

DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

Conditional Use Permit #: CUP 23-07 – Adult Substance Use Disorder Treatment Program Clinic

Property Owners: Donald M. Ehman Enterprise LLC

**Applicant/
Representative:** Imperial County Behavioral Health/Shine Investments & Catalyst Development LLC – Ray Roben

Legal Description: Tract 113, Township 13 and 14 South, Range 14 East, In the City of Brawley, County of Imperial, State of California
APN: 048-320-002

Location: 197 W. Legion Road

Area: 1 Acre (43,560 Square Feet)

Zoning: C-P (Service and Professional)

Existing Use: Not in use. Its most recent use was a Medical Plaza

Proposed Use: Adult Substance Use Disorder (SUD) Treatment Program Clinic

Surrounding Land Uses:

North - C-2 (Medium Commercial)/ Medical Plaza
South - C-3 (Heavy Commercial)/Medical Plaza and Mini Storage
East - C-P (Service and Professional) / Church/School Facility
West- C-P (Service and Professional) / PMH Hospital/Daycare Facility

General Plan Designation: Commercial

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General Information:

The applicant is requesting a conditional use permit to allow the implementation of an Adult Substance Use Disorder (SUD) Clinic. The property is a developed 1-acre site, zoned C-P (Service Professional), and most recently was used as a medical plaza. The proposed clinic would operate Monday through Friday from 7:30am to 5:30pm, excepting holidays. Article II of the Brawley Municipal Code defines a medical clinic as delivering outpatient medical and mental healthcare, inclusive of healthcare centers. Health centers are prohibited in the C-P Zone; however, medical clinics are allowed by right. The more restrictive use prevails. The SUD Clinic is permissible in the C-P zone via a conditional use permit.

The applicant has four existing SUD facilities, two located in Calexico and the two in El Centro. A project vicinity map and existing facility conditions is included as EXHIBIT A. The proposed site would provide outpatient services including up to 19 hours of counseling; treatment planning; crisis intervention; discharge planning; withdrawal management; prescribing and administration of non-controlled and controlled substances; and providing services to address social, psychosocial, and environmental factors associated with drug use. Services will be provided in a group setting or individually. The approximately 6,800 sqft site will consist of six (6) therapy rooms; three (3) group rooms; reception area, staff cubicles; physician and management offices; medication room; equipment room; IT room; break room; and restrooms. Parking is required at a ratio of one stall for each 200 feet of building gross floor area. A detailed description of the proposed services to be provided at the site is included as EXHIBIT B. In other areas within Imperial County, it has been observed that facilities that dispense/administer medication assisted treatment for opioid and alcohol use have led to an increased incidence of loitering, unpermitted encampments, and blight within the project site vicinity. As a condition of approval, the facility will be required to promptly address complaints of loitering, encampments within the vicinity of the facility. The conditional approval will be subject to revocation should an increased incidence of crime, loitering, defacement of private/public property is reported within the vicinity of the project site. Increased crime, loitering, and defacement of properties will create a deterrent to developing and maintaining a safe and vibrant community.

Planning Commission basis for approval:

- A. The conditional use permit for a Substance Use Disorder Clinic protects the best interest, health, safety and welfare of the public in general.
- B. The conditional use permit for a Substance Use Disorder Clinic complies with all of the standards and conditions applicable in the zoning district in which it is proposed to be located.
- C. The conditional use permit for a Substance Use Disorder Clinic 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, or any approved concept plan.
- D. The conditional use permit for a Substance Use Disorder Clinic is adequately served by and will not impose an undue burden upon the public improvements and rights-of-way by which it will be served or benefited, or which exist or are planned for installation within its boundaries or their immediate vicinity.
- E. Any impacts created by the proposed Substance Use Disorder Clinic on adjacent property are adequately mitigated with the design, proposed construction and phasing of the site development.
- F. The design of the Substance Use Disorder Clinic mitigates substantial environmental

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problems.

- G. The Substance Use Disorder Clinic is compatible with adjacent structures and uses.
- H. The proposed Substance Use Disorder Clinic is not materially detrimental to the enjoyment or valuation of the property adjacent to the site.

