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## PLANNING COMMISSION REGULAR MEETING AGENDA

Thursday, May 7, 2026 | 6:00 PM

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

**Chair:** Manny Bhandal:  
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**Vice Chair:** Stefanie Elle:  
[stefanie.elle@cityofgilroy.org](mailto:stefanie.elle@cityofgilroy.org)

### Commissioners:

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**Staff Liaison:** Sharon Goei, Community Development Director | [sharon.goei@cityofgilroy.org](mailto:sharon.goei@cityofgilroy.org)

**Written comments can be submitted by email to [planningdivision@cityofgilroy.org](mailto: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](mailto: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](http://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](mailto: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](mailto: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. April 2, 2026 Planning Commission Regular Meeting Minutes**

**6. PUBLIC HEARINGS**

**6.1. Zoning Ordinance Amendment to Modify Chapter 30, Article II and XIX of the Gilroy City Code Relating to Tobacco Retailers and Smoke Shops**

1. Staff Report: Michael Fossati, Planning Manager
2. Open Public Hearing
3. Close Public Hearing
4. Disclosure of Ex-Parte Communication
5. Possible Action:

Staff recommends the Planning Commission:

- a. Recommend the City Council, based on its independent analysis, find that approval of the Gilroy City Code (Zoning) amendment is statutorily exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15061(b)(3) for the adoption of an ordinance regarding tobacco retailers and smoke shops; and
- b. Recommend that the City Council adopt an Ordinance (Z 26-01), to approve amendments to the Gilroy City Code, Chapter 30 (Zoning), Article II (Definitions) and XIX (Commercial Tables) relating to tobacco retailers and smoke shops.

**7. NEW BUSINESS**

**7.1. Planning Commission Review of a Resolution of the City Council of the City of Gilroy Requesting the Allocation of Fiscal Year 2027 Transportation Development Act Article 3 Pedestrian/Bicycle Project Funding from the Metropolitan Transportation Commission**

1. Staff Report: Nisha Patel, City Engineer
2. Public Comment
3. Possible Action:

Receive a report, provide feedback, and recommend that the City Council adopt a resolution to approve the Transportation Development Act Article 3 grant funding request from the Metropolitan Transportation Commission for Fiscal Year 2027.

**7.2. Civic Center Master Plan Presentation**

**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 June 4, 2026 at 6:00 PM**

**City of Gilroy  
Planning Commission  
Minutes  
Thursday, April 2, 2026 | 6:00 PM**

**1. OPENING**

The meeting was called to order by the 2025 Chair, Manny Bhandal, at 6:00 PM.

**2. PLEDGE OF ALLEGIANCE**

2025 Chair, Manny Bhandal, led the Pledge of Allegiance.

**3. REPORT ON POSTING THE AGENDA AND ROLL CALL**

The agenda was posted on Thursday, March 26, 2026 at 4:49 p.m.

<b>Attendance</b>	<b>Attendee Name</b>
Present	Commissioner Patricia Bentson Commissioner Manny Bhandal Commissioner Brian Dauenhauer Commissioner Stefanie Elle Commissioner Payman Khodabandeh Commissioner Martha Martinez Commissioner Monica Valdez

**4. ELECT CHAIR AND VICE CHAIR FOR 2026**

**Motion**

Elect Commissioner Bhandal as the 2026 Planning Commission Chair.

**RESULT:**           **Passed**

**MOVER:**           Commissioner Stefanie Elle

**SECONDER:**      Commissioner Brian Dauenhauer

**AYES:**           Commissioner Patricia Bentson, Commissioner Manny Bhandal,  
Commissioner Brian Dauenhauer, Commissioner Stefanie Elle,  
Commissioner Payman Khodabandeh, Commissioner Martha Martinez,  
Commissioner Monica Valdez

**NAYS:**           None

**ABSENT:**         None

**Motion**

Elect Commissioner Elle as the 2026 Planning Commission Vice Chair.

**RESULT:**           **Passed**

**MOVER:**           Commissioner Patricia Bentson

**SECONDER:**      Commissioner Monica Valdez

**AYES:**           Commissioner Patricia Bentson, Commissioner Manny Bhandal,  
Commissioner Brian Dauenhauer, Commissioner Stefanie Elle,  
Commissioner Payman Khodabandeh, Commissioner Martha Martinez,

Commissioner Monica Valdez

**ABSENT:** None

**5. PUBLIC COMMENTS**

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

There being no speakers, Chair Bhandal closed public comment.

**6. CONSENT AGENDA**

**1. November 6, 2025 Planning Commission Meeting Minutes**

**Motion**

Approve the consent agenda.

**RESULT:** **Passed**

**MOVER:** Chair Manny Bhandal

**SECONDER:** Commissioner Brian Dauenhauer

**AYES:** Commissioner Patricia Bentson, Commissioner Brian Dauenhauer, Commissioner Payman Khodabandeh, Commissioner Martha Martinez, Commissioner Monica Valdez, Vice Chair Stefanie Elle, Chair Manny Bhandal

**NAYS:** None

**ABSENT:** None

**7. PUBLIC HEARINGS**

**1. Variance 26-01, Architectural and Site Review AS 24-07, and Tentative Map TM 24-01 for the construction of 42 Townhomes located at 95 Howson Street.**

Planner I, Vanessa Sanchez, provided a report and presentation.

Chair Bhandal opened public comment.

Joan Lewis - complimented the proposed project.

With no further speakers, Chair Bhandal closed public comment.

**Motion**

Recommend that the City Council determine this project is exempt from further environmental review pursuant to State CEQA Guidelines Section 15332 (Class 32).

**RESULT:** **Passed**

**MOVER:** Chair Manny Bhandal

**SECONDER:** Vice Chair Stefanie Elle

**AYES:** Commissioner Patricia Bentson, Commissioner Brian Dauenhauer, Commissioner Payman Khodabandeh, Commissioner Martha Martinez, Commissioner Monica Valdez, Vice Chair Stefanie Elle, Chair Manny Bhandal

**NAYS:** None

**ABSENT:** None

**Motion**

Recommend that the Planning Commission adopt a resolution approving Variance Permit V 26-01, subject to the findings and conditions provided in the draft resolution.

**RESULT:** **Passed**

**MOVER:** Vice Chair Stefanie Elle

**SECONDER:** Commissioner Martha Martinez

**AYES:** Commissioner Patricia Bentson, Commissioner Brian Dauenhauer, Commissioner Payman Khodabandeh, Commissioner Martha Martinez, Commissioner Monica Valdez, Vice Chair Stefanie Elle, Chair Manny Bhandal

**ABSENT:** None

**Motion**

Recommend that the City Council adopt a resolution approving Architectural and Site Review Permit AS 24-07, subject to the findings and conditions provided in the draft resolution, with the amendment that an alternative tree species to the Chinese Pistache is selected.

**RESULT:** **Passed**

**MOVER:** Chair Manny Bhandal

**SECONDER:** Commissioner Brian Dauenhauer

**AYES:** Commissioner Patricia Bentson, Commissioner Brian Dauenhauer, Commissioner Payman Khodabandeh, Commissioner Martha Martinez, Commissioner Monica Valdez, Vice Chair Stefanie Elle, Chair Manny Bhandal

**ABSENT:** None

**Motion**

Recommend that the City Council adopt a resolution approving Vesting Tentative Map TM 24-01, subject to the findings and conditions outlined in the draft resolution.

**RESULT:** **Passed**

**MOVER:** Commissioner Patricia Bentson

**SECONDER:** Commissioner Monica Valdez

**AYES:** Commissioner Patricia Bentson, Commissioner Brian Dauenhauer, Commissioner Payman Khodabandeh, Commissioner Martha Martinez, Commissioner Monica Valdez, Vice Chair Stefanie Elle, Chair Manny Bhandal

**ABSENT:** None

**8. NEW BUSINESS**

None.

**9. INFORMATIONAL ITEMS**

**1. Planning Division Staff Approvals**

Two staff-level architectural and site review approvals have been issued since the last report provided to the Planning Commission at its November 6, 2025 meeting.

**10. PLANNING DIVISION REPORT**

Commissioner Martinez reported on her experience attending the Planning Commissioners Academy.

**11. ASSISTANT CITY ATTORNEY REPORT**

No report.

**12. ADJOURNMENT**

Chair Bhandal adjourned the meeting at 6:43 p.m.



# Community Development Department

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DATE: May 7, 2026  
TO: Planning Commission  
FROM: Michael Fossati, AICP, Planning Manager  
SUBJECT: Zoning Ordinance Amendment to Modify Chapter 30, Article II and XIX of the Gilroy City Code Relating to Tobacco Retailers and Smoke Shops

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## **RECOMMENDATION:**

Staff recommends the Planning Commission:

- a. Recommend the City Council, based on its independent analysis, find that approval of the Gilroy City Code (Zoning) amendment is statutorily exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15061(b)(3) for the adoption of an ordinance regarding tobacco retailers and smoke shops; and
- b. Recommend that the City Council adopt an Ordinance (Z 26-01), to approve amendments to the Gilroy City Code, Chapter 30 (Zoning), Article II (Definitions) and XIX (Commercial Tables) relating to tobacco retailers and smoke shops.

## **EXECUTIVE SUMMARY:**

The City Council has approved a series of urgency interim ordinances to prohibit the issuance of new tobacco retailer permits for a temporary period. During deliberations, Council members raised concerns about the increasing number of "smoke shops" in Gilroy and their potential negative impact on community health, safety, and welfare, as well as the physical community character of the downtown corridor.

Because "smoke shop" is not currently defined in the Gilroy City Code, and because the commercial use tables in Article XIX (Commercial Tables) do not explicitly address this use type, there is regulatory ambiguity that could undermine the City's ability to enforce the intent of the interim ordinances and any permanent regulations. To remedy this, staff recommends amending Article II (Definitions) to add a clear definition of "smoke shop" and amending Article XIX to clearly restrict smoke shops in any commercial zoning districts. Additionally, since the use of "smoke shop" is not expressly listed as a permitted, conditional or special use in any other zoning districts, the use itself is expressly prohibited.

These amendments are consistent with the multiple goals and policies of the Gilroy

2040 General Plan, are categorically exempt from review under the California Environmental Quality Act (CEQA), and are necessary to protect public health, safety, and welfare, as well as to preserve the community's commercial character before the interim ordinance expires on August 24, 2026.

## **BACKGROUND**

In recent years, the City of Gilroy has seen a significant rise in smoke shops within its commercial corridors. These businesses mainly sell tobacco and nicotine products, electronic cigarettes, vaping devices and accessories, hookahs, pipes, water pipes such as bongos, and related paraphernalia.

In response to community concerns about the proliferation of these uses, the City Council approved a series of urgency interim ordinances pursuant to California Government Code Section 65858 to temporarily prohibit the issuance of new tobacco retailer permits while the City studied appropriate permanent regulations. Ordinance No. 2026-02, the most recent in this series, extends the prohibition through August 24, 2026.

At City Council meetings regarding these urgency ordinances, Council members and the public raised concerns about smoke shops as a distinct use. They noted that smoke shops are concentrated in certain downtown commercial areas, have attracted nuisance activity, and can negatively impact Gilroy's charm, character, and vitality. The Council directed staff to develop permanent zoning solutions before the urgency ordinance expires.

### **Environmental Assessment:**

This project qualifies for the CEQA Guidelines Section 15061(b)(3) "common sense" exemption, as it is clear the regulation of the land use for tobacco retailers and smoke shops will not have a significant environmental impact and is therefore not subject to CEQA.

## **DISCUSSION AND ANALYSIS:**

### **Need for a "Smoke shop" Definition (Article II)**

The Gilroy City Code currently lacks a definition for "smoke shop" within our zoning ordinance. Without a clear definition, it is challenging to distinguish smoke shops from general retail stores, convenience stores, or other businesses that sell tobacco products. This ambiguity complicates the application of use regulations and impedes effective code enforcement.

Staff recommends adding the following definition to Article II of the Gilroy City Code:

***"Smoke shop" means any establishment, structure, facility, or stand that devotes more than fifteen (15) percent of either its gross floor space or display area to the retail sale, display, marketing, bartering, trading or exchange of any combination of tobacco, tobacco products, or tobacco***

*paraphernalia, including electronic smoking devices and accessories, as defined per City Code Chapter 13, Article VIII, Section 13.66”*

This definition aligns with practices in other California cities that regulate smoke shops and major tobacco retailers as separate land-use categories. It establishes an objective threshold to distinguish smoke shops from incidental tobacco sales at convenience stores, gas stations, or grocery stores, ensuring clear and consistent application of zoning regulations.

**Proposed Amendment to Article XIX (Commercial Tables)**

Staff also recommends amending Article XIX (Commercial Tables) of the Gilroy City Code to prohibit "smoke shops" in all commercial zoning districts, including downtown specific plan districts.

Any business operating legally as a smoke shop prior to the effective date of the adopting ordinance would be considered legal nonconforming use subject to the applicable nonconforming use regulations of the Gilroy City Code. The City Attorney's Office should advise on the appropriate nonconforming use provisions to apply. Furthermore, existing legally established businesses that do not meet the proposed definition of a smoke shop would not be affected by these amendments.

**General Plan Consistency:** California law requires a city’s zoning ordinance to align with its general plan. The proposed zoning amendment regulating smoke shop use supports the goals and policies of the Gilroy 2040 General Plan, as outlined below:

GOAL # / POLICY #	TITLE AND SUMMARY	ANALYSIS
Goal LU 1	Protect and enhance Gilroy’s quality of life and unique identity while continuing to grow and change	The proposed zoning amendment responds to the recent increase in unregulated shops in Gilroy and aligns with the city's zoning update goals. It promotes controlled commercial growth during the current moratorium on new tobacco permits.
LU 1.4	<b>Mix of Uses</b> Encourage a diverse mix of land uses to achieve a balance between jobs and housing, to ensure the community’s long-term viability, and to increase job opportunities in the city to assist in equalizing the jobs/housing balance. Through the Land Use Diagram, the City shall encourage a range of	The growing number of smoke shops in commercial districts limits Gilroy's commercial diversity and reduces space for retail, service, and dining options that better serve residents. The proposed control of smoke shop operations supports a more balanced and diverse commercial land use mix consistent with this policy.

	housing types, mixed-use districts, a diversity of business and industries, and adequate services and leisure activities to meet the social and economic needs of residents.	
LU 1.14	<b>Blight</b> Require that defunct or abandoned structures that are a visual blight or physical hazard be dismantled or removed within a reasonable period of time. This does not apply to structures that are identified by the City as historic.	City Council and staff have observed that smoke shops are often linked to increased loitering, nuisance activity, and visual blight. Regulating new smoke shop development aligns with this policy's goal to maintain clean, attractive, and safe commercial areas.
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.	A zoning amendment to regulate smoke shops will provide controls to reserve prime locations for retail, office, service, and entertainment uses that support the 2040 General Plan's vision for mixed-use and neighborhood commercial districts.
LU 4.2	<b>High Quality Design</b> Encourage distinctive and high quality commercial architecture that represents the character of Gilroy and discourages the use of "franchise architecture."	Smoke shops often use poor-quality signage, window coverings, and displays that diminish the visual appeal of commercial corridors. Regulating the location of new smoke shops supports the City's goal to maintain and enhance the design quality and character of its commercial areas.
LU 4.4	<b>Commercial Design Standards and Review Procedures</b> Require commercial centers to incorporate high standards of site design, construction, buffering, and screening to ensure their compatibility and opportunity to enhance residential neighborhoods.	Smoke shops and their associated activities are often incompatible with nearby residences and sensitive sites such as schools, parks, and childcare facilities. Prohibiting this use in Gilroy aligns with the City's policy to ensure commercial activities support and enhance the surrounding community.

<p>LU 4.6</p>	<p><b>Existing Strip Commercial Uses</b>  Existing strip commercial uses that undergo upgrades or expansion, as well as new commercial centers, shall be of a high-quality design, have limited access to minimize circulations conflicts, and ensure adequate screening from adjacent residential uses.</p>	<p>The concentration of smoke shops in strip commercial centers diminishes the quality of these corridors and makes them less appealing to higher-quality retail and service tenants. Prohibiting new smoke shops will help revitalize and enhance Gilroy's downtown area.</p>
<p>LU 8.7</p>	<p><b>Signs and Billboards</b>  Require the location of signs and billboards to respect the surrounding context in order to minimize any negative impact on the visual environment. Enforce sign regulations and design standards to reduce sign clutter and illegal signage along corridors.</p>	<p>Smoke shops often use excessive or visually intrusive neon signage, creating sign clutter and diminishing the visual quality of downtown Gilroy. Regulating new smoke shops and prohibiting them downtown will help maintain the City's sign quality and streetscape standards.</p>
<p>LU 9.1</p>	<p><b>Downtown Pedestrian Improvements</b>  Work with public and private entities to develop and maintain design improvements to create a safe, convenient, and pleasant pedestrian environment that supports the continued revitalization of the Downtown area. Improvements could include pedestrian-oriented amenities such as lighting, wider sidewalks, clearly marked pedestrian crossings, benches, landscaping, signage, sidewalk seating areas, and public art.</p>	<p>Downtown Pedestrian Improvements aims to create "a safe, convenient, and pleasant pedestrian environment that supports the continued revitalization of the Downtown area." Smoke shops in or near Downtown are inconsistent with this objective, as they often generate nuisance activities that discourage pedestrian use and diminish the quality of the public realm.</p>

H 1.1	<b>Historic Downtown</b> Promote the old downtown section of Monterey Street between Third Street and Eighth Street as the focal point for community identity, providing a “sense of place” and feeling of historic continuity for Gilroy residents.	Smoke shops are incompatible with the vision of a vibrant, pedestrian-friendly downtown that serves as a community gathering place and economic center. Prohibiting smoke shops in downtown districts, including the Downtown Commercial District, is necessary to preserve and enhance the unique character and vitality of Gilroy’s historic downtown.
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As demonstrated above, the proposed zoning amendments that will regulate smoke shops within the city’s zoning districts are consistent with goals and policies of the 2040 Gilroy General Plan.

**PUBLIC NOTICING:**

A Notice of Public Hearing was published in the Gilroy Dispatch on April 17, 2026, which is at least twenty (20) days prior to the scheduled Planning Commission hearing date, as required by the Gilroy City Code and California Government Code Section 65091. A notice was also posted on the City’s website and at City Hall.

