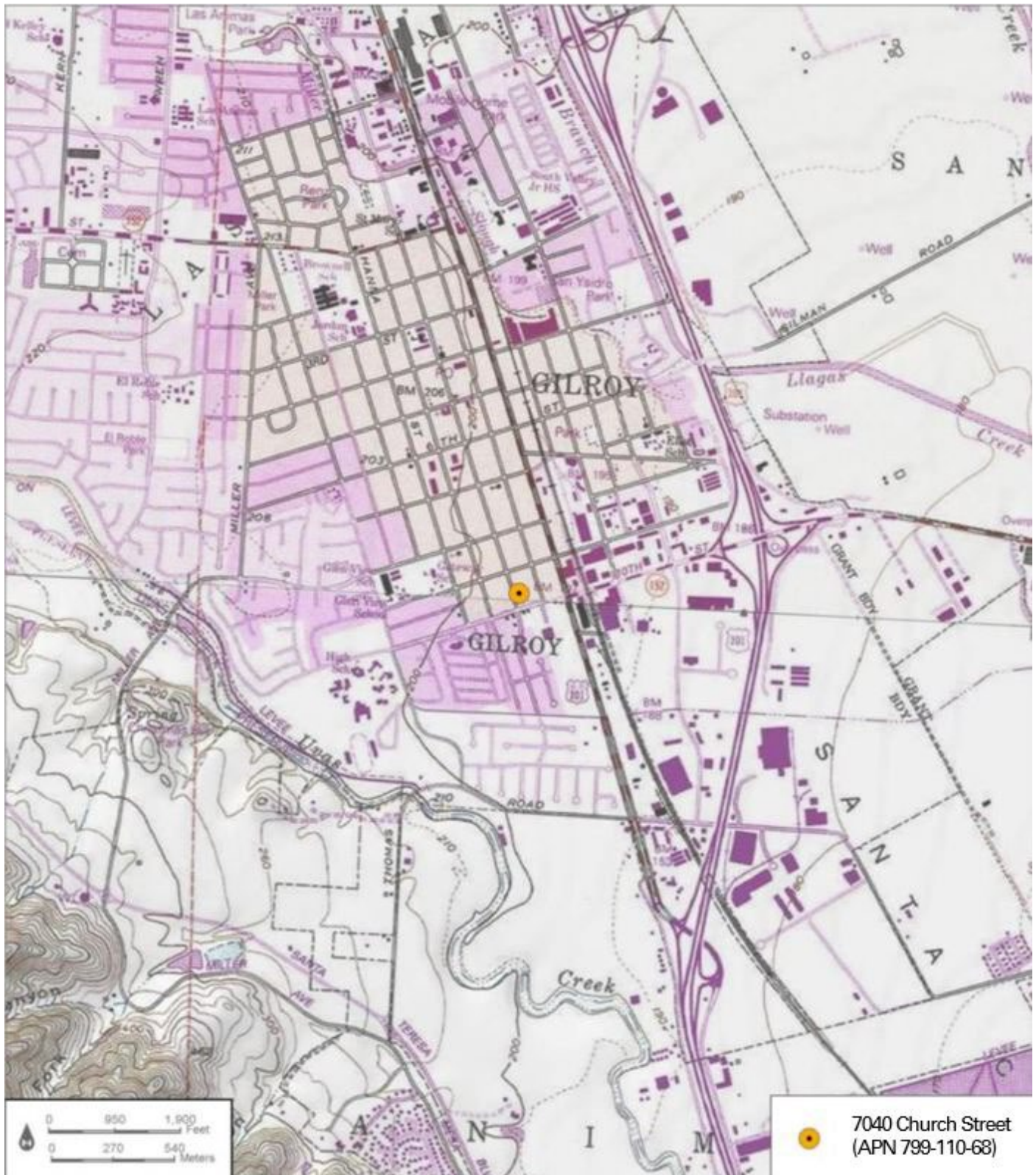
(Please see page 15 for an enlarged sketch map).

(This space is reserved for official comments.)

State of California & Natural Resources Agency
DEPARTMENT OF PARKS AND RECREATION
LOCATION MAP

Primary #
HRI#
Trinomial

Page 3 of 15 *Resource Name or # (Assigned by recorder) 7040 Church Street
*Map Name: Gilroy, California *Scale: 1:24,000 *Date of map: 1955 (1994 ed.)



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CONTINUATION SHEET

Property Name: 7040 Church Street

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*P3a. Description (Continued):

Additional Building/Structure Descriptions

The following descriptions provide additional information on historic-era buildings and structures on the property not fully addressed in the 1986 or 2019 recordation efforts.

Tank House (Circa 1870)

The Tank House was first recorded on the 1906 Gilroy Sanborn Fire Insurance map (Sanborn Map), however the building likely dates to the earliest development of the property circa 1870. The wood framed, three story building has a rectangular footprint and horizontal wood cladding. A second-story door topped with a fixed transom light indicates that an exterior stairway, likely located on the west and north elevations, originally accessed the room. Fenestration includes original, fixed, wood framed, four-by-four and two-over-one windows on the north elevation. Fenestration on the south elevation includes symmetrical, three-over-four, second-story windows. A wood framed gazebo, which comprises the building's third floor, tops the Tank House. This area would have originally contained the round water tank, however this element is no longer extant (Photographs 1, 4, and 5) (Sanborn Map Company 1906).



Photograph 1. The west and south elevations (left) of the Tank House, view looking northeast, and north elevation (right), view looking south (IMG_1087 and IMG_1097).

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Former Greenhouse (Circa 1906)

This building was labeled as a "Greenhouse" in the 1906, 1926, and the 1926-1943* Sanborn map editions. It is unclear when the building transitioned from its original use as a greenhouse, but it appears that, by the early-to-mid-20th century, the building became a detached bathroom (Photograph 2).

The one-story building has a front gable roof with wide overhanging eaves, wood fascia boards, and enclosed rafter tails. The building is fenestrated on the north elevation with a single-entry door with a nine lite, three-over-three, glazed window with original wood muntins. The lower half of the door has twin panels. The exterior of the building is clad in wood, tongue-in-groove shiplap while the roof has been reclad in rolled asphalt. The building's interior features complimentary cladding as well as a raised, closed cistern toilet.



Photograph 2. The Former Greenhouse building that was remodeled into a bathroom in the early-to-mid 20th century, view looking southeast (IMG_1082 and IMG_1140).

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Property Name: 7040 Church Street

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Hardscaping and Landscaping Features

The property features a variety of hardscaping and landscaping features. Hardscaping includes a Walkway, constructed with concrete paving stones. The cross-shaped Walkway connects the property's front entrance gate (west, fronting Church Street) to the west (main) elevation of the Main Residence, and also branches towards the gravel driveway to the north, and gate through the Interior Fence directly south of the residence (Photograph 3).



Photograph 3. The property's hardscaping (left) and trees (right), both views looking south towards West 10th street (IMG_1142 and IMG_1148).

*B6. Construction History Continued: (Construction date, alterations, and date of alterations)

- Addition to rear (east) elevation (Corder and Kaiser 2019: p. 3)
- Addition of garage on the north elevation (Corder and Kaiser 2019: p. 3)
- Addition on north elevation (Corder and Kaiser 2019: p. 3)
- Addition on south elevation (JRP 2022: p. 10)
- 2020: Removal of the unattached Garage APN 799-110-68 and APN 799-110-69
- 2020: Removal of an original outbuilding, labeled a shed on the 1906 and 1926 Sanborn Maps, located on APN 799-110-68
- 2020: Removal of a portable building from APN 799-110-68
- 2020: Removal of an outbuilding from APN 799-110-68
- 2020: Removal of a water tank from APN 799-110-68
- 2020: Removal of a second garage from APN 799-110-68
- 2020: Removal of a water fountain/cistern from APN 799-110-68
- 2019: Removal of an outdoor bar from APN 799-110-68
- 2020: Removal of six auxiliary structures from APN 799-110-69

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- Addition to the north side of the Tank House
- Removal of Tank House stairway from west and north elevations
- Removal of tank from the Tank House and addition of seating area
- Potential redevelopment of the Former Green House to a bathroom
- 2020: Replacement of metal gate on south fence that abuts West 10th Street
- Windows on north, west (rear), and south elevations replaced (Bamburg 1986: p. 1)

*B10. Significance (Continued):

Summary of Prior Recordation Efforts

In addition to Corder and Kaiser's 2019 recordation, the Main Residence was recorded by the Firm of Bonnie L. Bamburg in April 1986. Bamburg identified the Main Residence as a farmhouse, however research conducted as part of this augment uncovered no indication that the property functioned as a farm. Bamburg also identified the Main Residence as a representation of the Greek Revival architectural style but failed to identify character defining features emblematic of the style. Corder and Kaiser corrected the identified style to Folk National and documented the residence's character defining features. Additionally, although Bamburg identified two related resources in the 1986 documentation, the Tank house with a gazebo top and mature trees, the effort failed to identify the property's ancillary buildings and structures as contributing or non-contributing resources of the property (Bamburg 1986: pp. 1-3; Corder and Kaiser 2019: p. 3).

