



PLANNING COMMISSION REGULAR MEETING AGENDA

Thursday, December 5, 2024 | 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

Monica Valdez:
monica.valdez@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. November 7, 2024 Planning Commission Meeting Minutes

6. PUBLIC HEARINGS

6.1. First Amendment to the Glen Loma Ranch Development Agreement

1. Staff Report: Cindy McCormick, Planning Manager
2. Public Hearing:
3. Close Public Hearing:
4. Possible Action:
 1. Determine that the First Amendment to the Glen Loma Ranch Development Agreement does not require independent CEQA review, beyond EIR Addendum #2, undertaken in connection with the adoption of the Fourth Operating Memorandum.
 2. Recommend that the City Council adopt an ordinance approving the First Amendment to the Development Agreement between the City of Gilroy and Glen Loma Corporation for the Glen Loma Ranch project to extend the term of the Development Agreement by three years.

7. NEW BUSINESS

7.1. Planning Commission Review of Metropolitan Transportation Commission Complete Streets Checklist for 2024 Climate Program Implementation Grant

1. Staff Report: Mark Johnson, Environmental Programs Manager
2. Public Comment:
3. Possible Action:

Review and provide feedback on the Metropolitan Transportation Commission (MTC) Complete Streets Checklist for the proposed Electric Vehicle (EV) Charging Stations at the Gilroy Community Library.

7.2. Zoning Ordinance Update: Preliminary Draft Planning Permits, Part 1

1. Staff Report: Cindy McCormick, Planning Manager
2. Public Comment:
3. Possible Action:

Receive the staff report and provide preliminary feedback on preliminary draft sections proposed for the comprehensive update. Preliminary recommendations should be made by an informal consensus of the Planning Commission.

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 January 9, 2025 at 6:00 PM

**City of Gilroy
Planning Commission
Regular Meeting Minutes
Thursday, November 7, 2024 | 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 Friday, November 1, 2024 at 9:17 a.m.

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

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. September 19, 2024 Planning Commission Meeting Minutes

A motion was made by Commissioner Lewis; seconded by Commissioner Elle to approve the consent agenda.

RESULT: Pass [6 – 0]

MOVER: Commissioner Lewis

SECONDER: Commissioner Elle

AYES: Commissioner Elle, Lewis, Ramirez, Valdez, Vice Chair Kushner, and Chair Bhandal.

ABSENT: Commissioner Leongardt

6. PUBLIC HEARINGS

6.1. Architectural and Site Review for a Contractor's Yard located at 230 & 260 Las Animas Avenue, Application No. AS 23-18.

1. Staff Report: Erin Freitas, Senior Planner
2. Public Hearing
3. Close Public Hearing
4. Possible Action: Staff has analyzed the proposed project, and recommends that the Planning Commission:
 - a. Based on its independent analysis, determine this project is exempt from further environmental review pursuant to State CEQA Guidelines section 15332 (Class 32); and
 - b. Adopt a resolution approving the Architectural and Site Review permit application AS 23-18.

A motion was made Chair Bhandal; seconded by Commissioner Elle to:

- a. Based on its independent analysis, determine this project is exempt from further environmental review pursuant to State CEQA Guidelines section 15332 (Class 32); and
- b. Adopt a resolution approving the Architectural and Site Review permit application AS 23-18.

With the following amendment:

1. The applicant shall amend the landscaping plan to specify that male Chinese Pistache trees shall be planted. If unavailable, a different non-invasive tree shall be selected.

RESULT: Pass [6 – 0]

MOVER: Chair Bhandal

SECONDER: Commissioner Elle

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

ABSENT: Commissioner Leongardt

7. NEW BUSINESS

7.1. Approval of the 2025 Planning Commission Meeting Schedule

1. Staff Report: Sharon Goei, Community Development Director
2. Public Comment
3. Possible Action:

Approve the 2025 Planning Commission meeting schedule.

A motion was made by Commissioner Elle; seconded by Chair Bhandal to:

Approve the 2025 Planning Commission meeting schedule.

With the following amendment:

1. Remove the July 3, 2025 regular meeting and keep the July 17, 2025 special meeting.

RESULT: Pass [6 – 0]

MOVER: Commissioner Elle

SECONDER: Chair Bhandal

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

ABSENT: Commissioner Leongardt

8. INFORMATIONAL ITEMS

8.1. Planning Division Staff Approvals

There were five architectural and site review application staff approvals.

9. PLANNING DIVISION REPORT

Community Development Director, Sharon Goei, provided the Commission with a reminder to attend the Volunteer Appreciation Dinner.

10. ASSISTANT CITY ATTORNEY REPORT

Assistant City Attorney, Jolie Houston, advised the Commission that there will be California Environmental Quality Act (CEQA) training coming up in the new year.

11. ADJOURNMENT To the Next Meeting of December 5, 2024 at 6:00 PM

Chair Bhandal adjourned the meeting at 6:18 p.m.

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: December 5, 2024
TO: Planning Commission
FROM: Cindy McCormick, Planning Manager
SUBJECT: First Amendment to the Glen Loma Ranch Development Agreement

RECOMMENDATION:

1. Determine that the First Amendment to the Glen Loma Ranch Development Agreement does not require independent CEQA review, beyond EIR Addendum #2, undertaken in connection with the adoption of the Fourth Operating Memorandum.
2. Recommend that the City Council adopt an ordinance approving the First Amendment to the Development Agreement between the City of Gilroy and Glen Loma Corporation for the Glen Loma Ranch project to extend the term of the Development Agreement by three years.

PROJECT DESCRIPTION:

The Development Agreement for the Glen Loma Ranch development was adopted in 2005 (Ordinance 2005-22) and has a 20-year term expiring on December 21, 2025. Pursuant to Section 2.2 of the Glen Loma Ranch Development Agreement (GLR DA), the term may be extended for three years through an amendment to the GLR DA. The First Amendment to the GLR DA would extend the expiration date of the GLR DA from December 21, 2025 to December 21, 2028.

DISCUSSION AND ANALYSIS:

Glen Loma Development: The Glen Loma Ranch Development is an approximately 359-acre property located in the western rolling foothills of Gilroy between Santa Teresa Boulevard and Uvas Creek. On November 7, 2005, the City of Gilroy adopted the Glen Loma Ranch Specific Plan ("Specific Plan") and certified the Glen Loma Ranch Specific Plan EIR ("Specific Plan EIR"). At that time, the City of Gilroy and the Glen Loma Ranch Corporation (GLR) acknowledged that the development and construction of the Glen Loma Ranch development was a large-scale undertaking, necessitating a development agreement to eliminate uncertainty, secure orderly development, and meet the goals and objectives of the General Plan and the Glen Loma Ranch Specific Plan.

Development agreements are contracts negotiated between project proponents and public agencies that govern the land uses that may be allowed in a particular project.

Glen Loma Development Agreement: On November 21, 2005, the City of Gilroy and Glen Loma Ranch entered into a Development Agreement (GLR DA) for the development of the Glen Loma Ranch development (Ordinance 2005-22). The effective date of the GLR DA was December 21, 2005, with a 20-year term, expiring on December 21, 2025, or the date on which the development has been completed including the construction of public improvements. The GLR DA also allows for an extension of three years through an amendment to the GLR DA. In 2017, 2018, and 2022, the City and GLR entered into three Operating Memoranda pursuant to Paragraph 3.13 of the GLR DA, each of which has become part of the GLR DA. On October 7, 2024, the City Council approved the Fourth Operating Memorandum to the GLR DA (Resolution No. 2024-47), which acknowledged that the extension would be processed and approved prior to or coincidentally with either Tentative Map TM 24-03 or TM 24-02. Both tentative maps are tentatively scheduled for review and recommendation by the Planning Commission on January 16, 2025.

Planning Commission Review: Pursuant to the City Charter, Section 906 (Planning Commission: Established: Powers and Duties), the Planning Commission shall review land use decisions that may be prescribed by ordinance. The GLR DA was adopted by Ordinance 2005-22 and the proposed amendment will also be adopted by ordinance.

Environmental Assessment: Pursuant to the California Environmental Quality Act ("CEQA"), the City prepared an Environmental Impact Report for the Glen Loma Ranch Specific Plan ("Specific Plan EIR"), which was certified by the City Council on October 17, 2005, and adopted by the City Council on November 7, 2005 (Resolution No. 2005-81). On May 19, 2014, the City Council adopted an addendum to the certified EIR (EIR Addendum #1), modifying Mitigation Measures #4, #23, #31, and deleting Mitigation Measures #32, and #42 (Resolution 2014-19). On October 7, 2024, the City Council adopted a second addendum to the certified EIR (EIR Addendum #2), finding that, under the current planned buildout of 1,467 residential units, Mitigation Measures 36, 37, 39, 41, 43, and 44 are not required and Mitigation Measure 34 has been satisfied through the installed signalization (Resolution No 2024-46).

The proposed extension of the Glen Loma Ranch Development Agreement makes no other changes to the Development Agreement or to the Specific Plan EIR, and thus does not require independent CEQA review, beyond EIR Addendum #2. Therefore, the Project is not subject to CEQA under the common sense exemption where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment [State CEQA Guidelines Section 15061(b)(3)].

Glen Loma Ranch Development Agreement Amendment: The proposed amendment modifies section 2.2 of the GLR DA by replacing the phrase "the date which is twenty (20) years from the Effective Date" with the phrase "the date which is twenty-three (23) years from the Effective Date." In all other respects, the Development Agreement remains in full force and effect, unmodified by the approved amendment. In case of conflict between the GLR DA and the approved amendment, the terms of the approved amendment shall prevail.

Findings: The proposed amendment is consistent with the objectives, policies, general land uses and programs specified and contained in the City's General Plan and the Glen Loma Ranch Specific Plan. The City has taken all steps required by State Law and by CEQA in order to approve the proposed amendment.

Next Steps: The Ordinance approving the First Amendment to the Glen Loma Ranch Development Agreement is tentatively scheduled to be introduced by the City Council on January 27, 2025.

