

3. Approved Developments with Lower Income Rents Accommodate the RHNA

Three approved developments will have monthly rents affordable to lower income households:

- Ocotillo Springs Apartments 75 units AHSC & Joe Serna Farm Worker financing
 - Adams Park II Apartments 60 units Low Income Housing Tax Credits
 - 616 Main Street 4 units Density bonus units
- 139 units

The Ocotillo Springs and Adams Park III apartment developments have obtained financing that requires the monthly rents to be affordable to lower income households.

The Ocotillo Springs Apartments received funding from the Affordable Housing and Sustainable Communities (AHSC) Program which was supplemented by the Joe Serna Farm Worker Program. The AHSC Program requires the development to charge an “affordable rent” including a reasonable utility allowance. Affordable rents are calculated according to the standard set forth in Health and Safety Code Section 50053:

- For extremely low income households the product of 30% times 30% of the area median income adjusted for family size appropriate for the unit.
- For very low income households, the product of 30% times 50% of the area median income adjusted for family size appropriate for the unit.
- For lower income households whose gross incomes exceed the maximum income for very low income households, the product of 30% times 60% of the area median income adjusted for family size appropriate for the unit.

In 2020, 387 projects were awarded Low Income Housing Tax Credits by the California Tax Credit Allocation Committee. The monthly rents were affordable to the following three income groups:

- Extremely Low Income (less than 30% AMI) 29% of all units
- Very Low Income (30.1 to 50.0% AMI) 46% of all units
- Low Income (50.1 to 80.0% AMI) 25% of all occupants

By law, density bonus units must be affordable to lower income households. The City and developer have signed an agreement that requires the monthly rents to be affordable to lower income households.

4. Sites Zoned at 15+ Dwelling Units Per Acre

In Brawley, affordable housing developments have been developed at less than 20 dwelling units per acre. Adams Park II and Malan Street I Apartments, for example.

Five sites are zoned at densities ranging from 16.94 to 19.55 dwelling units per acre.

Table C-1 identifies the sites accommodating the lower income housing sites by category: default density; lower income rents; and densities that accommodate and facilitate the development of affordable housing.

**Table C-1
City of Brawley
Sites Accommodating the Lower Income RHNA by Category
July 1, 2021**

Project Name	Number of Housing Units	Category
Brawley Senior Apartments	56	Default Density
Eastern Ridge Apartments	93	Default Density
616 Main Street	4*	Lower Income Rents
Ocotillo Springs Apartments	75	Lower Income Rents
Adams Park II Apartments	60	Lower Income Rents
Toscana	45	R-3 Zoning
Paddock Apartments	50	R-3 Zoning
Adams Park III	80	R-3 Zoning
Meadowbrook	81	R-3 Zoning
La Paloma	140	R-3 Zoning
Total	684	

*Density bonus units

Attachments A, B and C provide the following information for each site included in the inventory:

- Assessor Parcel Number (APN)
- Address
- Land Use Element Designation
- Zone
- Acres:
- Density
- Vacant/Non-Vacant Status
- Approved Development (including affordable housing financing)
- Census Tract/Block Group
- Resource Category: High or Moderate Resource

A map identifying the location of the 11 sites is included in Attachment C.

G. SITES TO AFFIRMATIVELY FURTHER FAIR HOUSING

The sites identified to accommodate the RHNA are located throughout the City – 24 sites are located in three census tracts. Table C-2 provides the following information for each site included in the inventory:

- Income group accommodated by the site
- Number of housing units
- Housing type
- Neighborhood resource category

One census tract has sites accommodating lower and above moderate income housing needs.

Two census tracts have sites accommodating lower, moderate, and above moderate income housing needs.

Consequently, the lower income housing sites are not isolated but are integrated with moderate and above moderate income housing needs.

The sites also provide a good mix of housing types – 57% and 43% of the housing units are single-family and multi-family dwellings, respectively.

The TCAC/HCD Opportunity Map allocates the 20% of tracts or rural block groups in each region or rural county, respectively, with the highest relative index scores to the “Highest Resource” designation and the next 20 % to the “High Resource” designation.

Each region thus ends up with 40% of its total tracts with reliable data as Highest or High Resource (or 40 percent of block groups in rural counties). The remaining non-filtered tracts or rural block groups are then evenly divided into “Low Resource” and “Moderate Resource” categories.

Lower income sites are located in high and moderate resource neighborhoods. None of the lower income housing sites are located in low resource or segregated neighborhoods.

It is not possible to project how the development of housing accommodating the three income groups would change Brawley’s segregation index scores. The race and ethnicity of the future occupants is unknown.

There are indicators of the possible population groups that would occupy the lower income housing based on the project history of Low Income Housing Tax Credit projects. In the past five year – 2016-2020 – the following type of housing have been awarded tax credits:

- Large Family 48%
- Special Needs 27%
- Seniors 15%
- At-Risk Housing 9%
- SROs 1%

Table C-2
City of Brawley
Sites Inventory Description

Census Tract	Block Group	Income Group	House Units	Housing Type	Resource Category
104	4	Above Mod	133	SFD	Moderate
104	2	Lower	60	MF	Moderate
104	4	Lower	75	MF	Moderate
104	4	Lower	80	MF	Moderate
104	4	Lower	81	MF	Moderate
106	2	Above Mod	120	SFD	High
106	2/4	Above Mod	250	SFD	High
106	4	Above Mod	4	SFD	Moderate
106	4	Above Mod	32	SFD	High
106	4	Above Mod	96	SFD	High
106	4	Above Mod	128	SFD	High
106	2	Moderate	13	MF	High
106	4	Moderate	35	Condos	High
106	4	Moderate	54	Condos	High
106	4	Moderate	105	Condos	High
106	2	Lower	4	Density Bonus	High
107	3	Above Mod	1,149	SFD	High
107	1	Moderate	30	Condos	Moderate
107	3	Moderate	511	Townhomes	High
107	2	Lower	56	Senior	High
107	3	Lower	45	MF	High
107	3	Lower	50	MF	High
107	3	Lower	93	MF	High
107	3	Lower	140	MF	High

**Table C-3
City of Brawley
Housing Type by Census Tract**

Census Tract	SFDs	Condos/ Townhouse	Multifamily	Seniors	Total
104	133	0	296	0	429
106	630	194	17	0	841
107	1,149	541	328	56	2,074
Total	1,912	735	641	56	3,344
Percent	57.1%	22.0%	19.2%	1.7%	100.0%

H. INFRASTRUCTURE

The 11 lower income housing sites (Attachment C) have or will have adequate infrastructure to begin development later in 2021. Infrastructure was determined to be adequate during the Site Plan Review process, which was completed prior to approval of the development by the Planning Director, Planning Commission, or City Council.

The City of Brawley provides wastewater collection, treatment, and disposal services for residential, commercial and industrial uses. The Public Works Department plans, constructs, and maintains the sewage system.

DOF estimates Brawley’s current population to be 27,326 persons (1/1/21). The Wastewater Master Plan (WWMP) projects an average daily flow of 5.83 MGD for a population of 39,873. The capacity of the existing wastewater treatment plant is 5.9 MGD, which is more than existing average flow of 3.84 MGD.

There is enough capacity to handle the population growth resulting from the RHNA. The population growth resulting from the RHNA added to the current population will not reach the WWMP population of 39,873.

New developments are responsible for adding or upgrading infrastructure, if needed. Future developments are responsible for the costs of the sewer infrastructure within and directly benefitting their project. This infrastructure may include sewer laterals connected to new structures, collection mains with manholes, pump stations, and new mains, if required, all of which collect sewage directly from the project.

The City of Brawley provides potable water treatment and distribution within the city limits and Sphere of Influence boundaries.

The existing storage volume of 9MG exceeds the average annual demand of 5.7 MG resulting from the City’s current population of 27,326 and the added population of 4,200 resulting from RHNA growth. Water distribution systems within new developments are developer-driven and are paid for by developers as development occurs. The infrastructure may include storage facilities, pumps, water mains, and distributions pipelines, all of which provide water directly to the project site.

I. DRY UTILITIES

Electric: The City coordinates the provision of electricity and other services for new development to ensure that adequate rights-of-way, easements, and improvements are provided. Electricity is provided by Imperial Irrigation District (IID).

Telecommunications: AT&T (formerly SBC) provides telecommunications service to the City. The California Public Utilities Commission sets the performance standard through a series of established tariffs.

Natural Gas: The City coordinates with the natural gas supplier, Southern California Gas Company when new development occurs to ensure adequate rights-of-way and easements are provided. The City has developed policies to promote energy conservation, and new development is required to conform to State Title 24 Energy Regulations. Natural gas supply and infrastructure are well established and can be extended as development proceeds.

J. ENVIRONMENTAL CONDITIONS

Environmental analysis was completed prior to the approval of the vacant sites/projects listed Attachments A, B, and C. Likewise, environmental analysis was completed prior to the approval of the *Brawley Downtown Specific Plan*.

The environmental analysis found no conditions that would constrain development of the sites. The sites are well suited to residential development and no major grading is required on these parcels. Also, the sites are not located within the floodplain of the Tijuana River Valley and none are known to be situated directly over the fault lines. Finally, none of the identified parcels fall under the provisions of the Williamson Act and, therefore, are located within agricultural preserve.

Attachment A**List of Sites Accommodating the Above Moderate Income Housing Need****1. Project: Latigo Ranch**

APN: 048-411-011

Address: West of Dogwood Rd., east of future Western Ave. south of future Wildcat Dr.

Land Use Element Designation: Low Density Residential

Zone: R-1

Acres: 77.79 acres

Vacant/Non-Vacant: Vacant

Approved Development: 250 single family dwellings remain to be built

Census Tract: 106 Block Groups 2, 4

Resource Category: High

2. Project: Palm River

APN: 047-060-031

Address: NWC of River Dr. and N. Palm Ave.

Land Use Element Designation: Low Density Residential

Zone: R-1

Acres: 24.49 acres

Vacant/Non-Vacant: Vacant

Approved Development: 133 single family dwellings -- 47 SF lots and 86 zero lot lines

Census Tract: 104 Block Group 4

Resource Category: Moderate

3. Project: South Pointe

APN: 048-240-027

Address: East of Legion St., adjacent to SW edge of city limits

Land Use Element Designation: Rural Residential

Zone: R-E (Residential Estate)

Acres: 6.88 acres

Vacant/Non-Vacant: Vacant

Approved Development: 4 single family estate lots

Census Tract: 106 Block Group 4

Resource Category: High

4. Project: Victoria Park

APN: 048-250-075

Address: South of Malan St., west of Dogwood Rd., north of proposed Panno St.

Land Use Element Designation: Low Density Residential

Zone: R-1

Acres: 76.6 acres

Vacant/Non-Vacant:

Approved Development: 120 single family remain to be built

Census Tract: 106 Block Group 2

Resource Category: High

5. Project: Malan Park

APN: 048-250-067

Address: South of Malan St., west of Victoria Park subdivision, east of Gateway, north of future Wildcat Dr.

Land Use Element Designation: Low Density Residential

Zone: R-1

Acres: 63.34

Vacant/Non-Vacant:

Approved Development: 96 units approved and remain to be developed

Census Tract: 106 Block Group 4

Resource Category: High

6. Project: Tangerine Gardens South

APN: 048-240-020

Address: South of Tangerine Gardens MHP

Land Use Element Designation: Low Density Residential

Zone: R-1

Acres: 7.73

Vacant/Non-Vacant: Vacant

Approved Development: 32 SF units (4.13 dus/ac)

Census Tract: 106 Block Group 4

Resource Category: High

7. Project: Gateway (name of prior approved Specific Plan)

APN:

Address: Brawley Avenue/Future Western Avenue

Land Use Element Designation: Low Density Residential

Zone: R-1

Acres: 25.5

Vacant/Non-Vacant: Vacant

Approved Development: None

Housing Capacity: 128 units (based on prior Specific Plan approval)

Census Tract: 106 Block Group 4

Resource Category: High

8. Project: La Paloma (name of prior approved Specific Plan)

APN:

Address: Malan Street/Cesar Chavez Street/Eastern Avenue

Zone: R-1

Acres: 243.08

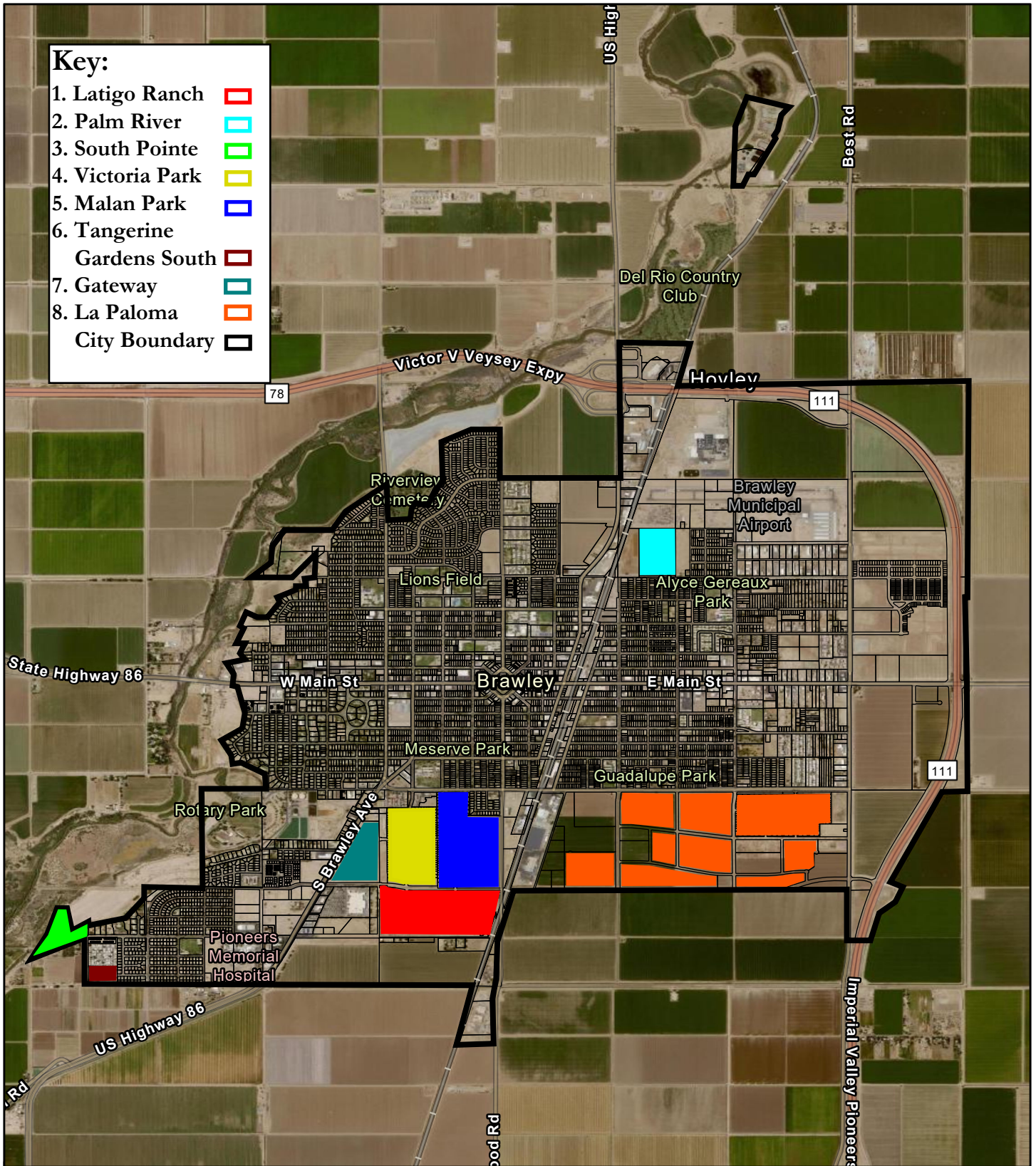
Vacant/Non-Vacant:

Approved Development: None

Housing Capacity: 1,149 single family dwellings

Census Tract: 107 Block Group 3

Resource Category: High



Key:

- 1. Latigo Ranch
- 2. Palm River
- 3. South Pointe
- 4. Victoria Park
- 5. Malan Park
- 6. Tangerine Gardens South
- 7. Gateway
- 8. La Paloma
- City Boundary

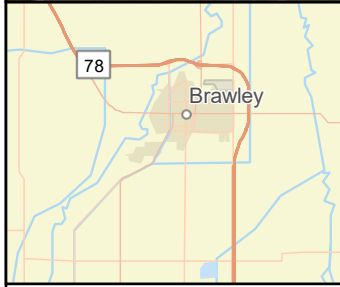


Exhibit A-1:
Map of Above Moderate Income Housing Sites

Source: Esri, USDA FSA, Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USDA, Esri, HERE, Garmin, SafeGraph, FAO, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, Esri Community Maps Contributors, Esri, HERE, Garmin, INCREMENT P, METI/NASA, USGS, Source: Esri, DigitalGlobe,

2021

Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere

N

0 0.15 0.3 Mi

0 0.3 0.6 Km

Attachment B

List of Sites Accommodating the Moderate Income Housing Need

1. **Project: Florentine (Springhouse)**
APN: 048-250-097, 048-460-111 & 112
Address: West of Hwy 86, east of Willard Ave., south of Del Norte Chevrolet
Land Use Element Designation:
Zone: R-2
Acres: 17.67
Vacant/Non-Vacant: Vacant
Approved Development: 54 condos @ 9 dus/ac remain to be constructed
Census Tract: 106 Block Group 4
Resource Category: High

2. **Project: Tangerine Gardens North**
APN: 048-450-036 & 020
Address: 335 W. Legion Street (adjacent to existing mobile home park @ 335 W. Legion St.)
Land Use Element Designation:
Zone:
Acres:
Vacant/Non-Vacant: Vacant
Approved Development: Map approved for 35 condos
Census Tract: 106 Block Group 4
Resource Category: High

3. **Project: Tangerine Gardens North**
APN: 048-450-036 & 20
Address: 335 W. Legion Street (Adjacent to existing Mobile Home Park)
Land Use Element Designation:
Zone:
Acres:
Vacant/Non-Vacant:
Approved Development: 105 additional *condo* units
Census Tract: 106 Block Group 4
Resource Category: High

4. **Project: Main Street Residential**
APN: 049-023-002
Address: 616 Main Street
Land Use Element Designation: Mixed use
Zone: CM Civic Center Main Street
Acres: .34 (15,000 SF)
Vacant/Non-Vacant: Existing 2-story building
Approved Development: 13 multi-family units and 4 density bonus units
Census Tract: 106 Block Group 2
Resource Category: High

5. Project: Los Suenos

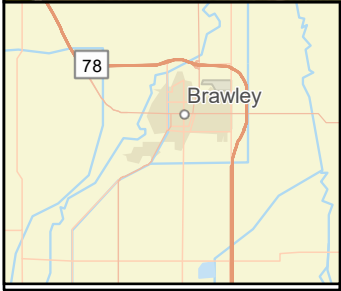
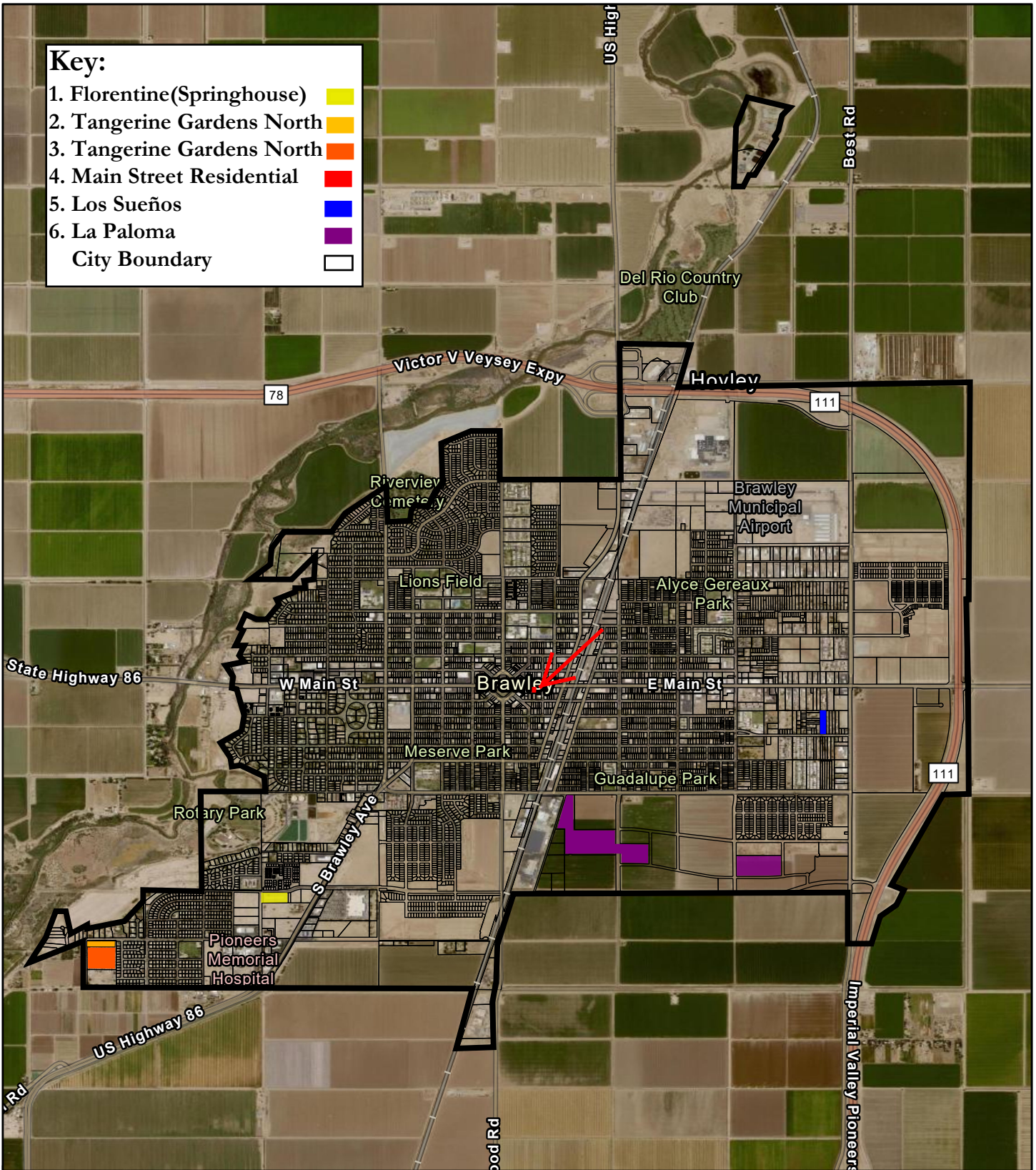
APN: 047-320-027
Address: 1663 I Street
Land Use Element Designation: Medium Density Residential
Zone: R-3
Acres: 1.95
Vacant/Non-Vacant: Vacant
Approved Development: 30 condo units (15.38 dus/ac)
Census Tract: 107 Block Group 1
Resource Category: Moderate

6. Project: La Paloma (name of prior approved Specific)

APN:
Address: Malan Street/Cesar Chavez Street; Malan Street/Eastern Avenue
Zone: R-2
Acres: 46.72
Vacant/Non-Vacant Agriculture
Approved Development: None
Housing Capacity: 511 town homes
Census Tract: 107 Block Group 3
Resource Category: High

Key:

- 1. Florentine(Springhouse)
- 2. Tangerine Gardens North
- 3. Tangerine Gardens North
- 4. Main Street Residential
- 5. Los Sueños
- 6. La Paloma
- City Boundary

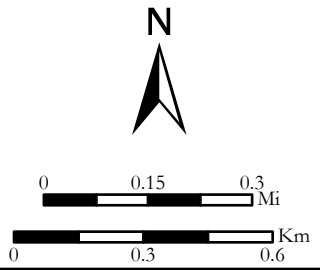


**Exhibit B-1
Map of Moderate Income Housing Sites**

Source: Esri, USDA FSA, Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USDA, Esri, HERE, Garmin, SafeGraph, FAO, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, Esri Community Maps Contributors, Esri, HERE, Garmin, INCREMENT P, METI/NASA, USGS, Source: Esri, DigitalGlobe,

2021

Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere



Attachment C
List of Sites Accommodating the Lower Income Housing Need

1. Project: Adams Park II (Serenita Apartments)

APN: 047-480-039
Address: 1598 C Street (south side of C St, west of Best St., east of N. Eastern Ave.)
Land Use Element Designation: Medium Density Residential
Zone: R-3
Acres: 4.085
Density: 15 dus/ac; approved at 20 dus/ac
Approved Development: 60 multifamily units; LIHTC equity financing
Vacant/Non-Vacant: Vacant
Census Tract: 104 Block Group 4
Resource Category: Moderate Resource

2. Project: Ocotillo Springs Apartments

APN: 047-320-103
Address: 350 18th Street (**1520 Jones St.**)
Land Use Element Designation: Medium Density Residential
Zone: R-3
Acres: 3.78
Density: 19.84 dus/ac
Vacant/Non-Vacant: Vacant
Approved Development: 75 multifamily units; AHSC financing, Joe Serna Farmworker Housing Grant; and USDA financing
Census Tract: 104 Block Group 4
Resource Category: Moderate Resource

3. Project: Adams Park III (Serenita Apartments)

APN: 047-480-039
Address: 1598 C Street (south side of C St, west of Best St., east of N. Eastern Ave.)
Land Use Element Designation: Medium Density Residential
Zone: R-3
Acres: 4.092
Density: 19.55 dus/ac; approved at 20 dus/ac
Vacant/Non-Vacant: Vacant
Approved Development: 80 multi-family apartments; Lot 3 (Phase 3 of affordable housing project)
Census Tract: 104 Block Group 4
Resource Category: Moderate Resource

4. 616 Main Street Density Bonus Units

APN: 049-023-002

Address: 616 Main Street

Land Use Element Designation: Mixed Use

Zone: Civic Center Main Street

Acres: 0.34 acres (15,000 square feet)

Density: N/A

Vacant/Non-Vacant: Non-Vacant (vacant building)

Approved Development: 4 density bonus units (total project = 17 housing units)