Expanded Historic Context for 7040 Church Street

This context provides additional information about the ancillary buildings and structures present on the Whitehurst property. For a complete discussion of the residential development theme related to 7040 Church Street, please refer to the *City of Gilroy Historic Context Statement and Historic Resources Inventory Update* (Murray et al. 2020: pp. 10,30,134).

Corder and Kaiser's 2019 DPR Form (attached) discusses Whitehurst and his contribution to Gilroy in the late 19th and early 20th centuries stating the following (Corder and Kaiser 2019: pp. 3-4):

Archival research indicated that the property was original[ly] built for Lyttleton [Littleton] Albert Whitehurst (1834-1907), co-owner of the Whitehurst & Hodges lumber mill and prominent Gilroy citizen. Whitehurst arrived in Gilroy in 1870 with business partner Hodges and they purchased a lumber mill from William Hanna. The lumber mill operated as a major Gilroy business for over 50 years. L.A. Whitehurst also became a local politician, first elected to City Council in 1876, city treasurer twice in 1884 and again in 1888 and 1890, was mayor of Gilroy from 1892 to 1894, then elected to several terms in the California State Assembly, and State Senate. Whitehurst's business and political career were instrumental in the development of Gilroy, however his home life and local residence had little bearing on his lumber business or political career, which had him living outside of Gilroy while State Assemblyman and Senator.

Previous recordation suggested that the Whitehurst property was a farmstead, however, new research conducted for this augment revealed no indication that the Whitehurst family was engaged in commercial farming on the property during the period of significance. L.A. Whitehurst was known for his entrepreneurial, banking, and political endeavors, and no contemporaneous biographies reference farming or agricultural products related to L.A. Whitehurst. References to the "Whitehurst Farmstead" and the "Whitehurst Farmhouse" have been adjusted to "Whitehurst property" and "Main Residence" accordingly throughout this augment (Munro-Fraser 1881: p. 635; Sawyer 1922: p.934; San Jose Mercury 1907: p.9).

At the time of this update, several mature olive trees are present on the property. Based on new information gathered as part of this update, there is no indication that the olive trees were planted during the period of significance, nor are they emblematic of an early agricultural use of the

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CONTINUATION SHEET Property Name: <u>7040 Church Street</u> Page <u>8</u> of <u>15</u>	

property. In 1881, a compiled history of Santa Clara County recorded no mention of olives as a conventional agricultural product within the County or the City of Gilroy. In Gilroy, the common products were limited to "...apples, pears, peaches, plums, berries, and grapes, average[ing] about three hundred and fifty tons a year, a portion of which is dried (Munro-Fraser 1881: p. 272)." By 1922, olives were being cultivated in the County, however at a dramatically lower proportion (250-acres) in comparison with other more popular fruit products like prunes (80,000-acres), plums (11,500-acres), grapes (10,000-acres), and peaches (5,000-acres). Despite the cultivation of olives elsewhere in the County, there is no record of commercial olive production in Gilroy in 1922. As there is no indication that the Whitehurst property functioned as a farm or was used for commercial agriculture, the landscape elements present on the property do not appear to contribute to the property's historic significance (Munro-Fraser 1881: pp. 272, 635; Sawyer 1922: pp.140,293).

Architectural Style: Folk National (1860-1920)

The Main Residence is an example of the Folk National architectural style, which is one of the residential architectural styles associated with the Initial Development Period (1868-1904) in the City. The *City of Gilroy Historic Context Statement and Historic Resources Inventory Update* indicates that modest residences completed between 1868-1904 were developed "...largely following the stylistic traditions of Folk National, Folk Victorian, and Queen Anne, incorporating basic floor plans such as Hall and Parlor, no more than 2-stories in height, and minimal ornamentation (Murray et al. 2020: p.133)." The context provides the following list of characteristics that are typically associated with the Folk National architectural style (Murray et al. 2020: p. 92):

- o Modestly sized, 1-2 stories in height
- o Uses a standard Folk plan and roof plan: gable front; gable front-and-wing; hall and parlor (side gabled, 1 room deep); I-House (side gabled 2 story, 1 room deep, usually with rear addition); pyramidal; or massed plan side gable (more than 1 room deep)
- o Predominantly wood cladding
- o Overly simple exterior ornamentation, if at all: can be Greek revival inspired (molded cornice, eave returns); Victorian/Queen Anne (gable pendants, spindle work porch components); or Colonial revival (bilateral symmetry; pediments) especially for Pyramidal forms
- o Non-integral porches: stoop, portico, partial width, full width, wraparound, or 2-story; will usually be shed or hip roofed
- o Usually with simple or turned wood posts and wood railing balustrade.
- o May have wood bracket detailing
- o Windows are typically 1-over-1, 2-over-2, 4-over-4, 6-over-6, or multi-light-over-single light single-hung or double hung, wood sash windows and are usually placed individually on the elevation, not grouped or paired.

Building Typology: Tank House

The Tank House on the Whitehurst property appears to have been developed alongside the Main Residence as early as 1870 (Photograph 4 and Photograph 5) and is an example of a straight-box overhang tank house with an open platform (Pitman 1976: pp.86-87).

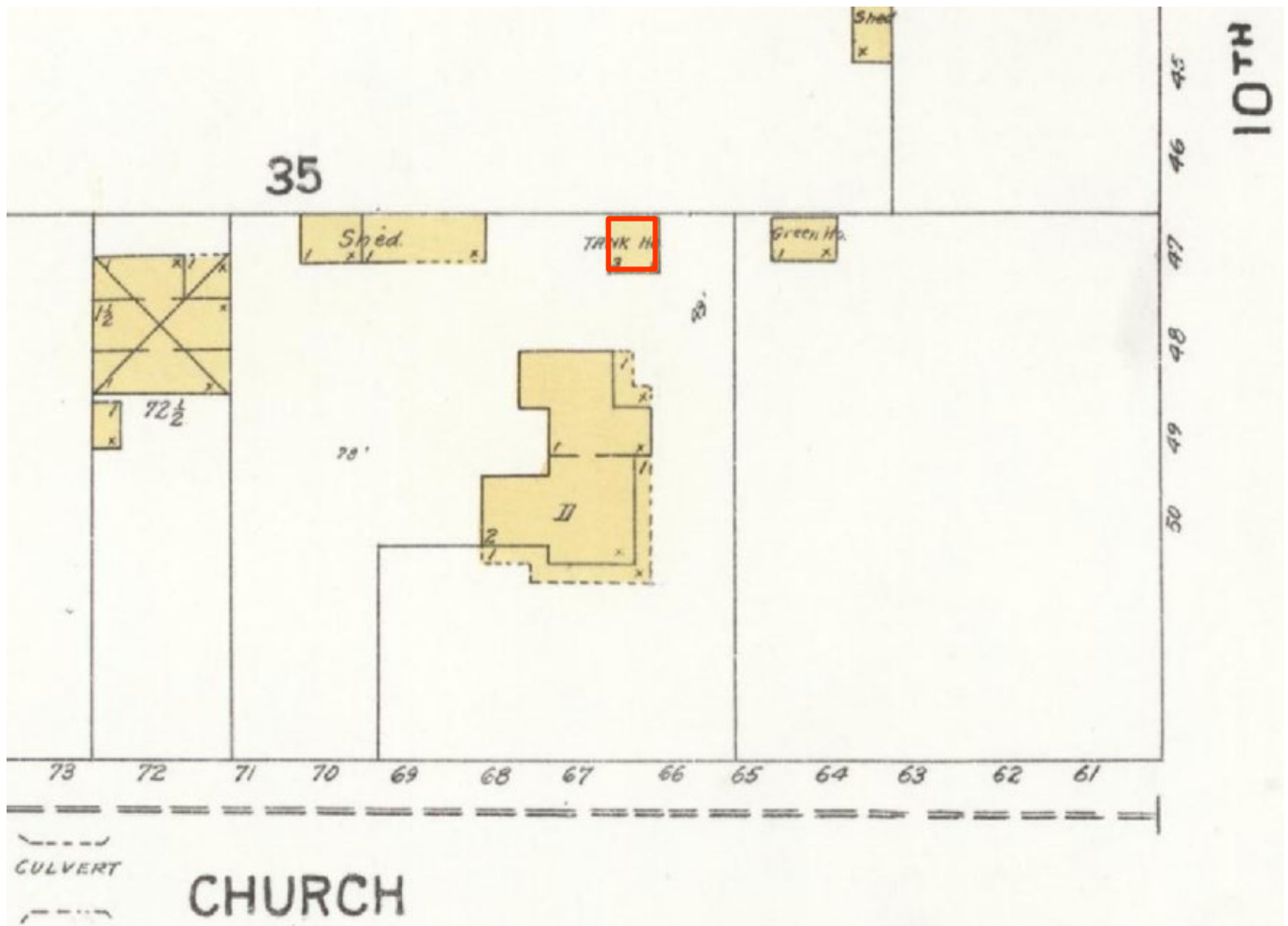
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Photograph 4. 1906 Sanborn Maps depicting the Tank House outlined in red (Sanborn Map Company 1906).

