

ORDINANCE 2026-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GILROY AMENDING THE GILROY CITY CODE, CHAPTER 30 (ZONING), ARTICLE L (PLANNING DEPARTMENT APPLICATIONS), REGARDING THE ARCHITECTURAL AND SITE REVIEW PERMIT PROCESS

WHEREAS, Architectural and Site Review Permit process is established in the Gilroy City Code, Chapter 30, Article L, Sections 30.50.40 through 30.50.47. Under the current Zoning Code, the Community Development Director or designee is authorized to act on certain Architectural and Site Review Permit applications as an administrative determination. This process does not require a public hearing or public notice; and

WHEREAS, on January 25, 2026, Councilmembers Kelly Ramirez and Carol Marques submitted a Future Agenda Item Request (FAIR) Memo to the City Administrator requesting that staff review the Architectural and Site Review Permit process and propose options to increase public engagement and notice for certain projects; and

WHEREAS, on March 16, 2026, after staff presented a brief report describing the current Architectural and Site Review Permit process and initial considerations, the City Council directed staff to present options identifying which Architectural and Site Review Permit applications may be appropriate to require public hearings and which decision-making body may be appropriate to conduct them, to ensure residents have a meaningful opportunity to participate; and

WHEREAS, on June 15, 2026, after reviewing staff recommendations, the City Council directed staff to develop a zoning amendment dedicated to enhancing public outreach for certain Architectural and Site Review Permit applications. The Council also directed staff to prepare a zoning amendment requiring Planning Commission review and approval of Architectural and Site Review Permits for certain projects; and

WHEREAS, the proposed zoning amendment requires enhanced public outreach for any new non-residential (commercial or industrial) projects 15,000 square feet or larger once an Architectural and Site Review Permit application is deemed complete. Outreach measures include newspaper notification, city digital communications, applicant-mailed notices, and a community meeting. These steps ensure residents and property owners have a meaningful opportunity to review and comment on such projects; and

WHEREAS, the zoning amendment would further require that the Planning Commission review and serve as the decision-authority on Architectural and Site Review Permit applications at a duly noticed public hearing for any development project with an Environmental Impact Report under the California Environmental Quality Act (CEQA), while preserving administrative review of all other Architectural and Site Review Permit applications by the Community Development Director or designee and the existing two-step (Planning Commission then Council) appeal structure; and

WHEREAS, the proposed zoning amendments are consistent with the Gilroy 2040 General Plan, including Land Use Element Goal LU 1 (Protect and enhance Gilroy's quality of life and unique identity while continuing to grow and change), Goal LU 5 (Encourage, facilitate, and support the development of new employment and industrial uses and retention of existing industry to ensure compatibility with existing surrounding uses and planned uses), Policy LU 3.5 (Encourage infill developments that enhance neighborhood quality and respond to community input in the planning and design of infill projects or non-residential, neighborhood-serving uses), and Goal LU 8 (Support growth and development that preserves and strengthens the City's historic small-town character; provides and maintains safe, livable, and affordable neighborhoods; and creates beautiful places), in that the Zoning Ordinance is the primary tool used to implement the General Plan and the amendments advance compatible development, neighborhood protection, community participation, and high-quality, publicly accountable review; and

WHEREAS, the City Council finds that the adoption of the proposed zoning amendments is exempt from CEQA under State CEQA Guidelines Section 15061(b)(3), the "common sense" exemption, because it can be seen with certainty that there is no possibility the amendments may have a significant effect on the environment, in that the amendments establish procedural review, public hearing, and noticing requirements for the processing of Architectural and Site Review Permits and do not authorize, approve, or entitle any specific development, and each future project remains subject to its own project-level environmental review; and

WHEREAS, on July 16, 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 with some modifications; and

WHEREAS, on August 17, 2026, the City Council held a duly noticed public hearing at which time the City Council received and considered the proposed adoption of the 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) and Article L (Planning Department Applications), set forth in Exhibit 'A' regarding Architectural and Site Review, 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 14th day of September 2026 by the following roll call vote:

