



## PLANNING COMMISSION

Kevan Hutchinson, Chairman

Darren Smith, Vice-Chairman

Eugene Bumbera      George A. Marquez

Jay Goyal      Robert Palacio      Juan Tavares

**AGENDA  
PLANNING COMMISSION  
REGULAR MEETING  
WEDNESDAY, NOVEMBER 4, 2020 AT 5:30 P.M.  
CITY OF BRAWLEY COUNCIL CHAMBERS  
383 MAIN STREET  
BRAWLEY, CALIFORNIA**

**This meeting will be broadcast live at [www.facebook.com/TheHubatBrawleyEOC](http://www.facebook.com/TheHubatBrawleyEOC).**

- 1. CALL TO ORDER / ROLL CALL**
- 2. APPROVE AGENDA**
- 3. PUBLIC APPEARANCES**

The Planning Commission encourages citizen participation on all matters presented for their consideration. The Planning Commission does not take action on items presented under Public Appearances.

To maintain social distancing, physical presence is strongly discouraged. Alternative methods of participation are encouraged and should a member of the public wish to provide public comments, please submit written comments via email to [amontano@brawley-ca.gov](mailto:amontano@brawley-ca.gov) or contact the Planning Division Office at 760/344-8822. The deadline to submit comments is 5PM on the date of the meeting.

### **PUBLIC HEARINGS**

- 4.** A conditional use permit (CUP20-01) submitted by Stacey Hoyt, Ph.D. on property located at 525 Main Street, Brawley, CA 92227 was approved by the Development Review Committee on October 1, 2020. The property is currently zoned Civic Center Main Street and is 0.17 acres in size. The permit is to allow for an outpatient individual and group substance abuse counseling treatment clinic to operate in an existing building. A formal appeal was received by the Planning Department opposing the clinic at the aforementioned location.

Property Owner:      Stacey Hoyt

Legal Description:      Lots 13 & 14, Block 71, Townsite of Brawley, City of  
Brawley, County of Imperial, State of California, APN  
047-342-014.

**5. REVIEW AND ADOPTION OF PLANNING COMMISSION RULES 2020-2021**

**6. ELECTION OF OFFICERS 2020-2021**

**7. NEXT MEETING DATE**

**8. ADJOURNMENT**

Supporting documents are available for public review in the Community Development Services office, 205 S. Imperial Avenue, Brawley, CA 92227 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

**Conditional Use Permit #:** CUP 20-01

**Property Owner(s):** Stacey Hoyt, Ph.D.

**Legal Description:** Lots 13 & 14, Block 71, Townsite of Brawley, City of Brawley, County of Imperial, State of California, APN 047-342-014

**Location:** 525 Main Street

**Area:** .17 acres (7,500 SF)

**Zoning:** Downtown Specific Plan-Civic Center Main Street

**Existing Use:** Vacant Structure

**Proposed Use:** Medical Services/Substance Abuse Treatment Counseling Center

**Surrounding Land Uses:**

<b>North -</b>	CN (Civic Center Neighborhood) / Vacant Lot
<b>South -</b>	CM (Civic Center Main Street) / Commercial Building
<b>East -</b>	CM (Civic Center Main Street) / Commercial Building
<b>West-</b>	CM (Civic Center Main Street) / Commercial Building

**General Plan Designation:** Mixed Use

**PLANNING COMMISSION MEETING, NOVEMBER 4, 2020, 5:30  
P.M. CITY COUNCIL CHAMBERS, 383 MAIN STREET,  
BRAWLEY, CALIFORNIA**

## **Conditional Use Permit: CUP 20-01**

The Development Review Committee (DRC) voted on October 1, 2020 to approve Conditional Use Permit 20-01. An appeal to the Planning Commission was received from the Chamber in opposition of the location of the project being located in the Downtown Area.

The applicant is requesting a conditional use permit to allow for Medical Services beyond the current one on one counseling that is provided at the current location. The property is currently zoned Civic Center Main Street per the Downtown Specific Plan. The site is currently vacant. The applicant currently operates a federally contracted program from 537 Main Street, and is attempting. Moving locations may allow the facility to become certified by the State of California in order to provided additional outpatient substance abuse treatment. Services to be performed are assessments, individual and group substance abuse treatment to the citizens of Brawley, California. There are no zoning conditions currently imposed on this property.

