



PLANNING COMMISSION REGULAR MEETING AGENDA

Thursday, August 3, 2023 | 6:00 PM

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

Chair: Manny Bhandal:
manny.bhandal@cityofgilroy.org

Vice Chair: Annedore Kushner:
annedore.kushner@cityofgilroy.org

Commissioners:

Stefanie Elle:
stefanie.elle@cityofgilroy.org
Joan Lewis:
joan.lewis@cityofgilroy.org

Adriana Leongardt:
adriana.leongardt@cityofgilroy.org
Kelly Ramirez:
kelly.ramirez@cityofgilroy.org

Terence Fugazzi:
terence.fugazzi@cityofgilroy.org

Staff Liaison: Sharon Goei, Community Development Director | sharon.goei@cityofgilroy.org

Written comments can be submitted by email to planningdivision@cityofgilroy.org. Please note that written comments will not be read out loud, but will be part of the written record.

Comments by the public will be taken on any agenda item before action is taken by the Planning Commission. Persons speaking on any matter are asked to state their name and address for the record. Public testimony is subject to reasonable regulations, including but not limited to time restrictions on particular issues and for each individual speaker. A minimum of 12 copies of materials should be provided to the Clerk for distribution to the Commission and Staff. Public comments are limited to no more than three-minutes, at the Chair's discretion.

Comments on any agenda item may be emailed to the Planning Division at planningdivision@cityofgilroy.org or mailed to the City of Gilroy, Community Development Department at City Hall, 7351 Rosanna Street, Gilroy, CA 95020. Comments received by the Planning Division by 1:00 pm on the day of a Planning Commission meeting will be distributed to the Planning Commissioners prior to or at the meeting and are available for public inspection at the Planning Division counter at City Hall, 7351 Rosanna Street. Any correspondence received will be incorporated into the meeting record. Items received after the 1:00 pm deadline will be provided to the Planning Commission as soon as practicable.

In compliance with the American Disabilities Act (ADA), the City will make reasonable arrangements to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the City Clerk 72 hours prior to the meeting at (408) 846-0491. A sound enhancement system is available in the City Council Chambers.

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

Persons who wish to speak on matters set for Public Hearing will be heard when the presiding officer calls for comments from those persons who are in support of or in opposition thereto. After persons have spoken, the hearing is closed and brought to the Planning Commission level for discussion and action. There is no further comment permitted from the audience unless requested by the Planning Commission.

A Closed Session may be called during this meeting pursuant to Government Code Section 54956.9(b)(1) if a point has been reached where, in the opinion of the legislative body of the City on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the City.

Materials related to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection with the agenda packet in the lobby of Administration at City Hall, 7351 Rosanna Street during normal business hours. These materials are also available with the agenda packet on the City website at www.cityofgilroy.org

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 or by email at cityclerk@cityofgilroy.org.

1. **OPENING**
2. **PLEDGE OF ALLEGIANCE**
3. **REPORT ON POSTING THE AGENDA AND ROLL CALL**
4. **PUBLIC COMMENTS**

(Three-minute time limit). This portion of the meeting is reserved for persons desiring to address the Planning Commission on matters not on the agenda. The law does not permit the Planning Commission action or extended discussion of any item not on the agenda except under special circumstances. Comments on any agenda item may be emailed to the Planning Division at planningdivision@cityofgilroy.org or mailed to Community Development Department at City Hall, 7351 Rosanna Street, Gilroy, CA 95020. Comments received by the Planning Division by 1:00pm on the day of a Planning Commission meeting will be distributed to the Planning Commission prior to or at the meeting and available for public inspection with the agenda packet located in the lobby of Planning Division at City Hall, 7351 Rosanna Street prior to the meeting. Any correspondences received will be incorporated into the meeting

record. Items received after 1:00pm deadline will be provided to the Planning Commission as soon as practicable. All statements that require a response will be referred to staff for reply in writing.

PUBLIC HEARINGS FOR RELATED PROJECT APPLICATIONS WILL BE HEARD CONCURRENTLY AND ACTION WILL BE TAKEN INDIVIDUALLY. COMPANION PROJECTS UNDER NEW BUSINESS WILL BE TAKEN UP FOR ACTION PRIOR TO, OR IMMEDIATELY FOLLOWING THE RELATED PUBLIC HEARING. THIS REQUIRES DEVIATION IN THE ORDER OF BUSINESS AS NOTED WITHIN THE AGENDA.

5. CONSENT AGENDA

5.1. July 20, 2023 Planning Commission Meeting Minutes

6. PUBLIC HEARINGS

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

1. Staff Report: Erin Freitas, Planner II
2. Open Public Hearing
3. Close Public Hearing
4. Possible Action:

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.

7. NEW BUSINESS

No Items.

8. INFORMATIONAL ITEMS

8.1. Planning Division Staff Approvals

9. PLANNING DIVISION REPORT

10. ASSISTANT CITY ATTORNEY REPORT

11. ADJOURNMENT To the Next Meeting of September 7, 2023 at 6:00 PM

**City of Gilroy
Planning Commission
Special Meeting Minutes
Thursday, July 20, 2023 | 6:00 PM**

1. OPENING

Tonight's meeting was called to order by Chair Bhandal at 6:00 p.m.