**CONCLUSION AND NEXT STEPS:**

The proposed zoning text amendments add a definition of "smoke shop" to Article II and amend Article XIX to restrict smoke shops in the PO, C-1, C-3, HC, CM, and all the Downtown Specific Plan zoning districts. This approach addresses City Council concerns about public health and community character by restricting smoke shops in all commercial zones. Staff advises that the Planning Commission recommends to the City Council that the proposed amendments be approved.

**ATTACHMENTS:** Draft Smoke Shop Ordinance (including Exhibit ‘A’)

## ORDINANCE 2026-XX

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GILROY AMENDING THE GILROY CITY CODE, CHAPTER 30 (ZONING), ARTICLE II (DEFINITIONS), AND ARTICLE XIX (COMMERCIAL TABLES) REGARDING TOBACCO RETAILERS AND SMOKE SHOPS

**WHEREAS**, California Government Code Section 65858 authorizes the legislative body of a city, to protect the public safety, health, and welfare, to adopt as an urgency measure an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body, planning commission, or the planning department is considering or studying or intends to study within a reasonable time, and further provides that such interim ordinance shall be of no further force and effect forty-five (45) days from its date of adoption, and that after notice and public hearing, the legislative body may extend the interim ordinance for ten (10) months and fifteen (15) days and subsequently extend the interim ordinance for one (1) year; and

**WHEREAS**, on November 3, 2025, the City Council voted unanimously to adopt Ordinance No. 2025-08, an urgency interim ordinance pursuant to Government Code Section 65858, prohibiting the issuance of tobacco retailer permits within the Gilroy Downtown Specific Plan area for a period not to exceed forty-five (45) days, which was set to expire on December 17, 2025; and

**WHEREAS**, on December 8, 2025, the City Council adopted Ordinance No. 2025-11, extending the urgency interim ordinance prohibiting the issuance of new tobacco retailer permits within the Downtown Specific Plan area for a period of ten (10) months and fifteen (15) days, in accordance with Government Code Section 65858, and further approved the findings required by Government Code Section 65858(d); and

**WHEREAS**, during both meetings, council members and members of the public expressed concerns about the increasing number of "smoke shops" in Gilroy and their potential negative impact on community health, safety, and general welfare. Specific issues included proximity to schools, youth access to tobacco and vaping products, nuisance activity, and the decline of commercial corridor character; and

**WHEREAS**, on January 5, 2026, the City Council voted unanimously (7-0) to adopt Ordinance No. 2026-01, an urgency interim ordinance pursuant to Government Code Section 65858, expanding the prohibition on the issuance of new tobacco retailer permits to apply citywide for a period not to exceed forty-five (45) days, which was set to expire on February 19, 2026; and

**WHEREAS**, on February 10, 2026, the City Council adopted Ordinance No. 2026-02, extending the urgency interim ordinance prohibiting the issuance of new tobacco retailer permits citywide for a period of six (6) months and fifteen (15) days, through August 24, 2026, in accordance with Government Code Section 65858, and further approved the findings required by Government Code Section 65858(d); and

**WHEREAS**, the City Council directed staff to study permanent zoning solutions to address the proliferation of smoke shops in Gilroy before the expiration of the urgency interim ordinance on August 24, 2026; and

**WHEREAS**, staff found that the term "smoke shop" is not currently defined in the Gilroy City Code, Chapter 30 (Zoning), Article II (Definitions), and the commercial use tables in Article XIX (Commercial Tables) do not explicitly address "smoke shops" as a distinct use type, creating regulatory ambiguity that hinders effective code enforcement and undermines the City's ability to regulate these uses; and

**WHEREAS**, staff determined that adding a definition of "smoke shop" to Article II and amending Article XIX to expressly regulate smoke shops in commercial zoning districts is necessary to address the regulatory gap, protect public health and safety, preserve community character, and codify permanent zoning regulations before the expiration of Ordinance No. 2026-02 through a zoning text amendment, as permitted per Article LII (Amendment to the Zoning Ordinance); and

**WHEREAS**, in accordance with the Gilroy City Code, Chapter 30 (Zoning), Article LII (Amendment to the Zoning Ordinance), the Planning Commission has recommended, and the City Council finds, that the proposed Zoning Ordinance text amendments are necessary to carry out the general purpose of the Zoning Ordinance and are consistent with applicable goals and policies of the Gilroy 2040 General Plan, including Land Use Goal LU 1 (Protect and enhance Gilroy's quality of life and unique identity while continuing to grow and change), Land Use Policy LU 1.4 (Mix of Uses), Land Use Policy 1.14 (Blight), Land Use 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), Land Use Policy 4.2 (High Quality Design), Land Use Policy 4.4 (Commercial Design Standards and Review Procedures), Land Use Policy 4.6 (Existing Strip Commercial Uses), Land Use Goal LU 8 (Support growth and development that preserves and strengthens the City's historic, small-town character), Land Use Policy 8.7 (Signs and Billboards), Land Use Goal LU 9 (Encourage the growth and revitalization of Downtown to create a vibrant, high quality place for residents, businesses, and visitors), Land Use Policy 9.1 (Downtown Pedestrian Improvements) and Land Use Policy H 1.1 (Historic Downtown); and

**WHEREAS**, the adoption of the Zoning Ordinance text amendments is categorically exempt from review under the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15061(b)(3), the general rule that CEQA applies only to projects that may have a significant effect on the environment, because a zoning text amendment that regulates use types within existing commercial zones will not have the potential for causing a significant effect on the environment; and

**WHEREAS**, on May 7, 2026, the Planning Commission held a duly noticed public hearing, at which time the Planning Commission received and considered the staff report as well as all evidence received including written and oral public testimony related to the proposed Zoning Amendments, and recommended that the City Council approve the proposed amendments; and

**WHEREAS**, the City Council held a duly noticed public hearing on June 1, 2026, at which time the City Council received and considered the proposed Zoning Amendments, took and considered written and oral public testimony, the staff report, the Planning Commission recommendation, and all other documentation related to the proposed amendments; and

**WHEREAS**, the location and custodian of the documents or other materials which constitute the record of proceedings upon which the project approval is based is the office of the City Clerk.

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

**SECTION I**

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

**SECTION II**

The amendments to the Gilroy City Code, Chapter 30 (Zoning), Article II (Definitions) and Article XIX (Commercial Tables), set forth in Exhibit 'A' regarding smoke shops, are hereby adopted.

**SECTION III**

If any section, subsection, subdivision, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise void or invalid by any court of competent jurisdiction, the validity of the remaining portion of this Ordinance shall not be affected thereby.

**SECTION IV**

Pursuant to Section 608 of the Charter of the City of Gilroy, this Ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

**PASSED AND ADOPTED** by the City Council of the City of Gilroy at a regular meeting duly held on the \_\_ day of \_\_ 2026 by the following roll call vote:

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

APPROVED:

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Greg Bozzo, Mayor

ATTEST:

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Kim Mancera, City Clerk

## EXHIBIT 'A' of ORDINANCE 2026-XX

**ARTICLE II. DEFINITIONS****30.2.10 Word construction.**

Words used in the present tense include the future; words in the masculine include the feminine; words in the singular number include the plural; and words in the plural number include the singular. The word "building" includes the word "structure"; and the word "shall" is mandatory and not directory. The term "city council" shall mean the city council of the City of Gilroy, California; the term "planning commission" shall mean the planning commission of the City of Gilroy, California, and the word "city" shall mean the incorporated area of the City of Gilroy. (Ord. No. 2013-08, § 2 (Exh. A), 8-5-13)

**30.2.20 Definitions.**

For the purpose of this chapter certain terms used herein are defined as follows:

"Abandoned sign" means a sign located on a parcel of land or on a structure either of which is vacant for a period of ninety (90) days, a sign pertaining to a past occupant or business different from the present occupant of or business on the premises, a sign pertaining to a past event or any sign abandoned as the term is used in the law of California.

"Abutting" means land having a common property line or district boundary line or separated only by a private street, alley or easement.

"Accessory building (or structure)" means buildings, both permanent and temporary, excluding accessory dwelling units as defined in this section, which are:

- (a) Located on the same lot as the principal building or use;
- (b) Subordinate to and serve a principal building or principal use;
- (c) Subordinate in area, extent, or purpose to the principal building or principal use; and
- (d) Contribute to the comfort, convenience, or necessity of occupants of the principal building or principal use.

"Accessory dwelling unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one (1) or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking and food preparation area (which may include countertop appliances), and sanitation on the same parcel as the

single-family or multifamily dwelling is or will be situated. An “accessory dwelling unit” also includes the following:

- (a) An efficiency unit, as defined in California Health and Safety Code Section [17958.1](#).
- (b) A manufactured home, as defined in California Health and Safety Code Section [18007](#).

“Advertising” means any announcement, description or presentation calling public attention to goods or services offered for sale.

“Agency” means an office or commercial establishment in which goods, material or equipment is received for servicing, treatment or processing elsewhere.

“Agent of owner” means a person who can show written proof of authorization to act for a property owner.

“Agriculture” means farming, dairying, pasturage, apiaries, horticulture, floriculture, viticulture and animal or poultry husbandry, but not including the commercial feeding of garbage or offal to swine or other animals.

“Alley” means a public access driveway or lane not exceeding thirty (30) feet in width which provides only a secondary means of access to abutting property.

“Ancillary use” means a use which is:

- (a) Subordinate to and serves a principal use;
- (b) Subordinate in area, extent or purpose to the principal use;
- (c) Part of a single business for commercial and industrial uses;
- (d) Contributing to the comfort, convenience or necessity of occupants of the principal use; and
- (e) Located on the same lot as the principal use.

“Animal hospital” means a facility providing medical care for small and/or large animals which includes boarding the animals two (2) or more days.

“Animal husbandry” means the care and breeding of domestic farm animals such as cattle, hogs, sheep, and horses.

“Antenna” means a “conductor” erected for the transmission and/or reception of radio, television or other electromagnetic microwave signals.

“Apartment house” means any building or portion thereof which is designed and built for rental occupancy by three (3) or more households.

“Arcade” means any public place of amusement or public place of business in which five (5) or more mechanical amusement devices are installed, and includes any place open to the public, whether or not the primary use of the premises is devoted to the operation of such amusement devices.

“Attached sign” means a sign which is affixed to and made an integral part of a building or structure. Attached signs include wall signs, roof signs, and projecting signs, to distinguish them from freestanding and monument signs.

“Average slope” means the mean slope in the elevation of an area of land, determined by the formula:

$$S = \frac{.00229 I}{L} \text{ where}$$

A

S = Average percentage slope.

I = Contour interval in feet.

L = Summation of individual contour lengths in scale feet.

A = Gross area of property in acres.

“Awning” means a shelter, projecting over a property, supported entirely from the exterior wall of a building and composed of a collapsible frame covered completely with nonrigid material.

“Bank” means financial institutions including federally chartered banks, savings and loan associations, industrial loan companies, and credit unions providing retail banking services to individuals and businesses. This classification of bank does not include payday lending businesses or check cashing businesses, and as a result, the establishment, expansion, or relocation of such businesses is prohibited. The term “payday lending business” as used herein means retail businesses owned or operated by a “licensee” who offers, originates, or makes a deferred deposit transaction, as that term is defined in California Financial Code section [23001\(d\)](#), as amended from time to time. The term “check cashing business” as used herein means a retail business owned or operated by a “check cashier” as that term is defined in California Civil Code section [1789.31](#) as amended from time to time.

“Banner” means a temporary advertising display consisting of fabric, canvas, plastic or paper material, which is attached to a building.

“Bar” means an establishment or part of an establishment used primarily for the sale of alcoholic beverages to be consumed on the premises.

“Basement” means a usable space within a building, partly or wholly underground, and having more than one-half (1/2) of its height, measured from its floor to its finished ceiling, below the average adjoining grade. (See also “Story.”)

“Bed and breakfast establishment” means a residential structure, used as a lodging establishment in which the manager is an occupant in the structure and receives compensation in exchange for providing overnight sleeping accommodations which contain no cooking facilities, on a less than weekly basis, and in which breakfast is included as part of the basic compensation.

“Billboard” means a sign, other than a directional sign, which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a place other than on the parcel where the sign is erected. Included are signs erected upon benches.

“Block” means the area consisting of all property abutting one (1) side of a street, between intersecting and intercepting streets, or between a street and a railroad right-of-way, waterway, dead-end street, city boundary or undivided acreage.

“Boarding house” means a building or portion thereof, other than a hotel, where lodging for three (3) or more persons is provided for compensation or profit.

“Building” means a structure having a roof supported by columns and/or walls and intended for the housing or shelter of any persons, animals or property.

“Building coverage” means the land area covered by all of the main and accessory buildings on a lot, including all projections except eaves, and including enclosed drive-up areas, patios and porches, measured from the support posts.

“Building height” means the vertical distance measured from the average finished soil grade at the base of any exterior wall to the highest point of the roof, ridge, or parapet wall.

“Building site” means the land area of a lot which may be occupied by the permitted main building.

“Build-out schedule” means the maximum number of dwelling units assigned to each residential development project for which building permits may be issued each calendar year. The total of all assigned build-out schedules, for each year, shall not exceed the numerical limit set by city council resolution for that calendar year.

“Bulletin board” means a sign located on the same premises and used solely in connection with activities of a church, school, hospital, or public building, and allowing changeable messages.

“Business” means a commercial entity operating in the City of Gilroy with an approved business license.

“Business frontage” means the portion of a building which faces and has access to a street, parking lot, pedestrian mall, or walkway. The primary business frontage is one which contains a customer entrance or which includes a glass-enclosed showroom. If a building has more than one (1) business frontage with a customer entrance, the property owner must designate one (1) of them as the primary business frontage. Unless otherwise stated, the phrase “business frontage” means “primary business frontage.” All other business frontage is secondary frontage.

“Card rooms” means an establishment where legal gambling is conducted and regulated pursuant to City of Gilroy ordinances.

“Caretaker’s quarters (or residence)” means a nonrental residential unit built as part of a commercial or industrial use for the sole purpose of providing shelter for an employee, caretaker, or security personnel for the commercial or industrial use.

“Carport” means a shelter for one (1) or more automobiles which is not enclosed on at least two (2) sides by walls and doors.

“City council” means the elected city council of the City of Gilroy.

Clinic. See “Medical or dental office/clinic.”

“Clustering” means the practice of grouping residential units within a close proximity, and utilizing the surplus land thus saved for common open space, landscaping, recreations, etc.

“Combining district” means a zoning district within which certain regulations and requirements apply in addition to, and in combination with, regulations and requirements of the base zoning district.

“Commercial marijuana activity” has the same meaning as “commercial cannabis activity” as provided in California Business and Professions Code Section [26001\(k\)](#) as may be amended, and means and includes cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of marijuana or marijuana products. “Commercial marijuana activity” also includes the activities of any business or nonprofit licensees by the state or other government entity under Chapter 3.5 of Division 8 or Division 10 of the Business and Professions Code.

“Common open space” means the area generally used for landscaping and/or recreation which is held in joint ownership by all of the owners of a condominium development and which is jointly maintained by the owners.

“Competitive evaluation” means the process of comparing the project rating scale point rating of projects in order to determine priority in receiving yearly allocation of dwelling units.

“Condominium” means a distinct unit, under separate ownership, which is a portion of a multiple-unit building or development in which such ownership includes an interest in common areas. Condominium units may have one (1) or more common walls with other units.

“Conservation land” means land which possesses or encompasses natural resources. This includes, but is not limited to, streams, watersheds, groundwater recharge, soils, wildlife habitat as defined herein, special land forms and natural vegetation.

“Construction sign” means a sign located on a construction site during the course of construction, which identifies the architects, engineer, contractors, financiers or other persons and other individuals or firms involved with the construction, or announcing the building, enterprise or function for which the construction is intended.

“Corner lot” means a lot bounded on two (2) or more contiguous sides by city streets.

“Corner triangle” means a triangular-shaped area bounded by corner property lines and a line connecting those lines from points thereon which lie twenty (20) feet from the intersection of the projected property lines.

“Corporate office” means an office complex designed as the headquarters of a commercial or industrial corporation.

“Dance area” is defined, for large and medium dance venues, to include the area designated as the dance floor area on the floor plan submitted with the application for a public dance permit to the police department or with the applications for a downtown special use permit submitted to the community development department.

“Dance venue, large” means a venue where public dancing occurs in which the dance is larger than four hundred forty-one (441) square feet or twenty-five percent (25%) of the public access floor area.

“Dance venue, medium” means a venue where the dance floor area is up to twenty-five percent (25%) of the public access floor area; however, in no case is it larger than four hundred forty-one (441) square feet. The use shall be associated with a full service restaurant or theater with hot food available at all times the establishment is open.

“Dance venue, small” means a venue where occasional, spontaneous public dancing occurs in which the area of spontaneous dancing and the performance area combined is less than one hundred fifty (150) square feet, and the dancing is not advertised and entertainment is incidental to the approved use.

“Day care center” means a facility in which the primary use is the provision of childcare services in accordance with the regulations of the State of California.

“Deck” means a structure, usually of wood, built to extend the finished floor surface of a building into outdoor areas (reference section 30.39.40).

“Dish antenna” means an antenna which has a solid, mesh, or nearly solid surface area greater than five (5) square feet.

“Double-faced sign” means a sign designed to be viewed from two (2) directions and which at no point is thicker than twenty-four (24) inches measured from the exterior surface of each face. The two (2) faces of a double-faced sign are either parallel or the angle between them is thirty (30) degrees or less.

“Drive-in” means an enterprise or business activity or other use of land consisting of sales or service activity rendered to patrons who normally receive the products or services while in automobiles upon the premises, including, but not limited to, automobile service stations, drive-in restaurants and drive-up banks.

“Duplex” means a building designed for and intended to be occupied as living quarters by two (2) families living independently of each other.

“Dwelling” or “dwelling unit” means a building or mobile home designed for and/or occupied as a residence by one (1) or more families.

“Dwelling group” means a group of two (2) or more detached residential buildings occupying a parcel of land in one (1) ownership.

“Educational facility” means colleges, universities, tutoring centers, and vocational or trade schools for adults or minors. This definition excludes kindergartens, elementary schools, junior high schools, senior high schools, or special institutions of learning under the jurisdiction of the State Department of Education, which are defined by this chapter as schools.

“Emergency bridge housing” means any new or existing facilities, including, but not limited to, housing in temporary structures, including, but not limited to, emergency sleeping cabins consistent with the requirements of Government Code Section [8698.3\(h\)](#) that are reserved for homeless persons and families, together with community support facilities, including, but not limited to, showers and bathrooms adequate to serve the anticipated number of residents all of which may be located on

property leased or owned by a political subdivision. An emergency bridge housing community shall include supportive and self-sufficiency development services, have the ultimate goal of moving homeless persons to permanent housing as quickly as reasonably possible, and limit rents and service fees to an ability-to-pay formula reasonably consistent with the United States Department of Housing and Urban Development's requirements for subsidized housing for low-income persons.