**TREATMENTS PROVIDED ARE COUNSELING TREATMENTS ONLY. THERE WILL BE NO MEDICATION ASSISTED SUBSTANCE ABUSE TREATMENTS SUCH AS METHADONE PROVIDED.**

The City of Brawley cannot discriminate Medical Offices based on service provided. In 2018 the DRC approved CUP 18-01 a behavioral health clinic at 229 Main Street, operated by the Imperial County Department of Behavioral Health. In 2014 DRC denied CUP 14-05, a drug & rehabilitation clinic that was proposed to be located at 126 Main Street. This project was deemed incompatible with surrounding land uses, and inconsistent with the goals, policies and objectives of the Downtown Specific Plan because the applicant would not agree to a condition prohibiting medication assisted substance abuse treatments. In the case of CUP 20-01 the applicant agreed to limited hours of operations, and a prohibition of medication assisted substance abuse treatments.

### **Staff Recommendation:**

The Development Review Committee recommends approval of this conditional use permit. The following conditions shall apply:

1. Landscaping will be required as per Sec. 27.180 of the Zoning Ordinance and the Downtown Specific Plan.
2. Provide sewer and water, curb and gutter, sidewalk, street and other improvements to City standards before City issues certificate of occupancy for any structure for each parcel. This includes any sidewalk repairs and installation of a backflow device.
3. Applicant/Property Owner shall defend, indemnify, and hold harmless the City of Brawley, or its agents, officers and employees from any claim,

action or proceedings against the City or its agents, officers, or employees to attack, set aside, void or annul, an approval by the Development Review Committee, Planning Commission or City Council concerning the project. The City of Brawley shall promptly notify the applicant of any claim, action or proceedings and shall cooperate fully in the defense.

4. The applicant shall pay any and all amounts as determined by the city to defray all costs for the review of reports, field investigations, or other activities related to compliance with this permit/approval, city ordinance and/or any other laws that apply. This include any applicable Development Impact Fees, Capacity Fees, Plan Check and/or Inspection Fees, Air Pollution Control District (APCD) Fees, Environmental Filing Fees and Building Permit Fees.
5. 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.
6. 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.
7. 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 containing tetrahydrocannabinol (THC) in any concentration.
8. 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.
9. 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.
10. 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.

11. The hours of operation shall be limited from 8:00 A.M. to 6:30 P.M. Monday to Friday.
12. Clients shall be seen by appointment only, and loitering shall be prohibited.

The recommendation is based on the following findings:

1. The proposal is exempt from CEQA pursuant to Section 153301 Existing Facilities and 15332 In-Fill Development.
2. The location of the project and surrounding land uses make it unlikely the project will cause significant environmental impacts.
3. Granting of the conditional use permit will not be detrimental to the public welfare or detrimental to the health and safety of the residents of the City of Brawley.
4. The conditional use permit is consistent with the General Plan and the character of the area for that type of land use.

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

Medical Services that require multiple physicians, counselors and patients at one time are allowed by conditional use permit only.

The Committee must determine the following:

- A. The conditional use permit for Substance Abuse Treatment Clinic protects the best interest, health, safety and welfare of the public in general.
- B. The conditional use permit for Substance Abuse Treatment Clinic complies with all of the standards and conditions applicable in the zoning district in which it is proposed to be located.
- C. This conditional use permit for Substance Abuse Treatment 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 proposed Substance Abuse Treatment 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 Abuse Treatment Clinic on adjacent property are adequately mitigated with the design, proposed construction and phasing of the site development.
- F. The design of the Substance Abuse Treatment Clinic mitigates substantial environmental problems.
- G. The Substance Abuse Treatment Clinic is compatible with adjacent structures

and uses.

- H. The proposed Substance Abuse Treatment Clinic 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.