AYES:	COUNCIL MEMBERS:	BRACCO, CLINE, HILTON, FUGAZZI MARQUES, RAMIREZ, BOZZO
NOES:	COUNCIL MEMBERS:	NONE
ABSTAIN:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	NONE

APPROVED:

Signed by:



8FTD4AC826AA75T
Greg Bozzo, Mayor

ATTEST:

Signed by:



613D685D75C6481C
Kim Mancera, City Clerk

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Architectural and Site Review Permit Ordinance

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CERTIFICATE OF THE CLERK

I, **KIM MANCERA**, City Clerk of the City of Gilroy, do hereby certify that the attached **Ordinance No. 2026-07** 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, September 14, 2026**, 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, September 15, 2026**.

Signed by:

Kim Mancera

Kim Mancera

City Clerk of the City of Gilroy



Exhibit 'A'
AMENDMENTS TO THE GILROY CITY CODE, CHAPTER 30 (ZONING), ARTICLE L
(PLANNING DEPARTMENT APPLICATIONS) (SECTIONS 30.50.40-30.50.47)

Gilroy Zoning Code Sections 30.50.40 through 30.50.47 (Architectural and site review) are amended as set forth below. Replaced text is shown as ~~strikethrough~~ and new text is shown underlined and in red, as shown below

30.50.41 Review.

(a) Architectural and Site Review Permits. The community development director or designee shall review and decide applications for architectural and site approval, and shall be bound by any uniform standards adopted by the city council or planning commission relating to the intent, scope or review of architectural and site approval requirements. Any decision to issue an architectural and site approval is a discretionary decision subject to the California Environmental Quality Act. The community development director or designee shall review and may issue architectural and site approval for the following uses:

- (1) Construction, installation, or major remodeling of structures in an industrial, commercial, professional office, public facilities or open space zone. Installation includes the location of trailers and mobile units on a site, unless such structures are temporary in nature in compliance with Article XLVII, Temporary Uses. Major remodeling includes building additions, as well as alterations within any twelve (12) month period exceeding fifty percent (50%) of the floor area, facade or value of the existing building. The value shall be determined by the city building department. Major interior remodeling projects may be exempt from review if they are determined by the director of planning not to be significant in terms of potential impacts to surrounding land uses and meet all other minimum city standards.
- (2) Residential developments having two (2) or more total units on a parcel, unless otherwise exempted under this chapter.
- (3) Relocated or moved buildings.
- (4) Changes in historic site or neighborhood combining districts which the planning director determines are not significant, and thereby do not require further review, may receive an administratively approved architectural and site review permit, either through a new architectural and site review permit or through a minor modification process pursuant to subsection (b) of this section. The historic heritage committee shall review and make recommendations to the planning commission on applications for architectural and site approval which

involve significant changes, and shall be bound by any uniform standards adopted by the city council or planning commission relating to the intent, scope or review of architectural and site approval requirements. The planning commission shall review and may issue architectural and site approval for the following uses:

- a. Remodeling or construction in a historic neighborhood combining district, as defined in section [30.27.40\(a\)](#), involving significant changes, as determined by the planning director.
 - b. Remodeling or construction in a historic site combining district, as defined in section [30.27.40\(b\)](#), involving significant changes, as determined by the planning director.
- (5) Development of four (4) or more single-family residential parcels which have been created from the same parcel map, tentative map or final map.
- (6) Site improvements in commercial and industrial districts intended to allow for establishment of a new use or expansion of an existing use on property for which prior legal improvements have not been installed. Such new improvements could include, but not be limited to, grading, paving and fencing.
- (7) Use of a lot for outdoor uses or storage purposes, except for exterior storage in private residential yards that conforms to other provisions of the municipal code.
- (8) Homes and accessory structures requiring building permits within the residential hillside zoning district, except for those accessory structures approved under the minor modification provisions in subsection (b) of this section.
- (9) Building demolitions, except for the following:
 - a. Demolition of a nonhistoric single-family home for which building permits have been issued for a replacement single-family house. For the purposes of this section, a historic home shall be any home in the historic neighborhood combining district, a designated historic site, or any structure meeting the criteria established in section [30.27.30](#).
 - b. Demolition or removal of a building which the city building official has determined to be an immediate threat to public health or safety.
 - c. Demolition or removal of a building that has been ordered to be removed or demolished by the code enforcement appeals hearing board or by a court of law.

