

PLANNING COMMISSION

Jay Goyal

John Grass

George A. Marquez

Daniel Nunez

Robert Palacio

Darren Smith

Cynthia Vandiver



AGENDA

**PLANNING COMMISSION
REGULAR MEETING
WEDNESDAY, NOVEMBER 13, 2024 AT 5:30 P.M.
CITY COUNCIL CHAMBERS
383 MAIN STREET
BRAWLEY, CALIFORNIA**

1. CALL TO ORDER / ROLL CALL
2. APPROVE AGENDA
3. 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

4.

Property Owner:	Shine Investments, LLC
Representative:	Ray Roben
Legal Description:	LOT 8 ULLOA SUB FM 1 28 and LOT 7 ULLOA SUB FM 1 28
APN's:	047-301-012 and 047-301-019
Location:	388 and 400 Palm Avenue

5. Draft Update to Brawley Zoning Ordinance – Housing Element Revisions

6. NEXT MEETING DATE

December 18, 2024

7. 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 Clerk at 760-351-3048.

PLANNING COMMISSION STAFF REPORT

Zone Change #: ZC 24-02 – C-1 (Neighborhood Commercial) to R-1 (Single-Family Residential) & General Plan Amendment # 24-01

Variance # VAR 24-01 for 388 Palm Avenue (APN: 047-301-012)

Property Owners: Shine Investments, LLC

**Applicant/
Representative:** Ray Roben

Legal Description: LOT 8 ULLOA SUB FM 1 28 and LOT 7 ULLOA SUB FM 1 28
APN's: 047-301-012 and 047-301-019

Location: 388 and 400 Palm Avenue

Area: .13 acre (5,898.50 sqft) and .13 acre (5,913.28 sqft)

Zoning: C-1 (Neighborhood Commercial)

Existing Use: Commercial Building and undeveloped parcel within City Limits

Proposed Use: Single Family Dwellings

Proposed Rezoning: R-1 (Single-Family Residential)

Surrounding Land Uses:

North -	R-1 (Single-Family Residential)/Single-Family dwelling units.
South -	R-1 (Single-Family Residential)/Single-Family dwelling units.
East -	R-1 (Single-Family Residential)/Single-Family dwelling units/elementary.
West-	R-1 (Single-Family Residential)/Single-Family dwelling units

General Plan Designation: C – Commercial

General Information:

Zone Change #24-02; General Plan Amendment #24-01; Variance #24-01 proposes to rezone two properties from C-1 (Neighborhood Commercial) to R-1 (Single-Family Residential). The zone change is consistent with the existing land uses within the project vicinity. The property identified as 388 N. Palm Avenue has an existing non-conforming structure. The applicant has requested a Variance to accommodate the use as a single-family dwelling. Per Article XVI of the City Zoning Ordinance, the Planning Commission must review the findings of the petition for zone change for consistency with the adopted regulations and make recommendations to City Council for approval, conditional approval, or disapproval of Zone Change #24-02; General Plan Amendment #24-01; Variance #24-01; and Negative Declaration.

Analysis:

400 Palm Avenue is also known as (APN: 047-301-019), a vacant, undeveloped parcel, formerly used as an unpaved parking lot for a market (commercial use) located at 388 Palm Ave. The lot satisfies the residential zoning width and depth requirements. The proposed zone change from C-1 (Neighborhood Commercial) to R-1 (Single Family) is consistent with the existing land uses within the project vicinity. The change in zone will reduce the vehicle miles traveled and is a less intensive land use than the C-1 zone and will not have a detrimental effect on the environment. The proposed dwelling unit will need to abide Brawley Municipal Code – Zoning Ordinance for the R-1 zone.

388 Palm Avenue is also known as (APN: 047-301-012), a .13 developed parcel, with an existing 1,920 sqft structure. The proposed zone change from C-1 (Neighborhood Commercial) to R-1 (Single Family) is consistent with the existing land uses within the project vicinity. The change in zone will reduce the vehicle miles traveled and is a less intensive land use than the C-1 zone and will not have a detrimental effect on the environment.

The existing structure at 388 Palm Avenue was used as a market (commercial use) and most recently as a church. The existing conditions include a 0-foot front and interior setback (south lot line). The parcel was developed prior to the adoption of the 2008 zoning ordinance. The zoning ordinance allows for the continuation of legal non-conforming uses; however, the structure has not been in use for more than 12 months and does not satisfy the requirements for the allowed continuance of non-conforming use per Sec. 27.235 (b) of the City Municipal Code.

Brawley Municipal Code – Zoning Ordinance

Development Standard	C-1 (Neighborhood Commercial)	Current Condition	R-1 (Single Family Residential)	Current Condition
Front Setback (Ultimate Street ROW)	15'	Non-Conforming	20'	Non-Conforming
Interior Setback (South Lot Line)	5' – adjacent to residential zone	Non-Conforming	5'	Non-Conforming

Front setbacks in residential zones are intended to preserve the aesthetics in the neighborhood, provide adequate space for landscaping, and allow the installation of utilities.

Side setback requirements are implemented to mitigate and preserve health and safety; including but not limited to, reducing the incidence of fires spreading to neighboring structures and reducing or limiting smoke damage from fires to neighboring structures. California Building Code utilizes the interior setback for building separation of 5' and the California Fire Code allows a 3' building separation contingent on satisfactorily installing fire suppression materials and systems. Additionally, Fire Code also has provisions for fire suppression materials and systems for buildings with 0-foot-lot lines. Fire Suppression Plans and Systems shall be approved by the authority having jurisdiction.

Permitting a Variance is determined based on the following considerations:

- 1. Are there special circumstances applicable to the property, including size, shape, topography, location or surroundings:**

No, the parcel can be developed to satisfy the current development standards.

- 2. Is the strict application of the zoning ordinance depriving such property of privileges enjoyed by other property in the vicinity and under identical zoning classification:**

No, the parcel can be developed to meet the current adopted development standards.

- 3. The variance granted shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.**

Yes, allowing the Variance will grant a privilege that is inconsistent with the zone and cause the continuance of a non-conforming use.

- 4. The variance granted does not authorize a use or activity which is not otherwise expressly authorized by the zoning regulations applicable to the property:**

Yes, the Variance would authorize an activity which is otherwise not permitted for the zone and the continuance of a non-conforming structure.

- 5. That the proposed variance will not be materially detrimental to the public welfare or detrimental to the health and safety of persons located in the vicinity of the subject property:**

If a variance is granted, it does not guarantee the issuance of a building permit. The City Fire Marshall shall review, approve, and find the Fire Suppression Plans acceptable and make the determination that the setback requirements will not constitute a health or safety hazard.

- 6. The proposed variance is consistent with the character of the area in which the variance is granted in that previous variances have been granted, lot sizes are large, landscaping is mature, and architecture is varied.**

Granting the Variance would create an inconsistency with the development standards for the zone and for the adjacent land use.

It is Staff's assessment that the zone change is in conformance with the General Plan Land Use Element and furthers the following goals:

LUE Policy 1.1.7: Encourage in-fill of vacant parcels in areas already predominately developed.

LUE Policy 1.1.12: Ensure that the distribution and intensity of land uses are consistent with the Land Use Plan and classification system contained in the Land Use Element. Development at an intensity or density between the effective and maximum levels can occur only where projects offer exceptional design quality or important public amenities or benefits above the standards required by the City's Zoning Ordinance and other regulatory documents.

LUE Objective 2.1: Ensure that new development is compatible with surrounding land

uses in the community and in adjacent unincorporated areas, the City's circulation network, availability of public facilities, existing development constraints and the City's unique characteristics and resources.

It is Staff's assessment that the variance request is not in conformance with the General Plan Land Use Element and does not comply with the following goals:

LUE Policy 1.2.2: Maintain consistency between the Land Use Element, Zoning Ordinances, and other City Ordinances, regulations and standards.

LUE Objective 2.2: Assure a safe, healthy and aesthetically pleasing community for residents and businesses.

LUE Policy 2.2.4: Encourage the elimination of non-conforming land uses and nonconforming buildings.

Conditions of Approval:

If approved by the Planning Commission, the Planning Department recommends the following conditions:

1. The conditional approval of the ZC # 24-02 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 provisions of the Zone Change are to run with the land and shall bind the current and future owner(s), successor(s) in interest, assignee(s) and/or transferor(s) of said parcel.
3. Developer/Applicant/Property Owner shall comply with all local, state and/or federal laws, rules, regulations and/or standards as they may pertain to this project, whether specified herein or not.
4. The Applicant/Developer/Owner shall obtain a Building Permit for all building construction and on-site improvements including permanent and temporary signs, and landscaping when applicable. Inspections for compliance shall be obtained prior to issuance of a Certificate of Occupancy.
5. Landscaping will be required as per Sec. 27.180 of the Zoning Ordinance.
6. Developer/Applicant/Property Owner shall abide by Sec. 15A.11 of the Zoning Ordinance or State Law, whichever is more restrictive.
7. Hydraulic, drainage and grading details to City standards provided to the Public Works Director and City Engineer. If retention is determined necessary, the percentage of retention shall be determined by the Public Works Director and City Engineer per current discharge amount and the amount of pervious surface that will be eliminated.
8. Developer/Applicant/Property Owner shall install driveways for each parcel to the satisfaction and approval of the City Engineer and Public Works Director in compliance with the City Standard.
9. Developer/Applicant/Property Owner 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.
10. Developer/Applicant/Property Owner shall provide an equipment list and Haul Route prior to the commencement of site grading activities. The transportation of equipment in excess of the allowed length, width and weight permitted by the California Vehicle Code on City right-of-way shall require approval from the Public Works Director and City Engineer.
11. Developer/Applicant/Property Owner shall notify the Public Works Department 72 hours prior to the commencement of site grading activities. An inspection of the City right-of-way abutting the project shall be documented. Any damage to City right-of-way resulting from any construction activities shall be improved or restored to the approval and satisfaction of the Public Works Director and City Engineer at the sole expense of the Developer/Applicant/Property Owner prior to the issuance of a Certificate of Occupancy.
12. Provide sewer and water, curb and gutter, sidewalk, driveway, street and other public improvements to City Standard and approval of the Public Works Director and City Engineer before the issuance of a Certificate of Occupancy for any structure for each parcel.
13. Developer/Applicant/Property Owner shall install fire hydrants per current California Fire Code and approval by the City Fire Department prior to the issuance of a Certificate of

Occupancy.

14. Developer/Applicant/Property Owner shall provide Fire Suppression Plans satisfying the current California Fire Code for properties with 0-foot lot line set-setback. If the applicant is unable to satisfy the Fire Code requirements, the variance will be null and void.
15. Parking shall be in accordance with Sec. 27.143 of the Zoning Ordinance.
16. Fences, walls, and hedges shall be installed per Sec. 27.179 of the Zoning Ordinance.
17. Lighting shall be installed per Sec. 27.182 of the Zoning Ordinance.
18. A Phase II Environmental Assessment shall be completed for each parcel and if applicable remediation shall be completed prior to the issuance of a building permit.
19. Neither the provisions of this zoning ordinance nor the granting of any variance or conditional use permit authorizes or legalizes the maintenance of a nuisance, either public or private.
20. A variance permit which is not used within two years after the granting of said permit, becomes null and void and of no effect, except that the planning commission (or planning director for conditional uses subject to director review and approval) may extend such expiration date upon written request for an additional period not to exceed six months.
21. Developer/Applicant/Property Owner 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 Development Review Committee, Planning Commission or City Council concerning the project. The City of Brawley shall promptly notify the applicant of any claim, action or proceedings and shall cooperate fully in the defense.
22. Developer/Applicant/Property Owner shall provide water and sewer calculations, prepared by a CA registered engineer, to confirm overall capacity in the receiving system. Should improvements be required, the applicant shall prepare a public improvement plan for the necessary upgrades/repairs, to the satisfaction of the Public Works Director and City Engineer. Should future improvements be necessary, the applicant shall be responsible for the payment of any and all Fair Share costs toward water and sewer improvements prior to the issuance of grading permits.
23. Developer/Applicant/Property Owner shall submit water technical documentation as required by the Regional Quality Control Board. Technical documentation shall be approved by the Public Works Director and City Engineer prior to the issuance of a Building Permit.
24. Developer/Applicant/Property Owner shall pay any and all amounts as determined by the city to defray all costs for the review of reports, field investigations, or other activities related to compliance with this permit/approval, city ordinance and/or any other laws that apply. This includes any applicable Development Impact Fees, Capacity Fees, Plan Check and/or Inspection Fees, Air Pollution Control District (APCD) Fees, Environmental Filing Fees and Building Permit Fees.
25. Developer/Applicant/Property Owner shall comply with all local, state and/or federal laws, rules, regulations and/or standards as they may pertain to this project, whether specified herein or not.
26. Any person or party who succeeds in the interest of the present owner by sale, assignment, transfer, conveyance, exchange or other means shall be bound by the conditions of approval.

The recommendation is based on the following findings:

1. The proposal is subject to tiering pursuant to Sections 15152 and 15385 in accordance with the California Environmental Quality Act (CEQA).
2. The location of the project and surrounding land uses make it unlikely the project will cause significant environmental impact as mentioned in the 2008 General Plan Environmental Impact Report (EIR).
3. The Variance shall satisfy Fire and Building Code requirements and shall be null and void if Fire and Building Code requirements can't be satisfied.
4. Approval of the zone change will not be detrimental to the public welfare or detrimental to the health and safety of the residents of the City of Brawley.

The Brawley General Land Use Map designates this property for – Commercial Use. A rezone to LR Low Density Residential (R-1- Single Family Residential) will permit the development of single-family dwellings by right.

ATTACHMENTS: Location Map, Site Plan

Vicinity Map/Project Location

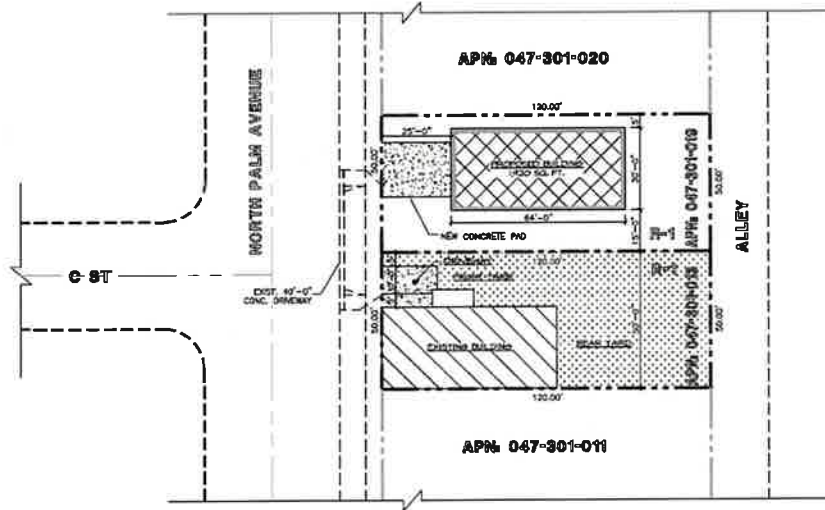
APN's:

047-301-012 and 047-301-019



PALM AVENUE HOMES

388 AND 400 PALM AVENUE, BRAWLEY, CA., 92227



SITE PLAN
SCALE: 1"=20'-0"



DRAFT

**Initial Study & Environmental Analysis
for
Zone Change # 24-02 – 388 and 400 Palm**



City of Brawley

383 Main Street
Brawley, CA 92227
760-344-2222

September 2024



**City of Brawley
Initial Study/Environmental Checklist**

September 2024

1. **Project Title:** Zone Change – 388 and 400 Palm Avenue

2. **Lead agency name and address:**
City of Brawley
383 Main Street
Brawley, CA 92227

Contact: Cynthia Mancha, Consultant City Planner
(760) 344-8822
planning@brawley-ca.gov

4. **Property Owner:** Shine Investments, LLC

5. **Project Representative:** Ray Roben

6. **Legal Description:** LOT 8 ULLOA SUB FM 1 28 and LOT 7 ULLOA SUB FM 1 28
APN's: 047-301-012 and 047-301-019

7. **Project Location** 388 and 400 Palm Avenue

8. **Project Description:** Zone Change #24-02; General Plan Amendment #24-01; Variance #24-01 proposes to rezone two properties from C-1 (Neighborhood Commercial) to R-1 (Single-Family Residential). The rezone is consistent with the existing land uses within the project vicinity. The property identified as 388 N. Palm Avenue has an existing non-conforming structure. The applicant has requested a Variance to accommodate the use as a single-family dwelling unit. Per Article XVI of the City Zoning Ordinance, the Planning Commission must review the findings of the petition for zone change for consistency with the adopted regulations and make recommendations to City Council for approval, conditional approval, or disapproval of Zone Change #24-02; General Plan Amendment #24-01; Variance #24-01; and Negative Declaration.