Conditions of Approval:

If approved, the Planning Department recommends the following conditions:

1. The conditional approval of the Conditional Use Permit (CUP) 23-07 shall not constitute the waiver of any requirement of the city's ordinances or regulations, except where a condition set forth herein specifically provides for a waiver.
2. The Applicant/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 and or issuance of a business license.
3. The applicant 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. Applicant shall ensure facility employees, patrons, guests, etc. abide by the conditions of approval.
5. The Developer/Applicant/Owner shall pay all applicable impact and capacity fees.
6. Parking shall be installed in accordance with Article XI of the Brawley Zoning Ordinance.
7. Security will be provided during all hours of operation. Loitering adjacent and within the vicinity of the facility will be addressed promptly. Unpermitted encampments within the vicinity of the facility will be monitored and removed at the sole responsibility and expense of the applicant. Loitering or encampments persisting longer than 24 hours will constitute a nuisance and shall serve as a basis for revocation of CUP 23-07.
8. Applicant and any occupant, tenant, licensee, employee or contractor operating at the site or using this Conditional Use Permit shall not distribute or otherwise provide any medication, drugs, chemicals or compounds of any type, syringes, or any item for the treatment of opioid, cannabinoid, and or any other medication assisted treatment.
9. Applicant and any occupant, tenant, licensee, employee or contractor operating at the site, may not seek or obtain any methadone treatment or opioid treatment classification, accreditation or licensing from any government agency or other regulatory body for this Assessor's Parcel Number or under this Conditional Use Permit.
10. Applicant and any occupant, tenant, licensee, employee or contractor operating at the site of this Assessor's Parcel Number or using this Conditional Use Permit may not provide any methadone distribution or medication assisted opioid treatment.
11. No distribution of any tangible thing which could be provided or distributed under any Certification, license or other permission from the State of California Department of Health Care Services or from any other government agency or regulatory body to operate any alcohol and/or drug abuse recovery or treatment facility may be done by applicant or any occupant, tenant, licensee, employee or contractor operating at the site of this Assessor's Parcel Number or using this Conditional Use Permit.
12. Hours of Operation will be Monday through Friday 7:30am to 5:30pm.
13. Services will be rendered by appointment only.
14. Installation of adequate lighting, security cameras that interface with the Brawley Police Department Flock Safety System, and any other relevant crime deterrent methods.

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15. Facility shall remain in good standing with the California Department of Health Care Services (CDHCS). Failure to remain in good standing with CDHCS will serve as a basis for revocation of CUP 23-07.
16. The provisions of the permit are to run with the land/project and shall bind the current and future owner(s) successor(s) in interest, assignee(s) and/or transferor(s) of said project.
17. If the city finds and determines that the applicant or successor-in-interest has not complied or cannot comply with the terms and conditions of the CUP, or the Planning/Building Department determines that the permitted activities constitute a nuisance, the city shall provide Permittee with notice and opportunity to comply with the enforcement or abatement order. If after receipt of the order (1) Permittee fails to comply, and/or (2) Permittee cannot comply with the conditions set forth in the CUP, then the matter shall be referred to the Planning Commission for permit modification, suspension, or termination, or to the appropriate enforcement authority.
18. If the city finds and determines that the Permittee or successor-in-interest has not complied or cannot comply with the terms and conditions of the CUP, or the Planning/Building Department determines that the permitted activities constitute a nuisance, the City shall provide Permittee with notice and opportunity to comply with the enforcement or abatement order. If after receipt of the order (1) Permittee fails to comply, and/or (2) Permittee cannot comply with the conditions set forth in the CUP, then the matter shall be referred to the Planning Commission for permit modification, suspension, or termination, or to the appropriate enforcement authority.
19. As between the city and the Permittee, any violation of this permit may be a "nuisance per se". The City may enforce the terms and conditions of this permit in accordance with its Codified Ordinances and/or State law. The provisions of this paragraph shall not apply to any claim of nuisance per se brought by a third party.
20. Permittee shall not be permitted to maintain a "nuisance", which is anything which: (1) is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, and/or (2) affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal, and/or (3) occurs during or as a result of the re-located business.
21. Applicants shall, to the fullest extent permitted by law, indemnify and save the City of Brawley and its respective agents, officers, and employees, free and harmless of and from all claims, demands, losses and liability, including costs and legal fees arising directly or indirectly out of the process associated with issuance of this permit or activities undertaken in connection with issuance of this permit, excepting only claims arising from the solo negligence or misconduct.