The tank house is a common ancillary building found on properties throughout rural areas of California. The primary function of a tank house is consistent with that of any elevated water storage tank designed to provide a domestic water supply, however a tank house is distinctive for the walled enclosure of the tower and the full or partial enclosure of the tank. Author Leon S. Pitman suggested that (Pitman 1976: p.84):

From the 1870s to the 1930s California farmers enclosed the tower and tank to form the more useful tankhouse. The enclosed tower, or tank house, became a conspicuous element on nearly every farmstead, standing tall and narrow, usually by itself with a windmill attached to one side. The tank house is two or three stories tall with the tank on the top floor, and rooms be low for storage, bedrooms, or whatever.

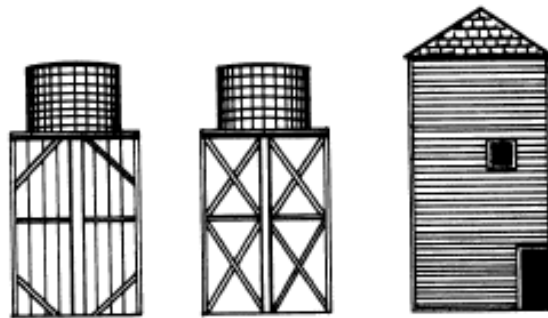
Tank houses varied in shape and composition throughout California, however the remaining examples are generally representative of one of six basic types: a. Straight Box, b. Inset-top, c. Full tapered, d. Tapered Tower, e. Straight-box overhang, and f. Tapered tower overhang (Photograph 5).

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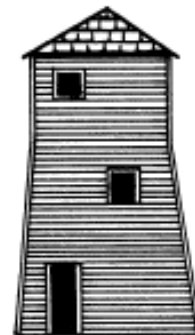
a. Straight-box type and its respective tower



b. Inset-top type



c. The full tapered type and its respective tower



d. Tapered tower box type



e. Straight-box overhang type and its respective tower



f. Tapered tower overhang and its respective tower

Photograph 5. Illustration from *Domestic Tankhouses of Rural California* by Leon S. Pitman showing six different tank house types as defined by the shape of the tower and tank room (Pitman 1976: p.86).

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Summary of Significance

Dudek agrees with the significance findings of the 2019 evaluation prepared by Sarah Corder and Kate Kaiser that recommends that the property be found eligible for the CRHR as an individual property through survey evaluation (3CS), for the NRHP as an individual property through survey evaluation (3S), and as an individual property to be listed or designated locally. Per the California Office of Historic Preservation preference for assigning the highest applicable California Historical Resources status code, the appropriate status code would be 3S. The property appears eligible under NRHP/CRHR Criterion A/1 "...for its association with Gilroy's pattern of early residential development in the original city grid... (Corder and Kaiser 2019: p.2)" and C/3 "...for its representation of the Folk National style of architecture (Corder and Kaiser 2019: p.3)." In addition to the Main Residence, the Tank House contributes to the overall theme of early residential development in Gilroy between 1870-1904 (Corder and Kaiser 2019: p.3).

Period of Significance

The period of significance for the property is 1870-1904. The period begins in 1870 when L.A. Whitehurst purchased and developed the property and ends in 1904 with the close of the Initial Residential Development period defined in the *City of Gilroy Historic Context Statement and Historic Resources Inventory Update* (Murray et al. 2020: pp. 30,134).

Historic Property Boundary

Historically, the legal parcel boundary for the Whitehurst property also encompassed the adjoining properties located at 7090 Church Street (APN 799-11-062), 7050 Church Street (APN 799-11-049), 7060 Church Street (APN 799-11-050). In 1910, Logan Whitehurst, L.A. Whitehurst's son, developed APN 799-11-062 with a residence and, by c. 1987, APN 799-11-049 and APN 799-11-050 were developed with single-family residences (Parcel Quest 2023a, 2023b, 2023c).

Apart from their original owner, the legally separate properties no longer appear to have a relationship. APN 799-110-68 and APN 799-110-69 contain all contributing buildings consistent with the historic function of the Whitehurst property. Therefore, although the property boundary for the Whitehurst property historically encompassed APN 799-11-062, APN 799-11-049, and APN 799-11-050, the historic property boundary is limited to the footprints of the residence and the tank house, as well as the intervening geographic area between these two buildings. (Please refer to the Sketch Map on Page 15).

Contributing Resources

These following are contributing resources:

- o Main Residence (c.1870)
- o Tank House (c.1870)

Non-Contributing Resources

The following list of resources present on the property were constructed outside the property's period of significance (1870-1904) and are therefore considered non-contributing resources:

- o Former Greenhouse (c.1906)
- o Walkway (c.1920)
- o Olive Trees (c.1920)
- o Dry Water Feature (c.1945)
- o Interior Fence (c.1995)
- o Boundary Fence (c.1995)
- o Adjacent setting

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Character Defining Features

The 2019 record defined the character-defining features of the Main Residence as (Corder and Kaiser 201p: p. 3):

Main Residence:

- o Modest Size
- o Wood cladding
- o Simplistic form
- o Lack of exterior ornamentation
- o Simple, hipped roof
- o Full front projecting porches
- o Windows are placed individually on elevations, not grouped, or paired.

Additional Character Defining Features

The following character-defining features were not identified in previous recordation of the property and were identified during the course of research for this update.

Main Residence:

- o U-shaped plan
- o Combination cross-gabled and hipped roof
- o Horizontal shiplap siding
- o Spatial relationship to the Tank House

Tank House:

- o Three stories
- o Square Plan
- o Original, wood-framed windows
- o Horizontal wood siding
- o Second-story entrance
- o Spatial relationship to the Main Residence

Integrity Assessment

A historical resource is considered significant, and hence, eligible for listing if it is associated with an important historic context and it retains the integrity of those characteristics necessary to convey its significance (OHP 1995, p. 9-10). Previous documentation efforts failed to include a formal integrity assessment of the property. As such, a discussion of the integrity of the subject property is included below.

Location: The Main Residence and the Tank House are sited on their original locations of construction in their original orientation, and therefore retain integrity of location.

Design: The Main Residence and the Tank House retain integrity of design. Their alterations overtime did not affect the character defining features of either building and many of their original features have been retained, including their orientation and spatial relationship to one another. The maintained relationship between the Main Residence and the Tank House has allowed the property to retain its visual cohesion and arrangement, including circulation patterns and much of its original construction materials. Therefore, the Main Residence and the Tank House retain integrity of design.

Setting: The Main Residence and the Tank House display diminished integrity of setting. The property was developed during the Initial Development period of Gilroy, and over time, the setting has been impacted by increased commercial and residential development in the surrounding area, causing a shift from the predominately rural/agricultural setting the property was first

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established in. Much of this development took place between 1870-1904 during the identified period of significance for the property. However, subsequent development outside the period of significance was of a higher density and included subdevelopment of the original Whitehouse property. Therefore, the Main Residence and the Tank House display diminished integrity of setting.

Materials: The Main Residence and the Tank House retain integrity of materials. The buildings retain much of their original materials. The key exterior materials dating from the period of its historic significance, between 1870 and 1904 are retained. Therefore, the Main Residence and the Tank House retain integrity of materials.

Workmanship: Buildings that retain integrity of workmanship retain the evidence of the builder that constructed the building and the methods of construction and original finishes. The physical evidence of the craftsmanship required to create the Main Residence and the Tank House is retained, as well as the character defining features inherent to each building. Therefore, the Main Residence and the Tank House retain integrity of workmanship.

Feeling: The Main Residence and the Tank House retain integrity of feeling. Because the property retains integrity of location, design, materials, and workmanship, it continues to convey a sense of a particular period and style. Despite alterations to the property overtime, the Main Residence and the Tank House convey a strong sense of the property during its period of significance. Therefore, the Main Residence and the Tank House retain integrity of feeling.

Association: The Main Residence and the Tank House retain integrity of association because they maintain a strong physical association with the development patterns typical of late 19th and early 20th century residential properties in Gilroy. They also retain a sufficient amount of their integrity of materials, workmanship, and design to convey the Folk National Style of architecture. Therefore, the Main Residence and the Tank House retain their integrity of association.

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State of California - The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

Primary#
HRI #
Trinomial

CONTINUATION SHEET

Property Name: 7040 Church Street

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State of California - The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
SKETCH MAP

Primary # _____
HRI# _____

Trinomial _____

Page 15 of 15 *Resource Name or # (Assigned by recorder) 7040 Church Street

*Drawn by: Olana Chow, Dudek

*Date of map: June 2023





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: August 3, 2023
TO: Planning Commission
FROM: Erin Freitas, Planner II
SUBJECT: Proposed Tentative Map for a three-lot subdivision Located at 7040 Church Street, Application No. TM 22-03.

RECOMMENDATION:

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

- a) Recommend that the City Council, based on its independent analysis, 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 necessary services and access to the resulting parcels are available; and
- b) Adopt a resolution recommending that the City Council approve the proposed tentative map to divide the property known as 7040 Church Street, APN 799-11-068 into three residential parcels.