PUBLIC NOTICING:

The public hearing for the proposed amendment was noticed in the Gilroy Dispatch on November 22, 2024.

Attachments:

1. Draft Ordinance Approving First Amendment
2. First Amendment to the Glen Loma Ranch Development Agreement

ORDINANCE NO. 2025-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GILROY APPROVING THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF GILROY AND GLEN LOMA CORPORATION FOR THE GLEN LOMA RANCH PROJECT TO EXTEND THE TERM OF THE DEVELOPMENT AGREEMENT BY THREE YEARS

THE CITY COUNCIL OF THE CITY OF GILROY DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I.

RECITALS

- A. By Ordinance 2005-22 adopted on or about November 21, 2005, the City of Gilroy approved a development agreement (the “Development Agreement”) pursuant to California Government Code sections 65864 through 65869.5 (“State Law”), by and between Glen Loma Corporation and various owners of property(collectively, “GLR”), to govern construction of a multi-phase project consisting of residential and commercial development for the Glen Loma Ranch project encompassing approximately 359 acres as more fully described in the Glen Loma Specific Plan (“Specific Plan”) adopted on November 7, 2005 (the “Project”). The Specific Plan also sets forth the detailed development standards and guidelines and an implementation program for the development of the Project. Ordinance 2005-22 became effective on December 21, 2005, thirty (30) days after adoption, and on the same date, the Development Agreement took effect.
- B. Pursuant to the California Environmental Quality Act (“CEQA”), the City prepared an Environmental Impact Report (“EIR”) for the Project, which included the Specific Plan itself and the Development Agreement, which EIR was certified by the City Council on October 17, 2005, and for which Resolution No. 2005-81 was adopted on November 7, 2005 making the required findings for each significant effect and including a Statement of Overriding Considerations, and a mitigation/monitoring program was adopted in connection with the Project.
- C. In 2014, the City Council adopted an addendum to the certified EIR (“Addendum #1”) modifying and removing certain mitigation measures.
- D. In 2017, 2018, and 2022, the City and GLR entered into three Operating Memoranda pursuant to Paragraph 3.13 of the Development Agreement, each of which has become part of the Development Agreement.
- E. On October 7, 2024, the City Council approved the Fourth Operating Memorandum to the Development Agreement (“Fourth Operating Memorandum”) and also approved an addendum to the EIR (“Addendum #2”) making further minor modifications and clarifications to the Development Agreement.

- F. One provision of the Fourth Operating Memorandum requires that the City and GLR take all reasonable actions to extend the expiration date of the Term of the Development Agreement by three years, i.e., from December 21, 2025 through and including December 21, 2028. A First Amendment to Development Agreement (“First Amendment”), attached hereto as Exhibit A and incorporated herein by this reference, has been prepared to effectuate that extension of the Term of the Development Agreement. The First Amendment makes no other changes to the Development Agreement, and thus does not require independent CEQA review, beyond that already undertaken in connection with the adoption of the Fourth Operating Memorandum.
- G. A public hearing on the proposed First Amendment was held before the Planning Commission on December 5, 2024, for which public notice was given as provided by law and at which all persons desiring to be heard were given an opportunity to be heard, and following the hearing the Planning Commission recommended approval of the First Amendment.
- H. A public hearing on the proposed First Amendment was held before the City Council on _____, 2025, for which public notice was given as provided by law, and at which all persons desiring to be heard were given an opportunity to be heard. The City Council has duly considered all testimony received, both oral and written.

SECTION II.

FINDINGS AND DETERMINATIONS

On the basis of the foregoing Recitals and the specific conclusions set forth below, the City Council finds and determines that:

1. The Development Agreement as modified by the First Amendment is consistent with the objectives, policies, general land uses and programs specified and contained in the City’s General Plan and the Specific Plan.
2. The City has taken all steps required by State Law and by CEQA in order to approve the First Amendment.

SECTION III.

APPROVAL

The City Council hereby approves the First Amendment and authorizes the Mayor to execute the First Amendment, a copy of which is attached hereto as Exhibit “A.”

SECTION IV.

EFFECTIVE DATE

This ordinance shall take effect and be in full force thirty (30) days from and after its adoption, and on that same date the First Amendment shall take effect.

SECTION V.

RECORDATION

Not later than ten (10) days after the City's execution and acknowledgment of the First Amendment, the City Clerk shall submit the First Amendment to the County Recorder for recordation.

PASSED AND ADOPTED this day of _____, 2025, by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

APPROVED:

Mayor

ATTEST:

Beth Minor, Interim City Clerk

EXHIBIT A

FIRST AMENDMENT TO

DEVELOPMENT AGREEMENT – GLEN LOMA RANCH

This First Amendment (“**First Amendment**”) to the Development Agreement between City of Gilroy (“**City**”), Glen Loma Corporation, and the owners of Glen Loma Ranch (“**Owners**”; Owners together with Glen Loma Corporation are collectively referred to as “**GLR**”), dated November 21, 2005 (the “**Development Agreement**”) for the development of the Glen Loma Ranch Project, an area composed of approximately 359 acres of land (of which approximately 185 acres will be developed) northeast of Santa Teresa Boulevard and southwest of Uvas Creek, is entered into in consideration of the following recitals and mutual promises and conditions.

WHEREAS, the Development Agreement was approved by the City Council with the adoption of Ordinance 2005-22 on November 21, 2005 (the “**Enacting Date**”); and

WHEREAS, pursuant to Section 1.1 of the Development Agreement, the Effective Date of the Development Agreement is 30 days after the Enacting Date, i.e., December 21, 2005, and pursuant to Section 2.2 of the Development Agreement, the Term of the Development Agreement expires on “the first to occur of the following dates: (a) the date which is twenty (20) years from the Effective Date, or (b) the date on which the development of the Project has been completed in accordance with this Agreement, including the construction the Public Improvement...”; and

WHEREAS, Section 2.2. of the Development Agreement provides that an extension of three years to the term of the Development Agreement may be made by amendment to the Development Agreement; and

WHEREAS, the City and GLR agreed in the Fourth Operating Memorandum to the Development Agreement, approved by the City Council on October 7, 2024, that they would take all steps reasonably necessary to extend the Term of the Development Agreement by three (3) years.

NOW, THEREFORE, in consideration of the foregoing recitals and the mutual covenants and conditions contained herein, the City and GLR agree as follows:

1. In the above-quoted language in section 2.2 of the Development Agreement, the Phrase “the date which is twenty (20) years from the Effective Date” is hereby replaced with the following: “the date which is twenty-three (23) years from the Effective Date.”
2. Capitalized terms in this First Amendment that are not defined herein have the same meaning as in the Development Agreement.
3. This First Amendment may be signed in Counterparts.

4. In all other respects, the Development Agreement remains in full force and effect unmodified by this First Amendment. In case of conflict between the Development Agreement and this First Amendment, the terms of this First Amendment shall prevail.

The parties execute this First Amendment as of _____, 2025.

CITY:

City of Gilroy,
a California municipal corporation

By: _____
Mayor

Glen Loma Corporation,
a California corporation

By: _____
John M. Filice, Jr.,
President

Approved as to Form:

Andrew Faber, City Attorney

OWNERS:

Filice Family Estate,
a California limited partnership
by its General Partner, Cugini Calabria LLC
a California limited liability company

By: _____
John M. Filice, Jr.
Manager

Christopher Ranch LLC,
a California limited liability company

By: _____
William A. Christopher,
Manager

The Christopher Family Partnership,

By: _____
General Partner

D Christopher & Sons LLC,
a California limited liability company

By: _____
William A. Christopher, Manager



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: December 5, 2024
TO: Planning Commission
FROM: Mark Johnson, Environmental Programs Manager
SUBJECT: Planning Commission Review of Metropolitan Transportation Commission
Complete Streets Checklist for 2024 Climate Program Implementation
Grant

RECOMMENDATION:

Review and provide feedback on the Metropolitan Transportation Commission (MTC) Complete Streets Checklist for the proposed Electric Vehicle (EV) Charging Stations at the Gilroy Community Library.

BACKGROUND:

Staff is seeking federal grant assistance to design and construct EV chargers at the Gilroy Community Library. As part of the grant application process, the MTC requires the City's bicycle and pedestrian advisory body to review and provide input on the Complete Streets Checklist. As the Planning Commission acts as the bicycle and pedestrian advisory body for the City of Gilroy, staff is seeking feedback from the Planning Commission.

The MTC grant aims to expand access to clean mobility options and related charging infrastructure throughout the Bay Area, supporting the goals of Plan Bay Area 2050. Eligible expenses include the acquisition, installation, and operation of EV charging equipment, as well as preliminary engineering, project design, and engineering costs.

This project aligns with the Gilroy 2040 General Plan, specifically Chapter 8: Natural and Cultural Resources by expanding the City's alternative vehicle refueling infrastructure.

ANALYSIS:

The proposed project involves the installation of four Level 2 EV charging stations and two Direct Current Fast Charging stations at the Gilroy Community Library, strategically located to maximize community access and utility. These chargers will not only serve library patrons but also provide a valuable resource for visitors to nearby facilities, such as City Hall, the Senior Center, and the Police Station.

To ensure efficient and high-quality implementation, staff will contract out the design, installation, and ongoing operation and maintenance of the chargers. This approach

leverages external expertise while streamlining the City's role in project delivery and long-term management.

By integrating EV charging infrastructure at a highly visible and accessible public location, the project aims to encourage the adoption of zero-emission vehicles by providing access to reliable and convenient charging. It also aims to enhance regional air quality by supporting the transition away from fossil-fuel-powered vehicles. In addition, the project aligns with local and state sustainability goals, including those outlined in the Gilroy 2040 General Plan and California Executive Order N-79-20, which mandates all new vehicle sales be zero-emission by 2035.

The project addresses a key regional objective by contributing to the implementation of Plan Bay Area 2050, which emphasizes reducing greenhouse gas emissions through clean mobility advancements. This grant-funded initiative not only expands EV charging access, but also strengthens Gilroy's position in environmental sustainability and regional collaboration.

