

PLANNING COMMISSION

Jay Goyal

John Grass

Kevan Hutchinson

George A. Marquez

Robert Palacio

Darren Smith

Cynthia Vandiver



AGENDA

**PLANNING COMMISSION
REGULAR MEETING
WEDNESDAY, APRIL 17, 2024 AT 5:30 P.M.
CITY COUNCIL CHAMBERS
383 MAIN STREET
BRAWLEY, CALIFORNIA**

1. CALL TO ORDER / ROLL CALL
2. APPROVE AGENDA
3. APPROVE MINUTES
4. PUBLIC APPEARANCES

The Planning Commission encourages citizen participation on all matters presented for their consideration. Members of the public who wish to speak on an issue that is not on the agenda may do so during the "Public Appearances" section at any meeting. The Planning Commission does not take action on items presented under Public Appearances.

PUBLIC HEARING

5. Tentative Parcel Map 23-01 is for a minor subdivision that proposes to divide an existing 2.51-acre parcel into four parcels intended for Single Family Residential use. Remainder parcel "A" will be utilized as a restricted access road. Per Subdivision Chapter 23A of the Brawley Municipal Code, the Planning Commission must review the findings of tentative maps for consistency with the adopted regulations and make recommendations to the subdivider and the City Council. The project has been reviewed in conformance with CEQA and it has been determined that the project is exempt from CEQA per Section 15315 (Minor Land Divisions) of the CEQA Guidelines.

Property Owner: R. Garcia Construction, Inc.

Representative: David Beltran, Dynamic Consulting

Legal Description: Remainder Parcel of Garcia Subdivision in the City of Brawley, County of Imperial, Book 27, Page 63, in the Office of the County Recorder of Imperial County.

Location: Interior lot located on A Street east of N. Eastern Ave. and west of Best Rd.

APN: 047-530-009

6. NEXT MEETING DATE

May 22, 2024

6. ADJOURNMENT

Supporting documents are available for public review in the Planning Department, 205 S. Imperial Avenue, Brawley, Monday through Friday, during regular posted business hours. The agenda is also available online at www.brawley-ca.gov. Individuals who require special accommodations are requested to give 24-hour prior notice. Contact: City of Brawley City Clerk, 760-351-3048

PLANNING COMMISSION STAFF REPORT

Minor Subdivision: PM 23-01 Parcel Map

Property Owner(s): R. Garcia Construction, Inc.

Representative(s): David Beltran, Dynamic Consulting

Legal Description: Remainder Parcel of Garcia Subdivision in the City of Brawley, County of Imperial, Book 27, Page 63, in the Office of the County Recorder of Imperial County.

APN's: 047-530-009

Location: Interior lot, abutting A Street, east of N. Eastern Avenue, west of Best Rd.

Area: 1.32 Acres (57,499.2 Square Feet)

Zoning: R-2 (Residential Low Density)

Existing Use: undeveloped, vacant land, zoned for residential use.

Proposed Use: Parcel 1: Residential Low Density
Parcel 2: Residential Low Density
Parcel 3: Residential Low Density
Parcel 4: Residential Low Density

Surrounding Land Uses:

North - R-2 (Residential Low Density) /Sing-Family

South - R-3 (Residential Medium Density)/Multi-Family
Apartments

East - R-2 (Residential Low Density)/Single Family

West - R-2 (Residential Low Density)/Single Family

General Plan Designation: Low Density Residential

CEQA Status: Exempt - 15315 Minor Land Divisions

**PLANNING COMMISSION HEARING – APRIL 17, 2024
5:30 P.M., CITY COUNCIL CHAMBERS, 383 MAIN STREET,
BRAWLEY, CALIFORNIA**

Minor Subdivision: PM 23-01

General Information:

This Parcel Map was submitted to permit for low density residential uses. The property is currently zoned R-2 (Residential Low Density). The site is vacant, undeveloped land within the City limits and is 1.32 acres in size. The proposed parcel map will create four parcels to allow for low density residential development and a fifth remainder parcel to be utilized as a private ingress and egress road. The existing parcel is abutting A Street. Proposed Parcels 1, 2, 3, 4 will have street access from A Street and share a reciprocal use access road denoted as Parcel A. The proposed parcels meet the minimum lot size requirement for the R-2 zone. The parcels have constraints to development including an existing electrical pole, streetlight and US Postal Service Mailbox abutting A Street, an electrical transformer located on Parcel A. The electrical utilities will need to be relocated to achieve the fire access road width of 31 feet (26' [Fire Code] access road and 5' ADA compliant sidewalk). If the conditions of the fire access road and ADA compliant sidewalk cannot be met, the subdivision will not be accepted. Approval of this parcel map without the required fire access and ADA compliant sidewalk requirements makes the City subject to liability. A Final Map will not be approved without the fire access requirements and ADA complaint sidewalk. There are no zoning conditions currently imposed on this property.