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The recommendation is based on the following findings:

1. The proposal was prepared in accordance with the California Environmental Quality Act (CEQA) and is exempt pursuant to Section 15301 – Minor Alterations.
2. The location of the project and surrounding land uses make it unlikely the project will cause significant environmental impacts.
3. Without mitigation, approval of the conditional use permit may be detrimental to the public welfare or detrimental to the health and safety of the residents of the City of Brawley.
4. The site plan is consistent with the General Plan and the character of the area for that type of land use.
5. The conditional use permit meets the standards of Article XIX of the Brawley Zoning Ordinance.

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

C-P (Service and Professional) zoning permits a Substance Use Disorder Clinic by **Conditional Use Permit** only.

ATTACHMENT: Location Maps, Existing Locations, and Facility Use Description.

NOTE TO THE PROPERTY OWNER: DEVELOPMENT REVIEW COMMITTEE POLICY REQUIRES THAT THE APPLICANT OR REPRESENTATIVE BE PRESENT AT THE MEETING FOR THIS ITEM. YOU WILL REMAIN IN THE WAITING AREA UNTIL YOUR ITEM IS HEARD. FAILURE TO ATTEND THE MEETING WILL RESULT IN RESCHEDULING TO THE NEXT DRC MEETING. PLEASE DIRECT ANY QUESTIONS CONCERNING THIS REPORT TO THE PLANNING DEPARTMENT AT (760) 344-8822.

EXHIBIT A

Project Vicinity

197 W. Legion Rd.



EXHIBIT A.1

EXISTING FACILITIES & CONDITIONS

Adult Substance Use Disorder El Centro Treatment Program

2695 S. 4th Street, Suite A, El Centro, CA 92243



- Well-maintained



- Loitering
- Encampments

EXISTING FACILITIES & CONDITIONS

Adolescent Substance Use Disorder El Centro Treatment Program

315 S. Waterman Avenue, El Centro, CA 92243



- **Well-maintained**
- **No Loitering**
- **Adjacent businesses include the Grocery Outlet, Paleteria Cachanilla, and IID Offices**