9. **General Plan Designation:**
Existing City General Plan: C - Commercial
Proposed City General Plan: LR (Low Density Residential)

10. **Zoning:**
Proposed Annexed Territory: N/A
Existing City Zoning: C-1 (NeCommercial)
Proposed City Zoning: R-1 (Single Family Residential)

10. **Surrounding Land**

North - R-1 (Single-Family Residential)/Single-Family dwelling units.

South - R-1 (Single-Family Residential)/Single-Family dwelling units.

East - R-1 (Single-Family Residential)/Single-Family dwelling units/elementary.

West- R-1 (Single-Family Residential)/Single-Family dwelling units

11. Other Agencies whose approval is required: (e.g., permits, financing approval, or participation agreement)

- a) Building
- b) Fire
- c) Public Works

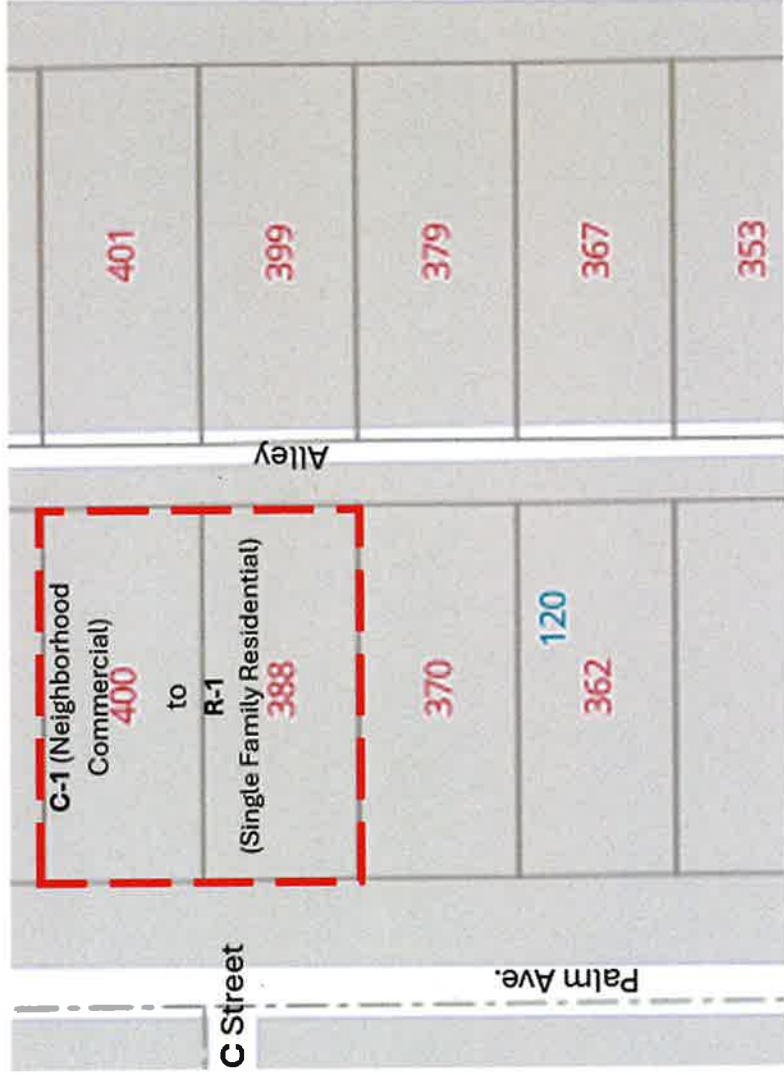
11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1?

Infill Development tiered from City General Plan Adopted in 2008.

Vicinity Map/Project Location

APN's:

047-301-012 and 047-301-019



NVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact," as indicated by the checklist on the following pages.

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Agriculture/Forestry Resources	<input type="checkbox"/> Air Quality
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Geology/Soils
<input type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Hazards and Hazardous Materials	<input type="checkbox"/> Hydrology/Water Quality
<input type="checkbox"/> Land Use/Planning	<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Noise
<input type="checkbox"/> Population/Housing	<input type="checkbox"/> Public Services	<input type="checkbox"/> Recreation
<input type="checkbox"/> Transportation	<input type="checkbox"/> Utilities/Service Systems	<input type="checkbox"/> Mandatory Findings of Significance

ENVIRONMENTAL REVIEW COMMITTEE DETERMINATION

The proposed project could not have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	
The proposed project could have a significant effect on the environment; however, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.	
The proposed project MAY have a significant effect(s) on the environment and an ENVIRONMENTAL IMPACT REPORT is required.	
The proposed project MAY have a significant effect(s) on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "Potentially Significant Impact" or "Potentially Significant Unless Mitigated." A FOCUSED ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.	
Although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (1) have been analyzed in an earlier EIR pursuant to applicable standards and (2) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project. No further action is required.	

CA Department of Fish and Game
No Impact Finding Requested

Yes	No	Absent	Members of the EEC
			Public Works
			Police
			Fire
			Planning
			Administration

Cynthia Mancha, City Planner Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect is significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 17, “Earlier Analysis,” may be cross-referenced).
- 5) Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a. Earlier Analysis Used. Identify and state where they are available for review.
 - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

Authority: *Public Resources Code Sections 21083 and 21087. Reference: Public Resources Code Sections 21080(c), 21080.1, 21080.3, 21082.1, 21083, 21083.3, 21093, 21094, 21151; Sundstrom v. County of Mendocino, 202 Cal. App. 3d 296 (1988); Leonoff v. Monterey Board of Supervisors, 222 Cal. App. 3d 1337 (1990).*
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

I. AESTHETICS <i>Would the project:</i>	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of public views of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

I. AESTHETICS IMPACT DISCUSSION

The proposed zone change and installation of single family dwellings will be consistent with the land uses in the vicinity. Additionally, the structure at 388 Palm Avenue, if rehabilitated to meet California Fire Code will eliminate a blighted building.

II. AGRICULTURE AND FORESTRY RESOURCES. <i>Would the project:</i>	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				
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II. Agriculture and Forestry Resources Discussion

The parcels are located within City limits and zoned for commercial use.

III. AIR QUALITY. <i>Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the Project:</i>	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

III. AIR QUALITY DISCUSSION

During the construction phase, the project may generate increased vehicle trips, fugitive dust during grading and ground disturbing activities. The Applicant will need to submit applicable permits and mitigation fees to the Imperial County Air Pollution Control District, as well as implement Best Management Practices to mitigate dust.

IV. BIOLOGICAL RESOURCES. <i>Would the Project:</i>	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IV. BIOLOGICAL RESOURCES DISCUSSION:

The site is an existing, undeveloped, previously disturbed parcel. Best management practices will be implemented during the construction phase. Should biological resources be found, construction will be paused until it is determined that construction activities will not encroach or disturb protected species, as determined by a qualified practitioner.

V. CULTURAL RESOURCES. <i>Would the Project:</i>	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

pursuant to §15064.5?				
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

V. CULTURAL RESOURCES DISCUSSION

The site is an existing, undeveloped, and previously disturbed parcel. Best management practices will be implemented during the construction phase. Construction will be paused if cultural artifacts are found. The cultural artifacts will be flagged but will remain undisturbed. Construction will not resume until it is determined that cultural resources will not be impacted by a qualified practitioner.

VI. GEOLOGY AND SOILS. <i>Would the Project:</i>	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Strong Seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslides, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

VI. GEOLOGY AND SOILS DISCUSSION: A geotechnical report will provide the appropriate design methods to ensure health and safety and reduce the risk of structure failure.

VII. GREENHOUSE GAS EMISSIONS. <i>Would the Project:</i>	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Background:

VII. GREENHOUSE GAS EMISSIONS DISCUSSION

The intensity of the land use will be reduced by changing the zone from commercial to residential. The number of daily vehicle trips for a commercial zone exceed those generated by a single-family dwelling unit.

VIII. HAZARDS AND HAZARDOUS MATERIALS. <i>Would the Project:</i>	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Background:

The project site is not currently listed as a site containing hazardous materials.

VIII. HAZARDS AND HAZARDOUS MATERIALS DISCUSSION

IX. HYDROLOGY AND WATER QUALITY. Would the Project:	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
a) Violate any water quality standards or waste discharge requirements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that the	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Background:

IX. HYDROLOGY AND WATER QUALITY DISCUSSION

The Project will be required to prepare a grading plan and technical hydrology studies as required by the California Water Boards.

X. LAND USE/PLANNING <i>Would the Project:</i>	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)

a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Background:

X. LAND USE/PLANNING DISCUSSION

The landscaping will be compatible with desertscape and will abide by the Imperial County Agricultural Commissioner’s plant palette requirements.

XI. MINERAL RESOURCES. <i>Would the Project:</i>	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Background:

XI. MINERAL RESOURCES DISCUSSION

No known mineral resources in the project area.

XII. NOISE. <i>Would the Project:</i>	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

residing or working in the project area to excessive noise levels?				
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Background:

XII. NOISE DISCUSSION

It is anticipated that there will be an increase in noise during the construction phase of the project. Best Management Practices will be utilized during the construction phase. The project is anticipated to reduce the potential of noise by changing the intensity of the land use from commercial to residential.

XIII. POPULATION AND HOUSING. <i>Would the Project:</i>	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and business) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Background:

XIII. POPULATION AND HOUSING DISCUSSION

The project will add two single-family dwelling units. The increase in population is negligible.

XIV. PUBLIC SERVICES. <i>Would the Project:</i>	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

1) Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Background:

XIV. PUBLIC SERVICES DISCUSSION

The proposed project will require Fire and Police services but will not have a significant impact.

XV. RECREATION. <i>Would the Project:</i>	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
a) Would the project increase the use of the existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Background:

XV. RECREATION DISCUSSION

The population increase will be negligible.

XVI. TRANSPORTATION/TRAFFIC. <i>Would the Project:</i>	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

transit?				
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Background:

XVI. TRANSPORTATION/TRAFFIC DISCUSSION

The project is located within City limits along developed roads. The development will reduce the land use intensity and increase the population density by a negligible amount.

XVII. UTILITIES AND SERVICE SYSTEMS Would the Project:	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Background:

XVII. UTILITIES AND SERVICE SYSTEMS DISCUSSION

Residential water and wastewater rates will apply to the project. The applicant will be required to work with the Imperial Irrigation District for power supply. The dwelling units are anticipated to have a negligible impact to the City facilities.

SECTION 3 - III. MANDATORY FINDINGS OF SIGNIFICANCE

The following are Mandatory Findings of Significance in accordance with Section 15065 of the CEQA Guidelines.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE Would the Project:	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
a)) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Background:

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE DISCUSSION

None.

III. PERSONS AND ORGANIZATIONS CONSULTED

Brawley Public Works Department

Brawley Fire Department

V. REFERENCES
2022 California Fire Code
2008 General Plan EIR

DRAFT - ZONING TEXT AMENDMENT

CITY OF BRAWLEY – DEFINITIONS

- Underline is proposed new language
- ~~Strike through is existing language to be deleted~~
- Standard type is existing language to be retained

ARTICLE II. – DEFINITIONS

Sections:

Sec. 27.31. - "A"

Sec. 27.33. - "C"

Sec. 27.34. - "D"

Sec. 27.35. - "E"

Sec. 27.36. - "F"

Sec. 27.40. - "J"

Sec. 27.42. - "L"

Sec. 27.43. - "M"

Sec. 27.44. - "N"

Sec. 27.45. - "N"

Sec. 27.46. - "P"

Sec. 27.49. - "S"

Sec. 27.50. - "T"

Sec. 27.31. - "A"

"Accessory dwelling unit" or "ADU" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one 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 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:

1. An efficiency unit, as defined by section 17958.1 of the California Health and Safety Code; and
2. A manufactured home, as defined by section 18007 of the California Health and Safety Code.

"Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.

Sec. 27.33. - "C"

"Complete independent living facilities" means permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.

Sec. 27.34. - "D"

"Density bonus" means a process by which a city, at the request of an applicant, can increase the density within a development project by a percentage established by law or

through which the city offers incentives supporting economic viability in return for guarantees with respect to the preservation of the rights of use or sale for affordable housing purposes.

Sec. 27.35. - "E"

"Efficiency dwelling unit" has the same meaning as defined in Section 17958.1 of the Health and Safety Code.

"Efficiency kitchen" means a kitchen that includes all of the following:

1. A cooking facility with appliances.
2. A food preparation counter and storage cabinets that are of a reasonable size in relation to the size of the JADU.

"Employee housing," as defined in State Law.

Sec. 27.36. - "F"

"Family" means two or more individuals related by birth, marriage, adoption or convenience who occupy the same dwelling unit. A family also includes the residents of residential care facilities and group homes for people with disabilities. A family does not include larger institutional group living situations such as dormitories, fraternities, sororities, monasteries or nunneries, nor does it include such commercial group living arrangements as boardinghouses, lodging houses and farm labor camps.

Sec. 27.40. - "J"

"Junior accessory dwelling unit" or "JADU" means a unit that is no more than 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.

Sec. 27.42. - "L"

"Licensed group home" means a facility of any capacity which provides 24-hour nonmedical care and supervision to children in a structured environment, with such services provided at least in part by staff employed by the licensee.

"Low Barrier Navigation Center" means a housing first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.

"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.

Sec. 27.43. - "M"

"Maximum Allowable Residential Density": The density allowed under the Development Code and the Land Use Element of the General Plan, or if a range of density is permitted, means the maximum allowable gross density for the specific district density range applicable to the project. If the density allowed under the Development Code is inconsistent with the density

allowed under the Land Use Element of the General Plan, the General Plan density shall prevail. (Gov. Code § 65915(o)(2)).

“Micro-unit” means a compact dwelling unit with a total floor area of 425 square feet or less. Each unit includes a kitchen area, living space, sleeping quarters, dedicated storage space, and separate, private bathroom facilities within the unit.

Sec. 27.44. - “N”

“Nonconforming zoning condition” means a physical improvement on a property that does not conform with current zoning standards.

Sec. 27.45. - “O”

“Objective standards” means standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.

Sec. 27.46. - “P”

“Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or IADU.

“Proposed dwelling” means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

“Public transit” means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

Sec. 27.49. - “S”

“Senior citizen” means a person 62 years of age or older, or 55 years of age or older in a senior citizen housing development.

“Senior citizen housing development” means a residential development developed with more than 20 units as a senior community by its developer and zoned as a senior community by a local governmental entity, or characterized as a senior community in its governing documents

"Single-room occupancy (SRO)," also referred to as a residential hotel unit, means an efficiency unit that: (A) is occupied as a primary residence, and (B) is subject to state landlord-tenant law pursuant to Chapter 2 of the Civil Code. The term also includes a unit in an "SRO project" as described in the California Code of Regulations.

"Supportive housing" is housing with no limit on length of stay that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving their health status, or maximizing their ability to live and, when possible, work in the community. Supportive housing residents may include target populations including persons with low incomes, persons with disabilities, adults, emancipated minors, families with

children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, or homeless people.

"Studio unit" means a dwelling unit with a total floor area greater than 425 square feet. Each unit includes a combined kitchen area, living space, sleeping quarters, and dedicated storage space in one continuous room, and has separate, private bathroom facilities within the unit.

Sec. 27.50. - "T"

"Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

ARTICLE IV. – Residential Districts

Sections:

Sec. 27.72. – Residential permitted uses, accessory uses, conditional uses and prohibited

Sec. 27.72. – Residential permitted uses, accessory uses, conditional uses and prohibited

- (a) Permitted uses (uses permitted by right) in the residential zoning districts are largely residential, but may include uses which are accessory to the residential use, such as recreational facilities and other uses clearly recognized as necessary to the primary residential use.
- (b) Certain uses may not be suitable in every location within residential districts and therefore require planning director or planning commission discretionary review through the conditional use permit process described in section 27.272 of this zoning ordinance, table 27.72, Uses by Residential Zoning District, lists those uses that are suitable:
 - 1. Permitted by right;
 - 2. Permitted as accessory to the residential use;
 - 3. Permitted as conditional uses; and
 - 4. Prohibited in the residential zoning districts.
- (c) The planning commission may also permit other uses similar to the uses permitted by right in table 27.72 that the planning commission finds to fall within the intent and purpose of these zones, that will not be more obnoxious or materially detrimental to the public welfare or to property in the vicinity of said uses, and which the planning commission finds to be of a comparable nature and of the same class as the uses permitted by right in table 27.72.