Census Tract: 106 Block Group 2

Resource Category: High

5. Project: Eastern Ridge Apartments

APN: 047-380-047 and 047-380-048

Address: 1556 I Street

Land Use Element Designation: Medium Density Residential

Zone: R-3

Acres: 4.64

Density: 20.0 dus/ac

Vacant/Non-Vacant: Vacant

Approved Development: 93 multi-family apartments

Census Tract: 107 Block Group 3

Resource Category: High

6. Project: Paddock Apartments

APN: 047-380-031

Address: 1603 Malan Street

Land Use Element Designation: Medium Density Residential

Zone: R-3

Acres: 2.92

Density: 17.12 dus/ac

Vacant/Non-Vacant: Vacant

Approved Development: 50 units

Census Tract: 107 Block Group 3

Resource Category: High Resource

7. Project: Brawley Senior Apartments

APN: 049-060-016, 039 &040

Address: 151 & 205 South Eastern Avenue

Land Use Element Designation: Medium Density Residential

Zone: R-3

Acres: 2.44

Density: 22.95 dus/ac

Vacant/Non-Vacant: Vacant

Approved Development: 56 senior apartments

Census Tract: 107 Block Group 2

Resource Category: High Resource

- 8. Project: R-3 Zoned Site (formerly Meadowbrook)**
APN: 047-430-010, 11, 12, 15
Address: 1510-1514 River Drive
Land Use Element Designation: Medium Density Residential
Zone: R-3
Acres: 4.78
Vacant/Non-Vacant: Vacant
Approved Development: None
Housing Capacity: 81 units
Census Tract: 104 Block Group 4
Resource Category: Moderate Resource

- 9. Project: R-3 Zoned Site (formerly Toscana)**
APN: 047-320-061
Address: 1545 I Street
Land Use Element Designation: Medium Density Residential
Zone: R-3
Acres: 2.62
Vacant/Non-Vacant: Vacant
Approved Development: None
Housing Capacity: 45
Census Tract: 107 Block Group 3
Resource Category: High Residential

- 10. Project: La Paloma (name of prior approved Specific Plan)**
APN: 049-270-041
Address: Malan Street/Old State Highway 111
Land Use Element Residential: Medium Density Residential
Zone: R-3
Acres: 8.2
Density: 17.07 dus/ac
Vacant/Non-Vacant: Vacant
Approved Development: None
Housing Capacity: 140 multi-family housing units
Census Tract: 107 Block Group 3
Resource Category: High Resource

Key:

1. Adams Park II
2. Ocotillo Springs Apartments
3. Adams Park III
4. 616 Main Street
5. Eastern Ridge Apartments
6. Paddock Apartments
7. Brawley Senior Apartments
8. Former Meadowbrook
9. Former Toscana
10. La Paloma

City Limits

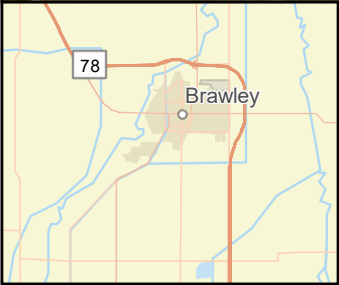
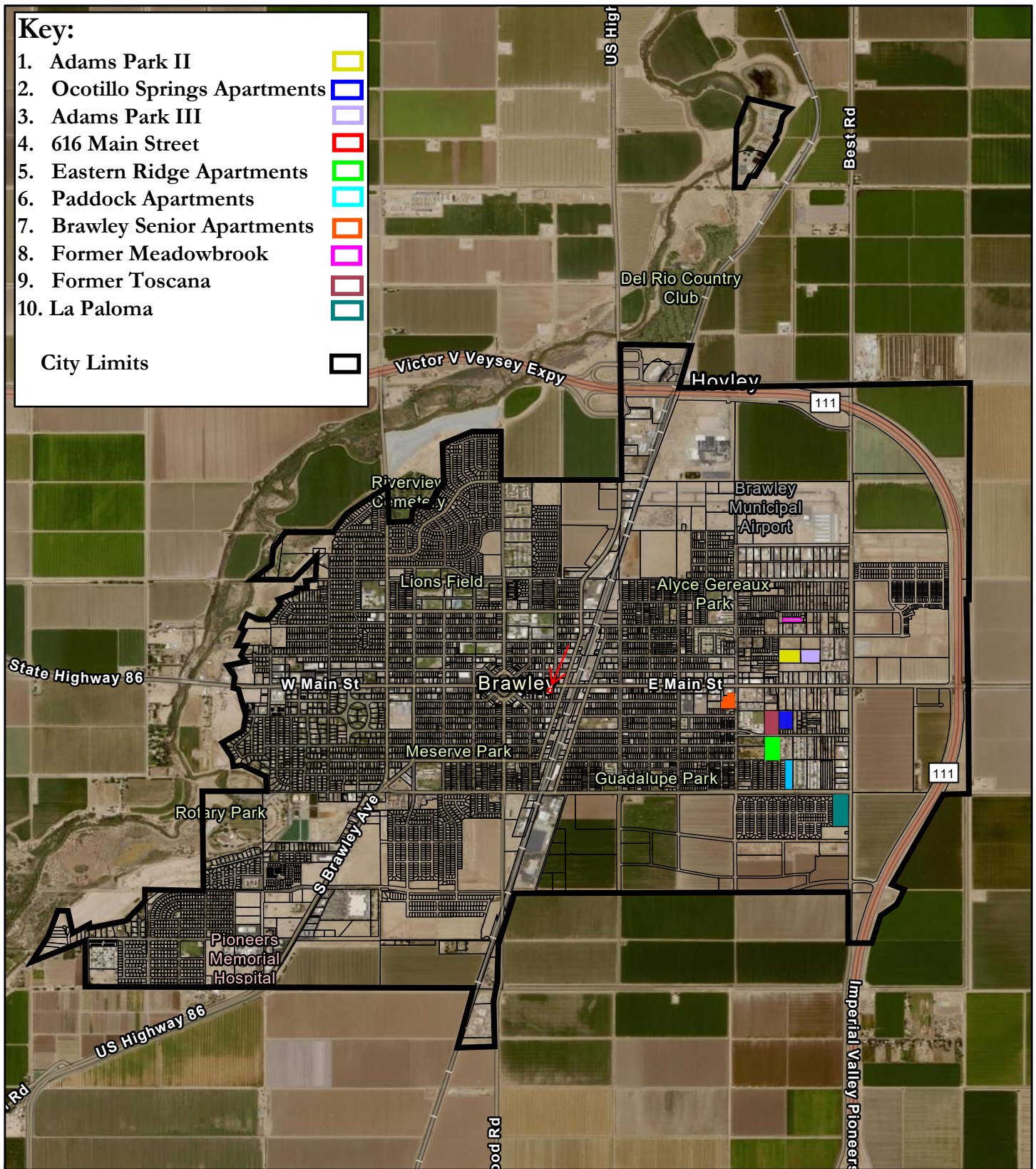
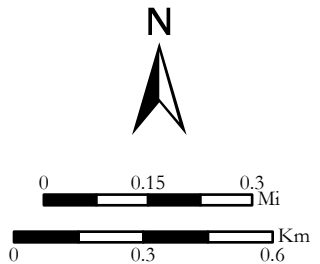


Exhibit C-1 Map of Lower Income Housing Sites

Source: Esri, USDA FSA, Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USDA, Esri, HERE, Garmin, SafeGraph, FAO, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, Esri Community Maps Contributors, Esri, HERE, Garmin, INCREMENT P, METI/NASA, USGS, Source: Esri, DigitalGlobe,

2021

Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere



A. SCOPE OF THE GOVERNMENTAL CONSTRAINTS ANALYSIS

Government Code 65583(a)(5) requires -

An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the *types of housing* identified in paragraph (1) of subdivision (c), and *for persons with disabilities* as identified in the analysis pursuant to paragraph (7), including *land use controls, building codes and their enforcement, site improvements, fees and other exactions* required of developers, *local processing and permit procedures*, and any *locally adopted ordinances that directly impact the cost and supply of residential development*. The analysis shall also demonstrate *local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need* in accordance with Section 65584 and from meeting *the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters* identified pursuant to paragraph (7). [Emphasis added]

Government Code Section 65583(c)(1) identifies the “types of housing” that must be permitted by the City’s Zoning Ordinance:

- Multifamily rental housing
- Factory-built housing
- Mobile homes
- Housing for agricultural employees
- Supportive housing
- Single-room occupancy units
- Emergency shelters
- Transitional housing

Government Code Section 65583(a)(7) requires –

An analysis of any special housing needs, such as those of ...persons with disabilities, including a developmental disability

In addition to the previously mentioned types of housing, Government Code Sections 65852.2 and 65852.22 provide for the creation of accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs).

Finally, Government Code Section 65660 et. seq. requires that local jurisdictions allow “low barrier navigation centers” by right in areas zoned for mixed use and in non-residential zones permitting multifamily residential uses, if they meet the requirements specified in Government Code Section 65662.

The Government Code requirements provide an outline for the governmental constraints analysis as follows:

- Zone Districts Permitting a Variety of Housing Types (Part B)
- Land Use Controls - Residential Zones (Part C)
- Land Use Controls – Specific Plans (Part D)
- Building Codes and Their Enforcement (Part E)
- On- and Off-Site Improvements (Part F)
- Fees and Other Exactions (Part G)

- City Processing and Permit Procedures (Part H)
- Analysis of Adopted Ordinances that Directly Impact the Cost and Supply of Housing (Part I)
- Description of Efforts to Remove Governmental Constraints that Hinder the City from Meeting its Share of the Regional Housing Need (Part J)
- Description of Efforts to Remove Governmental Constraints that Hinder the City from Meeting Special Housing Needs (Part K)

B. ZONE DISTRICTS PERMITTING A VARIETY OF HOUSING TYPES

1. Description of Residential Zones

The Zoning Ordinance establishes seven residential districts:

1. Zone R-A (Residential-Agricultural). Provides for subdivisions with large lots of one acre or larger.
2. Zone R-E (Residential-Estate). Provides for subdivisions with large lots, which are 20,000 square feet or larger...
3. Zone R-1 (Single-Family Residential). Provides for residential areas to be developed exclusively for single-family dwellings on lots 6,000 square feet or larger.
4. Zone R-2 (Low Density Multiple-Family Residential). Provides for areas suitable to accommodate low density single-family and multiple-family residential developments. One-family and two-family dwellings may be established, subject to the size of the lot or parcel of land to be built upon.
5. Zone R-3 (Medium Density Multiple-Family Residential). Provides for areas suitable for location of medium-density residential developments in the form of apartment buildings and condominiums.
6. Zone MHS (Mobilehome Subdivision). Provides for areas where mobile homes can be placed as permanent dwelling units on individual lots, tracts, or parcels.
7. Zone MHP (Mobilehome Park). Provides for areas suitable for development of mobile home parks and travel trailer parks.

2. Housing Types Permitted by Residential Zones

Table D-1 shows the zones that allow the different types of housing listed in Government Code Section 65583(c)(1). The summary below describes the zones permitting different housing types:

- Apartments are permitted by right in the R-3 Zone. The Downtown Specific Plan permits by right attached single-family and multi-family residential units.
- Manufactured factory-built housing is permitted by right in all zones permitting single family homes. The development standards for a conventional stick-built home and a factory-built home are the same.

**Table D-1
City of Brawley
Zone Districts Permitting a Variety of Housing Types**

Type of Housing	R-A	R-E	R-1	R-2	R-3	MHS	MHP
Multifamily Rental Housing	X	X	X	X	P	X	X
Factory Built Housing	P	P	P	P	P	X	X
Double-wide Mobilehomes	P	P	P	P	P	P	P
Single-wide Mobilehomes	X	X	X	X	X	P	P
Housing for Ag Employees	TBA	TBA	TBA	TBA	TBA	TBA	TBA
Supportive Housing	P	P	P	P	P	P	P
Single Room Occupancy	TBA	TBA	TBA	TBA	TBA	TBA	TBA
Transitional Housing	P	P	P	P	P	P	P

Source: City of Brawley Zoning Ordinance

X = Use is prohibited

P = Use is permitted by right

TBA = to be added following a Zoning Ordinance Amendment

- Double-wide mobilehomes are permitted by right in all residential zones whereas single-wide mobile homes are permitted in mobilehome subdivisions and mobile home parks. The Zoning Ordinance defines a mobilehome as a residential dwelling unit at least 12 feet in width and designed to be movable on its own wheels and capable of being placed either on a permanent foundation or on other approved supports.
 - ✓ A mobilehome subdivision means a subdivision of land with lots or parcels created for the purpose of locating individual mobilehomes on each lot or parcel.
 - ✓ A mobilehome park means any lot or parcel of land where mobile home spaces are rented or leased for the placement of two or more mobilehomes, regardless of whether or not a charge is made for such accommodations.
- Supportive housing is permitted by right in all residential zones.
- Transitional housing is permitted by right in all residential zones.
- Individual emergency shelters having a maximum of 30 beds each are permitted by right in the C-1, C-2 and C-3 Commercial Zones.

3. Zoning Ordinance Amendments to Provide Additional Housing Types

HCD has stated that California Health and Safety Code Sections 17021.5 and 17021.6 generally require agricultural employee housing to be permitted by-right, without a conditional use permit (CUP), in single-family zones for six or fewer persons and in agricultural zones with no more than 12 units or 36 beds.

The Zoning Ordinance will be amended to provide for “employee housing” as required by Sections 17021.5 and 17021.6 of the Health and Safety.

The Zoning Ordinance does not define SROs. The list of permitted uses in the Residential and Commercial Zones do not include SROs. In addition, development standards for SROs have not been established. The adopted 2013-2021 Housing Element includes an action program to amend the Zoning Ordinance to include provisions for SRO housing.

