



## **PLANNING COMMISSION**

George A Marquez, Chairman

Kevan Hutchinson, Vice-Chairman

Eugene Bumbera    Jay Goyal    Eric M. Reyes

Ramon M. Sagredo    Darren Smith

### **AGENDA**

**PLANNING COMMISSION  
REGULAR MEETING  
WEDNESDAY, AUGUST 13, 2014 AT 5:30 P.M.  
CITY COUNCIL CHAMBERS  
383 MAIN STREET  
BRAWLEY, CALIFORNIA**

1. CALL TO ORDER / ROLL CALL
2. APPROVE AGENDA
3. APPROVE MINUTES OF JUNE 4, 2014
4. PUBLIC APPEARANCES

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

#### **PUBLIC HEARING**

5. An application for a variance (VAR14-04) to allow the temporary installation of a shipping container which will serve as storage until a permanent storage building is constructed or for no longer than two years in a C-2 (Medium Commercial) Zone.  
Applicant: Jay Goyal for  
JRM Development  
890 Flammang Avenue  
Brawley, CA 92227  
Location: 630 Brawley Avenue, more particularly described as the northerly 167.53 foot strip, Block 1, Townsite of Brawley, City of Brawley, County of Imperial, State of California, APN 048-201-003



6. AMENDMENT TO THE BRAWLEY DOWNTOWN SPECIFIC PLAN (PD12-01)  
PROPOSING CHANGES TO THE APPROVAL PROCESS FOR SIDEWALK SALES  
IN THE DOWNTOWN DISTRICTS

Recommended changes to the Brawley Downtown Specific Plan conditional use  
permitting process as it applies to sidewalk sales in the downtown districts

**COMMISSION ACTION**

7. RECOMMENDED AMENDMENTS TO THE BRAWLEY MUNICIPAL CODE TO  
DETERMINE OBSOLESCENCE AND TO REPEAL OR MODIFY CERTAIN  
ORDINANCES

CHAPTER 10A. Design Review in the Central Business District

CHAPTER 10B. Development Impact Fee

CHAPTER 10C. Design Standards for Multiple-Family Residential Projects

ARTICLE XXII.-Mixed Use Overlay District.

8. REVIEW AND ADOPTION OF PLANNING COMMISSION RULES 2014-2015

9. ELECTION OF OFFICERS 2014-2015

10. ZONING CODE ENFORCEMENT

11. ADJOURNMENT

Supporting documents are available for public review in the Planning Department, 400 Main Street, Suite 2, Brawley, Monday through Friday, during regular posted business hours. Individuals who require special accommodations are requested to give 24-hour prior notice.

Contact: Alma Benavides, City Clerk, 760-351-3080



The Planning Commission of the City of Brawley, California, met in Regular Session at 5:30 p.m., City Council Chambers, 383 Main Street, Brawley, California, the date, time, and place duly established for the holding of said meeting. The City Clerk attests to the posting of the agenda pursuant to G.C. 54954.

#### CALL TO ORDER/ROLL CALL

The meeting was called to order by Chairman Marquez at 5:35 p.m.

**Present:** Hutchinson, Goyal, Reyes, Bumbera, Smith,

**Absent:** Reyes, Sagredo

#### APPROVAL OF AGENDA

Motion: The Planning Commission approves the agenda as presented. m/s/c Bumbera/Smith 5-0

#### APPROVAL OF MINUTES

Vice Chairman Hutchinson noted a need for a correction on who called the meeting to order.

Motion: The Planning Commission approves the minutes of May 7, 2014 as corrected. m/s/c Hutchinson/Smith 5-0

#### PUBLIC APPEARANCES

Chairman Marquez called for public appearances. There were none.

#### PUBLIC HEARING

Due notice having been given, now is the time to consider an application for a variance (VAR14-02) to allow construction of a 6-foot high wrought iron fence within the front yard setback an apartment complex in R-E (Residential Medium Density) zone, 275 Cattle Call Apartments.

Applicant: Tina Carroll  
1007 Calle de Lune  
Brawley, CA 92227

Location: Parcel 2, Certificate of Compliance of the West 250 feet of the South 165 feet of Lot 21, Rio Vista Rancho Subdivision, City of Brawley, County of Imperial, State of California, APN 048-185-015

Gordon Gaste, Planning Director gave an overview of the project.

Applicant Tina Carroll explained that she has been having issues of graffiti and vandalism of tenant's automobiles.

Commissioner Bumbera inquired if the property had the required parking spaces.

Mr. Gaste answered that it meets the Zoning Ordinance parking requirements.

Mr. Marquez opened the public hearing at 5:38 p.m.

There were no public comments or questions from public or the Commission.

Mr. Marquez closed the public hearing at 5:39 p.m.

Motion: The Planning Commission makes findings consistent with the Planning Commission Staff Report and approves the variance (PM14-02) allowing for the 6-foot high wrought iron fence within the 20 foot front yard setback subject to compliance with the conditions of approval. m/s/c Smith/Goyal 5-0

#### DISCUSSION –SIDEWALK SALES IN THE DOWNTOWN DISTRICTS

Mr. Gaste gave an overview of exploring new possibilities to allow for sidewalk sales in the

Downtown Specific Plan area per direction of City Council. Mr. Gaste listed several potential options.

Francisco Soto stated that since the relinquishment of Main Street by CALTRANS and the adoption of the Downtown Specific Plan, no sidewalk sales are allow unless the business possesses a Conditional Use Permit.

A discussion ensued regarding handicap access requirements and potential limits on when and what portion of the sidewalk that sales can take place.

Mr. Jason Zara, Brawley Chamber of Commerce Executive Director, stated his support for sidewalk sales. Possible restrictions that he mentioned were the location on the sidewalk the sales can take place and allowing each business to obtain a license twelve times a year for such sales. He also stated that maybe also allowing additional sales during special events such as the Farmer's Markets and Cattle Call.

Commissioner Goyal voiced his support for allowing the sales every day of the year since it helps to promote their business.

Mr. Marquez stated he would support daily sales if it were restricted to only 5 feet in front of the store which would still allow 10 feet of access for pedestrians.

Mr. Soto stated that the Fire Department has had concerns that when they take the products in for the day, that storage of the products is blocking the doorway inside the building.

A discussion ensued about allowing only certain types of products are displayed outside.

However, the Commission determined that since there was such a large variety of products, listing restrictions would create bias and a difficult subjective way of enforcing the ordinance. It was agreed that items should be displayed in an organized fashion either on a rack or on a table.

The Commission directed the Planning Director to provide some samples for other cities for comparison purposes.

Mr. Hutchinson asked if this would have any effect on Farmer's Market or other special events. Mr. Gaste stated that the procedure for allowing those types of events are already established and lead by the Public Works and Parks and Recreation Department.

Mr. Gaste recommended that the downtown merchants should also be involved for the aesthetics of the sales.

The Commission directed the Planning Director to write the draft ordinance that includes the sidewalk sales be allowed of first 5 feet adjacent to the building every day and noted that further procedures and restrictions could be added when the item comes back in August meeting for recommendation for approval.

#### ZONING CODE ENFORCEMENT

Mr. Soto stated that his department is still in the process of enforcing the banner sign ordinance and notifying property owners if they are in violation.

Mr. Soto also mentioned that he is actively trying to enforce the proper securing of abandoned residences, moving transients off of vacant properties and weed abatement.

Mr. Smith asked about the progress of the property at 279 J Street. Mr. Soto stated that the case is moving forward with the City Attorney at this time.

#### NEXT MEETING DATE

The Commission voted to skip the July regularly scheduled meeting and adjourn to the August regular meeting to August 13, 2014 due to anticipated absences by the Commissioners which may prevent a quorum.

#### ADJOURNMENT

Motion: The meeting of the Planning Commission adjourns at 6:20 p.m. m/s/c/ Smith/Bumbera 5-0

**PLANNING COMMISSION STAFF REPORT**

**Variance #:** VAR14-04

**Property Owner:** JRM Development

**Applicant/  
Representative:** Jay Goyal

**Legal Description:** The Northerly 167.53 foot strip, Block 1, Townsite of Brawley, City of Brawley, County of Imperial, State of California, APN 048-201-003

**Location:** 630 Brawley Avenue

**Area:** 1.2 Acres (52,272 Square Feet)

**Zoning:** C-2 (Medium Commercial)

**Existing Use:** Laundromat, Offices

**Proposed Use:** Addition of Temporary Shipping Container for Storage

**Surrounding Land Uses:**

**North -** C-2 (Medium Commercial) / Convenience Store, Service Station  
**South -** MHP (Mobile Home Park) / Mobile Home Park  
**East -** P-F (Public Facilities) / Elementary School  
**West-** C-2 (Medium Commercial) / Bar & Grill

**General Plan Designation:** Commercial

**PLANNING COMMISSION HEARING, AUGUST 13, 2014,  
5:30 P.M., CITY COUNCIL CHAMBERS, 383 MAIN STREET,  
BRAWLEY, CALIFORNIA**

**Variance: VAR14-04**

**General Information:**

The applicant is requesting a variance to allow for addition of temporary shipping container which will serve as storage until new permanent buildings are constructed. The property is currently zoned C-2 (Medium Commercial) and is 1.2 acres in size. Access is proposed via Brawley Avenue and South 1st Street. There are no zoning conditions currently imposed on this property.