**Table 27.72
Uses by Residential Zoning District**

Residential Zoning District Uses	R-A	R-E	R-1	R-2	R-3	MHS	MHP
Academies of learning (private)	C	C	C	C	C	X	X
Access for other uses not permitted in zone	X	X	X	X	X	X	X
Accessory buildings or structures (private garages/carports)	P	P	P	P	P	P	P
Agriculture crops (including roadside sales)	P	X	X	X	X	X	X
Agriculture crops (excluding roadside sales)	P	X	P	X	X	X	X
Agricultural crops for personal use	P	P	P	P	X	X	X
Apartment buildings	X	X	X	X	P	X	X
Carnivals	C*	C*	C*	C*	C*	X	X
Child care centers	C	C	C	C	C	X	X
Children's homes	X	X	X	X	C	X	X
Christmas tree/wreath sales	X	X	X	X	C*	X	X
Churches, temples, house of religious worship	C	C	C	C	C	X	X

Church school facilities	C	C	C	C	C	X	X
Circus	C*	C*	C*	C*	C*	X	X
Club houses	X	X	X	X	A	X	A
Colleges and universities (exclude trade)	C	C	X	X	C	X	X
Communication equipment buildings	X	X	C	C	C	X	X
<u>Compact Housing</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>X</u>
Condominium buildings	X	X	X	X	P	X	X
Convalescent hospitals, homes	X	X	X	X	C	X	X
Country clubs	C	C	C	C	C	X	X
Crops, nursery stock (exclude roadside sales)	P	P	X	X	X	P	X
Double-wide mobilehomes	P	P	P	P	P	P	P
Dwellings, multifamily	X	X	X	X	P	X	X
Dwellings, single-family	P	P	P	P	P	X	X
Dwellings, two-family	X	X	X	P	P	X	X
Educational, philanthropic, charitable institutions	X	X	X	X	X	X	X
Electric distribution substations, microwave facilities	P*	P*	P*	P*	P*	P*	P*
<u>Employee Housing</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>X</u>
Family day care homes, large (see section 27.202)	P	P	P	P*	P*	X	X
Family day care homes, small	P	P	P	P*	P*	X	X
Fire stations	C	C	C	C	C	C	C
Flowers and vegetable gardens	P	P	P	P	P	P	P
Fraternal organizations	X	X	X	X	P	X	X
Fruit trees, nut trees, grape vines, orchard	P	P	X	X	P	X	X
Golf courses	C	C	C	C	C	X	X
Granny flat	P*	P*	P*	P*	P*	X	X
Guest houses	C*	C*	C*	X	X	X	X
Hatcheries, poultry or fowl	X	X	X	X	X	X	X
Hatching, raising and fattening of animals	P ^{3,4}	P ^{3,4}	C*	X	X	X	X
Horses, cows, sheep, goats, rabbits, chickens for personal use	P ^{2,4}	P ^{2,4}	C	X	X	X	X
Hospitals	X	X	X	X	C	X	X
Killing or dressing of animals for commercial	X	X	X	X	X	X	X
Libraries	C	C	C	C	C	X	X
Microwave stations	X	X	X	X	X	X	X
Mobilehome park	X	X	X	X	X	X	P
Model home	C*	C*	C*	C*	C*	X	X
Modular homes	P	P	P	P	P	X	X
Museums	C	C	C	C	C	X	X
Nursery schools	X	X	X	X	C	X	X

Nursing homes/nursing care	C	X	X	X	C	X	X
Parking (supplemental for commercial)	C*	C*	C*	C*	C*	X	X
Police stations	C	C	C	C	C	X	X
Post office	X	X	X	X	X	X	X
Private greenhouses or horticultural collections	P	P	P	P	P	X	X
Radio and television stations and towers (35 feet max)	X	X	X	X	C	X	X
Real estate tract office	C*	C*	C*	C*	C*	X	X
Recreational vehicle parks	C	C	X	X	X	X	P
<u>Residential care facilities/group homes (6 or less persons)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>X</u>
<u>Residential care facilities/group homes (7 or more persons)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>X</u>
Rest homes	X	X	X	X	C	X	X
Retired organizations	C	C	C	C	C	X	X
Rooming/boarding houses, including bed and breakfast	X	X	X	X	P	X	X
Schools, public and private	C	C	C	C	C	X	X
Second dwelling units (attached or detached)	P*	P*	P*	P*	P*	X	X
Servants quarters	C*	C*	C*	X	X	X	X
Single-wide mobilehomes	X	X	X	X	X	P	P
Stations, bus, railroad and taxi	X	X	X	X	X	X	X
Storage, construction materials, public projects	C	C	C	C	C	C	X
<u>Single room occupancies</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>X</u>
Storage sheds	A	A	A	A	A	A	A
Supportive housing*	P	P	P	P	P	P	P
Swimming pools	A	A	A	A	A	A	A
Telephone repeater stations	X	X	X	X	C	X	X
Tractor and other farm implement repair/service shops	X	X	X	X	X	X	X
Transitional housing*	P	P	P	P	P	P	P
Travel trailer park	X	X	X	X	X	X	P
Welding shops	X	X	X	X	X	X	X
* Transitional and supportive housing shall also be allowed in planned development (P-D) zones that allow residential uses.							

Key:

P = Use permitted by right.

P*= Use permitted subject to conditions outlined in zoning ordinance.

C = Use requires planning commission conditional use permit.

C*= Use requires planning director conditional use permit.

X = Use is prohibited.

A = Use permitted as accessory use only.

Notes:

- (1) Household pets, provided that no more than three mammals over four months of age are kept for each dwelling unit. This provision shall not be construed to permit any animal, other than cats or dogs, to be kept, capable of inflicting harm or endangering the health and safety of any person or property.
- (2) The keeping of horses, cows, sheep, goats, rabbits, and chickens for personal use, provided the lot or parcel in question is at least one-half acre (twenty-one thousand seven hundred eighty square feet) in area. The number of animals per lot or parcel shall be limited to no more than one horse, one cow, one sheep, one goat, two rabbits, and ten chickens for every one-half acre of lot area. A combination of the above (i.e., two horses, no cows) may be approved by the city manager. No stable, barn, corral, pen or chicken coop shall be kept or maintained closer than fifty feet to any adjacent property owner's dwelling or other building used for human habitation, or within the front yard setback of each lot line of the lot upon which it is located, or within the front yard setback one hundred feet of any public park, school, hospital, or similar institution.
- (3) Hatching, raising, and fattening of chickens, rabbits, or cattle for domestic use only. There shall be no killing or dressing of any such animals or poultry on the premises for commercial purposes.
- (4) Except as hereinafter provided in subsections (a), (b), and (c) of this note, it shall be unlawful for any person to keep or maintain or cause to be kept or maintained, a stand of bees, cattle, horses, mules, donkeys, sheep, swine, goats, guinea hens, pigeons, rooster, peacocks, poultry, or wild, exotic, or undomesticated animals within the city of Brawley.
 - (a) Birds. Where more than ten birds are kept on any premises, whether for pleasure or profit, a conditional use permit shall be required.
 - (b) Poultry, rabbits, chinchillas, furbearing animals, amphibians, and other small animals. Where more than two such animals are kept on any premises, whether for pleasure or profit, a conditional use permit shall be required. In no case shall such conditional use permit allow more than ten such animals.
 - (c) Upon written application in such form as may be prescribed by the city manager and upon inspection of the premises, a permit may be granted by the city manager allowing a person to keep and maintain a reasonable number of pigeons upon condition that the same are kept penned or caged at all times.

In fixing the number of pigeons to be permitted, the city manager shall consider the purpose thereof, the facilities to be used, and the surrounding neighborhood. Such permit may be revoked upon notice to the permit holder and after public hearing by the city council. Any of the following shall be sufficient grounds for revocation of such permit: (i) such pigeons have not been properly kept and maintained; (ii) that excessive numbers are or have been kept and maintained; (iii) that due to changed circumstances, the same constitute either a public or private nuisance.

- (d) The city manager may grant permission to keep or raise any of such prohibited species during such times that any of such species are participants in a show, rodeo, circus, exhibition, parade, or other similar event. The city manager shall specify the time that said permission shall be effective.

**Table 27.73
Residential Development Standards**

Development Standards ⁽¹⁾	Residential Zoning Districts						
	R-A	R-E	R-1	R-2	R-3	MHS	MHP ⁽³⁾
(a) Minimum Lot Size ^{(2),(4),(9)}	1.0 acre	20,000 sf	6,000 sf	6,000 sf ⁽¹⁸⁾	7,500 sf	5,000 sf	45,000 sf
(b) Minimum Lot Width ^{(2),(10)}							
Standard Lot	75 ft – 100 ft ⁽⁸⁾	75 ft – 100 ft ⁽⁸⁾	50 ft – 80 ft ⁽⁸⁾	50 ft – 80 ft ⁽⁸⁾	50 ft – 80 ft ⁽⁸⁾	50 ft – 80 ft ⁽⁸⁾	150 ft/ 40 ft MH/ 30 ft RV ⁽⁷⁾
Cul-de-sac Lot (at front setback line)	75 ft	75 ft	50 ft	50 ft	50 ft	30 ft	n/a
Flag Lot (at front setback line)	75 ft	75 ft	50 ft	50 ft	50 ft	50 ft	n/a
Flag Lot (for access extension)	20 ft	20 ft	20 ft	20 ft	30 ft	30 ft	30 ft
(c) Minimum Lot Depth ⁽²⁾	n/a	n/a	n/a	n/a	n/a	75 ft	n/a
(d) Minimum Front Yard Setback⁽¹¹⁾							
From Ultimate Street R-O-W	25 ft-35 ft ⁽⁸⁾	25 ft-35 ft ⁽⁸⁾	20 ft-35 ft ^{(8),(19)}	20 ft ⁽¹⁹⁾	15 ft ⁽¹⁹⁾	20 ft-30 ft ⁽⁸⁾	20 ft-30 ft ⁽⁸⁾
Flag Lot (from connection with access extension)	25 ft-35 ft ⁽⁸⁾	25 ft-35 ft ⁽⁸⁾	20 ft-35 ft ^{(8),(19)}	20 ft ⁽¹⁹⁾	15 ft ⁽¹⁹⁾	20 ft-30 ft ⁽⁸⁾	20 ft-30 ft ⁽⁸⁾
(e) Minimum Side Yard Setback ⁽¹²⁾							
Interior Side	7 ft – 10 ft	7 ft – 10 ft	5 ft	5 ft ^{(6),(17)}	5 ft ^{(6),(17)}	10 ft	10 ft
Street Side	7 ft – 10 ft	7 ft – 10 ft	10 ft	10 ft ⁽⁶⁾	10 ft ⁽⁶⁾	10 ft	10 ft

Flag Lot	7 ft–10 ft	7 ft–10 ft	5 ft	5 ft ^{(6),(17)}	5 ft ^{(6),(17)}	10 ft	10 ft
(f) Minimum Rear Yard Setback⁽¹³⁾							
Standard Lot	25 ft	25 ft	20 ft	20 ft	20 ft	20 ft	
Flag Lot and Cul-de-sac Lot	25 ft	25 ft	20 ft	20 ft	20 ft	20 ft	
Adjacent to Alley or Street R-O-W	25 ft	25 ft	20 ft	20 ft	20 ft	20 ft	20 ft
(g) Maximum Building Coverage	55%	55%	55%	55%	65%	55% ⁽¹⁴⁾	60% ⁽¹⁴⁾
(h) Maximum Density	1 DU/acre	1 DU/20,000 sf	1 DU/6,000 sf	See note (18)	1 DU/2,500 sf	1 DU/5,000 sf	1 MH/2,500 sf
							1 RV/1,500 sf
(i) Maximum Height							
Primary Structure	2 S/35 ft ⁽⁵⁾	2 S/35 ft ⁽⁵⁾	2 S/35 ft ⁽⁵⁾	35 ft	35 ft	1 S/17 ft	1 S/17 ft
Accessory Structure	1 S/17 ft	1 S/17 ft	1 S/17 ft	1 S/17 ft	1 S/17 ft		
(j) Off-Street Parking	Refer to article XI, Parking and Loading						
(k) Signs	Refer to article XIV, Signs						
(l) Landscape	Refer to section 27.180						
(m) Minimum Building Separation⁽¹⁶⁾	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
(n) Accessory Buildings	Refer to article XII, Special Development Standards and Uses						

Notes:

- (1) See article II for definitions of terms used for development standards.
- (2) Development standard applies to proposed subdivisions of land.
- (3) Mobilehomes not on individual lots must comply with California Code of Regulations, title 25, Housing and Community Development Standards.

- (4) "Net area" means that area of a lot or parcel of land exclusive of public alleys, highways or streets; proposed public facilities such as alleys, highways, streets or other necessary public sites when included within a proposed development project; or other public or private easement when the owner of the servient tenement does not have the right to use the entire surface of the land.
- (5) Whichever is less.
- (6) Add three feet for each story over two.
- (7) Travel trailer or recreational vehicle space.
- (8) Lot width and front yard setback requirements are based on required lot area as identified below:

Lot Area (square feet)	Setback (front yard)	Minimum Required Width (feet)	
		Interior Lots	Corner Lots
6,000 – 7,500	20 feet	50	55
7,501 – 9,000	25 feet	55	60
9,001 – 10,500	25 feet	60	65
10,501 – 12,500	25 feet	65	65
12,501 – 14,500	30 feet	70	70
14,501 – 16,500	30 feet	75	75
16,501 and greater	35 feet	80	80

- (9) Refer to sections 27.161 through 27.164.
- (10) Refer to section 27.165, Minimum lot width.
- (11) Refer to section 27.169, Specialized front yard requirements.
- (12) Refer to section 27.170, Specialized side yard requirements.
- (13) Refer to section 27.171, Specialized rear yards adjoining an alley.
- (14) Accessory structures shall be included in the calculation for percent of area covered.
- (15) One thousand five hundred sf per DU for lots of ten thousand sf or less and one thousand sf per DU for lots of more than ten thousand sf.
- (16) May be less between main residential structure and carport.
- (17) An interior side yard setback of zero feet may be used for subdivision tracts for zero lot line housing development if the remaining side yard for each lot in the subdivision is no less than ten feet.
- (18) A minimum lot size of three thousand sf is allowed for each dwelling unit for two attached dwelling units using the zero feet interior side yard setback allowed in note (17).
ft = feet; sf = square feet; S = story; DU = dwelling unit; R-O-W = right-of-way; n/a = development standard not applicable to zoning district
- (19) 0 foot setback allowed for carports that:
 - (a) Never included garages or carports;

- (b) Were originally constructed with single-car garages or carports that remain available for use;
- (c) Include garages or carports that were legally converted; or
- (d) Provide required parking in full compliance with the provisions of Section 27.143 of this chapter.

Otherwise, a minimum front yard setback of 10 feet shall be maintained for carports and other structures.

ARTICLE V. – Commercial Districts

Sections:

Sec. 27.82. – Commercial permitted uses, accessory uses, conditional and prohibited uses

Sec. 27.84. – Special development standards

Sec. 27.82. – Commercial permitted uses, accessory uses, conditional and prohibited uses

- (a) Permitted uses (uses permitted by right) in the commercial zoning districts are largely commercial service, retail, and wholesale oriented, but may include uses which are accessory to the commercial use, such as a public facility and other uses clearly recognized as necessary to the primary commercial use.
- (b) Certain uses may not be suitable in every location within commercial districts and therefore require planning director or planning commission discretionary review through the conditional permit process described in section 27.272 of this zoning ordinance. Table 27.82, Uses by Commercial Zoning District, lists those uses that are:
 - 1. Permitted by right;
 - 2. Permitted as accessory to the commercial use;
 - 3. Permitted as conditional uses; and
 - 4. Prohibited in the commercial zoning districts.
- (c) The planning commission may also permit other uses similar to the uses permitted by right in table 27.82 that the planning commission finds to fall within the intent and purpose of these zones, that will not be more obnoxious or materially detrimental to the public welfare or to property in the vicinity of said uses, and which the planning commission finds to be of a comparable nature and of the same class as the uses permitted by right in table 27.82.