“Low barrier navigation centers” are service enriched shelters providing temporary living to individuals experiencing homelessness. A Low Barrier Navigation Center development is a use by right in areas zoned for mixed use and nonresidential zones permitting multifamily uses, if it meets the requirements of Government Code Section 65662(a)-(d). The Zoning Ordinance will be amended to provide for low barrier navigation centers.

Licensed group homes – residential care facilities –serving six or fewer persons will be permitted in all residential zones permitting single-family homes. Residential care facilities serving seven or more persons will be permitted pursuant to a conditional use permit.

Under California law -

Licensed group homes serving six or fewer residents must be treated like single-family homes or single dwelling units for zoning purposes. In other words, a licensed group home serving six or fewer residents ***must be a permitted use in all residential zones in which a single-family home is permitted***, with the same parking requirements, setbacks, design standards, and the like. No conditional use permit, variance, or special permit can be required for these small group homes unless the same permit is required for single-family homes, nor can parking standards be higher, nor can special design standards be imposed. The statutes specifically state that these facilities cannot be considered to be boarding houses or rest homes or regulated as such. Staff members and operators of the facility may reside in the home *in addition* to those served. [Emphasis added]

This rule appears to apply to virtually all licensed group homes. Included are facilities for persons with disabilities and other facilities (Welfare & Inst. Code 5116), residential health care facilities (Health & Safety Code 1267.8, 1267.9, & 1267.16), residential care facilities for the elderly (Health & Safety Code 1568.083 - 1568.0831, 1569.82 – 1569.87), community care facilities (Health & Safety Code 1518, 1520.5, 1566 - 1566.8, 1567.1, pediatric day health facilities (Health & Safety Code 1267.9; 1760 – 1761.8), and facilities for alcohol and drug treatment (Health & Safety Code 11834.23).

Barbara Kautz, Goldfarb & Lipman LLP, *Select California Laws Relating to Residential Recovery Facilities and Group Homes*, pages 2 and 3, presented at the Third Annual Fair Housing and Public Accommodations Symposium, Golden State University, April 22, 2011

State law -- as the summary below explains -- allows cities to require a conditional use permit for residential care facilities for seven or more persons.

Because California law only protects facilities serving six or fewer residents, many cities and counties restrict the location of facilities housing seven or more clients. They may do this by requiring use permits, adopting special parking and other standards for these homes, or prohibiting these large facilities outright in certain zoning districts. While this practice may raise fair housing issues, no published California decision prohibits the practice, and analyses of recent State legislation appear to assume that localities can restrict facilities with seven or more clients. Some cases in other federal circuits have found that requiring a conditional use permit for large group homes violates the federal Fair Housing Act. However, the federal Ninth Circuit, whose

decisions are binding in California, found that *requiring a conditional use permit for a building atypical in size and bulk for a single-family residence* does not violate the Fair Housing Act. [Emphasis added]

Barbara Kautz, Goldfarb & Lipman LLP, *Select California Laws Relating to Residential Recovery Facilities and Group Homes*, pages 3, presented at the Third Annual Fair Housing and Public Accommodations Symposium, Golden State University, April 22, 2011

The City does not consider requiring a CUP as a constraint on residential care facilities serving seven or more persons. Housing serving seven or more disabled persons may request relief through the reasonable accommodation procedure to avoid use permit requirements or to obtain modifications to traditional zoning requirements.

C. LAND USE CONTROLS – RESIDENTIAL ZONES

1. Residential Development Standards

Development standards create the parameters for building the types of housings allowed by the residential zones. The minimum lot sizes, maximum lot coverage, and setbacks establish how much of a lot a building is able to consume. The maximum building height and housing unit sizes establish the maximum number of housing units that can be built. The cumulative effect of the development standards can constrain a developer’s ability to achieve the maximum density allowed by a residential zone.

The development standards are found in the Zoning Ordinance, Section 27.73 Residential Development Standards, pages 30-32.

a. Lot Sizes

Lot area or size means the total area, measured in a horizontal plane, included within the lot lines of a lot or parcel of land. The lot sizes for the seven residential zones are typical for a rural community located in Imperial County. Lot sizes for single family homes range from one acre to 6,000 square feet. Mobile homes located in a subdivision must be located on a lot having a minimum of 5,000 square feet. A mobile home park must have an area slightly larger than one acre. Townhomes must be located on a lot of at least 6,000 square. Finally, a triplex can be built on a 7,500 square foot lot.

Zone	Lot Size
R-A	1 acre
R-E	20,000 sf
R-1	6,000 sf
R-2	6,000 sf
R-3	7,500 sf
MHS	5,000 sf
MHP	45,000 sf

b. Setbacks

Setback means the required minimum horizontal distance between the building line and the related front, side, or rear property line. Setbacks provide for safety and privacy and a minimum distance from adjacent homes or residential buildings. All development in Brawley – single family homes, duplexes, mobile homes, and apartments – were built in conformance with the setback requirements.

Zone	Yard Setbacks		
	Front	Side	Rear
R-A	25’-35’	7’-10’	25’
R-E	25’-35’	7’-10’	25’
R-1	20-35’	5’	20’-25’
R-2	20’	5’	20’
R-3	15’	5’	20’
MHS	20’-30’	10’	20’
MHP	20’-30’	10’	20’

c. Maximum Building Coverage

Building coverage, according to the Zoning Ordinance, "...means the percent of lot area which may be covered by all the footprints of buildings or above ground structures on a lot."

The maximum building coverage is 55% in the following zones:

- R-A
- R-E
- R-1
- R-2
- MHS

The maximum building coverage of the MHP Zone is 60%.

The maximum building coverage of the R-3 Zone is 65%.

d. Open Space Requirements

Section 27.180 of the Zoning Ordinance requires:

All multi-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

For example, a project of 50 to 74 units is required to create 900 SF tot lot.

The City exempted the Brawley Senior Apartments from the tot lot requirement.

All multi-family projects shall provide at least 25% of the net site area as landscaped open space area for use by residents of the development.

e. Parking Space Requirements

According to HCD:

Excessive parking standards that are not reflective of actual parking demand can pose a significant constraint to housing development by increasing development costs and reducing the potential land available for project amenities or additional units. Therefore, the housing element should include an analysis of the jurisdiction's parking standards by zone.

HCD suggests that the analysis should -

- Examine whether parking standards impede a developer's ability to achieve maximum densities
- Examine if there are provisions in place to provide parking reductions where less need is demonstrated, particularly for persons with disabilities, the elderly, affordable housing, and infill and transit-oriented development
- Verify that the density bonus ordinance complies with parking requirements per Government Code Section 65915.

Table D-2 lists the parking space requirements by housing type.

**Table D-2
City of Brawley
Parking Space Requirements by Housing Type**

Housing Type	Parking Space Requirement
Single-family dwellings	2.0 spaces for each dwelling unit.
Two-family (duplex) dwelling	2.0 spaces for each dwelling unit.
Apartment houses and condominiums containing three or more units	1.5 spaces for each studio unit
	1.75 spaces for each one bedroom unit
	2.0 spaces for each unit with two or more bedrooms
Mobilehome parks	1.0 parking space for each mobilehome space, and in addition 1.0 parking space for each two mobilehome spaces in the park for guest parking.
Mobilehome subdivisions	2.0 parking spaces for each lot occupied by a single mobilehome.
Senior housing	1.2 spaces per dwelling unit.

Source: City of Brawley Zoning Ordinance, Section 27.143 Required Parking Spaces

The SB 2 Planning Grant provided resources to the City to conduct research on parking demand and parking space requirements. Research demonstrated that vehicle ownership is directly associated with parking demand. The application of the American Community Survey (ACS) data on vehicle ownership provides a way to estimate the need for parking spaces.

The ACS data shows that vehicle ownership alone would generate a need for 89 parking spaces for a 50 unit multifamily housing development. Some parking spaces in addition to the 89 would be needed to accommodate guest and visitor parking. Brawley does not have a separate guest/visitor parking space requirement. Additionally, some apartment residents own RVs, a vehicle type that consumes more than one parking space.

The City’s parking standards would require 100 parking spaces for a 50-unit apartment development if the development was comprised entirely of two and three bedroom apartments (2 parking spaces per unit). Therefore, the parking space requirements align with the number of vehicles owned by Brawley’s households.

The City allows a multifamily development to meet 25% of the parking requirement with compact parking spaces.

Finally, Brawley does not require that apartment and condominium developments build covered parking spaces.

The parking space requirements for studio and one-bedroom apartments have not posed a constraint to new housing development. Developers have been able to achieve maximum densities without having to request a reduction in parking space requirements. In some developments, the developers have provided more than the required number of parking spaces. For example, a 75-unit development had a requirement of 150 parking spaces. However, 152 parking spaces were provided: 133 standard, 10 ADA, and nine compact.

The majority of apartment housing in Brawley meets the needs of large families. Seniors and special needs populations often live in studio and 1-bedroom units. Pursuant to Program 3.6, the Planning Commission will be permitted to reduce parking for developments housing seniors and special needs populations, subject to an applicant submitting information that demonstrates fewer parking spaces are able to meet the demand for parking,

Parking requirements for emergency shelters are the same as for nursing homes and convalescent hospitals: one parking space for each three beds and one space for each employee on the largest shift. A 30-bed emergency shelter would require four staff members. Fourteen parking spaces would be required – 4 for staff and 10 based on the number of beds (1 for each 3 beds). The required parking may be high, acting as a potential constraint, The City will create a new parking category exclusive for emergency shelters.

f. Minimum Housing Unit Sizes

Minimum housing unit sizes can cause construction costs to be higher than necessary if they are larger than needed to accommodate the space needs of different household types and housing habitability standards.

The Zoning Ordinance currently does not establish minimum or maximum housing unit sizes. However, the City must abide by the housing unit size standards set forth by State codes and regulations.

1. California Building Standards Code (Title 24) Dwelling Unit Size Standards

The California Residential Code Section R202 defines a “dwelling unit” as -

A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Dwelling units must meet all the minimum requirements found with the CBSC, including a minimum of one room with at least 120 square feet of gross floor area and a net floor area of not less than 70 square feet for all other habitable rooms.

The CBSC standards allow an “Efficiency Dwelling Unit” to comply with the following minimum requirements:

- A living room of not less than 220 square feet of floor area, and an additional 100 square feet of floor area for each occupant of the unit in excess of two.
- A kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches, and a separate closet.

Source: California Department of Housing and Community Development, Division of Codes and Standards, *Information Bulletin on Tiny Homes*, May 9, 2016, 6 pages

The Zoning Ordinance will be amended to provide for “efficiency dwelling units” as defined by the CBSC.

2. Low Income Housing Tax Credit Unit Size Standards

Tax credit financed developments built in Brawley have and will continue to meet the minimum unit size standards established by the regulations adopted by the California Tax Credit Allocation Committee.

The minimum housing unit sizes for affordable large family, senior and special needs housing developments are as follows:.

- SRO Units 200 to 500 square feet
- One-bedroom 450 square feet
- Two Bedrooms 700 square feet
- Three bedrooms 900 square feet
- Four bedrooms 1,100 square feet

3. ADU and JADU Housing Unit Size Standards

The Zoning Ordinance will be amended not only to provide for the creation of ADUs and but will also incorporate the required housing unit size standards.

According to HCD:

A local government may, by ordinance, establish minimum and maximum unit size requirements for both attached and detached ADUs. However, maximum unit size requirements must be at least 850 square feet and 1,000 square feet for ADUs with more than one bedroom. For local agencies without an ordinance, maximum unit sizes are 1,200 square feet for a new detached ADU and up to 50 percent of the floor area of the existing primary dwelling for an attached ADU (at least 800 square feet). Finally, the local agency must not establish by ordinance a minimum square footage requirement that prohibits an efficiency unit, as defined in Health and Safety Code § 17958.1.

The conversion of an existing accessory structure or a portion of the existing primary residence to an ADU is not subject to size requirements. For example, an existing 3,000 square foot barn converted to an ADU would not be subject to the size requirements, regardless if a local government has an adopted ordinance. Should an applicant want to expand an accessory structure to create an ADU beyond 150 square feet, this ADU would be subject to the size maximums outlined in state ADU law, or the local agency’s adopted ordinance.

California Department of Housing and Community Development, *Accessory Dwelling Unit Handbook*, September 2020, page 10

The maximum size for a JADU is 500 square feet.

4. Compact Housing Units

The Zoning Ordinance will be amended to provide for the development of “compact housing units,” a housing type encompassing SROs, micro-units, and small studio units. The housing unit size will range between 350 and 500 square feet.

A maximum unit size of 500 SF aligns with California Tax Credit Allocation Committee’s maximum unit size for an SRO unit.

g. Building Heights

Building height means the vertical distance from the grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof. The maximum height in the residential zones is 35 feet and it is 17 feet in the mobilehome zones.

In the R-3 Zone, one apartment complex under construction achieved 3 stories within the 35 foot building height limit.

Zone	Maximum Height
R-A	2 S/35' ¹
R-E	2 S/35' ¹
R-1	2 S/35' ¹
R-2	35'
R-3	35'
MHS	1 S/17'
MHP	1 S/17'

h. Maximum Densities

The Zoning Ordinance provides for seven different densities that correspond to the different housing types. In the R-3 Zone, as described below, the maximum density of 17.4 dwelling units per acre can be attained on lots than meet the minimum lot size standard.