"Emergency shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy of one hundred eighty (180) days per calendar year or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay. The definition of "emergency shelter" includes other interim interventions, including, but not limited to, a navigation center, emergency bridge housing, and respite or recuperative care.

"Entity" means a person or distinct business enterprise. Where adjacent business enterprises are owned or operated by a single person, each enterprise is an entity.

"Environmental assessment" means the process of determining the impact of proposed projects on the environment. The review process is carried out in accordance with the California Environmental Quality Act and city guidelines.

"Erect" means to build, construct, place, relocate, enlarge, alter, attach, suspend, paint, post, display, hang, affix or maintain a sign or other structure.

"Family" means one (1) or more persons, occupying premises and living together as a single housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity, or sorority.

"Family day care home" means a home that regularly provides care, protection, and supervision for fourteen (14) or fewer children, in the provider's own home, for periods of less than twenty-four (24) hours per day, while the parents or guardians are away.

"Fascia" means a flat horizontal band with a vertical face located on a building below the roofline.

"Fence" or "wall" means any structure made of wood, metal, masonry, shrubbery or other material forming a physical barrier which supports no load other than its own weight and which is designed to delineate, screen or enclose a field, yard, lot or other land area.

"Fence height" means:

(a) Fences in the front setback area: the vertical distance from the top of the curb closest to the fence or wall to the top of the fence or wall.

(b) All other fences: the difference in elevation of the ground surface continuously along the base of the ground level of the higher side of the fence to the top of the fence. Where a fence is erected on top or within three (3) feet of a retaining wall, the height of the fence shall include the retaining wall.

“Freestanding sign” means a sign which is wholly or partly supported by a structural element which is not an integral part of a building.

“Freeway” means a limited access highway, as defined in the California Streets and Highways Code.

“Front lot line” means the property line along a lot’s street frontage. If any official plan line has been established for the street upon which the lot fronts, the official plan line shall be considered the front lot line. For developed lots with more than one (1) street frontage, the street frontage towards which the main building fronts shall be considered the front lot line, except if the main building was clearly constructed under reverse conditions. If the lot is vacant, the shortest street frontage shall be considered the front lot line.

“Front yard” means the required setback area extending across the front of the lot between the side yard lines and measured from the front lot line to the front setback line.

“Garage—commercial” means a building designed or used on a commercial basis for the temporary storage of operable motor vehicles.

“Garage—residential” means an attached or detached accessory building used for the storage of vehicles or trailers by the families who reside upon the premises, including any covered parking space or carport.

“Gross floor area outside of the downtown specific plan area” means the sum of all of the areas of all levels or stories of a structure as measured from the exterior faces of the walls enclosing the structure.

“Gross floor area within the downtown specific plan area” means the sum of the gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating adjacent buildings. Gross floor area does not include parking areas, basements where at least one-half (1/2) of the floor-to-ceiling height is below grade, attic space having a floor-to-ceiling height less than seven (7) feet, open stairways, walkways, porches and balconies, and common areas not served by heating and/or air conditioning.

“Hedge” means plants, trees or shrubs planted in a continuous line to form a dense thicket or barrier. For the purpose of this chapter, a hedge is a fence.

“Home occupation” means a business activity conducted entirely within or from an enclosed dwelling.

“Hospital” means a facility providing medical, psychiatric or surgical services for sick or injured persons primarily on an in-patient basis, including facilities for outpatient and emergency treatment, diagnostic services, training, research and administration, and services to patients, employees or visitors.

“Hotel” means any building, portion of a building, or group of buildings containing guest rooms which is designed, used, or intended for use for the accommodation of transients on a commercial basis.

“Identification sign” means a sign which is limited to the name and address of a business, institution or person and to the activity or product carried on in the business or institution or the occupation of the person.

“Interior lot” means any lot other than a corner lot.

“Junior accessory dwelling unit” means a unit that is no more than five hundred (500) square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

“Key lot” means the first lot to the rear of a corner lot, the front line of which is a continuation of the side line of the corner lot, and fronting on the street which intersects or intercepts the street on which the corner lot fronts.

“Laundromat” means a place where patrons wash, dry or dry clean clothing or other fabrics in machines operated by the patron.

“Liquor/alcohol sales/bars (on-site consumption)” means an area primarily devoted to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages.

“Living area” means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

“Lot” means a parcel of land under one (1) ownership used or capable of being used under the regulations of this chapter, and including all required yards and other open spaces.

“Lot area” means the computed area contained within the lot lines of a parcel as recorded under a record of survey map, approved as provided in the Subdivision Map Act, except that the access strip of a flag lot shall be excluded in the computation of required lot area.

“Lot coverage” means that portion of a lot covered by all main and accessory buildings on the lot.

“Lot depth” means the average distance from the front lot line to the rear lot line.

“Main building” means the largest building on a lot in which the principal land use of the lot takes place.

“Manufactured housing” means housing which was structurally assembled in a remote location and transported to its eventual site.

“Marijuana” means any or all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin or separated resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin, including marijuana infused in foodstuff or any other ingestible or consumable product containing marijuana. The term “marijuana” shall also include “medical marijuana” as such phrase is used in the August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, as may be amended from time to time, that was issued by the office of the Attorney General for the State of California or subject to the provisions of the California Health and Safety Code Section [11362.5](#) (Compassionate Use Act of [1996](#)) or California Health and Safety Code Sections [11362.7](#) to [11362.83](#) (Medical Marijuana Program Act).

“Marijuana cultivation” means growing, planting, harvesting, drying, curing, grading, trimming, or processing of marijuana, regardless of whether there is an intent to produce, distribute, or sell the resulting product commercially.

“Marijuana delivery” has the same meaning as “delivery” as provided in California Business and Professions Code Section [26001](#)(p) as may be amended, and includes the commercial transfer of marijuana or marijuana products to a customer. Marijuana delivery also includes the use by a retailer of any technology platform, whether owned or controlled by the retailer or independently licensed, that enables customers to arrange for or facilitate the commercial transfer by a licensed retailer of marijuana or marijuana products.

“Marijuana dispensary” or “marijuana dispensaries” means any business, office, store, facility, location, retail or wholesale component of any establishment, cooperative or collective that delivers (as delivery is defined in Business and Professions Code Section [26001](#)(p) or any successor statute thereto) whether mobile or otherwise, dispenses, distributes, exchanges, transmits, transports, sells or provides marijuana to any person for any reason, including members of any medical marijuana cooperative or collective consistent with the August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, as may be amended from time to time,

that was issued by the office of the Attorney General for the State of California or subject to the provisions of the California Health and Safety Code Section [11362.5](#) (Compassionate Use Act of [1996](#)) or California Health and Safety Code Sections [11362.7](#) to [11362.83](#) (Medical Marijuana Program Act), or otherwise engages in any commercial marijuana activity.

“Marijuana processing” means any method used to prepare marijuana or its byproducts for commercial retail and/or wholesale, including but not limited to: drying, cleaning, curing, packaging, and extraction of active ingredients to create marijuana related products and concentrates.

“Marquee” means a temporary or permanent roofed structure usually projecting above an outer door and attached to or supported by a building, which is designed for use as a reader board sign.

“Master plan” means the development plan for a project submitted under a planned unit development (PUD) process, with completed CEQA (California Environmental Quality Act) analysis, reviewed by the planning commission and adopted by the city council.

“Mechanical amusement device” means any machine, device, apparatus or other instrument (including, but not limited to, electronic games, marble games and pinball games) the operation of which is permitted, by the payment of any fee or fees for its use, and the use or possession of which is not prohibited by any laws of the State of California.

“Medical marijuana collective” or “cooperative or collective” means any group that is collectively or cooperatively cultivating and distributing marijuana for medical purposes that is organized in the manner set forth in the August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical use, as may be amended from time to time, that was issued by the office of the Attorney General for the State of California or subject to the provisions of the California Health and Safety Code Section [11362.5](#) (Compassionate Use Act of [1996](#)) or California Health and Safety Code Sections [11362.7](#) to [11362.83](#) (Medical Marijuana Program Act).

“Medical or dental office/clinic” means a facility, other than a hospital, that provides professional medical services, consultation, diagnosis and treatment of clients on an outpatient basis. This may include a group practice in which several physicians work cooperatively, and/or educational aspects such as medical instruction and/or training as well as house a laboratory, radiology/imaging, pharmacy, rehabilitation and other similar services as accessory uses.

“Membrane accessory structure” means an accessory structure covered by a thin, soft, or pliable sheet or layer, such as canvas, plastic, metal, or fabric.

“Mobile home” means a type of manufactured housing, designed or used for residential occupancy, built upon or having a frame or chassis to which wheels may be attached by which it may be transported, whether or not such structure actually has, at any given time, such wheels attached. Mobile homes do not include recreational vehicles, trailers, or commercial coaches.

“Monument sign” means a low-profile, freestanding sign seven (7) feet or less in height.

“Motel” means a building or group of buildings on the same lot, containing guest rooms, used or designed for use for the accommodation of transients on a commercial basis, which are independently accessible from the outside. The term includes any building or building groups designated as an auto court, motor lodge, or tourist court.

“Motor home” means a self-powered vehicle designed, equipped or used as a dwelling or for living or for sleeping purposes.

Multifaced Sign. A “multifaced sign” is a sign, including advertising statuary, which has four (4) or more faces and which is designed to be viewed from more than two (2) directions.

“Multiple-family building” means a building or structure designed and intended to be occupied as living quarters by three (3) or more families, living independently of each other.

“Museum” means a building, place, or institution devoted to the procurement, care, study, and display of objects of lasting interest or value.

“Navigation center” means housing first, low-barrier, service-enriched shelter focused on moving homeless individuals and families into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.

“Neighborhood recreational facility” means a land use designed to provide recreational, aesthetic, ornamental, horticultural (e.g., community gardens) or childcare services to local residents at a neighborhood scale.

“Nonconforming building” means a building or structure or portion thereof lawfully existing on the effective date of the ordinance codified in this chapter which does not conform to the property development standards of this chapter for the zoning district in which it is located.

“Nonconforming lot” means a lot existing on the effective date of the ordinance codified in this chapter or amendment to the ordinance codified in this chapter that does not conform to the lot requirements of this chapter.

“Nonconforming sign” means a sign which was lawfully erected but does not comply with this chapter due to annexation of the property to the city, or amendment to the Zoning Ordinance or map by a person other than the owner of the real property on which the sign is erected. This definition does not include signs which were lawfully erected but which do not comply with this chapter due to division of real property on which the sign is erected, alterations to any building on the parcel where the sign is located or rezoning by the owner of the real property where the sign is located.

“Nonconforming uses” means a utilization or occupancy of any site lawfully utilized or occupied on the effective date of the ordinance codified in this chapter or amendment to the ordinance codified in this chapter which is not a permitted use for the district in which it is located, according to this chapter.

“Numerical limit” means the total number of dwelling units for residential development projects not exempted by section [30.50.60](#)(b)(2) for which building permits may be issued within the city during a given calendar year. The numerical limit is set by resolution of the city council.

“Off-site sign” means a sign, such as a billboard, which is not located on the same parcel of land as the entity or product it advertises.

“Office” means uses that predominantly sell professional and/or business services. The contact with the general public is not as frequent as with retail businesses or personal services, and a significant portion of the business may take place at other locations. Examples include banks, law offices, accountants, advertising, and computer support.

“Open space” means any parcel or area of land essentially unimproved or in its natural state and which is designated in the general plan for and devoted to an open space use including, but not limited to, public recreation, enjoyment of scenic beauty, conservation or use of natural resources, production of food or fiber, protection of man and his artifacts, buildings or property because of environmentally hazardous areas, containment and structuring of urban development, and preservation of historical sites.

Park. See “Public park.”

“Parking lot” means an area of land, a yard, or other space on a lot legally used for and designed for access and parking by standard, and operable, motor vehicles. This definition excludes land used for display, rental or storage of operable or inoperable vehicles.

“Parking space” means land or space which is owned, paved, laid out for, and used or designed to be used for a standing vehicle.

“Person” shall mean any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver,

syndicate, county, city and county, municipality, district, joint powers authority or other political subdivision, or any other group or combination acting as a unit.

“Personal services” means commercial uses providing needed services of a personal nature. Personal services generally include barber and beauty shops, nail salons, tanning and spa salons, seamstresses, tailors, shoe repair shops, dry cleaning (except bulk processing plants), and self service laundries.

“Planning commission” means the planning commission of the City of Gilroy.

“Planning manager” means the person employed by the city as head of the planning division of the City of Gilroy. The planning manager also serves as zoning administrator and secretary of the planning commission.

“Political sign” means a sign which is intended to influence the vote for the passage or defeat of a measure, or nomination, election or defeat of a candidate in any governmental election.

“Portable sign” means a sign which is movable, not structurally attached to the ground, nor attached to a building. Such sign may or may not be in the configuration of an “A.”

“Project rating scale” means a measuring device, composed of a number of general and specific rating criteria relating to project design, location, and other characteristics, used for assigning point ratings to proposed residential projects.

“Projecting sign” means a sign erected on the wall of a building or structure, or suspended from an overhang, with display surfaces generally not parallel to the wall.

“Promoter” means any person who is directly or indirectly responsible for the promotion of the public dance as evidenced by activities such as, but not limited to, contracting with the principals, selecting entertainment, advertising or otherwise holding out the event to members of the general public, inviting participants to the event, renting or controlling the event site, or serving as a designated on-site representative while the public dance is occurring.

“Public access floor area” means the combined area within a single venue in which public dancing occurs that includes seating areas, stage, dance floor, dining areas, bar areas, reception areas, and foyers, but does not include kitchens, restrooms, storage areas, food preparation areas and busing areas.

“Public dancing” means dancing that occurs by persons (other than performers) in or upon any premises that members of the general public are admitted to, during any planned or unplanned event, as either the main purpose of the event or as incident to some other purpose, with or without payment of a fee, charge or other consideration.

“Public park” means a park, playground, swimming pool, or athletic field within the City of Gilroy which is under the control, operation, or management of the city or county parks and recreation department or the Gilroy unified school district.

“Reader board sign” means a sign which is designed for manual or electrical changing of copy.

“Realty sign” means a sign of a temporary nature which pertains to the sale, lease, rental, or display of existing lots or buildings or other facilities.

“Rear yard” means the required setback area extending across the full width of the lot and measured between the rear lot line and the rear setback line.

“Recreational vehicle” means a vehicular unit not exceeding forty (40) feet in overall length, eight (8) feet in width, or twelve (12) feet in overall height, primarily designed as temporary living quarters for recreational, camping or travel use. Such a vehicle either has its own motive power or is designed to be mounted on or drawn by an automotive vehicle. Recreational vehicle includes motor homes, truck campers over seven (7) feet in height, travel trailers and camping trailers, but not vans or trucks with campers less than seven (7) feet in height.

“Religious institution” means a building which is used primarily for religious worship and/or related religious activities.

“Residential care home” means a resident-occupied dwelling, licensed by the state/county; in which children and/or adults are cared for on a full-time, live-in basis.

“Residential project” means a development project which will result in the construction of new dwelling units in the city. Residential projects include single-family, multiple-family, mobile home and condominium dwelling units. Such projects may or may not involve the subdivision of land.

“Retaining wall” means a wall designed to contain soil on one (1) side of the wall which is at a higher elevation than that on the other side of the wall.

“Ridgeline” means the highest point along the crest of a hillside from which the contours descend in at least two (2) directions.

“Roof sign” means an attached sign erected on a roof or projecting above the eave or rake of a building or coping of a parapet. A sign erected on top of a canopy, covered passageway, awning or marquee shall be considered a roof sign.

“Scenic land” means any area of land or water with natural scenery considered to have beauty as designated in the general plan.

“School” means an institution of learning for minors, whether public or private, which satisfies compulsory education laws of the State of California and/or offers instruction in those courses of study required by the California Education Code or which is maintained pursuant to standards set by the State Board of Education. This definition includes a kindergarten, elementary school, junior high school, senior high school, or a special institution of learning under the jurisdiction of the State Department of Education, but it does not include a vocational or professional institution or an institution of higher education, including a community or junior college, college or university.

“Setback line” means a line established by this chapter to govern the placement of a building or a structure with respect to its lot boundary lines.

“Side yard” means the required side setback area between the side lot line and the side setback line, and extending from the front lot line to the rear lot line.

“Sign” means any writing, pictorial, representative, symbol, registered trademark, flag (other than the United States or California flags) or any similar figure used to identify, announce, direct attention, or advertise or communicate, together with any material or color forming an integral part of the display or used to differentiate the sign from the background, which is located on private or public property and is visible from outside a building. Includes all parts, portions, units and materials, together with frames, delineated background, structure, support or anchorage for same, which is temporarily or permanently placed, erected, constructed, posted, painted, tacked, nailed, glued, carved, hung, strung or otherwise fastened or affixed to the ground or to any post, fence, building structure, wall, roof or tree.

“Sign area” means the entire area within a single continuous perimeter of not more than eight (8) straight lines forming right angles enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any material or color forming an integral part of the display, or used to differentiate such sign from the background against which it is placed. The supports, uprights or structure on which any such sign is supported shall not be included in determining the sign area unless such supports, uprights or structure are or is designed in such a manner as to form an integral background of the display. In computing maximum permissible sign area, all signs designed or likely to be seen from off the premises upon which the signs are located or proposed to be located shall be included in determining conformance with this chapter. For three (3) dimensional signs, the sign area of one (1) side, and the sign area of the side perpendicular to the first side, are calculated in the manner prescribed above, and combined to become the total sign area.

“Sign height” means the vertical distance from the soil level of the surrounding area to the highest point of the sign or any vertical projection.

“Sign value” means valuation of a particular sign as stated on the sign permit application. If this information is not available, or if evidence satisfactory to the planning director demonstrates that the stated value is erroneous, then the valuation of that sign shall be arrived at by the planning director who shall consider the evidence submitted and compare the particular sign with one (1) or more existing signs in the city of similar age and construction.

“Single-family dwelling” means a building or portion of a building designed for occupancy by one (1) family constituting a single housekeeping unit having only one (1) kitchen, but not including a boarding house, motel or hotel.

“Slope-density” means a system under which residential densities are determined by a formula based on the average slope of the contours of the area. (See “Average slope.”)