2. PLEDGE OF ALLEGIANCE

Chair Bhandal led the pledge of allegiance.

3. REPORT ON POSTING THE AGENDA AND ROLL CALL

The agenda was posted on Thursday, June 13, 2023 at 2:10 p.m.

Attendance	Attendee Name
Present	Stefanie Elle, Commissioner Terence Fugazzi, Commissioner Adriana Leongardt, Commissioner Joan Lewis, Commissioner Kelly Ramirez, Commissioner Annedore Kushner, Vice Chair Manny Bhandal, Chair

4. PUBLIC COMMENTS

Chair Bhandal opened public comment for items not on the agenda.

There being no speakers, Chair Bhandal closed public comment for items not on the agenda.

5. CONSENT AGENDA

5.1. June 1, 2023 Planning Commission Regular Meeting Minutes

Motion made by Commissioner Lewis; seconded by Commissioner Ramirez to approve the consent agenda.

RESULT: Pass [7-0]

MOVER: Commissioner Lewis

SECONDER: Commissioner Ramirez

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

6. PUBLIC HEARINGS

6.1. McKim Headquarters, Architectural and Site Review, 8820 Muraoka Drive, AS 22-06

1. Staff Report:
Kraig Tambornini, Senior Planner

2. Open Public Hearing
Chair Bhandal opened the item to public hearing.
3. Close Public Hearing
There being no speakers, Chair Bhandal closed the public hearing.
4. Possible Action:
Staff recommends that the Planning Commission adopt a resolution determining the project is exempt from further environmental review pursuant to CEQA Guidelines Section 15332 and approving the Architectural and Site Review permit application AS 22-06.

Motion made by Commissioner Ramirez, seconded by Vice Chair Kushner to:

Adopt a resolution determining the project is exempt from further environmental review pursuant to CEQA Guidelines Section 15332 and approving the Architectural and Site Review permit application AS 22-06 subject to the condition of providing screening at the aggregate base yard area in addition to the conditions of approval.

RESULT: Pass [7-0]

MOVER: Commissioner Ramirez

SECONDER: Vice Chair Kushner

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

7. NEW BUSINESS

7.1. Planning Commissioner Training – An overview of the local land use and state laws that govern the City’s planning and development projects (presentation will be provided at the meeting)

Assistant City Attorney, Jolie Houston, provided the Commission with a training and responded to questions posed.

8. INFORMATIONAL ITEMS

8.1. Planning Division Staff Approvals

Community Development Director, Sharon Goei, advised the Commission that the link to the staff directory on the application submittal log linked in the Planning Division Staff Approval sheet is now working properly.

9. PLANNING DIVISION REPORT

Community Development Director Goei advised the Commission that on June 5th the City Council approved a training budget of \$10,500 per year for the Planning Commission. The work plan that was initiated by the Commission in March and finalized in April was also approved by the City Council.

Community Development Director Goei provided a reminder to the Commission to complete the AB 1234 Ethics Training before the end of September. An email had previously been sent on July 7th to inform the Commissioners about the training.

10. ASSISTANT CITY ATTORNEY REPORT

None.

11. ADJOURNMENT To the Next Meeting of August 3, 2023 at 6:00 PM

Ariana Fabian

Ariana Fabian, Planning Technician



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 with other interested parties. In addition, the property has been posted with on-site signage notifying of pending development, and the Planning Commission public hearing