**Table 27.82
Uses by Commercial Zoning District**

Commercial Zoning District Uses	C-P	C-1	C-2	C-3
Academies of learning (private)	P	P	X	X
Access for other uses not permitted in zone	C*	C*	C*	C*
Accessory buildings or structures	P	P	P	P
Adult businesses	X	X	X	C
Agricultural equipment sales offices and display yards for farm equipment sales	X	X	X	P
Agricultural equipment, rental or sales	X	X	X	P
Animal hospital, large animals	X	X	C	C
Apartment houses	P	X	X	X
Appliance stores, household	X	X	P	P
Art supply stores	X	X	P	P
Auction sales, indoors, excluding animals	X	X	P	P
Auditoriums and conference rooms	X	X	P	P
Automobiles – used, retail sales, storage	X	X	P	P

Automobile brake repair shops, muffler, painting, radiator, upholstery	X	X	P	P
Automobile laundries, car washes	C*	C*	P	P
Automobile rental agencies	P	P	P	P
Automobile repair garages (indoor), excluding body, fender, painting, upholstery	X	C	PI	P
Automobile repair, incidental to service station	X	C	P	P
Automobile sales, new and used	X	X	P	P
Automobile service stations	X	C	C	C
Automobile supply stores	X	X	P	P
Bakery goods distributors	X	X	X	P
Bakery shops, baking	X	P	P	P
Banks, savings and loans and credit unions	P	P	P	P
Barber and beauty shops	P	P	P	P
Bars and cocktail lounges	X	C	C	C
Bicycle sales and service	X	P	P	P
Bicycle, scooter and similar rentals	X	X	P	P
Billiard and pool halls	X	X	P	P
Blueprinting shops	X	P	P	P
Boats – used, retail sales, repair incidental to sales (indoor) and storage	X	X	P	P
Book binderies	X	X	X	P
Book stores	X	P	P	P
Bowling alleys	X	X	P	P
Building material storage during construction	P	P	P	P
Caretaker's residence	X	C	C	C
Carnivals	C*	C*	C*	C*
Catering services	X	P	P	P
Ceramics manufacturing incidental to sales (kiln 16 cubic feet maximum)	X	X	X	P
Child care centers	C	C*	P	P
Children's homes	C	C*	C	C
Christmas tree/wreath sales	C*	C*	C*	C*
Churches, temple and other places of worship	P	P	P	P
Circuses	C*	C*	C*	C*
Cleaning and dyeing agencies	X	P	P	P
Clothing apparel, children's	X	P	P	P
Clothing stores	X	P	P	P
Communication equipment buildings	C	C	P	P
Community social centers	X	X	P	P
Confectionary or candy stores	X	P	P	P
Construction office temporary on-site	P	P	P	P
Convalescent hospital, homes	P	X	X	X
Crops, field, tree, bush, berry and row, growing of	X	X	X	P

Dance halls	X	X	P	P
Day care centers (greater than 12 persons)	C	C	C	C
Delicatessens	X	P	P	P
Dental clinics, including laboratories	P	P	P	P
Department stores	X	X	P	P
Dress shops	X	P	P	P
Drug stores	P	P	P	P
Dry cleaning, self-service	X	P	P	P
Educational, philanthropic, charitable institutions	P	X	X	X
Electric distribution substations, microwave facilities (75 feet max height)	P*	P*	P*	P*
Emergency shelters	X P*	P*	P*	P*
Employment agencies	X	P	P	P
Equipment rental services	X	X	P	P
Farmers markets	X	X	C*	C*
Feed and grain sales	X	X	P	P
Fire stations	C	C	C	C
Fireworks stands	X	P*	P*	P*
Florist shops	X	P	P	P
Furniture and household goods, storage/transfer	X	X	X	P
Furniture stores	X	X	P	P
Furrier shops	X	X	P	P
Gas measurement stations	X	X	C	C
Gift shops	X	P	P	P
Glass edging, beveling, and silvering in w/sales	X	X	P	P
Glass installation	X	X	P	P
Golf courses, including miniature	X	X	P	P
Gymnasiums	X	X	P	P
Hardware shops	X	P	P	P
Hat cleaning and blocking establishments	X	X	P	P
Health centers	X	X	C	C
Health food stores	X	X	P	P
Heliports/helistops	C	C	C	C
Hobby supply stores	X	X	P	P
Hospitals	C	C	C	C
Hotels, transient occupants only	X	X	P	P
<u>Hotels, converted to single room occupancies</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>
Ice cream shops	X	P	P	P
Ice sales, not including ice plants	X	P	P	P
Interior decorating shops	X	P	P	P
Jewelry stores with incidental repair	X	P	P	P
Laboratories, film, research or testing	C	C	C	C
Laboratories, medical and dental	C	C	C	C
Laundries, hand	X	X	P	P

Laundries	X	X	X	C
Laundries, self-service	X	P	P	P
Laundry agencies	X	P	P	P
Leather goods stores	X	X	P	P
Libraries	P	P	P	P
Liquor stores	X	X	P	P
Locksmith shops	X	X	P	P
Lodge halls	C	C*	P	P
Low barrier navigation centers*	P	X	X	X
Mail order houses, not including warehousing	X	X	P	P
Manufacturing's agent, carrying only samples	X	X	P	P
Manufacturing, limited	X	X	X	C*
Markets, food	X	P	P	P
Massage parlors	X	X	X	C
Meat markets, not including slaughtering	X	P	P	P
Medical clinics, including labs and/or pharmacies	P	P	P	P
Menageries	X	X	X	C
Microwave stations, including towers (35 feet maximum)	C	C	C	P
Microwave tower exceeding 35 feet	X	C	C	C
Millinery shops	X	X	P	P
Mini-storage	X	X	X	C
Mimeographing and addressograph services	X	X	P	P
Mobile and temporary food and beverage establishments	X	X	C	C
Mobilehome park	X	X	X	C
Model homes not occupied as a residence	X	C*	C*	C*
Mortuaries	X	X	P	P
Motels, transient occupancy only	X	X	P	P
Motels, converted to single room occupancies	X	X	P	P
Museums	X	X	P	P
Museums, enclosed building	P	P	P	P
Music stores	X	X	P	P
News stores	X	P	P	P
Notions or novelty stores	X	P	P	P
Nurseries, growing of nursery stock	X	X	P	P
Nursery schools	P	P	P	P
Offices, business and professional	P	P	P	P
Outdoor advertising	X	X	X	P
Paint and wallpaper stores	X	P	P	P
Parking lots	P	P	P	P
Parking buildings	X	P	P	P
Parks and playgrounds, publicly owned	P	P	P	P
Pawn shops	X	C	C*	C*
Pet shops	X	X	P	P
Pet supply shops	X	X	P	P

Photo-engraving	X	X	X	P
Photographic equipment and supply store	X	P	P	P
Photography studios	X	X	P	P
Plumbing shops	X	X	P	P
Police stations	P	P	P	P
Post offices	P	P	P	P
Pottery stores	X	X	P	P
Printers and publishers	X	X	X	P
Private clubs	C	X	P	P
Public utility service centers	X	X	X	C
Radio and television towers over 35 feet in height	X	C	C	C
Radio and television stations and towers (35 feet maximum)	X	C	C	C
Radio and television stores	X	X	P	P
Recreational vehicle parks	X	X	C	C
Reducing salons	X	X	P	P
Refreshment stands	X	X	P	P
Residences	C	C	X	X
Rest home	C	X	C	C
Restaurants and other eating establishments	X	P	P	P
Retail stores	X	P	P	P
Revival meetings, in a tent (30 days/6 months maximum)	X	X	X	C*
Rooming/boarding houses	C*	C	C	C
Schools, business and professional	X	X	P	P
Secondhand stores	X	X	P	P
Service station	C	C	C*	C*
Shoe repair shops	X	P	P	P
Shoe stores	X	P	P	P
Shoeshine stands	X	X	P	P
Shooting galleries	X	X	C	C
Silk screens, manufacture and processing of	X	X	C	C
Skating rinks	X	X	C	C
Sporting good stores	X	X	P	P
Stationary stores	X	P	P	P
Stations, bus, railroad and taxi	X	X	C	C
Storage, building materials for on-site construction	P	P	P	P
Storage, construction materials public projects	C*	C*	C*	C*
Swap meets	X	X	C*	C*
Swimming pools	A	A	A	A
Tailor shops	X	X	P	P
Tattoo studios	X	X	X	C
Theaters, not including drive-in	X	X	P	P
Theaters, drive-in	X	X	X	C
Tile sales, ornamental	X	X	P	P
Tobacco shops	X	C*	P	P

Tourist information centers	X	C*	P	P
Toy shops	X	X	P	P
Trailer sales, not truck trailers	X	X	P	P
Trailers, rental of house trailers	X	X	X	P
Trailers, rental (2 tons maximum)	X	X	X	P
Trucks, sales and rentals	X	X	X	P
Truck shops	X	X	C	C
Turkish baths	X	X	X	C
Typewriter sales and incidental repairs	X	X	P	P
Watch repair shops	X	P	P	P
Water wells, reservoirs (storage/distribution systems)	X	C	C	C
Wearing apparel shops	X	P	P	P
Wholesale business with samples, no general warehousing	X	X	X	P

Key:

P = Use permitted by right.

PI = Use permitted by right, indoors only.

P*= Use permitted subject to conditions outlined in zoning ordinance.

C = Use requires planning commission conditional use permit.

C*= Use requires planning director conditional use permit.

X = Use is prohibited.

A = Use permitted as accessory use only.

Sec. 27.72. - Residential permitted uses, accessory uses, conditional uses and prohibited

- (a) Outside Display. All display and storage in the C-P zone shall be located wholly within an enclosed building. All display and storage in the C-1 and C-2 zones shall be located wholly within an enclosed building except for the following:
1. Automobile service station but excluding outside display of other than automobile tires, batteries and similar equipment and accessories or petroleum products; parking lots.
- (b) Outside Display C-3. All display and storage in zone C-3 shall be located wholly within an enclosed building except for the following:
1. Automobile sales; automobile service station but excluding outside display of other than automobile tires, batteries and similar equipment and accessories or petroleum products;
 2. Boat sales; Christmas trees, wreaths; florist shops; nursery stock, plant material, only; parking lots; trailer sales.
- (c) Walls. Each lot or parcel of land in zones C-P, C-1, C-2, and C-3 which has a side or rear lot line adjoining property with a legal nonconforming residential use, or adjoining property in a residential zone (or agricultural zone for C-2 and C-3) shall have a solid masonry wall, not less than five feet in height nor more than six feet in height, established along said side

and rear lot lines adjoining said properties or zones. Alternate walls instead of solid masonry walls will be allowed with the planning commission's approval.

(d) Emergency Shelters. All emergency shelters in the C-P, C-1, C-2 and C-3 zones shall meet the objective requirements described below:

1. Emergency shelters shall be limited to a maximum of thirty beds.
2. ~~Parking requirements shall be the same as for nursing homes and convalescent hospitals as described in section 27.143 of article XI.~~ Each facility shall include sufficient parking to accommodate all staff working in the shelter.
3. All waiting and intake areas shall be within an enclosed building and shall have a legal occupancy rating of eight people.
4. Each emergency shelter shall accommodate a minimum daytime staff of one staff member per eight occupied beds (1–8 beds = 1 staff; 9–18 beds = 2 staff; etc.) and a minimum nighttime staff of one staff per twelve occupied beds (1–12 beds = 1 staff; 13–24 beds = 2 staff; etc.).
5. No parcel with an emergency shelter use shall be established closer than three hundred feet from another parcel with an emergency shelter use.
6. The length of stay within an emergency shelter shall be limited to a maximum of six months.
7. The exterior lighting of the building housing the emergency shelter shall be provided to adequately illuminate all sides of the building to allow for security to monitor all sides of the structure.
8. Security staff or electronic cameras with video monitors that can be viewed by nighttime staff shall be provided to monitor the exterior of the building housing the emergency shelter. The exterior of the building shall be monitored by security staff or electronic cameras between 10:00 P.M. and 6:00 A.M.

(e) Low barrier navigation centers. All emergency shelters in mixed-use overlay, where multi-family developments are allowed, and C-P zones shall meet the objective requirements described below:

1. It offers services to connect people to permanent housing through a services plan that identifies services staffing.
2. It is linked to a coordinated entry system, so that staff in the interim facility or staff who colocate in the facility may conduct assessments and provide services to connect people to permanent housing.
3. It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.
4. It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.

ARTICLE XI. – Parking and Loading

Sections:

Sec. 27.143. – Required parking spaces

Sec. 27.143. – Required parking spaces

The parking standards included in table 27.143 indicate the spaces and facilities required for off-street parking that shall apply at the time the subject building or structure is erected or placed on the ground. Uniform Building Code requirements for handicapped parking spaces shall also be provided as part of the required off-street parking. These standards shall also apply when an existing building is altered or enlarged by the addition of dwelling units or guest rooms, or the use in question is intensified by the addition of floor space, seating capacity, or change of use.

**Table 27.143
Required Parking Spaces**

Land Use	Parking Spaces Required for Facilities
Residential Uses	
(1) Single-family dwellings	Two spaces for each dwelling unit.
(2) Two-family (duplex) dwelling	Two spaces for each dwelling unit.
(3) Apartment houses and condominiums containing three or more units	a. One and one-half spaces for each studio unit;
	b. One and three-quarters spaces for each one bedroom unit;
	c. Two spaces for each unit with two or more bedrooms.
(4) Rooming and boarding houses	One parking space for each guest room.
(5) Hotels	One parking space for each guest room.
(6) Motels	One parking space for each guest room.
(7) Mobilehome parks	One parking space for each mobilehome space, and in addition, one parking space for each two mobilehome spaces in the park for guest parking. Said guest parking shall be conveniently located within the mobilehome park.
(8) Mobilehome subdivisions	Two parking spaces for each lot occupied by a single mobilehome.
(9) Second units	One space in addition to two spaces for primary dwelling unit.
(10) Senior housing*	1.2 spaces per dwelling unit.
Commercial Uses	
(1) Retail stores, shop, supermarkets, and food stores	One space for each four hundred square feet of gross floor area.
(2) Shopping centers	One space for each three hundred square feet of gross floor area.

(3) Restaurants, cafes, night clubs, bars and taverns and restaurants with only delivery service	One space for each fifty square feet of gross floor area where the public is served, and one additional space for each two employees on the largest shift and one additional parking space for each vehicle used in connection with the business.
(4) Offices, business and professional	One parking space for each three hundred square feet of gross floor space.
(5) Medical buildings and dental buildings	One parking space for each two hundred square feet of gross floor area.
(6) Chapels and mortuaries	One parking space for every four seats, if the seats are fixed or one space for each thirty square feet of seating area where there are not fixed seats. In addition, one space shall be provided for each employee and one space for each vehicle owned by the establishment and used in the business.
(7) Nursing homes and convalescent hospitals	One parking space for each three beds licensed to be located in the facility. In addition, one space for each employee on the largest shift.
(8) Theaters and similar places of public assembly, including churches	One parking space for each four seats, if the seats are fixed, or one space for each thirty square feet of open assembly area where seats are not fixed, excluding platform and stage areas.
(9) Automobile sales, lots, boat sales, trailer sales, retail nurseries, and other businesses not conducted inside a building or other structure	One parking space for each one thousand square feet of open area devoted to display or sales, plus one additional space for each employee on the largest shift. Where such area exceeds ten thousand square feet, one additional space for each five thousand square feet over ten thousand square feet of area, shall be provided. In addition, one additional space for each four hundred square feet of sales office space shall be provided.
Manufacturing and Industrial Uses (including open industrial uses)	
(1) Industrial uses of all types, except buildings used exclusively for warehouse purposes	1.5 parking spaces for each two employees on the largest shift, or for each four hundred square feet of floor area, whichever is greater, and one additional parking space for each vehicle used in connection with the business.
(2) Public utility facilities, including, but not limited to electric, gas, water, telephone and telegraph facilities not having business offices on the premises	1.5 parking spaces for each two employees on the largest shift, and one parking space for each vehicle used in connection with the use. A minimum of two parking spaces shall be

	provided for each such use regardless of building space or number of employees.
(3) Warehouses or buildings used exclusively for storage purposes	1.5 parking spaces for each two thousand five hundred square feet of floor area or one space for each two employees, whichever is greater, and one parking space for each vehicle used in connection with the use.
Other Land Uses	
(1) Child care centers	One parking space for every employee and a 40-foot loading zone.
(2) Hospitals	One parking space for each three beds, plus one space for each staff doctor, plus one space for each three employees other than staff doctors.
(3) Children's homes	One parking space for each employee on the largest shift.
(4) Educational facilities, including elementary schools, secondary schools, kindergartens, and parochial schools	One parking space for each classroom, plus one space for each three students of legal driving age, and one space for each three nonteaching employees.
<u>Emergency shelters</u>	<u>Each facility shall include sufficient parking to accommodate all staff working in the shelter.</u>
(5) Recreational vehicle parks	One parking space for each recreational vehicle space, plus one additional space for each employee of the park.
(6) Caretaker's residence	Two parking spaces required.
(7) Self-storage facilities	Two spaces, plus one additional space for each fifty storage cubicles.
(8) Automobile rental agencies	One space for each two hundred square feet of gross floor area, plus one space for each vehicle to be stored on the lot.
(9) Automobile service	One and one-half spaces for each pump station up to the first six pumps, and one space for each additional pump.
(10) Automobile service and repair garages	Three spaces for each service bay (service bay shall not be counted as parking space).
(11) Banks and other financial institutions	One space for every two hundred square feet of gross floor area.
(12) Bowling alleys	One space for each alley, plus one additional space for each five fixed seats in any gallery, plus one space for each two employees on the largest shift. Additional parking shall be required for restaurants or cocktail lounges located within the bowling alley as specified in this zoning ordinance.