**Information to the Commission:**

Section 27.84 states that "all storage in C-2 zones shall be located wholly within an enclosed building. A shipping container does not meet the criteria of a building per the zoning ordinance or the building code. A **building** means any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals, chattel or property of any kind. It also requires an approved foundation.

**Staff Recommendation:**

The Development Review Committee unanimously recommends the approval with the following conditions:

1. The applicant shall obtain an encroachment permit from the Department of Public Works for any work performed in the right of way.
2. The applicant shall pay all fees associated with review and approval of the variance.
3. The applicant shall defend, indemnify, and hold harmless the City of Brawley, or its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul, an approval by the Planning Commission or City Council concerning the variance. The City of Brawley shall promptly notify the applicant of any claim, action or proceeding and shall cooperate fully in the defense.
4. Any person or party who succeeds to the interest of the present owner by sale, assignment, transfer, conveyance, exchange or other means shall be bound by the conditions of approval.
5. The shipping container shall be removed when no longer in use or no longer than 2 years (August 31, 2016).
6. The container and existing chain link fence shall be kept clean and graffiti free.

The recommendation is based on the following findings:

1. The proposal is exempt from CEQA pursuant to Section 15311 Accessory Structures.
2. The location of the project and surrounding land uses make it unlikely the project will cause significant environmental impacts.
3. The variance does not grant special privileges to the proponent.
4. Granting the variance will not be detrimental to the public welfare or detrimental to the health and safety of the residents of the City of Brawley.
5. The variance is consistent with the character of the area for that type of land use.

**The Brawley General Plan Land Use Map** designates this property for **Commercial** land uses.

**C-2 (Medium Commercial)** zoning permits the use of shipping containers for storage by **variance** only.

**Variance: VAR14-04**

The Commission must determine the following:

- A. The variance for the temporary shipping container for storage protects the best interest, health, safety and welfare of the public in general.
- B. The variance for the temporary shipping container for storage complies with all of the standards and conditions applicable in the zoning district in which it is proposed to be located.
- C. This variance for the temporary shipping container for storage is in accordance with and in furtherance of the Brawley General Plan, any special neighborhood plans or policies adopted by the City regarding the development area, and any approved concept plan.
- D. Any impacts created by the proposed temporary shipping container for storage on adjacent property are adequately mitigated with the design, proposed construction and phasing of the site development.
- E. The design of the temporary shipping container for storage mitigates substantial environmental problems.
- F. The temporary shipping container for storage provides adequate landscaping and/or screening where needed to reduce visibility to adjacent uses.
- G. The temporary shipping container for storage is compatible with adjacent structures and uses.
- H. The proposed temporary shipping container for storage is not materially detrimental to the enjoyment or valuation of the property adjacent to the site.

**ATTACHMENT:** Location Maps.

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



## Full Property Details : Imperial

### PROPERTY DETAIL

Parcel#(APN): 048-201-003 Use Description: CEXX, X  
 Parcel Status: A  
 Owner Name: JRM DEVELOPMENT LLC  
 Mailing Addr: 890 FLAMMANG AVE, BRAWLEY CA 92227  
 Situs Addr: 630 BRAWLEY AVE, Brawley CA 92227  
 Legal Description: NLY 167.53 FT STRIP IN BLK 1 TOWNSITE OF BRAWLEY 1.20 AC  
 Latitude: 32.9717749400 Longitude: -115.5421587900

### ASSESSMENT

Total Value: 774,000.00 Use Code: CEXX, X Exempt Codes:  
 Land Value: 216,700.00 Tax Rate Area: 001015 Impr Type:  
 Impr Value: 557,300.00 Price/Sqft: 14.77 Exempt Amt:  
 Other Value: 0.00 Zoning: CEXX Property Tax:  
 % Improved: 0.39 Year Assd: Delinquent Yr:

### SALE HISTORY Sale 1 Sale 2 Sale 3 Transfer

Recording Date: 2007-11-15 00:00:00  
 Recording Doc: 2007R043020  
 Rec. Doc Type:  
 Transfer Amount:  
 Seller (Grantor):  
 1st Trst Dd Amt: Code 1: 2nd Trst Dd Amt: Code 2:

### PROPERTY CHARACTERISTICS:

Lot Acres: 1.20 Year Built: Fireplace:  
 Lot SqFt: 52,398.37 Effective Yr: A/C:  
 Bldg/Liv Area: Total Rooms: Heating:  
 Units: Bedrooms: Pool:  
 Buildings: Baths ( Full ): Flooring:  
 Stories: Baths (Half): Park Type:  
 Style: Bsmt SqFt: Spaces:  
 Construct: Garage SqFt: Site Influence:  
 Quality: Other: Timber :  
 Building Class: Other Rooms: Ag Preserve:  
 Condition:

\*\*\*The information provided here is deemed reliable, but is not guaranteed.