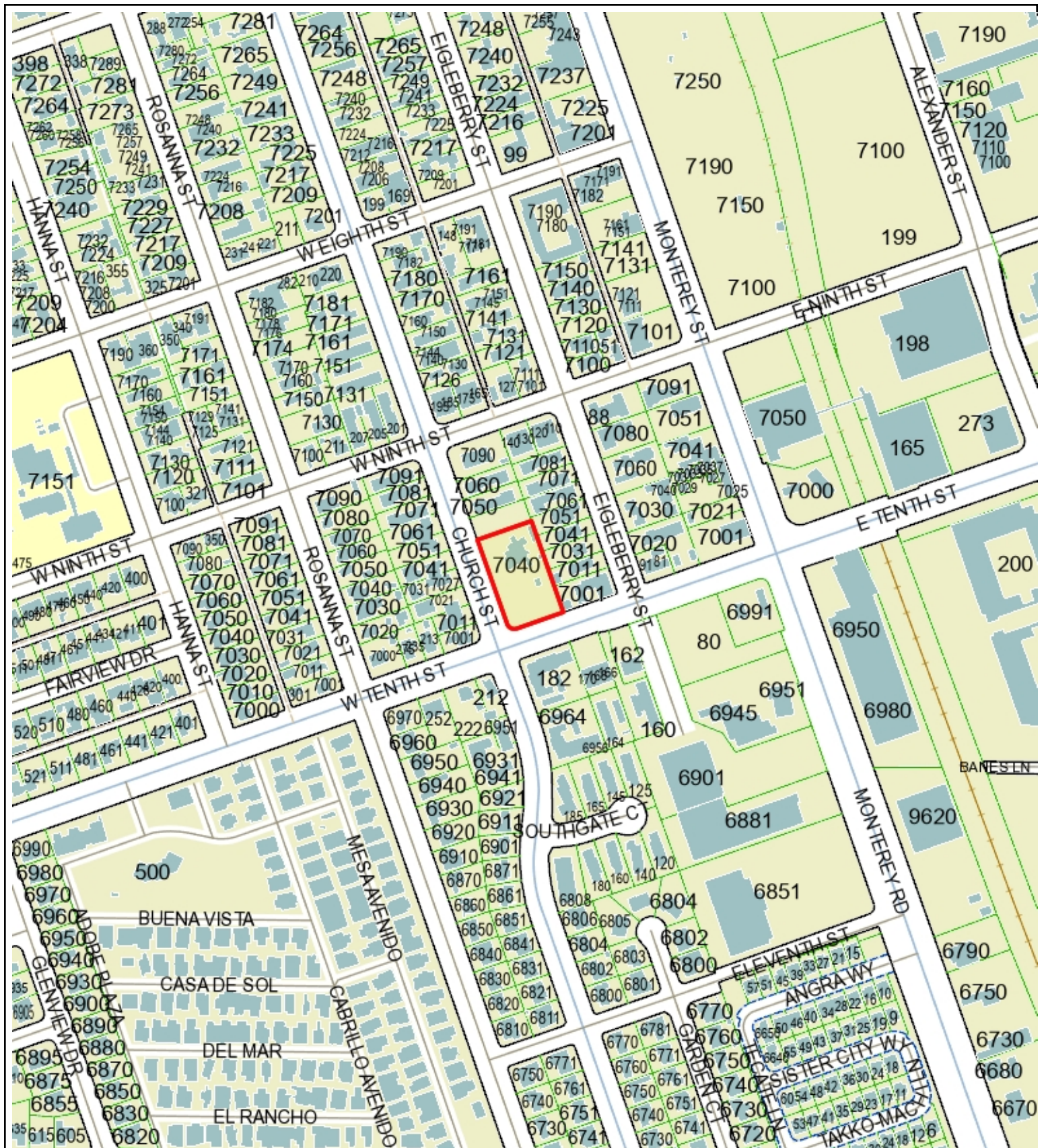
packets are available through the City's webpage.

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



City of Gilroy

Location Map

TM 22-03 - 3 lot subdivision



Scale: 1:4,000

Drawn By:

Checked By:

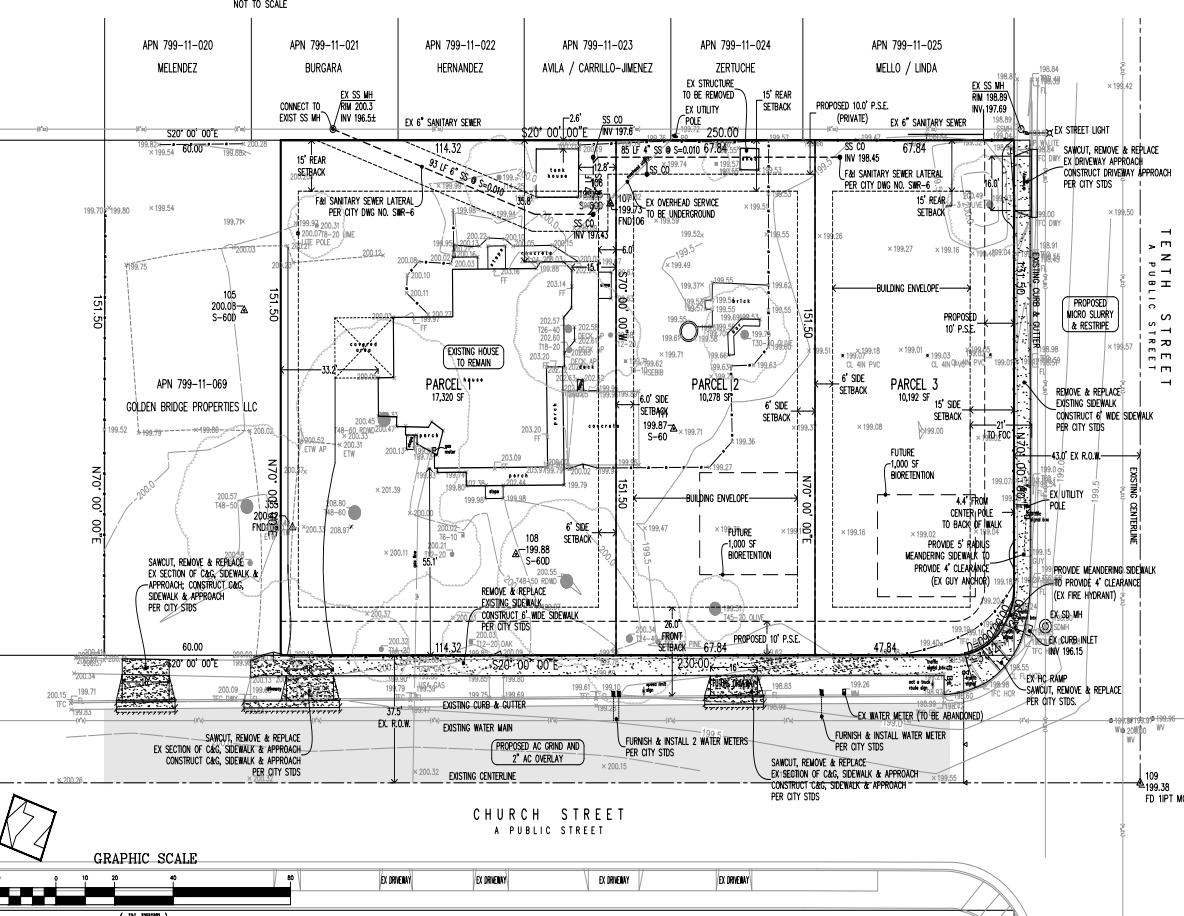
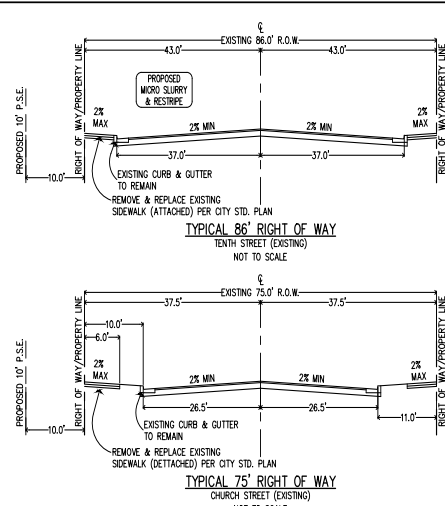
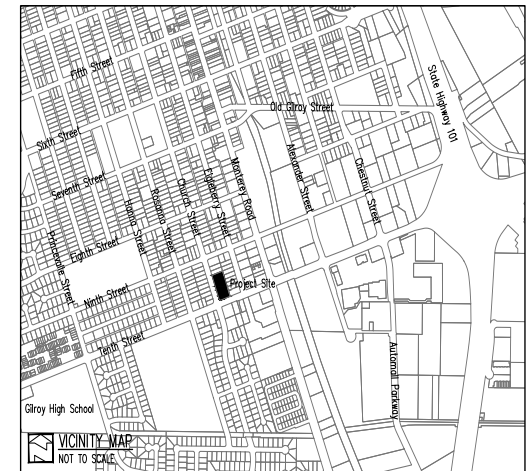
Date:

Sheet:

Tentative Map

7040 Church Street

for
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 6800 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 EXETERBERRY STREET
GILROY, CA 95020

OFFICE: 408-842-2173
EMAIL: ENGINEERING@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

Tentative Map

7040 Church Street - apn 799-11-068

CITY OF GILROY
JUNE 2023

SANTA CLARA COUNTY
CALIFORNIA

SHEET
1
OF 2
JOB NO.
22034

THE USE OF THESE PLANS AND SPECIFICATIONS SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY WERE PREPARED AND PUBLICATION THEREOF IS EXPRESSLY LIMITED TO SUCH USE. REPRODUCTION OR PUBLICATION BY ANY METHOD, IN WHOLE OR IN PART, IS PROHIBITED. THE TITLE OF THESE PLANS AND SPECIFICATIONS REMAINS IN THE ENGINEER WITHOUT PREJUDICE. USUAL CONTACT WITH THESE PLANS AND SPECIFICATIONS SHALL CONSTITUTE PRIVATE EVIDENCE OF THE ACCEPTANCE OF THESE RESTRICTIONS.

REVISIONS:		
DATE	DESCRIPTION	BY:

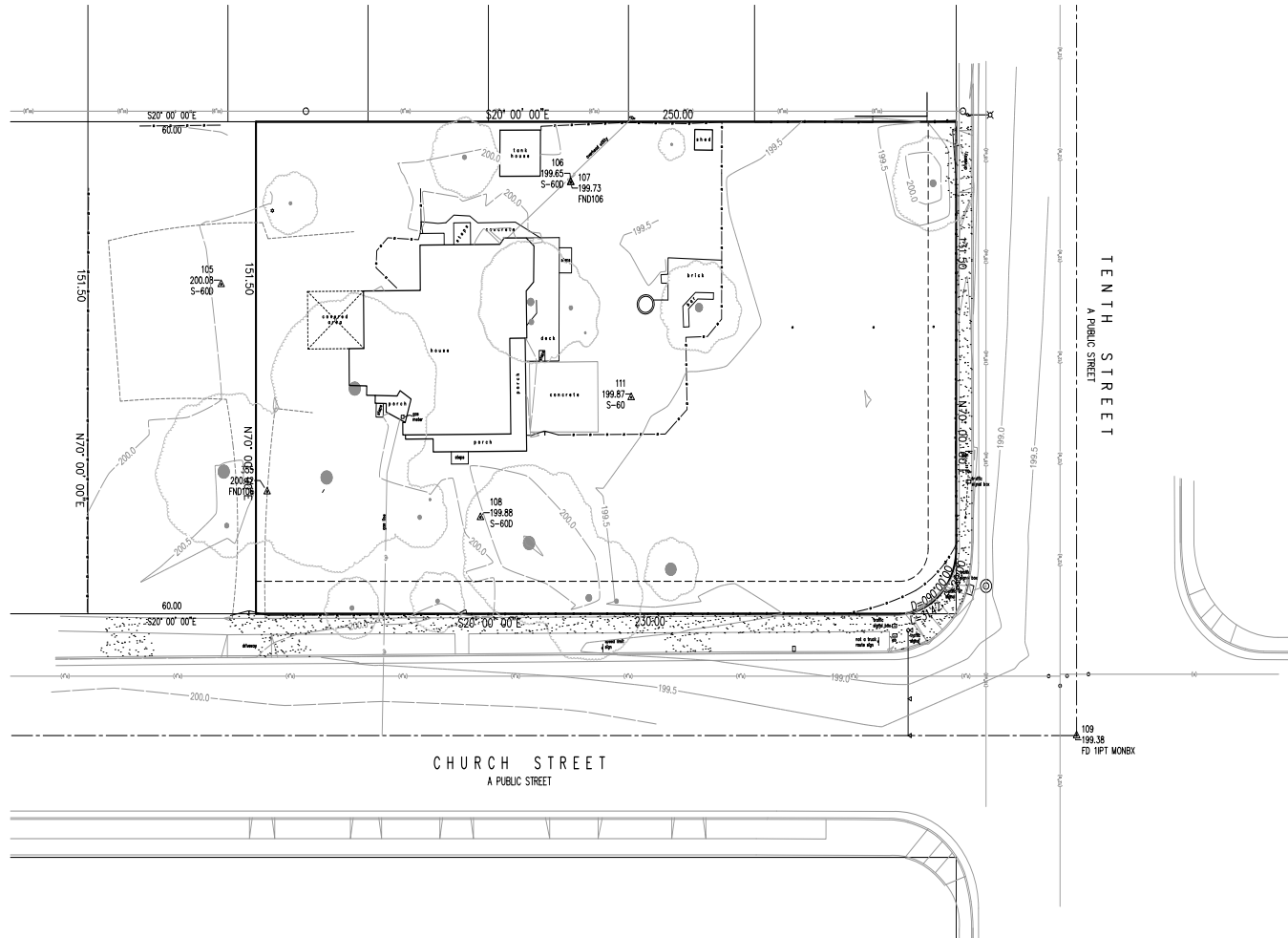
HANNA-BRUNETTI
CIVIL ENGINEERS • LAND SURVEYORS
CONSTRUCTION MANAGERS
7651 EXETERBERRY STREET • GILROY • 95020 • CALIFORNIA
OFFICE: 408-842-2173 • FAX: 408-842-2173
EMAIL: ENGINEERING@HANNA-BRUNETTI.COM

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

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

REFERENCES

THE USE OF THESE PLANS AND SPECIFICATIONS SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY WERE PREPARED AND PUBLICATION THEREOF IS EXPRESSLY LIMITED TO SUCH USE. REPRODUCTION OR PUBLICATION BY ANY METHOD, IN WHOLE OR IN PART, IS PROHIBITED. THE TITLE OF THIS PLAN AND SPECIFICATIONS REMAINS IN THE ENGINEER WITHOUT PREJUDICE. USUAL CONTACT WITH THESE PLANS AND SPECIFICATIONS SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF THE ACCEPTANCE OF THESE RESTRICTIONS.