(13) Commercial buildings (not otherwise specified herein)	One parking space for each four hundred square feet of gross floor area, and one additional space for each employee.
(14) For other uses not specified herein	To be determined by the planning commission upon a recommendation by the planning director.
<u>*The number of parking spaces required for both senior and special needs housing developments may be reduced by the Planning Commission provided that information demonstrating that fewer parking spaces are able to meet the demand for parking is submitted for review.</u>	

ARTICLE XIII. – Development Standards for Certain Conditional and Regulated Uses

Sections:

Sec. 27.201. – Accessory dwelling units and junior accessory dwelling units

Sec. 27.202. – Family day care home

[Sec. 27.206. – Single room occupancies](#)

[Sec. 27.207. – Studio and micro-units](#)

[Sec. 27.208. – Supportive housing](#)

Sec. 27.201 – Accessory dwelling units and junior accessory dwelling units

- (a) **Purpose.** This section provides for the creation of accessory dwelling units and junior accessory dwelling units as defined in Government Code Section [66313](#) ~~65852(j)(1)~~. The purpose of the section is to achieve the following objectives:
1. Contribute to alleviating the housing supply shortage by increasing the housing unit capacity of lots zoned to permit single-family homes and multi-family housing developments.
 2. Facilitate the development of new housing with land and construction costs lower than single family homes built on vacant land because accessory dwelling units will be constructed on already developed land, will have housing unit sizes smaller than single-family homes, and utilize existing infrastructure.
 3. Create the opportunity for new housing units to be built to accommodate the needs of diverse household types including, but not limited to, seniors, disabled persons, caretakers, students, and multi-generational families.
 4. Provide the opportunity to create new housing at costs affordable to lower and moderate income households.
 5. Produce housing that will satisfy a portion of Brawley's share of the regional housing need.
- (b) **Accessory Dwelling Unit Defined.** "Accessory dwelling unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one 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 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:
1. An efficiency unit as defined in Section 17958.1 of the Health and Safety Code.
 2. A manufactured home, as defined in Section 18007 of the Health and Safety Code.
- (c) **General Plan Consistency.** In adopting this section, the city recognizes that the development of accessory dwelling units and junior accessory dwelling units may result in residential densities exceeding the maximum densities prescribed by the general plan land use element and zoning ordinance. Pursuant to Government Code Section [66314\(c\)](#) ~~65852.2(a)(1)(C)~~, the city finds that this occurrence is consistent with the general plan. Government Code Section [66314\(c\)](#) ~~65852.2(a)(1)(C)~~ provides that accessory dwelling units do not exceed the allowable

density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(d) Types of ADUs.

1. Detached: The unit is separated from the primary structure.
2. Attached: The unit is attached to the primary structure.
3. Converted existing space: Space (e.g., master bedroom, attached garage, storage area, or similar use, or an accessory structure) on the lot of the primary residence that is converted into an independent living unit.
4. Junior accessory dwelling unit (JADU): A specific type of conversion of existing space that is contained entirely within an existing or proposed single-family residence.

(e) Approvals. The following approvals apply to ADUs and JADUs under this section.

1. Building Permit Only. If an ADU or JADU complies with each of the general requirements in this section, it is allowed with only a building permit in the following scenarios:
 - a. Converted on Single-family Lot. One ADU as described in this subsection and one JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:
 - (i) Is either: within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or (in the case of an ADU only) within the existing space of an accessory structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress; and
 - (ii) Has exterior access that is independent of that for the single-family dwelling; and
 - (iii) Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes; and
 - (iv) The JADU complies with the requirements of Article 3 (commencing with Government Code Section 66333).
 - b. Limited Detached on Single-family Lot. One detached, new-construction ADU on a lot with a proposed or existing single-family dwelling (in addition to any JADU that might otherwise be established on the lot under subsection 27.201(e)(1)(a) (Approvals)), if the detached ADU satisfies each of the following limitations:
 - (i) The side- and rear-yard setbacks are at least four feet.
 - (ii) The total floor area is 800 square feet or smaller.
 - (iii) The peak height above grade does not exceed the applicable height limit in subsection 27.201(i)(7).
 - c. Converted on Multifamily Lot. One or more ADUs within portions of existing multifamily dwelling structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted ADU complies with state building standards for dwellings. Under this subsection, at least one converted ADU is allowed within an existing multifamily dwelling, up to a quantity equal to 25 percent of the existing multifamily dwelling

units.

d. Limited Detached on Multifamily Lot. No more than two detached ADUs on a lot that has an existing or proposed multifamily dwelling if each detached ADU satisfies both of the following limitations:

- (i) The side- and rear-yard setbacks are at least four feet. If the existing multifamily dwelling has a rear or side yard setback of less than four feet, the city will not require any modification to the multifamily dwelling as a condition of approving the ADU.
- (ii) The peak height above grade does not exceed the applicable height limit provided in subsection 27.201(i)(7) (Height).

(f) ADU Permit.

1. Except as allowed in this section, no ADU may be created without a building permit and an ADU permit in compliance with the standards set forth in this section.
2. The city may charge a fee to reimburse it for costs incurred in processing ADU permits, including the costs of adopting or amending the city's ADU ordinance. The ADU-permit processing fee is determined by the City of Brawley Planning and Zoning Department and approved by the City Council by resolution.

(g) Process and Timing.

1. An ADU permit is considered and approved ministerially, without discretionary review or a hearing.
2. The city must approve or deny an application to create an ADU or JADU within 60 days from the date that the city receives a completed application. If the city has not approved or denied the completed application within 60 days, the application is deemed approved unless either:
 - a. The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay, or
 - b. When an application to create an ADU or JADU is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, the city may delay acting on the permit application for the ADU or JADU until the city acts on the permit application to create the new single-family or multifamily dwelling, but the application to create the ADU or JADU will still be considered ministerially without discretionary review or a hearing.
3. If the city denies an application to create an ADU or JADU, the city must provide the applicant with comments that include, among other things, a list of all the defective or deficient items and a description of how the application may be remedied by the applicant. Notice of the denial and corresponding comments must be provided to the applicant within the 60-day time period from the date that the city receives a completed application.
4. A demolition permit for a detached garage that is to be replaced with an ADU is reviewed with the application for the ADU and issued at the same time. The applicant shall not be otherwise required, to provide written notice or post a placard for the demolition of a detached garage that is to be replaced with an accessory dwelling unit, unless the property is located within an architecturally and historically significant historic district.

- (h) Statewide Exempt ADUs. A statewide exemption ADU is an ADU of up to eight hundred square feet, sixteen feet in height and with four feet side and rear yard setbacks. No lot coverage, floor area ratio, open space, or minimum lot size requirement can preclude the construction of a statewide exemption ADU. The construction of a detached new construction statewide exemption ADU can be combined on the same lot with a JADU in a ~~single-family~~ any residential zone.
- (i) Accessory Dwelling Unit Requirements ~~General Standards for ADUs.~~ Each ADU shall comply with the following standards:
1. Zoning
 - a. An ADU subject only to a building permit may be created on a lot in a residential or mixed-use zone allowing residential uses.
 - b. An ADU subject to an ADU permit may be created on a lot that is zoned to allow single-family dwelling residential use or multifamily dwelling residential use.
 2. The ADU shall be constructed on a lot zoned for residential uses that includes an existing or proposed single family or multi-family dwelling unit.
 3. Maximum unit size requirements: ~~At least eight hundred fifty square feet and one thousand square feet for ADUs with more than one bedroom.~~
 - a. The maximum size of a detached or attached ADU subject to this subsection is 850 square feet for a studio or one-bedroom unit and 1,200 square feet for a unit with two or more bedrooms.
 - b. An attached ADU that is created on a lot with an existing primary dwelling is further limited to 50 percent of the floor area of the existing primary dwelling.
 - c. Application of other development standards in this subsection, such as lot coverage, might further limit the size of the ADU, but no application of the percent-based size limit, front setback, lot coverage limit, or open-space requirement may require the ADU to be less than 800 square feet.
 4. Building coverage. Unless stated otherwise on subsection 27.201(i)(3) (Maximum unit size requirements), no ADU subject to this subsection may cause the total lot coverage of the lot to exceed 50 percent.
 5. Open space. Unless stated otherwise on subsection 27.201(i)(3) (Maximum unit size requirements), no ADU subject to this subsection may cause the total percentage of open space of the lot to fall below 50 percent.
 6. Passageway. No passageway is required in conjunction with the construction of an ADU.
 7. Height: ~~No ADU shall exceed sixteen feet in height. However, an increase in height up to the limit allowed for the principal dwelling unit may be permitted with approval of the Planning Director.~~
 - a. Except as otherwise provided by subsections 27.201(i)(7)(b) and 27.201(i)(7)(c) (Height), a detached ADU created on a lot with an existing or proposed single family or multifamily dwelling unit may not exceed 16 feet in height.
 - b. A detached ADU may be up to 18 feet in height if it is created on a lot with an existing or proposed single family or multifamily dwelling unit that is located within one-half mile walking distance of a major transit stop or high quality transit corridor, as those

terms are defined in Section 21155 of the Public Resources Code, and the ADU may be up to two additional feet in height (for a maximum of 20 feet) if necessary to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.

- c. A detached ADU created on a lot with an existing or proposed multifamily dwelling that has more than one story above grade may not exceed 18 feet in height.
- d. An ADU that is attached to the primary dwelling may not exceed 25 feet in height or the height limitation imposed by the underlying zone that applies to the primary dwelling, whichever is lower. Notwithstanding the foregoing, ADUs subject to this subsection may not exceed two stories.
- e. For purposes of this subsection, height is measured from existing legal grade or the level of the lowest floor, whichever is lower, to the peak of the structure.

8. Setback and yard requirements:

- a. Each attached ADU must comply with the setback requirements in the underlying zoning district for the principal dwelling unit except as otherwise provided herein.
- b. Each attached and detached ADU shall have a rear and side setback of four feet, and a front setback as is established for each respective zone, subject to subsection 27.201(i)(3)(c) (Maximum unit size requirements).
- c. No setback shall be required for an existing accessory structure that is converted to an ADU or an ADU that is constructed within the same location and to the same dimensions as an existing accessory structure.

~~9. Number of ADUs permitted:~~

- ~~a. Single family dwellings: One ADU or JADU is permitted per lot developed with a single family dwelling unless the ADU is a detached ADU, in which case a JADU is also permitted.~~
- ~~b. Multifamily dwellings: ADUs may be constructed on lots developed with multifamily dwellings in accordance with California Government Code Section 65852.2(e).~~

~~10. ADUs shall be rented for terms longer than thirty days in accordance with Government Code Section 65852.2(a)(6) and (e)(4).~~

11. Parking:

- a. Each ADU shall have one parking space per unit or bedroom, whichever is less.
- b. Parking spaces may be covered or uncovered, provided as tandem parking on an existing driveway, or on a paved surface in a setback or yard area.
- c. Notwithstanding subsection (a) above, parking requirements shall be waived if the ADU is located:
 - (i) Within one-half mile walking distance of a public transit stop;
 - (ii) In an architecturally and historically significant district;
 - (iii) In part of a principal dwelling unit or an existing accessory structure;
 - (iv) In an area requiring on-street parking permits but the permits are not offered to the ADU occupant; or

- (v) Within one block of a car-sharing pickup/drop-off location.
 - (vi) When the permit application to create an ADU is submitted with an application to create a new single-family or new multifamily dwelling on the same lot, provided that the ADU or the lot satisfies any other criteria listed in this section.
- d. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, replacement of the lost parking is not required. However, replacement parking is encouraged and may be located in any configuration on the same lot as the ADU as a covered, uncovered, or tandem parking space.

12. Architectural Requirements:

- a. The materials and colors of the exterior walls, roof, windows and doors must match the appearance of those of the primary dwelling.
 - b. The roof slope must match that of the dominant roof slope of the primary dwelling. The dominant roof slope is the slope shared by the largest portion of the roof.
 - c. The exterior lighting must be limited to down-lights or as otherwise required by the building or fire code.
 - d. The ADU must have an independent exterior entrance, apart from that of the primary dwelling.
 - e. The interior horizontal dimensions of an ADU must be at least 10 feet wide in every direction, with a minimum interior wall height of seven feet.
 - f. Windows and doors of the ADU may not have a direct line of sight to an adjoining residential property. Fencing, landscaping, or privacy glass may be used to provide screening and prevent a direct line of sight.
 - g. All windows and doors in an ADU that are less than 30 feet from a property line that is not a public right-of-way line must either be (for windows) clerestory with the bottom of the glass at least six feet above the finished floor, or (for windows and for doors) utilize frosted or obscure glass.
13. Historical Protections. An ADU that is on or within 600 feet of real property that is listed in the California Register of Historic Resources must be located so as to not be visible from any public right-of-way.
14. Rental term. No ADU may be rented for a term that is shorter than 30 days. This prohibition applies regardless of when the ADU was created.
15. No Separate Conveyance. An ADU may be rented, but except as otherwise provided in Government Code Section 66341, no ADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multifamily lot).
16. Septic System. If the ADU will connect to an onsite wastewater-treatment system, the owner must include with the application a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years.
17. Building & Safety:
- a. Must comply with building code: Subject to subsection b below, all ADUs must comply with all local building code requirements.