PROJECT DESCRIPTION:

The applicant, Amanda Musy-Verdel representing the owner Andrew Ding, is seeking approval of a Tentative Map Application, TM 22-03, to subdivide a 0.87-acre lot at 7040 Church Street into three residential lots. Proposed Parcel 1 would be 0.40 acres and contain the existing single-family home and water tank house. Parcel 2 would be 0.24 acres, currently undeveloped, and provide access from Church Street. Parcel 3 would be 0.23 acres, currently undeveloped and would provide access from West 10th Street. A new sanitary sewer line will be installed along the eastern perimeter of Parcel 2 and Parcel 3 and will require the demolition of a former greenhouse structure. The proposed lots will remain zoned R-2, Two-Family Residential.

No new construction is proposed at this time. An Architectural and Site Review permit would be required for future construction of a duplex, or a building permit application for future construction of a single-family home on the new lots. New development would be approved administratively.

BACKGROUND:**Subject Property and Surrounding Land Uses:**

The subject site is a 37,789 square foot (0.87-acre) lot on the northeast corner of Church Street and West 10th Street. The site is presently developed with a single-family home, water tank house, and various accessory structures.

The site and surrounding land uses are summarized as follows:

LOCATION	EXISTING LAND USE	GENERAL PLAN	ZONING
Project Site	Single Family Residential	Low Density Residential	R-2
North	Vacant	Low Density Residential	R-2
South	Multi-Family Residential	Medium Density Residential	R-3
East	Single and Multi-Family Residential	Downtown Specific Plan	Transitional District
West	Single and Multi-Family Residential	Low Density Residential	R-2

Background Information:

On May 18, 2022, the applicant submitted an application for a Tentative Map to subdivide the 0.87-acre site into three residential parcels in the R2, Two Family Residential zoning district. The application was deemed complete on June 12, 2023 after completion of a historic resource evaluation. No development plans are provided at this time for Parcels 2 and 3; however, a single-family home or duplex would be allowed on each resulting lot.

Historic Resource Evaluation:

The existing single-family home was originally built approximately in 1870 in the Folk National architectural style for a prominent Gilroy businessman, mayor, California State Assembly member, and State Senator, Lyttleton A. Whitehurst. A historic resource evaluation was completed in 2019 by Dudek and documented in a California Department of Parks and Recreation (DPR) form, which found the property to be eligible for the National and State Historic Registers as a local historic site for “its association with Gilroy’s pattern of early residential development in the original city grid” and “its representation of the Folk National style of architecture.”

An updated DPR form was completed by Dudek on May 8, 2023, to include an evaluation on contributing and non-contributing resources of the property and provide a formal integrity assessment. The 2023 supplemental evaluation concluded the main residence and the tank house are the only contributing resources on the property. These structures are proposed to remain and would not be altered with the proposed subdivision. Therefore, the proposed subdivision would not have any unique impacts on

the existing historic resources.

Environmental Assessment:

The proposed subdivision is categorically exempt from further environmental review and qualifies for Section 15315 of the California Environmental Quality Act (CEQA) Guidelines Class 15, Minor Land Divisions, because the proposed subdivision results in four or fewer parcels, is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.

The City has further considered whether the project is subject to any of the exceptions to the use of a categorical exemption found at CEQA Guidelines Section 15300.2. This section prohibits the use of categorical exemptions under the following circumstances:

- a) For certain classes of projects (Class 3, 4, 5, 6, and 11) due to location;
- b) When the cumulative impact of successive projects of the same type in the same place, over time, is significant;
- c) Where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances;
- d) Where the project may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway;
- e) Where the project is located on a state designated hazardous waste site; and
- f) Where the project may cause a substantial adverse change in the significance of a historical resource.

The location exception (a) is applicable to Class 3, 4, 5, 6, and 11 categorical exemptions where “a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant” where the project may impact an “environmental resource of hazardous or critical concern.” This exception is not applicable to the Class 15 categorical exemption that is being used for the project. However, it is noted that neither the City’s 2040 General Plan nor any state or federal regulatory document has precisely mapped and officially designated the site as an environmental resource.

There is no evidence of a potential significant cumulative impact (b). Successive projects of the same type in the same place have not been approved and are not proposed beyond development of a duplex or two single-family homes on each lot. This type and density of development was anticipated within the site General Plan low density residential land use designation and would be considered in-fill in nature.

The project would not result in any significant effects on the environment due to unusual circumstances (c). The site is located within an area designated for residential development, and single-family residential subdivisions are located adjacent to the site. The immediate area has similar General Plan and zoning designations as the project property. There are no “unusual circumstances” that differentiates the project or site

from the general class of similarly situated projects and properties. For example, other parcels in the surrounding area have been or could be subdivided and developed with single-family homes. Furthermore, the size and density of the project do not represent unusual features or circumstances, as other single-family lots and development within the vicinity and throughout the City have similar densities and size. The project site possesses no unusual features or environmental characteristics that distinguish it from other properties of similar size in the vicinity. The project site is located within an urban area, surrounded by development, and sensitive resources are not present.

The project will not result in damage to scenic resources or scenic resources within a scenic highway (d) as the site is not located adjacent to a highway.

The site is not a designated hazardous waste site (e) and is not a state-designated hazardous waste site based on review of state databases compiled pursuant to Section 65962.5 of the California Government Code. Thus, the project does not meet the exception (e) related to location on hazardous waste sites.

The project will not cause a substantial adverse change in the significance of a historical resource (f). The existing residence and one appurtenant structure were found to be a historic resource under the definitions in CEQA. These structures will remain and no alterations are proposed. The project would result in demolition of a structure referenced as a “greenhouse” in order to install a new sanitary sewer line. However, additional research and the historic resources review conducted in an updated California Department of Parks and Recreation (DPR) form did not find this structure to be a historical resource or a contributing feature to the existing residence. The updated DPR also indicates the setting is non-contributory. Future development would not result in a significant impact to the identified historical resource because none of the character-defining features of the residence or the tank house would be materially impaired. Thus, the project, including future construction of new residential structures would not result in a substantial adverse change to the significance of a historic resource.

The reasons stated above support that the Categorical Exemption pursuant to CEQA Guidelines Section 15315 is applicable. No further assessment is necessary for this proposal and, though it is not mandated, a Notice of Exemption will be filed for the project.

DISCUSSION AND ANALYSIS:

General Plan Consistency: The City’s General Plan designated the subject site as Low Density Residential (LDR) which allows for 3 to 8 units per acre density and is implemented by R1 and R2 zoning districts. The 0.87-acre lot maintains a base density of up to 7 units. The three-lot subdivision will support intended low-density development of the site. The proposed subdivision is also consistent with the following applicable General Plan policies:

LU 3.5 – Neighborhood Infill: Encourage infill developments that enhance neighborhood quality and respond to community input in the planning and design of infill

projects or non-residential, neighborhood-serving uses.

The proposed subdivision will create infill development on an underutilized property and will enhance the neighborhood quality by replacing the sidewalks, curb ramps, providing new street trees, and reducing blight.

LU 8.11 Historic Preservation and Restoration: Encourage restorative maintenance to deteriorated buildings, particularly in Downtown and restrict the demolition of historically and/or architecturally significant buildings to accommodate new development. Encourage adaptive re-use of historic structures to maintain their historic character while supporting economic development.

The proposed subdivision will not demolish any historic resources on the existing property and will continue to preserve the existing historic single-family residence and water tank house.

Zoning Consistency: The proposed subdivision is compliant with the R2 Two Family Residential zoning district minimum lot standards of 8,880 square feet. The existing single-family home on proposed Parcel 1 will be consistent with the required zoning setbacks. However, the water tank house will continue to maintain an existing nonconforming rear setback of 2'-6" feet where at least 3 feet is required for accessory structures. This rear setback is existing and is not a result of the proposed subdivision.

No new development is being proposed with this application. The lots may be developed with single-family or duplex units, as anticipated by the general plan and consistent with the R2 zone. Administrative-level Architectural and Site Review would be required for development of the new lots with multi-family (duplex) units.

Tentative Map Analysis: The subdivision is subject to review pursuant to the State Subdivision Map Act and Gilroy City Code Chapter 21 which regulates the design of subdivisions and improvements to ensure orderly development is proposed. There are specific findings that must be made to deny a tentative map, pursuant to Government Code Section 66474. Staff has determined that findings required for denial of the tentative map cannot be made, and approval of the tentative map would be supported in accordance with city and state regulations, as follows:

1. The proposed subdivision TM 22-03 is consistent with the intent of the goals and policies of the City's General Plan, the residential density, and residential uses anticipated for the property under the General Plan Low Density Residential land use designation.
2. The design or improvement of the proposed subdivision TM 22-03 is consistent with the general plan given that the parcel split does not involve any changes to existing land uses, and the lot size, shape and location complies with the 2040 General Plan Low Density Residential land use designation.