“Smoke shop” means any establishment, structure, facility, or stand that devotes more than fifteen (15) percent of either its gross floor space or display area to the retail sale, display, marketing, bartering, trading or exchange of any combination of tobacco, tobacco products, or tobacco paraphernalia, including electronic smoking devices and accessories, as defined per City Code Chapter 13, Article VIII, Section 13.66.”

“Solar energy system” means any structural design feature, solar collector or other energy device, the primary function of which is to provide for the collection, storage or distribution of solar energy.

“Sound wall fence” means a wall fence, constructed of materials such as concrete block, brick, stone, concrete, steel or stucco, designed to reduce the level of nearby sounds.

“Specific plan” means a project implementing the City of Gilroy’s general plan for all or part of an area covered by the general plan, processed pursuant to the state laws governing specific plans which are set forth in California Government Code Section 65450 et seq., reviewed by the planning commission review and adopted by the city council.

“Story” means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the roof thereof. For any finished floor level which is more than six (6) feet above grade for more than fifty percent (50%) of the total perimeter or is more than twelve (12) feet above grade at any point, the space directly below shall be considered a story.

“Street” means a public or permanent private right-of-way, thirty (30) feet or more in width, which affords a primary means of access to property.

“Street frontage” means the length of a site along or fronting on a street or other principal thoroughfare but not including such length along an alley, watercourse, railroad right-of-way or limited access roadway or freeway.

“Structural alteration” means any change in the supporting members of a building, such as bearing walls, columns, beams, girders, floor joists, ceiling joists or roof rafters.

“Structure” means anything constructed or erected upon the ground or attached to such construction having location on the ground, but excluding swimming pools and uncovered paved areas such as patios and parking lots.

“Supportive housing” means housing with no limit on length of stay, that is occupied by the target population and that is linked to on- or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. [Health and Safety Code Section 50675.2(h)]

“Target population” means adults with low income having one (1) or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may, among other populations, include families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, or homeless people. [Health and Safety Code Section 53260(d)]

“Temporary business establishment” means an activity involving the sale or display of merchandise in the open, in a vehicle, or in a temporary building or structure, or for a limited time in a permanent building or structure.

“Temporary sign” means a sign, usually constructed of light materials, displayed for thirty (30) days or less.

“Townhouse” means a condominium dwelling unit which is the sole dwelling unit on a separate parcel of land, with no dwelling units above or below it.

“Trailer” means a vehicle without motive power not exceeding forty (40) feet in overall length, eight (8) feet in width, or twelve (12) feet in overall height, including a boat mounted on a trailer, designed so that it can be drawn by a motor vehicle, to be used for the carrying of boats, persons, cargo or animals.

“Transitional housing” means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some

predetermined future point in time, which shall be no less than six (6) months and shall not exceed two (2) years. [Health and Safety Code Sections 50675.2(h) and 50801(i)]

“Triple-faced sign” means a three (3) sided sign designed to be viewed from more than two (2) directions, and which forms a triangular shape.

“Truck stop” means a facility used for the fueling and short-term parking of tractor-trailer transport vehicles. Truck stops may include related fueling facilities, weigh stations, traffic routing offices, temporary truck storage areas, restaurants, wash racks, minor repair facilities and related business offices and motels.

“Use” means the purpose, for which land or a building is occupied or maintained, let or leased.

“Veterinarian office” means an office providing medical care for small animals where the animal holding facilities are totally enclosed and the animals are boarded overnight only.

“Veterinary hospital” means a facility providing medical care for domestic pets such as dogs, cats, reptiles, birds and similar animals which may include boarding the animals two (2) or more days. This definition excludes domestic farm animals such as cattle, hogs, sheep, and horses.

“Vocational school” means a commercial land use that involves the instruction to students of special skills, knowledge, or techniques that are generally related to furthering a specific vocation or professional occupation. Vocational schools include trade schools, business schools, cosmetology schools and schools for self-improvement.

“Wall sign” means a sign erected on a wall or fascia of a building or structure (other than a structure whose main purpose is to support a sign), the face of which is parallel to the wall or fascia and all of which is below the coping of the parapet, the top of the fascia, the eave line or below the top of the wall on which it is mounted. A sign which meets the definition of this paragraph, but is erected between posts, pillars, or columns which support a roof or second story, rather than on a wall, is also a wall sign.

“Waste material handling facility” means an area of one hundred (100) square feet or more, including wrecking yards, used for the storage or dismantling of junk, scrap metals, materials salvaged from wrecked or demolished buildings, automobiles, machinery or equipment.

“Wildlife habitat” means any area of land or water valuable or necessary for the preservation or enhancement of wildlife resources.

“Window” means an opening constructed in a wall that functions to admit light or air to an enclosed structure, and is often framed and spanned with glass mounted to permit

opening and closing. Mullions may be present, decoratively or structurally, as part of a mullioned window.

“Window sign” means a sign which is displayed on or located behind and within one (1) foot of a window (not including a glass entry door), and is visible from a street, walkway, parking lot, or pedestrian plaza, any of which is accessible to the public.

“Wire mesh fencing” means fence material which derives its strength from metal strands crossing in a regular pattern, including, but not limited to, those materials known as chain link or chicken wire, but does not include ornamental wrought iron fencing.

Zoning Administrator. See “Planning manager.” (Ord. No. 2013-08, § 2 (Exh. A), 8-5-13; Ord. No. 2014-01, § 1, 1-27-14; Ord. No. 2014-06, § 1, 5-5-14; Ord. No. 2015-01, § 3, 5-4-15; Ord. No. 2016-01, § 2, 1-25-16; Ord. No. 2017-06, §§ 1, 2, 11-20-17; Ord. No. 2017-07, §§ 1, 2, 12-4-17; Ord. No. 2018-02, §§ 2, 3, 1-8-18; Ord. No. 2019-08, §§ 2, 3, 10-7-19; Ord. No. 2020-03, § 2, 7-6-20; Ord. No. 2023-04, § 2, 5-15-23)

**30.19.10 Commercial use table.**

(a) Statement of Intent. The intent of this commercial use table is to clearly and precisely designate permitted uses and conditional uses within each of the following districts:

PO	Professional Office
C1	Neighborhood Commercial
C3	Shopping Center Commercial
HC	Highway Commercial
CM	Commercial Industrial

**Downtown Specific Plan Districts**

DHD	Downtown Historic District
DED	Downtown Expansion District
CCA	Civic/Cultural Arts District
TD	Transitional District
CD	Cannery District
GD	Gateway District

(b) Designation of Commercial Uses. The commercial use table indicates whether a variety of uses are unconditionally permitted, permitted only with a conditional use permit from the planning commission, or permitted only under special conditions. The planning commission, or its designee, shall determine, upon written request, whether or

not any use not listed in the commercial use table is similar in character to a described use for the purpose of applying the district regulations and conditions.

(c)(1) Commercial Use Table.

	PO	C1	C3 <sup>3</sup>	HC	CM
<b>Commercial Uses</b>					
Adult Businesses <sup>1</sup>			C		
Animal Boarding			C <sup>15</sup>		C <sup>15</sup>
Animal Grooming or Training		X	X		X
Veterinary Hospital/Veterinary Office	C	C	X		X
Antique Shop		X	X	X	X
Appliance Repair		X	X		X
Arcade			X		X
Art Studio or Gallery		X	X		X
Auction House			X		X
Auto Body Repair and Painting					C
Automobile Parts Sales			X	X	X
Automobile Repair			X		X
Automobile Sales (Indoor or Outdoor)			X		X
Automobile Sales, Temporary <sup>6</sup>			C	C	C
Automotive Gasoline/Fueling Station		C	X	X	X
Car Wash			X		X
Tire Shop			X	X	X

	PO	C1	C3 <sup>3</sup>	HC	CM
Bank	C	X	X		X
Bakery/Coffee House		X	X	C	X
Bars: On-Site Liquor/Alcohol Consumption (Except as Ancillary to a Restaurant Use)		C <sup>4,9</sup>	X <sup>9</sup>	X <sup>9</sup>	X <sup>9</sup>
Bed and Breakfast Establishment		X	X	X	X
Boat and Motorcycle Sales			X		X
Bowling Alley			X		X
Building Materials Sales and Storage			X		X
Card Room			C		C
Clothing Sales/Service Establishment		X	X		X
Contractor's Yard					X
Dance Venue, Small		X	X	X	X
Dance Venue, Medium <sup>12</sup>			X		X
Dance Venue, Large <sup>12</sup>			X		X
Desktop Publishing/Copy Shop	X	X	X		X
Feed Store			C	C	X
Festival		T	T	T	
Grocery Store or Deli/Supermarket		X	X		X
Gymnasium/Health Studio		X	X		X
Home Occupation <sup>10</sup>	X	X	X		X

	PO	C1	C3 <sup>3</sup>	HC	CM
Hotel, Motel			X	X	X
Laboratory (Research and Testing)	C		X		X
Landscape Nursery			X		X
Liquor/Alcohol Sales with Tasting (Wine and Beer Only) <sup>9</sup>			X <sup>9</sup>	X <sup>9</sup>	X <sup>9</sup>
Liquor/Alcohol Sales (Off-Site Consumption) <sup>9</sup>		C <sup>9</sup>	X <sup>9</sup>	X <sup>9</sup>	X <sup>9</sup>
Medical or Dental Office/Clinic	X	X	X		X
Mortuary or Crematory			X		X
Newspaper Printing Facility					X
Office	X	X	X		X
Outdoor Amusement/Recreation <sup>14</sup>			C	C	C
Parking Lot		X	X		X
Pawn Shop			X		X
Personal Services <sup>11</sup>		X	X		X
Pool and Billiards Establishment and Indoor Recreation			X		X
Printing/Sign Painting Establishment			X		X
Restaurant <sup>17</sup>		X	X	X	X
Retail Sales Establishments		X	X	C	X
Smoke Shop <sup>18</sup>					
Theater			X	X	X
Therapy Clinic (Licensed Provider)	X	X	X		X

	PO	C1	C3 <sup>3</sup>	HC	CM
Tire Shop			X	X	X
Tow Yard					C
<b>Light Industrial Uses</b>					
Light Industrial Uses Permitted in M1 <sup>7</sup>					X
Plumbing or Sheet Metal Shop					X
Pottery and Ceramics Manufacturing					X
Truck Stop				C	C
<b>Public and Semi-Public Uses</b>					
Ambulance Service	X		X	X	X
Religious Institution	X	X	X		C
Community Center	C		X		X
Day Care Center	C	X	X		C
Emergency Shelter <sup>16</sup>	C	C	C	C	X
Hospital, Rest Home, Sanitarium			X		X
Lodge, Club, or Fraternal Hall	C	C	X		X
Public Facility	X	X	X	C	X
School (Private ≤ 12 Students)	X	X	X		X
School (Private > 12 Students)	C	C	C		C
<b>Residential Uses</b>					
Boarding or Rooming House	C				

	PO	C1	C3 <sup>3</sup>	HC	CM
Caretaker’s Quarters <sup>2</sup>	C	C	C	C	C
Residential Unit	C <sup>5</sup>	X <sup>5</sup>	X <sup>5</sup>		
<b>Temporary Uses</b>					
Christmas Tree Lot		T	T	T	T
Outdoor Booth/Sales <sup>13</sup>	T	T	T	T	T

X = Unconditionally permitted.

T = Temporary use—See Article XLVII.

C = Permitted only with conditional use permit granted by planning commission.

<sup>1</sup> Conditionally permitted in the C3 district except for C3 property that is part of a block which abuts First Street, and in accordance with the requirements set forth in Article XXVIII.

<sup>2</sup> If a caretaker’s residence is in a trailer or a mobile home, a conditional use permit is required and is valid for only one (1) year, with a maximum one (1) year extension. One (1) unit for caretaker’s quarters is an unconditionally permitted use when in conjunction with hotels, motels, bed and breakfast establishments, ambulance services, churches or mini-storage facilities.

<sup>3</sup> Commercial uses proposed east of the South Valley Freeway, on property zoned C3 (shopping center commercial), shall meet the following findings prior to establishment:

(a) The intent of the proposed business is to merchandise products and/or provide services to a clientele base which represents a regional draw; and

(b) A regional draw shall mean a clientele base with at least seventy-five percent (75%) of the customers residing outside the city limits.

<sup>4</sup> The requirement for a conditional use permit does not apply to businesses whose primary use is the preparation and service of food.

<sup>5</sup> Residential units may be allowed in conjunction with an existing business. Standalone single-family residential use of a lot is not permitted. Residential units in the C3 zones may be allowed when located on the second or third floor of a building. More than one (1) residential unit may be allowed upon approval of a conditional use permit

pursuant to section [30.50.30](#). All residential unit projects within commercial zones shall comply with the following guidelines:

(a) The number of residential units shall not compromise the quality or character of any existing or proposed businesses located on the same property;

(b) The number of residential dwellings shall be limited by the availability and provision of off-street parking stalls;

(c) All bedrooms proposed for residential use shall meet minimum square footage requirements in compliance with the Uniform Building Code; and

(d) Open space shall be provided, when feasible.

<sup>6</sup> A conditional use permit may be granted to an auto-related sales business for up to four (4) temporary auto sale events on the same property within one (1) calendar year.

<sup>7</sup> Uses allowed in the M1 zoning district subject to a conditional use permit are also subject to conditional use permit in the CM zoning district.

<sup>8</sup> These uses are unconditionally permitted on the second story and above. Any time these uses are proposed for the first floor (sidewalk level), a conditional use permit is required.

<sup>9</sup> Requests for new State Alcoholic Beverage Control (ABC) alcoholic beverage licenses are subject to review and approval of the city's chief of police.

<sup>10</sup> Permitted only if the regulations of Article XL are met.

<sup>11</sup> Commercial uses providing needed services of a personal nature. Personal services generally include barber and beauty shops, nail salons, tanning and spa salons, seamstresses, tailors, shoe repair shops, dry cleaning (except bulk processing plants), self service laundries, massage parlors, and tattoo and piercing parlors.

<sup>12</sup> Provided, that all provisions set forth in Chapter 8 are satisfied. See also Article II, "Definitions," for additional use specifications.

<sup>13</sup> Outdoor booths and sales are permitted for thirty (30) days per calendar year, in compliance with the city's temporary use policy.

<sup>14</sup> Outdoor amusement and recreation facilities require a conditional use permit. Indoor amusement and recreation facilities are permitted without a conditional use permit.

<sup>15</sup> A conditional use permit is required for animal boarding within one hundred fifty (150) feet of residential properties and/or for businesses that board animals outside. Businesses that board animals more than one hundred fifty (150) feet from residentially

zoned properties do not require a conditional use permit as long as the animals are contained inside a building.

<sup>16</sup> Emergency shelters shall be subject to the performance standards listed in section [30.41.32](#).

<sup>17</sup> A drive-through window may be allowed for retail establishments/restaurant uses outside of the downtown.

<sup>18</sup> Smoke shops are not allowed in commercial or any other zoning district.

(2) Downtown Commercial Use Table.

	DHD	DED	CCA	TD	CD	GD
<b>Commercial Uses</b>						
Animal Boarding		X <sup>11</sup>		X <sup>11</sup>	X <sup>11</sup>	C <sup>19</sup>
Animal Grooming or Training		X		X	X	X
Animal Hospital/Veterinary Office						X
Antique Shop	X	X		X		X
Appliance Repair		X		X		X
Arcade and Internet Access as Primary Use	X	X			X	X
Art, Dance, Gymnastic and Music Studios or Galleries	X	X	X	X	X	X
Auction House	X <sup>4</sup>	X				X
Automotive Body Repair and Painting						C
Automotive Car Stereos and Alarm Systems Sales and Installation	X <sup>17</sup>	X <sup>17</sup>				X <sup>17</sup>
Automotive Car Wash						X
Automotive Gasoline/Fueling Station		X <sup>10</sup>				X
Automotive Parts Sales		X <sup>10</sup>				X

	DHD	DED	CCA	TD	CD	GD
Automotive Repair and Service		X <sup>10</sup>				X <sup>13</sup>
Automotive Sales	X <sup>9</sup>	X				X
Automotive Sales, Temporary <sup>3</sup>		C	C		C	C
Automotive Tire Shop		X <sup>10</sup>				X
Bank	X	X		X	X	X
Bakery/Coffee House	X	X	X	X	X	X
Bakery, Commercial	C <sup>12</sup>	C <sup>12</sup>			X	X
Bed and Breakfast Establishment		X		X		X
Boat and Motorcycle Sales		X				X
Bowling Alley	X	X				X
Building Materials Sales and Storage						X
Card Room		C				C
Clothing Sales/Service Establishment	X	X		X	X	X
Cottage Industry with Light Manufacturing and Assembly					X	X
Dance Venue, Small	X	X	X	X	X	X
Dance Venue, Medium <sup>15</sup>	X	X	X	X	X	X
Dance Venue, Large	X <sup>16</sup>	X <sup>16</sup>	X <sup>16</sup>			C <sup>15</sup>
Desktop Publishing/Copy Shop	X <sup>4</sup>	X	X	X	X	X
Festival	T	T	T	T	T	T
Grocery Store or Deli (Not Supermarket)	X	X	X	X	X	X

	DHD	DED	CCA	TD	CD	GD
Gymnasium/Health Studio	X	X	X	X	X	X
Home Occupation <sup>6</sup>	X	X	X	X	X	X
Hotel, Motel	X	X				X
Laboratory (Research and Testing)	X <sup>4</sup>	C			C	X
Landscape Nursery						X
Liquor/Alcohol Sales/Bars (On-Site Consumption of Beer, Wine, or Liquor, not including Micro-Brewery and Wine Tasting Provisions below) <sup>5</sup>	C <sup>1</sup>	C <sup>1</sup>		C <sup>1</sup>	C <sup>1</sup>	C <sup>1</sup>
Liquor/Alcohol Sales (Off-Site Consumption) <sup>5</sup>	C	C		C		C
Medical or Dental Office/Clinic	X <sup>4</sup>	X		X		X
Micro-Breweries and Wine Tasting <sup>21</sup>	D	D			D	
Museums	X	X	X	X	X	X
Mortuary or Crematory		C		X		X
Newspaper Printing Facility						X
Office	X <sup>4,22</sup>	X	X	X	X	X
Outdoor Amusement/Recreation <sup>18</sup>						C
Parking Lot (Automobile Parking)	X	X	X	X	X	X
Pawn Shop		X				X
Personal Services <sup>7</sup>	X <sup>8</sup>	X <sup>8</sup>	X	X	X	X
Pool/Billiards Establishment and Indoor Recreation	X	X				C
Printing/Sign Painting Establishment		X		X	X	X

	DHD	DED	CCA	TD	CD	GD
Restaurant	X	X	X	X	X	X
Restaurant with Drive Through		X				X
Retail Sales 10,000 sq. ft. or Less	X	X		X	X	X
Retail Sales 10,001 sq. ft. to 50,000 sq. ft.		X				X
Retail Sales 50,001 sq. ft. or More						X
Smoke Shop <sup>23</sup>						
Supermarket		X				X
Theater	X	X	X	X	X	X
Therapy Clinic (Licensed Provider)	X <sup>4</sup>	X		X	X	X
Tow Yard (No Dismantling or Parts Sales)						C
<b>Public and Semi-Public Uses</b>						
Ambulance Service		X <sup>10</sup>	X			X
Community Center	X <sup>4</sup>	X	X	X	X	X
Adult or Child Day Care Center		C	X	X	X	X
Emergency Shelter <sup>20</sup>	C	C	C	C	C	C
Hospital, Rest Home, Sanitarium		C				X
Lodge, Club, or Fraternal Hall	X <sup>4</sup>	C		X	C	X
Public Facility	X	X	X	X	X	X
Religious Institution	X <sup>4</sup>	X		X	X	X
School (Private ≤ 12 Students)	X <sup>4</sup>	X	X	X	X	X

	DHD	DED	CCA	TD	CD	GD
School (Private > 12 Students)	C	C	C	C	C	C
<b>Residential Uses</b>						
Boarding or Rooming House		C		C	C	
Caretaker's Quarters	X	X	X	X	X	C
Residential Units <sup>2</sup>	X <sup>4</sup>	X <sup>4</sup>	X <sup>14</sup>	X	X	X
<b>Temporary Uses</b>						
Bazaar	T	T	T	T	T	
Christmas Tree Lot		T		T	T	T
Outdoor Booth/Sales	T	T	T	T	T	T

X = Unconditionally permitted.