- b. No change of occupancy: Construction of an ADU does not constitute a group occupancy change under the local building code, as described in Section 310 of the California Building Code, unless the building official makes a written finding based on substantial evidence in the record that the construction of the ADU could have a specific, adverse impact on public health and safety. Nothing in this subsection prevents the city from changing the occupancy code of a space that was uninhabitable space or that was only permitted for nonresidential use and was subsequently converted for residential use in accordance with this section.
 - c. Certificate of Occupancy: The City shall not issue a certificate of occupancy for an ADU before a certificate of occupancy has been issued for the primary dwelling.
- (j) Additional Standards for Conversion of an Existing Accessory Structure to an Accessory Dwelling Unit.
1. Conversion of a non-habitable accessory structure/ garage or other living space to an ADU shall meet all building codes for residential occupancy.
- (k) Fire Sprinkler Requirements.
1. Each ADU shall comply with all applicable fire safety provisions of state law, as well as the City of Brawley adopted building and fire codes.
 2. An ADU is not required to be equipped with fire sprinklers unless fire sprinkler installation is required for the principal dwelling unit.
 3. The construction of an ADU does not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.
- (l) Junior Accessory Dwelling Unit Requirements. Each Junior Accessory Dwelling Unit (JADU) shall be subject to compliance with the building permit requirements and the following standards:
1. A One JADU subject to a building permit may be created on a single lot zoned for residential and mixed-uses single family residences with at least one primary dwelling. JADUs are limited to one per residential lot with an existing or proposed single family residence.
 2. A JADU subject to an ADU permit may be created on a lot that is zoned to allow single-family dwelling residential use or multifamily dwelling residential use.
 3. The JADU may be created within the walls of the proposed or existing single-family residence, including attached garages, as attached garages are considered within the walls of the existing single-family residence.
 4. The maximum size of a JADU is five hundred square feet.
 5. Each JADU may contain separate sanitation facilities or may share sanitation facilities with the principal dwelling unit.
 6. For purposes of providing service for water, sewer, or power, including a connection fee, a JADU shall not be considered a separate or new dwelling unit.
 7. If the JADU will connect to an onsite wastewater-treatment system, the owner must include with the application a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years.
 8. Each JADU shall include a separate entrance from the main entrance to the existing or

proposed principal dwelling unit but shall and may include an interior entry to the principal dwelling unit if a separate bathroom is not included. ~~main living area. A second interior door may be included for sound attenuation.~~

9. For purposes of any fire or life protection ordinance or regulation, a JADU shall not be considered a separate or new dwelling unit.
10. Each JADU shall, at a minimum, include an efficiency kitchen, ~~including a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit. Minimum requirements are a hot and cold water sink, four and one half cubic foot refrigerator, two ground fault circuit interrupter outlets, eight square feet of counter spaces, and five linear feet of cabinet space.~~ which has all of the following:
 - a. A cooking facility with appliances.
 - b. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.
11. Additional parking is not required for a JADU.
12. Rental Term. No JADU may be rented for a term that is shorter than 30 days. This prohibition applies regardless of when the JADU was created.
13. Owner occupancy. As required by state law, all JADUs are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person's legal domicile and permanent residence. However, the owner-occupancy requirement in this subsection does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization. ~~The property owner shall reside in either the principal dwelling unit or the JADU.~~
14. Prior to issuance of a building permit for the JADU, the property owner shall file with the city a deed restriction for recordation with the Imperial County Recorder, which shall run with the land and include the following provisions:
 - a. Pursuant to Government Code Section 66333(c)(1), the JADU may not be sold separately from the primary dwelling. ~~A prohibition on the sale of the JADU separate from the sale of the principal dwelling unit~~
 - b. The JADU is restricted to the approved size and to other attributes allowed by this section. ~~A restriction on the size and attributes of the JADU that conforms with this Section~~
 - c. The deed restriction runs with the land and may be enforced against future property owners. ~~A prohibition on using the JADU for transient occupancy~~
 - d. The deed restriction may be removed if the owner eliminates the JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request to the Planning and Zoning Department, providing evidence that the JADU has in fact been eliminated. The Planning and Zoning Department may then determine whether the evidence supports the claim that the JADU has been eliminated. Appeal may be taken from the Planning and Zoning Department's determination consistent with other provisions of this Code. If the JADU is not entirely physically removed but is only eliminated by virtue of having a

necessary component of a JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this Code. A statement that the restrictions shall be binding upon any successor owner of the property and that failure to comply with the restrictions shall result in legal action against the owner

- e. The deed restriction is enforceable by the Planning and Zoning Department for the benefit of the city. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the city is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the JADU in violation of the recorded restrictions or abatement of the illegal unit.

(m) ~~Fees Government Code Section 65852. If there is a conflict between the provisions of this city of Brawley Zoning Ordinance Section 27.201 and those of Government Code Section 65852, the Government Code provisions shall prevail:~~

1. Impact Fees:

- a. No impact fee is required for an ADU that is less than 750 square feet in size. For purposes of this subsection, "impact fee" has the same meaning as the term "fee" is defined in subdivision (b) of Section 66000 of the California Government Code, except that it also includes fees specified in California Government Code Section 66477. "Impact fee" does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.
- b. Any impact fee that is required for an ADU that is 750 square feet or larger in size must be charged proportionately in relation to the square footage of the primary dwelling unit. (E.g., the floor area of the ADU, divided by the floor area of the primary dwelling, times the typical fee amount charged for a new dwelling.)

2. Utility Fees:

- a. If an ADU is constructed with a new single-family home, a separate utility connection directly between the ADU and the utility and payment of the normal connection fee and capacity charge for a new dwelling are required.
- b. Except as described in subsection 27.201(m)(2)(a) (Utility fees), converted ADUs on a single-family lot that are created under subsection 27.201(e)(1)(a) (Approvals) are not required to have a new or separate utility connection directly between the ADU and the utility. Nor is a connection fee or capacity charge required.
- c. Except as described in subsection 27.201(m)(2)(a) (Utility fees), all ADUs that are not covered by subsection 27.201(m)(2)(b) (Utility fees) require a new, separate utility connection directly between the ADU and the utility for any utility that is provided by the city. All utilities that are not provided by the city are subject to the connection and fee requirements of the utility provider.
 - (i) The connection is subject to a connection fee or capacity charge that is proportionate to the burden created by the ADU based on either the floor area or the number of drainage-fixture units (DFU) values, as defined by the Uniform Plumbing Code, upon the water or sewer system.
 - (ii) The portion of the fee or charge that is charged by the city may not exceed the reasonable cost of providing this service.

- (n) Nonconforming Zoning Code Conditions, Building Code Violations, and Unpermitted Structures:
1. Generally. The city will not deny an ADU or JADU application due to a nonconforming zoning condition, building code violation, or unpermitted structure on the lot that does not present a threat to the public health and safety and that is not affected by the construction of the ADU or JADU.
 2. Unpermitted ADUs constructed before 2018:
 - a. Permit to Legalize. As required by state law, the city may not deny a permit to legalize an existing, but unpermitted ADU that was constructed before January 1, 2018, if denial is based on either of the following grounds:
 - (i) The ADU is in violation of building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code.
 - (ii) The ADU does not comply with the state ADU law or this ADU ordinance (Article XIII).
 - b. Exceptions:
 - (i) Notwithstanding subsection 27.201(n)(2)(a) (Unpermitted ADUs constructed before 2018), the city may deny a permit to legalize an existing, but unpermitted ADU that was constructed before January 1, 2018, if the city makes a finding that correcting a violation is necessary to protect the health and safety of the public or of occupants of the structure.
 - (ii) Subsection 27.201(n)(2)(a) (Unpermitted ADUs constructed before 2018) does not apply to a building that is deemed to be substandard in accordance with California Health and Safety Code section 17920.3.
 3. Delay in enforcement. Pursuant to California Government Code section 66331, in enforcing building standards for an ADU described in subdivisions (a) or (b) below, the City, upon request of an owner of an accessory dwelling unit for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code:
 - a. The accessory dwelling unit was built before January 1, 2020.
 - b. The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.
 - (o) Conflict with Government Code. If there is a conflict between the provisions of this city of Brawley Zoning Ordinance Section 27.201 (Accessory dwelling units and junior accessory dwelling units) and those of Chapter 13 (Government Code Sections 66310 through 66342), the Government Code provisions shall prevail.

Sec. 27.202 – Family day care home

Small family day care homes (six or fewer children) are permitted by right in single-family residential districts, however large family day care homes (seven to ~~twelve~~ fourteen children) shall comply with the following standards:

1. Permit. A large family day care permit is a nondiscretionary application for day care providers caring for seven to ~~twelve~~ fourteen children in the provider's place of residence, including children residing at the home. Application review shall be conducted by the planning director and coordinated with other responsible agencies to ensure that the operation of the large family day care home is consistent with state and local fire and life safety regulations.
2. Application. Application for a large family day care permit shall be made on forms provided by the city of Brawley and shall include such plans as may reasonably be required by the director for a complete understanding of the request, and a filing fee as established by resolution of the city council. Plans submitted for review by the director of planning shall include the following:
 - a. Interior sketch of the floor plan of the home which identifies rooms and which rooms to be used for day care purposes and location of all exits from the home (doors, sliding glass doors).
 - b. Exterior sketch of yard area to be used for day care purposes which identifies location and heights of all walls and fences (including fencing for pools, spas, and ponds/fountains), type of fence material, location of all gates, major features of yard (paved areas, patio covers, pools, spas, ponds, storage sheds, air conditioning compressors).
3. A minimum of thirty-five square feet of interior space within the residence must be provided per child. Rooms which may be included in this calculation include areas where day care activity will be conducted, including bedrooms used for sleeping, playrooms, food preparation areas, and living/family rooms. Rooms which may not be included in this calculation include closets, halls, garages and bathrooms.
4. A minimum of thirty-five square feet of outdoor play area must be provided per infant and a minimum of seventy-five square feet must be provided per child older than two years of age. Areas which may not be included in this calculation include side yards less than ten feet in width, and areas containing swimming pools, spas or other water bodies unless covered and deemed safe pursuant to state regulations. Front yards may be used to satisfy the outdoor space requirement provided the front yard is fenced, pursuant to section 27.179 (Fences, walls, and hedges) of this zoning ordinance.
5. All outdoor play areas shall be enclosed with walls or fences.
6. Garages shall be prohibited for use as a family day care play area unless:
 - a. Alternative on-site parking is available to meet minimum residential parking requirements contained in article XI; and
 - b. The garage is improved to meet building and fire code regulations as a habitable space.
7. No signs or other exterior evidence identifying the day care operation are permitted.
8. Rooms used for day care activities shall not be located above the first story, unless the residential unit is approved by the fire marshal for an automatic sprinkler system and the approved automatic sprinkler system is installed.
9. Homes shall have two legal exits for fire purposes, pursuant to the requirements of the fire marshal.
10. Notice. Notice shall be mailed to all property owners/tenants residing within one hundred feet of the parcel of land containing the large family day care use. Notice shall be given not

less than fifteen days nor greater than thirty days prior to the date of planning director decision.

11. Nondiscretionary Review. The planning director shall approve, or deny a permit for larger family day care based on compliance or noncompliance with the standards specified in this section.
12. Appeal. The planning director decision on a large family day care permit application may be appealed to the planning commission in accordance with section 27.287 of this zoning ordinance.

Sec. 27.206. – Single room occupancies

- (a) The following standards apply to single room occupancy units. In the event of conflict between these standards and the underlying zoning district regulations, the provisions of this section shall apply.
 1. Unit Size. The minimum size of a unit shall be two hundred (200) square feet, and the maximum size shall be three hundred and fifty (350) square feet.
 2. Bathroom Facilities. An SRO unit is not required to but may contain partial or full bathroom facilities. A partial bathroom facility shall have at least a toilet and sink; a full facility shall have a toilet, sink, and bathtub, shower, or bathtub/shower combination. If a full bathroom facility is not provided, common bathroom facilities shall be provided in accordance with the California Building Code for congregate residences with at least one full bathroom per every three units on a floor.
 3. Kitchen. An SRO unit is not required to but may contain partial or full kitchen facilities. A full kitchen includes a sink, a refrigerator, and a stove, range top, or oven. A partial kitchen is missing at least one of these appliances. If a full kitchen is not provided, common kitchen facilities shall be provided with at least one full kitchen per floor.
 4. Closet. Each SRO shall have a separate closet.
 5. Code Compliance. All SRO units shall comply with all requirements of the California Building Code.
- (b) Single Room Occupancy Facilities. In addition to the development standards in the underlying zoning district, the following standards apply to single room occupancy facilities. In the event of conflict between these standards and the underlying zoning district regulations, the provisions of this section shall apply.
 1. Multi-Family Developments.
 - a. New or converted multi-family residential developments comprised entirely of SROs shall have a minimum of 16 units.
 - b. New or converted multi-family developments which are not comprised entirely of SROs shall include no more than 25% of the total number of housing units as SROs.
 2. Common Area. Four square feet of interior common space per unit shall be provided, with at least two hundred (200) square feet in area of interior common space, excluding janitorial storage, laundry facilities, and common hallways. All common areas shall comply with all applicable ADA accessibility and adaptability requirements.

3. Bathroom Facilities. If private bathing facilities are not provided for each unit, shared shower or bathtub facilities shall be provided in accordance with the most recent edition of the California Building Code for congregate residences with at least one full bathroom (including toilets, sinks, and bathing facilities) per every three units on a floor. The shared shower or bathtub facility shall be accessible from a common area or hallway. Each shared shower or bathtub facility shall be provided with an interior lockable door.
4. Laundry Facilities. Laundry facilities shall be provided in a separate room at the ratio of one washer and dryer for every ten (10) units, with at least one washer and dryer per floor.
5. Cleaning Supply Room. A cleaning supply room or utility closet with a wash tub with hot and cold running water shall be provided on each floor of the SRO facility.
6. Management Plan. A management plan shall be submitted with the development application for an SRO facility and shall be approved by the planning director. The management plan must address management and operation of the facility, rental procedures, safety and security of the residents and building maintenance.
7. Facility Management. An SRO facility with ten (10) or more units shall have an on-site manager. An SRO facility with less than ten (10) units shall provide a management office on-site.
8. Parking. Parking shall be provided for an SRO facility at a rate of one parking space per unit plus an additional space for the on-site manager. Different parking standards apply in the form-based code area. See Sec. 27.143, Table 27.143: Required Parking Spaces.
9. Accessibility. All SRO facilities shall comply with all applicable ADA accessibility and adaptability requirements.
10. Existing Structures. An existing structure may be converted to an SRO facility, consistent with the provisions of this section.

Sec. 27.207. - Studio and micro-units

This section provides development and operational standards for studio units and micro-units within housing developments, as defined in Sec. 27.43 and 27.49, addressing the requirements for kitchens, bathrooms, storage space, and operations, management, and security. Accessory Dwelling Units and Junior Accessory Dwelling Units are exempt from this section and regulated separately by Sec. 27.201.

- (a) Development standards. In addition to the requirements of this Section, developments with studio or micro-units shall comply with the standards for multi-family uses in Article IV (Residential Districts).
 1. Multi-Family.
 - a. New or converted multi-family residential developments comprised entirely of studio units and/or micro-units shall have a minimum of 16 units.
 - b. New or converted multi-family developments which are not comprised entirely of studio units and/or micro-units shall include no more than 25% of the total number of housing units as studio units and/or micro-units.

2. Bathrooms. All studio and micro-units shall include a separate, private bathroom within the unit. Bathrooms must include a toilet, sink, and shower or shower/bathtub facility.
 3. Kitchens. All studio and micro-units shall include a kitchen area, which must include at a minimum, a kitchen sink, two burner cooktop appliance, countertop area, and storage cabinets, and shall comply with the requirements in Section 1208.4 of the California Building Code, Title 24.
 4. Occupancy. All studio and micro-units shall be designed to accommodate a maximum of two (2) persons per bathroom, not including children.
 5. Open space. Open space for studio and micro-units shall be provided pursuant to Article IV (Residential Districts), except that private open space for micro-units only shall be provided at a ratio of 70 square feet per dwelling unit.
 6. Storage. In addition to any outdoor storage requirements, all studio and micro-units shall have dedicated space of a minimum of 60 cubic feet for storage for clothing and linens, in addition to separate pantry/dry food storage and a utility closet within the unit. The pantry/dry food storage and utility closet shall not count toward the required cubic feet for minimum storage space.
- (b) Operations, management, and security standards. Developments with studio or micro-units shall submit information describing the operational, management and security aspects of the project along with the development application to include:
1. Description of general operations and onsite security plans;
 2. 24-hour onsite management for projects with sixteen (16) units or more in compliance with California Code Regulations (CCR), Title 25, § 42 (See also Health & Safety Code, Sections 17910 et seq).

California Building Code Consistency. All studio and micro-units shall comply with California Building Code Chapter 11A or 11B as applicable.

Sec. 27.208. - Supportive housing

All supportive housing in mixed-use overlay, where multi-family developments are allowed, and residential zones shall meet all the applicable development standards listed in the applicable zone, and in addition meet the following requirements:

1. Units within the development are subject to a recorded affordability restriction for 55 years.
2. One hundred percent of the units, excluding managers' units, within the development are restricted to lower income households and are or will be receiving public funding to ensure affordability of the housing to lower income Californians. The rents in the development shall be set at an amount consistent with the rent limits stipulated by the public program providing financing for the development.
3. At least 25 percent of the units in the development or 12 units, whichever is greater, are restricted to residents in supportive housing who meet criteria of the target population. If the development consists of fewer than 12 units, then 100 percent of the units, excluding managers' units, in the development shall be restricted to residents in supportive housing.