3. The site is physically suitable for the type of development given that the property is already developed with a residential use in compliance with all codes and standards, does not have unique physical constraints, the size and geometry of the property comply with all applicable codes and ordinances, and there are no exceptions requested or proposed to the City zoning or subdivision development standards.
4. The site is physically suitable for the proposed density of development, given that the resulting lots would accommodate the existing single family home and water tank building, a single-family home or duplex on each of the remaining lots, required street frontage, site access and parking for the sites after subdivision, consistent with the City Municipal Code and the 2040 General Plan Low Density Residential land use designation.
5. The design of the proposed subdivision TM 22-03 and proposed improvements will not cause substantial environmental damage or injure fish or wildlife or their habitat because the site is located within a developed urban context and is not in or adjacent to any sensitive habitat areas.
6. The design of the proposed subdivision TM 22-03 will not cause serious public health problems because the site is located within an urban context and has access to urban services including sewer and water.
7. The design of the proposed subdivision TM 22-03 will not conflict with access easements because there are no known existing access easements encumbering this property.

Based on this analysis, staff recommends approval of the tentative map application for the property.

Technical Advisory Committee (TAC): Project plans were routed to Engineering, Building, Police, and Fire representatives for internal review and comment. The TAC has considered the project and the recommendations of the TAC members have been incorporated into the project plans and are included as recommended conditions in attached resolution.

Gilroy Unified School District (GUSD): Project plans were routed to the GUSD for review and comments. GUSD representatives did not have comments on the proposed project but noted the development falls within the following school boundaries: Glen View Elementary School, Solarsano Middle School, and Gilroy High School.

PUBLIC NOTICING:

Property owner information (i.e., list, labels, and map) within 500 feet of the subject site was generated by the City of Gilroy using current ownership data. On July 13, 2023, notices of this Planning Commission meeting were mailed to the property owners along within other interested parties. In addition, the property has been posted with on-site signage notifying of pending development, and the Planning Commission public hearing

packets are available through the City's webpage.

APPEAL PROCEDURE:

The Planning Commission's action is not final, but rather a recommendation. As such, the matter will be considered by the City Council on September 11, 2023.

ATTACHMENTS:

1. Vicinity Map
2. Proposed Tentative Map
3. DPR Form prepared by Dudek Architectural Historians, May 8, 2023
4. Draft Planning Commission Resolution TM 22-03

RESOLUTION NO. 2023-12**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GILROY RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A TENTATIVE MAP TO SUBDIVIDE A 0.87-ACRE SITE INTO THREE PARCELS, LOCATED AT 7040 CHURCH STREET, APN: 799-11-068 (FILE NUMBER TM 22-03)**

WHEREAS, On May 18, 2022, an application was filed by Amanda Musy-Verdel proposing subdivision of a 0.87-acre site into three lots, located at 7040 Church Street within the City of Gilroy R-2 Two-Family Residential zoning district; and

WHEREAS, the application submittal was deemed complete on June 12, 2023; and

WHEREAS, an updated DPR (Department of Parks and Recreation) form was completed by Dudek Architectural Historians on May 8, 2023 and determined the proposed subdivision would not cause a substantial adverse change in the significance of a historical resource; and

WHEREAS, the proposed subdivision qualifies as exempt from further environmental review and qualifies for the State CEQA Guidelines section 15315 (Class 15, 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 are available; and

WHEREAS, said tentative map was referred to various public utility companies and City departments, including the Technical Advisory Committee for their review and recommendations to ensure compliance with applicable service and development requirements; and

WHEREAS, on August 3, 2023, the Planning Commission held a duly noticed public meeting 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 TM 22-03; and

WHEREAS, the City may deny a tentative map only if, based upon substantial evidence in the record, it makes one or more of seven listed findings for denial prescribed by Government Code Section 66474. Staff has reviewed the findings and concluded that project denial based on these findings would not be supported, and alternatively, that each of the seven findings may be made to support approval of 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.

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NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Gilroy hereby find as follows:

FINDINGS

1. The proposed subdivision TM 22-03 is not consistent with applicable general and specific plans as specified in 65451.

This Finding cannot be made. The proposed subdivision TM 22-03 is consistent with the intent of the goals and policies of the City's General Plan and the residential density and uses anticipated within the General Plan Low Density Residential land use designation.

2. That the design or improvement of the proposed subdivision TM 22-03 is not consistent with applicable general and specific plans.

This Finding cannot be made. The design or improvement of the proposed subdivision TM 22-03 is consistent with the applicable general plan given that the parcel split does not involve any changes to existing land uses, and the lot size, shape and location complies with the 2040 General Plan Low Density Residential land use designation.

3. That the site is not physically suitable for the type of development.

This Finding cannot be made. The site is physically suitable for the type of development given that the property is already developed with a residential use in compliance with all codes and standards, does not have unique physical constraints, the size and geometry of the property comply with all applicable codes and ordinances, and there are no exceptions requested or proposed to the site development standards.

4. That the site is not physically suitable for the proposed density of development.

This Finding cannot be made The site is physically suitable for the proposed density of development, given that the resulting lots would accommodate the existing single family home and water tank building, a single-family home or duplex on each of the remaining lots, and parking required for the sites after subdivision, consistent with the City Zoning Ordinance and the 2040 General Plan Low Density Residential land use designation.

5. That the design of the proposed subdivision TM 22-03 or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

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This Finding cannot be made The design of the proposed subdivision TM 22-03 or the proposed improvements will not cause substantial environmental damage or injure fish or wildlife or their habitat because the site is located within a developed urban context and is not in or adjacent to any sensitive habitat areas.

6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.

This Finding cannot be made. The design of the proposed subdivision TM 22-03 will not cause serious public health problems because the site is located within an urban context and has access to urban services including sewer and water.

7. That the design of the proposed subdivision TM 22-03 or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

This Finding cannot be made. The design of the proposed subdivision TM 22-03 will not conflict with access easements because there are no known existing access easements encumbering this property.

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NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Gilroy hereby recommends to the Gilroy City Council approval of a Tentative Map Application No. TM 22-03, subject to the conditions attached hereto as Exhibit A.

PASSED AND ADOPTED this 3rd day of August, 2023 by the following roll call vote:

AYES: Commissioner Elle, Fugazzi, Leongardt, Lewis, Ramirez, Vice Chair
Kushner, Chair Bhandal

NOES: None

ABSTAIN: None

ABSENT: None

ATTEST:

DocuSigned by:
Sharon Goei
493077E1C0A54C8...

Sharon Goei, Secretary

APPROVED:

DocuSigned by:
Manny Bhandal
12B09BE03D88456

Manny Bhandal, Chairperson

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EXHIBIT A

TENTATIVE MAP CONDITIONS OF APPROVAL 7040 CHURCH STREET LOT SPLIT TM 22-03

PLANNING DIVISION CONDITIONS

The following GENERAL conditions authorize specific terms of the project ENTITLEMENT.

1. **APPROVED PROJECT:** The approval for Tentative Parcel Map TM 22-03 is granted to subdivide 0.87 acres into three (3) residential parcels, located at 7040 Church Street located on Assessor Parcel No. 799-11-068 as shown on Project Plans dated and received by the Planning Division on July 6, 2023, prepared by Hanna-Brunetti, dated June 2023, and consisting of 2 sheets.

Any future adjustment or modification to the plans, including any changes made at time of building permit submittal, shall be considered by the Community Development Director or designee, may require separate discretionary approval, and shall conform to all City, State, and Federal requirements, including subsequent City Code requirements or policies adopted by City Council.

2. **COMPLIANCE WITH CONDITIONS:** If Developer or owner fails to comply with any of the conditions of this permit, the Developer or owner shall be subject to permit revocation or enforcement actions pursuant to the City Code. All costs associated with any such actions shall be the responsibility of Developer or owner.
3. **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.

The following conditions shall be met prior to the approval of the FINAL MAP or

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PARCEL MAP, or other deadline as specified in the condition.

4. **TENTATIVE MAP:** An approved tentative map or vesting tentative map shall expire twenty-four (24) months from the approval date and may be extended pursuant to the provisions of the Map Act if the final map is not approved prior to expiration.

PUBLIC WORKS CONDITIONS OF APPROVAL

The following conditions authorize the specific terms and are a part of the project ENTITLEMENT(S); and which shall be addressed on the construction plans submitted for any BUILDING PERMIT, GRADING PERMIT or SUPERSTRUCTURE, 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.

5. **PAYMENT OF PUBLIC WORKS PLAN CHECK AND INSPECTION FEE:** At the time of first improvement plan submittal, the applicant shall submit a \$10,000.00 (Ten 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. (*PUBLIC WORKS*).

6. **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

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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.;

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- 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*)

7. **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*)
8. **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

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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*)

9. **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*)
10. **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*)
11. **STORMWATER TREATMENT:** This project is subject to stormwater design considering full project boundary shown on the tentative map. Collectively or individually, all lots will perform stormwater calculations and mitigate for stormwater impacts. (*PUBLIC WORKS*)
12. **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*)
13. **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*)
14. **BEST MANAGEMENT PRACTICES (BMP):** The applicant shall perform all construction activities in accordance with Gilroy Municipal Code Section 27C,

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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*)

15. **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*)
16. **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*)
17. **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*)
18. **IMPACT FEES:** The project is subject to the City's Street Tree, Storm, Sewer, Water, Traffic, and Public Facilities Development Impact and Stormwater Management Fees. The City's latest impact fee schedule is available on the City's website. Payment of all Impact and Stormwater Management 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*)
19. **STORMWATER MANAGEMENT PLAN:** At first improvement plan submittal, the

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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*)

20. **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*)
21. **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*)
22. **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*)
23. **GRADING & DRAINAGE:** All grading activity shall address National Pollutant Discharge Elimination System (NPDES) concerns. There shall be no earthwork

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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)*

24. **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)*

25. **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)*
26. **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

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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. [(For major street improvements) 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 TREES:** The applicant shall plant street trees along the project frontage 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 will include City Standard tree grates.
- b. **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.
- c. **SIDEWALK:** The applicant shall replace to existing City standards all sidewalk surrounding the project site. Sidewalk replacement shall be constructed per the City Standard Drawings.
- d. **CURB RAMP(S):** The applicant shall remove and replace the curb ramps at corner along the project frontage in accordance with the latest Caltrans

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State Standard Drawing. The ramp "Case" shall be identified on the plans and shall be to the approval of the City Engineer.