T = Temporary use—See Article XLVII.

C = Permitted only with conditional use permit granted by planning commission.

D = Permitted only with an administratively approved downtown use permit granted by the community development director, or his/her designee.

<sup>1</sup> The requirement for a conditional use permit does not apply to businesses whose primary use is the preparation and service of food, and liquor/alcohol is served as a clearly ancillary use.

<sup>2</sup> All residential unit projects within commercial zones shall comply with the following guidelines:

(a) The number of residential units shall not compromise the quality or character of any existing or proposed businesses located on the same property;

(b) The number of residential dwellings shall be limited by the availability and provision of off-street parking stalls or as allowed by ordinance;

(c) All bedrooms proposed for residential use shall meet minimum square footage requirements in compliance with the Uniform Building Code; and

(d) Open space shall be provided, when feasible.

(e) Notwithstanding subsections (a) and (b) of this footnote, the minimum residential density in the DHD, DED and CD districts shall be twenty (20) units per acre.

(f) Development of new standalone single-family residential use on a lot within the downtown commercial districts is not allowed. However, an existing legally permitted historic single-family residence shall be deemed a conforming land use.

<sup>3</sup> A conditional use permit may be granted to an auto related sales business for up to four (4) temporary auto sales events on the same property within one (1) calendar year.

<sup>4</sup> These uses are unconditionally permitted on the second story and above. Any time these uses are proposed for the ground level or first floor (sidewalk level), a conditional use permit is required. Residential units in these zones shall not front on the street.

<sup>5</sup> Requests for new State Alcoholic Beverage Control (ABC) alcoholic beverage licenses are subject to review and approval of the city's chief of police.

<sup>6</sup> Permitted only if the regulations of Article XL, Home Occupation, are met.

<sup>7</sup> Commercial uses providing needed services of a personal nature. Personal services generally include barber and beauty shops, nail salons, tanning and spa salons, seamstresses, tailors, shoe repair shops, dry cleaning (except bulk processing plants), self service laundries, massage parlors, and tattoo and piercing parlors, except where expressly prohibited (see footnote 8).

<sup>8</sup> Uses offering the primary personal services of massage, tattoo, and/or piercing are prohibited.

<sup>9</sup> Indoor only for the display and sales of automobiles with no repair or servicing.

<sup>10</sup> Not permitted on any parcel fronting on Egleberry Street or on those parcels that may front a side street on the one-half (1/2) block west of Gourmet Alley.

<sup>11</sup> Day boarding only allowed; no overnight boarding.

<sup>12</sup> Must have a prominent ancillary retail outlet or use.

<sup>13</sup> Must be approved by a conditional use permit if within one hundred fifty (150) feet of a residential use.

<sup>14</sup> Residential units may be allowed on the ground floor if located between Egleberry and Church Streets behind a business.

<sup>15</sup> Only allowed ancillary to a primary use (see Article II, Definitions). Provided, that all other provisions set forth in Chapter 8 are satisfied.

<sup>16</sup> Up to three (3) large dance venues are allowed in the DHD downtown historic district, DED downtown expansion district, CCA civic/cultural arts district, combined, and

only located on Monterey Street between 1st St. and 10th St. and only with a downtown special use permit granted by the community development director or designee; and provided, that all provisions set forth in Chapter 8 are satisfied. City council approval is required for the fourth or more large dance venue in the DHD downtown historic district, DED downtown expansion district, CCA civic/cultural arts district, combined, and only located on Monterey Street between 1st St. and 10th St. and only with a downtown special use permit granted by the community development director or designee; and provided, that all provisions set forth in Chapter 8 are satisfied.

<sup>17</sup> Sales shall be limited to car stereos and alarm systems, and installation and servicing must take place indoors. In the gateway district, outdoor installation and servicing may occur. However, a conditional use permit is required if located within one hundred fifty (150) feet of a residentially zoned property.

<sup>18</sup> Outdoor amusement and recreation facilities require a conditional use permit. Indoor amusement and recreation facilities are enumerated under “pool/billiards establishment and indoor recreation.”

<sup>19</sup> A conditional use permit is required for animal boarding within one hundred fifty (150) feet of residential properties and/or for businesses that board animals outside. Businesses that board animals more than one hundred fifty (150) feet from residentially zoned properties do not require a conditional use permit as long as the animals are contained inside a building.

<sup>20</sup> Emergency shelters shall be subject to the performance standards listed in section [30.41.32](#).

<sup>21</sup> Administrative approval of a downtown use permit is required when criteria set forth in section [30.50.35](#) are met. Any micro-brewery or wine tasting uses not meeting the criteria noted in section [30.50.35](#) would fall into the liquor sales/bars (on-site consumption of beer, wine, or liquor, except uses meeting micro-brewery and wine tasting provision) category in the use table.

<sup>22</sup> Within the downtown historic district (DHD) zone district, along Monterey Road north of 4<sup>th</sup> Street and south of 6<sup>th</sup> Street, ground level active office uses shall be allowed without a conditional use permit until September 1, 2020. Active office uses are those that operate in a manner that promotes and enhances pedestrian activity in the downtown area, in alignment with the downtown specific plan vision. After that date, conditional use permit approval shall be required for such uses throughout the DHD zone district.

<sup>23</sup> **Smoke shops are not allowed in commercial or any other zoning district.**

(Ord. No. 2013-08, § 2 (Exh. A), 8-5-13; Ord. No. 2014-05, § 2, 5-5-14; Ord. No. 2014-06, §§ 3, 4, 5-5-14; Ord. No. 2016-05, § 1 (Att. A), 3-7-16; Ord. No. 2018-09, § 2, 8-6-18; Ord. No. 2019-08, §§ 7, 8 (Atts. C, D), 10-7-19)



# City of Gilroy Planning Commission

## STAFF REPORT

**Agenda Item Title:** Planning Commission Review of a Resolution of the City Council of the City of Gilroy Requesting the Allocation of Fiscal Year 2027 Transportation Development Act Article 3 Pedestrian/Bicycle Project Funding from the Metropolitan Transportation Commission

Meeting Date: May 7, 2026  
 From: Nisha Patel, City Engineer  
 Department: Public Works  
 Submitted by:  
 Prepared by: Susana Ramirez, Engineer

---

### RECOMMENDATION

Receive a report, provide feedback, and recommend that the City Council adopt a resolution to approve the Transportation Development Act Article 3 grant funding request from the Metropolitan Transportation Commission for Fiscal Year 2027.

### BACKGROUND

The Transportation Development Act, Article 3 (TDA 3), provides annual funding for bicycle and pedestrian projects. The Metropolitan Transportation Commission (MTC), as the regional transportation planning agency for the San Francisco Bay region, awards TDA 3 grant funds to cities for use on pedestrian and bicycle projects. MTC allows each county to determine how to use the TDA 3 funds, which amount to about 2% of the TDA funds collected in the county.

MTC sets forth policies and procedures for TDA 3 funds. All projects must be reviewed and recommended to the City Council by the Planning Commission which serves as the City's bicycle advisory body, and the City Council must approve the funding request. MTC reviews the applications and allocates the funds to eligible projects.

TDA 3 funds are eligible for use on the following types of projects:

1. Construction and/or engineering of a bicycle or pedestrian capital or quick-build

projects.

2. Maintenance of a Class I shared-use path and Class IV separated bikeways.
3. Bicycle and/or pedestrian safety education program (no more than 5% of the county total).
4. Development of a comprehensive bicycle or pedestrian facilities plan(s) (allocations to a claimant for this purpose may not be made more than once every five years).
5. Restriping of Class II bicycle lanes and buffered bicycle lanes.
6. Purchase of maintenance equipment for exclusive use on Class I and/or Class IV facilities.

The TDA 3 project must be ready to implement and should be completed within three years of the application cycle in which funds were received. The current application cycle for FY27 funds closes on May 26, 2026.

### **ANALYSIS**

Staff has been working with a consultant to develop concept plans for traffic safety improvements for the area around Las Animas Elementary School. The improvements may include the new striping, pavement markings, restriping of revised crosswalks and bike lanes, daylighting, removal of some on-street parking, and installation of school zone and pedestrian crossing signs to improve pedestrian and bicyclist safety.

Staff has identified this project for the TDA 3 grant funding as a bicycle and pedestrian capital project. The grant requires the bicycle and pedestrian advisory body to review and recommend the project to the City Council.

The attached resolution must be adopted by the City Council in order to apply for and receive grant funds. Staff asks that the Planning Commission, serving as the bicycle and pedestrian advisory body, recommend that the City Council adopt the resolution.

### **ALTERNATIVES**

The Planning Commission could decide not to approve the use of TDA funds for implementing improvements around Las Animas School. However, if the City would still like to make the improvements, the City would need to use the remaining balance of General Funds or VRF Funds that is able to be used for other types of improvements.

The Planning Commission could also recommend the use of funds for another project, but staff may not have enough time to develop the project and would need to recommend the TDA funds to be used next fiscal year.

### **FISCAL IMPACT/FUNDING SOURCE**

The total cost of the Las Animas School Traffic Safety Improvement Project is estimated to be \$229,000, which will be funded by the TDA 3 grant. Any unused funds will be available to use on future eligible projects.

**Attachments:**

1. Resolution No. 2026-XX
2. Attachment A - Resolution Findings
3. Attachment B - TDA 3 Project Application
4. Project Location Map

**RESOLUTION NO. 2026-XX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GILROY REQUESTING THE ALLOCATION OF FISCAL YEAR 2027 TRANSPORTATION DEVELOPMENT ACT ARTICLE 3 PEDESTRIAN/BICYCLE PROJECT FUNDING FROM THE METROPOLITAN TRANSPORTATION COMMISSION**

**WHEREAS**, Article 3 of the Transportation Development Act (TDA), Public Utilities Code (PUC) Section 99200 et seq., authorizes the submission of claims to a regional transportation planning agency for the funding of projects exclusively for the benefit and/or use of pedestrians and bicyclists; and;

**WHEREAS**, the Metropolitan Transportation Commission (MTC), as the regional transportation planning agency for the San Francisco Bay region, has adopted MTC Resolution No. 4108, Revised, entitled “Transportation Development Act, Article 3, Pedestrian/Bicycle Projects,” which delineates procedures and criteria for submission of requests for the allocation of “TDA Article 3” funding; and

**WHEREAS**, MTC Resolution No. 4108, Revised, requires that requests for the allocation of TDA Article 3 funding be submitted as part of a single, countywide coordinated claim from each county in the San Francisco Bay region; and

**WHEREAS**, the City of Gilroy desires to submit a request to MTC for the allocation of TDA Article 3 funds to support the projects described in Attachment B to this resolution, which are for the exclusive benefit and/or use of pedestrians and/or bicyclists; and

**NOW, THEREFORE, BE IT RESOLVED** that the City of Gilroy declares it is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code, and furthermore, be it

**RESOLVED** that there is no pending or threatened litigation that might adversely affect the project or projects described in Attachment B to this resolution, or that might impair the ability of the City of Gilroy to carry out the project; and furthermore, be it

**RESOLVED** that the City of Gilroy attests to the accuracy of and approves the statements in Attachment A to this resolution; and furthermore, be it

**RESOLVED** that a certified copy of this resolution and its attachments, and any accompanying supporting materials shall be forwarded to the congestion management agency, countywide transportation planning agency, or county association of governments, as the case may be, of Santa Clara County for submission to MTC as part of the countywide coordinated TDA Article 3 claim.

**PASSED AND ADOPTED** this 18<sup>th</sup> day of May 2026 by the following roll call vote:

**AYES:**                   **COUNCIL MEMBERS:**  
**NOES:**                   **COUNCIL MEMBERS:**

**ABSTAIN:**      **COUNCIL MEMBERS:**  
**ABSENT:**     **COUNCIL MEMBERS:**

APPROVED:

\_\_\_\_\_  
Greg Bozzo, Mayor

ATTEST:

\_\_\_\_\_  
Kim Mancera, City Clerk

## CERTIFICATE OF THE CLERK

I, **KIM MANCERA**, City Clerk of the City of Gilroy, do hereby certify that the attached **Resolution No. 2026-XX** is an original resolution, or true and correct copy of a City Resolution, duly adopted by the Council of the City of Gilroy at a Regular Meeting of said Council held on **Monday, Date**, with a quorum present.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the Official Seal of the City of Gilroy this **Tuesday, XXXXX**

---

Kim Mancera  
City Clerk of the City of Gilroy



Resolution No. **2026-XX**

Attachment A

Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year **2027** Transportation Development Act Article 3 Pedestrian/Bicycle Project Funding

**Findings**

Page 1 of 1

1. That the **City of Gilroy** is not legally impeded from submitting a request to the Metropolitan Transportation Commission for the allocation of Transportation Development Act (TDA) Article 3 funds, nor is the **City of Gilroy** legally impeded from undertaking the project(s) described in “Attachment B” of this resolution.
2. That the **City of Gilroy** has committed adequate staffing resources to complete the project(s) described in Attachment B.
3. A review of the project(s) described in Attachment B has resulted in the consideration of all pertinent matters, including those related to environmental and right-of-way permits and clearances, attendant to the successful completion of the project(s).
4. Issues attendant to securing environmental and right-of-way permits and clearances for the projects described in Attachment B have been reviewed and will be concluded in a manner and on a schedule that will not jeopardize the deadline for the use of the TDA funds being requested.
5. That the project(s) described in Attachment B comply with the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 et seq.).
6. That as portrayed in the budgetary description(s) of the project(s) in Attachment B, the sources of funding other than TDA are assured and adequate for completion of the project(s).
7. That the project(s) described in Attachment B are for capital construction and/or final design and engineering or quick build project; and/or for the maintenance of a Class I bikeway which is closed to motorized traffic and/or Class IV separated bikeway; and/or for the purposes of restriping Class II bicycle lanes; and/or for the development or support of a bicycle safety education program; and/or for the development of a comprehensive bicycle and/or pedestrian facilities plan, and an allocation of TDA Article 3 funding for such a plan has not been received by the **City of Gilroy** within the prior five fiscal years.
8. That the project(s) described in Attachment B which are bicycle projects have been included in a detailed bicycle circulation element included in an adopted general plan, or included in an adopted comprehensive bikeway plan (such as outlined in Section 2377 of the California Bikeways Act, Streets and Highways Code section 2370 et seq.) or responds to an immediate community need, such as a quick-build project.
9. That any project described in Attachment B bicycle project meets the mandatory minimum safety design criteria published in the California Highway Design Manual or is in a National Association of City and Transportation Officials (NACTO) guidance or similar best practices document.
10. That the project(s) described in Attachment B will be completed in the allocated time (fiscal year of allocation plus two additional fiscal years).
11. That the **City of Gilroy** agrees to maintain, or provide for the maintenance of, the project(s) and facilities described in Attachment B, for the benefit of and use by the public.

Attachment B

**TDA Article 3 Project Application Form**

1. <b>Agency</b>	City of Gilroy		
2. <b>Primary Contact</b>	Susana Ramirez, Public Works Engineer I		
3. <b>Mailing Address</b>	7351 Rosanna St, Gilroy, CA 95020		
4. <b>Email Address</b>	<a href="mailto:Susana.Ramirez@cityofgilroy.org">Susana.Ramirez@cityofgilroy.org</a>	5. <b>Phone Number</b>	408-846-0212
6. <b>Secondary Contact</b> (in the event primary is not available)	Nisha Patel, City Engineer		
7. <b>Mailing address</b> (if different) N/A <input checked="" type="checkbox"/>			
8. <b>Email Address</b>	<a href="mailto:Nisha.Patel@cityofgilroy.org">Nisha.Patel@cityofgilroy.org</a>	9. <b>Phone Number</b>	408-846-0531
10. <b>Send allocation instructions to</b> (if different from above):			
11. <b>Project Title</b>	Las Animas School Traffic Safety Improvements		
12. <b>Amount requested</b>	\$229,000	13. <b>Fiscal Year of Claim</b>	2027

**14. Description of Overall Project:**

This project will install traffic safety improvements for pedestrians and bicyclists around Las Animas Elementary School. The work will include the removal of on-street parking, new striping and pavement markings, restriping of revised crosswalks and bike lanes, daylighting, and installation of school zone and pedestrian crossing signs.

**15. Project Scope Proposed for Funding:** (Project level environmental, preliminary planning, and ROW are ineligible uses of TDA funds.)

The requested funds will be used for the final design and construction of the project.

**16. Project Location:** A map of the project location is attached or a link to a online map of the project location is provided below:

See attached.