4. The developer provides the City of Holtville with a plan for providing supportive services, with documentation demonstrating that supportive services will be provided onsite to residents in the project, and describing those services, which shall include all of the following:
 - a. The name of the proposed entity or entities that will provide supportive services.
 - b. The proposed funding source or sources for the provided onsite supportive services.
 - c. Proposed staffing levels.
5. Nonresidential floor area shall be used for onsite supportive services in the following amounts:
 - a. For a development with 20 or fewer total units, at least 90 square feet shall be provided for onsite supportive services.
 - b. For a development with more than 20 units, at least 3 percent of the total nonresidential floor area shall be provided for onsite supportive services that are limited to tenant use, including, but not limited to, community rooms, case management offices, computer rooms, and community kitchens.
6. The developer replaces any dwelling units on the site of the supportive housing development in the manner provided in Chapter 17.49.
7. Units within the development, excluding managers' units, include at least one bathroom and a kitchen or other cooking facilities, including, at minimum, a stovetop, a sink, and a refrigerator.

Article XXI. – Density Bonus Program

Sections:

Sec. 27.310. – Purpose and Applicability

Sec. 27.3110. – Density bonus application

Sec. 27.3124. – Determination of application completeness.

Sec. 27.3132. – Processing of density bonus application.

Sec. 27.3143. – Eligibility ~~Granting of a density bonus.~~

Sec. 27.3154. – ~~Maximum allowable residential density~~ Density bonus for housing developments.

Sec. 27.3165. – ~~Granting of incentives and concessions~~ Incentives or concessions for housing developments.

Sec. 27.317. – Additional density bonus or incentive or concession for land donations or childcare facilities.

Sec. 27.318. – Condominium projects.

Sec. 27.319. – Commercial projects.

Sec. 27.32016. – ~~Approval of w~~ Waivers or reductions in development standards.

Sec. 27.32117. – Parking ratios for housing developments ~~Granting of a reduction in parking standards.~~

Sec. 27.32218. – Agreement to ensure continued affordability.

Sec. 27.32318. – Construction of affordable housing units.

Sec. 27.32418. – Fulfillment of Government Code Section 65915.

Sec. 27.310. – Purpose and Applicability

This chapter implements the statutory requirements set forth in Government Code § 65915 et seq. (known as state density bonus law). To the extent practicable, the citation to the governing statutory provision is included next to the implementing ordinance section. If any provision of this chapter conflicts with state law, the latter shall control. Applicable statutes should be consulted for amendments prior to applying the ordinance provision.

The density bonuses and incentives contained in this chapter shall apply to housing developments eligible for a density bonus and other regulatory incentives provided under state density bonus law. When an applicant seeks a density bonus for a housing development within, or for the donation of land for housing within, the City’s jurisdiction that meets the requirements set out in California Government Code § 65915, the actions and procedures set out in this chapter shall apply. The burden is on the applicant to show that the housing development meets such requirements. The density bonus provisions of California Government Code §§ 65915–65918 (state density bonus law), as may be amended from time to time, are incorporated by reference into this chapter. The City reserves the right to review applications for a density bonus in accordance with California Government Code §§ 65915–65918.

Sec. 27. 3110. – Density bonus application

In addition to any other review required for a proposed housing development, applications for a density bonus shall be filed with the planning director on a form approved by the director. The application shall be filed concurrently with an application for a site plan review or administrative approval.

The **applicant application** shall include the following documentation: ~~submit reasonable documentation to establish eligibility for a requested density bonus, incentives or concessions, waivers or reductions of development standards, and parking ratios.~~

1. A concise written description of the project, including location, number and type of housing units, including affordable units and bonus units, and the planning approval(s) required.

2. A site map showing the location and general layout of the proposed housing development and surrounding land uses and roadways.
3. A written request for the specific incentive(s), waiver(s), concession(s), or reductions in development standards sought, accompanied by a description of the rationale and accurate supporting information sufficient to demonstrate that the request is necessary to make the affordable units economically feasible and set rents at qualifying levels. If applicable, the applicant shall identify the proposed use of any housing subventions or programs for the housing development, such as Community Development Block Grants or other sources of funding.
4. Information demonstrating the feasibility of the project as proposed including the following:
 - a. A development pro forma with the capital costs, operating expenses, return on investment, revenues, loan-to-value ratio and the debt-coverage ratio, including the contribution provided by any applicable subsidy programs, and the economic effect created by the thirty-year use and income restrictions of the affordable housing units.
 - b. An appraisal report indicating the value of the density bonus and of the incentive(s) and of the value of any other incentives.
 - c. Sources and use of funds statement identifying the projected financing gap of the project with the affordable housing units that are the basis for granting the density bonus and incentive(s). The applicant shall establish how much of the gap would be covered by the density bonus, leaving a remainder figure to be covered by an additional incentive.
5. All application fees as set by the City Council by resolution.
6. Such other materials as the planning director may determine are necessary to review the request in accordance with this code.

Sec. 27. 3121. - Determination of application completeness.

Application Completeness. The formal processing of an application shall begin on the date the application is deemed complete. The statutory period of thirty days established by state law for determining completeness (California Government Code Section 65943 [Permit Streamlining Act]), shall begin the day the application is accepted by the Planning Director.

Initial Determination. Within thirty days of application acceptance, the planning director shall determine whether the application is complete. The director shall notify the applicant in writing that one of the determinations has been made:

Complete Application. All submittal requirements have been satisfied and the application has been deemed complete. A description of the amount of density bonus and parking ratios, if requested, the applicant is eligible for will be provided. The letter will further specify whether the applicant has provided adequate information to make a determination on any incentives, concessions, waivers, or reduction of development standards requested by the applicant.

Incomplete Application. Specific information is still necessary to complete the application. The letter may also identify preliminary information regarding the areas in which the submitted application is not in compliance with the city development standards and application requirements.

Determination on Resubmittal. Within thirty days of acceptance of information submitted in response to a determination of incomplete application, the planning director shall

determine whether the application is complete. The planning director shall notify the applicant in writing that one of the determinations has been made:

Complete Application. All submittal requirements have been satisfied and the application has been deemed complete. A description of the amount of density bonus and parking ratios, if requested, the applicant is eligible for will be provided. The letter will further specify whether the applicant has provided adequate information to make a determination on any incentives, concessions, waivers, or reduction of development standards requested by the applicant.

Incomplete Application. Specific information is still necessary to complete the application. The letter shall specify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete, including a list and thorough description of the specific information needed to complete the application.

Adjustments to Determination. Any determination made by the planning director shall be based on the development project at the time the application is complete. The amount of density bonus and parking ratios awarded shall be adjusted based on any changes to the project during the course of development.

Right to Appeal. The applicant may appeal the determination in accordance with the California Government Code Section 65493 (Permit Streamlining Act). A final written determination on the appeal shall be rendered not later than sixty days after receipt of the application's written appeal.

Sec. 27. 3132. – Processing of density bonus application.

1. Site plan review application. City staff shall process the density bonus application in the same manner as, and concurrently with, the application for a site plan review or administrative approval that is required by this zoning ordinance. Applications for density bonuses, incentives or concessions, waivers or reductions of development standards, and/or parking ratios pursuant to this Chapter and State Density Bonus Law, shall comply with the following procedures for processing:
 - b. Planning applications. Applicants for density bonuses, incentives or concessions, waivers or reductions of development standards, and/or parking ratios pursuant to this Chapter and State Density Bonus Law, shall complete and file the Density Bonus Program Application and an application form(s) for the standard permit(s) (e.g., Site Plan Review, Conditional Use Permit, and/or Land Use Permit) required for the project, which includes site information, number of units, requested density bonus units, proposed number of affordable units, requested incentives, financial information, site plan, and any other documentation required by the zoning ordinance, government code, and planning director.
 - c. Preparation, filing, and initial processing of site plan review applications. Both the city and applicants shall follow the procedures and requirements in Article XVIII. (administration of zoning - site plan review) and Government Code Sections 65915(a)(2), 65915(a)(3), and 65943, or successor statutes, for the preparation, filing, and initial processing of site plan review applications.

Once an application submitted pursuant to this Chapter is deemed complete, the City shall provide the applicant with a determination as to the amount of density bonus for which the applicant is eligible; and, if requested by the applicant, the parking ratio for which the applicant is eligible; and, if requested by the applicant, whether the applicant

has provided adequate information for the City to make a determination as to incentives, concessions, or waivers or reductions of development standards requested by the applicant; and/or the amount of additional density bonus or incentive or concession for which the applicant is eligible.

- d. **Permit review and decisions.** The Department shall follow the procedures in Chapter 27 (Brawley zoning ordinance) for the review, and approval, conditional approval, or denial of housing developments or a project to convert apartments to a condominium under this Chapter and State Density Bonus Law.
- (i) **Land use and development standards.** All housing developments or projects to convert apartments to condominiums shall comply with all applicable requirements of the primary zone in addition to the requirements of this Chapter and State Density Bonus Law. If a requirement of this Chapter or State Density Bonus Law conflicts with a requirement of the primary zone, the requirements of this Chapter and State Density Bonus Law shall control.
- (ii) **Amendments or other discretionary approval.** The granting of density bonuses, incentives or concessions, waivers or reductions of development standards, and/or parking ratios shall not be interpreted, in and of itself, to require a Comprehensive Plan amendment, Development Code text amendment, zoning map amendment, or other discretionary approval separate from the discretionary approval otherwise required for the project.
- (iii) **Affordable housing agreement.** Prior to the issuance of any planning permit for a project receiving a density bonus or other incentive under this Chapter, the applicant shall record an affordable housing agreement for a project with rental units along with a resale restrictive covenant for projects with for-sale units. The agreements and covenants shall ensure the continued availability of the units for persons and households of the types and incomes included in Sec. 27.314(1) (Eligible projects), below, pursuant to the costs, periods, and other requirements in Government Code Sections 65915(c)(1), 65915(c)(2), and 65916 or successor statutes. All units shall be restricted for the maximum period allowed by this Chapter, and Government Code Sections 65915(c)(1), 65915(c)(2), and 65916, or successor statutes.

Sec. 27. 3143. - Eligibility ~~Granting of a density bonus.~~

- ~~1. For a housing development qualifying pursuant to the requirements of Government Code Section 65915, the city shall grant a density bonus in an amount specified by Government Code Section 65915. Except as otherwise required by Government Code Section 65915, the density bonus units shall not be included when calculating the total number of housing units that qualifies the housing development for a density bonus.~~ **Eligible projects.** Except as provided in Subsection 2 (Ineligible projects) below, the following projects shall be eligible for density bonuses, incentives or concessions, waivers or reductions of development standards, and/or parking ratios pursuant to the amount, type, and other applicable criteria in this Chapter and the State Density Bonus Law:
- a. Housing developments, including shared housing developments, where ten percent of the total units are for rent or sale to lower income households, as defined in Section 50079.5 of the Health and Safety Code.

- b. Housing developments, including shared housing developments, where five percent of the total units are for rent or sale to very low-income households, as defined in Section 50105 of the Health and Safety Code.
 - c. Housing developments where ten percent of the total dwelling units are sold to persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code, provided that all units in the development are offered to the public for purchase.
 - d. A senior citizen housing development pursuant to Government Code Section 65915(b)(1)(C) or successor statute.
 - e. A mobile home park that limits residency based on age requirements for housing for older persons pursuant to Government Code Section 65915(b)(1)(C) or successor statute.
 - f. Ten percent of the total units for transitional foster youth, disabled veterans, or homeless persons pursuant to Government Code Section 65915(b)(1)(E) or successor statute.
 - g. Twenty percent of the total units for lower-income students in an eligible student housing development pursuant to Government Code Section 65915(b)(1)(F) or successor statute.
 - h. Housing developments where one hundred percent of all units in the development, including total units and density bonus units, but exclusive of a manager's unit or units, are for lower income households, as defined by Section 50079.5 of the Health and Safety Code, except that up to 20 percent of the units in the development, including total units and density bonus units, may be for moderate-income households, as defined in Section 50053 of the Health and Safety Code.
 - i. **Condominium projects.** A project to convert apartments to a condominium that will provide at least 33 percent of the total units of the proposed condominium project to persons and families of low or moderate income, or at least 15 percent of the total units of the proposed condominium project to lower-income households pursuant to Government Code Section 65915.5 or successor statute. See Sec. 27.318. (Condominium projects) for information on qualified projects and applicable density bonuses and incentives.
2. **Ineligible projects.** The following projects shall be ineligible for density bonuses or other incentives or concessions:
- a. **Ineligible housing development projects.** An applicant shall be ineligible for a density bonus or any other incentives or concessions under this Chapter and Government Code Section 65915 if the housing development is proposed on any property that includes a parcel or parcels on which rental dwelling units are or, if the dwelling units have been vacated or demolished in the five-year period preceding the application, have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control through a public entity's valid exercise of its police power; or occupied by lower- or very low-income households, unless the proposed housing development replaces those units, and otherwise complies with the terms in Government Code Section 65915(c)(3) or successor statute.
 - b. **Ineligible condominium projects.** The following projects to convert apartments to a condominium shall be ineligible for a density bonus or other incentives:
 - (i) Pursuant to Government Code Section 65915.5(f) or successor statute, the apartments proposed for conversion constitute a housing development for which

a density bonus or other incentives were provided under this Chapter or Government Code Section 65915.

- (ii) Pursuant to Government Code Section 65919.5(g) and (h) or successor statutes, the condominium project is proposed on any property that includes a parcel or parcels on which rental dwelling units are or, if the dwelling units have been vacated or demolished in the five-year period preceding the application, have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control through the County's valid exercise of its police power; or occupied by lower- or very low-income households.

Sec. 27.3154. - ~~Maximum allowable residential density~~ Density bonus for housing developments.

1. ~~For the purpose of calculating the density bonus, the "maximum allowable residential density" shall be the maximum density allowed under the zoning ordinance and land use element of the general plan, or, if a range of density is permitted, the maximum allowable density for the specific zoning range and land use element of the general plan applicable to the project. Where the density allowed under the zoning ordinance is inconsistent with the density allowed under the land use element of the general plan, the maximum density allowed in the general plan shall prevail.~~ Applicability. The City shall grant density bonuses in accordance with Government Code Sections 65915(b) and 65915(v) or successor statute to housing developments that meet the criteria in Sec. 27.314. (Eligibility) above, and Government Code Section 65915(b) or successor statute.
2. Amount/percentage. The amount of density increase for eligible housing developments shall be calculated pursuant to the percentages, conditions, and other provisions in Government Code Section 65915(f) or successor statute.
3. Optional increase in amount/percentage. The Department may grant a density bonus greater than what is described in Government Code Section 65915(f) or successor statute for housing developments that meet the requirements of this Chapter.
4. Impact fees. For the purposes of this Chapter and Government Code Section 65915.1, affordable housing impact fees, including inclusionary zoning fees and in-lieu fees, shall not be imposed on a housing development's affordable units.
5. Density bonus location. Eligible housing developments and density bonuses shall be located in areas as defined in Government Code Section 65915(i) or successor statute.
6. Continued affordability and affordable housing agreement - rental units. An applicant shall agree to, and the City shall ensure, the continued affordability of all very low-, low-, and moderate-income rental units that qualified the applicant for a density bonus for a minimum duration as follows:
 - a. Projects that are funded without low-income housing tax credits shall ensure affordability for a minimum period of 90 years;
 - b. Projects that are funded with low-income housing tax credits shall ensure affordability for a minimum period of 55 years.

In addition, the City shall enforce an affordable housing agreement, pursuant to the terms in Government Code Section 65915(c)(1) or successor statute.

7. Continued affordability - for-sale units. An applicant shall agree to, and the City shall ensure that the qualified applicant for the density bonus award meets either of the following pursuant to Government Code Section 65915(c)(2) or successor statute:
- a. The initial occupant of all for-sale units that qualified the applicant for the density bonus are persons and families of very low, low, or moderate income, the units are offered at an affordable housing cost, and are subject to an equity sharing agreement, unless this is in conflict with the requirements of another public funding source.
 - b. If the unit is not purchased by an income-qualified person or family within 180 days after the issuance of the certificate of occupancy, the unit is purchased by a qualified nonprofit housing corporation pursuant to a recorded contract that satisfies the requirements in the California Revenue & Tax Code §402.1(a)(10) and includes all of the following:
 - (i) The nonprofit corporation has a determination letter from the Internal Revenue Service affirming its tax-exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code and is not a private foundation as that term is defined in Section 509 of the Internal Revenue Code;
 - (ii) The nonprofit corporation is based in California;
 - (iii) All of the board members of the nonprofit corporation have their primary residence in California; and
 - (iv) The nonprofit corporation incorporates within their contracts for initial purchase a repurchase option that requires a subsequent purchaser of the property to offer the nonprofit corporation the right to repurchase the property prior to selling or conveying that property to any other purchaser pursuant to an equity sharing agreement, unless this is in conflict with the requirements of another public funding source; or affordability restrictions requiring the property to be sold or resold only to very low-, low-, or moderate-income households and preserved for lower-income housing for at least 45 years if the project is funded with low-income housing tax credits or at least 90 years if the project is funded without low-income housing tax credits.