EXISTING FACILITIES & CONDITIONS

Adult Substance Use Disorder Calexico Treatment Program

25 E. 3rd Street, Calexico, CA 92231



- Well-Maintained



- Loitering
- Encampments

- Alley
- Across the street
- Bus Shelter across the street
- Nearby Gas Station

EXISTING FACILITIES & CONDITIONS

Adolescent Substance Use Disorder Calexico Treatment Program

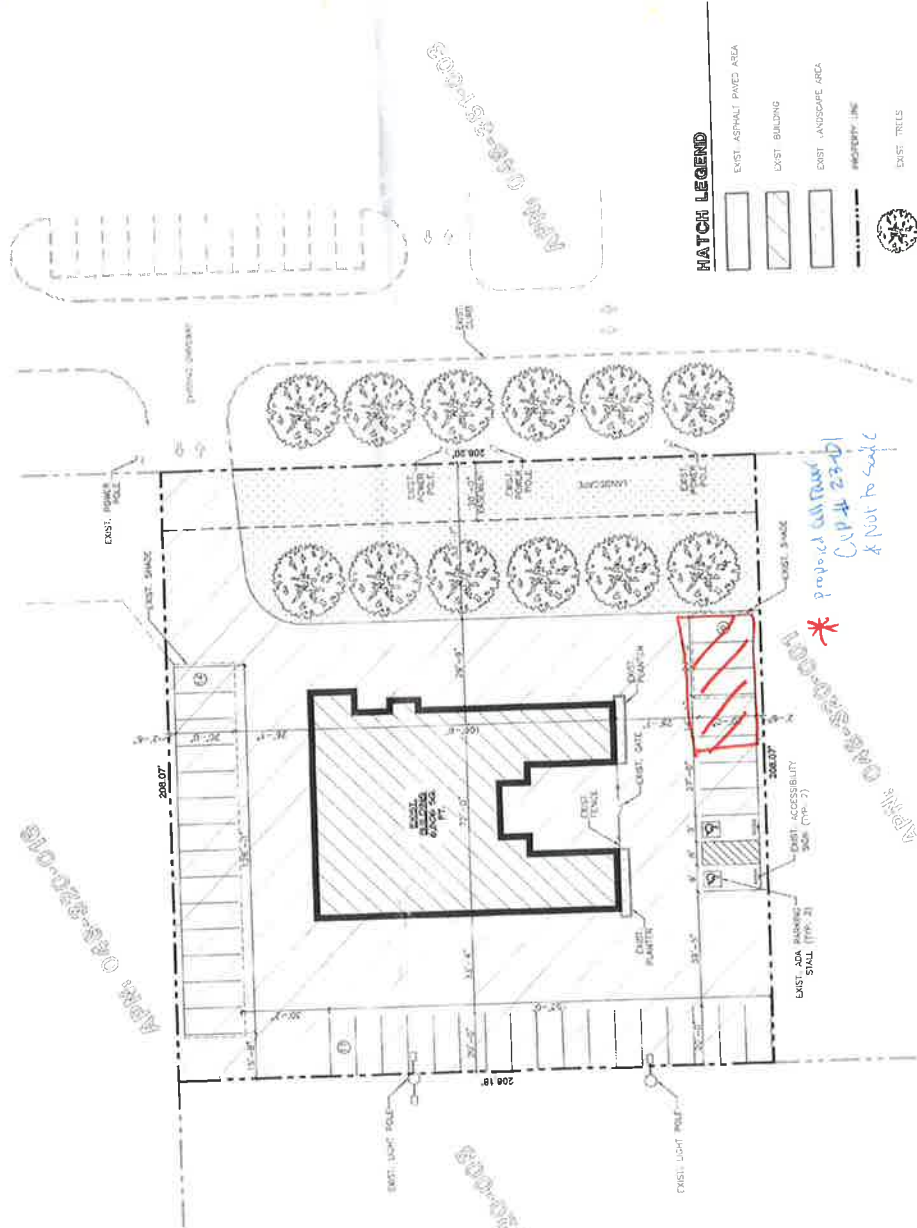
101 Hacienda Drive, Suite B, Calexico, CA 92231



- Well-maintained
- No Loitering

B.H. SUBSTANCE USE

197 W. LEGION RD., BRAWLEY, CA. 92227



MATCH LEGEND

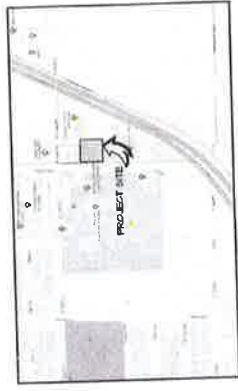
- EXIST. ASPHALT PAVED AREA
- EXIST. BUILDING
- EXIST. LANDSCAPE AREA
- PROPERTY LINE
- EXIST. TREES

BUILDING DATA

ASSESSOR'S PARCEL NO: 048-290-002-000
 ZONING: C-P (SERVICE AND PROFESSIONAL)
 SITE AREA: 0.88 AC (3,804 SQ. FT.)
 BUILDING USE: MEDICAL OFFICE
 OCCUPANCY GROUP: P
 TYPE OF CONSTRUCTION: V-E
 EXIST. BUILDING AREA: 6,408 SQ. FT.
 HEIGHT: 13'-0"
 STOREY: 1
 PARKING REQUIRED: 90 P
 EXISTING PARKING: 100 P
 LANDSCAPE REQUIRED: 25,717 SQ. FT. UNDEVELOPED AREA
 EXISTING LANDSCAPE: 9,511 SQ. FT. (24%-SITE)

PROJECT DATA

PROPERTY OWNER: SHINE INVESTMENTS & DEVELOPMENT, LLC
 1400 W. LEGION RD., SUITE 100
 BRAWLEY, CA 92227
 PROJECT ADDRESS: 197 W. LEGION RD., BRAWLEY, CA 92227
 CONTRACTOR: DUGGINS CONSTRUCTION
 1400 W. LEGION RD., SUITE 100
 BRAWLEY, CA 92227