**Project Relation to Regional Policies** (for information only)

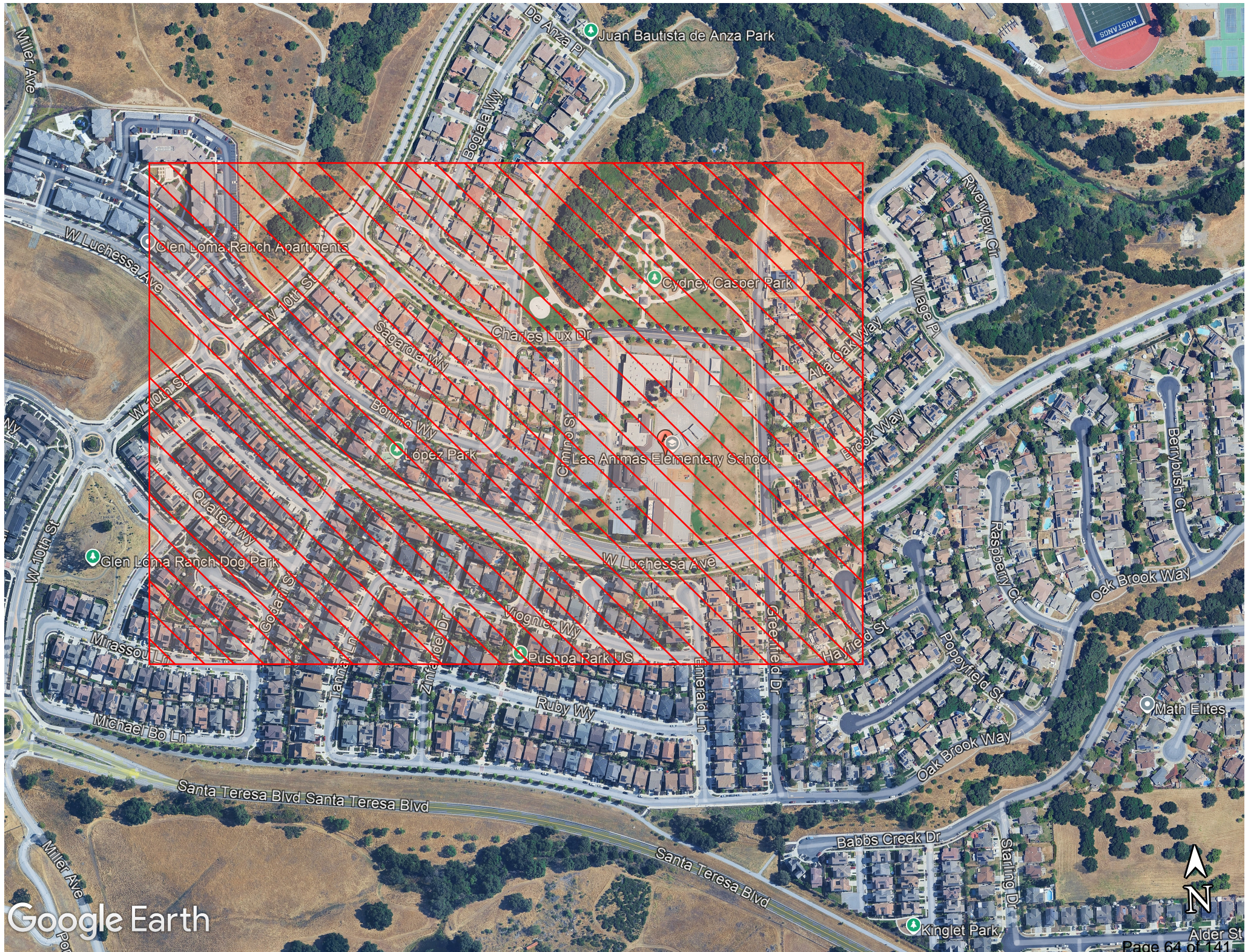
17. Is the project in an [Equity Priority Community](#)? Yes  No
18. Is this project in a [Priority Development Area](#) or a [Transit-Oriented Community](#)? Yes  No

**19. Project Budget and Schedule**

Project Phase	TDA 3	Other Funds	Total Cost	Estimated Completion (month/year)
Bike/Ped Plan				
ENV				
PA&ED				
PS&E	15,000			September 2026
ROW				
CON	214,000			June 2027
Total Cost	<b>229,000</b>			

**Project Eligibility**

- A. Has the project been reviewed by the Bicycle and Pedestrian Advisory Committee? Yes  No   
 If "YES," identify the date and provide a copy or link to the agenda.  
 If "NO," provide an explanation). Expected Date: 5/07/2026
  
- B. Has the project been approved by the claimant's governing body? Yes  No   
 If "NO," provide expected date: 5/18/2026
  
- C. Has this project previously received TDA Article 3 funding? Yes  No   
 (If "YES," provide an explanation on a separate page)
  
- D. For "bikeways," does the project meet Caltrans minimum safety design criteria pursuant to [Chapter 1000 of the California Highway Design Manual](#)? Yes  No
  
- E. 1. Is the project categorically exempt from CEQA, pursuant to CCR Section 15301(c), Existing Facility? Yes  No   
 2. If "NO" above, is the project is exempt from CEQA for another reason? Yes  No   
 Cite the basis for the exemption. \_\_\_\_\_  
 If the project is not exempt, please check "NO," and provide environmental documentation, as appropriate. N/A
  
- F. Estimated Completion Date of project (month and year): June 2027
  
- G. Have provisions been made by the claimant to maintain the project or facility, or has the claimant arranged for such maintenance by another agency? (If an agency other than the Claimant is to maintain the facility, please identify below and provide the agreement. Yes  No
  
- H. Is a Complete Streets Checklist required for this project ? Yes  No   
 If the amount requested is over \$250,000 or if the total project phase or construction phase is over \$250,000, a Complete Streets checklist is likely required. Please attach the Complete Streets checklist or record of review, as applicable. More information and the form may be found here: <https://mtc.ca.gov/planning/transportation/complete-streets>





# **Gilroy Civic Master Plan Plan Maestro Cívico de Gilroy**

## **Gilroy Planning Commission**

May 7, 2026

# COMMUNITY ENGAGEMENT PROCESS

## WORKSHOP 1

GALLERY WALK  
ISSUES  
TOPICS  
INFORMATION SHARING



TUESDAY  
MARCH 4<sup>TH</sup>, 2025

## WORKSHOP 2

PRESENTATION  
CHARRETTE  
CONCEPT  
ALTERNATIVES



TUESDAY  
APRIL 8<sup>TH</sup>, 2025

## CAFECITO

PRESENTATION  
FRIDAY  
MAY 9, 2025



## WORKSHOP 3

PRESENTATION  
PREFERRED  
CONCEPT  
DESIGN



TUESDAY  
MAY 20<sup>TH</sup>, 2025

CITY COUNCIL APPROVAL



gilroy

06

Gilroy Civic Center Master Plan  
APPLYING UNIVERSAL DESIGN

gilroy

What is Universal Design?

Universal design is about creating products, environments, and services that are usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. Universal design is the process of creating products and environments that are usable by all people, to the greatest extent possible, without the need for adaptation or specialized design.

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07

Gilroy Civic Center Master Plan

08

Gilroy Civic Center Master Plan

09

Gilroy Civic Center Master Plan

10

Gilroy Civic Center Master Plan

11

Gilroy Civic Center Master Plan

12

Gilroy Civic Center Master Plan

13

Gilroy Civic Center Master Plan

14

Gilroy Civic Center Master Plan

15

Gilroy Civic Center Master Plan

Gilroy Civic Center Master Plan



04

### Gilroy Civic Center Master Plan

GILROY CONTEXT

The Context of the Gilroy Civic Center



Gilroy

05

### Gilroy Civic Center Master Plan

THE SITE - THREE CITY BLOCKS

Planning approximately



Gilroy

06

### Gilroy Civic Center Master Plan

SETTING UNIVERSAL DESIGN

07

### Gilroy Civic Center Master Plan

OPEN DESIGN - GUIDED BY UNIVERSAL DESIGN





**02** Gilroy Civic Center Master Plan  
PROJECT INFORMATION FAQ'S

**03** Gilroy Civic Center Master Plan  
MORE ABOUT THE CIVIC CENTER MASTER PLAN

**04** Gilroy Civic Center Master Plan  
GILROY CONTEXT

**05** Gilroy Civic Center Master Plan  
THE SITE - THREE CITY BLOCKS

**06** Gilroy Civic Center Master Plan  
APPLYING UNIVERSAL DESIGN

**07** Gilroy Civic Center Master Plan  
GREEN DESIGN - GUIDELINES

**B**  
gilroy  
els/swa  
Gilroy Civic Center Concept Option B  
04/09/2025

**A**  
gilroy  
els/swa  
Gilroy Civic Center Concept Option A  
04/09/2025



**gilroy**  
 Civic Center Master Plan  
 Community Workshop #2 Online Survey  
 To take the online survey  
[https://www.surveymonkey.com/j/GilroyCivicCenterMasterPlan\\_Workshop2](https://www.surveymonkey.com/j/GilroyCivicCenterMasterPlan_Workshop2)  
 scan here:



Taller Comunitario #2 Encuesta en Línea  
 Para realizar la encuesta en español  
[www.surveymonkey.com/j/CentroCivideGilroyPlanMastro\\_Taller2](https://www.surveymonkey.com/j/CentroCivideGilroyPlanMastro_Taller2)  
 escanear aquí:



TABLE

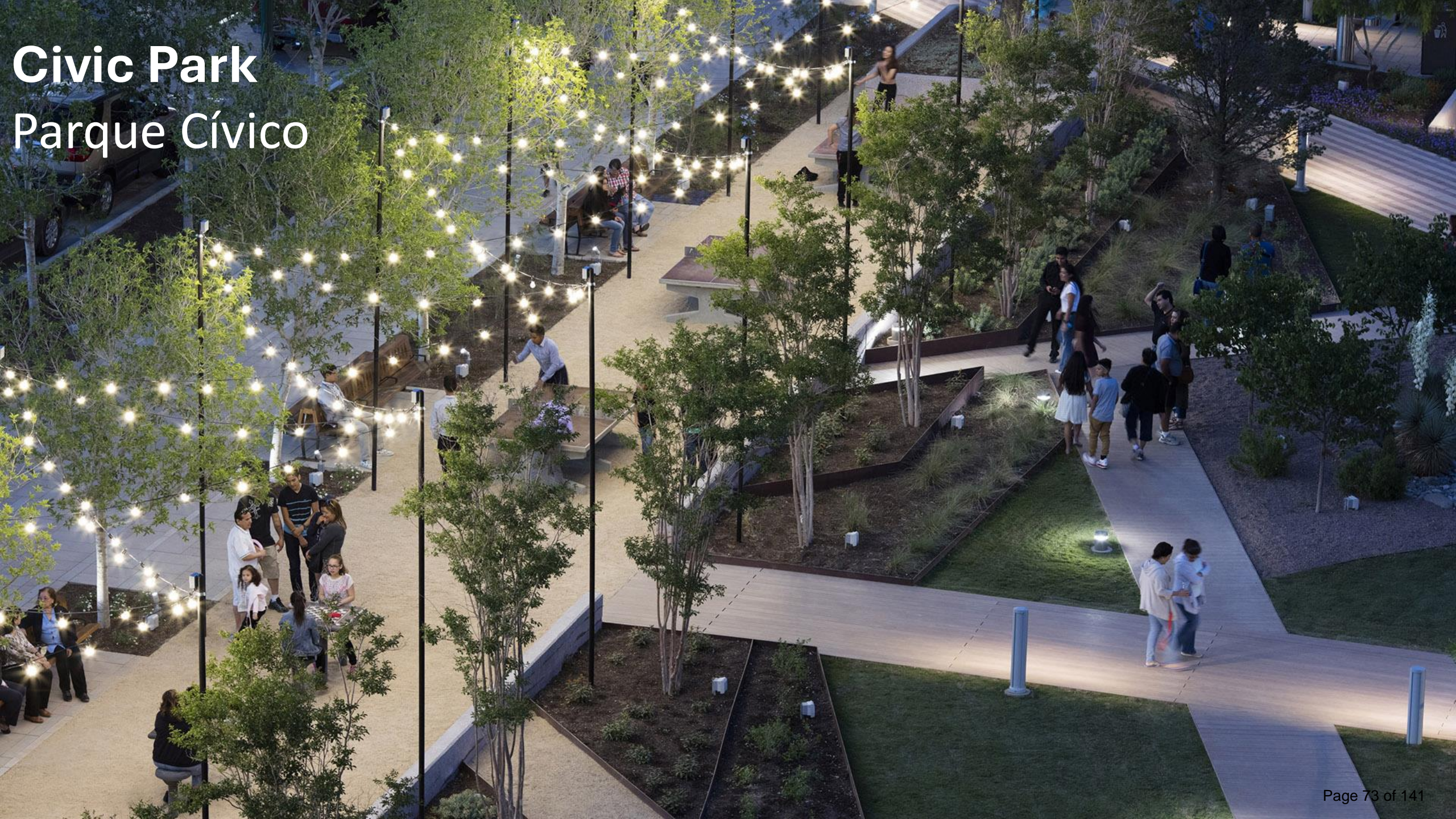
# **Gilroy Civic Master Plan Program – *What's in the Civic Master Plan?***