- e. **CURB AND GUTTER:** The applicant shall replace to existing City standards all damaged and non-standard curb and gutter surrounding the project site. Add the following note to the plans: "The actual amount of curb and gutter to be replaced shall be determined by the Public Works Construction Inspector in the field prior to construction. New curb and gutter shall be constructed per the City Standard Drawing STR-12. "
- f. **DRIVEWAY APPROACHES:** The applicant is to remove the existing driveway approaches that are not to current City Standard. The applicant shall install City Standard Residential driveway approaches for each parcel shown on the approved plans. This includes all driveway approaches identified as "Future Driveway".
- g. **SEWER LATERAL:** The applicant shall install a sewer lateral and main line connection to the existing sewer main located in adjacent property along the rear property line per City Standard. The sewer lateral shall be sized in accordance with the currently adopted Plumbing Code. A clean-out shall be installed on the lateral within 10 feet of the sewer main. Connection to the main will be with a sewer manhole per City Standard. The applicant is advised that the City does not maintain private laterals in rear and side yards.
- h. **SEWER CLEAN-OUT:** The applicant shall install a sewer lateral clean-out at the property line in accordance with the City Standard Drawing SWR-6.
- i. **STORM WATER CATCH BASIN(S):** The applicant shall install standard storm water catch basins, in accordance with the City Standard Drawing, specifications and general guidelines.
- j. **SIDEWALK UNDERDRAIN(S):** The applicant shall install standard sidewalk underdrains in accordance with the City Standard Drawing STR-19.
- k. **STREET LIGHT(S):** Pending the results of the provided off-site photometric analysis, the applicant shall provide and install standard aluminum electrolier street light(s) per City Standard Drawing EL-1 to EL-5. 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

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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.

- I. **FIRE HYDRANTS:** The applicant shall install new fire hydrants along the project frontage. Spacing shall meet City and Fire Marshall requirements.
27. **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*)
 28. **STREET CUT MORATORIUM:** 10th Street is part of the Street Cut Moratorium. The project is making new pavement cuts on the newly resurfaced 10th Street which reduces the City Pavement Condition Index. The project shall Grind and pave the entire width of 10th 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 to the satisfaction of the City Engineer. (*PUBLIC WORKS*)
 29. **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*)
 30. **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:
 - Arterial Streets 1.0fc average 3/1 average to minimum uniformity
 .34fc minimum

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- Collector Streets .60fc average 4/1 average to minimum uniformity
.15fc minimum
- Local streets .40fc average 6/1 average to minimum uniformity
.07fc minimum
- High volume intersection 1.1fc average 3.1 average to minimum uniformity
.40fc minimum
- Low volume intersection .70fc average 4/1 average to minimum uniformity
.18fc minimum

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)*

31. **FENCES AND OTHER PERMANENT STRUCTURES:** The applicant shall locate all project fencing and foundation of a permanent nature within the project's property and out of the City right-of-way. *(PUBLIC WORKS)*
32. **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)*
33. **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)*
34. **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

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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)

35. **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)
36. **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)
37. **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

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permit, building permit, or site development permit and shall be satisfied prior to issuance of whichever permit is issued first. (*PUBLIC WORKS*)

38. **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*)
39. **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 \$1,656.00. 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 first building permit issuance. Note that this fee is assessed based on the full scope of the tentative map. (*PUBLIC WORKS*)
40. **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 \$281.00. 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 first building permit issuance. Note that this fee is assessed based on the acreage of Parcels 2 & 3 of the tentative map. (*PUBLIC WORKS*)
41. **EXISTING PARCEL IMPACT FEES:** The existing parcel is proposed to connect to the City's public water and sewer facilities. The existing parcel shall pay impact fees to establish the new connections into the City's facilities. The estimated Sewer Impact Fee for the existing residence is \$13,262.00. The estimated Water Impact Fee for the existing residence is \$4,556.00. The actual impact fees will be calculated based 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

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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.

42. **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 \$26,524.00. 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. 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. Note that this fee is assessed based on the proposed development of Parcels 2 & 3 of the tentative map. *(PUBLIC WORKS)*
43. **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 \$9,112.00. 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. 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. Note that this fee is assessed based on the proposed development of Parcels 2 & 3 of the tentative map. *(PUBLIC WORKS)*
44. **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 \$26,024.00. 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. Note that this fee is assessed based on the proposed development of Parcels 2 & 3 of the tentative map. *(PUBLIC WORKS)*

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45. **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 \$45,234.00. 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. Note that this fee is assessed based on the proposed development of Parcels 2 & 3 of the tentative map. (*PUBLIC WORKS*)
46. **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*)
47. **PUBLIC IMPROVEMENTS:** All public improvements labeled on the tentative map plans as "future", for example the driveway approaches for parcels 2 & 3, shall be built with the proposed parcel map. At initial improvement plan submittal, the plans shall be updated to identify all public improvements to build with the improvement plans. (*PUBLIC WORKS*)
48. **SIGNING AND STRIPING PLAN:** Due to the proposed project's requirement to remove and replace the existing sidewalk surrounding the project to City Standard, the project shall remove and replace all street signs along the project frontage. At initial improvement plan submittal, the plans shall include a signage and striping plan conveying all restriping and street signs to be installed per City Standard and CAMUTCD. (*PUBLIC WORKS*)
49. **DRIVEWAY APPROACHES:** All driveway approaches shown on the tentative map shall be installed with these proposed improvement plans. For Parcel 2 the driveway approach shall match the existing driveway location across the street or be located 150-ft from the intersection. For Parcel 3, the driveway approach shall be off of 10th St. Proposed driveway approach off Church St. will not be allowed. (*PUBLIC WORKS*)
50. **SIDEWALK DESIGN:** At initial design submittal, the plans and all relative sections

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shall be updated to show a City Standard 1.5% cross slope for the proposed sidewalk along the project frontage. *(PUBLIC WORKS)*

51. **EASEMENT AREA:** The easement area past the back of the proposed sidewalk shall be graded at 1.5% cross slope to end of the easement. Plans shall be updated to reflect this requirement. *(PUBLIC WORKS)*
52. **EXISTING UTILITIES:** The improvement plans shall show shall the existing service laterals not designated for future use to be abandoned at the main. At initial improvement plan submittal, the plans shall be updated to reflect this requirement. *(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.

53. **DEDICATION OF PUBLIC EASEMENT:** Project shall secure 10-ft easement at existing sewer line at the connection point. *(PUBLIC WORKS)*
54. **DEDICATION OF PRIVATE EASEMENT:** Project shall create private sanitary sewer easements, private stormwater easements as needed for utilities crossing lot lines. Said easements will grant private utility rights to adjacent private lots as needed. *(PUBLIC WORKS)*
55. **PARCEL MAP:** It shall be the applicant's responsibility to have a parcel 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 parcel map shall be approved by the Department of Public Works and recorded with the County Recorder's Office prior to the issuance of any City permits. A parcel map guarantee shall be submitted to the City, by the applicant's title company, prior to release of the parcel 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. *(PUBLIC WORKS)*
56. **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

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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*)

57. **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*)
58. **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*)
59. **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*)
60. **PAVEMENT RESTORATION:** Due to construction activities and new utility cuts along the project frontage the applicant shall grind and overlay the Church St project frontage with 2-inches of hot mix asphalt concrete with pavement section dig-out repairs, half road way width (curb to centerline) and micro-surface treatment along 10th St project frontage with pavement section dig-out repairs half road way width (curb to centerline). The extent of the pavement section dig-out repairs to be determined by the developer's geotechnical engineer and to be confirmed by the City Engineer. (*PUBLIC WORKS*)
61. **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

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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)

62.

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

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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.

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*)

- 63. **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.

- 64. **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

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removed as deemed appropriate by the City Engineer.

- b. Construction activities that will impact 10th Street and Church St shall be performed at night time. Nonpublic roadway related work part of the 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.

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- 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

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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.

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- 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.

65. **HERITAGE TREE PROTECTION MEASURES:** The applicant shall submit a tree protection plan showing how all on and off-site heritage trees will be protected during construction. All approved and installed Heritage Tree protection measures shall be installed prior to any site activities and maintained throughout the period of construction. The Project Arborist shall complete inspections on an as-need basis during the construction period and shall submit a monthly report of his/her findings in a letter sent by fax or email to the City Planner assigned to this project.