Zone	Maximum Density
R-A	1 du/acre
R-E	2.1 du/acre
R-1	7.2 du/acre
R-2	14.5 du/acre
R-3	17.4 du/acre
MHS	8.7 du/acre
MHP	17.4 du/acre

2. Cumulative Impact of Residential Development Standards

The projects listed in Table D-3 are approved and the applicants did not request variances regarding increases to maximum building coverage or to reductions in setbacks and parking space requirements.

The Ocotillo Springs apartment development is a 3-story development that will be built within the 35 foot height limit. The approved Brawley Senior Apartments has a building height of 40 feet and seven inches. The increase in height was an incentive because of the density bonus units included in the project.

The R-3 density of 17.42 dwelling units per acre was achieved by all developments except for Malan Street Apartments II. The Malan Street Apartments were approved as an 81-unit development on five acres (16.2 dus/ac). The City approved a parcel map (minor subdivision) in order to subdivide the property for two tax credit finance phases of the approved apartment development. Phase 1 involved the development of 41 units and a density of 13.67 dwelling units per acre. In Phase 2, 40 units were constructed at a density of 20.41 dwelling units per acre.

The R-3 zoned developments have been planned for lots with a variety of configurations: narrow and long; rectangular; and consolidated lots. The lot configurations did not impede the maximum density possible under the R-3 residential development standards.

3. Impact of Residential Development Standards on Affordable Housing

Five of the six apartment developments were approved as affordable housing developments.

Ocotillo Springs Apartments and Brawley Senior Apartments were granted density bonuses and achieved densities of 19.84 and 22.95 dwelling units per acre. The two developments reached these densities without having to increase lot coverage or reduce setbacks and parking requirements. The Brawley Senior Apartments was granted a building height of 40 feet seven inches, which is five feet and seven inches above the 35 foot standard.

Malan Street Apartments II achieved a density of 20.41 dwelling units per acre on the 1.96 acre site. The density was achieved without a developer request to increase the lot coverage, or reduce the number of parking spaces.

**Table D-3
City of Brawley
Cumulative Impact of Residential Development Standards**

Project Name	Address/APN	Size (Acres)	Dimensions	Units	Density	Building Height	Parking Spaces Required/ Provided
Paddock Apartments	1603 Malan St. 047-380-031	2.92	790.2' by 161' 127,222 +/- SF	50	17.12	2 Stories	100/105
Ocotillo Springs Apts.	350 18th St. 047-320-103	3.78	322.02' by 498.5' 22.7' by 128.54' 163,445+/- SF	75	19.84	3 Stories	152/152
Malan Street Apartments I	SWC 1st Street & Malan Street 048-275-055 (portion of)	3.00	N/A	41	13.67	2 Stories	82/82
Malan Street Apartments II	180 Malan St. 048-275-057	1.96	N/A	40	20.41	2 Stories	80/80
Adams Park I	1598 C Street 047-480-039	4.00	N/A	80	20 ¹	2 Stories	152/152
Brawley Senior Apartments	151 & 205 South Eastern Avenue 049-060-016, 039 & 040	2.44	194' by 159.8' 150' by 249.8' 60' by 150' 106,571 SF	56	22.95	3 Stories 40'7"	74/74

Note: N/A means dimensions are not available

¹Adams Park I was approved at a density of 20 dus/ac; however, the developer built the apartments at a density of 15 dus/ac

Sources: Development Services Department staff reports; project site plans; and California Tax Credit Allocation Committee staff reports

D. LAND USE CONTROLS – SPECIFIC PLANS

1. Downtown Specific Plan

The City adopted the *Downtown Specific Plan* in December 2012. Exhibit D-1 shows the three Districts comprising the Downtown Specific Plan: Civic Center, West Village and East Village

The Specific Plan establishes development standards for eight frontage types of which six permit residential uses. The following describes the key development standards:

Uses Permitted: Attached single-family and multi-family residential units are allowed only on upper floors or within ground floor locations that do not have street frontage.

Density and Number of Housing Units: A maximum density of 25 dwelling units per acre is permitted within the Civic Center District. Within the West Village District and East Village District the maximum densities per acre are 20 units and 18 units, respectively.

Height Limit: The maximum building height is five stories within the Civic Center District, three stories in the West Village District and four stories in the East Village District.

Parking: The Specific Plan sets forth standards for surface, underground, tuck-under and above ground structure parking. Off-street parking is provided at a ratio of one space per 1,000 square feet.

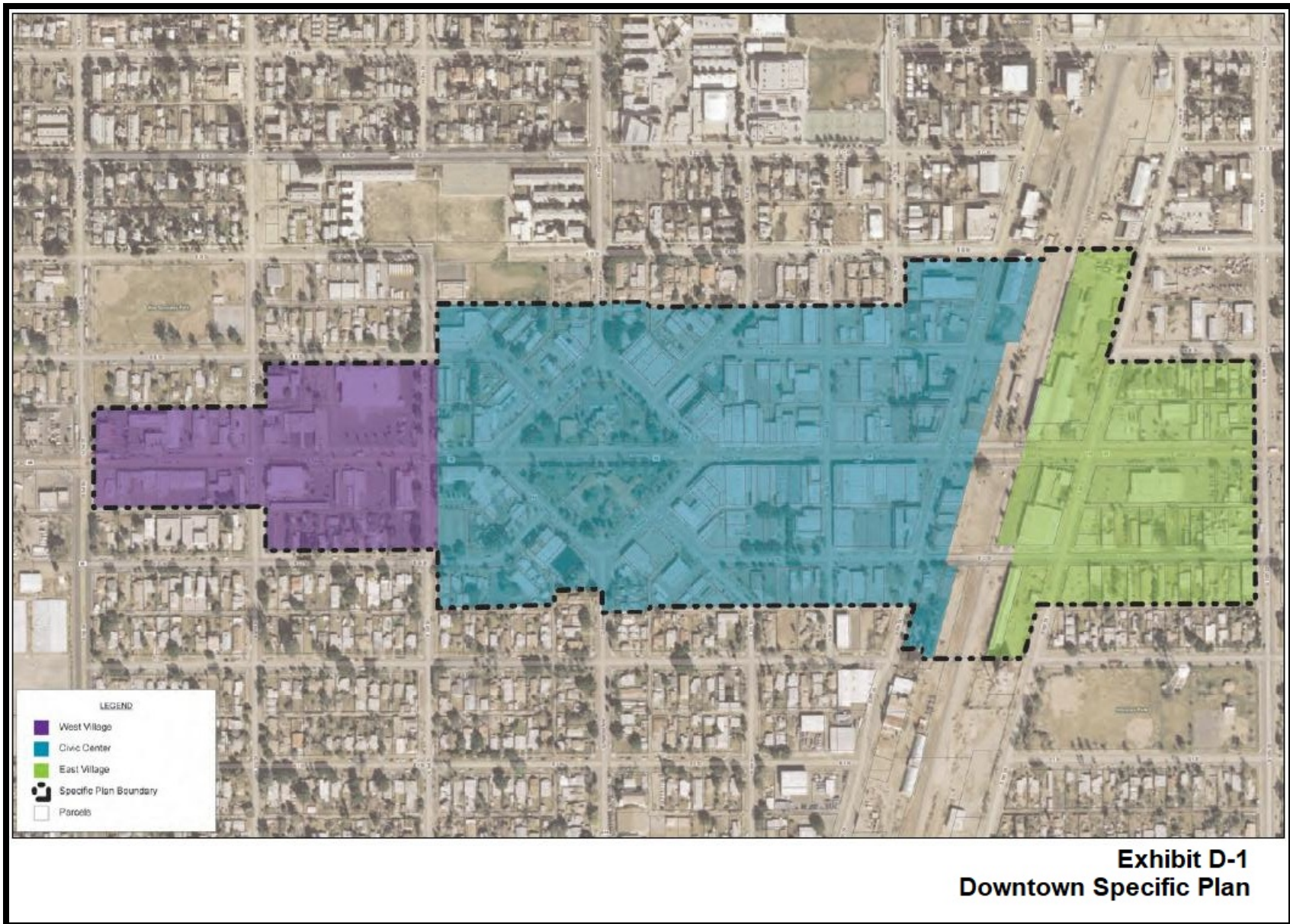
Setbacks: Table D-4 shows the setback requirements by District and Frontage Type.

In early 2019, a 17-unit residential development which includes four density bonus units was approved. It is located in Downtown at 616 Main Street in the Civic Center Main Street Zone.

**Table D-4
Brawley Downtown Specific Plan: Required Setbacks**

District/ Frontage Type	Front Yard	Side Yard	Rear Yard
Civic Center-Main Street Frontage	None	None	None
Civic Center Neighborhood Frontage	5-15'	None Maximum of 10% of Lot Width	None
West Village-Main Street Frontage	0-5'	None	None
West Village- Neighborhood Frontage	10-20'	None Maximum of 20% of Lot Width	None
East Village-Main Street Frontage	5-15'	None	None
East Village- Neighborhood Frontage	10-20'	None Maximum of 20% of Lot Width	None

Source: City of Brawley, Downtown Specific Plan, December 2012



2. La Paloma Specific Plan

Development standards such as lot sizes, setbacks, lot coverage, and building height were all designed to achieve the densities and housing capacity described in the Specific Plan, which was adopted in 2004.

Exhibit D-2 shows the land uses included in the Specific Plan.

Exhibit D-2
La Paloma Specific Plan



Table D-5 shows the residential land use types as well as the number of acres, density and housing capacity. Development standards were specifically designed for the La Paloma community to accommodate 4,000 and 5,000 square foot lots. The 4,000 square foot lots are intended to be for attached housing or zero lot line homes.

**Table D-5
La Paloma Specific Plan: Residential Land Use Types**

Residential Land Use	Lot Size	Acres	DU/Acre	Housing Capacity
Single Family				
SF-6	6,000 SF	132.35	4.32	572
SF-5	5,000 SF	86.66	4.90	425
SF-4	4,000 SF	24.07	6.31	152
Total		243.08		1,149
Multifamily				
TH-12	Townhomes	46.72	10.94	511
MF-17	Apartments	9.60	14.58	140
Total		56.32		651

Source: La Paloma Specific Plan, 2004

The SF-6 development standards are the same as those of the R-1 Zone. Table D-6 describes the SF-4 and SF-5 development standards. Two parking spaces must be provided for each single family home.

**Table D-6
La Paloma Specific Plan
SF-4 and SF-5 Development Standards**

Development Standard	SF-4	SF-5
Minimum Density (DU/AC)	10.9	8.7
Minimum Net Lot Area (SF)	4,000	5,000
Lot Width (in feet)	50	50
Lot Depth (in feet)	80	100
Corner Lot Depth (in feet)	55	55
Cul-de-sac Lot Width (in feet)	30	30
Front Yard Setback (in feet)	15	15
Side Yard Setback (in feet)	0/10	5/5
Side Yard Setback Street Side	0/10	5/5
Rear Yard Setback (in feet)	15	20
Lot Coverage Maximum	50%	50%
Building Height Maximum (in feet)	35	35
Garage Front Setback	18	18

Source: La Paloma Specific Plan, Land Use Plan, page 3-15

A garage setback of 18-feet or greater is required for all single and attached family homes.

The goal of the Specific Plan is to have street front character that resembles a front-porch community and avoid the garage as the focus of each home.

The development standards of the TH-12 and MF-17 residential land use types are the same as the R-3 Multifamily Zone.

E. BUILDING CODES AND THEIR ENFORCEMENT

The California Building Standards Code, 2019 edition ("code"), as adopted by the California Building Standards Commission, is being utilized as the Building Code of the City of Brawley. The purpose and intent of adoption of the Code is to -

- Regulate and govern the conditions and maintenance of all property, buildings and structures by providing the standards of supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use
- Provide for the condemnation of buildings and structures unfit for human occupancy and use and demolition of such structures
- Provide for the issuance of permits and collection therefore

The City did not adopt local amendments to the California Building Standards Code. As this Code is a model code, the City finds that no governmental constraints are caused by its adoption.

The Development Services Department is responsible for building inspection and plan checking. The Department also is responsible for code enforcement to improve the safety and appearance of the City. The Department also provides for the improvement of the quality of life for low and moderate income households by the elimination of blight and rehabilitation of the housing stock with a variety of methods, including low interest loans, grants and homeownership assistance.

Code Enforcement is essentially a combination of reactive and proactive. The City staff addresses complaints first. We will also note any violations while out on other business/inspections. Lastly, if time permits and staff is adequate we will occasionally actively look for violations.

F. ON- AND OFF-SITE IMPROVEMENTS

For residential projects, the City requires both on- and off-site improvements. Required improvements may include curb/gutter and drainage facilities, sidewalks, paved streets, landscaping and water and sewer service. Development of, and connection to, municipal water and sewer services are required as a condition of approving tract maps. Water service is necessary for a constant supply of potable water. Sewer services are necessary for the sanitary disposal of wastewater.

On-site improvements could include necessary extensions of utilities from the street to serve each individual unit, driveways, front yard landscaping, and perimeter fencing. Apartment developments must provide on-site parking spaces.

Developers of residential subdivisions typically construct the residential streets which have a minimum right of way of 60 feet. This street type provides direct access to abutting properties and gives access from neighborhoods to the Local Street and collector street system. The local collector street is designed to connect local streets with the adjacent Collectors or arterial street system. The minimum right of way is

70 feet. The collector roadways are designed for intra-county travel as a link between the long haul facilities and the collector/local facilities. The minimum right of way is 84 feet.

The Transportation Facilities Impact Fee pays for various roadway improvements including rights of way, signals, paving and bridges.