**Plan Maestro Cívico de Gilroy  
Programa – *¿Qué hay en el Plan Maestro Cívico?***

**Civic Center Park....*Bringing it all together***  
**Parque del Centro Cívico.... *Reuniendo todo***



# Civic Park Parque Cívico



# Civic Park

## Parque Cívico



# Civic Park

## Parque Cívico



# Civic Park Parque Cívico



# Civic Park Parque Cívico



# Civic Park

## Parque Cívico



# Seniors Center

## Centro de día



# Seniors Center Centro de día



# Youth Center

## Centro de Juventud



# Youth Center

## Centro de Juventud



# Arts Center

## Centro de Artes



# Arts Center Centro de Artes



# Recreation Center Centro de Recreación



# Recreation Center Centro de Recreación



# Aquatics Center

## Centro Acuático



# Aquatics Center Centro Acuático



# City Hall

## Ayuntamiento



# City Hall

## Ayuntamiento





city of  
**gilroy**  
A community with a spice for life

# ***Gilroy and Morgan Hill.....Neighbors***



**MORGAN HILL**

CITY OF MORGAN HILL

POPULATION

**45,500**

LAND AREA

**8,200 ACRES**



**GILROY**

A community with a spice for life

CALIFORNIA

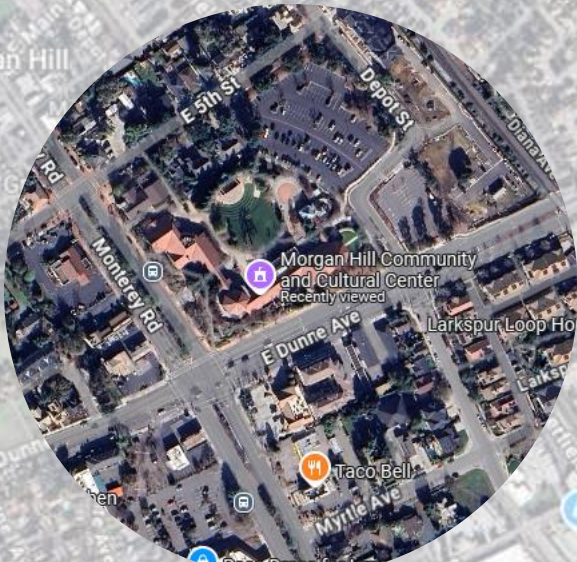
POPULATION

**58,100**

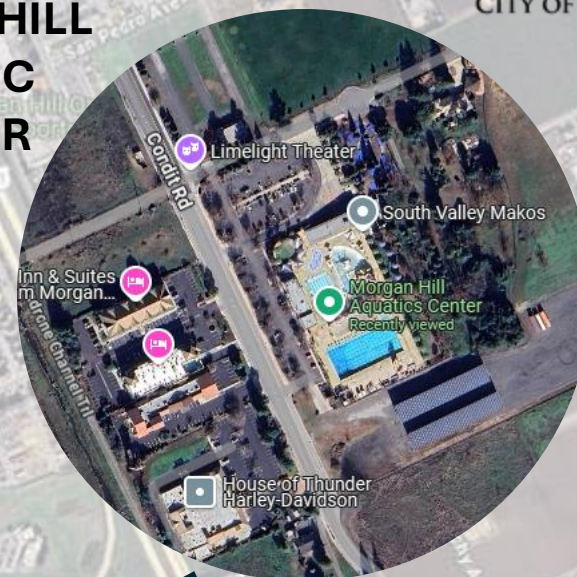
LAND AREA

**10,350 ACRES**

**MORGAN HILL  
COMMUNITY  
CULTURAL CENTER  
&  
AMPHITHEATRE**



**MORGAN HILL  
AQUATIC  
CENTER**



**CENTENNIAL  
RECREATION  
CENTER**



**12 miles from  
Gilroy Civic Center**

**MORGAN HILL  
AMPHITHEATRE  
COMMUNITY  
AND  
CULTURAL CENTER**



**MORGAN HILL  
AQUATIC  
CENTER**



**2.4 miles  
6 mins**

**1.3 miles  
5 mins**

**1.8 miles  
6 mins**

**CENTENNIAL  
RECREATION  
CENTER**





180 +/-



**25,500 sf**  
**Amphitheater**

**35,000 sf**  
**Cultural Center**

**MORGAN HILL DOWNTOWN AMPHITHEATRE + CULTURAL CENTER**

# 66,000 sf

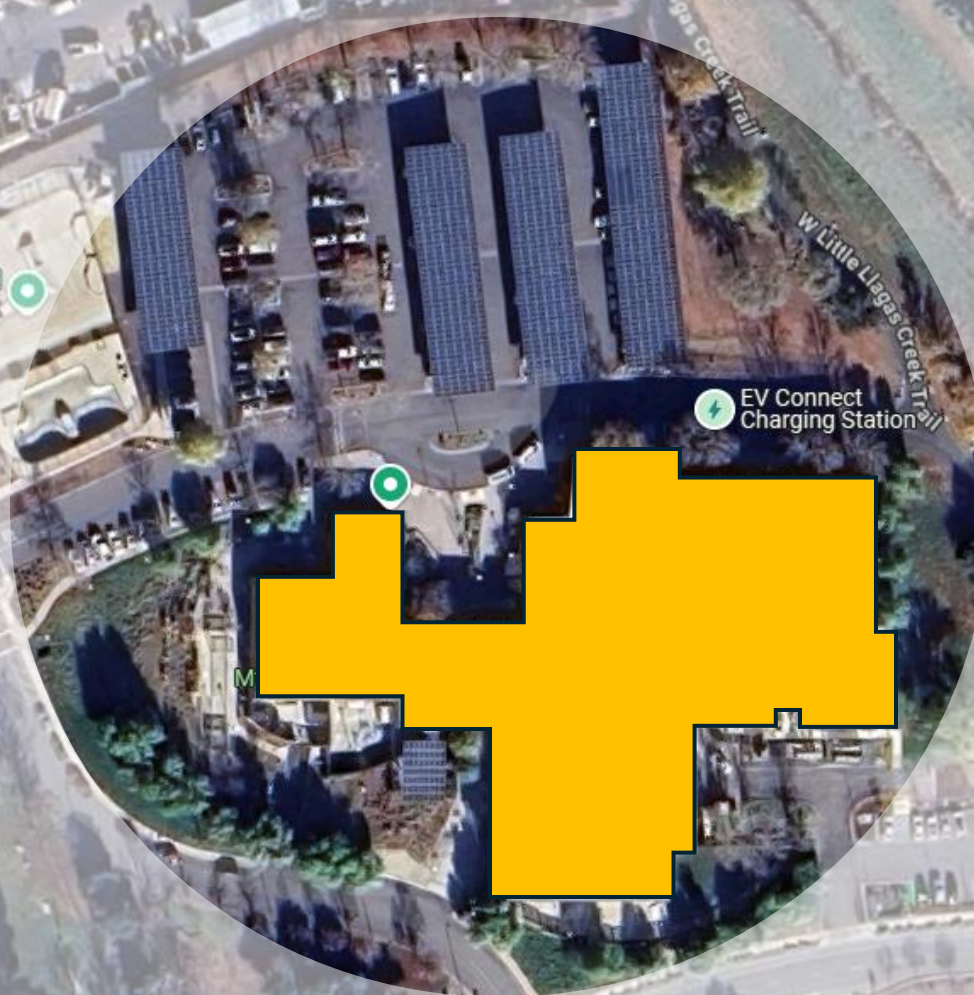
Gym

Pool

Multipurpose

Seniors

Teen



## MORGAN HILL CENTENNIAL RECREATION CENTER

# 21,000 sf of Water

- 50m Pool
- 6 lane x 25-yard Pool
- Fun Water Pool
- Splash Pad



## MORGAN HILL AQUATICS CENTER



**MORGAN HILL**  
COMMUNITY CENTER  
**37,000 sf**

RECREATION CENTER  
**66,000 sf**

AQUATICS  
**25,000 sf**



**TODAY**  
**GILROY**  
SENIOR CENTER  
**12,000 sf**

WHEELER CENTER  
**15,000 sf**

AQUATICS  
**0 sf**



**MORGAN HILL**  
COMMUNITY CENTER  
**37,000sf**

RECREATION CENTER  
**66,000sf**

AQUATICS  
**25,000sf**

CITY OF **CIVIC MASTER PLAN**



**GILROY**  
COMMUNITY CENTER  
**35,000sf**

RECREATION CENTER  
**42,000sf**

AQUATICS  
**6,000sf**



# **Gilroy Civic Master Plan**

## **Community Engagement + Concept Design**

### **The Site and Preferred Concept**



DOWNTOWN

RESIDENTIAL

NORTH



DOWDY

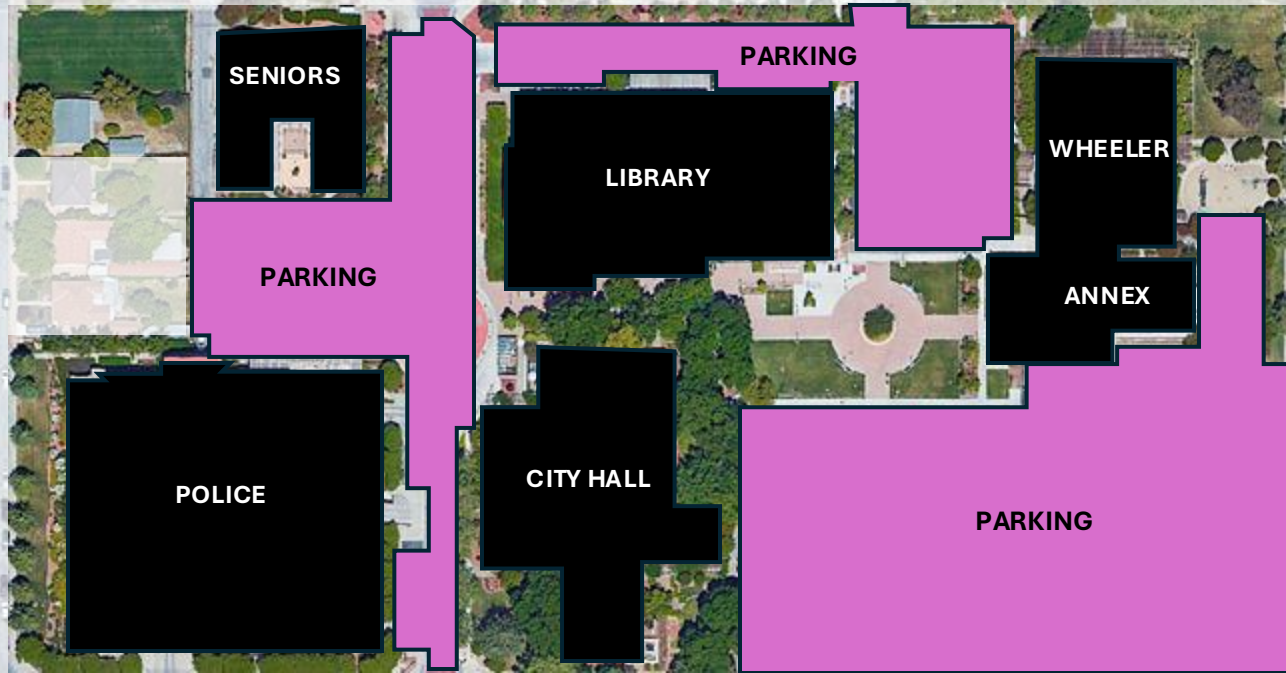
CHURCH

6TH

7TH



NORTH



**ONLY**  
**10%+/-**  
**GREEN**

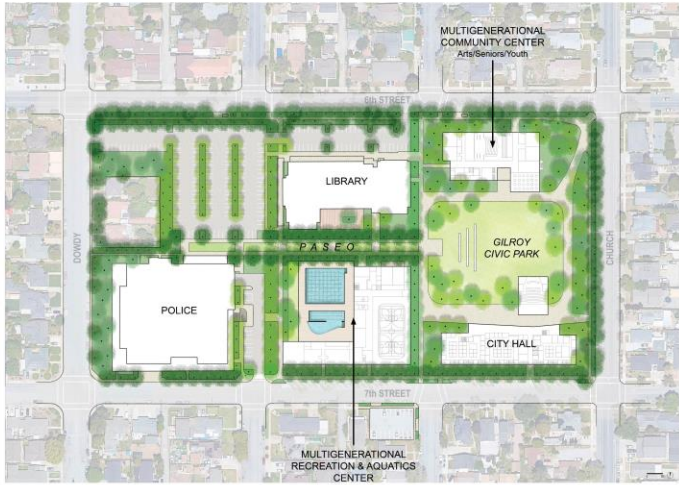




# LIBRARY & POLICE REMAIN



NORTH



**A**



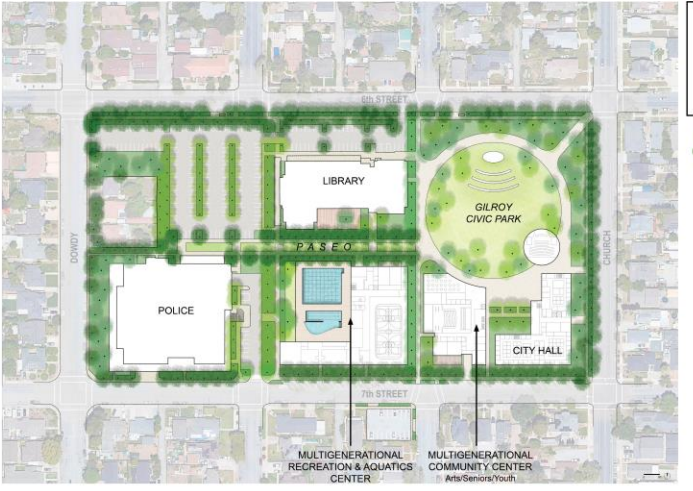
Gilroy Civic Center Concept Options Workshop #2 04/08/2025