(PUBLIC WORKS)

66. **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)

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67. **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*)
68. **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*)
69. **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

70. **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)

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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.

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*)

RESOLUTION 2023-XX**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GILROY APPROVING A TENTATIVE MAP TO SUBDIVIDE A 0.87-ACRE SITE INTO THREE PARCELS, LOCATED AT 7040 CHURCH STREET, APN: 799-11-068 (FILE NUMBER TM 22-03)**

WHEREAS, On May 18, 2022, an application was filed by Amanda Musy-Verdel proposing subdivision of a 0.87-acre site into three lots, located at 7040 Church Street within the City of Gilroy R-2 Two-Family Residential zoning district; and

WHEREAS, the application submittal was deemed complete on June 12, 2023; and

WHEREAS, an updated Department of Parks and Recreation (DPR) form was completed by Dudek Architectural Historians on May 8, 2023, and determined the proposed subdivision would not cause a substantial adverse change in the significance of a historical resource; and

WHEREAS, the proposed subdivision qualifies as exempt from further environmental review and qualifies for the State CEQA Guidelines section 15315 (Class 15, 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 are available; and

WHEREAS, the tentative map was referred to various public utility companies and City departments, including the Technical Advisory Committee for their review and recommendations to ensure compliance with applicable service and development requirements; and

WHEREAS, on August 3, 2023, the Planning Commission held a duly noticed public meeting 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 TM 22-03 and voted unanimously to recommend approval of the project; and

WHEREAS, the City may deny a tentative map only if, based upon substantial evidence in the record, it makes one or more of the seven listed findings for denial prescribed by Government Code Section 66474. Staff has reviewed the findings and concluded that project denial based on these findings would not be supported, and alternatively, that each of the seven findings may be made to support approval of the project; and

WHEREAS, on September 11, 2023, the City Council held a duly noticed public meeting 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 TM 22-03; 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 of the City of Gilroy hereby find as follows:

FINDINGS

1. The proposed subdivision TM 22-03 is not consistent with applicable general and specific plans as specified in 65451.

This Finding cannot be made. The proposed subdivision TM 22-03 is consistent with the intent of the goals and policies of the City's General Plan and the residential density and uses anticipated within the General Plan Low Density Residential land use designation.

2. That the design or improvement of the proposed subdivision TM 22-03 is not consistent with applicable general and specific plans.

This Finding cannot be made. The design or improvement of the proposed subdivision TM 22-03 is consistent with the applicable general plan given that the parcel split does not involve any changes to existing land uses, and the lot size, shape and location complies with the 2040 General Plan Low Density Residential land use designation.

3. That the site is not physically suitable for the type of development.

This Finding cannot be made. The site is physically suitable for the type of development given that the property is already developed with a residential use in compliance with all codes and standards, does not have unique physical constraints, the size and geometry of the property comply with all applicable codes and ordinances, and there are no exceptions requested or proposed to the site development standards.

4. That the site is not physically suitable for the proposed density of development.

This Finding cannot be made The site is physically suitable for the proposed density of development, given that the resulting lots would accommodate the existing single family home and water tank building, a single-family home or duplex on each of the remaining lots, and parking required for the sites after subdivision, consistent with the City Zoning Ordinance and the 2040 General Plan Low Density Residential land use designation.

5. That the design of the proposed subdivision TM 22-03 or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

This Finding cannot be made The design of the proposed subdivision TM 22-03 or the proposed improvements will not cause substantial environmental damage or injure fish or wildlife or their habitat because the site is located within a developed urban context and is not in or adjacent to any sensitive habitat areas.

6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.

This Finding cannot be made. The design of the proposed subdivision TM 22-03 will not cause serious public health problems because the site is located within an urban context and has access to urban services including sewer and water.

7. That the design of the proposed subdivision TM 22-03 or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

This Finding cannot be made. The design of the proposed subdivision TM 22-03 will not conflict with access easements because there are no known existing access easements encumbering this property.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Gilroy hereby approved the Tentative Map Application No. TM 22-03, subject to the conditions attached hereto as Exhibit A.

PASSED AND ADOPTED by the City Council of the City of Gilroy at a regular meeting duly held on the 11th day of September 2023 by the following roll call vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED:

Marie Blankley, Mayor

ATTEST:

Thai Nam Pham, City Clerk

EXHIBIT A

TENTATIVE MAP CONDITIONS OF APPROVAL 7040 CHURCH STREET LOT SPLIT TM 22-03

PLANNING DIVISION CONDITIONS

The following GENERAL conditions authorize specific terms of the project ENTITLEMENT.

1. **APPROVED PROJECT:** The approval for Tentative Parcel Map TM 22-03 is granted to subdivide 0.87 acres into three (3) residential parcels, located at 7040 Church Street located on Assessor Parcel No. 799-11-068 as shown on Project Plans dated and received by the Planning Division on July 6, 2023, prepared by Hanna-Brunetti, dated June 2023, and consisting of 2 sheets.

Any future adjustment or modification to the plans, including any changes made at time of building permit submittal, shall be considered by the Community Development Director or designee, may require separate discretionary approval, and shall conform to all City, State, and Federal requirements, including subsequent City Code requirements or policies adopted by City Council.

2. **COMPLIANCE WITH CONDITIONS:** If Developer or owner fails to comply with any of the conditions of this permit, the Developer or owner shall be subject to permit revocation or enforcement actions pursuant to the City Code. All costs associated with any such actions shall be the responsibility of Developer or owner.
3. **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.

The following conditions shall be met prior to the approval of the FINAL MAP or PARCEL MAP, or other deadline as specified in the condition.

4. **TENTATIVE MAP:** An approved tentative map or vesting tentative map shall expire twenty-four (24) months from the approval date and may be extended pursuant to the provisions of the Map Act if the final map is not approved prior to expiration.

PUBLIC WORKS CONDITIONS OF APPROVAL

The following conditions authorize the specific terms and are a part of the project ENTITLEMENT(S); and which shall be addressed on the construction plans submitted for any BUILDING PERMIT, GRADING PERMIT or SUPERSTRUCTURE, 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.

5. **PAYMENT OF PUBLIC WORKS PLAN CHECK AND INSPECTION FEE:** At the time of first improvement plan submittal, the applicant shall submit a \$10,000.00 (Ten 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. (*PUBLIC WORKS*).

6. **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*)

7. **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*)

8. **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*)

9. **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*)
10. **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*)
11. **STORMWATER TREATMENT:** This project is subject to stormwater design considering full project boundary shown on the tentative map. Collectively or individually, all lots will perform stormwater calculations and mitigate for stormwater impacts. (*PUBLIC WORKS*)
12. **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*)
13. **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*)
14. **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*)

15. **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*)
16. **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*)
17. **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*)
18. **IMPACT FEES:** The project is subject to the City's Street Tree, Storm, Sewer, Water, Traffic, and Public Facilities Development Impact and Stormwater Management Fees. The City's latest impact fee schedule is available on the City's website. Payment of all Impact and Stormwater Management 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*)
19. **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*)

20. **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*)
21. **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*)
22. **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*)
23. **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)*

24. **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)*

25. **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)*
26. **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. [(For major street improvements) 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 TREES:** The applicant shall plant street trees along the project frontage 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 will include City Standard tree grates.
- b. **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.
- c. **SIDEWALK:** The applicant shall replace to existing City standards all sidewalk surrounding the project site. Sidewalk replacement shall be constructed per the City Standard Drawings.
- d. **CURB RAMP(S):** The applicant shall remove and replace the curb ramps at corner along the project frontage in accordance with the latest Caltrans State Standard Drawing. The ramp "Case" shall be identified on the plans and shall be to the approval of the City Engineer.

- e. **CURB AND GUTTER:** The applicant shall replace to existing City standards all damaged and non-standard curb and gutter surrounding the project site. Add the following note to the plans: “The actual amount of curb and gutter to be replaced shall be determined by the Public Works Construction Inspector in the field prior to construction. New curb and gutter shall be constructed per the City Standard Drawing STR-12. “
- f. **DRIVEWAY APPROACHES:** The applicant is to remove the existing driveway approaches that are not to current City Standard. The applicant shall install City Standard Residential driveway approaches for each parcel shown on the approved plans. This includes all driveway approaches identified as “Future Driveway”.
- g. **SEWER LATERAL:** The applicant shall install a sewer lateral and main line connection to the existing sewer main located in adjacent property along the rear property line per City Standard. The sewer lateral shall be sized in accordance with the currently adopted Plumbing Code. A clean-out shall be installed on the lateral within 10 feet of the sewer main. Connection to the main will be with a sewer manhole per City Standard. The applicant is advised that the City does not maintain private laterals in rear and side yards.
- h. **SEWER CLEAN-OUT:** The applicant shall install a sewer lateral clean-out at the property line in accordance with the City Standard Drawing SWR-6.
- i. **STORM WATER CATCH BASIN(S):** The applicant shall install standard storm water catch basins, in accordance with the City Standard Drawing, specifications and general guidelines.
- j. **SIDEWALK UNDERDRAIN(S):** The applicant shall install standard sidewalk underdrains in accordance with the City Standard Drawing STR-19.
- k. **STREET LIGHT(S):** Pending the results of the provided off-site photometric analysis, the applicant shall provide and install standard aluminum electrolier street light(s) per City Standard Drawing EL-1 to EL-5. 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.