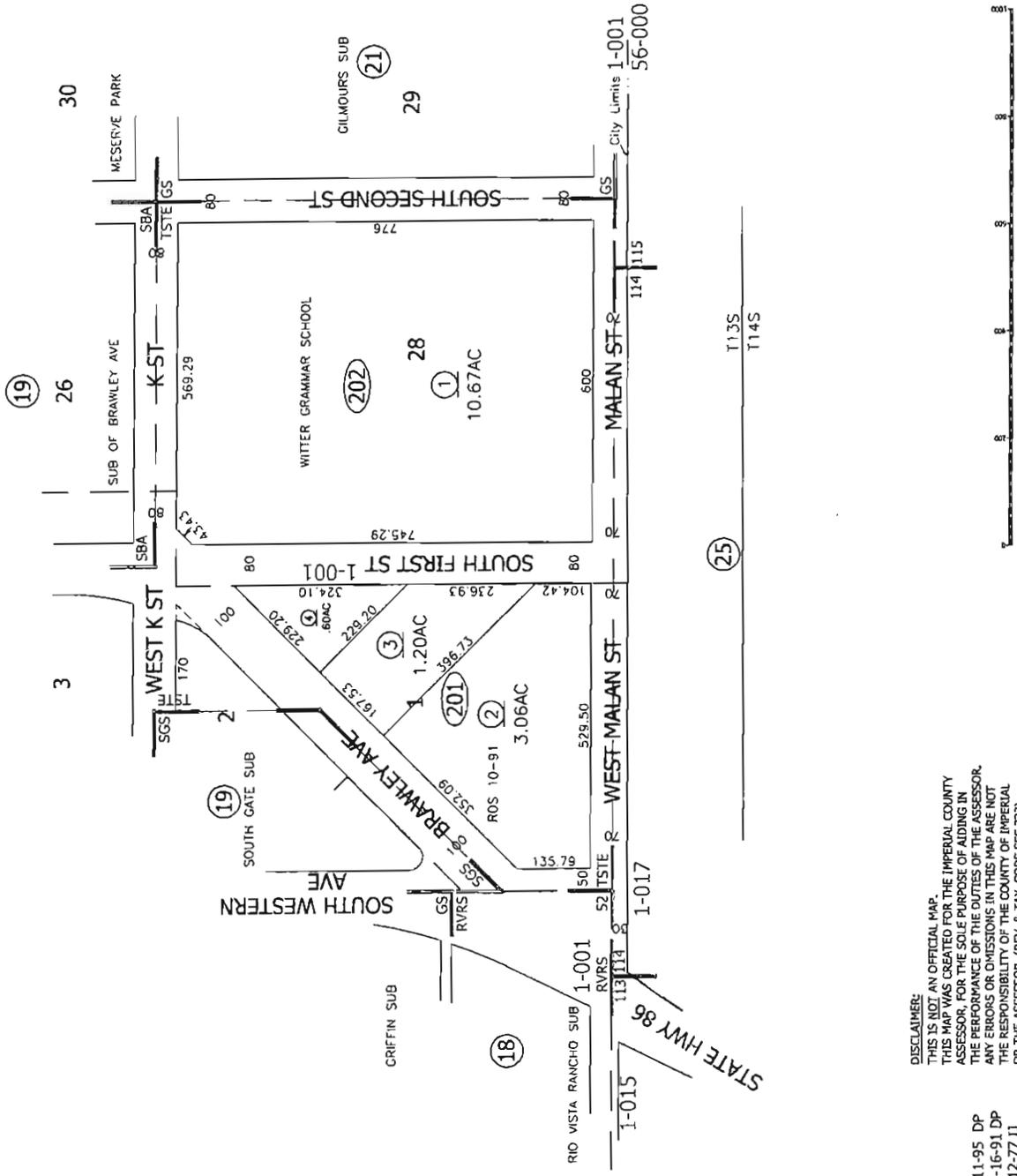
VAR14-04



Tax Area Code  
1-001  
1-015

POR. OF TOWNSITE  
O.M. 1-15

48-20



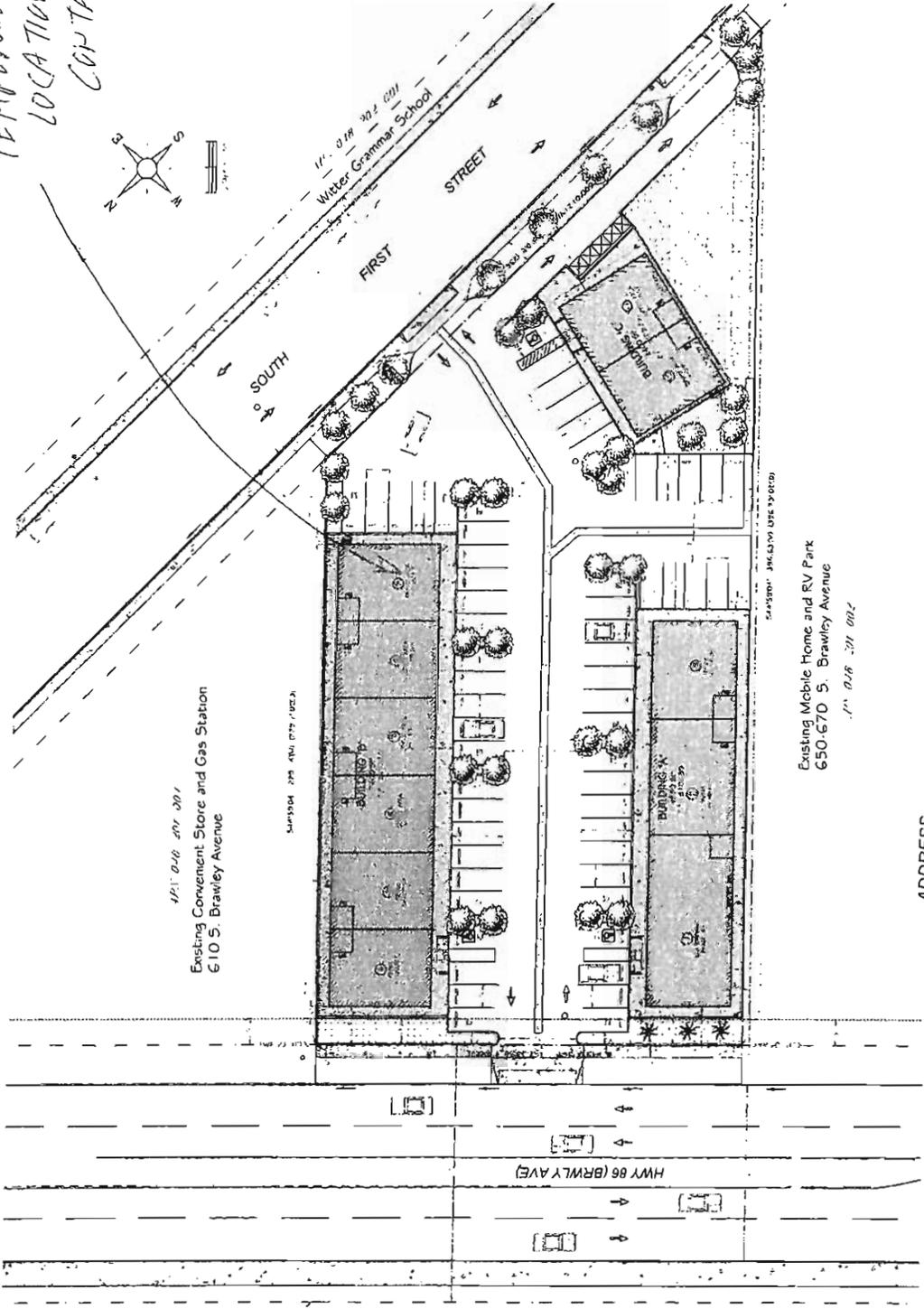
DISCLAIMER:  
THIS IS NOT AN OFFICIAL MAP.  
THIS MAP WAS CREATED FOR THE IMPERIAL COUNTY  
ASSESSOR, FOR THE SOLE PURPOSE OF AIDING IN  
THE PERFORMANCE OF THE DUTIES OF THE ASSESSOR.  
ANY ERRORS OR OMISSIONS IN THIS MAP ARE NOT  
THE RESPONSIBILITY OF THE COUNTY OF IMPERIAL  
OR THE ASSESSOR. (REV. & TAX CODE SEC.327)

8-11-95 DP  
12-16-91 DP  
7-12-77 JJ

CITY OF BRAWLEY  
Assessor's Map Bk. 48- Pg. 20  
County of Imperial, Calif.

**RODEO PLAZA**

TEMPORARY  
LOCATION OF  
CONTAINERS



171-018 302 001  
Existing Convenient Store and Gas Station  
610 S. Brawley Avenue

171-018 302 001

171-018 302 001  
Existing Mobile Home and RV Park  
650-670 S. Brawley Avenue

171-018 302 001

ADDRESS

630 S. Brawley Avenue, Brawley, CA 92227

CONTACT

Jay Goyal  
(760) 587-0573

**ProTerra**  
Engineering & Construction  
4440 S. Brawley Avenue  
Brawley, CA 92227  
Tel: (760) 587-0573  
Fax: (760) 587-0573  
e-mail: info@proterra.com

**PLANNING COMMISSION REPORT**  
City of Brawley

Meeting Date: August 13, 2014

City Manager: \_\_\_\_\_

**PREPARED BY:** Gordon R. Gaste, AICP

**PRESENTED BY:** Gordon R. Gaste, AICP

**SUBJECT:** Downtown Specific Plan Area Sidewalk Sales Specific Plan Amendment

**DISCUSSION:** Currently, sidewalk sales within the Downtown Specific Plan boundaries require a Planning Commission Conditional Use Permit (CUP). City Council directed staff to research other methods which would be less costly and faster to process.

On, June 4, 2014 the Planning Commission directed the Planning Director to compose a draft Specific Plan Amendment ordinance with the following provisions:

1. Allow sidewalk sales year round with an annual permit of modest cost (\$100.00 - \$200.00) to defray the cost of code enforcement.
2. The sales would be permitted in the right-of-way in the first five (5) foot area from the property line.
2. Ensure that pedestrian and handicap access is maintained.
3. Storage of products shall not block the doorway in or outside the building when taken inside to allow for proper emergency access.
4. Violation of this provision shall constitute an infraction per Section 1.7-1 Violation
5. Encourage the Chamber of Commerce and Downtown Merchants Organization to establish standards for displaying items in an organized and uniform fashion such as use of standardized tables and racks.

Note that the final option is not restricted to this list, but is merely a starting point for discussion. After today's discussion, the item will return to the Commission for a formal hearing and the recommendation will then be presented to the City Council for consideration and approval.

Regardless of the option, all sales would have to submit a layout of their proposal ensuring adherence to ADA and fire codes.

**ATTACHMENT:** Draft Ordinance

**FISCAL IMPACT:** Permit and Code Enforcement Time



**DRAFT**  
**ORDINANCE NO. 2014-**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRAWLEY,  
CALIFORNIA, APPROVING THE AMENDMENT OF THE DOWNTOWN SPECIFIC PLAN (PD12-01) -  
SIDEWALK SALES**

**WHEREAS**, the City Council approved and adopted the Downtown Specific Plan (PD12-01) via Ordinance 2013-02 on January 15, 2013; and

**WHEREAS**, said Specific Plan amendment is based upon the City of Brawley General Plan and City of Brawley Zoning Ordinance within the guideline of said Specific Plan, as adopted by the City Council; and

**WHEREAS**, the Specific Plan amendment does provide for the reasonable use and development of the area of the City included within said Specific Plan; and reasonable use and development of the area of the City included within said Specific Plan; and

**WHEREAS**, the City Council has considered said Specific Plan amendment and the recommendations of the city staff, and with respect thereto, has determined that the requirements hereinafter enumerated are necessary to ensure that the Specific Plan, and the implementation thereof, will conform to all ordinances, policies, rules, standards, and improvement and design requirements of the City of Brawley except as specifically waived;

**THEREFORE, THE CITY COUNCIL OF THE CITY OF BRAWLEY, CALIFORNIA, DOES ORDAIN AS FOLLOWS:**

That the City Council hereby recommends amending the Downtown Specific Plan reflecting the change in Sidewalk Sales as follows:

Section 1: Remove Temporary Outdoor Sales from Conditional Uses in zones (list zones). Add Sidewalk Sales to Permitted Uses with the additional wording "with annual permit".