The on-site and off-site improvements do not create a governmental constraint as they are necessary to create livable neighborhoods and apartment communities and to connect the newly developed areas to the balance of the community.

G. FEES AND OTHER EXACTIONS

Fees and exactions include:

- Land Use Application Fees
- Development Impact Fees
- Water Capacity and Waste Water Capacity Fees
- Building permit and plan check fees
- Public works fees

In addition, the Brawley School District charges a developer fee on residential construction, including accessory dwelling units (ADUs).

1. Land Use Application Fees

Table D-7 shows the 2020 land use application fee schedule, which has remained unchanged since 2012. Developers make a deposit for the planning services associated with processing one or more of the applications requested by a project applicant. Time and materials charges accrue when project processing time exceeds 10% of the application fee. The charges include, but are not limited to, staff time (administrative and support staff) and costs for photocopies, mail, faxes, phone calls, and travel. Major projects, as determined by the Development Services Department, require a minimum deposit of \$10,000.

**Table D-7
City of Brawley
Schedule of Land Use Application Fees**

Fee	Amount
Zone Change	\$2,000
General Plan Amendment	\$2,100
General Plan Amendment if part of a Zone Change	\$100
Specific Plan Review	\$4,000
Site Plan Review`	\$600
CUP Planning Commission Action	\$2,000
CUP Planning Director Action	\$1,000
Tentative Parcel Map (up to 4 parcels)	\$1,000
Final Parcel Map (up to 4 parcels)	\$500+T/M
Tentative Tract Map (more than 4 parcels)	\$2,500
Final Tract Map (more than 4 parcels)	\$1,200+T/M

Source: City of Brawley Land Use Application Fee Schedule, effective 1/1/19

Examples of recent projects that have gained approval of one or more land use application include:

- Brawley Senior Apartments – General Plan Amendment, zone change, site plan, and density bonus - 2015
- Malan Street Apartments – parcel map approval (minor subdivision) – 2016
- Adams Park Apartments – General Plan Amendment, zone change, tentative tract map, and site plan - 2017
- Ocotillo Springs Apartments – site plan approval and density bonus - 2019

2. Development Impact Fees

The levy of impact fees is one authorized method of financing the public facilities necessary to mitigate the impacts of new development. A fee is –

...a monetary exaction, other than a tax or special assessment, which is charged by a local agency to the applicant in connection with approval of a development project for the purpose of defraying all or a portion of the cost of public facilities related to the development project..." (California Government Code, Section 66000).

A fee may be levied for each type of capital improvement required for new development, with the payment of the fee typically occurring prior to the beginning of construction of a dwelling unit or non-residential building. Fees are often levied at final map recordation, issuance of a certificate of occupancy, or more commonly, at building permit issuance.

Source: David Taussig & Associates, *City of Brawley Development Impact Fee Justification Study*, September 20, 2010, page 2

Table D-8 shows the individual and total impact fees for a single family (almost \$4,000) and multifamily housing (almost \$2,900) unit.

**Table D-8
City of Brawley
Residential Development Impact Fees**

Fee	Single Family (\$ per unit)	Multifamily (\$ per unit)
General Government Facilities	\$180.18	\$135.30
Library Facilities	\$281.82	\$211.53
Parks and Recreation Facilities	\$1,096.26	\$822.03
Police Facilities	\$239.25	\$179.52
Fire Facilities	\$224.40	\$168.30
Animal Control Facilities	\$10.89	\$16.50
Transportation	\$1,836.45	\$1,285.68
Storm Water Facilities	\$93.39	\$47.52
Administration	\$16.17	\$11.55
Total	\$3,978.81	\$2,869.68

Source: City of Brawley, Development Impact Fee Implementation Schedule

3. Water Capacity and Waste Water Capacity Fees

In addition to the above fees, there is a Water Capacity Fee and a Wastewater Capacity Fee. The purpose of the fees is to mitigate the impact of a growth in customers (i.e., new service connections) to the existing public water system and existing public wastewater system. The charge is directly related to the need for expanded water service capacity caused by new development.

The two fees are based on the meter size required by a new housing unit. Assuming a 2,000 square foot single family residence, and assuming a 3/4 inch water meter, the water capacity fee would be \$7,914.20 and the wastewater capacity would be \$6,451.20.

Table D-9 lists the capacity fees associated with different meter sizes.

**Table D-9
City of Brawley
Water Capacity and Wastewater Capacity Fees**

Meter Size Per Water Meter	Water Capacity Fee	Wastewater Capacity Fee
5/8 x 3/4 inch	\$5,275.90	\$4,279.80
3/4 inch	\$7,914.20	\$6,451.20
1 inch	\$13,190.10	\$10,752.00
1-1/2 inch	\$26,379.50	\$21,504.00
2 inch	\$42,207.20	\$4,406.40

Note: Over 2 inches the water capacity fee is \$6.27 of average day demand.
Over 2 inches the wastewater capacity fee is \$15.32 of average day demand.

Source: City of Brawley, Development Impact Fee Implementation Schedule
According to the City’s 2018 Service Area Plan:

Development impact fees are expected to finance 37.14% of the wastewater facilities demands discussed in the DIF Study for future development within the City through 2030. The remaining 62.86% of the facilities also discussed in the DIF (Development Impact Fee) Study will be funded through other sources. New developments are responsible for adding or upgrading infrastructure, if needed, as discussed in the 2013 Wastewater Master Plan. Future project proponents will be responsible for the costs of the sewer infrastructure within and directly benefiting their project within the SOI (Sphere of Influence). This infrastructure may include sewer laterals connected to new structures, collection mains with manholes, pump stations, and forced mains, if required, all of which collect sewage directly from the respective study areas. Recommended funding sources include the Border Environment Infrastructure Funding (BEIF) from the Border Environment Commission.

Source: City of Brawley. *Final Service Area Plan*, August 2018, page 4.8-6 and 7

4. Building Permit and Plan Check Fees

Building permit fees are based on the total valuation of the building constructed. Table D-10 shows the building valuation schedule

The building permit fee is \$2,393.75 for a single-family home with a \$350,000 building valuation.

Building plan check fees are based on 65% of the building permit fee. Therefore, a single family home with a valuation of \$350,000 would have building permit and plan check fees calculated as follows:

- Base Permit Fee \$993.75 (\$100,000 valuation)
- Additional Fee \$1,400.00 (\$350,000-\$100,000=\$250,000/\$1,000 = 250 X \$5.60)
- Total Permit Fee \$2,393.75
- Plan Check Fee \$1,555.94 (\$2,393.75 X. 65)
- Total Fees \$3,949.69

5. Public Works Fees

Public Works Fees, which are due upon at final tract map/improvement plan submission, cannot be estimated on a per unit basis. A plan check fee of 1.5% of improvement value is charged as well as an inspection fee of 2% of estimated off-site improvements as approved by the City Engineer.

For instance:

- \$1,000,000 off-site improvement value
- 1.5% = \$15,000
- 2.0% = \$20,000
- Total: \$35,000
- 20-unit Project = \$1,750 per unit

**Table D-10
City of Brawley
Valuation Schedule for Building Permit Fees**

Total Valuation	Fee
\$1.00 to \$500.00	\$23.50
\$501.00 to \$2,000.00	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00 or fraction thereof, to and including \$2,000.
\$2,001.00 to \$25,000.00	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00.
\$25,001.00 to \$50,000.00	\$391.25 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00.
\$50,001.00 to \$100,000.00	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00.
\$100,001.00 to \$500,000.00	\$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00.
\$500,001.00 to \$1,000,000.00	\$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00.
\$1,000,001.00 and up	\$5,608.75 for the first \$1,000,000.00 plus \$3.15 for each additional \$1,000.00 or fraction thereof.

Source: City of Brawley Building Department Building Permit Fees

6. School Impact (Developer) Fees

New residential construction is subject to a developer fee charged by the Brawley Elementary School District and Brawley Union High School District. These fees help to provide school facilities to accommodate new residential development. According to the law, the fee is determined by square footage of assessable space.

Accessory Dwelling Units (“ADUs”) are separate residential units that can house a new family that generates new students. ADUs are not considered additions to existing residential structures. Fees are assessed against all new ADU square footage in the same manner as with other new residential construction

Both Districts have adopted a developer fee of \$1.17 per square foot of assessable space.

7. Estimate of Total Per Unit Fees, Charges and Exactions

Table D-11 provides an estimate of the total per unit fees, charges and exactions for a single family dwelling and a multifamily apartment unit. The estimates are intended to give an “order of magnitude” estimate because assumptions were made regarding water and wastewater capacity fees and off-site improvement values. An additional assumption was made that the public works fee was the same for each housing type.

**Table D-11
Estimate of Per Unit Single-Family and Multifamily Fees**

Fee	SFD¹	Multifamily¹
Development Impact Fees	\$3,978.81	\$2,869.68
Water Capacity Fees	\$7,914.20	\$2,861.30
Wastewater Capacity Fee	\$6,451.20	\$3,428.82
Building Permit Fee ²	\$2,393.75	\$1,553.75
Building Plan Check Fee ³	\$1,555.94	\$1,009.93
Public Works Fee ³	\$1,750.00	\$1,750.00
School Fee ²	\$2,340.00	\$1,170.00
Total	\$26,383.90	\$14,643.48

Source: Tables 4, 5 and 6

¹Single family building valuation of \$350,000

¹Multifamily building valuation of \$200,000

²Single family unit size of 2,000 SF

²Multifamily unit Size of 1,000 SF

³Off-site improvement value of \$ 1,000,000

The total fees for a single-family unit are approximately \$26,400. The fee amount represents 7.5% of single family home with a sales price of \$350,000. The fee percentage may be slightly overstated as new housing is selling for between \$370,000 (1,914 SF) and \$410,000 (2,281 SF).

The total fees for a multifamily unit are approximately \$14,600. The fee amount represents 7.3% of an apartment unit costing \$200,000. As noted below, the City Council has approved the deferral of water capacity and wastewater capacity fees for affordable housing developments. For these developments the

fee is reduced from approximately \$14,600 to \$8,350. The latter amount of \$8,350 represents 4.2% of an apartment unit costing \$200,000.

Both multifamily fee percentages may be somewhat overstated as the five tax-credit financed apartment developments had total development costs in the range of \$199,000 to \$361,000.

8. Fee Waivers and Deferrals

The City Council has waived and deferred fees when housing developments confer public benefits such as road improvements and affordable housing.

In September 2019, the City Council voted to waive the transportation portion of development impact fees for housing units within the boundaries of Victoria Park and Malan Park subdivisions. The waived fee was \$1,836.45 per unit. There are approximately 120 units between the two subdivisions totaling approximately \$367,290 in fee waivers.

The City Council has also approved the deferral of water capacity and waste water capacity fees for affordable housing developments:

- Brawley Senior Apartments \$186,442 (project was not awarded tax credits)
- Malan Street Apartments I \$238,879
- Malan Street Apartments II \$233,053
- Adams Park I \$618,229

The fee deferrals help projects applying for LIHTC garner points in the “public funds section.” The points are awarded for the “Waiver of fees resulting in quantifiable cost savings and not required by federal or state law.”