Staff Recommendation:

1. The conditional approval of the Tentative Parcel Map (TPM) PM 23-01 shall not constitute the waiver of any requirement of the City's Ordinances or regulations, except where a condition set forth herein specifically provides for a waiver.
2. The applicant shall obtain a tax certificate from the County Tax Collector.
3. The applicant shall obtain an encroachment permit from the Department of Public Works for any new, altered or unpermitted driveways necessary to access each of the parcels from a public street or public right-of-way.
4. Pursuant Government Code Section 66463.1, the Developer/Applicant/Property Owner shall have twenty-four (24) months from the approval of PM 23-01 to file a Final Parcel Map otherwise the TPM shall expire and no longer be valid.
5. The conditional approval of PM 23-01 does not constitute approval of the construction of any buildings on the subdivided lots. All construction plans are subject to review and approval by various City Departments.
6. All maps, plans, studies, cost estimates, designs, and calculations required for this project shall be subject to the review and approval of the City Engineer, Department of Public Works, and Planning Department prior to submittal for approval by the City Council to record any Final Parcel Map.
7. The Final Parcel Map shall be prepared in accordance with a completed final survey of the subdivision and in compliance with the requirements of the Subdivision Map Act and applicable City Ordinances.
8. The Final Parcel Map shall clearly show all stakes, monuments or other evidence found on the ground which were used as ties to determine the boundaries of the lots. The referenced survey monuments must be found acceptable by the City Engineer and meet Subdivision Map Act standards and that all Conditions of Approval have been met.
9. The Final Parcel Map requires certification by the engineer/surveyor of record prior to final review by the City Engineer. The City Engineer may accept the map if found adequate per the Subdivision Map Act and determine that all Conditions of Approval have been met before the Final Parcel Map can be recorded and filed with the City and the County Recorder's Office.
10. A Grading Plan and Erosion Control Plan shall be accompanied with the Final Map to the City Engineer for review and approval.

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11. The Developer/Applicant/Property Owner shall include a cul-de-sac with a minimum turn radius of 98' on Parcel A, abutting A Street, to allow emergency service vehicles access to parcels 1, 2, 3, and 4.
12. The Developer/Applicant/Property Owner shall install ADA compliant sidewalk on Parcel A per City Standards and approval by the Public Works Director and City Engineer.
13. Any disturbed public right-of-way shall be installed/replaced/ or improved to City Standards and shall be subject to inspection prior to the issuance of a Certificate of Occupancy for each improved parcel and shall be approved by the Director of Public Works and City Engineer.
14. The Developer/Applicant/ Property Owner shall design and install Parcel A and Parcels 1, 2, 3, 4 driveways to City Standards and shall be approved by the Public Works Director and City Engineer.
15. On-street parking shall not be allowed for the entirety of Parcel A, which is designated as a fire access road. The Developer/Applicant/ Property Owner shall install No Parking Fire Lane signs. Covenants, Conditions, and Restrictions (CC&R's) will be recorded for Parcels 1, 2, 3, 4 and Parcel A enumerating that on-street parking will not be allowed for the entirety of Parcel A. CC&R's will be provided to the City Planner for review and approval. CC&R's will be recorded prior to or concurrently with the Final Map.
16. The Developer/Applicant/ Property Owner shall provide CC&R's enumerating the cost responsibility for the repair and maintenance of Parcel "A" to be shared by and recorded for parcels 1, 2, 3, and 4. CC&R's will be provided to the City Planner for review and approval. CC&R's will be recorded prior to or concurrently with the Final Map.
17. Street lighting shall be installed according to City Standards on Parcel A and shall be subject to the approval of the Public Works Director and City Engineer.
18. The Developer/Applicant/Property Owner shall relocate the existing electrical transformer located on Parcel A. The electrical transformer relocation shall be designed in a manner as to not impede the installation of a minimum of 26' required fire access road and 5' ADA compliant sidewalk.
19. The Developer/Applicant/Property Owner shall relocate the existing streetlight abutting Parcel A, located off A Street. The streetlight relocation shall be designed in a manner as to not impede the installation of a minimum of 26' required fire access road and 5' ADA compliant sidewalk. Any repair/improvement required on public right-of-way as a result of the relocation shall be constructed at the sole expense of the Developer/Applicant/Property Owner and shall be approved by the Public Works Director and City Engineer.
20. The Developer/Applicant/Property Owner shall relocate the existing overhead electrical utility pole abutting Parcel A, located off A Street. The electrical utility pole relocation shall be designed in a manner as to not impede the installation of a minimum of 26' required fire access road and 5' ADA compliant sidewalk. Any repair/improvement required on public right-of-way as a result of the relocation shall be constructed at the sole expense of the Developer/Applicant/Property Owner and shall be approved by the Public Works Director and City Engineer.
21. The Developer/Applicant/Property Owner shall relocate the existing US Postal Office Mailbox abutting Parcel A, located off A Street. Mailbox relocation shall be designed in a manner as to not impede the installation of a minimum of 26' required fire access road and 5' ADA compliant sidewalk. Any repair/improvement required on public right-of-way as a result of the relocation shall be constructed at the sole expense of the Developer/Applicant/Property Owner and shall be approved by the Public Works Director and City Engineer.
22. Applicant shall provide proof of approval by the US Postal Service allowing the Mailbox relocation prior to recordation of the Final Map.

