



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, JUNE 4, 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 MAY 7, 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 (VAR14-02) to allow construction of a 6-foot high wrought iron fence within the front yard setback of an apartment complex in an R-3 (Residential Medium Density) zone.
Applicant: Tina Carroll
1007 Calle Luna Street
Brawley, CA 92227
Location: 275 Cattle Call Drive, Brawley, more particularly described as 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 Department
Brawley Admin Offices
383 Main Street

COMMISSION ACTION

6. DISCUSSION -- SIDEWALK SALES IN THE DOWNTOWN DISTRICTS
Proposed changes to the Brawley Downtown Specific Plan conditional use permitting process as it applies to sidewalk sales in the downtown districts

7. ZONING CODE ENFORCEMENT

8. 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

PLANNING COMMISSION STAFF REPORT

Variance #: VAR14-02

**Property Owner/
Applicant:** Tina Carroll

Legal Description: 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

Location: 275 Cattle Call Drive

Area: 0.79 Acres (34,560 Square Feet)

Zoning: R-3 (Residential Medium Density)

Existing Use: Apartments

Proposed Use: Same with a six (6) foot high wrought iron fence in the front yard setback

Surrounding Land Uses:

North - R-3 (Residential Medium Density) / Single Family Dwelling
South - R-3 (Residential Medium Density) / Apartments
East - R-3 (Residential Medium Density) / Apartments
West- R-3 (Residential Medium Density) / Parking Lot

General Plan Designation: Medium Density Residential

**PLANNING COMMISSION HEARING, JUNE 4, 2014,
5:30 P.M., CITY COUNCIL CHAMBERS, 383 MAIN STREET,
BRAWLEY, CALIFORNIA**

Variance: VAR14-02

General Information:

The applicant is requesting a variance to allow for a six (6) foot high wrought iron fence in the front yard setback. The property is currently zoned R-3 (Residential Medium Density). The site is currently an apartment complex and is 0.79 acres in size. There are no zoning conditions currently imposed on this property.

Information to the Commission:

Per the Zoning Ordinance, the maximum allowable fence height in a front yard setback is four (4) feet.

Staff Recommendation:

If approved, the Development Review Committee recommends 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 property owner and/or tenant shall keep the property in an organized and clean condition to mitigate aesthetic impacts resulting from the shielding waiver.
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.

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 lot 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 **Medium Density Residential** land uses.

R-3 (Residential Medium Density) zoning permits a six (6) foot high wrought iron fence in the front yard setback by variance only.

Variance: VAR14-02

The Commission must determine the following:

- A. The variance for the six (6) foot high wrought iron fence in the front yard setback protects the best interest, health, safety and welfare of the public in general.
- B. The variance for the six (6) foot high wrought iron fence in the front yard setback complies with all of the standards and conditions applicable in the zoning district in which it is proposed to be located.
- C. The variance for the six (6) foot high wrought iron fence in the front yard setback 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. The proposed six (6) foot high wrought iron fence in the front yard setback 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 six (6) foot high wrought iron fence in the front yard setback on adjacent property are adequately mitigated with the design, proposed construction and phasing of the site development.
- F. The design of the six (6) foot high wrought iron fence in the front yard setback mitigates substantial environmental problems.
- G. The six (6) foot high wrought iron fence in the front yard setback provides adequate landscaping and/or screening where needed to reduce visibility to adjacent uses.
- H. The six (6) foot high wrought iron fence in the front yard setback is compatible with adjacent structures and uses.
- I. The six (6) foot high wrought iron fence in the front yard setback is not materially detrimental to the enjoyment or valuation of the property adjacent to the site.

ATTACHMENT: Location Map; Photos.

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.

VAR14-02 - 275 Cattle Call Drive



Legend

- Street Name
- Parcels Numbers
- Centerline
- Parcels
- Parcels Address
- Parcel Lines
- City Boundary
- Assessor Page Boundary

048185001000 294
048185002000 288
048185003000 280
048185004000 268
048185005000 266
048185006000 240
048185007000 230