FISCAL IMPACT/FUNDING SOURCE:

The project will initially be funded using Library Bond proceeds, with reimbursement anticipated through the MTC Climate Program Implementation and Silicon Valley Clean Energy Grants. This funding strategy ensures there will be no net fiscal impact on the Library's Bond proceeds or the City's General Fund.

Staff estimates the project cost to be between \$300,000 and \$400,000. However, at the time of this report, Silicon Valley Clean Energy had not yet provided a finalized cost estimate for the project.

NEXT STEPS:

1. Incorporate the Planning Commission's feedback on the Complete Streets Checklist.
2. Submit the updated checklist with the grant application by December 20, 2024.

ATTACHMENTS:

MTC Complete Streets Checklist

Contact Name	Mark Johnson
Email Address	mark.johnson@cityofgilroy.org
Contact Phone Number	4088460214
City/Jurisdiction/Agency (If your option is not listed, select "Other")	Gilroy
County	Santa Clara
Is your project seeking regional discretionary funds or an endorsement?	Regional discretionary funding
Please include the name of the regional discretionary funding program that this project is seeking.	2024 Climate Program Implementation Grants Charging Infrastructure Program
Project Name/Title	Gilroy Public Library EV Chargers
Project Area/ Location	350 W Sixth St, Gilroy CA 95020
Project Area Map (Attach if applicable) Please save the file with the project name and the jurisdiction submitting checklist. Add the name of the file being uploaded below. Then Click Here to upload your file.	Gilroy Public Library EV Chargers
Project Description (2000 character limit). You may also attach additional project documents, cross sections, plan views or other supporting materials.	This project involves the installation of four dual-port Level 2 (L2) charging stations and two dual-port DC Fast Charging (DCFC) stations, providing a total of 12 charging ports at the Gilroy Public Library, located at 350 W 6th Street, Gilroy, CA. As a designated community hub during heat waves and electrical blackouts, the library serves a vital role in supporting the community. The charging stations will be installed in a public parking lot, offering 24/7 accessibility to EV users.
Please choose the project phase(s).	Planning PE
Do you think your project qualifies for a	No

Statement of Exception?

Topic: Bicycle, Pedestrian and Transit Planning

Does the project implement relevant plans, or other locally adopted recommendations?

Yes

Please provide details on plan recommendations affecting the project area, if any, with Plan adoption date. If the project is inconsistent with adopted plans, please provide explanation.

The project is consistent with the City's 2040 General Plan which was adopted on 11/2/2020.

Does the project area contain segments of the regional Active Transportation (AT) Network? [See MTC's AT Network map here]

No

Is the the project on a known High Injury Network (HIN) or has a local traffic safety analysis found a high incidence of bicyclist/pedestrian-involved crashes within the project area?

No

Does the the project seek to improve conditions for people biking, walking and/or rolling? If the project includes a bikeway, was a Level of Traffic Stress (LTS), or similar user experience analysis conducted?

No

Describe how project seeks to provide low-stress transportation facilities or reduce a facility's LTS.

Project is not within a bikeway.

A. Are there existing public transit facilities (stop or station) in the project area?

No

B. Have all potentially affected transit agencies had the opportunity to review this project? If yes, please save the email from transit operator(s) below.

No

C: Is there a MTC Mobility Hub (map) within the project area?

No

If applicable, please describe the pedestrian focused improvements and cite the design standards used (links to standards are not needed).

The project is in the early Planning stage. The project will meet professional design standards and appropriate guidelines for bicycle and pedestrian facilities.

Will the project improve active transportation in an Equity Priority Community (EPC)?

Yes

Please list census tracts that are designated as EPCs and affected by this project.

512508

Has a local (city is preferred and county is an option) Bicycle and Pedestrian Advisory Commission reviewed this Checklist?The Checklist will begin MTC review once the Planning Commission meeting has occurred.

The submission of this checklist will be reviewed by the Planning Commission. This option exists to use this CS Checklist submission (pdf emailed to you) for the Commission review.

**Please provide the meeting date(s).
Planning Commission meeting date should occur before the grant funding request application or endorsement is submitted.**

12/5/2024

Compliance and Exemption

Please check below if Yes. If no, complete the Statement of Exception. If Yes, this Checklist is complete and the rest of the form can be skipped. If No, please fill out the Statement of Exception section.

Yes

Has a local (city or county) Bicycle and Pedestrian Advisory Commission reviewed this Checklist?The CS Checklist will begin review once the Planning Commission meeting notes are included in this form.

The Checklist is being submitted to send to the Planning Commission for review.

Please provide the meeting date(s).

12/5/2024

1. The affected roadway is legally prohibited for use by bicyclists and/or pedestrians. Yes/No?

No

2. The costs of providing Complete Streets improvements are excessively disproportionate to the need or probable use (defined as more than 20 percent for Complete Streets elements of the total project cost). Yes/No?

No

3. There is a documented Alternative Plan to implement Complete Streets and/or

No

**on a nearby parallel
route. Yes/No?**

**4. Conditions exist in
which policy
requirements may not
be able to be met, such
as fire and safety
specifications, spatial
conflicts on the roadway
with transit or
environmental
concerns, defined as
abutting conservation
land or severe
topological constraints.
Yes/No?**

No

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Community Development Department

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DATE: December 5, 2024
TO: Planning Commission
FROM: Cindy McCormick, Planning Manager
SUBJECT: Zoning Ordinance Update: Preliminary Draft Planning Permits, Part 1

RECOMMENDATION:

Receive the staff report and provide preliminary feedback on preliminary draft sections proposed for the comprehensive update. Preliminary recommendations should be made by an informal consensus of the Planning Commission.

BACKGROUND:

Beginning in September 2024, City staff introduced the comprehensive update and provided preliminary drafts of various sections of the Zoning Ordinance. Given the length and complexity of the Zoning Ordinance, the draft will be developed and presented to the public, the Planning Commission, and the City Council, over a series of public meetings. To date, the Planning Commission has reviewed the following preliminary drafts: Enactment and Administration, Nonconforming Uses and Structures, and Application Procedures. Recommendations received from the City Attorney and a consensus of the Planning Commission will be incorporated into each draft, with track changes for future reference. Once all preliminary drafts have been reviewed and revised per Planning Commission direction, a comprehensive draft of the entire Ordinance will be brought back to the Commission for a recommendation to the City Council.

DISCUSSION AND ANALYSIS:

As summarized in the ***Background Information*** document attached to this staff report, when reviewing the proposed amendments, the Planning Commission should determine whether the draft zoning regulations support the Statement of Intent, provided in [Section 30.1.10](#) of the current Zoning Ordinance.

Furthermore, the Commission should consider whether the draft regulations support the vision, guiding principles, goals and policies in the [2040 General Plan](#), [2023-2031 Housing Element](#), and adopted Specific Plans.

Planning Permits Overview: When a developer wants to build a new subdivision in the City, or a resident wants to build a new home in the City's Residential Hillside district they

must apply for a permit through the Planning Division. When a particular type of business (e.g., animal boarding facility) wants to operate in Gilroy, they may have to apply for a conditional use permit. The Zoning Ordinance codifies the planning permit process so an applicant understands the reason why a permit is needed (Purpose and Intent), when a permit is needed (Applicability and Exemptions), the required process for obtaining a permit (Notice and Administrative Review --or-- Public Hearing), the criteria used for making a decision (Findings for Approval), potential limitations placed on the permit (Conditions of Approval), and what is required after the permit has been issued (Post Decision and Modifications).

During the December 5, 2024 meeting, staff will introduce preliminary drafts of the following City's Planning Permit processes. Additional permit processes will be presented during the next Planning Commission study session.

PLANNING PERMITS	
Architectural and Site Plan Review and Minor Modifications	
The purpose of this Division is to provide the process for review of Architectural and Site Plan Review and Minor Modification requests. The intent of the Architectural and Site Plan Review process is to maintain or improve the character and integrity of a neighborhood or area by promoting excellence in development, minimizing traffic hazards or congestion, and encouraging the most appropriate development and use of land in harmony with the surrounding environment and in accordance with the General Plan. The intent of the Minor Modification process is to facilitate minor changes that maintain or improve the aesthetic, historic, architectural, landscape, or other qualities of properties.	
Conditional Use Permits	
The purpose of this Division is to provide the process for review of land uses which are not allowed as a matter of right within a designated zone and require additional review due to the nature of their use. Conditions of approval are intended to ensure land use compatibility and minimize potential impacts that could result from allowing the use(s) at the requested location.	
Minor Use Permits	
The purpose of this Division is to provide a process for review of land uses which are not allowed as a matter of right within a designated zone and may require additional review due to the nature of their use. The intent of the MUP is to provide a process for administrative review of uses that do not require a public hearing due to their limited anticipated impacts but may require specified conditions of approval.	
Temporary Use Permits	
The purpose of this Division is to provide the process for reviewing short-term activities, conducted in compliance with this Division, and in accordance with the purposes and intent of the Zoning Ordinance. Conditions of approval may be required to ensure land use	

compatibility and minimize potential impacts that could result from allowing the use(s) at the requested location.
Variances and Minor Deviation Permits
The purpose of this Division is to provide the process for a variance from the strict application of the Zoning Ordinance. Given the strict limitations of the Variance requirements, the Minor Deviation permit process allows for minor deviations of specified development standards, under certain circumstances.

Variances and Minor Deviation Permits
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The purpose of this Division is to provide the process for a variance from the strict application of the Zoning Ordinance. Given the strict limitations of the Variance requirements, the Minor Deviation permit process allows for minor deviations of specified development standards, under certain circumstances.

NEXT STEPS: At the next meeting, the Planning Commission will review the remaining Planning Permit sections, including but not limited to Historic Resource Alteration Permits and Planned Development Permits. Future meetings will introduce preliminary drafts of the more substantive sections of the Zoning Ordinance, including definitions; zoning districts, allowed uses, and development standards; standards applicable to all zones (e.g., parking regulations); and standards for specific land uses (e.g., drive-through facilities). Once all preliminary drafts have been reviewed and revised per Planning Commission direction, a comprehensive draft of the entire ordinance will be brought back to the Commission for a recommendation to the City Council.