H. CITY PROCESSING AND PERMIT PROCEDURES

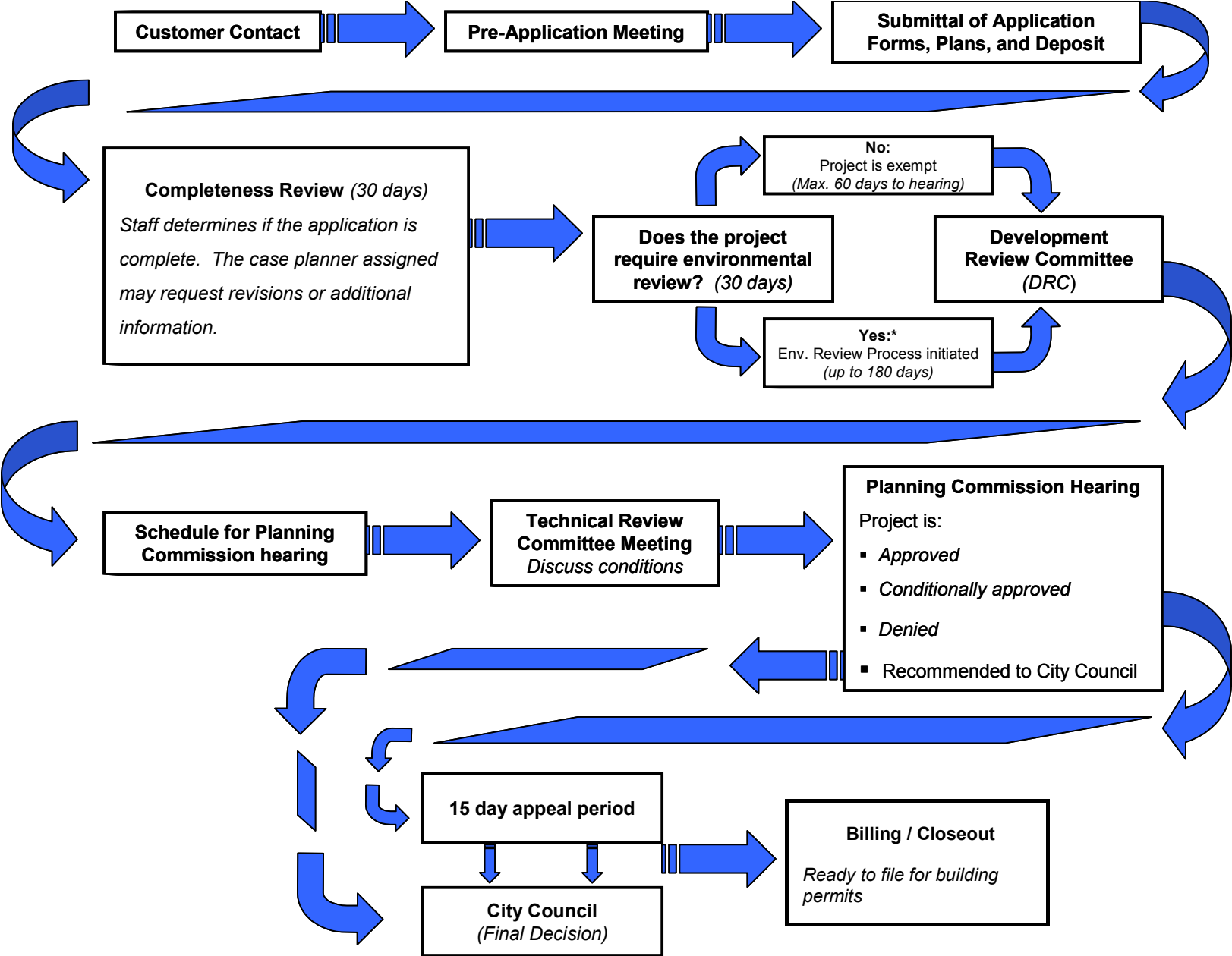
1. Site Plan Review Procedures

The Zoning Ordinance requires a site plan review of all proposed new residential construction. A site plan consists of plans, drawings, diagrams and pictures indicating the land uses, and the architecture, forms, and dimensions of all buildings and structures. A site plan may be approved by either the Planning Director or Planning Commission. Planning Director action does not require a public hearing. Site plan approval by the Planning Commission is necessary if a proposed housing development requires a zone change, variance, or conditional use permit. Planning Commission action on a site plan requires a public hearing.

The Planning Director or Planning Commission shall either:

- Approve the submitted site plan
- Approve the submitted site plan with conditions
- Disapprove the submitted site plan

Development Application Process



The Planning Department has outlined the following site plan procedures

1. Applicant confers with planning staff to determine the site plan requirements based on the Zoning Ordinance, residential zone and associated development standards.
2. Applicant submits the site plan, and, if applicable, landscape plan, which complies with the City's Water Efficient Landscape Ordinance to the Planning staff, and pays the required filing fees.
3. The Planning staff then schedules a Development Review Committee (DRC) meeting to discuss the site plan and its conformity to the Zoning Ordinance, development standards and other ordinance requirements. Review and decision-making criteria consist of objective and predictable standards established in the Zoning Ordinance such as heights and setbacks in addition to health and safety criteria and conformance to the general plan.
4. If all standards and requirements are satisfied, the Planning Director and DRC can approved or conditionally approve the site plan.
5. If the project requires a zone change, conditional use permit, or variance, the Planning Director and DRC will forward recommendations to the Planning Commission.
6. The Planning Commission will hold a public hearing and then approve, conditionally approve, or disapprove the site plan.

The Development Review Committee is composed of the following departments: Planning Department, Community Development Services, Public Works, Parks & Recreation, Police Department and Fire Department. The School Districts, Imperial Irrigation District, and other agencies may be involved in the review of individual development applications. The DRC has the authority to approve certain applications pursuant to the Municipal Code and/or standards.

Compatibility refers to appropriate separation from uses that are loud, noxious, or other health and safety issues that can negatively affect residents.

Approval certainty is facilitated because the Development Review Committee meets with applicants prior to a formal submittal. Additionally, no housing developments have been disapproved in recent years.

2. Parcel Map Review Process

“Parcel map” refers to a map made for the purpose of showing the division of a parcel of property into four or less lots, tracts, or parcels. A final parcel map shows detailed design and survey information, and certificates and dedications (if required).

The review process is as follows:

1. The Planning Director and City Engineer will review the application materials and tentative parcel map for completeness.
2. If the application and map are complete, the DRC members will review the map. Depending on the complexity of the project, this may require a meeting. The applicant or legal representative must attend this meeting or delays in processing may result. The DRC will either recommend approval or disapproval of the project and refer it to the Planning Commission.
3. The Planning Commission, at a public hearing, will review the project and recommend approval or disapproval. The Planning Commission shall disapprove any parcel map that is not consistent with the Brawley General Plan or any specific plan.
4. The applicant may appeal the Planning Commission's decision to the City Council.

The Final Parcel Map requirements are as follows:

1. Final Parcel Maps shall be submitted within 24 months of tentative parcel map approval.
2. The Planning Commission may grant an extension of the tentative parcel map not to exceed an additional 12 months.
3. Final Parcel Maps shall contain the following statements:
 - (a) Engineer's (surveyor's) statement
 - (b) A certificate or statement by the city engineer
 - (c) If required, by the Planning Commission:
 - (1) Street Plans
 - (2) Drainage Plans
 - (3) Water Plans
 - (4) Sewer Plans

3. Typical Approval Findings and Review Times

Findings that are typically applied to General Plan Amendments, zone changes and tentative tract maps are described below:

1. The proposal is prepared in accordance with the California Environmental Quality Act (CEQA) pursuant to Article 6.
2. The location of the project and surrounding land uses make it unlikely the project will cause significant environmental impacts as referenced in the Mitigated Negative Declaration
3. Approval of the Mitigated Negative Declaration, tentative tract map and zone change will not be detrimental to the public welfare or detrimental to the health and safety of the residents of the City of Brawley.
4. The tentative map and zone change is consistent with the character of the area for that type of land use.
5. The size of the new parcel is consistent with the Zoning Ordinance.
6. The size of the new parcel is consistent with the General Plan.
7. The Tentative Tract Map/Zone Change was performed in compliance with the Subdivision Map Act and Subdivision Ordinance requirements.

The findings for approval or disapproval of a site plan are based upon the following:

1. Every use and development of land, buildings or structures shall be in compliance with the applicable provisions of the zoning ordinance.
2. Every use, and development of land, buildings or structures shall be considered on the basis of the suitability of the site for the particular use or development intended, and the total development shall be arranged so as to avoid traffic congestion, ensure the protection of the public health, safety and general welfare, prevent adverse impacts to neighboring property, and shall be in conformity with all elements of the general plan.
3. The architectural character and style of the proposed buildings and structures shall be compatible with other land uses and structures in the immediate area.

The findings for approval or disapproval of a conditional use permit (CUP) are described below:

1. The proposed conditional use shall not be in conflict with the general plan or any specific plan.
2. The nature, condition and development of adjacent uses, buildings and structures shall be considered, and no proposed conditional use shall be permitted where such use will adversely affect or be materially detrimental to said adjacent uses, buildings or structures.
3. The site for a proposed conditional use shall be adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this zoning ordinance, or as required by the planning commission as a condition in order to integrate said use with the uses in the neighborhood.
4. The site for a proposed conditional use shall be served by highways or streets adequate in width and improved as necessary to carry the kind and quantity of traffic such use would generate.

The findings for approval or disapproval of a variance are described below:

1. That there are special circumstances applicable to the property including size, shape, topography, location or surroundings;
2. That the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification;
3. That the variance granted shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated;
4. That the variance granted does not authorize a use or activity which is not otherwise expressly authorized by the zoning regulations applicable to the property;
5. That the proposed variance will not be materially detrimental to the public welfare or detrimental to the health and safety of persons located in the vicinity of the subject property; and
6. That the proposed variance is consistent with the character of the area in which the variance is granted in that previous variances have been granted, lot sizes are large, landscaping is mature and architecture is varied.

The findings regarding General Plan Amendments, zone changes, tentative tract maps and site plans have not impeded the approval of housing developments with sufficient capacity to accommodate the RHNA. The City has approved by-right zoning for almost 4,000 housing units (refer to pages D-25 and D-26).

The findings in connection with CUPs and variances follow standard practices for the two applications.

4. Reasonable Accommodation Findings

Section 28.183 of the Zoning Ordinance describes the findings as follows:

The written decision to grant, grant with modifications, or deny a request for reasonable accommodation shall be consistent with Acts, shall, if granted, be granted to an individual and shall not run with the land (unless the Planning Director or designee determines that such a modification is physically integrated into the residential structure and cannot easily be removed), and shall be based on consideration of the following factors:

- a. Whether the housing, which is the subject of the request for reasonable accommodation, will be used by an individual with disabilities under the Acts;
- b. Whether the requested accommodation is necessary to make housing available to an individual with disabilities protected under the Acts;
- c. Whether the requested accommodations would impose an undue financial or administrative burden on the City;
- d. Whether the requested accommodation would require a fundamental alteration in the nature of the City's land use and zoning program and;
- e. Whether there are any alternative reasonable accommodations which may provide an equivalent level of benefit to the applicant.

All written decisions shall give notice of the applicant's right to appeal and to request reasonable accommodations in the appeals process as set forth in Section 27.335.

5. State Required Ministerial Review of Local Housing Developments

a. Senate Bill 35 – Streamlined Ministerial Approval Process

In 2017, the State enacted Senate Bill 35, establishing a streamlined ministerial approval process for qualifying multifamily housing projects. SB 35 authorizes proponents of residential developments that meet specified statutory criteria to apply for approval under a streamlined, ministerial approval process (Government Code Section 65913.4(a)). This means that a city cannot require a conditional use permit or other discretionary approval for projects meeting these criteria. Moreover, as ministerial actions, these approvals are statutorily exempt from CEQA.

The following definitions apply to SB 35 streamlining:

“Ministerial processing” or “*ministerial* approval” means a process for development approval involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. The public official merely ensures that the proposed development meets all the "objective zoning standards," "objective subdivision standards," and "objective design review standards" in effect at the time that the application is submitted to the local government, but uses no special discretion or judgment in reaching a decision.

“Multifamily” means a housing development with two or more attached residential units. The definition does not include accessory dwelling units unless the project is for new construction of a single-family home with attached accessory dwelling units in a zone that allows for multifamily.

Please note, accessory dwelling units have a separate permitting process pursuant to Government Code section 65852.2.

“Objective standards” or “objective planning standards” means an objective zoning, objective subdivision and objective design review standard as those terms are defined in Section 102(r).

“Objective zoning standard”, “objective subdivision standard”, and “objective design review standard” means standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the applicant or development proponent and the public official prior to submittal, and includes only such standards as are published and adopted by ordinance or resolution by a local jurisdiction before submission of a development application.

Source: California Department of Housing and Community Development, Draft Updated Streamlined Ministerial Approval Process Guidelines, July 17, 2020, page 4
Color highlighted text reflect revisions

The City is subject to the streamlined ministerial approval process because of insufficient progress toward the above moderate income RHNA. The City must adhere to the streamlined ministerial review process for proposed projects with at least 10% affordability.

The Development Services Department has prepared information explaining the process for applying and receiving ministerial approval, the data and materials an applicant is required to include in an application, and the relevant objective standards to be used when City staff evaluates the application.

b. Assembly Bill 2162 - Government Code Sections 65650 et seq.

In 2018, the Legislature responded to the State’s homelessness crisis, in part, by establishing another ministerial approval process specifically for *qualifying* supportive housing developments. For a city the size of Brawley, a supportive housing development only qualifies for the “by right” procedures if the development contains no more than 50 units. Supportive housing is linked to onsite or offsite services that assist residents in retaining housing, improving health, and maximizing the ability to live and, when possible, work in the community.

c. SB 330 Compliance (Housing Crisis Act of 2019)

On October 9, 2019, Gov. Gavin Newsom signed the Housing Crisis Act of 2019 into law, commonly known as Senate Bill 330 (Chapter 654, Statutes of 2019) to respond to the California housing crisis. Effective January 1, 2020, SB330 aims to increase residential unit development, protect existing housing inventory, and expedite permit processing. This new law makes a number of modifications to existing legislation, such as the Permit Streamlining Act and the Housing Accountability Act, and institutes the Housing Crisis Act of 2019. Many of the changes proposed last for a 5-year period and sunset on January 1, 2025. Under this legislation, municipal and county agencies are restricted in ordinances and policies that can be applied to residential development.

The City has complied with the requirements of SB 330 for housing developments approved or considered after January 1, 2020:

- No demolitions – loss of residential units – have been required by housing developments approved or considered by the Planning Commission and City Council.

- None of the housing developments approved or considered by the Planning Commission and City Council have included “protected units.”
- None of the housing developments approved or considered by the Planning Commission and City Council have required the replacement of “protected units.”
- The City has implemented a preliminary application process.
- The City has limited its review of housing developments to fewer than five public hearings.
- Upon receiving a complete application for a housing development project, the City determines in writing that the application is complete or incomplete.
- The City has met the 90-day timeframe for approving or disapproving a housing development and the 60-day timeframe for tax credit projects.
- The City has met the 90-day timeframe for informing applicants that their projects are consistent or inconsistent with applicable plan, program, policy, ordinance, standard, requirement or similar provision.

6. Status of Processing Approved “By-Right Housing Developments

a. Meaning of “By-Right” Housing Development

By-right, ministerial non-discretionary approvals contribute to accelerating housing production. At a League of California Cities Conference it was explained that –

From the State’s perspective, local discretionary approval processes potentially create barriers to the production of housing. To reduce such barriers, the Legislature has established ministerial approval processes for various housing types. In some instances, the State has established the criteria that make a housing project application eligible for streamlined approvals. In other instances, the State has authorized cities to establish the development standards to qualify for streamlined ministerial approval.