d. Demolition or removal of residential accessory structures, except for historic properties (subject to section 30.27.50), and subject to the provision of on-site parking.

e. Demolitions of nonresidential buildings no greater than one thousand (1,000) square feet that are approved through the minor modification process.

f. Demolitions that, due to their size, nature, condition, or other factors, are determined by the community development director or designee to not require an architectural and site permit.

(10) The creation, on or above ground, through installation, construction, or replacement, of two thousand five hundred (2,500) square feet or more of impervious surface, except that single-family detached residences that are not within the residential hillside zoning district, a planned unit development overlay district, or the historic neighborhood combining district are not subject to the architectural and site permit process. For purposes of this section, the calculation of the two thousand five hundred (2,500) square feet of new or replaced impervious surface shall represent the total of all newly created impervious surfaces, whether on structures, pavement, or any other surface.

(11) Changes identified in subsection (b) of this section that are not approved as a minor modification.

Any other remodeling, except as indicated above or as indicated in subsection (b) of this section, shall be exempt from architectural and site or minor modification approval. For changes requiring a minor modification or architectural and site review permit, a building permit shall not be issued until architectural and site or minor modification approval is obtained from the community development director or the planning commission, if appealed.

(b) Architectural and Site Review Permits Requiring Planning Commission Review.

(1) Planning Commission Review of Architectural and Site Review Permits with an Environmental Impact Report. Notwithstanding any other provision of this section assigning review authority to the Community Development Director or designee, the Planning Commission shall review and decide, at a duly noticed public hearing, any application for architectural and site review permit for a development project for which an Environmental Impact Report has been or is required to be prepared under the California Environmental Quality Act. In acting on such an application, the Planning Commission shall apply the same scope of review, findings, and conditions set forth in Sections 30.50.43 and 30.50.44. All other applications for architectural and site approval shall continue to be

reviewed and decided administratively by the Community Development Director or designee.

(c) Enhanced Public Outreach for Certain Projects. Enhanced public outreach is required for any architectural and site review permit application for any new non-residential (commercial or industrial) project 15,000 square feet or larger, once it is deemed complete.

(1) Applicant Notice and Community Meeting. The applicant shall (i) host a community meeting at which the applicant presents the project and gathers feedback prior to a decision on the application (ii) mail notice of a community meeting to property owners and residents within a radius of one thousand (1,000) feet of the project's property line, no later than 14 days before the community meeting; (iii) publish a newspaper notification in the local newspaper no later than 14 days before the community meeting; and (iv) document its community engagement efforts, by providing a copy of the mailed notice, the mailing list, and a summary of comments received to the project planner. No decision shall be issued on an application subject to this subsection until the requirements of this subsection have been satisfied.

(b ~~d~~) Minor Modifications. A minor modification may be conducted only where such approval would be consistent and comply with all applicable local laws in effect at the time of issuance, including without limitation the city's general plan and the provisions of the City Code. The intent of the minor modification process is to facilitate minor changes that maintain or improve the aesthetic, historic, architectural, landscape, or other qualities of properties. Minor modifications consistent with this section may, without limitation, be conducted to implement section [30.26.50\(b\)](#), [30.50.47\(d\)](#), or [30.50.50\(g\)](#). No proposals requiring a new negative declaration, mitigated negative declaration, or environmental impact report as clearance under the California Environmental Quality Act shall be allowed through the minor modification process.