PUBLIC OUTREACH:

On September 12, 2024, the City advertised the zoning update in the Gilroy Dispatch. A dedicated website <https://www.cityofgilroy.org/1004/Zoning-Code-Update> has also been created and will be updated as new preliminary drafts are developed. Staff also intend to do more extensive outreach to the business community, residential stakeholders, and other stakeholders who would be most impacted by substantive changes to the Zoning Code (e.g., development standards and allowed uses Downtown) These community meetings will most likely be virtual to supplement the in-person meetings being held by the Planning Commission.

ATTACHMENTS:

1. Background Information
2. Architectural and Site Plan Review and Minor Modifications
3. Conditional Use Permits
4. Minor Use Permits
5. Temporary Use Permits
6. Variances and Minor Deviations
7. Summary of Changes



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COMPREHENSIVE ZONING ORDINANCE UPDATE

The Gilroy Planning Division is drafting amendments for a comprehensive update to Gilroy City Code, Chapter 30 (Zoning Ordinance). The City has traditionally completed a comprehensive code update, following adoption of a new General Plan. For example, in November 2003 the City Council adopted a comprehensive update to the entire Zoning Ordinance following adoption of the 2020 General Plan in June 2002. In addition to minor amendments following the 2003 update, a major update was completed in 2013, followed by minor amendments between 2013 and 2024, to primarily address state legislation that affect City regulations (e.g., Accessory Dwelling Units).

The Gilroy 2040 General Plan was adopted in November 2020 and a comprehensive Zoning Ordinance update is now being proposed.

While the General Plan sets forth a wide-ranging and long-term vision for the City, the Zoning Ordinance is the primary tool used to implement General Plan goals and policies, through guidance and regulation of land use development. The current Zoning Ordinance lacks regulations for new General Plan land uses including the new City Gateway District, Industrial Park, Employment Center and Mixed-Use districts. The update is also intended to implement community goals identified in the General Plan, including but not limited to ensuring orderly development and land use compatibility, housing needs, employment needs, recreational opportunities, commercial growth, and downtown revitalization.

In addition to addressing new land uses and policies adopted under the new General Plan, the update is intended to be responsive to needs identified by the Planning Division in their daily interactions with residents and businesses. For example, new provisions in the Temporary Use Permit Division will allow existing businesses to expand while they are applying for planning and building permits.

The update will also include a new format intended to make the Zoning Ordinance more user-friendly by adding subtitles for easy navigation, clarifying or revising language to limit misinterpretation and adding figures to better depict standards. The new Zoning Ordinance will also provide more transparency to the public regarding how city staff and decision makers process and make decisions on development applications.

Given the length and complexity of the Zoning Ordinance, the draft will be developed and presented to the general public, the Planning Commission, and the City Council, over a series of public meetings, which began with an introduction to the public and the Planning Commission at the September 5, 2024 Planning Commission meeting.

ZONING ORDINANCE

When reviewing the proposed amendments, the Planning Commission should determine whether the draft regulations support the following Statement of Intent, provided in section 30.1.10 of the current Zoning Ordinance:

The intent of the Zoning Ordinance is to promote and ***protect the public health, safety, peace, comfort, convenience and general welfare***, and the following more particular purposes:

- (a) To assist in providing a definite comprehensive plan for sound and orderly development, and to guide and regulate each development in accordance with the general plan and the objectives and standards set forth therein;
- (b) To protect and improve the established character and the social and economic stability of agricultural, residential, commercial, industrial and other areas of Gilroy;
- (c) To provide light, air, privacy and convenience of access to property; and to promote safety from fire and other dangers;
- (d) To prevent overcrowding of land and undue congestion of population;
- (e) To regulate the location of buildings and the use of buildings and land so as to prevent undue interference with existing or prospective traffic movements on public thoroughfares;
- (f) To prezone unincorporated territory adjoining the city for the purpose of determining the zoning that shall apply to such property in the event of subsequent annexation to the city.

GENERAL PLAN

In addition to considering the purpose of the Zoning Ordinance when reviewing the proposed amendments, the Planning Commission should determine whether the draft regulations support the vision, guiding principles, goals and policies in the [2040 General Plan](#), [Housing Element](#), and adopted Specific Plans. The General Plan represents the City of Gilroy's view of its future and expresses the community's vision and guiding principles for development over a 20-year horizon.

General Plan Vision Statement. The City of Gilroy's adopted General Plan includes a vision statement that reads as follows. *In 2040, Gilroy is a diverse and culturally rich community with a small-town feel. Gilroy's economy is thriving, with a healthy business environment and ample job opportunities for residents. Visitors come to Gilroy for its wineries, shopping, festivals, and recreational opportunities. It is well-known throughout the region for its excellent schools, agriculture, and downtown.*

General Plan Guiding Principles. The Gilroy 2040 General Plan also includes eight (8) guiding principles: 1) Foster Economic Growth; 2) Cultivate a Downtown Renaissance; 3) Balance Growth and Open Space; 4) Promote Fiscal Strength; 5) Foster a Sustainable Community; 6) Ensure Public Safety; 7) Offer Recreation Opportunities; and 8) Support Housing Options.

General Plan Land Use (LU) Element: The [Gilroy 2040 General Plan Land Use Element](#) establishes goals, policies, and programs to strategically accommodate future growth and change while preserving and enhancing the qualities that make Gilroy a great place to live and work. The goals, policies, and programs are designed to enhance Gilroy's neighborhoods and districts with an attractive mix of uses and amenities that expand the local economy, protect environmental resources, and improve the overall quality of life of residents. A variety of topics are discussed within the Land Use Element, including growth and change, mixed-use districts, residential neighborhoods, commercial and industrial areas, and community design. The Land Use Element also contains a description of land use designations (e.g., mixed-use) and a Land Use Diagram illustrating a map of land uses within the City of Gilroy.

Land Use Goals: The following land use goals should help guide the Planning Commission and City Council when reviewing the preliminary drafts. The associated land use policies and programs can be reviewed online in the [Land Use Element](#).

- Goal LU 1:** Protect and enhance Gilroy's quality of life and unique identity while continuing to grow and change.
- Goal LU 2:** Ensure the orderly development of large areas of Gilroy through specific plans.
- Goal LU 3:** Provide a variety of housing types that offer choices for Gilroy residents and create complete, livable neighborhoods.
- Goal LU 4:** Encourage the growth and development of retail, office, service, and entertainment uses in Gilroy to provide jobs, support City services, and make Gilroy an attractive place to live.
- Goal LU 5:** Encourage, facilitate, and support the development of new employment and industrial uses and retention of existing industry to ensure compatibility with existing surrounding uses and planned uses.
- Goal LU 6:** Support agricultural uses in and around Gilroy that have and will continue to influence Gilroy's identity and economy.
- Goal LU 7:** Encourage mixed-use development projects that create vibrant, walkable districts.
- Goal LU 8:** Support growth and development that preserves and strengthens the City's historic, small-town character; provides and maintains safe, livable, and affordable neighborhoods; and creates beautiful places.
- Goal LU 9:** Encourage the growth and revitalization of Downtown to create a vibrant, high-quality place for residents, businesses, and visitors.

Division 30.xx.xxx – Architectural and Site Plan Review and Minor Modifications

Sections

30.xx.011	Purpose and Intent
30.xx.012	Applicability and Exemptions
30.xx.013	Notice and Administrative Review
30.xx.014	Findings for Approval
30.xx.015	Conditions of Approval
30.xx.016	Post Decision and Modifications

30.xx.011 Purpose and Intent

The purpose of this Division is to provide the process for review of Architectural and Site Plan Review and Minor Modification requests. The intent of the Architectural and Site Review process is to maintain or improve the character and integrity of a neighborhood or area by promoting excellence in development, minimizing traffic hazards or congestion, and encouraging the most appropriate development and use of land in harmony with the surrounding environment and in accordance with the General Plan. The intent of the Minor Modification process is to facilitate minor changes that maintain or improve the aesthetic, historic, architectural, landscape, or other qualities of properties.

30.xx.012 Applicability and Exemptions

A. **Architectural and Site Plan Review Applicability.** Architectural and Site Plan Review shall be required for the following actions, not otherwise exempt or allowed under the Minor Modification provisions of this Division:

1. Construction or installation of structures, including trailers and mobile units, in an industrial, commercial, professional office, public facilities or open space zone.
2. Site improvements in commercial and industrial zones, including, but not be limited to, grading, paving and fencing.
3. Building additions and alterations within any twelve (12) month period exceeding fifty percent (50%) of the floor area, facade or value of the existing building, unless otherwise exempt under this Division. The value shall be determined by the building valuation table in the City's adopted fee schedule.
4. Two or more residential units on a single parcel, unless otherwise exempted by the Zoning Ordinance or State law.
5. Four or more single-family residential units within a subdivision, created through an approved parcel map, tentative map or final map.

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6. Homes and accessory structures requiring Building Permits within a Residential Hillside zone or a Planned Development overlay district, except for additions and accessory structures approved under the Minor Modification provisions.
7. Historic resource alteration or demolition, pursuant to **Section 30.xx.xxx** (Historic Resources and Mills Act Agreements), except for an alteration approved under the Minor Modification provisions.
8. The replacement or creation of 2,500 square feet or more of impervious surface, except when approved through another permit process.
9. Use of a lot for outdoor uses or storage purposes, except for exterior storage in private residential yards that conforms to other provisions of City Code.
10. Relocated buildings and demolitions that, due to their size, nature, condition, or other factors, are determined by the Community Development Director to require an Architectural and Site Review Permit, including but not limited to the following:
 - a. Relocation or demolition of residential structures that are protected under Federal, State, or local law.
 - b. Relocation or demolition of nonresidential buildings that are 1,000 square feet or greater in area.