**B**



Gilroy Civic Center Concept Options Workshop #2 04/08/2025



**C**



Gilroy Civic Center Concept Options Workshop #2 04/08/2025







# **Gilroy Civic Master Plan Preferred Concept**

**WEST BLOCK**

**CENTRAL BLOCK**

**EAST BLOCK**

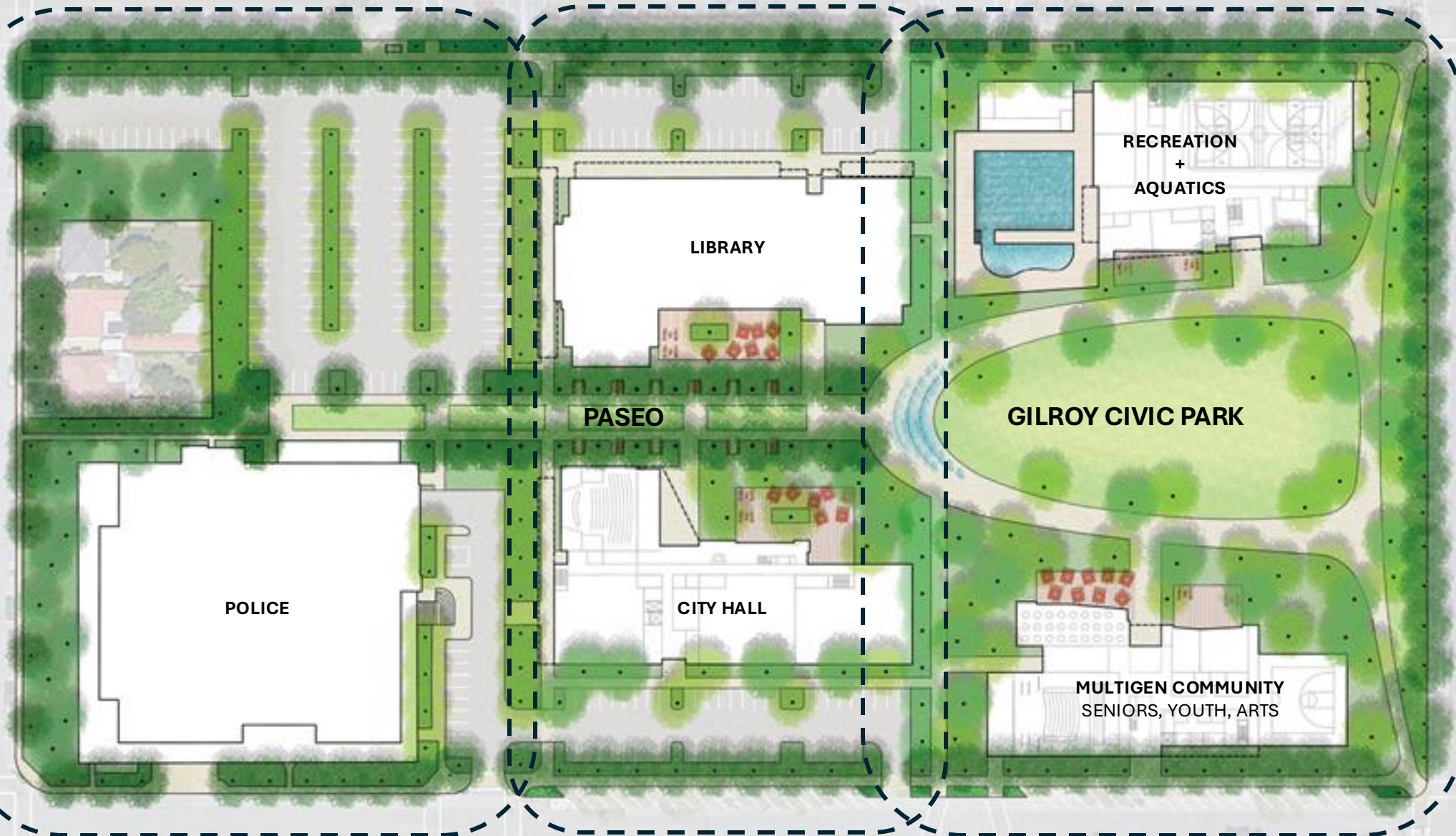
6<sup>TH</sup> Street

Dowdy Street

Church Street

NORTH

7<sup>TH</sup> Street



**WEST BLOCK**

**CENTRAL BLOCK**

**EAST BLOCK**

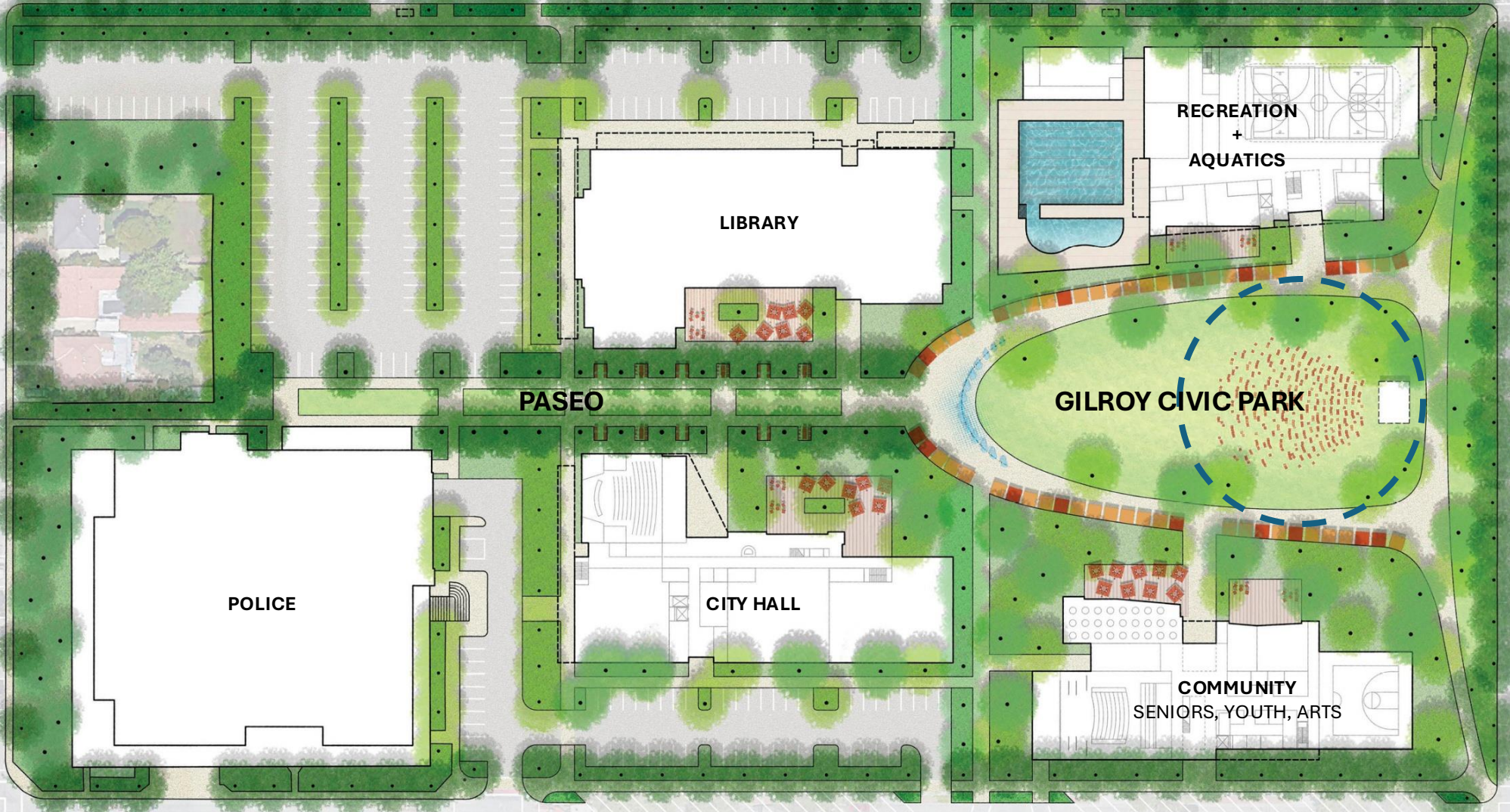
6<sup>TH</sup> Street

Dowdy Street

Church Street

NORTH

7<sup>TH</sup> Street



**WEST BLOCK**

**CENTRAL BLOCK**

**EAST BLOCK**

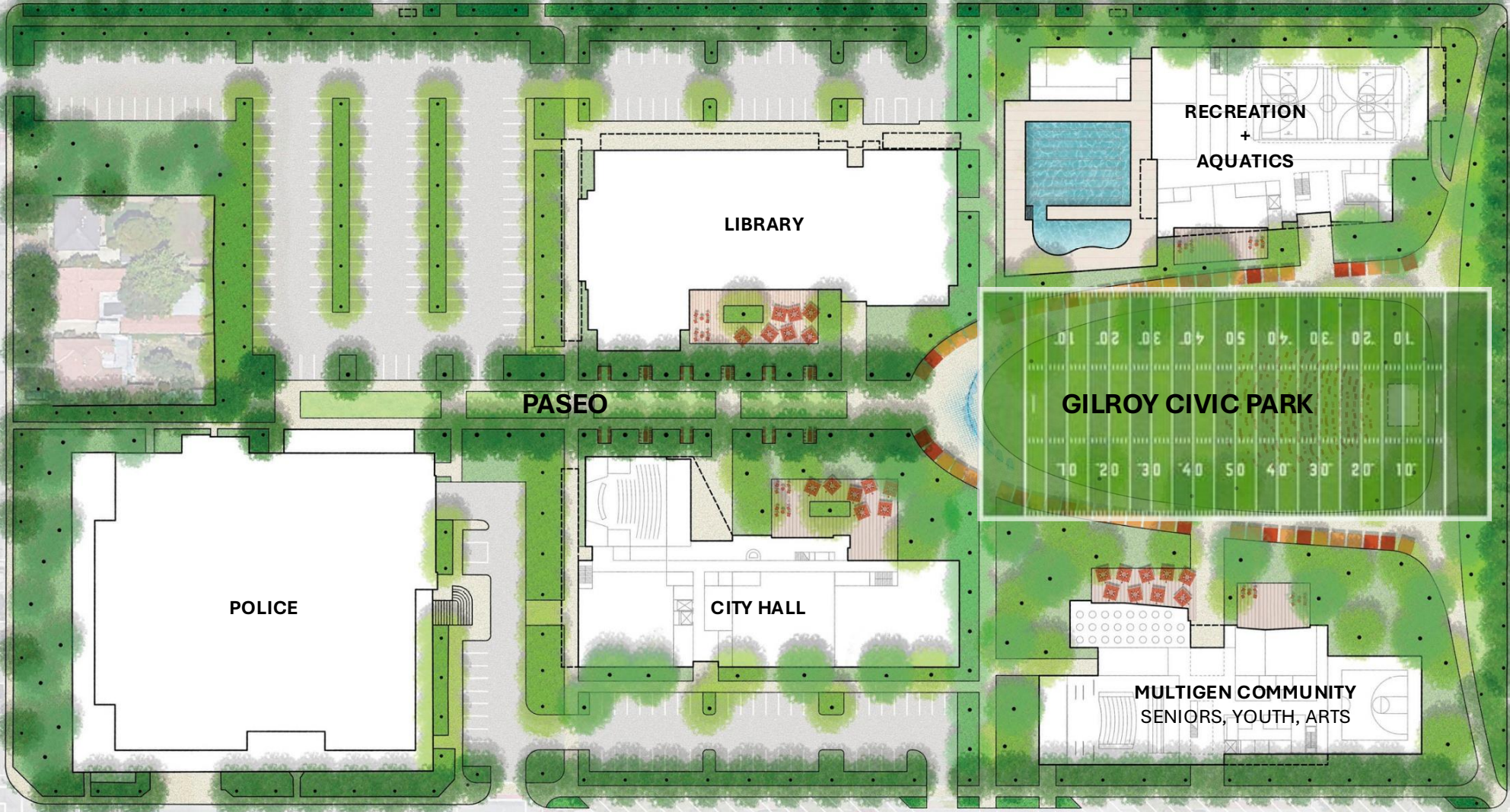
6<sup>TH</sup> Street

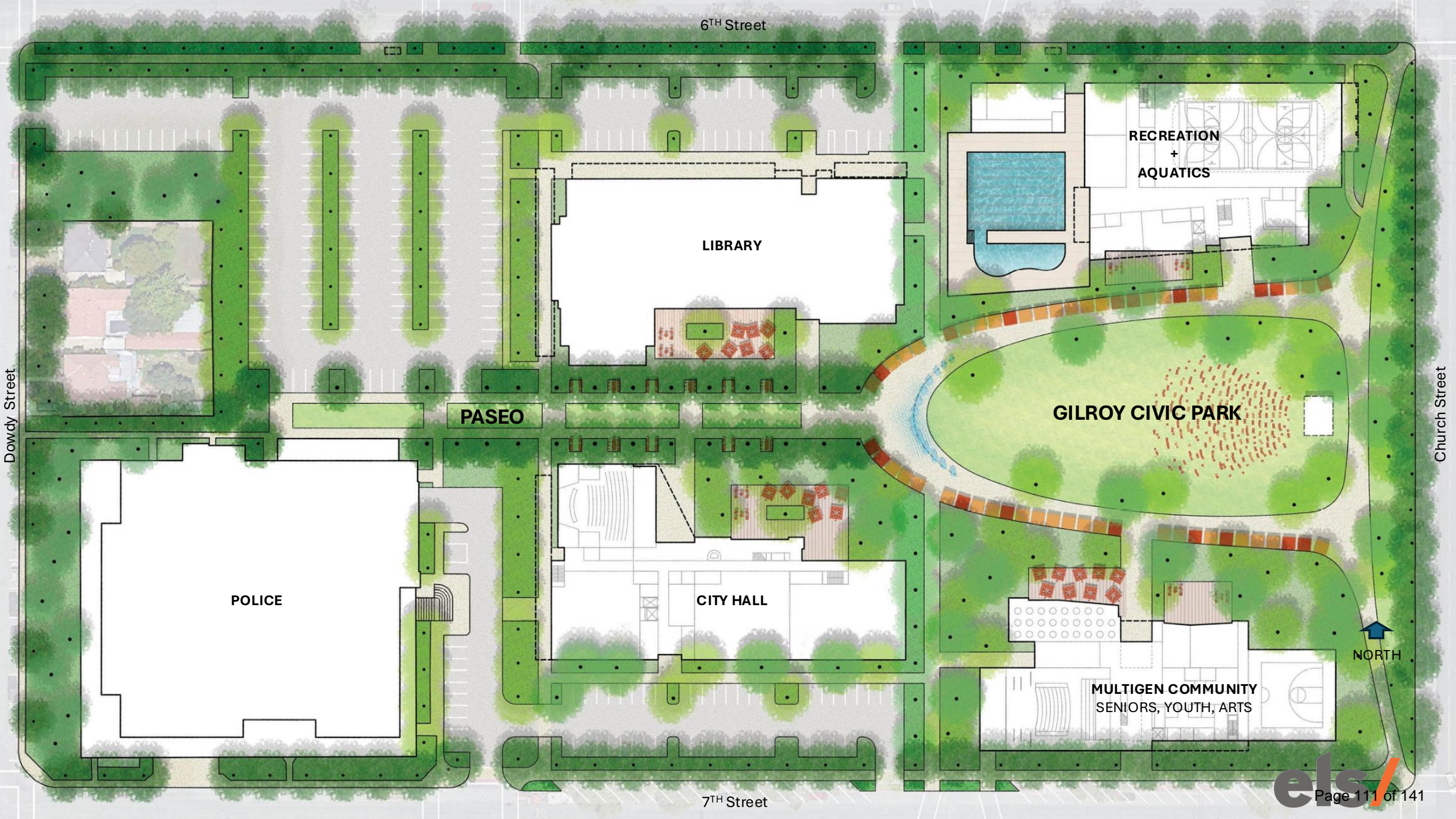
Dowdy Street

Church Street

NORTH

7<sup>TH</sup> Street





6<sup>TH</sup> Street

Dowdy Street

Church Street

PASEO

LIBRARY

RECREATION  
+  
AQUATICS

GILROY CIVIC PARK

POLICE

CITY HALL

MULTIGEN COMMUNITY  
SENIORS, YOUTH, ARTS



7<sup>TH</sup> Street











6<sup>TH</sup> Street

PARKING

RECREATION & AQUATICS CENTER  
GYMNASIUM/TRACK  
WELLNESS/FITNESS  
POOLS

GILROY CIVIC PARK

MULTIGENERATIONAL COMMUNITY CENTER  
THEATER/ARTS/SENIORS/YOUTH

NORTH

PARKING

7<sup>TH</sup> Street

els/

Dowdy Street

Church Street



Dowdy Street



6<sup>TH</sup> Street

7<sup>TH</sup> Street

PARKING

PARKING

RECREATION & AQUATICS CENTER  
GYMNASIUM/TRACK  
WELLNESS/FITNESS  
POOLS

GILROY CIVIC PARK

MULTIGENERATIONAL COMMUNITY CENTER  
THEATER/ARTS/SENIORS/YOUTH

NORTH

Church Street





GILROY RECREATION CENTER &  
AQUATICS CENTER



GILROY RECREATION &  
AQUATICS CENTER

Dowdy Street



6<sup>TH</sup> Street

7<sup>TH</sup> Street

PARKING

PARKING

RECREATION & AQUATICS  
CENTER  
GYMNASIUM/TRACK  
WELLNESS/FITNESS  
POOLS

GILROY CIVIC PARK

MULTIGENERATIONAL  
COMMUNITY CENTER  
THEATER/ARTS/SENIORS/YOUTH

NORTH

Church Street





GILROY MULTIGENERATIONAL COMMUNITY CENTER

# GILROY MULTIGENERATIONAL COMMUNITY CENTER



# GILROY MULTIGENERATIONAL COMMUNITY CENTER



Dowdy Street

Church Street

PARKING

6<sup>TH</sup> Street

PARKING

LIBRARY

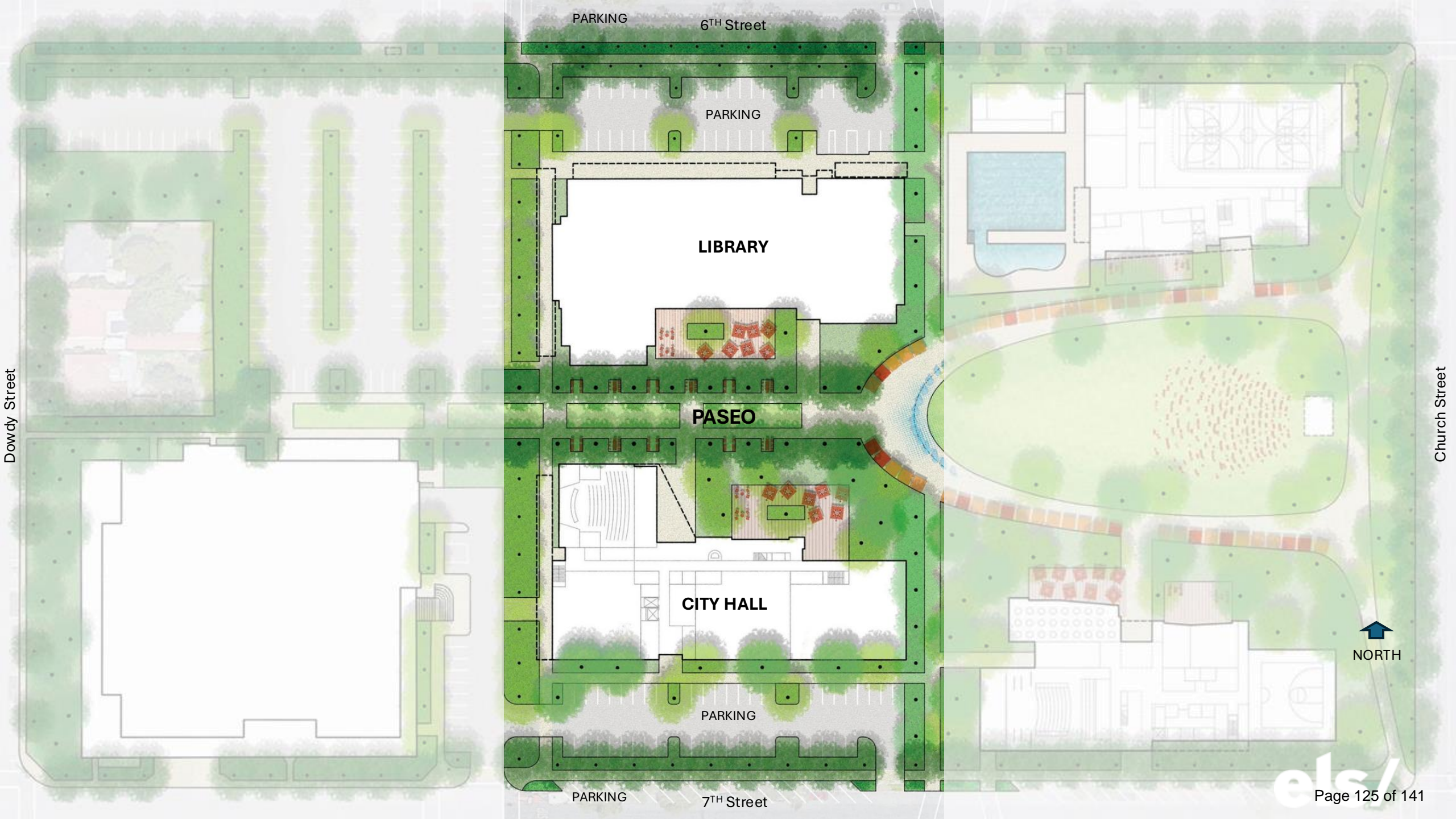
PASEO

CITY HALL

PARKING

PARKING

7<sup>TH</sup> Street





GILROY CITY HALL

**MORGAN HILL  
COMMUNITY  
AND  
CULTURAL CENTER**



**MORGAN HILL  
AQUATIC  
CENTER**



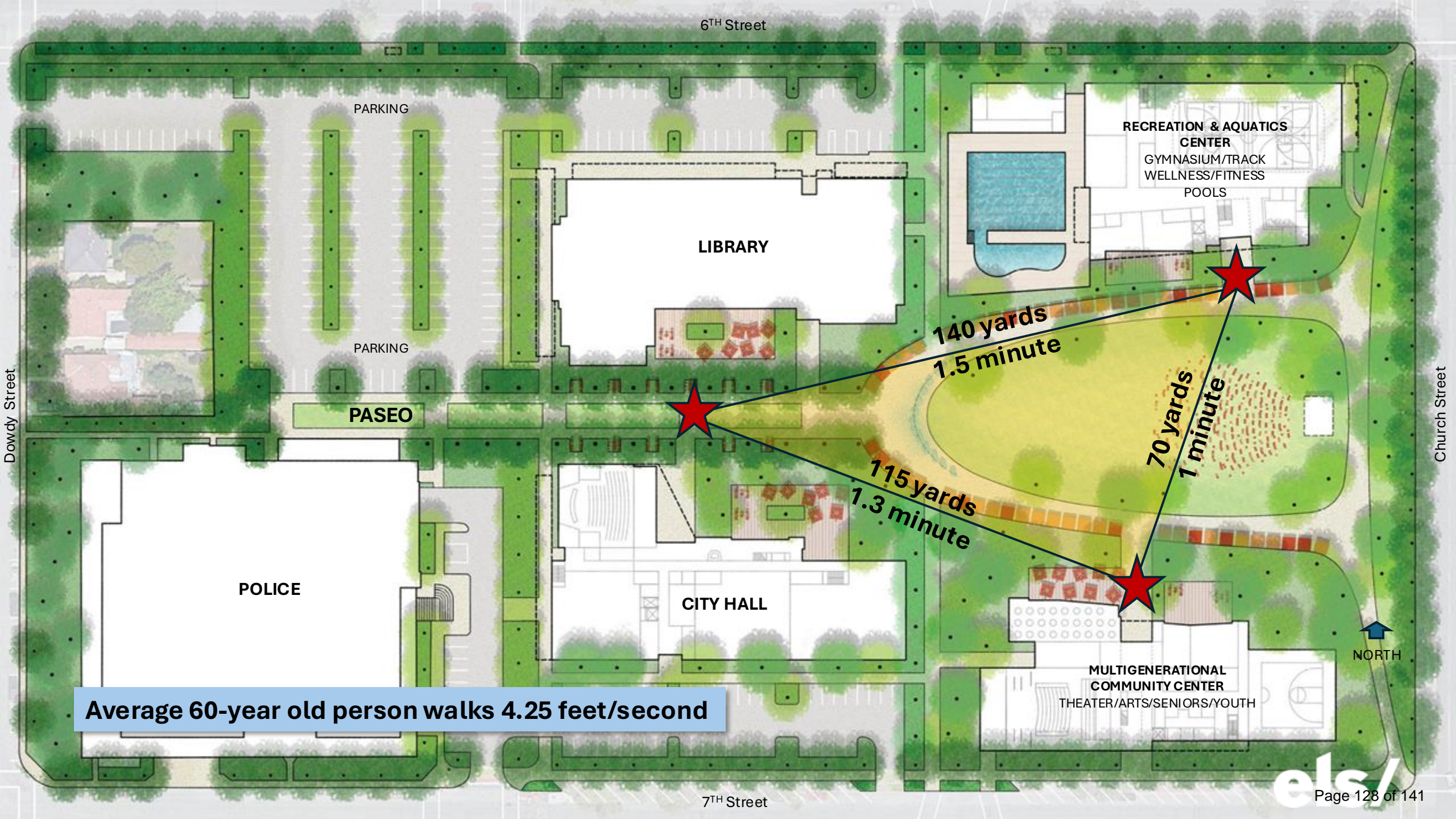
**2.4 miles  
6 minute drive**

**5 minute  
drive  
1.3 miles**

**CENTENNIAL  
RECREATION  
CENTER**



**1.8 miles  
6 minute drive**



6<sup>TH</sup> Street

PARKING

RECREATION & AQUATICS  
CENTER  
GYMNASIUM/TRACK  
WELLNESS/FITNESS  
POOLS

LIBRARY

140 yards  
1.5 minute

PARKING

PASEO

70 yards  
1 minute

115 yards  
1.3 minute

POLICE

CITY HALL

MULTIGENERATIONAL  
COMMUNITY CENTER  
THEATER/ARTS/SENIORS/YOUTH



Average 60-year old person walks 4.25 feet/second

7<sup>TH</sup> Street





GILROY RECREATION CENTER &  
AQUATICS CENTER



GILROY RECREATION &  
AQUATICS CENTER



GILROY MULTIGENERATIONAL COMMUNITY CENTER

GILROY  
MULTIGENERATIONAL  
COMMUNITY CENTER



# GILROY MULTIGENERATIONAL COMMUNITY CENTER







GILROY CITY HALL





# Gilroy Civic Master Plan

## Community Engagement + Concept Design

### CEQA PROCESS



EMC PLANNING GROUP INC.  
A LAND USE PLANNING & DESIGN FIRM

## • **CEQA Process**

- Notice of Preparation
- Draft EIR
- Public Review Period
- Final EIR with Response to Public Comments
- Certification by the City Council, Prior to Approval of the Master Plan

## • **Environmental Impacts Requiring Mitigation Measures**

- Loss of Historic Resource (Wheeler Auditorium)
- Construction Air Quality Emissions
- Greenhouse Gas Emissions
- Potential Impacts to Roosting Special-Status Species Bats
- Potential Impacts to Nesting Birds
- Potential Impacts to Protected Trees
- Potential Impact to Unknown Buried Archaeological Resources and Native American Human Remains

# **Gilroy Civic Master Plan Plan Maestro Cívico de Gilroy**

## **Gilroy Planning Commission**

May 7, 2026



# Community Development Department

7351 Rosanna Street, Gilroy, California 95020-6197  
Telephone: (408) 846-0451 Fax: (408) 846-0429  
<http://www.cityofgilroy.org>

**TO:** Planning Commission  
**FROM:** Sharon Goei, Community Development Director  
Ariana Fabian, Planning Technician  
**DATE:** May 7, 2026  
**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 April 2, 2026 meeting.<sup>i</sup>

APPROVED	PROJECT #	LOCATION	PROJECT NAME & DESCRIPTION
4/14/2026	AS 26-03	1921 Lavender Way	This application approved a deck and porch addition to an existing hillside 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>

<sup>i</sup> Submitted in conformance with Gilroy Municipal Code Sections 30.50.20(b) and 30.50.46