For the purposes of this Chapter a qualified nonprofit housing corporation shall mean a nonprofit housing corporation organized pursuant to Internal Revenue Code §501(c)(3) that has received a welfare exemption under the California Tax and Revenue Code §214.15 for properties intended to be sold to low-income families who participate in a special no-interest loan program.

Sec. 27.3165. - ~~Granting of incentives and concessions~~ Incentives or concessions for housing developments.

1. ~~The city shall grant the applicant the number of incentives and concessions required by Government Code Section 65915. The city shall grant the specific concession(s) or incentive(s) requested by the applicant, unless it makes any of the relevant written findings stated in Government Code Section 65915(d). Senior citizen housing developments that qualify for a density bonus shall not receive any incentives or concessions, unless Government Code Section 65915 is amended to specifically require that local agencies grant incentives or concessions for senior citizen housing developments. **Applicability.** An applicant for a density bonus pursuant to Sec. 27.315. (Density bonus for housing~~

developments) above, and Government Code Section 65915(b) or successor statute, may submit to the City a proposal for the specific incentives or concessions that the applicant requests pursuant to Sec. 27.316. (Incentives or concessions for housing developments), Government Code Sections 65915(d), 65915(j), or successor statutes.

2. Number of incentives or concessions. Except as provided in Sec. 27.316.(4) (Approval and findings for denial) below, and Government Code Section 65915(d)(1) or successor statute, the applicant shall receive from one to five incentives or concessions pursuant to Government Code Section 65915(d)(2) and Government Code Section 65915(v) or successor statutes.
3. Types of incentives or concessions. For the purposes of this Chapter and in accordance with Government Code Section 65915(k), incentive or concession means any of the following.
 - a. Modification of development standards. A reduction in site development standards or a modification of zoning requirements or architectural design requirements of this Chapter that exceed the minimum building standards in City Municipal Code Chapter 7, Building Regulations, that would otherwise be required, that results in identifiable and actual cost reductions.
 - b. Approval of mixed-use zoning. Approval of mixed-use zoning in conjunction with the housing development if commercial, office, industrial or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing development and the existing or planned development in the area where the housing development will be located.
 - c. Other regulatory incentives or concessions. Other regulatory incentives or concessions proposed by the applicant or the city that result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5, or for rents for the targeted units to be set as specified in Government Code Section 65915(c) or successor statute.
 - d. Direct financial incentives. This Sec. 27.316. (Incentives or concessions for housing developments) does not limit or require the provision of direct financial incentives for a housing development, including the provision of publicly owned land by the City or the waiver of fees or dedication requirements.

Sec. 27.316. (Incentives or concessions for housing developments) does not limit or require the provision of direct financial incentives for the housing development, including the provision of publicly owned land, by the city, county, or city and county, or the waiver of fees or dedication requirements.

4. Approval and findings for denial. The City shall grant the incentives or concessions requested by the applicant unless the City makes a written finding, based on substantial evidence, of any of the following:
 - a. The concession or incentive does not result in identifiable and actual cost reductions to provide for affordable housing costs or for rents for the targeted units pursuant to Government Code Section 65915(d)(1)(A) or successor statute;
 - b. The concession or incentive would have a specific, adverse impact upon public health and safety, or on any real property that is listed in the California Register of Historical Resources, and for which there is no feasible method to satisfactorily mitigate or avoid

the specific, adverse impact without rendering the development unaffordable to low- and moderate-income households pursuant to Government Code Section 65915(d)(1)(B) or successor statute; or

- c. The concession or incentive would be contrary to state or federal law, pursuant to Government Code Section 65915(d)(1)(C) or successor statute.

For purposes of this Chapter "Housing development," shall mean a development project for five or more residential units, including mixed-use developments. It also includes a subdivision or common interest development, as defined in Section 4100 of the Civil Code, approved by a city, county, or city and county and consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined in subdivision (d) of Section 65863.4, where the result of the rehabilitation would be a net increase in available residential units.

Sec. 27.317. - Additional density bonus or incentive or concession for land donations or childcare facilities.

1. **Applicability and Type of Density Bonus.** The City shall grant an additional density bonus or incentive or concession as follows:
 - a. **Land donations.** When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to the City for the development of very low-income housing units, the applicant shall be entitled to an increase above the otherwise maximum allowable density mandated by Government Code Section 65915(b) or successor statute pursuant to the amount and conditions specified in Government Code Section 65915(g) or successor statute and any other applicable provisions in Government Code Section 65915.
 - b. **Childcare facilities.** A housing development that conforms to Government Code Sections 65915(b) and (h), or successor statutes, and includes a childcare facility that will be located on the premises of, as part of, or adjacent to, the project shall receive an additional density bonus that is an amount of square feet of residential space or an additional incentive or concession pursuant to the amount and conditions of Sec. 27.316 (Incentives or concessions for housing developments) and Government Code Sections 65915(h) and (k) or successor statutes.

For purposes of this Chapter, "childcare facility" shall mean a day care center for children.

Sec. 27.318. - Condominium projects.

1. **Applicability.** The City shall grant a density bonus or provide other incentives of equivalent financial value to an eligible project to convert apartments to a condominium pursuant to the amount and criteria in this Sec. 27.318 (Condominium projects), Sec. 27.314.(1)(h) (Eligible projects) and Sec. 27.314.(2)(b) (Ineligible condominium projects) above, and Government Code Section 65915.5 or successor statute.
 - a. **Density bonus.** For purposes of this Sec. 27.318 (Condominium projects) and Government Code Section 65915.5 or successor statute, "density bonus" means an

increase in units of 25 percent over the number of apartments, to be provided within the existing structure or structures proposed for conversion.

- b. **Other incentives.** For purposes this Sec. 27.318 (Condominium projects) and Government Code Section 65915.5 or successor statute, "other incentives of equivalent financial value" shall not be construed to require the City to provide cash transfer payments or other monetary compensation but may include the reduction or waiver of requirements which the City might otherwise apply as conditions of conversion approval.
2. **General requirements.** The following provisions and all applicable provisions in Government Code Section 65915.5 or successor statute shall apply to a project to convert apartments to a condominium:
 - a. **Administrative costs.** The applicant shall pay for the reasonably necessary administrative costs incurred by the City pursuant to Sec. 27.318 (Condominium projects) and Government Code Section 65915.5 or successor statute.
 - b. **Conditions of approval.** The City may place reasonable conditions on the granting of a density bonus or other incentives of equivalent financial value as it finds appropriate, including, but not limited to, conditions which assure continued affordability of units to subsequent purchasers who are persons and families of low and moderate income or lower-income households.
 - c. **Authority to deny.** Nothing in this Sec. 27.318 (Condominium projects) or Government Code Section 65915.5 or successor statute shall be construed to require the City to approve a proposal to convert apartments to condominiums.

Sec. 27.319. - Commercial projects.

When a developer proposes to construct a commercial development and has entered into a partnered housing agreement approved by the City, the City shall grant a commercial development bonus mutually agreed upon by the developer and the city. The commercial development bonus shall be pursuant to Government Code Section 65915.7 or successor statute and shall not include a reduction or waiver of fees imposed on the commercial development to provide for affordable housing. The partnered housing agreement shall include all of the following provisions:

1. The housing development shall be located either on the site of the commercial development or on a site within the city that is within one-half mile of a major transit stop and is located in close proximity to public amenities, including schools and employment centers.
2. At least 30 percent of the total units in the housing development shall be made available at affordable ownership cost or affordable rent for low-income households, or at least 15 percent of the total units in the housing development shall be made available at affordable ownership cost or affordable rent for very low-income households.

3. The commercial developer must agree either to directly build the target units; donate a site consistent with Sec. 27.319(1) (Commercial projects) for the target units; or make a cash payment to the housing developer for the target units.

Any approved partnered housing agreement shall be described in the city's housing element annual report as required by Cal. Gov't Code § 65915.7(k).

Sec. 27. 32016. - ~~Approval of w~~Waivers or reductions in development standards.

1. Except as restricted by Government Code Section 65915, the applicant for a density bonus may submit a proposal for the waiver or reduction of development standards that have the effect of physically precluding the construction of a housing development incorporating the density bonus and any incentives or concessions granted to the applicant. A request for a waiver or reduction of development standards shall be accompanied by documentation demonstrating that the waiver or reduction is physically necessary to construct the housing development with the additional density allowed pursuant to the density bonus and incorporating any incentives or concessions required to be granted. Unless otherwise stated in Subsection 2 (Limitations and standards for a waiver or reduction in development standards), and Government Code Section 65915(e) or successor statute, the city shall approve a waiver or reduction of a development standard, ~~unless it finds that:~~
 - ~~1. The application of the development standard does not have the effect of physically precluding the construction of a housing development at the density allowed by the density bonus and with the incentives or concessions granted to the applicant;~~
 - ~~2. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact;~~
 - ~~3. The waiver or reduction of the development standard would have an adverse impact on any real property that is listed in the California Register of Historical Resources; or~~
 - ~~4. The waiver or reduction of the development standard would be contrary to state or federal law.~~
2. Limitations and standards for a waiver or reduction in development standards. The city shall apply the following limitations and standards when considering an applicant's request for a waiver or reduction of development standards:
 - a. Limitation on development standards. The City shall not apply any development standard that will have the effect of physically precluding the construction of a housing development meeting the criteria in Sec. 27.314(1) (Eligible projects) above, and Government Code Section 65915(b) or successor statute at the densities or with the concessions or incentives permitted by this Chapter.
 - b. Impact on health or safety. Nothing in this subdivision shall be interpreted to require the City to waive or reduce development standards if the waiver or reduction would

have a specific, adverse impact, as defined in Government Code Section 65589.5(d)(2) or successor statute, upon health or safety and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

- c. Impact on historical resources. Nothing in this subdivision shall be interpreted to require the City to waive or reduce development standards that would have an adverse impact on any real property that is listed in the California Register of Historical Resources.
- d. No effect on state and federal law. Nothing in this subdivision shall be interpreted to require the City to grant any waiver or reduction that would be contrary to state or federal law.
- e. No effect on incentives or concessions. A proposal for the waiver or reduction of development standards pursuant to this Sec. 27.320 (Waivers or reductions in development standards) shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to Sec. 27.316. (Incentives or concessions for housing developments) and Government Code Section 65915(d) or successor statute.
- f. Limitation for a housing development near a major transit stop. A housing development that receives a waiver from any maximum controls on density because it is located within one-half mile of a major transit stop shall only be eligible for a waiver or reduction of development standards as provided in Government Code Sections 65915(d)(2)(D) and 65915(f)(3)(D)(ii) or successor statutes, unless the city agrees to additional waivers or reductions of development standards.
 - (i) For purposes of this Chapter, "major transit stop" shall have the same meaning as defined in Public Resources Code Section 21155.
 - (ii) For purposes of this Chapter, "located within one-half mile of a major transit stop" shall have the same meaning as defined in Government Code Section 65915(o)(3) or successor statute.

Sec. 27. 32117. - Parking ratios for housing developments ~~Granting of a reduction in parking standards.~~

- 1. ~~The applicant may request, and the city shall grant, a reduction in parking requirements in accordance with Government Code Section 65915(p), as that section may be amended from time to time.~~ Maximum parking ratios. Upon the request of the applicant, except as provided in Subsection 2 (Limited or no parking ratio for certain housing developments) below, and Government Code Sections 65915(p)(2), (3), and (4), or successor statutes, the city shall not require a vehicular parking ratio for a housing development meeting the criteria of this Chapter that exceeds the following:
 - a. Zero to one bedroom: one onsite parking space.
 - b. Two to three bedrooms: one and one-half onsite parking spaces.

- c. Four and more bedrooms: two and one-half onsite parking spaces.
- 2. Limited or no parking ratio for certain housing developments. Notwithstanding Sec. 27.321(1) (Maximum parking ratios) above, and Government Code Section 65915(p)(1) or successor statute, and upon the request of the applicant, the city shall impose a limited vehicular parking ratio or no vehicular parking ratio, inclusive of parking for persons with a disability and guests, for the following housing developments:
 - a. The parking ratio shall not exceed 0.5 spaces per unit for a housing development that includes at least 20 percent low-income units or at least 11 percent very low-income units and meets the remaining criteria in Government Code Section 65915(p)(2)(A) or successor statute.
 - b. The parking ratio shall not exceed 0.5 spaces per bedroom for a housing development that includes at least 40 percent moderate-income units and meets the remaining criteria in Government Code Section 65915(p)(2)(A) or successor statute.
 - c. No parking ratio or standards for a housing development that consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower-income families shall be imposed if it meets the criteria in Government Code Section 65915(p)(3) or successor statute.
 - d. Pursuant to the criteria in Government Code Section 65915(p)(4) or successor statute, and notwithstanding Government Code Sections 65915(p)(1) and (8), no minimum parking requirement shall be imposed for a housing development that consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower-income families and is a special needs housing development with either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day, or a supportive housing development.
- 3. General requirements. The City shall apply the following requirements when processing an applicant's request for a reduced vehicular parking ratio in accordance with Government Code Section 65915(p) or successor statute:
 - a. If the total number of parking spaces required for a housing development is not a whole number, the number shall be rounded up to the next whole number.
 - b. For purposes of this Chapter, a housing development may provide onsite parking through tandem parking or uncovered parking, but not through onstreet parking.
 - c. An applicant may request parking incentives or concessions beyond those provided in Sec. 27.321 (Parking ratios for housing developments), pursuant to Government Code Section 65915(d), or successor statute.
 - d. Notwithstanding Subsection 2 (Limited or no parking ratio for certain housing developments), above, and Government Code Sections 65915(p)(2) and (3), or successor statutes, the City may impose a higher vehicular parking ratio not to exceed the ratio

described in Subsection 1 (Maximum parking ratios), above, based upon substantial evidence found in a parking study.

- e. A request pursuant to Sec. 27.321 (Parking ratios for housing developments) shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to Sec. 27.316. (Incentives or concessions for housing developments), above, and Government Code Section 65915(d) or successor statute.

Except as otherwise provided in this section, all other parking provisions of Article XI. (Parking and Loading) applicable to residential developments apply.

Sec. 27. ~~322~~18. - Agreement to ensure continued affordability.

~~The applicant shall enter into an agreement with the city to ensure the continued affordability of all affordable units or the continued reservation of such units for qualifying senior citizens. Prior to receiving a building permit for any project that receives a density bonus or any incentive, concession, waiver, or reduction of development standards pursuant to this section, such agreement shall be recorded as a covenant against the property.~~ Prior to the issuance of any planning permit for a project receiving a density bonus or other incentive under this Chapter, the applicant shall record an affordable housing agreement for a project with rental units along with a resale restrictive covenant for projects with for-sale units. The agreements and covenants shall ensure the continued availability of the units for persons and households of the types and incomes included in Sec. 27.314(1) (Eligible projects), below, pursuant to the costs, periods, and other requirements in Government Code Sections 65915(c)(1), 65915(c)(2), and 65916 or successor statutes. All units shall be restricted for the maximum period allowed by this Chapter, and Government Code Sections 65915(c)(1), 65915(c)(2), and 65916, or successor statutes.

Sec. 27. ~~323~~18. - Construction of affordable housing units.

For any development project that is granted a density bonus or other benefit pursuant to this section, the affordable units that qualify the project as eligible for a density bonus, must be constructed concurrently with or prior to the construction of any market rate units. In addition, the affordable units must be integrated with the market rate unit so that there is a mix of affordable and market rate units, if any, in each building of the development project.

Sec. 27. ~~324~~18. - Fulfillment of Government Code Section 65915.

The provisions of article XXI shall be interpreted to fulfill the requirements of Government Code Section 65915. Any changes to that Government Code Section 65915 shall be deemed to supersede and govern any conflicting provisions contained herein.

Article XXII. – Reserved

Sections:

Secs. 27.~~321~~325 – 27.330 – Reserved

Secs. 27.~~321~~325 – 27.330 – Reserved