B. Minor Modification Permit Applicability. Modifications of an approved Architectural and Site Review Permit or a completed and occupied Planned Development project (pursuant to **Division 30.xxx.xxx**) may be considered for the following actions, not otherwise exempt, or requiring a full Architectural and Site Review or Planned Development Permit. The Minor Modification process may also be utilized for property developed prior to the requirement of such permits. No proposals requiring a new Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report as clearance under the California Environmental Quality Act shall be allowed through the Minor Modification process.

1. Changes to previously approved development permits but only for minor modification of architectural elements, exterior lighting or landscape details (including but not limited to minor storefront alterations, relocation of doors, equipment screening, minor landscape furniture and structures, benches, small trellises, and planters) which do not affect the use, intensity, general character, architectural style, circulation or other site function of the project.

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2. The replacement or creation of less than 2,500 square feet of impervious surface, including structures, pavement, or any other surface.
3. The replacement, repaving, reconfiguration, or restriping of parking spaces on existing surfaces.
4. Nonresidential building additions or accessory structures of less than 1,000 square feet in area, or less than twenty percent (20%) of the total building area prior to the addition, whichever is smaller.
5. Residential building additions or accessory structures of less than 250 square feet in area, or less than twenty percent (20%) of the total building area prior to the addition, whichever is smaller, to single-family residences in the Residential Hillside zone or a Planned Development overlay district, a duplex, or a multiple-family building; provided that current parking regulations are being met and would continue to be met after the completion of any addition and provided that site amenities are not adversely impacted.
6. Above ground storage tanks of 2,000 gallons or less in zoning districts other than industrial zone and an above ground storage tank of 10,000 gallons or less in an industrial zone.
7. Demolition of nonresidential buildings less than 1,000 square feet in area.
8. For historic resource properties, minor modifications of
 - a. Architectural elements, landscape details (including but not limited to equipment screening, minor landscape furniture and structures, benches, small trellises and planters), or installation of new or additional pavement that do not affect the historic significance, use, intensity, general character, architectural style, circulation or other site function of the property.
 - b. Accessory structures or building additions that do not exceed 250 square feet in area and that are consistent with historic compatibility criteria and applicable design guidelines and standards.
9. Other similar minor items, as determined by the Community Development Director.

C. **Exemptions.** The following actions are exempt from this Division, but shall be reviewed for compliance with the Zoning Ordinance and applicable permit processes:

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1. Accessory structures not requiring a Building Permit and that are consistent with zoning regulations and adopted City policies.
2. Residential development that is exempt from discretionary review under state law, or by adopted policy of the City of Gilroy City Council, including but not limited to Accessory Dwelling Units and Junior Accessory Dwelling Units which are regulated pursuant to **Section 30.xX.xxx**.
3. Building additions and alterations that are determined by the Community Development Director to not be significant in terms of potential impacts to surrounding land uses and that meet all other minimum City standards.
4. Single-family detached residences that are not within the rResidential Hillside zone or a Planned Development overlay district.
5. Construction of three or fewer single-family residential dwelling units within the same parcel map, tentative map, or final map.
6. Minor repair and/or maintenance to existing structures, landscaping, parking, or other site improvements to keep the site in good repair and condition.
7. Demolition or removal of:
 - a. Any building that the City Building Official has determined to be an immediate threat to public health or safety, or that has been ordered to be removed or demolished by the City Administrator or a court of law, or that due to its size, nature, condition, or other factors are determined by the Community Development Director to not require a permit pursuant this Division.
 - b. A nonhistoric single-family home for which Building Permits have been issued for a replacement single-family home, and the owner has complied with the housing replacement requirements of State law.

30.xx.013 Notice and Administrative Review.

- A. Applications for Architectural and Site Plan Review and Minor Modifications shall be subject to administrative review by the Community Development Director, except when a public hearing and review by the Planning Commission or City Council is required by this Zoning Ordinance, or referral by the Community Development Director. The Community Development Director shall have the authority to refer an application to the Planning Commission when determined necessary to promote and protect the public health, safety, peace, comfort, convenience, and general welfare. Architectural and Site Review notice shall be

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required in compliance with **Division 30.07.020**. The decision to grant, deny or condition a minor modification is an administrative determination and requires no hearing or public notice.

- B. **Scope of Review.** The Community Development Director may request any information, including maps, technical reports, and/or design renderings, deemed necessary to evaluate the application and ensure that the development addresses and adequately meets development standards for the following:

1. **Traffic Safety and Circulation**

- a. Traffic volume and conditions on abutting or access streets.
- b. Street improvements, including lighting.
- c. Circulation patterns within the development, including the locations and dimensions of vehicular and pedestrian entrances, exits, drives, walkways, buildings and other related facilities.
- d. Adequacy of off-street parking.
- e. Surfacing, lighting and landscaping of off-street parking facilities.
- f. Location, quantity, height of materials, and shape of landscaped areas.
- g. Adequacy, location, arrangement and dimensions of truck loading and unloading facilities.

2. **Advertising and Signage**

- a. Potential traffic hazards.
- b. Appearance.
- c. Harmony with adjacent development.
- d. Favorable image of the city.
- e. Number, area, bulk, shape, height, location, separation, clearance, projection, illumination, color and landscaping of such signs.

3. **Site Development**

- a. Physical characteristics of the site.

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- b. Existing and proposed easements.
- c. Appearance and harmony of buildings with adjacent development, the character of the neighborhood, and existing and projected public improvements.
- d. Location, appearance and orientation of structures, open spaces and activities.
- e. Determination of boundaries, building setbacks and uses intended.

4. Landscaping

- a. Harmony with adjacent development.
- b. Concealment of storage areas, utility installations, or other unsightly development.
- c. Quantity, location, height and materials of walls and fences, hedges, screen planting and landscaped areas.
- d. Planting of ground cover or other surfacing to prevent erosion and reduce dust.
- e. Unnecessary destruction of healthy trees.
- f. Facilities and methods of insuring continued maintenance of landscaping.

5. Drainage and Flood Control and Health Standards

- a. Effect on flood control and storm and surface water drainage facilities.
- b. Additional flood control and drainage improvements required.
- c. Minimum health standards.
- d. Consistency with the city's adopted flood plain management ordinance.

6. Fire Protection

- a. Additional fire protection improvements required.

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- b. Location, number and type of such improvements.
- c. Adequacy of the water supply for fire protection purposes.

7. Environmental Impacts

- a. Consistency with the city's adopted environmental review procedures and process.
- b. Consistency with the California Environmental Quality Act (CEQA).

30.xx.014 Findings for Approval

- A. **Architectural and Site Review Permits:** The review authority may either approve, approve in modified form, conditionally approve, or deny the permit application, based upon all of the following findings:
- 1. The project is consistent with the General Plan and any applicable specific plan;
 - 2. The project complies with all applicable provisions of City Code and other adopted City policies and regulations;
 - 3. The project addresses and adequately meets development standards for traffic safety and circulation, signage, site development, landscaping, drainage and flood control, health standards, and fire protection; and
 - 4. The project complies with the City's adopted environmental review procedures and the provisions of the California Environmental Quality Act (CEQA).
- B. **Minor Modification Permits:** The review authority may either approve, approve in modified form, conditionally approve, or deny the permit application, based upon all of the following findings:
- 1. The proposed modifications are consistent with the General Plan and any applicable specific plan, and comply with all applicable provisions of City Code and other adopted City policies and regulations; and
 - 2. The proposed modification and overall development are in substantial conformance with the conditions and intent of the approved Architectural and Site Review or Planned Development permit. If found to be significantly out of conformance, the applicant shall apply for a full Architectural and Site Review or Planned Development Permit.
 - 3. The project is exempt from CEQA.

30.xx.015 Conditions of Approval

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The review authority may impose conditions deemed reasonable and necessary to meet the findings for approval, to carry out the requirements of City Code, and to minimize significant impacts to the community's health, comfort, or general welfare. The following minimum conditions shall be standard on all Architectural and Site Plan Review approvals, where applicable:

- A. **Landscaping.** Landscaping plans including specifications for an irrigation system shall be approved by the Community Development Director in compliance with **Division 30.xx.xxx** (Landscaping), before issuance of a Building Permit. The landscaping shall be continuously maintained in an orderly, live, healthy, and relatively weed-free condition, in compliance with the approved specific landscape plan or City standards.
- B. **Trash Enclosures.** All trash enclosures shall consist of visually solid fences and gates, six feet in height, in compliance with the adopted City standard trash enclosure design plan, or a similar design approved by the Community Development Director. All trash enclosures shall be located in compliance with the approved site plan, Uniform Fire Code, and the California Fire Code. In addition, and unless otherwise required by the Community Development Director, recycling areas must be provided within trash enclosures, in accordance with the following regulations:
 - 1. Areas for recycling shall be adequate in capacity, number, and distribution to serve the development project.
 - 2. Dimensions of the recycling area shall accommodate receptacles sufficient to meet the recycling needs of the development project.
 - 3. An adequate number of bins or containers to allow for the collection and loading of recyclable materials generated by the development project should be located within the recycling area.
- C. **Exterior Lighting.** No unobstructed beam of exterior lighting shall be directed outward from the site toward any residential use or public right-of-way. Lighting shall be designed to illuminate the intended area and prevent offsite glare.
- D. **Mechanical Equipment.** Mechanical equipment to be located on the roof of a structure shall be screened by an architectural feature of the structure such that it cannot be seen from ground level at the far side of the adjacent public right-of-way.

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- E. **Outdoor Storage.** All outdoor storage and loading areas shall be screened from public view with a combination of landscaping, solid fencing, and structure design and orientation.
- F. **Backflow Devices.** Backflow devices shall be painted so that they blend with their surroundings and integrated with landscaping to provide screening.