Google Earth

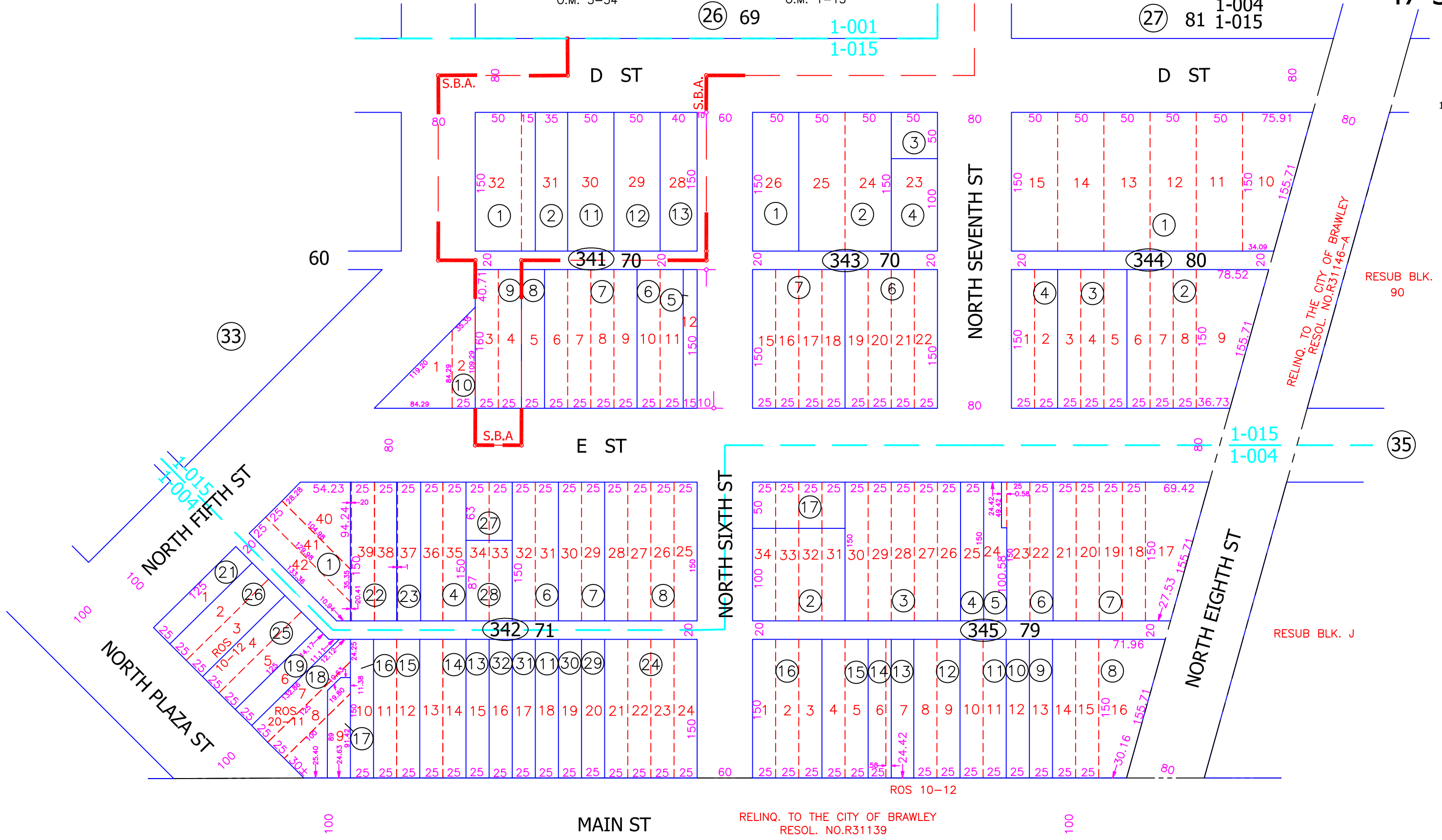
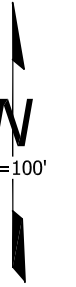
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- 9-6-11 MF
- 6-21-11 MF
- 6-1-11 MF
- 3-9-94 RM
- 5-12-93 RM
- 12-2-91 DP
- 6-17-85 RM
- 4-11-13 MF
- 10-16-12 MF

**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)

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**CITY OF BRAWLEY  
PLANNING COMMISSION**

**ORGANIZATION AND OFFICERS  
(AMENDED 11/2/05)**

**1. ORGANIZATION**

The Planning Commission shall consist of seven regular members and shall be organized and exercise such powers as prescribed by the ordinances of the City of Brawley.

*In addition to these seven members, the mayor, the city engineer, and the city attorney shall be ex-officio members of the planning commission.*

**2. OFFICERS**

A. Selection

- (1) A chairperson and vice-chairperson shall be elected annually from among the Planning Commission's membership at the first meeting in July to serve at the pleasure of the Planning Commission.
- (2) The vice-chairperson shall succeed the chairperson if he or she vacates his or her office before his or her term is completed, the vice-chairperson to serve the unexpired term of the vacated officer. A new vice-chairperson shall be elected at the next regular meeting.
- (3) In the absence of the chairperson and vice-chairperson, the senior member shall preside.

B. Responsibilities

The responsibilities and powers of the officers of the Planning Commission shall be as follows:

- (1) Chairperson
  - (a) Preside at all meetings of the Planning Commission.
  - (b) Call special meetings of the commission in accordance with legal requirements and the Rules and Procedures of the Planning Commission.