Minor Subdivision: PM 23-01

23. Prior to the issuance of a Building Permit, the Applicant/Developer/Property owner shall provide a letter from the Postmaster demonstrating the proposed location of the mailboxes for Parcels, 1, 2, 3 & 4.
24. Parcels 1, 2, 3, 4 and Parcel A shall have 100% on-site retention.
25. The Developer/Applicant/Property Owner shall underground utilities where permissible in accordance with Sec 23A.16 of the Brawley Zoning Code.
26. Fire hydrants shall be installed per California Fire Code and per City Fire Marshall Standards and approval.
27. Developer/Applicant/Property Owner shall record an easement for the entirety of Parcel "A" in favor of the Imperial Irrigation District for repair and maintenance of utilities. The easement shall be provided to the City Planner at the time of submittal of the Final Map for review and approval by the Imperial Irrigation District.
28. The Developer's engineer shall prepare a hydraulic study during the project design and complete required improvements to the Brawley Water Distribution System to provide the required combined peak domestic and fire flow demand to the project site. The City of Brawley Fire Chief shall establish the required fire flow and residual pressure required for this project.
29. Prior to the issuance of a building permit, the Developer/Applicant/Property Owner shall submit a sewer plan consistent with the approved Site Plan and Conditions of Approval. The sewer plan shall be based on an approved Sanitary Sewer Study. If the existing sewer line within the vicinity of the project site is deemed insufficient, the Developer/Applicant/Property Owner is responsible for the construction of the larger diameter pipeline.
30. All sewer lines must maintain the minimum slope requirements and must be buried as specified and approved by the City Engineer.
31. If a sanitary sewer pump station is required for these parcels, it shall be located on the project sites property, not within the public right-of-way. The sanitary sewer pump station will be owned, operated and maintained by the Applicant/Developer/Property Owner. If a sewer pump station is required, the cost of repair and maintenance will be defrayed amongst each parcel CC&R's will be recorded for Parcels 1,2,3,4 for the cost of repair and maintenance.
32. Manholes will be improved, added, and adjusted to City Standards as required by the City Engineer.
33. The stormwater retention basin shall be owned, operated and maintained by the Developer/Applicant/Property Owner and shall be designed to meet the requirements of a 25-year storm or per City Standard, whichever is more stringent.
34. If the project requires a stormwater retention basin and the City Engineer determines a stormwater pump station is required, it shall be installed at the retention basin to transport stormwater from the retention basin to the City's existing stormwater system. The stormwater pump station shall empty the retention basin stormwater volume within 72 hours after conclusion of a stormwater event. The stormwater pump station shall be owned, operated and maintained by the Developer/Applicant/ Property Owner. CC&R's will be recorded for Parcels 1,2,3,4 for the cost of repair and maintenance.
35. The Developer/Applicant/Property Owner shall pay the expenses of school district fees per the requirements of the Brawley Unified School District prior to the issuance of any building permit.
36. The Developer/Applicant/Property Owner shall pay all applicable impact and capacity fees prior to the issuance of a building permit and prior to connecting to City services. The City of Brawley collects impact fees to offset the cost of fire, police, parks, water, wastewater, and administrative services.
37. The Developer/Applicant/Property Owner shall pay any and all amounts as determined by the City of Brawley to defray all costs for the review of maps, drawings, reports, field investigation, or other activities related to compliance of this project with City Ordinances and/or any other laws, regulations, or requirements that apply to the improvement plans and Final Parcel Map.

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No Final Parcel Map shall be recorded until such costs have been paid to the City.