Section 2: Addition of Section 4.4.12 specifying regulations regarding Sidewalk Sales:

- \* An annual permit is required at a cost of \$200.00
- \* Outdoor display must be flush against the building of the abutting property, must leave entrances and driveways clear, and may not extend more than five (5) feet into the sidewalk
- \* Free access to all buildings and access requirements shall be per the California Uniform Fire, Building and Barrier Free Codes. It shall also be consistent with any applicable standards established by the Americans with Disabilities Act
- \* Items shall not be placed in or on street furniture, parking meters, public signage, planter boxes, turf, dirt or landscaped areas nor beyond the edge of the business' street frontage
- \* The display must be removed any time the Planning Director, Building Official, Public Works Director, Police Chief or Fire Chief determines that a clear sidewalk is needed and requests removal for use of travel or transportation, street cleaning or maintenance, street utility-work, a crowd control event or parade, or an emergency
- \* Insurance shall be provided by the business owner
- \* The City assumes no responsibility for the items on display, irrespective of whether the loss occurs through accident, collision, vandalism, theft or otherwise
- \* Violation of this provision shall constitute an infraction per Section 1.7-1 Violation constituting Infraction of the Brawley Municipal Code

Section 3: Effective Date. This Ordinance shall take effect and shall be in force thirty (30) days after the date of its adoption and prior to the expiration of fifteen (15) days from the passage thereof, shall be published at least once in the Imperial Valley Press, a newspaper of general circulation, printed and published in the County of Imperial, State of California, together with the names of the members of the City Council voting for and against the same.

**DRAFT**

**PASSED, ADOPTED AND APPROVED** at a regular meeting of the City Council held on the ??th day of ??? 2014.

**CITY OF BRAWLEY, CALIFORNIA**

\_\_\_\_\_  
*Don C. Campbell, Mayor*

**ATTEST:**

\_\_\_\_\_  
Alma Benavides, City Clerk

**STATE OF CALIFORNIA)  
COUNTY OF IMPERIAL)  
CITY OF BRAWLEY)**

***1<sup>st</sup> Reading***

*I, Alma Benavides*, City Clerk of the City of Brawley, California, **DO HEREBY CERTIFY** that the foregoing Ordinance No. 2014- was passed and adopted by the City Council of the City of Brawley, California, at a regular meeting held on the ??th day of ??? 2014 and that it was so adopted by the following roll call vote: m/s/c/

**AYES:  
NAYES:  
ABSTAIN:  
ABSENT:**

**DATED:** ??? ??, 2014

\_\_\_\_\_  
*Alma Benavides, City Clerk*

***2<sup>nd</sup> Reading & Adoption***

*I, Alma Benavides*, City Clerk of the City of Brawley, California, **DO HEREBY CERTIFY** that the foregoing Ordinance No. 2014- was passed and adopted by the City Council of the City of Brawley, California, at a regular meeting held on the ??th day of ?? 2014 and that it was so adopted by the following roll call vote: m/s/c/

**AYES:  
NAYES:  
ABSTAIN:  
ABSENT:**

**DATED:** ??? ??, 2014

\_\_\_\_\_  
*Alma Benavides, City Clerk*

**PLANNING COMMISSION**  
**AGENDA REPORT**  
City of Brawley

Meeting Date: August 13, 2014

City Manager: \_\_\_\_\_

**PREPARED BY:** Gordon R. Gaste, AICP

**PRESENTED BY:** Gordon R. Gaste, AICP

**SUBJECT:** Repealing of Certain Obsolete Ordinances

**PLANNING DEPARTMENT RECOMMENDATION:** Approve

**DISCUSSION:** Several ordinances in the Brawley Municipal code pertaining to planning related issues are obsolete or have been superseded by other updated codes. The following is a list and explanation of those ordinances:

1. Chapter 10A. Design Review in Central Business District  
This ordinance is obsolete. The Community Redevelopment Agency (CRA) and Project Area Committee (PAC) no longer exist. This design review process has been superseded by the Downtown Specific Plan. To avoid redundancy and confusion, this ordinance should be repealed.
2. Chapter 10C. Design Standards for Multiple-Family Residential Projects  
This ordinance is obsolete. This text was added to the zoning ordinance in 1995 as Section 27.182 Design Standards for Multiple-Family Apartment and Condominium Projects. Portions of the section were also updated and modernized in the current 2008 Zoning Ordinance. To avoid redundancy and confusion, this ordinance should be repealed.
3. Chapter 10B. Development Impact Fee  
With the deletion of Chapters 10A and 10C, the title should be changed from 10B to Chapter 10A. Possible future updating of the language may be required to ensure that it meets State requirements.
4. Article XII. Mixed Use Overlay District of Chapter 27. Brawley Zoning Ordinance  
This article is obsolete. This was a temporary place marker in 2008 for the proposed stand-alone specific plan that was to be developed for downtown. The passage of the Downtown Specific Plan by Ordinance 2013-02 changed the zone to P-D (Planned Development), adopted the specific plan as part of the zoning ordinance and contained language stating that it supersedes this article. It is no longer necessary and to avoid redundancy and confusion, should be repealed.

**FISCAL IMPACT:** Staff Time and Materials

**ATTACHMENTS:** Brawley Municipal Code Chapters 10A, B, and C, Article XII of Chapter 27, Ordinance 2013-2 Downtown Specific Plan Zone Change.



ORDINANCE NO. 2014-

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRAWLEY, CALIFORNIA  
REPEALING CHAPTERS 10A, 10C AND ARTICLE XII OF CHAPTER 27 AND  
RENUMBERING CHAPTER 10C TO 10A OF THE BRAWLEY MUNICIPAL CODE

The City Council of the City of Brawley does ordain as follows:

SECTION 1: Chapter 10A of the Brawley Municipal Code is hereby repealed.

SECTION 2: Chapter 10C of the Brawley Municipal Code is hereby repealed.

SECTION 3: Article XII of Chapter 27 of the Brawley Municipal Code is hereby repealed.

SECTION 4: Chapter 10B Development Impact Fee of the Brawley Municipal Code is hereby renumbered to Chapter 10A.

SECTION 5: Effective Date This ordinance shall be effective thirty (30) days after its adoption and the City Clerk shall cause a certified copy of this ordinance to be published in accordance with Government Code Section 36933.

APPROVED PASSED AND ADOPTED, at a adjourned regular meeting of the Brawley City Council of the City of Brawley, held on the \_\_\_\_ day of \_\_\_\_\_, 2014.

CITY OF BRAWLEY, CALIFORNIA

\_\_\_\_\_  
Don C. Campbell, Mayor

ATTEST:

\_\_\_\_\_  
Alma Benavides, City Clerk

STATE OF CALIFORNIA)

COUNTY OF IMPERIAL)

CITY OF BRAWLEY)

*1<sup>st</sup> Reading*

*I, Alma Benavides*, City Clerk of the City of Brawley, California, **DO HEREBY CERTIFY** that the foregoing Ordinance No. 2014- introduced by the City Council of the City of Brawley, California, at a regular meeting held on the \_\_\_ day of \_\_\_\_\_ 2014. Reading of the entire ordinance was waived and the ordinance was so introduced by the following roll call vote: m/s/c/

**AYES:**

**NAYES:**

**ABSTAIN:**

**ABSENT:**

**DATED:** \_\_\_\_\_, 2014

\_\_\_\_\_  
*Alma Benavides, City Clerk*

*2<sup>nd</sup> Reading & Adoption*

*I, Alma Benavides*, City Clerk of the City of Brawley, California, **DO HEREBY CERTIFY** that the foregoing Ordinance No. 2014- was passed and adopted by the City Council of the City of Brawley, California, at a regular meeting held on the \_\_\_ day of \_\_\_\_\_ 2014 and that it was so adopted by the following roll call vote: m/s/c/

**AYES:**

**NAYES:**

**ABSTAIN:**

**ABSENT:**

**DATED:** \_\_\_\_\_, 2014

\_\_\_\_\_  
*Alma Benavides, City Clerk*

## CHAPTER 10A DESIGN REVIEW IN CENTRAL BUSINESS DISTRICT

Sec. 10A.1. Intent and purpose.

Sec. 10A.2. Applicability.

Sec. 10A.4. Design review required.

Sec. 10A.5. Authority of PAC.

Sec. 10A.6. Design standards.

Sec. 10A.7. Project approval procedure.

Sec. 10A.9. Application fees.

### **Sec. 10A.1. Intent and purpose.**

The intent of this chapter is to promote the general welfare of the community by achieving the following purposes:

1. To encourage good design standards in the central business district and to protect the community from the adverse effects of poor design;
2. To create an environment which will enhance the economic viability of the central business district;
3. To encourage high quality development in the downtown area;
4. To protect, preserve, and enhance the value of properties in recognition of the interdependence between land values and aesthetics;
5. To enhance the beauty, livability, and prosperity of the community.

### **Sec. 10A.2. Applicability.**

- (a) The requirements of this ordinance shall only apply to all applications for community redevelopment agency (CRA) funding on all new buildings and structures, exterior remodeling and exterior changes of or to existing buildings, and to the installation of signs within the boundaries of the CRA.
- (b) Notwithstanding the above provisions, the following buildings, physical improvements and site developments are exempt from design review procedures and requirements:
  1. Interior design and interior modifications to building or structures, whether or not floor area is added;
  2. Projects involving discretionary review (i.e. zone changes, subdivisions, variances, and conditional use may undergo design review by the planning commission as a part of the discretionary permit process, provided that the design standards described herein shall provide the basis for said design review.