The community development director or designee may, at the director's sole discretion, approve a minor modification for the following elements, subject to and in accordance with the provisions of this section:

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

(2) The creation, on or above ground, through installation, construction, or replacement, of less than two thousand five hundred (2,500) square feet of impervious surface, except that single-family detached residences that are not within the residential hillside zoning district, a planned unit development overlay district, or the historic neighborhood combining district are not subject to the minor modification process. For purposes of this section, the calculation of the maximum square feet of new or replaced impervious surface shall represent the total of all newly created impervious surfaces, whether on structures, pavement, or any other surface.

(3) The replacement, repaving, reconfiguration, or restriping of parking spaces on existing surfaces.

(4) Building additions or accessory structures of less than one thousand (1,000) square feet or less than twenty percent (20%) of the building area prior to the addition in area, whichever is smaller, to nonresidential buildings.

(5) Building additions or accessory structures of two hundred fifty (250) square feet in total area or less, or less than twenty percent (20%) of the total building area prior to the addition, whichever is smaller, to hillside single-family residences, residences in planned unit development overlay zones, a duplex, or a multiple-family building; provided, that current parking regulations are being met and would continue to be met after the completion of any addition and provided that site amenities are not adversely impacted.

(6) Above ground storage tanks of two thousand (2,000) gallons or less in zoning districts other than industrial zoning districts and an above ground storage tank of ten thousand (10,000) gallons or less in an industrial zoning district.

(7) Demolition of nonresidential buildings less than one thousand (1,000) square feet.

(8) For properties designated as a historic site or within a historic neighborhood combining district, minor modifications can be processed and approved for the following:

- a. Minor modifications of architectural elements, landscape details (including but not limited to equipment screening, minor landscape furniture and structures, benches, small trellises and planters), or installation of new or additional pavement that do not affect the historic significance, use, intensity, general character, architectural style, circulation or other site function of the property.

b. Accessory structures or building additions that do not exceed two hundred fifty (250) square feet in area and that are consistent with historic compatibility criteria and applicable design guidelines and standards.

(9) Other similar minor items, as determined by the community development director.

The decision to grant, deny or condition a minor modification is an administrative determination and requires no hearing or public notice. The action of the community development director or designee shall be final, and nothing herein shall be deemed or construed to confer on an applicant a right to a minor modification or to require the director to issue a minor modification. If the community development director denies a minor modification, nothing herein shall preclude the applicant from thereafter filing an application for an appropriate development permit.

Where property was developed prior to the requirement of an architecture and site permit, minor modifications for projects as set forth in this subsection (b) may be approved without the necessity of the issuance of a full site architecture and site permit. The minor modification process may, at the community development director's discretion, also be used to make the above-noted modifications to an approved planned unit development permit.

30.50.47 Terms of approval.

(a) Time Limits. If any development for which architectural and site approval has been granted has not obtained building permits within one (1) year from the date of notification of approval, the approval shall be deemed automatically revoked. Upon application, an extension of time may be granted by the planning director.

(b) Transfer. Architectural and site approval shall be deemed revoked if the use for which the approval is granted is changed unless, upon application to the planning director, the approval is transferred. The planning director shall transfer the approval to the new use if the previous approval meets the requirements of this section for the changed use. If the planning director does not reissue the approval, a new application must be filed.

(c) Conformance to Approval. Development for which architectural and site approval has been granted shall conform to the approval and any conditions attached thereto.

(d) Modification. Upon request of the applicant, modifications of the approved plan, which meet the requirements of this chapter, may be approved by the planning director.

(e) Appeal. ~~Anyone so desiring may appeal the decision of the planning director by written request to the planning commission and payment of the appeal fee within twenty (20) days of the planning director's determination.~~ An administrative decision of the Community Development Director or designee under this article may be appealed to the Planning Commission, and any decision of the Planning Commission on that appeal or rendered under Section 30.50.41(b) may be appealed to the City Council, in each case by written request and payment of the appeal fee filed within twenty (20) days of the decision.

All other provisions of Gilroy Zoning Code Sections 30.50.40 through 30.50.47 not expressly amended by this Exhibit shall remain in full force and effect.