- I. **FIRE HYDRANTS:** The applicant shall install new fire hydrants along the project frontage. Spacing shall meet City and Fire Marshall requirements.

27. **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*)
28. **STREET CUT MORATORIUM:** 10th Street is part of the Street Cut Moratorium. The project is making new pavement cuts on the newly resurfaced 10th Street which reduces the City Pavement Condition Index. The project shall Grind and pave the entire width of 10th 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 to the satisfaction of the City Engineer. (*PUBLIC WORKS*)
29. **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*)
30. **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:
 - Arterial Streets, 1.0fc average, 3/1 average to minimum uniformity, .34fc minimum

- Collector Streets, .60fc average, 4/1 average to minimum uniformity, .15fc minimum
- Local streets, .40fc average, 6/1 average to minimum uniformity, .07fc minimum
- High volume intersection, 1.1fc average, 3.1 average to minimum uniformity, .40fc minimum
- Low volume intersection, .70fc average, 4/1 average to minimum uniformity, .18fc minimum

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)

31. **FENCES AND OTHER PERMANENT STRUCTURES:** The applicant shall locate all project fencing and foundation of a permanent nature within the project's property and out of the City right-of-way. *(PUBLIC WORKS)*
32. **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)*
33. **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)*
34. **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)

35. **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)*
36. **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)*
37. **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*)

38. **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*)
39. **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 \$1,656.00. 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 first building permit issuance. Note that this fee is assessed based on the full scope of the tentative map. (*PUBLIC WORKS*)
40. **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 \$281.00. 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 first building permit issuance. Note that this fee is assessed based on the acreage of Parcels 2 & 3 of the tentative map. (*PUBLIC WORKS*)
41. **EXISTING PARCEL IMPACT FEES:** The existing parcel is proposed to connect to the City's public water and sewer facilities. The existing parcel shall pay impact fees to establish the new connections into the City's facilities. The estimated Sewer Impact Fee for the existing residence is \$13,262.00. The estimated Water Impact Fee for the existing residence is \$4,556.00. The actual impact fees will be calculated based 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.

42. **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 \$26,524.00. 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. 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. Note that this fee is assessed based on the proposed development of Parcels 2 & 3 of the tentative map. *(PUBLIC WORKS)*
43. **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 \$9,112.00. 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. 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. Note that this fee is assessed based on the proposed development of Parcels 2 & 3 of the tentative map. *(PUBLIC WORKS)*
44. **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 \$26,024.00. 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. Note that this fee is assessed based on the proposed development of Parcels 2 & 3 of the tentative map. *(PUBLIC WORKS)*

45. **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 \$45,234.00. 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. Note that this fee is assessed based on the proposed development of Parcels 2 & 3 of the tentative map. (*PUBLIC WORKS*)
46. **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*)
47. **PUBLIC IMPROVEMENTS:** All public improvements labeled on the tentative map plans as "future", for example the driveway approaches for parcels 2 & 3, shall be built with the proposed parcel map. At initial improvement plan submittal, the plans shall be updated to identify all public improvements to build with the improvement plans. (*PUBLIC WORKS*)
48. **SIGNING AND STRIPING PLAN:** Due to the proposed project's requirement to remove and replace the existing sidewalk surrounding the project to City Standard, the project shall remove and replace all street signs along the project frontage. At initial improvement plan submittal, the plans shall include a signage and striping plan conveying all restriping and street signs to be installed per City Standard and CAMUTCD. (*PUBLIC WORKS*)
49. **DRIVEWAY APPROACHES:** All driveway approaches shown on the tentative map shall be installed with these proposed improvement plans. For Parcel 2 the driveway approach shall match the existing driveway location across the street or be located 150-ft from the intersection. For Parcel 3, the driveway approach shall be off of 10th St. Proposed driveway approach off Church St. will not be allowed. (*PUBLIC WORKS*)

50. **SIDEWALK DESIGN:** At initial design submittal, the plans and all relative sections shall be updated to show a City Standard 1.5% cross slope for the proposed sidewalk along the project frontage. *(PUBLIC WORKS)*
51. **EASEMENT AREA:** The easement area past the back of the proposed sidewalk shall be graded at 1.5% cross slope to end of the easement. Plans shall be updated to reflect this requirement. *(PUBLIC WORKS)*
52. **EXISTING UTILITIES:** The improvement plans shall show shall the existing service laterals not designated for future use to be abandoned at the main. At initial improvement plan submittal, the plans shall be updated to reflect this requirement. *(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.

53. **DEDICATION OF PUBLIC EASEMENT:** Project shall secure 10-ft easement at existing sewer line at the connection point. *(PUBLIC WORKS)*
54. **DEDICATION OF PRIVATE EASEMENT:** Project shall create private sanitary sewer easements, private stormwater easements as needed for utilities crossing lot lines. Said easements will grant private utility rights to adjacent private lots as needed. *(PUBLIC WORKS)*
55. **PARCEL MAP:** It shall be the applicant's responsibility to have a parcel 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 parcel map shall be approved by the Department of Public Works and recorded with the County Recorder's Office prior to the issuance of any City permits. A parcel map guarantee shall be submitted to the City, by the applicant's title company, prior to release of the parcel 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. *(PUBLIC WORKS)*
56. **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)*

57. **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)*
58. **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)*
59. **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)*
60. **PAVEMENT RESTORATION:** Due to construction activities and new utility cuts along the project frontage the applicant shall grind and overlay the Church St project frontage with 2-inches of hot mix asphalt concrete with pavement section dig-out repairs, half road way width (curb to centerline) and micro-surface treatment along 10th St project frontage with pavement section dig-out repairs half road way width (curb to centerline). The extent of the pavement section dig-out repairs to be determined by the developer's geotechnical engineer and to be confirmed by the City Engineer. *(PUBLIC WORKS)*
61. **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)

62. **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.

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*)

63. **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.

64. **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 that will impact 10th Street and Church St shall be performed at night time. Nonpublic roadway related work part of the 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
- c. be kept free of graffiti at all times. Contact the Public Works Department to obtain sample City Standard sign outlining hours of operation.
- d. 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.
- e. 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.

65. **HERITAGE TREE PROTECTION MEASURES:** The applicant shall submit a tree protection plan showing how all on and off-site heritage trees will be protected during construction. All approved and installed Heritage Tree protection measures shall be installed prior to any site activities and maintained throughout the period of construction. The Project Arborist shall complete inspections on an as-need basis during the construction period and shall submit a monthly report of his/her findings in a letter sent by fax or email to the City Planner assigned to this project. (*PUBLIC WORKS*)
66. **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)

67. **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)
68. **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)
69. **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

70. **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.

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)*

12.1.Gilroy Garlic Festival Memorial Repairs/Upgrades

1. Staff Report:
2. Public Comment
3. Possible Action:

Council receive report and provide feedback as appropriate.



City of Gilroy

STAFF REPORT

Agenda Item Title:	Gilroy Garlic Festival Memorial Repairs/Upgrades
Meeting Date:	September 11, 2023
From:	Jimmy Forbis, City Administrator
Department:	Administration
Submitted By:	Jimmy Forbis, City Administrator
Prepared By:	Jimmy Forbis, City Administrator

STRATEGIC PLAN GOALS

Maintain and Improve City Infrastructure

RECOMMENDATION

Council receive report and provide feedback as appropriate.

BACKGROUND

In September 2019 a temporary memorial to the victims of the Gilroy Garlic Festival shooting was erected to honor the three deaths and 17 wounded on July 28, 2019. At the time, the memorial, designed by Gilroy landscape artist Karen Aitken, was originally intended to be a temporary memorial located on the ranch side of Christmas Hill Park.

A plan for a permanent memorial never developed and thus on October 19, 2020, the City Council declared that the temporary memorial would be designated as the permanent memorial going forward.

The memorial in its current form is comprised of a large palm tree and three flag-laden ropes going from the tree to a ranch-style fence. There is also landscaping and a plaque memorializing the three victims that lost their lives on that date - Stephen Romero, Keyla Salazar, and Trevor Irby.

ANALYSIS

The landscape and materials within the memorial are weathered and need replacement with more durable components. Recently, public works crews performed maintenance

at the site that included bark replacement, trimming of landscape, and general clean-up of the area.

The City does not propose drastic changes to the site, however given the maintenance challenges at the site modifications to the memorial include removing the three ropes and making the area more hardscape, thus reducing the need for ongoing maintenance.

This report serves to notify the City Council and Gilroy community about the upcoming modifications to the site. Staff realizes this site is very important to members of the community and wish to ensure that all are aware of modifications proposed for the site.

ALTERNATIVES

None currently.

FISCAL IMPACT/FUNDING SOURCE

Minimal costs that can be incorporated into the City's current operating budget.

PUBLIC OUTREACH

Not applicable.

NEXT STEPS

Staff will continue to modify the memorial with adjustments to the ropes and more sustainable landscaping.