### **Sec. 10A.4. Design review required.**

No person shall construct, remodel, or alter the exterior, reface, erect, or place a building, structure, project, or sign subject to review by the project area committee (PAC) who shall recommend approval, conditional approval or disapproval to the community redevelopment agency.

*(Ord. No. 89-18, § 4; Ord. No. 93-05, § 4.)*

### **Sec. 10A.5. Authority of PAC.**

- (a) It shall be the responsibility of the PAC to review and act upon each project within its jurisdiction in an endeavor to provide that the design and general appearance of such projects will improve the character of the central business district and that such projects will not be detrimental to the orderly and harmonious development of the area. The PAC shall require that each project within its jurisdiction substantially conform to the intent of the design standards as specified in this chapter. If necessary, the PAC shall specifically interpret and define those design, construction or exterior remodeling features which are required to bring the project into conformance with such standards. The PAC's authority shall be limited to appearance only.
- (b) The PAC shall review, approve, conditionally approve, or disapprove applications to the community redevelopment agency, by considering the following aspects for conformance with the purpose of this chapter:
  - 1. Architectural and design considerations including:
    - a. Building elevations, storefront plans, and roof designs,
    - b. Height, bulk, and area of buildings,
    - c. Colors and types of exterior material,
    - d. Physical and architectural relationship with existing and proposed structures,
    - e. Other details of building construction improvements;
  - 2. Signs, including consideration of number, location, color, size, materials, and lighting. Signs shall be a part of the architectural concept and arrangement, be harmonious with the building design, and have good scale in their design and in their visual relationship to buildings and surroundings;
  - 3. Landscaping and lighting;
  - 4. Other items specifically addressed in the design standards.
- (c) The PAC shall advise the city council and redevelopment agency in setting goals and in preparing and reviewing plans and making recommendations regarding the implementation of plans for the revitalization of the central business district area as defined.

*(Ord. No. 89-18, § 5; Ord. No. 90-03 §§ 2, 4.)*

### **Sec. 10A.6. Design standards.**

The "Downtown Brawley Revitalization Master Plan and Storefront Design Guidelines," as approved by the Brawley Community Redevelopment Agency on September 4, 1989, or as the same may hereafter be amended, shall be the standard to which the central business district design review board shall exercise its jurisdictions. Such document shall be available to members of the public.

*(Ord. No. 89-18, § 6.)*

### **Sec. 10A.7. Project approval procedure.**

- (a) Prior to application for a permit to erect, construct, alter, move, remodel, reface, or otherwise change the exterior of a building, structure, or sign, the applicant must file with the department of economic and community development on forms provided by said department.

- (b) For review by the PAC, the applicant shall submit plans, exterior elevation drawings, photographs, renderings and samples of materials as required by the department of economic and community development to adequately portray all applicable aspects of a proposal. Said application and accompanying materials shall be filed with said department.
- (c) The PAC shall approve, approve with conditions, or disapprove the project plans to the community redevelopment agency, as submitted by the applicant. The PAC shall review and act upon each project within its jurisdiction within a period of thirty business days of the filing of a complete application by the proponent of such project with the city. Any such project not reviewed and acted upon by the PAC within such period of time shall be deemed to have been approved by the PAC.

*(Ord. No. 09-18, § 7; Ord. No. 03-05 §§ 2, 4-5.)*

### **Sec. 10A.9. Application fees.**

Filing fees in an amount specified by resolution of the city council shall be paid upon the filing of each application for design review for the purpose of defraying the cost of labor and materials incidental to the proceedings herein prescribed.

*(Ord. No. 09-18, § 9.)*



**Brawley, California, Code of Ordinances >> CHAPTER 10C. DESIGN STANDARDS FOR MULTIPLE-FAMILY RESIDENTIAL PROJECTS. >>**

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**CHAPTER 10C. DESIGN STANDARDS FOR MULTIPLE-FAMILY RESIDENTIAL PROJECTS.**

Sec. 10C.1. Purpose.

Sec. 10C.2. Intent.

Sec. 10C.3. Design standards applicability.

Sec. 10C.4. Deviations from standards.

Sec. 10C.5. General provisions.

Sec. 10C.6. Site design.

**Sec. 10C.1. Purpose.**

The purpose of these standards is to provide direction to builders and developers who are contemplating the development of apartment projects and condominium projects in the city. A major objective of the planning commission and city council is to promote high quality development in the city. These design standards were prepared in order to encourage such development and will be implemented by the planning commission during the site plan review process. The further purpose of these standards is to ensure the enhancement of the public health, safety, and general welfare of all citizens in the city.

10C.1. Purpose (continued)

**Sec. 10C.2. Intent.**

The intent of the design standards is to ensure that the built environment within the city is compatible with the goals and objectives of the general plan regarding the enhancement of the quality of life in the city, and regarding the promotion and enhancement of the health, safety, and general welfare of the citizens of Brawley. The design standards ensure that adequate access is provided internally within multiple-family projects, that adequate lighting is provided at night for pedestrian areas and vehicle parking areas, and that abundant landscaping is provided to enhance the aesthetic quality of multiple-family projects. These design standards are in addition to the development standards contained in the zoning ordinance.

10C.2. Intent (continued)

**Sec. 10C.3. Design standards applicability.**

All land use applications for site plan review, zone changes, conditional use permits, and variances shall incorporate the design standards contained in this section. Provided, however, that a deviation from these standards may be requested to be reviewed through the planning commission by either the applicant or city staff.

10C.3. Design standards applicability (continued)

**Sec. 10C.4. Deviations from standards.**

A deviation from the design standards shall not be permitted unless the planning commission makes specific findings that special circumstances or conditions warrant a deviation. In no case shall a deviation be granted which does not conform to the general plan. A deviation may be granted by the planning commission if the applicant can demonstrate, by substantial evidence, that the deviation promotes the further enhancement of the health, safety, and welfare of the citizens of Brawley, and/or further improves the aesthetic qualities of the subject project.

*(Ord. No. 90-00, § 1 (Exh. A § 1))*

#### **Sec. 10C.5. General provisions.**

- (a) New development or the alteration or expansion of existing multiple-family projects shall be viewed not only as independent projects but also as part of a street, cluster, or neighborhood within the entire community. Site plan designs shall respect the natural environment, existing development, topography, views, and general vehicular, pedestrian, bicycle and equestrian circulation systems in the neighborhood.
- (b) Natural features shall be used to an advantage as design elements; such as, natural vegetation and trees, landforms, drainage courses, and views. Conversely, undesirable site features can be minimized through proper site planning, building orientation, and screening.
- (c) The developers of all multiple-family projects are encouraged to establish a recognizable design theme, which is compatible with surrounding planned or existing developments. The design theme should be based upon prominent design features existing in the immediate area (i.e., trees, landforms, historic buildings or landmarks, etc.). Subtle variations which provide visual interest, but do not create abrupt changes or cause discord in the overall character of the neighborhood are encouraged. In addition, transitions between different projects, including provision of buffer areas, landscaping, and other similar treatment shall be provided as necessary. It is not, however, the intent that one style of architecture should be dominant, but rather that individual structures create and enhance a high quality and harmonious appearance.
- (d) Where a common area or facility is proposed within a multiple-family condominium project, a homeowner's association or other approved mechanism shall be established prior to the issuance of any certificates of occupancy. The homeowner's association or other approved mechanism shall be responsible for maintenance of private roads, private drainage structures, parking areas, landscaped areas, common areas, irrigation facilities, signing, and recreational facilities (i.e., swimming pools, tennis courts, spas, etc.).

*(Ord. No. 90-09, § 1 (Exh. A § 5))*

#### **Sec. 10C.6. Site design.**

- (a) Visual aesthetics, building orientation, and energy conservation.
  - (1) New developments shall be designed to create aesthetically pleasing visual transitions with surrounding development. Proposed buildings shall have vertical and horizontal variations wherever possible to create visual interest. The bulk of new buildings shall relate to the prevailing or planned scale of adjacent developments.
  - (2) Proposed residential buildings shall be oriented with energy conservation objectives in mind. Window areas and eave overhang shall be designed to minimize sun exposure in the summer months and maximize sun exposure in the winter months. Trees and other landscaping shall be located to shade buildings and parking areas and to decrease heat absorption on the site.
  - (3) Gateways are visual elements which create a sense of entry and shall be included in all

multiple-family projects. Gateway treatments can range in scale, and may identify an entrance to the development project or a single building. Gateways shall include enriched paving, raised medians, signage, and other features as appropriate.

(b) Protection of views.

- (1) New developments shall be designed so as to respect the views of existing developments, wherever feasible. View corridors which are oriented toward an existing or proposed amenity such as a park, open space, or natural feature should be designed through large developments whenever possible.
- (2) Multiple story structures should not block the view of single story structures which are oriented toward the mountains, parks, or other public or private open spaces with special aesthetic qualities.

(c) Trash enclosures and outdoor storage areas.