38. The provisions of these Conditions of Approval are to run with the land/project and shall bind the current and future owner(s) successor(s) in interest, assignee(s) and/or transferor(s) of said project.
39. If the Planning Department finds and determines that the Developer/Applicant/Property Owner or successor-in-interest has not complied or cannot comply with the terms and conditions of these Conditions of Approval, or the Planning/Building Department determines that the approved activities constitute a nuisance, the City shall provide the Developer/Applicant/Property Owner with notice and opportunity to comply with the enforcement or abatement order. If after receipt of the order (1) Developer/Applicant/Property Owner fails to comply, and/or (2) Developer/Applicant/Property Owner cannot comply with the conditions set forth in these Conditions of Approval, then the matter shall be referred to the City Council for modifications, suspension, or termination, or to the appropriate enforcement authority.
40. As between the City and the Developer/Applicant/Property Owner any violation of these Conditions of Approval may be a "nuisance per se." The City may enforce the terms and conditions of these Conditions of Approval in accordance with its Codified Ordinances and/or State law. The provisions of this paragraph shall not apply to any claim of nuisance per se brought by a third party.
41. The Developer/Applicant/Property Owner shall not be allowed to maintain a "nuisance", which is anything which: (1) is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, and/or (2) affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal, and/or (3) occurs during or as a result of the project.
42. Developer/Applicant/Property Owner shall provide a Landscaping Plan in compliance with City Standards.
43. The applicant shall defend, indemnify, and hold harmless the City of Brawley, or its agents, officers and employees from any claim, action or proceedings against the City or its agents, officers, or employees to attack, set aside, void or annul, an approval by the Planning Commission or City Council concerning the subdivision. The City of Brawley shall promptly notify the applicant of any claim, action or proceedings and shall cooperate fully in the defense.
44. For electrical service to the future residential development, the applicant should be advised to contact Gabriel Ramirez, IID project development planner, at (760) 339- 9257 or e-mail Mr. Ramirez at gramirez@iid.com to initiate the customer service application process. In addition to submitting a formal application (available for download at the website <http://www.iid.com/home/showdocument?id=12923>), the applicant will be required to submit site plan on AutoCAD, electrical plans, electrical panel size and location, operating voltage, electrical loads, project schedule, and the applicable fees, permits, easements and environmental compliance documentation pertaining to the provision of electrical service to the residential lots. The applicant shall be responsible for all costs and mitigation measures related to providing electrical service.
45. Electrical capacity is limited in the project area. A circuit study may be required. Any system improvements or mitigation identified in the circuit study to enable the provision of electrical service to a project shall be the financial responsibility of the applicant.
46. Applicant shall provide a surveyed legal description and an associated exhibit certified by a licensed surveyor for all rights of way deemed by 11D as necessary to accommodate the project electrical infrastructure. Rights-of-Way and easements shall be in a form acceptable to and at no cost to 11D for installation, operation, and maintenance of all electrical facilities.
47. Any construction or operation on 11D property or within its existing and proposed right of way or easements including but not limited to: surface improvements such as proposed new

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streets, driveways, parking lots, landscape; and all water, sewer, storm water, or any other above ground or underground utilities; will require an encroachment permit, or encroachment agreement (depending on the circumstances). A copy of the 11D encroachment permit application and instructions for its completion are available at the website <https://www.iid.com/about-aid/department-directory/real-estate>. The district Real Estate Section should be contacted at (760) 339-9239 for additional information regarding encroachment.

48. Any new, relocated, modified or reconstructed 11D facilities required for and by the future development (which can include but is not limited to electrical utility substations, electrical transmission and distribution lines, water deliveries, canals, drains, etc.) need to be included as part of the project's California Environmental Quality Act and/or National Environmental Policy Act documentation, environmental impact analysis and mitigation. Failure to do so will result in postponement of any construction and/or modification of 11D facilities until such time as the environmental documentation is amended and environmental impacts are fully analyzed. Any and all mitigation necessary as a result of the construction, relocation and/or upgrade of 11D facilities is the responsibility of the project proponent.

The recommendation is based on the following findings:

1. The proposal is exempt from CEQA pursuant to Section 15315.
2. The location of the project and surrounding land uses make it unlikely the project will cause significant environmental impacts (as referenced in the Exempt).
3. If the applicant is able to fulfill the enumerated Conditions of Approval, approval of the Exemption and parcel map will not be detrimental to the public welfare or detrimental to the health and safety of the residents of the City of Brawley.
4. The tentative map is consistent with the character of the area for that type of land use.
5. The size of the new parcel(s) is consistent with the Zoning ordinance.
6. The size of the new parcel(s) is consistent with the General Plan.
7. The Parcel Map was performed in compliance with the Subdivision Map Act and Subdivision Ordinance requirements.