30.xx.016 Post Decision and Minor Modifications

In addition to the post decision provisions of **Section 30.07.017**, the following shall apply to issuance of an Architectural and Site Plan Review Permit:

- A. **Notification of Decision.** The Planning Department shall provide the applicant with a letter of determination to approve, approve in modified form, conditionally approve, or deny the permit application. The Community Development Director shall report to the Planning Commission all approvals and disapprovals. For Minor Modification Permits, approval may be issued by the Planning Department in the form of a stamp, letter, or Building Permit authorization.
- B. **Appeal.** The decision may be appealed by written request and payment of the appeal fee within twenty (20) days of the determination, in compliance with **Division 30.07.030** (Appeals). The action on a Minor Modification Permit shall be final, and where denied the applicant can file an application for an appropriate development permit.
- C. **Terms of Approval.** A Building Permit shall not be issued until Architectural and Site Review or Minor Modification approval is obtained from the Community Development Director or the Planning Commission, where applicable. If Building Permits are not obtained within 12 months from the effective date of approval, the approval shall be automatically revoked. A 12-month extension of time may be granted by the Community Development Director upon written request prior to the expiration date of the approval.
- D. **Inspection Prior to Use and Occupancy.** The conditions of approval may prohibit a building, structure or land use from occupancy until an inspection has been made and it is found that the building, structure or land use complies with the approved plans and the conditions of approval. In such case, a Building Permit shall not be finalized until the Planning Division has inspected the building or structure and approved the use and occupancy.
- E. **Modifications.** As provided in **Section 30.07.017**, and the Minor Modification Permit process in this Division, minor revisions of an approved permit, which meet the requirements of the Zoning Ordinance and conditions of approval, may be approved by the Community Development Director. Otherwise, modifications and changes to the conditions of approval shall require approval from the

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designated review authority, unless otherwise stated in the adopted conditions of approval.

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Division 30.xx.xxx – Conditional Use Permits

Sections

30.xx.011	Purpose and Intent
30.xx.012	Applicability and Exemptions
30.xx.013	Notice and Public Hearing
30.xx.014	Findings for Approval
30.xx.015	Conditions of Approval
30.xx.016	Post Decision and Modifications

30.xx.011 Purpose and Intent

The purpose of this Division is to provide the process for review of land uses which are not allowed as a matter of right within a designated zone and require additional review due to the nature of their use. Conditions of approval are intended to ensure land use compatibility and minimize potential impacts that could result from allowing the use at the requested location.

30.xx.012 Applicability and Exemptions

This Division applies to any use listed in the Zoning Ordinance development standards table that requires a Conditional Use Permit in the applicable zone. No exemptions apply.

30.xx.013 Notice and Public Hearing

Applications for a Conditional Use Permit shall be subject to a public hearing and review by the Planning Commission. Notice and public hearing shall be required in compliance with **Division 30.xx.xxx**.

30.xx.014 Findings for Approval

The review authority may either approve, approve in modified form, conditionally approve, or deny the permit application, based upon all the following findings:

- A. The use is consistent with the General Plan and any applicable specific plan;
- B. The use complies with all applicable provisions of the City Code and other adopted City policies and regulations;
- C. As proposed and conditioned, operation of the use at the subject location would be compatible with the surrounding uses, and to the community as a whole;
- D. The use is adequately served by transportation facilities, utilities, and services in the vicinity;

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- E. The use will not adversely affect other property in the vicinity, or cause any damage, hazard, or significant nuisance to persons or property; and
- F. The project complies with the City's adopted environmental review procedures and the provisions of the California Environmental Quality Act (CEQA).

30.xx.015 Conditions of Approval

The review authority may impose conditions deemed reasonable and necessary to carry out the requirements of the Zoning Ordinance and to minimize significant impacts to the community's health, comfort, or general welfare. Conditions of approval may include, but not be limited to the following:

- A. Setbacks, open spaces, buffers, walls, fences, concealing hedges, landscaping.
- B. Performance standards, related to noise, vibration and other potentially dangerous or objectionable elements.
- C. Limits on the operation for the conduct of specified activities, including but not limited to hours of operation.
- D. Guarantees as to compliance with the terms of the approval.

30.xx.016 Post Decision and Modifications

In addition to the post decision provisions of **Section 30.07.017**, the following shall apply to issuance of a Conditional Use Permit:

- A. **Notification of Decision.** The Planning Department shall provide the applicant with a letter of determination to approve, approve in modified form, conditionally approve, or deny the permit application.
- B. **Appeal.** The decision may be appealed by written request and payment of the appeal fee within twenty (20) days of the determination, in compliance with **Division 30.07.030** (Appeals).
- C. **Terms of Approval.** A Building Permit shall not be issued until Conditional Use Permit approval is obtained from the Planning Commission. If Building Permits are not obtained within 12 months from the effective date of approval, the approval shall be automatically revoked. A 12-month extension of time may be

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granted by the Community Development Director upon written request prior to the expiration date of the approval.

- D. **Inspection Prior to Use and Occupancy.** The conditions of approval may prohibit a building, structure or land use from occupancy until an inspection has been made and it is found that the building, structure or land use complies with the approved plans and the conditions of approval. In such case, a Building Permit shall not be finalized until the Planning Division has inspected the building or structure and approved the use and occupancy.
- E. **Modifications.** As provided in **Section 30.07.017**, minor revisions of an approved permit, which meet the requirements of the Zoning Ordinance and conditions of approval, may be approved by the Community Development Director. Otherwise, modifications and changes to the conditions of approval shall require reapplication and approval from the designated review authority, unless otherwise stated in the adopted conditions of approval. The Planning Commission may modify or waive any conditions if it finds that such modification or waiver is necessary for the preservation of an applicant's substantial property right or to avoid practical difficulties or unnecessary hardship, and that the modification or waiver would be consistent with the intent of the Zoning Ordinance.
- F. **Continued Operation.** An approved use maintained in continuous compliance with the conditions of approval and the provisions of this Division shall continue to be valid at the subject property upon any change of property ownership, in the same manner as it was originally approved and in compliance with City Code, unless the subject of the use permit ceases to exist, or is suspended for 12 months or more.
- G. **Expiration.** Whenever a use for which a Conditional Use permit has been issued is discontinued for 12 months, such use shall not be reestablished unless it is authorized under a new Conditional Use Permit.
- H. **Revocation.** The Planning Commission may, after having given notice to the complainant and permittee and after holding a public hearing, revoke or modify the approved permit if the Planning Commission determines that the use is detrimental to the public health and safety so as to constitute a nuisance. Any approval granted by the review authority shall be immediately null and void if any one of the following exists:
1. The approval was obtained by fraud or incorrect information.
 2. The use for which such approval was granted is not being exercised.
 3. The use for which such approval was granted has ceased to exist or has been suspended for 12 months or more.

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4. The plan, permit or use granted is being, or recently has been, exercised contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, law or regulation.

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Division 30.xx.xxx – Minor Use Permits

Sections

30.xx.011	Purpose and Intent
30.xx.012	Applicability and Exemptions
30.xx.013	Administrative Review
30.xx.014	Findings for Approval
30.xx.015	Conditions of Approval
30.xx.016	Post Decision and Modifications

30.93.010 Purpose and Intent

The purpose of this Division is to provide the process for review of land uses which are not allowed as a matter of right within a designated zone and require additional review due to the nature of their use. The intent of the Minor Use Permit is to provide a process for administrative review of uses that do not require a public hearing due to their limited anticipated impacts but may require specified conditions of approval.

30.xx.012 Applicability and Exemptions

This Division applies to any use listed in the Zoning Ordinance development standards table that requires a minor use permit in the applicable zone. No exemptions apply.

30.xx.013 Administrative Review

Applications for a Minor Use Permit shall be subject to administrative review by the Community Development Director. The decision to grant, deny or condition a Minor Use Permit is an administrative determination and requires no hearing or public notice. However, the Community Development Director shall have the authority to require public notice and to refer an application to the Planning Commission for a public hearing when determined necessary to promote and protect the public health, safety, peace, comfort, convenience, and general welfare.

30.xx.014 Findings for Approval

The review authority may either approve, approve in modified form, conditionally approve, or deny the permit application, based upon all the following findings:

- A. The use is consistent with the General Plan and any applicable specific plan;
- B. The use complies with all applicable provisions of the City Code and other adopted City policies and regulations;
- C. As proposed and conditioned, operation of the use at the subject location would be compatible with the surrounding uses, and to the community as a whole;

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- D. The use is adequately served by transportation facilities, utilities, and services in the vicinity;
- E. The use will not adversely affect other property in the vicinity, or cause any damage, hazard, or significant nuisance to persons or property; and
- F. The use is exempt from the California Environmental Quality Act.

30.93.040 Conditions of Approval

The review authority may impose conditions deemed reasonable and necessary to carry out the requirements of the Zoning Ordinance and to minimize significant impacts to the community's health, comfort, or general welfare. Conditions of approval may include, but not be limited to the following:

- A. Setbacks, open spaces, buffers, walls, fences, concealing hedges, landscaping.
- B. Performance standards, related to noise, vibration and other potentially dangerous or objectionable elements.
- C. Limits on the operation for the conduct of specified activities, including but not limited to hours of operation.
- D. Guarantees as to compliance with the terms of the approval.

30.xx.016 Post Decision and Modifications

In addition to the post decision provisions of **Section 30.07.017**, the following shall apply to issuance of a Minor Use Permit:

- A. **Notification of Decision.** The Planning Department shall provide the applicant with a letter of determination to approve, approve in modified form, conditionally approve, or deny the permit application. The Community Development Director shall report to the Planning Commission all approvals and disapprovals.
- B. **Appeal.** The decision may be appealed by written request and payment of the appeal fee within twenty (20) days of the determination, in compliance with **Division 30.07.030** (Appeals).
- C. **Terms of Approval.** A Building Permit shall not be issued until Minor Use Permit approval is obtained from the Community Development Director. If Building Permits are not obtained within 12 months from the effective date of approval, the approval shall be automatically revoked. A 12-month extension of time may

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be granted by the Community Development Director upon written request prior to the expiration date of the approval.