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): _____

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

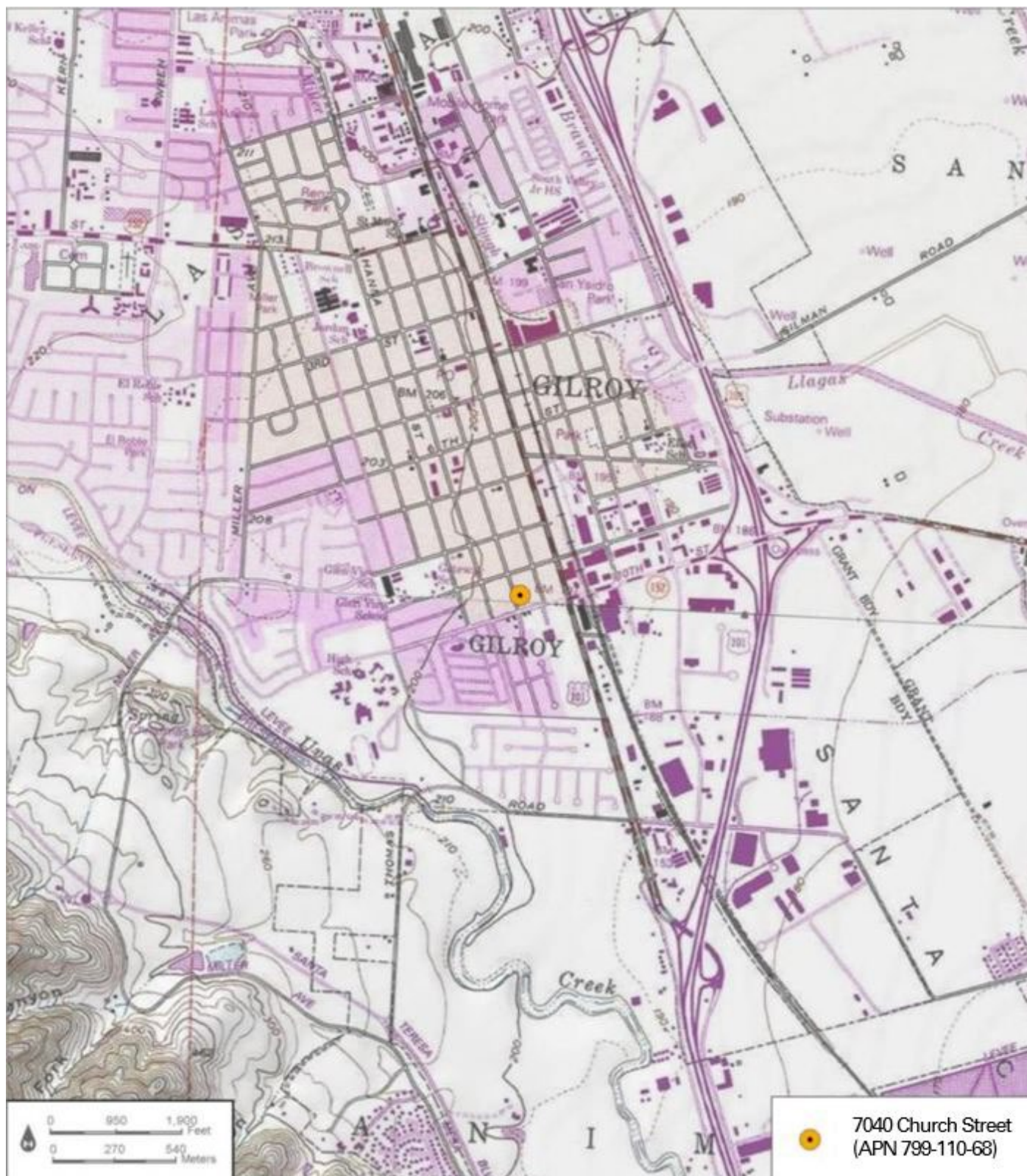
(This space is reserved for official comments.)

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

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.)



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).

CONTINUATION SHEET

Property Name: 7040 Church Street

Page 5 of 15

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

Page 6 of 15

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

CONTINUATION SHEET

Property Name: 7040 Church Street

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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

CONTINUATION SHEET

Property Name: 7040 Church Street

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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.