- (1) All multiple-family projects shall provide trash enclosures constructed to the specifications as outlined in Exhibit No. 1. There shall be one enclosure for each ten dwelling units. Trash enclosures shall be screened as appropriate with landscaping to minimize public views from streets and other properties.
- (2) Outdoor storage areas shall be provided for all multiple-family projects with more than ten dwelling units. A minimum of fifty square feet of outdoor storage space shall be provided per dwelling unit. All outdoor storage areas shall be enclosed with a six-foot-high masonry block wall or other material as approved by the planning commission. All outdoor storage areas shall be paved with two inches of asphalt or with three inches of concrete.

(d) Protection of private open spaces.

- (1) Multiple-family two story buildings shall be designed so that second story windows are not located adjacent to the private open spaces of adjacent properties. This requirement is to prevent the invasion of the privacy of adjacent property owners.
- (2) Private open spaces such as patio areas shall be fenced with a six-foot masonry block wall or other material as approved by the planning commission.

(e) Internal circulation systems.

- (1) Internal circulation systems shall provide for the safe and efficient movement of vehicular, bicycle, and pedestrian traffic within the project. Interior streets shall be paved with a minimum two and one-half inches of asphalt and shall be a minimum of twenty-four feet in width.
- (2) Pedestrian walkways with a minimum width of four feet shall be provided between parking areas, recreational facilities, and residential units. All pedestrian walkways shall be concrete with a smooth finish and concrete thickness shall be a minimum of three inches.
- (3) Internal circulation systems shall be planned to reduce conflicts between vehicular, bicycle, and pedestrian traffic by separating them to the extent possible.

(f) Lighting.

- (1) Street lights conforming to city standard detail H-2 shall be provided at all entrances and exits from multiple-family projects. The street lights shall contain one-hundred seventy-five-watt high pressure sodium luminaries.
- (2) Pedestrian walkways shall be lighted during hours of darkness with a lighting intensity of .2 footcandles. The lighting fixtures shall be mounted on free-standing ornamental poles, and shall contain bulbs with the wattage to be determined by a lighting intensity diagram prepared by a registered electrical or civil engineer, or by a registered architect.

- (3) Parking lots and parking areas shall be lighted during hours of darkness for safety and security. The lighting intensity shall be .5 footcandles. The lighting fixtures shall be mounted on freestanding ornamental poles and shall contain metal halide bulbs with the wattage, height, and spacing of the fixtures to be determined by a lighting intensity diagram prepared by a registered electrical or civil engineer, or by a registered architect.

(g) Recreational facilities and open space.

- (1) All multiple-family projects containing four or more units shall provide a tot lot. The minimum area for tot lots shall be dependent upon the number of residential units in the project according to the following tables. All tot lots shall be fenced with a chain link fence at least five feet in height.

Number of Units	Size of Tot Lot
Less than 10	200 Square Feet
10-25	450 Square Feet
26-49	700 Square Feet
50-74	900 Square Feet
75-99	1,100 Square Feet
100-149	1,400 Square Feet
150 or more	1,600 Square Feet

- (2) All multiple-family projects are encouraged to provide a swimming pool for use by project residents. The size of the swimming pool should be dependent on the number of units as outlined in the table below:

Number of Units	Size of Pool
Less than 20 Units	16 ft. by 32 ft. (512 sq. ft.)
21-50	20 ft. by 40 ft. (800 sq. ft.)
51-150	25 ft. by 45 ft. (1,125 sq. ft.)
151-250	30 ft. by 50 ft. (1,500 sq. ft.)
More than 250 units	35 ft. by 70 ft. (2,450 sq. ft.)

The swimming pool may be shaped in any reasonable configuration provided the pool contains the square footage outlined in the above table.

- (3) All multiple-family projects shall provide at least twenty-five percent of the net site area as landscaped open space area for use by residents of the development. The landscaping and trees installed within all open space areas shall be according to a city approved landscaping plan as outlined below.

(h) Landscaping.

- (1) All multiple-family projects shall provide abundant landscaping which should be designed as an integral part of project design; enhance building design, public views, and open spaces; and should provide buffers and transitions as needed. The landscape design should provide for solar access and shade to facilitate and promote energy conservation.

- (2) All multiple-family project sites shall include a minimum of twenty-five percent of the site area as landscaped areas. All setback areas adjacent to streets shall be fully landscaped and improved for visual aesthetic purposes. All site plans shall include a calculation of the landscaped areas on the site.
  - (3) Areas between individual buildings on the same site shall be landscaped and improved as appropriate.
  - (4) All landscaped areas shall have a combination of planted trees, shrubs, vines, ground cover, flowers, and lawns which are compatible with the surrounding environment. The combination may include crushed rock ground cover not to exceed twenty percent of the total of any landscaped area. The crushed rock used shall be decorative rock with an appropriate color that is compatible with the landscaped area. Mounding of landscaped areas is encouraged to provide visual interest and relief and to partially screen parking areas. The selected combination of objects for landscaping shall be arranged in a harmonious manner as determined by the planning commission. One-third of the total number of trees planted on a site shall be of the twenty-four-inch box size (fifteen gallons) or larger and shall be planted extensively along adjacent streets. A combination of Indian Laurel, Jacaranda, Mulberry, California Fan Palms, and other approved species shall be used and shall be interspersed to create visual interest. One tree shall be planted for each fifteen hundred square feet of landscaped area on the site, however, at least four trees shall be planted on small sites.
  - (5) Landscape design shall be coordinated with drainage plans for individual projects to maximize percolation of surface water and minimize runoff from the site. Swale designs in landscaped and grass areas may be employed to retard runoff and maximize percolation.
  - (6) All landscaped areas shall be served by an underground irrigation sprinkler system, and shall include an automatic irrigation system and drip system, as appropriate, for large shrubs, trees, and lawn areas. Irrigation systems in small areas such as tree wells, planters, and medians, shall be designed to prevent water from flowing off from planted areas.
  - (7) Required landscaped areas shall be maintained in a neat, clean, orderly, and healthful condition. This shall, at a minimum, include pruning, mowing of lawns, weeding, removal of litter, fertilization, replacement of plants and trees when needed, and the regular watering of all vegetation.
  - (8) All multiple-family project developers shall submit a landscaping plan incorporating the above provisions, for planning commission approval.
  - (9) All required landscaping shall be planted, and the irrigation sprinkler system installed, prior to the issuance of certificates of occupancy for residential units.
- (i) Parking facilities.
- (1) All multiple-family projects shall comply with the provisions of the zoning ordinance for parking facilities. The required parking spaces shall include 1.5 parking spaces per residential unit for studio units, 1.75 spaces per unit for one bedroom units, and 2.0 parking spaces per unit for units with two or more bedrooms. Twenty-five percent of the required parking spaces may be compact car spaces.
  - (2) All full-size parking stalls shall be nine feet by twenty feet (one hundred eighty square feet). All compact car parking stalls shall be 7.5 feet by fifteen feet (112.5 square feet).
  - (3) All parking lots shall provide for adequate vehicle maneuvering areas according to the table below:
-

Parking Lot Design	Maneuvering Area
90 degree	24 feet
45 degree	20 feet
60 degree	16 feet

(4) All driveways providing ingress and egress to parking areas in multiple-family projects shall be at least thirty feet in width.

*(Ord. No. 90-09, § 1(L.xh. 1. § 6); Ord. No. 92-05; Ord. No. 93-09.)*

## Article XXII. Mixed-Use Overlay District

**Section 27.320. Mixed-Use Overlay District.** The Mixed Use Overlay Zone (MU) will be attached to the underlying zoning district for properties identified as critical to the efforts of the City of Brawley to develop a mix of uses within the Downtown Overlay District (DOD) as described in the Land Use Element of the Brawley General Plan. There are three Districts within the DOD.

1. Civic Center—District I.

This portion of the Downtown Overlay District is intended to encourage the greatest densities in the downtown area, while maintaining a safe and small town “village” downtown center. This District is intended encourage the development of a mix of uses within a walkable, pedestrian scale village atmosphere.

2. West Village—District II.

This District is intended encourage a strong connection to Main Street and the Center Civic/District I located to the east but on a less intensive scale and a greater emphasis on residential uses.

3. East Village—District III.

This District encompasses a variety of existing light industrial, commercial, and residential uses. The connection to the Civic Center/District I to the west and Main Street are key elements that should be incorporated into future developments. This District is intended to encourage a stronger emphasis of retail and office commercial and light industrial uses. New developments in the District must ensure adequate buffers and compatibility between any industrial and residential properties and other sensitive receptors with regard to but not limited to the following potential hazards: noise; hazardous and/or toxic air contaminants; and hazardous and/or toxic substances.

**Section 27.321. Purpose.** This overlay zone is intended to encourage residential uses in conjunction with commercial activities in order to create an active pedestrian-oriented street life and enhance the vitality of businesses within the Downtown Overlay District. It is intended as an interim measure prior to adoption of future guidelines or regulations related with the implementation of a downtown master plan and any associated documents. It intends to allow for commercial, office, residential, and, in some limited situations, light industrial development to be combined as a unified project.