- D. **Inspection Prior to Use and Occupancy.** The conditions of approval may prohibit a building, structure or land use from occupancy until an inspection has been made and it is found that the building, structure or land use complies with the approved plans and the conditions of approval. In such case, a Building Permit shall not be finalized until the Planning Division has inspected the building or structure and approved the use and occupancy.
- E. **Modifications.** As provided in **Section 30.07.017**, minor revisions of an approved permit, which meet the requirements of the Zoning Ordinance and conditions of approval, may be approved by the Community Development Director. Otherwise, modifications and changes to the conditions of approval shall require reapplication and approval from the designated review authority, unless otherwise stated in the adopted conditions of approval. The Planning Commission may modify or waive any conditions if it finds that such modification or waiver is necessary for the preservation of an applicant's substantial property right or to avoid practical difficulties or unnecessary hardship, and that the modification or waiver would be consistent with the intent of the Zoning Ordinance.
- F. **Continued Operation.** An approved use maintained in continuous compliance with the conditions of approval and the provisions of this Division shall continue to be valid at the subject property upon any change of property ownership, in the same manner as it was originally approved and in compliance with City Code, unless the subject of the use permit ceases to exist, or is suspended for 12 months or more.
- G. **Expiration.** Whenever a use for which a Minor Use Permit has been issued is discontinued for 12 months, such use shall not be reestablished unless it is authorized under a new Minor Use Permit.
- H. **Revocation.** The Planning Commission may, after having given notice to the complainant and permittee and after holding a public hearing, revoke or modify the approved permit if the Planning Commission determines that the use is detrimental to the public health and safety so as to constitute a nuisance. Any approval granted by the review authority shall be immediately null and void if any one of the following exists:
1. The approval was obtained by fraud or incorrect information.
 2. The use for which such approval was granted is not being exercised.
 3. The use for which such approval was granted has ceased to exist or has been suspended for 12 months or more.

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4. The plan, permit or use granted is being, or recently has been, exercised contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, law or regulation.

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Division 30.xx.xxx – Temporary Use Permits

Sections

30.xx.011	Purpose and Intent
30.xx.012	Applicability and Exemptions
30.xx.013	Administrative Review
30.xx.014	Findings for Approval
30.xx.015	Conditions of Approval
30.xx.016	Post Decision and Modifications

30.xx.011 Purpose and Intent

The purpose of this Division is to provide the process for reviewing short-term activities, conducted in compliance with this Division, and in accordance with the purposes and intent of the Zoning Ordinance. Conditions of approval may be required to ensure land use compatibility and minimize potential impacts that could result from allowing the use at the requested location.

30.xx.012 Applicability and Exemptions

A. **Applicability.** A Temporary Use Permit may be issued for the following actions:

1. **Temporary Construction Structures and Uses.** Temporary construction trailers and/or an on-site caretaker quarters incidental to the construction of a structure or group of structures on the same or adjacent premises, for the duration of the construction period.
2. **Sales Offices.** A temporary model home or sales office, including associated temporary signage, during the period of construction or sale of homes in a new subdivision if located in a dwelling or in a temporary structure that complies with setback requirements for a main structure.
3. **Temporary Business Expansion.** Temporary structures or improvements located on the same or adjacent property that are requested to accommodate immediate expansion needs of an existing business, and only to allow time for the business to acquire permits for permanent expansion or relocation of the business within the City. The review authority may temporarily waive parking or setback standards for the duration of the permit, provided that the temporary waiver would not have a substantial adverse effect on the site operations or surrounding land uses. The initial permit term shall not exceed 180 days. The Community Development Director may approve an extension up to an additional 90 days if the applicant has satisfied all permit application submittal requirements for the permanent expansion or relocation of the business. An extension of more than 90 days may require the installation

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of specified site improvements, conditions of approval, and additional permits from the City.

4. **Seasonal Sales and Temporary Events.** The following temporary uses or activities may be allowed subject to a time limit not to exceed 30 aggregate days per calendar year, or as otherwise permitted by the review authority:
 - a. Temporary events and activities not covered under the City's Special Event Permit process, and subject to the issuance of applicable City permits.
 - b. Holiday and seasonal events including haunted house, open-air sale of Christmas trees and pumpkins, and other similar events, in conjunction with the issuance of applicable City permits.
 - c. Sales of fireworks, as regulated by all applicable City policies and ordinances.
5. The Community Development Director may allow other temporary activities that are determined to be similar in nature to the activities in this Section, and where no safety hazards will result from the proposed use.

B. Exemptions. The following actions are exempt from this Division, but may be subject to other permit requirements:

1. **Emergency Facilities.** Emergency public health and safety facilities or land use activities, as determined by the City Administrator.
2. **Special Events.** Activities that are covered under a Special Events Permit.
3. **Garage and Yard Sales.** In compliance with standards established in **Section 13.44(d)** of Chapter 13 of the City Code.
4. **Outdoor Sales.** Outdoor sales with merchandise displayed on any public right-of-way, public street or sidewalk, when approved through an encroachment permit from the Public Works Department.
5. **Temporary Construction Storage.** Temporary storage containers placed on the same site of a project for which an active Building Permit has been issued, and in accordance with any stipulations, timelines, or conditions applied to issuance of the Building Permit.

30.xx.013 Administrative Review

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Applications for a Temporary Use Permit shall be subject to administrative review by the Community Development Director. The decision to grant, deny or condition a Temporary Use Permit is an administrative determination and requires no hearing or public notice.

30.xx.014 Findings for Approval

The review authority may either approve, approve in modified form, conditionally approve, or deny the permit application, based upon all of the following findings:

- A. The temporary use is consistent with the General Plan and any applicable specific plan, and complies with all applicable provisions of City Code and other adopted City policies and regulations;
- B. As proposed and conditioned, the use will not adversely affect other property in the vicinity, or cause any damage, hazard, or significant nuisance to persons or property; and
- C. The use is exempt from the California Environmental Quality Act.

30.xx.015 Conditions of Approval

The review authority may impose conditions deemed reasonable and necessary to meet the findings for approval, to carry out the requirements of City Code, and to minimize significant impacts to the community's health, comfort, or general welfare. Conditions of approval may include, but not be limited to the following:

- A. Setbacks, open spaces, buffers, walls, fences, concealing hedges, landscaping.
- B. Performance standards, related to noise, vibration and other potentially dangerous or objectionable elements.
- C. Limits on the operation for the conduct of specified activities, including but not limited to hours of operation.
- D. Guarantees as to compliance with the terms of the approval, including but not limited to removal of the temporary structures or use and restoration of the site.

30.xx.016 Post Decision and Restoration of Site

In addition to the post decision provisions of **Section 30.07.017**, the following shall apply to issuance of a Temporary Use Permit:

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- A. **Notification of Decision.** The Planning Department shall provide the applicant with a letter of determination to approve, approve in modified form, conditionally approve, or deny the permit application.
- B. **Appeal.** The decision may be appealed by written request and payment of the appeal fee within twenty (20) days of the determination, in compliance with **Division 30.07.030** (Appeals).
- C. **Terms of Approval.** A Building Permit shall not be issued until Temporary Use Permit approval is obtained from the Community Development Director. If Building Permits are not obtained within three months from the effective date of approval, the approval shall be automatically revoked. An extension of time may be granted in accordance with this Division.
- D. **Inspection Prior to Use and Occupancy.** The conditions of approval may prohibit a building, structure or land use from occupancy until an inspection has been made and it is found that the building, structure or land use complies with the approved plans and the conditions of approval. In such case, a Building Permit shall not be finalized until the Planning Division has inspected the building or structure and approved the use and occupancy.
- E. **Modifications.** Due to the temporary nature of the approval, no modifications to the use or deviations from the conditions of approval are permitted.
- F. **Restoration of Site and Revocation.** At the end of the approval period, the site shall be cleared of all temporary structures, equipment, materials, debris, litter, or any other evidence of the temporary use. The premises shall be restored to pre-existing conditions when compliant with City regulations, within thirty (30) days or as otherwise specified in the permit conditions. Violation of any condition of approval may be grounds for immediate revocation of the Temporary Use Permit and/or other enforcement action.

Division 30.xx – Variances and Minor Deviation Permits

Sections

30.xx.011	Purpose and Intent
30.xx.012	Applicability and Exemptions
30.xx.013	Notice and Administrative Review or Public Hearing
30.xx.014	Findings for Approval
30.xx.015	Conditions of Approval
30.xx.016	Post Decision and Modifications

30.xx.011 Purpose and Intent

The purpose of this Division is to provide the process for a variance from the strict application of the Zoning Ordinance, excluding land use. Given the strict limitations of the Variance Permit requirements, the Minor Deviation Permit process allows for minor deviations of specified development standards, under certain circumstances.

30.xx.012 Applicability and Exemptions

This Division is applicable when the strict and literal interpretation of the regulations in the particular case would involve practical difficulties or unnecessary hardship, and only to the extent necessary to overcome such difficulties or unnecessary hardship. Each application shall be reviewed on a case-by-case basis and the approval of a prior Variance or Minor Deviation for another property is not precedent for the approval of a new Variance or Minor Deviation. Use variances are not permitted and there are no exemptions to this Division.

Table 30.xx-1
Types of Minor Deviations Allowed

Types of Minor Deviations	Maximum Deviation
Parking Space Requirements. Reduction in the number of required on-site parking stalls.	25 percent, or up to 4 stalls, whichever is less
Setbacks. A decrease in a required setback, except that no projection into a public utility easement or property boundary is allowed.	25 percent
Building Site Coverage. An increase in the maximum site coverage allowance, when in compliance with stormwater runoff regulations.	25 percent

30.xx.013 Notice and Administrative Review or Public Hearing

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- A. **Variances.** Applications for a Variance shall be subject to a public hearing and review by the Planning Commission. Notice and public hearing shall be required in compliance with **Division 30.07.020**.
- B. **Minor Deviations.** Applications for a Minor Deviation shall be subject to administrative review by the Community Development Director. The decision to approve, deny or condition a minor deviation is an administrative determination and does not require notice or a public hearing.