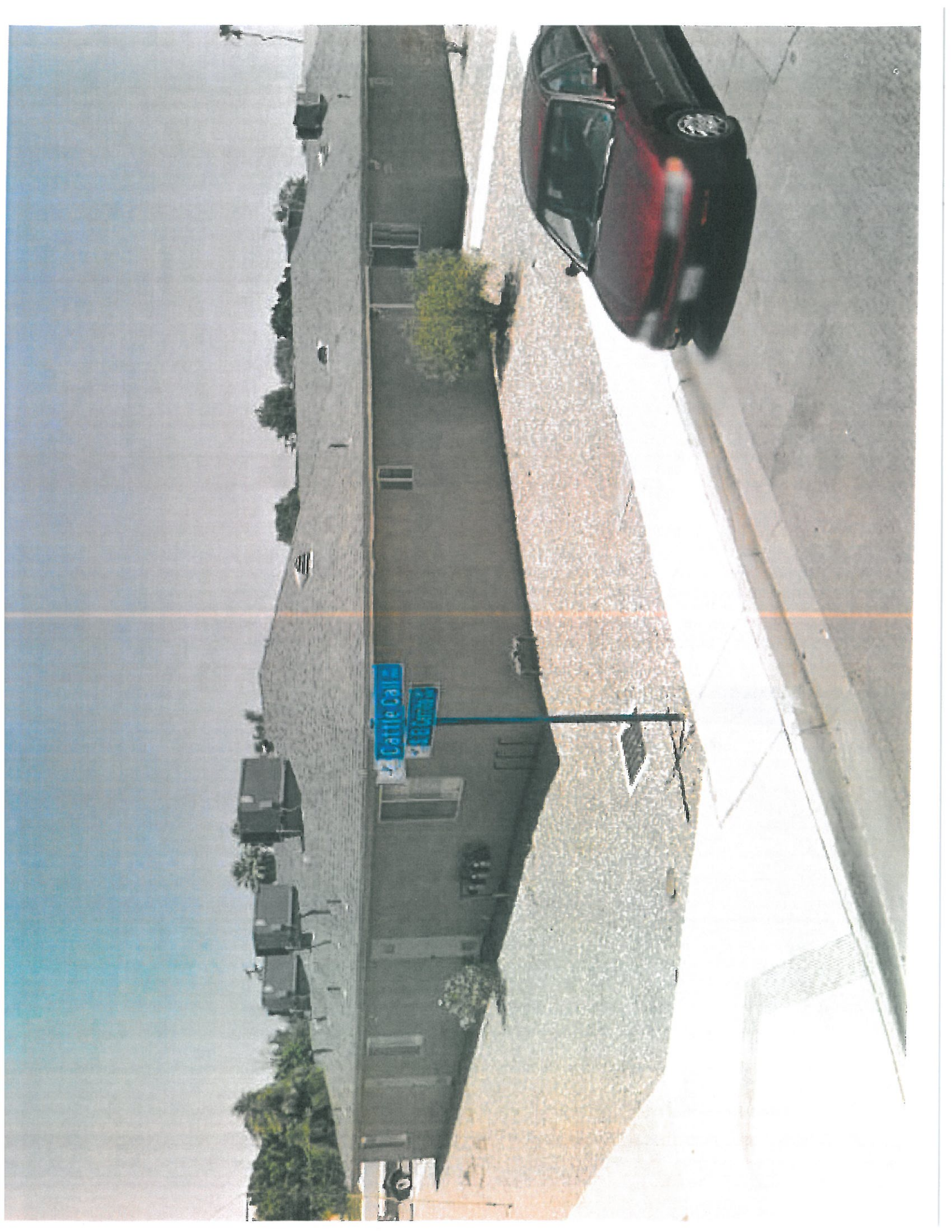
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PLANNING COMMISSION REPORT
City of Brawley

Meeting Date: June 4, 2014

City Manager: _____

PREPARED BY: Gordon R. Gaste, AICP

PRESENTED BY: Gordon R. Gaste, AICP

SUBJECT: Downtown Specific Plan Area Sidewalk Sales

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.

Staff, in consultation with the Chamber of Commerce, have developed some potential alternatives to the current CUP process. The following are some options that may be considered:

1. Allow sidewalk sales during the Cattle Call and holiday season by right for all businesses. For example, the dates could range from November 1 through January 1.
2. A maximum number of passes per year would be permitted at any time for each business. For example, a business could only have 6 sales per year at a time of their choosing. Each pass could represent a 2-day (48-hour) period to correspond to a weekend.
3. Leave the process "as is" requiring a Planning Commission CUP.

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.

FISCAL IMPACT: Staff Review Time