- (c) Sign documents of the Planning Commission.
- (d) See that all actions of the Planning Commission are properly taken.
- (e) Assist staff in determining agenda items.

(2) Vice Chairperson

During the absence, disability or disqualification of the chairperson, the vice-chairperson shall exercise or perform all the duties and be subject to all the responsibilities of the chairperson.

**3. DUTIES AND POWERS**

The Planning Commission shall have the power and duties as described in the Municipal Code of the City of Brawley.

**MEETINGS**

**4. PUBLIC MEETINGS**

All meetings shall be held in full compliance with the provisions of state law, ordinances of the City, and the Rules and Procedures of the Planning Commission.

**5. REGULAR MEETINGS**

- A. Regular meetings shall be held on the first Wednesday of the month, at 5:30 p.m., in the City Council Chambers, unless otherwise determined by the Mayor, City Council, Chairperson of the Planning Commission, or upon the request of three members of the Planning Commission.
- B. Whenever a regular meeting falls on a public holiday, no regular meeting shall be held on that day. Such regular meeting may be rescheduled to another business day, or canceled by motion by the Planning Commission.
- C. *The Planning Commission may hold special meetings in accordance with Government code Section 54956. Special meetings may also be called by the mayor or city council. The request shall be filed with the city clerk who shall give notice required by law.*

**6. ADJOURNED MEETINGS**

In the event it is the wish of the Planning Commission to adjourn its meeting to a certain hour or another day, a specific date, time, and place must be set by the Planning Commission prior to the regular motion to adjourn.

**7. STUDY SESSIONS / WORKSHOPS**

- A. The Planning Commission may be convened as a whole or as a committee of the whole in the same manner as prescribed for the calling of a special meeting for the purpose of holding a study session provided that no official action shall be taken and no quorum shall be required.
- B. Such meeting shall be open to the public; but, unless the Planning Commission invites evidence or comments to be given, participation by interested members of the public shall not take place at such study sessions.

**8. AGENDA**

- A. An agenda for each meeting of the Planning Commission shall be prepared by the planning director or his or her designee with the cooperation and approval of the chairperson or in his or her absence the vice-chairperson.
- B. A copy of the agenda shall be posted per state regulations.

**9. ATTENDANCE**

- A. Members shall be present at all scheduled meetings, on time, and for the duration of the said meeting, unless prior arrangements have been approved by the chairperson. Failure to have approval shall be the same as an unexcused absence.
- B. If any commissioner should be absent for three consecutive meetings of the Planning Commission in a fiscal year, the chairperson shall request that the City Council investigate and take the necessary action.

**10. MOTIONS**

- A. Voting Requirements
  - (1) A quorum shall consist of a majority of Planning Commission members.
  - (2) The affirmative vote of a majority of the entire Planning Commission is necessary for it to take action. Thus, all actions of the Planning Commission require a majority vote.



(3) *The Mayor, as an ex-officio member, shall have the right to exercise a vote, but this vote shall only be exercised in case of a tie vote among the regular members of the planning commission.*

(4) When a member of the Planning Commission abstains from voting on any matter before it because of a potential conflict of interest, said vote shall not constitute nor be considered as either a vote in favor of or opposition to the matter being considered. When a member of the Planning Commission abstains from voting for any reason other than a potential conflict of interest, the abstention shall be counted with the majority.

B. Voting Order

The order of voting will be rotated each meeting except that the chairperson shall vote last.

C. Recording of Votes

The minutes of the Planning Commission's proceeding shall show the vote of each member, including if they were absent or failed to vote on a matter considered.

D. Disqualification from Voting

A member shall disqualify himself or herself from voting in accordance with the conflict of interest rules adopted by the California Fair Political Practices Commission. When a person disqualifies himself or herself, he or she shall state prior to the consideration of such matter by the Planning Commission that he or she is disqualifying him or herself due to a possible conflict of interest and shall then leave the voting area.

## **REVIEW AND AMENDMENTS PROCEDURE**

### **11. REVIEW**

These Rules and Procedures of the Planning Commission shall be reviewed in July of each year by a subcommittee appointed by the Chair with the general agreement of the Planning Commission. The review subcommittee shall present their recommendations for amending, or not amending, these rules.

### **12. AMENDMENTS**

In addition, these Rules and Procedures of the Planning Commission may be amended at any meeting at the Planning Commission by a majority of the membership of the Planning Commission provided that notice of the proposed amendment is received by each commissioner not less than 5 days prior to said meeting.