**Section 27.322. Primary Uses.** Provisions of this article are intended to allow mixed use development, subject to the processes identified in Article XIX (Variances and Conditional Use Permits) and the sections below. Allowed uses include commercial, office, residential and some limited light industrial development as listed below.

1. Retail commercial uses such as food store, drugstore, gift shop, and hardware store selling shelf goods primarily (drive-up convenience stores are not permitted);
2. Multifamily attached condominium dwellings;
3. Multifamily attached apartment dwellings;
4. Single-family attached small lot townhouses;
5. Professional offices;
6. Personal service businesses such as haircutting shop, tailor shop, laundry and dry-  
leaning pickup station, shoe repair, computer and bicycle repair, office equipment and  
services, and electronics repair;
7. Motion picture theater (adult theaters are not permitted);
8. Restaurant and cafe, with outdoor seating where provided for in the site design and  
located off of the public sidewalk area (drive-in and drive-thru food establishments are  
not permitted);
9. Brew pub which serves food;
10. Hotel;
11. Parking facility;
12. Financial institution (without drive-up tellers);
13. Trade or commercial school;
14. Department or furniture store;
15. Bed and breakfast;
16. Light industrial uses that do not produce objectionable noise, vibration odor or  
hazardous materials;
17. Farmers' market;
18. Civic uses, public park or community meeting area;
19. Youth center;

20. Day-care facilities;
21. Any other use similar to the above and not listed elsewhere.

**Section 27.323. Applicability.** Development review and approval, pursuant to Article XIX and Section 27.316, is required for all mixed-use development on sites having a mixed use overlay zone, unless the proposed development is allowed by the existing underlying zone. Where the MU zone has been designated, the land use regulations and development standards of the existing zoning district (herein referred to as the “underlying” zone) shall remain in full force and effect. Nothing in this article shall prohibit the owner of property located within the MU zone from using or developing such property in accordance with the regulations set forth in this ordinance that are applicable to the underlying zoning district of such property or require any such owner to seek planning commission approval under this article for or with respect to any use by right in the underlying zoning district or any use that has been permitted through any special review process applicable to the underlying zoning district of such property.

**Section 27.324. Pre-application Conference Required.**

1. Prior to submittal of an application for development within the MU zone, the applicant shall be required to attend a pre-application conference with planning staff. The applicant must submit a specific written proposal and a site plan drawn to scale in order to schedule a pre-application conference.
2. At the pre-application conference, planning staff shall provide appropriate application materials and outline the review procedure. The applicant shall be required to schedule an appointment with planning staff to submit the completed application.

**Section 27.325. Application Materials.** An application for a mixed use overlay zone review shall be in conformance with Section 27.273. (Application for a Variance or Conditional Use Permit) and any additional requirements identified in the pre-application conference.

**Section 27.326. Planning Commission Review.** The planning commission shall review all mixed-use development requests within the MU zone, per the procedures outlined in Article XIX (Variances and Conditional Use Permits) and this article. The planning commission may grant approval of a mixed use development pursuant to Article XIX (Variances and Special Use Permits) and upon a determination that the following additional circumstances exist:

1. The proposed project is in compliance with the General Plan;
2. The proposed project would not significantly compromise the implementation of future guidelines or regulations associated with the implementation of a downtown master plan and associated documents;

3. The proposed project complies with the requirements of the underlying zone which have not been superseded by the provisions of the MU zone;
4. The proposed project is in compliance with the performance guidelines and requirements of the MU zone as described below;
  - a. Purpose. The purpose of this Section is to establish minimum performance guidelines concerning factors that must be considered by the planning commission prior to the approval or disapproval of any proposed project which includes commercial office residential or light industrial uses that could adversely impact, in a material and continuous fashion, existing commercial, office residential or light industrial uses in or adjacent to the MU zone. Impacts to be considered shall include those caused by pedestrian and vehicular traffic, lighting, odor and noise. Consideration also must be given with respect to issues of security, safety and general welfare of residents who live or will live within the boundaries of the project or adjacent thereto. In order to protect residents and provide for reasonable harmony between residents and residential interests and businesses, commercial and light industrial interests, no project shall be approved in the MU zone unless the design of the project has taken into account and satisfactorily addressed, in addition to all other applicable regulations and criteria under this article, the performance guidelines enumerated in paragraphs 1 through 8 of this section. Project designs which ignore or otherwise fail to adequately address the performance guidelines identified in this section should be rejected or be approved subject to conditions imposed to mitigate the forms of adverse impact on residential, commercial, or light industrial interests that are addressed in this section.
5. Location of Uses. Commercial or office uses shall be located at ground level along the public street frontage. Placement of buildings at or near the front property boundary is encouraged. Residential uses shall be located above and/or behind the commercial or office uses.
6. Noise.
  - a. Residential units shall be constructed so that interior noise levels do not exceed City of Brawley standards in any habitable room.
  - b. Commercial and light industrial uses shall be designed and operated, and hours of operation limited where appropriate, so that neighboring residents are not exposed to offensive noise, especially from traffic or late-night activity. No amplified music shall be audible to neighboring residents.
  - c. Common walls between residential and nonresidential uses shall be constructed to minimize the transmission of noise and vibration.

7. Security. The safety of residential and non-residential uses shall be assured to the extent reasonably possible, considering existing structures and the overall layout of the project site and adjacent property:
  - a. Residential units should be designed to ensure the personal security of residents, including, but not limited to, the provision of separate and secured entrances and exits that are directly accessible to secure parking areas.
  - b. Non-residential and residential uses located on the same floor should avoid, where possible, the use of common entrance hallways or common balconies, which may compromise the residential living conditions.
  - c. Parking spaces for non-residential and residential uses should, to the extent reasonably possible, be specifically designated by posting, pavement marking, and/or physical separation.
8. Lighting.
  - a. All outdoor lighting associated with commercial or industrial uses shall be designed to prevent adverse impact to surrounding residential uses, and to provide a sufficient level of illumination for access and security purposes. Such lighting shall not blink, flash, oscillate, or be of unusually high intensity of brightness.
  - b. Parking areas shall be illuminated to provide appropriate visibility and security during hours of darkness.
9. Odors, Dust, Vibration. No commercial or industrial use shall be permitted to expose residents to offensive odors, noxious fumes, dust, electrical interference, and/or vibration.
10. Refuse Storage and Location. The residential units should, where possible, be provided with a refuse storage container separate from that used by the commercial or industrial uses. It shall be clearly marked for residential use only and its use by non-residential uses shall be prohibited.
11. Parking Spaces and Traffic Lanes. Adequate parking places and traffic lanes for both residential and non-residential uses must be available either on site or elsewhere in the vicinity of the project.
12. All new mixed-use development is encouraged to provide the following design elements:
  - a. Special awning or other shading treatment;
  - b. Special grate or paving treatment, landscaping, planter boxes or pots, and pedestrian-scale lighting between sidewalk and entrance of the building;

- c. Provision for public art or historical reference in the form of a plaque or public display;
  - d. Special street lighting or other custom-designed street furniture or similar amenities;
  - e. Development of public space, including, but not limited to, plazas, gathering areas, or special landscaped areas;
  - f. Residential uses above ground-level retail space;
  - g. Enhanced transit amenities such as covered bus shelters or bike lockers;
  - h. Upgraded noise buffering for residential units;
  - i. Provision of protected play areas in residential development;
  - j. Provision of enhanced pedestrian access-ways from rear parking areas to the frontage street;
  - k. Provision of decorative drinking fountains or other custom-designed street furniture;
13. Applicability on Appeal to city council. The performance guidelines identified in this Section shall be considered and applied by city council in any appeal of a planning commission decision.

**Section 27.327. Planning Commission Review Criteria.** <http://qcode.us/codes/canoncity/-startContent>

1. Purpose and Site Size Considerations. Applications for mixed-use projects proposed for development in the Mixed-Use Overlay Zone that will involve uses or features that otherwise would not be permitted in the underlying zone, shall, upon proper application under this article, be reviewed and decided upon by the planning commission. The purpose of any such review will be to ensure compatibility, originality, variety, and innovation in the architecture, design, landscaping, and site planning of the proposed development. The provisions of this Section are intended to protect property values, prevent the blight and deterioration of neighborhoods, promote sound land use, encourage design excellence, and protect the overall health, safety, and welfare of the City of Brawley. Proposed mixed-use projects reviewed under this article shall be restricted to projects that fit into one of the categories addressing the size of the project site identified in paragraphs a through e of this section.
  - a. If new construction is proposed for a vacant site (including any site which will be prepared by removing all existing structures) and if the project consists of

commercial, industrial, mixed use or public development on the vacant site, such site must contain not less than ten thousand (10,000) square feet of land.