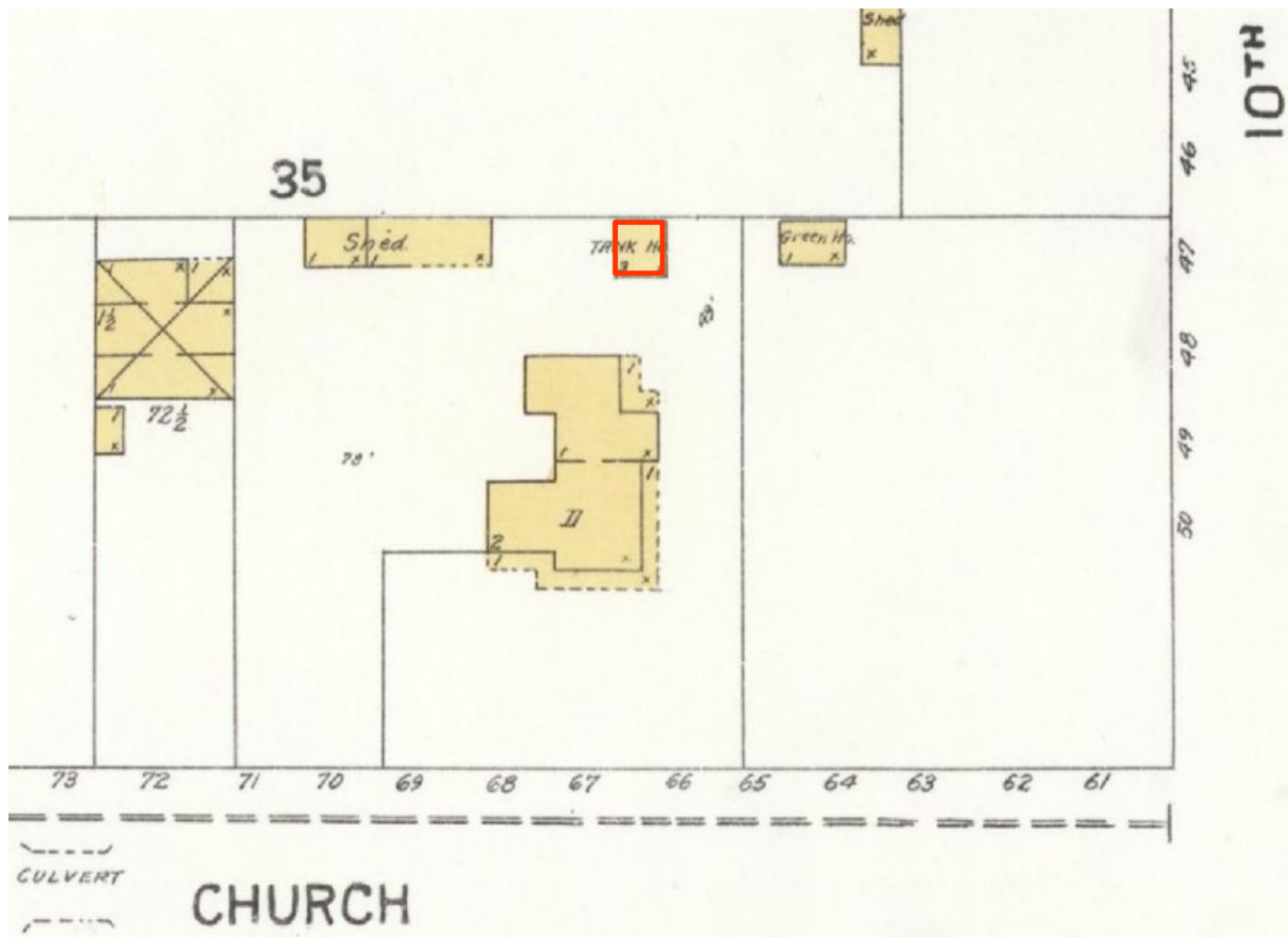
Building Typology: Tank House

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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Property Name: 7040 Church Street

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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):

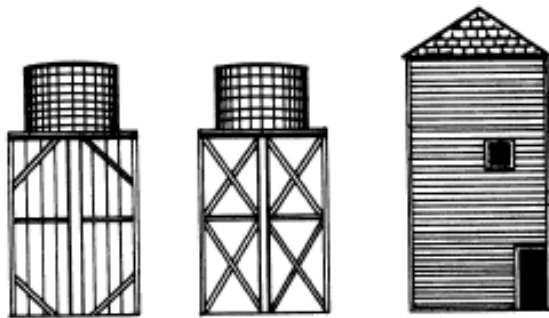
From the 1870s to the 1930s California farmers enclosed the tower and tank to form the more useful tankhouse. The enclosed tower, or tank house, became a conspicuous element on nearly every farmstead, standing tall and narrow, usually by itself with a windmill attached to one side. The tank house is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

CONTINUATION SHEET

Property Name: 7040 Church Street

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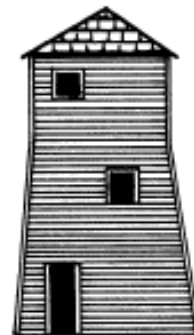
a. Straight-box type and its respective tower



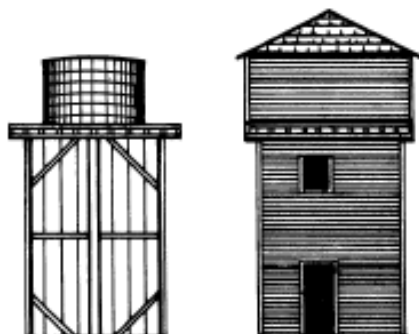
b. Inset-top type



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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Property Name: 7040 Church Street

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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

CONTINUATION SHEET

Property Name: 7040 Church Street

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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

CONTINUATION SHEET

Property Name: 7040 Church Street

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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.

*B12. References (Continued):

Bamburg. 1986. Department of Parks and Rec Historic Resources Inventory Form for 7040 Church Street, Gilroy, Ca. Prepared for the City of Gilroy. San Jose, California: The Firm of Bonnie L. Bamburg, 1986.

Corder, S, and Kaiser, K. 2019. *DPR 523 Form Set for 7040 Church Street, Gilroy, Ca.* Prepared for the City of Gilroy Historic Context Statement and Historic Resources Inventory Update. Santa Cruz, California: Dudek 2019.

Daily Mercury. 1870. "Real Estate Transactions." *San Jose Daily Mercury* (San Jose, California). April 1, 1870: p.3.

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Munro-Fraser, J.P. 1881. *History of Santa Clara County, California*. Alley, Bowen, & Co. (San Francisco, California). Accessed June 6, 2023 via Internet Archive: <https://archive.org/details/historyofsantacla100munr/mode/2up>

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CONTINUATION SHEET

Property Name: 7040 Church Street

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Parcel Quest 2023b. "Parcel Information for APN APN-11-050." Accessed May 9, 2023. <https://pqweb.parcelquest.com/>

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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



RESOLUTION NO. 2023-__

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.

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.