30.xx.014 Findings for Approval

- A. **Variance Findings.** The review authority may either approve, approve in modified form, conditionally approve, or deny the permit application, based upon all of the following findings:
 - 1. The Variance is consistent with the General Plan and any applicable specific plan;
 - 2. The Variance is in harmony with the general purpose and intent of the Zoning Ordinance and in accordance with the specific regulations therein;
 - 3. Due to special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification;
 - 4. Approving the Variance would not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated;
 - 5. The requested Variance would not authorize a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property; and
 - 6. The project complies with the provisions of the California Environmental Quality Act.
- B. **Minor Deviation Findings.** The review authority may either approve, approve in modified form, conditionally approve, or deny the permit application, based upon all of the following findings:
 - 1. Unique characteristics are applicable to the site or project that make strict adherence to the Zoning Ordinance requirements impractical or infeasible;
 - 2. Granting the Minor Deviation will result in development compatible and consistent with the adjoining properties and the immediate neighborhood;

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3. Granting the Minor Deviation will comply with the intent and purposes of the zone for the subject property; and
4. There are no significant adverse impacts from the proposed Minor Deviation, and the project complies with the provisions of the California Environmental Quality Act.

30.xx.015 Conditions of Approval

The review authority may impose conditions deemed reasonable and necessary to carry out the requirements of the Zoning Ordinance and to minimize significant impacts to the community's health, comfort, or general welfare. Conditions of approval may include, but not be limited to guarantees as to compliance with the terms of the approval.

30.xx.xxx Post-Decision

In addition to the post decision provisions of **Section 30.07.017**, the following shall apply to issuance of a Variance or Minor Deviation Permit:

- A. **Notification of Decision.** The Planning Department shall provide the applicant with a letter of determination to approve, approve in modified form, conditionally approve, or deny the permit application. The Community Development Director shall report to the Planning Commission all approvals and disapprovals.
- B. **Appeal.** The decision may be appealed by written request and payment of the appeal fee within twenty (20) days of the determination, in compliance with **Division 30.07.030** (Appeals).
- C. **Terms of Approval.** A Building Permit shall not be issued until Variance or Minor Deviation approval is obtained from the Community Development Director or the Planning Commission, where applicable. If Building Permits are not obtained within 12 months from the effective date of approval, the approval shall be automatically revoked. A 12-month extension of time may be granted by the Community Development Director upon written request prior to the expiration date of the approval.
- D. **Inspection Prior to Use and Occupancy.** The conditions of approval may prohibit a building, structure or land use from occupancy until an inspection has been made and it is found that the building, structure or land use complies with the approved plans and the conditions of approval. In such case, a Building Permit shall not be finalized until the Planning Division has inspected the building or structure and approved the use and occupancy.
- E. **Modifications.** As provided in **Section 30.07.017**, minor revisions of an approved permit, which meet the requirements of the Zoning Ordinance and conditions of

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approval, may be approved by the Community Development Director. Otherwise, modifications and changes to the conditions of approval shall require reapplication and approval from the designated review authority, unless otherwise stated in the adopted conditions of approval.

- F. **Continued Operation.** An approved Variance maintained in continuous compliance with the conditions of approval and the provisions of this Division shall continue to be valid at the subject property upon any change of property ownership, in the same manner as it was originally approved and in compliance with City Code, unless the subject of the Variance ceases to exist, or is suspended for 12 months or more.
- G. **Revocation.** The Planning Commission may, after having given notice to the complainant and permittee and after holding a public hearing, revoke or modify the approved permit if the Planning Commission determines that the permit or Variance is detrimental to the public health and safety so as to constitute a nuisance. Any approval granted by the review authority shall be immediately null and void if any one of the following exists:
1. The approval was obtained by fraud or incorrect information.
 2. The Variance or Minor Deviation for which such approval was granted is not being exercised.
 3. The Variance or Minor Deviation for which such approval was granted has ceased to exist or has been suspended for 12 months or more.
 4. The Variance or Minor Deviation granted is being, or recently has been, exercised contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, law or regulation.

Architectural and Site Plan Review and Minor Modifications

<u>New Section</u>	Existing Section	Overview of Changes
Purpose and Intent	30.50.40, 30.50.41(b)	Added purpose statement. Intent statement is generally the same as existing. Moved up intent statement for minor modifications from existing section 30.50.41(b).
Applicability and Exemptions	30.50.41(a) (1) – (11), 30.50.41(b)	Generally, the same (moved from 30.50.41 Review to this new section), but reorganized so residential uses are grouped together, commercial/industrial uses are grouped together, site improvements are grouped together, etc. Some language simplified. Language that was only referenced as a link in the existing code is now explicit in the proposed code (e.g., 30.26.50b, 30.50.47d). “Exempt” or “except” uses were moved to a new Exemptions section.
Notice and Administrative Review	30.50.41(a) 30.50.41(b) 30.50.43	The type of review required for either an Architectural and Site Plan Review or a Minor Modification has not changed but has been moved to this new section, for easier reference. The scope of review is generally the same and now located in this new section.
Findings for Approval	30.50.41(b)	New findings section for transparency that all development must be consistent with the General Plan, applicable specific plan, City Code, CEQA, and the scope of review outlined in the current code.
Conditions of Approval	30.50.41(b) 30.50.44	Generally, the same.
Post Decision and Modifications	30.50.41(b) 30.50.47 30.51.50 Appeal procedure 30.51.90 Expiration	Generally, the same, but these standards have been grouped together rather than scattered throughout the Division as they are currently. Language now used in other permit processes for consistency.

Conditional Use Permits

<u>New Section</u>	Existing Section	Overview of Changes
Purpose and Intent		New section. Language consistent with format for other proposed Divisions.
Applicability and Exemptions	30.50.30 (a)	References to unreinforced masonry (URM) buildings removed since these provisions are no longer necessary.
Notice and Public Hearing	30.50.30 (b)	Language consistent with format for other proposed Divisions.
Findings for Approval	30.50.30 (b) (1) and (2)	Existing findings retained and used in other use permit divisions. Added language consistent with Architectural and Site review findings for transparency that all development must be consistent with the General Plan, applicable specific plan, City Code, and CEQA.
Conditions of Approval	30.50.30 (c)	Existing conditions retained and used in other use permit divisions.
Post Decision and Modifications	30.50.30 (d) and (e) 30.51.50 Appeal procedure 30.51.80 Revocation 30.51.90 Expiration	Updated to match language used in other permit processes, for consistency.

Minor Use Permits (NEW) New administrative process for uses that do not require a public hearing due to their limited anticipated impacts but may require specified conditions of approval. An example is a farmer's market.

<u>New Section</u>	Existing Section	Overview of Changes
Purpose and Intent	n/a	Language consistent with format for other proposed Divisions.
Applicability and Exemptions	n/a	Language consistent with CUP Division
Administrative Review	n/a	Language included that allows Director to require public notice and a public hearing before the Planning Commission.
Findings for Approval	n/a	Language consistent with CUP Division
Conditions of Approval	n/a	Language consistent with CUP Division
Post Decision and Modifications	n/a 30.51.50 Appeal procedure 30.51.80 Revocation 30.51.90 Expiration	Language consistent with CUP Division

Temporary Use Permits

<u>New Section</u>	Existing Section	Overview of Changes
Purpose and Intent		New section. Language consistent with format for other proposed Divisions.
Applicability and Exemptions	30.47.20 30.47.30	Several modifications are proposed in response to needs that frequently come up from applicants. Added Temporary Business Expansion as a means to allow businesses to expand while they are going through the planning process. Added caretakers quarters under temporary construction for site security purposes. Outdoor sales on public property are now exempt when approved through an encroachment permit from the Public Works Department (eliminating a double process). Activities that are processed through the special event permit process are also listed as exempt (eliminating a double process). Modified “30 consecutive days per calendar year” to “30 aggregate days per calendar year” to be more flexible for seasonal sales and temporary events, which are typically shorter in length but may happen multiple times per year. Added a new exempt section for transparency of events and activities that don’t require a TUP but often come up as questions from the public or staff.
Administrative Review		New section. Language consistent with format for other proposed Divisions.
Findings for Approval		New section. Findings are less restrictive than other use permits due to their temporary nature.
Conditions of Approval	30.47.10	Consistent with language from conditional use permit regulations, rather than the more general language currently used in Article XLVII
Post Decision and Modifications	30.47.10 30.47.20 30.47.30	New section, consistent with other divisions but slightly modified due the temporary nature of the project.

Variances and Minor Deviation Permits		
<u>New Section</u>	Existing Section	Overview of Changes
Purpose and Intent	30.50.20 (a)	Language consistent with format for other proposed Divisions.
Applicability and Exemptions	30.50.20 (a) (1)	New table introduced for easier reference. Additional language added for transparency of certain conditions that would still need to be met. (note that setback and yard are the same)
Notice and Administrative Review or Public Hearing	30.50.20 (a) 30.50.20 (a) (2)	Language consistent with format for other proposed Divisions.
Findings for Approval	30.50.20 (a) (3)	Some language rewritten to be consistent with Gov Code 65906
Conditions of Approval	30.50.20 (a) (4)	Language consistent with format for other proposed Divisions.
Post Decision and Modifications	30.50.20 (a) (4) 30.51.50 Appeal procedure 30.51.80 Revocation 30.51.90 Expiration	Language added consistent with CUP Division



Community Development Department

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TO: Planning Commission
FROM: Sharon Goei, Community Development Director
Ariana Fabian, Planning Technician
DATE: December 5, 2024
SUBJECT: Planning Division Staff Approvals

In conformance with Gilroy Municipal Code Sections 30.50.20(b) and 30.50.46, the following table lists all Minor Deviation approvals and all Architectural and Site approval/denial actions taken by the Planning Division since the last report was provided to the Planning Commission at its November 7, 2024 meeting.ⁱ

APPROVED	PROJECT #	LOCATION	PROJECT NAME & DESCRIPTION
11/22/2024	AS 24-09	2262 Columbine Ct	This application approved a new 4,996 square foot hillside single family residence.

DENIED	PROJECT #	LOCATION	PROJECT NAME & DESCRIPTION
None			

AS = Architectural and Site Review
VMD = Minor Deviation

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