- b. If the project proposes the addition of greater than one thousand (1,000) square feet of gross floor area (whether attached or detached) to an existing commercial, industrial, mixed use, or civic development, the site must contain at least ten thousand (10,000) square feet of land area.
  - c. If the project proposes the addition of multi-family residential units (whether attached or detached) to an existing commercial or office development, the proposed development (consisting of pre-existing structures and the additional residential space) must be on a site that is capable of accommodating the proposed development with a minimum of adverse impact upon existing and future residents of the development and the surrounding neighborhood.
  - d. If the proposed project is limited to using, with or without renovation or remodeling, an existing structure whose height and footprint will not be materially expanded or altered, it will be presumed that the site upon which such structure is located will be sufficient for the proposed new or expanded use of the structure, unless planning commission finds that proposed new uses will adversely impact in a material and continuing way the neighborhood in which the project is located. For example, if a dormant warehouse is proposed for conversion into multiple residential units, a school or a commercial center, issues that could adversely impact the neighborhood such as the adequacy of parking for the proposed new use or uses should be addressed and resolved prior to planning commission's approval of the project.
  - e. If the proposed project is found by the planning commission to be unique, innovative and of clear benefit to the neighborhood in which it will be located, deviations from minimum site size requirements listed above may be permitted by planning commission, provided that planning commission finds that such deviations will not result in material and continuing adverse impacts on such neighborhood.
2. Criteria. The following criteria shall be used in determining a project's consistency with the intent and purpose of this Section. Projects that are reviewed must satisfy a majority of the criteria enumerated in this Section, but not all such criteria will be applicable with respect to every proposed project.
- a. User Impact and Needs. The design of the project shall consider the impact and the needs of the user in respect to pedestrian circulation, parking, traffic, utilities, public services, noise and odor, privacy, private and common open spaces, trash collection, security and crime deterrence, energy consumption, physical barriers, and other design concerns.
  - b. Relationship to Physical Features. The location of buildings and structures shall respect the natural terrain of the site and shall be functionally integrated with any

natural features of the landscape to include the preservation of existing trees, where feasible.

- c. Consistency of Architectural Style. The building or structure shall be harmonious and consistent within the proposed architectural style regarding roofing, materials, window, doors, openings, textures, colors, and exterior treatment.
  - d. Balance and Integration with the Neighborhood. The overall design shall be integrated and compatible with the neighborhood and shall strive to be in harmony with the scale and bulk of surrounding properties.
  - e. Building Design. The design of buildings and structures shall strive to provide innovation, variety, and creativity in the proposed design solution. All architectural elevations shall be designed to eliminate the appearance of flat façades or box-like construction:
    - (1) The front façade shall have vertical and horizontal offsets to add architectural interest to the exterior of the building and, where possible, bay windows and similar architectural projections shall be used.
    - (2) The roof planes of the building, as well as the building shape, shall be varied where feasible and a visible and significant roofline shall be used to soften the vertical mass.
    - (3) Harmonious variations in the treatment or use of wall materials shall be integrated into the architectural design.
3. Signs. Signs and sign programs shall meet the criteria established in Article XIV. (Signs) of this zoning ordinance.
  4. Conditions of Approval. The conditions stated in the resolution adopted by the planning commission, or design considerations integrated into the project shall be deemed necessary to protect the public health, safety, and general welfare. Such conditions may include but shall not be limited to:
    - a. Changes to the design of building and structures;
    - b. Additional setbacks, open spaces, and buffers;
    - c. Provision of fences and walls;
    - d. Street dedications and improvements, including service roads and alleys;
    - e. The control of vehicular ingress, egress, and circulation;

- f. Sign requirements or a sign program, consistent with Article XIV (Signs), of this zoning ordinance;
- g. Provision of landscaping and the maintenance thereof;
- h. The regulation of noise, vibration, odor or other similar objectionable factors;
- i. Requirements for off-street loading facilities;
- j. Such other conditions as will make possible the development of the Downtown Overlay Districts in an orderly and efficient manner and in conformity with the intent and purposes set forth in this zoning ordinance and in the General Plan.

**Section 27.328. Downtown Overlay Districts.** The following additional requirements apply to proposed development in specific Downtown Overlay Districts:

1. Civic Center—District I.
  - a. The Civic Center District, with the exception of areas with an industrial designation, may permit up to 25 dwelling units per net acre of land (including any density bonuses) with a variety of residential, retail and office commercial, recreational, and civic uses. The District does not provide any density bonuses for areas with an industrial designation. Residential developments must include ground floor commercial uses at or near the front property line. The maximum height of any future development shall be as much as five stories.
  - b. The Civic Center District also encompasses a few industrial designated parcels along the Union Pacific Railroad corridor. New developments in the District must ensure adequate buffers and compatibility between any industrial and residential properties and other sensitive receptors with regard to but not limited to the following potential hazards: noise; hazardous and/or toxic air contaminants; and hazardous and/or toxic substances.
2. West Village—District II  
The West Village District may permit up to 20 dwelling units per net acre of land (including any density bonuses) with a variety of residential, retail and office commercial, recreational, and civic uses. Residential developments must include ground floor commercial uses at or near the front property line. The maximum height of any future development shall be limited to three stories.
3. East Village—District III  
The East Village District, with the exception of areas with an industrial designation, may permit up to 18 dwelling units per net acre of land (including any density bonuses) with

a variety of residential, retail and office commercial, light industrial, recreational, and civic uses. The District does not provide any density bonuses for areas with an industrial designation. Residential developments must include ground floor commercial at or near the front property line and may include ground floor light manufacturing uses with a retail outlet for the products produced on-site as long as they are compatible with adjacent and nearby uses. The maximum height of any future development is four stories.

**Section 27.329. Validity of Uses.** In the MU overlay zone, uses prohibited by this overlay zone that were legally established or occupied on or prior to the effective date of this overlay zone shall be considered to be legal nonconforming uses.

**Section 27.330. Nonconforming Uses.** Article XV (Nonconforming Uses) of this zoning ordinance regarding construction, discontinuance, improvement, or change of nonconforming uses is applicable to uses within the MU zone.

CHAPTER 10B. DEVELOPMENT IMPACT FEE.

Sec. 10B.1. Purpose.

Sec. 10B.2. Development impact fee established—Periodic review.

Sec. 10B.3. Payment of fee.

Sec. 10B.4. Limited use of fees.

Sec. 10B.5. Exemption to fees—Developer construction of excess facilities.

Sec. 10B.6. Fee adjustments.

**Sec. 10B.1. Purpose.**

In order to implement the goals and objectives of the general plan of the city and to mitigate the impacts caused by new development in the city, certain public improvements (collectively referred to herein as "public facilities," "infrastructure" or "improvements") must be or had to be constructed or provided. The city council has determined that a development impact fee is needed in order to defray the cost of public facilities related to developing projects. In establishing the fee described in the following sections, the city council has found the fee to be consistent with the general plan and, pursuant to Government Code Section 65913.2, has considered the effects of the fee with respect to the city's housing needs as established in the housing element of the general plan.

*Section 10B.1. Purpose.*

**Sec. 10B.2. Development impact fee established—Periodic review.**

A development impact fee is established for development in the city to pay for public facilities, including but not limited to library, police, fire protection, streets, recreation, culture, storage, treatment and distribution of water, collection, treatment, reclamation and disposal of sewage, collection and disposal of stormwaters, flood control and other public facilities. The city council, by resolution, shall set forth the specific amount of the fee, describe the development for which public facilities are needed, list the specific public improvements required to accommodate said development, set forth the estimated costs of the improvements, describe the reasonable relationship between the fee and various types of new development and set forth the time for payment. The city council shall review the fees on a periodic basis in compliance with the California Government Code, to determine whether the fee amounts are reasonably related to the impacts of developments and whether the described public facilities are still needed.

*Section 10B.2. Development impact fee established—Periodic review.*

**Sec. 10B.3. Payment of fee.**

As described in the fee resolution, and except as otherwise provided by law, the development fee established pursuant to Section 10B.2 shall be paid for each development prior to the issuance of the building permit.

*Section 10B.3. Payment of fee.*

#### **Sec. 10B.4. Limited use of fees.**

The revenues raised by such fees shall be placed in a separate and special account and with any interest earnings on such account, shall be used solely to defray all or a portion of the cost of public facilities related to the development project.

*(Ord. No. 90-06, § 4.)*

#### **Sec. 10B.5. Exemption to fees—Developer construction of excess facilities.**

The fee established by this chapter does not apply to fees imposed pursuant to a reimbursement agreement between the city and a developer for that portion of the cost of a public facility when a developer is required, as a condition of development, to construct a public facility which has excess size, length or capacity over that needed for the impacts of such development, and when such construction is necessary to ensure efficient and timely installation of the public facilities network.

*(Ord. No. 90-06, § 5.)*

#### **Sec. 10B.6. Fee adjustments.**

A developer of any project subject to the fee described herein may apply to the city council for a reduction or adjustment to said fee based upon the absence of any reasonable relationship or nexus between the impacts of the development and either the amount of the fee charged or the type of public facilities to be financed. The application shall be made in writing and filed with the city clerk at the time of filing the request for a building permit. The application shall state in detail the factual basis for the claim of waiver or reduction. The city council shall consider the application within sixty days after the filing of the fee adjustment application. The decision of the city council thereon shall be final. If a reduction or waiver is granted, any change in use within the project shall subject the development to payment of the fee.

*(Ord. No. 90-06, § 6.)*