The Brawley General Land Use Map designates this property as Low Density Residential – land uses conform to the General Plan.

R-2 (Low Density Residential) permits low density residential uses.

ATTACHMENT: Location Map; Proposed Parcel Map

NOTE TO THE PROPERTY OWNER: PLANNING COMMISSION POLICY REQUIRES THAT THE APPLICANT OR REPRESENTATIVE BE PRESENT AT THE PUBLIC HEARING FOR THIS ITEM. PLEASE DIRECT ANY QUESTIONS CONCERNING THIS REPORT TO THE PLANNING DEPARTMENT AT (760) 344-8822.

Vicinity Map

APN: 047-530-009





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April 4, 2024

Ms. Cynthia Mancha
Consultant City Planner
Planning Department
City of Brawley
205. S. Imperial Avenue
Brawley, CA 92227

SUBJECT: Minor Subdivision PM 23-01 in Brawley, CA

Dear Ms. Mancha:

On March 15, 2024, the Imperial Irrigation District received from the Brawley Planning Department, a request for agency comments on Parcel Map 23-01. The applicant proposes to subdivide a 1.32-acre vacant site; an interior lot abutting A Street, located east of N. Eastern Avenue, west of Best Road in Brawley, California (APN 047-530-009); to create four parcels to allow for residential development and a fifth remainder parcel to be utilized as a private ingress and egress road. The parcels have constraints to development including *an existing electrical pole, streetlight and an electrical transformer box.*

The IID has reviewed the application and has the following comments:

1. For electrical service to the future residential development, the applicant should be advised to contact Gabriel Ramirez, IID project development planner, at (760) 339-9257 or e-mail Mr. Ramirez at gramirez@iid.com to initiate the customer service application process. In addition to submitting a formal application (available for download at the website <http://www.iid.com/home/showdocument?id=12923>), the applicant will be required to submit site plan on AutoCAD, electrical plans, electrical panel size and location, operating voltage, electrical loads, project schedule, and the applicable fees, permits, easements and environmental compliance documentation pertaining to the provision of electrical service to the residential lots. The applicant shall be responsible for all costs and mitigation measures related to providing the electrical service.
2. Electrical capacity is limited in the project area. A circuit study may be required. Any system improvements or mitigation identified in the circuit study to enable the provision of electrical service to a project shall be the financial responsibility of the applicant.

3. Applicant shall provide a surveyed legal description and an associated exhibit certified by a licensed surveyor for all rights of way deemed by IID as necessary to accommodate the project electrical infrastructure. Rights-of-Way and easements shall be in a form acceptable to and at no cost to IID for installation, operation, and maintenance of all electrical facilities.
4. Any construction or operation on IID property or within its existing and proposed right of way or easements including but not limited to: surface improvements such as proposed new streets, driveways, parking lots, landscape; and all water, sewer, storm water, or any other above ground or underground utilities; will require an encroachment permit, or encroachment agreement (depending on the circumstances). A copy of the IID encroachment permit application and instructions for its completion are available at the website <https://www.iid.com/about-iid/department-directory/real-estate>. The district Real Estate Section should be contacted at (760) 339-9239 for additional information regarding encroachment.
5. Any new, relocated, modified or reconstructed IID facilities required for and by the future development (which can include but is not limited to electrical utility substations, electrical transmission and distribution lines, water deliveries, canals, drains, etc.) need to be included as part of the project's California Environmental Quality Act and/or National Environmental Policy Act documentation, environmental impact analysis and mitigation. Failure to do so will result in postponement of any construction and/or modification of IID facilities until such time as the environmental documentation is amended and environmental impacts are fully analyzed. Any and all mitigation necessary as a result of the construction, relocation and/or upgrade of IID facilities is the responsibility of the project proponent.

Should you have any questions, please do not hesitate to contact me at 760-482-3609 or at dvargas@iid.com. Thank you for the opportunity to comment on this matter.

Respectfully,



Donald Vargas
Compliance Administrator II

Jamie Asbury – General Manager
Mike Pacheco – Manager, Water Dept.
Matthew H Smelser – Manager, Energy Dept.
Paul Rodriguez – Deputy Mgr. Energy Dept.
Geoffrey Holbrook – General Counsel
Michael P. Kemp – Superintendent, Regulatory & Environmental Compliance
Laura Cervantes. – Supervisor, Real Estate
Jessica Humes – Environmental Project Mgr. Sr., Water Dept.