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

PROPERTY BOUNDARY NOTE:
 THE PROPERTY BOUNDARIES SHOWN ON THIS PLAN ARE AN APPROXIMATION BASED ON THE RECORDS OF THE COUNTY OF SAN DIEGO. THIS PLAN IS NOT TO BE USED AS A LEGAL DOCUMENT FOR LOCATING, ESTABLISHING OR DETERMINING PROPERTY BOUNDARIES. A REGISTERED LAND SURVEYOR WILL PRESERVE THE NECESSARY SURVEY

DATE	2023-02-08
BY	M.C.
AS SHOWN	07/14/2023
EXISTING SITE PLAN	

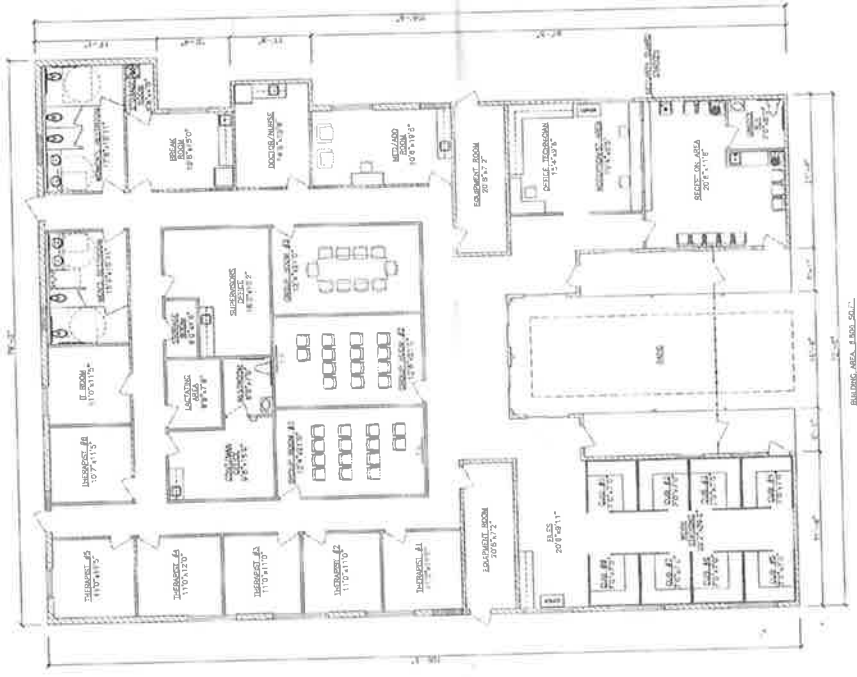


DISCLAIMER:
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PROJECT	B.M. SUBSTANCE USE
DATE	07/14/2023
AS SHOWN	M.O./P.
PROJECT NO.	2023-028
SCALE	1/8" = 1'-0"
PROPOSED FLOOR PLAN	2

DC DUGGINS CONSTRUCTION
 ARCHITECTS IN BREVARD COUNTY
 1400 S. SEASIDE
 WEST GUMBO COURT, APT. 101
 WEST PALM BEACH, FL 33411
 WWW.DC-DUGGINS.COM

WALL LEGEND:	
—————	EXISTING WALL
-----	NEW TRUCK MOUNTED WALL, NON-LOADING
	ALL IN DOTTED LINES



PROPOSED FLOOR PLAN
 SCALE: 1/8" = 1'-0"

Imperial County Behavioral Health Services (ICBHS) seeks to lease the building located at 197 Legion Rd., Brawley, CA 92227, for the purpose of implementing and Adult Substance Use Disorder (SUD) Treatment Program. Through this implementation, ICBHS aims to expand treatment services, improve access to care, and properly address the needs of individuals and their families living with a substance use disorder.

ICBHS has four SUD treatment clinics in Imperial County that are located in the Cities of El Centro and Calexico. Each city has a clinic to treat adolescents the adult population separately. Additionally, ICBHS provides SUD treatment services to adolescents at 10 schools within Imperial County. Adult individuals in need of SUD treatment who reside in the north-end area of Imperial County have to travel to El Centro to access care. By establishing clinic in the City of Brawley, ICBHS will ensure that individuals receive the necessary treatment within their community and will address barriers to care, such as transportation.

