

IX. PLAN ADMINISTRATION

INTRODUCTION

This chapter describes the authority of a Specific Plan and the administrative procedures required for amendments and/or modifications to the Specific Plan.

A Specific Plan is a regulatory tool that local governments use to implement their General Plan and to guide development in a localized area. While a General Plan is the primary guide for growth and development in a community, a Specific Plan is able to focus on the unique characteristics of a specialized area by customizing the vision, land uses, and development standards for that area. The Specific Plan has been prepared pursuant to Section 65450 et seq of the California Government Code.

SPECIFIC PLAN ADOPTION

The Specific Plan was adopted by City Council Resolution. Upon adoption, the Specific Plan and Downtown Gilroy Specific Plan Mitigated Negative Declaration establishes the land use and supplemental development standards for the Specific Plan area.

SPECIFIC PLAN ADMINISTRATION

The Gilroy Community Development Department is responsible for the administration, implementation, and enforcement of this Specific Plan. The Planning Division Manager is responsible for making the determination of whether an amendment to the Specific Plan text or maps is needed. Amendment procedures are described below.

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SPECIFIC PLAN AMENDMENT

Over time, various sections of the Specific Plan may need to be revised as economic conditions or City needs dictate. The policies presented in the Specific Plan contain some degree of flexibility, but any Specific Plan amendments must be judged by relatively fixed criteria. The California Government Code (§ 65453) clearly states that a Specific Plan “may be amended as often as deemed necessary by the legislative body.” Amendments to this Specific Plan may be initiated by a developer, any individual property owner or by the City, in accordance with any terms and conditions imposed during the original approval or in accordance with any terms and conditions pertaining to Gilroy Zoning Ordinance.

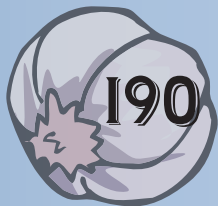
- Proposals to amend the Specific Plan must be accompanied by detailed information to document the change required. This information should include revised Specific Plan text (or excerpt thereof) and revised land use diagram or map amendment, where relevant, depicting the amendment requested.
- Since the City has invested a significant amount of time and money in the preparation of the Specific Plan, any proposals to amend the Specific Plan must document the need for such changes. The City and/or applicant should indicate the economic, social, or technical issues that generate the need to amend the Specific Plan.
- The City and/or applicant must provide an analysis of the amendment’s impacts relative to the adopted environmental document. Depending on the nature of the amendment, supplemental environmental analysis may be necessary. The need for such additional analysis shall be determined by the City of Gilroy in accordance with the California Environmental Quality Act (CEQA Guidelines § 15162).

City Staff Analysis

The Planning Division Manager shall within ten working days of any submittal of a request to amend the Specific Plan determine whether the amendment is significant or insignificant. If the amendment is determined to be significant, the application shall be reviewed and considered in the manner prescribed by City Zoning Ordinance (Chapter 52 – Amendment to the Zoning Ordinance). If the amendment is determined to be insignificant, the Planning Division Manager may approve or deny the application. Any decision of the Planning Division Manager may be appealed to the Planning Commission, provided said appeal is initiated within 20 working days of receipt by the applicant of written notice of the Planning Division Manager’s decision.

Examples of significant changes include:

- The introduction of a new land use designation not contemplated in this original Specific Plan or in this Specific Plan as subsequently amended.
- Changes in the designation of land uses affecting two acres or more from that shown in this Specific Plan or in the Specific Plan as subsequently amended.



- Changes to the circulation system which would materially affect a planning concept detailed in this Specific Plan or in the Specific Plan as subsequently amended.
- Any change which would result in a significant and adverse environmental impact.

Necessary Findings

The consideration of any proposed amendment to the Specific Plan shall include the determination of the following findings:

- Changes have occurred in the community since the approval of the original Specific Plan which warrant approving the proposed amendment.
- The proposed amendment is consistent with the General Plan for the City of Gilroy.
- The proposed amendment will result in a benefit to the Specific Plan area.
- The proposed amendment will not result in any unmitigated impact to adjacent properties.
- The proposed amendment will enable the delivery of services and public facilities to the population within the Specific Plan area.

The Planning Division Manager will review all of the above submitted material and provide a staff report for presentation to the Planning Commission and City Council. The Planning Division Manager may also request further clarification of the above studies, if necessary. The staff report will analyze whether the proposed Specific Plan Amendment is consistent with the General Plan and whether the need to amend the Specific Plan can be supported by the conclusions of the supplemental studies.

Public Hearings

If the amendment is considered significant, both the Planning Commission and the City Council must hold Public Hearings on the Specific Plan Amendment, in accordance with § 65453 of the California Government Code.

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LAND USES

Permitted Land Uses

A land use that is not listed in the Permitted Uses Table (Table 5.2 in Chapter V. Districts, Land Uses, and Development Standards) is not allowed except as follows:

- Required Findings: The Planning Division Manager may determine in writing that a proposed use is similar and compatible to a listed use and may be allowed upon making one or more of the following findings:
 - a. The characteristics of and activities associated with candidate uses are similar to one or more of the allowed uses and will not involve substantially greater intensity than the uses listed for that District;
 - b. The candidate uses will be consistent with the purpose and vision of the applicable District;
 - c. The candidate uses will be otherwise consistent with the intent of the Specific Plan;
 - d. The candidate uses will be compatible with the other uses listed for the applicable District.
- The Planning Division Manager may refer the question of whether a proposed use is permitted directly to the Planning Commission or City Council for a determination at a public hearing.
- A determination of the Planning Division Manager or Planning Commission may be appealed in compliance with the appeals procedure set forth in the Gilroy Zoning Ordinance.



Nonconforming Uses and Buildings

Existing uses that are not listed in the Permitted User Table or determined to be permitted pursuant to the findings and procedure above are declared nonconforming uses. Refer to Section 48 of the Zoning Ordinance for definitions and policies managing nonconforming uses and buildings such as the following:

- Continuances (continuing operation of nonconforming uses)
- Changing uses
- Terminations of nonconforming uses
- Extension, expansion, or enlargement of structures/facilities

Standards contained within the Specific Plan are mandatory requirements that must be satisfied for all new projects and building renovations except where Section 48 of the Zoning Ordinance provides exceptions or allowances.

Exceptions

Exceptions to the regulations and policies contained within this Specific Plan are permitted pursuant to Section 46 of the Zoning Ordinance. This section establishes exceptions for certain circumstances such as those relating to public services, lot coverage, and density bonus provisions.

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DEVELOPMENT REVIEW

Unless otherwise specified in the Specific Plan, permit requirements are as specified in the Gilroy Zoning Ordinance. When the Specific Plan is silent, then Gilroy Municipal Code requirements remain in full force. Proposed developments within the Specific Plan area are required to adhere to Zoning Ordinance processes for discretionary review, such as those for conditional use permits, variances (major variances and minor deviations), architectural and site approval, and subdivisions. Section 50 of the Zoning Ordinance establishes development application and review procedures. Discretionary review of proposed projects within the Specific Plan area may require review by the Planning Division Manager, Planning Commission, Historic Heritage Committee, and/or City Council, as determined by the Community Development Department staff.