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 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:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

Sharon Goei, Secretary

Manny Bhandal, Chairperson

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 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 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 be kept free of graffiti at all times. Contact the Public Works Department to obtain sample City Standard sign outlining hours of operation.

- c. The allowed hours of Public Works construction activities may be waived or modified through an exemption, for limited periods, if the City Engineer finds that the following criteria are met:
 - i. Permitting extended hours of construction will decrease the total time needed to complete the project thus mitigating the total amount of noise associated with the project as a whole; or,
 - ii. Permitting extended hours of construction are required to accommodate design or engineering requirements, such as a large concrete pour. Such a need would be determined by the project's design engineer and require approval of the City Engineer.
 - iii. An emergency situation exists where the construction work is necessary to correct an unsafe or dangerous condition resulting in obvious and eminent peril to public health and safety. If such a condition exists, the City may waive any of the remaining requirements outlined below.
 - iv. The exemption will not conflict with any other condition of approval required by the City to mitigate significant impacts.
 - v. The contractor or owner of the property will notify residential and commercial occupants of property adjacent to the construction site of the hours of construction activity which may impact the area. This notification must be provided three days prior to the start of the extended construction activity.

- vi. The approved hours of construction activity will be posted at the construction site in a place and manner that can be easily viewed by any interested member of the public.
 - vii. The City Engineer may revoke the exemption at any time if the contractor or owner of the property fails to abide by the conditions of exemption or if it is determined that the peace, comfort and tranquility of the occupants of adjacent residential or commercial properties are impaired because of the location and nature of the construction. The waiver application must be submitted to the Public Works Construction Inspector ten (10) working days prior to the requested date of waiver.
- d. The following provision to control traffic congestion, noise, and dust shall be followed during site excavation, grading and construction:
- i. All construction vehicles should be properly maintained and equipped with exhaust mufflers that meet State standards.
 - ii. Blowing dust shall be reduced by timing construction activities so that paving and building construction begin as soon as possible after completion of grading, and by landscaping disturbed soils as soon as possible.
 - iii. Further, water trucks shall be present and in use at the construction site. All portions of the site subject to blowing dust shall be watered as often as deemed necessary by the City, or a minimum of three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites in order to insure proper control of blowing dust for the duration of the project.
 - iv. Watering on public streets, and wash down of dirt and debris into storm drain systems will not be allowed. Streets will be cleaned by street sweepers or by hand as often as deemed necessary by the Construction Inspector, or at least once a day. Watering associated with on-site construction activity shall take place between the hours of 8 a.m. and 5 p.m. and shall include at least one late-afternoon watering to minimize the effects of blowing dust. Recycled water shall be used for construction watering to manage dust control where possible, as determined by the City Engineer. Recycled water shall be billed at the municipal industrial rate based on the current Santa Clara Valley Water

District's municipal industrial rate. Where recycled water is not available potable water shall be used. All potable construction water from fire hydrants shall be metered and billed at the current portable fire hydrant meter rate.

- v. All public streets soiled or littered due to this construction activity shall be cleaned and swept on a daily basis during the workweek to the satisfaction of the Construction Inspector.
- vi. Construction grading activity shall be discontinued in wind conditions that in the opinion of the Public Works Construction Inspector cause excessive neighborhood dust problems.
- vii. Site dirt shall not be tracked into the public right-of-way, and shall be cleaned immediately if done, or the project may risk being shut down. Mud, silt, concrete and other construction debris shall not be washed into the City's storm drains.
- viii. Construction activities shall be scheduled so that paving and foundation placement begin immediately upon completion of grading operation.
- ix. All aggregate materials transported to and from the site shall be covered in accordance with Section 23114 of the California Vehicle Code during transit to and from the site.
- x. Prior to issuance of any permit, the applicant shall submit any applicable pedestrian or traffic detour plans, to the satisfaction of the City Engineer, for any lane or sidewalk closures. The traffic control plan shall be prepared by a licensed professional engineer with experience in preparing such plans. The Traffic Control Plan shall be prepared by a licensed engineer in accordance with the requirements of the latest edition of the California Manual on Uniform Traffic Control Devices (MUTCD) and standard construction practices. The Traffic Control Plan shall be approved prior to the commencement of any work within the public right-of-way.
- xi. During construction, the applicant shall make accessible any or all City utilities as directed by the City Engineer.
- xii. The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual. The applicant shall require the soils engineer submit to daily testing and

sampling reports to the City Engineer.

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*)



Community Development Department

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TO: Planning Commission
FROM: Sharon Goei, Community Development Director
Kraig Tambornini, Senior Planner
DATE: August 3, 2023
SUBJECT: Planning Division Staff Approvals

The Planning Division has not approved or denied any Minor Deviation or Architectural and Site Review applications since the last report provided to the Planning Commission on July 20, 2023.ⁱ

The current status of other planning projects is available online at:
<https://www.cityofgilroy.org/298/Development-Activity-Projects>

ⁱ Submitted in conformance with Gilroy Municipal Code Sections 30.50.20(b) and 30.50.46