The California Opioid Overdose Surveillance Dashboard reported that in year 2021 (year 2022 data is not yet available) the population mostly affected by opioid-overdose deaths resided in the cities of Brawley, Westmorland, and Winterhaven; the population mostly affected by any opioid-related overdose emergency department visits resided in the cities of Brawley and Westmorland; and the population mostly affected by psychostimulant-related overdose deaths resided in the cities of Brawley, Calipatria, Niland, Thermal, and Winterhaven. Through the offered services at the SUD treatment programs, ICBHS plans to address this concerning problem and improve the health and wellness of the Imperial County north-end community.

The Adult Brawley SUD Treatment program will serve individuals ages 18 and older who are diagnosed with a wide range of SUD conditions. The clinic will consist of approximately 15 staff and treatment providers that will consist of therapists, SUD counselors, psychiatrist, nurse, mental health workers, a program supervisor, and administrative support staff. The clinic's hours of operation will be Monday through Friday from 7:30 a.m. to 5:30 p.m. with the exception of holidays.

Depending upon the client's specific needs and assessed level of care, one or more of the following services may be provided:

Intake Assessment: The first appointment with a qualified treatment provider who will conduct a screening to determine the presence of a SUD condition and immediately provide necessary services based on the individual needs. Furthermore, a qualified therapist will conduct a comprehensive assessment based on the American Society of Addiction Medicine (ASAM) criteria to determine the individual's appropriate level of care.

Outpatient Services: Services that consist of up to nine (9) hours per week of medically necessary SUD services that include assessment, treatment planning, individual and group counseling, family therapy, patient education, medication services, collateral services, crisis intervention, and discharge planning.

Intensive Outpatient: Intensive services that consist of a minimum of nine (9) hours and a maximum of nineteen (19) hours per week of medically necessary SUD services that include assessment, treatment planning, individual and group counseling, family therapy, patient education, medication services, collateral services, crisis intervention, and discharge planning.

Withdrawal Management: Two levels of medically necessary outpatient withdrawal management provided by a licensed physician with specialty in addiction medicine and a licensed vocational nurse. Services include assessment, on-site monitoring, medication services, coordination, and discharge planning.

Care Coordination Services: Services that support clients as they move through the continuum of SUD care. Services will assist clients to access needed medical, educational, social, prevocational, vocational, rehabilitative, or other community services. The major role of the assigned SUD Counselor or clinician will be to provide evidence-based interventions that will assist clients in having successful transitions throughout the levels of care and gain overall recovery.

Medication for Addiction Treatment (MAT): Services that include the ordering, prescribing, administering, and monitoring of medication for the treatment of chronic alcohol and opioid use disorders. A licensed physician with specialty in addiction medicine and a licensed vocational nurse will provide services when medically necessary. The following MAT medications can be prescribed: Acamprosate, Disulfiram, Naltrexone, and Buprenorphine.

Clinician Consultation: Services to support ICBHS physicians and licensed therapists providing SUD services with complex cases, which may address medication selection, dosing, side effects management, adherence, drug-drug interactions, or level of care considerations.

Recovery Services: Services available to clients who have completed a primary course of treatment. Services will be available to clients whether they are triggered, have relapsed, or as a preventive measure to prevent relapse. Services will be provided within the context of a treatment plan, which will include a plan for ongoing recovery and relapse prevention.

ICBHS will take measures to ensure the clinic and the area surrounding the clinic is free from loitering and defacement. Some of these measures include but is not limited to security guards patrolling and monitoring the clinic and surrounding area and having proper exterior lighting outside the clinic, among other safety measures.

ICBHS is strongly committed to provide quality professional SUD treatment services to individuals with substance use disorders by providing a whole person care approach. The treatment of SUD is complex and requires considering the full spectrum needs such as medical and behavioral. ICBHS has developed effective working relationships with local hospitals, pharmacies, other medical providers, law enforcement, and numerous community agencies to address the numerous needs of clients accessing services. This involves addressing social determinants of health, such as employment, housing stability, proximity to services, and

education, which have an impact on behavioral health outcomes. ICBHS is dedicated to the wellbeing and recovery of all residents in Imperial County. The two Adult SUD Treatment clinics already established in the cities of El Centro and Calexico have been operating successfully. ICBHS is highly experienced in the operations and provision of behavioral health services and ensures that treatment providers are qualified and trained in evidence-based practices that produce positive outcomes. Establishing a clinic in Brawley will increase resources to a community much in need.