Source: League of California Cities, *Navigating Housing Development in the New Era*, May 9, 2019, page 20

According to HCD:

By right means the jurisdiction shall not require:

- A conditional use permit
- A planned unit development permit
- Other discretionary, local-government review or approval that would constitute a “project” as defined in Section 21100 of the Public Resources Code (California Environmental Quality Act “CEQA”)

However, if the project requires a subdivision, it is subject to all laws, including CEQA.

This does not preclude a jurisdiction from imposing objective design review standards. However,

the review and approval process must remain nondiscretionary and the design review must not constitute a “project” as defined in Section 21100 of the Public Resources Code. For example, a hearing officer (e.g., zoning administrator) or other hearing body (e.g., planning commission) can review the design merits of a project and call for a project proponent to make design-related modifications, but cannot exercise judgment to reject, deny, or modify the “residential use” itself. (See *McCorkle Eastside Neighborhood Group v. City of St. Helena* (2019) 31 Cal.App.5th 80.)

For reference, CEQA applies when a governmental agency can exercise judgment in deciding whether and how to carry out or approve a project. This makes the project “discretionary” (CEQA Guidelines, §15357.) Where the law requires a governmental agency to act on a project using fixed standards and the agency does not have authority to use its own judgment, the project is called “ministerial,” and CEQA does not apply. (CEQA Guidelines, §§ 15268(a), 15369.)

Source: California Department of Housing and Community Development, *Housing Element Site Inventory Guidebook*, June 10, 2020, page 12.

b. Status of Brawley’s Approved By-Right Housing Developments

The City completed a comprehensive by right analysis of housing developments and residential sites. The by-right zoning analysis has identified six categories of sites which are described below:

- Category A: Approved Projects Under Construction: As of early December 2020, the three listed projects are under construction.
- Category B: Approved Projects that Require Only a Building Permit: The listed projects have been fully approved and some housing units within the project boundaries have been built. Some of the remaining project approved housing units require building permit approvals.
- Category C: Final Tract Map and Building Permits: The listed projects have been approved. They now require the submittal by the developer of final tract map and its approval by the Planning Commission. Following approval of the final tract map, plans may be submitted for building permit approval.
- Category D: Planning Director Site Plan Review & Approval and Building Permit: The listed projects require the submittal by the developer of a site plan and its approval by the Planning Director.
- Category E: Tentative Tract Map, Final Tract Map, Planning Director Site Plan Review & Approval, Building Permit: The listed projects have been approved and require the usual sequence of approval steps, starting with the submittal by the developer of a Tentative Tract Map.
- Category F: Tentative Parcel Map, Final Parcel Map, Planning Director Site Plan Review & Approval, Building Permit: The sites listed are large sites (10+ acres) as defined by HCD and should be subdivided into four or fewer parcels,

None of the sites listed in the six categories require a General Plan Amendment, zone change, conditional use permit, variance or CEQA document.

Table D-12 shows the number of housing units in by-right zoned sites by category and housing type.

**Table D-12
City of Brawley
Number of Housing Units by Type in By-Right Zoned Sites: December 2020**

Category	Number of Sites	Number of Single Family Units	Number of Condominiums	Number of Multifamily Units
A	3	0	0	175
B	11	598	89	203
C	2	32	30	0
D	2	0	0	126
E	4	1,277	616	0
F	4	0	0	890
Total	26	1,907	735	1,394

Source: SB 2 Planning Grant, By-Right Zoning Analysis

Additional information on the sites listed in Table D-12 is provided in Appendix C – Sites Inventory and Analysis. Generally speaking, the by-right zoned sites accommodate the RHNA as follows:

- Single-family homes accommodate the above moderate income housing need
- Townhomes and condominiums accommodate the moderate income housing need
- R-3 zoned sites accommodate the lower income housing need

I. ANALYSIS OF ADOPTED ORDINANCES THAT DIRECTLY IMPACT THE COST AND SUPPLY OF HOUSING

The City has not adopted the following types of ordinances:

- Moratoria or other prohibitions that would impede the development of multifamily housing
- Growth control measures restricting the supply of housing
- Short-term rentals
- Rent control
- Crime-Free Multifamily Housing
- Inclusionary housing

It should be noted that the Brawley’s urban growth boundary coincides with the official Sphere of Influence (SOI). However, all the sites included in the Sites Inventory and Analysis (Appendix C) are located within the City limits.

To reduce the cost of housing, density bonus units have been approved for the following multifamily housing developments:

- Ocotillo Apartments 65 to 75 units, + 10 density bonus units
- Adams Park 1 – 68 to 80 units, + 12 density bonus units
- Brawley Senior Apartments 43 to 56, + 13 density bonus units
- Main Street Residential 13 to 17, + 4 density units

To further reduce housing costs and increase the housing supply, the City will adopt a Density Bonus Ordinance and an Accessory Dwelling Unit Ordinance.

The Zoning Ordinance also will be amended to provide for the creation of “compact housing units,” which will include SROs, micro-units, and small studio units ranging in size from 350 to 500 square feet.

J. DESCRIPTION OF EFFORTS TO REMOVE GOVERNMENTAL CONSTRAINTS THAT HINDER THE CITY FROM MEETING ITS SHARE OF THE REGIONAL HOUSING NEED

In Appendix C - Sites Inventory and Analysis – sites have been identified that have a sufficient capacity to accommodate Brawley’s share of the regional housing need.

The SB 2 Planning Grant has identified the status of all sites with by-right zoning. These latter by-right zoned sites also have sufficient capacity to address the RHNA.

Efforts to accelerate housing production on the identified sites include:

- Promoting the ADU and Density Bonus Ordinances
- Including incentives for the production of ADUs in the 2021-2029 Housing Element
- Facilitating the production of housing in the Opportunity Zone
- Supporting the efforts of developers to secure tax credit equity financing; Affordable Housing Sustainable Communities funding; and infill infrastructure grants
- Creating an Economic Development Element that leads to income gains by local residents and increase the demand for housing in Brawley

K. DESCRIPTION OF EFFORTS TO REMOVE GOVERNMENTAL CONSTRAINTS THAT HINDER THE CITY FROM MEETING SPECIAL HOUSING NEEDS

Government Code 65583(a)(5) requires the *2021-2029 Housing Element* to demonstrate local efforts to remove governmental constraints that hinder the locality from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters.

1. Reasonable Accommodation Procedure (RAP)

a. City Adopted Reasonable Accommodation Procedure

According to HCD, the housing element must demonstrate the City’s efforts to provide for reasonable accommodations and to remove or ameliorate constraints on public or private efforts to providing housing for persons with disabilities.

Title II of the ADA, Section 504, and the federal Fair Housing Act, as well as state laws such as California’s Fair Employment and Housing Act and Unruh Civil Rights Act, require local governments to make reasonable accommodations for people with disabilities in the land use and zoning areas when necessary to allow them to access housing. A reasonable accommodation may be as simple as changing a setback requirement to allow a ramp to be built or as complex as modifying a variety of provisions to allow a group home or housing with supportive services to locate in a particular neighborhood.

The City has adopted a reasonable accommodation procedure that was modeled after the recommendations of the Mental Health Advisory Services, Inc. Section 27.183 of the Zoning Ordinance describes the Reasonable Accommodation Procedure.

b. Ensuring Community Awareness of the Reasonable Accommodation Procedure (RAP)

HCD, HUD and the California Attorney General Office all recommend that cities and counties make the community aware of the RAP. HCD recommends that jurisdictions ensure information is available for people who wish to request a reasonable accommodation with respect to zoning, permit processing, or building laws.

The Development Services Department will prepare a brochure/pamphlet describing the Reasonable Accommodation Procedure and instructions on how to complete the application requesting an accommodation with respect to zoning and building standards and regulations.

The Reasonable Accommodation Procedure and the brochure/pamphlet will be posted on the Development Services Department webpage. The webpage notifies readers that planning and building staff are available to assist the disabled person or their representative to complete the application.

The above actions have the purpose of affirmatively furthering fair housing.

c. Reasonable Accommodations/Reasonable Modifications in Apartment Housing

The scope of the adopted Reasonable Accommodation Procedure is limited to City standards and regulations. Some residents of apartment housing are unaware of their right to request from their landlord or on-site property manager a reasonable accommodation or reasonable modification.

To inform the community of renters, the Planning Department will post on its webpage information describing how an apartment renter can request a reasonable accommodation or reasonable modification. Additionally, contact information will be provided for the Inland Fair Housing & Mediation Board, which is located in El Centro, and is able assist residents with their request.

The above actions have the purpose of affirmatively furthering fair housing.

d. Model Written Reasonable Accommodation and Reasonable Modifications Policies

Many, if not the majority, of private sector apartment owners probably do not have written policies regarding service and companion animals, reasonable accommodations or reasonable modifications. The City will request information from the Inland Fair Housing & Mediation Board on model written policies. The City and/or Inland will distribute the model written policies to the owners, property management companies, and/or on-site property managers.

The above actions have the purpose of affirmatively furthering fair housing.

e. Imperial Valley Housing Authority (IVHA) Reasonable Accommodation/Reasonable Modifications

Approximately 395 Brawley families are assisted in public housing and by Section 8 Housing Vouchers.

It is the policy of the IVHA) to provide reasonable accommodations and to permit tenants with disabilities to make reasonable modifications upon request, with provision of appropriate documentation of the need for the accommodation and/or modification to provide an equal opportunity to use and enjoy IVHA's housing programs. Modifications apply only to families living in public housing as Section 8 assisted families must apply to their landlord or on-site property manager.

Reasonable accommodations are considered for an individual with a verified disability who is currently

participating in IVHA's Section 8 Housing Choice Voucher Program. A participant may obtain a request form from the Brawley IVHA office. The application form is available on the IVHA website.

IVHA's policies re-enforce the City's policies that have the objective of enabling disabled persons to use and enjoy housing appropriate to their needs.

2. Ensuring Accessible Housing

Accessible housing requirements are set forth in California Building Code 2016, Chapter 11A Housing Accessibility. Buildings or portions of buildings within the scope of the Code shall be accessible to persons with disabilities. The provisions of the Code apply, but are not limited, to all newly constructed covered multifamily buildings and additions to existing buildings where the addition alone meets the definition of a covered multifamily dwelling.

The Building Division of the Development Services Department is responsible for ensuring that the accessibility requirements of the Code are met by newly constructed and renovated buildings.

The Ocotillo Springs Apartments is currently under construction and includes -

- 12 adaptable units
- 8 accessible units
- 3 sensory impaired units

3. Parking Space Requirements for Special Needs Housing

The City requires that all multifamily complexes provide a specific number of handicapped parking spaces, a number that depends on the size of the development. The City adheres to the Uniform Building Code requirements for handicapped parking spaces.

HCD recommends that jurisdictions should have provisions in place to provide parking reductions where less need is demonstrated, particularly for persons with disabilities, the elderly, affordable housing, and infill and transit-oriented development

In order to implement HCD's recommendation, the Zoning Ordinance will be amended to make provisions for reducing the parking space requirements for special needs housing.

4. Implementation of the Developmentally Disabled Program

Program #9 of the *2013-2021 Housing Element* was intended to implement a Developmentally Disabled Outreach Program. The intent of the program was to reach out to the San Diego Regional Center to provide information to Brawley's families on housing and services available to developmentally disabled persons.

This program effort will be implemented during course of preparing and adopting the *2021-2029 Housing Element*.

5. Updating the Family Definition

Both State and Federal fair housing laws prohibit definitions of family that either *intentionally* discriminate against people with disabilities or *have the effect* of excluding such individuals from

housing. To comply with fair housing laws, a definition of “family” must emphasize the functioning of the members as a cohesive household:

- A definition should not distinguish between related and unrelated persons.
- A definition should not impose numerical limitations on the number of persons that may constitute a family.

Source: Kim Savage, Mental Health Advocacy Services, Inc., Fair Housing Law Issues in Land Use and Zoning – Definition of Family and Occupancy Standards, September 1998, pages 1-5

The Zoning Ordinance defines family as meaning -

.... a person or persons, related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit. Family shall also include a group of not more than five persons, including roomers but not servants, unrelated by blood, marriage or adoption, when living together as a single housekeeping unit in a dwelling unit.

Program #12 of the *2013-2021 Housing Element* was intended to update the family definition. This program effort will be implemented during course of preparing and adopting the *2021-2029 Housing Element*.

6. Amending the Zoning Ordinance Regarding Group Homes for Disabled Persons

Under California law, group homes housing six or fewer persons that are licensed under the Health and Safety Code must be permitted in all residential zones that permit single family homes. Examples of licensed group homes are an “adult residential facility” and a “residential care facility for the elderly.” Adult Residential Facilities (ARF) are facilities of any capacity that provide 24-hour non- medical care for adults ages 18-59, who are unable to provide for their own daily needs. Adults may be physically handicapped, developmentally disabled, and/or mentally disabled.

As of December 2020, Brawley has two ARFs with a capacity of 10 beds.

Residential Care Facilities for the Elderly (RCFE) provide care, supervision and assistance with activities of daily living, such as bathing and grooming. They may also provide incidental medical services under special care plans.

The facilities provide services to persons 60 years of age and over and persons under 60 with compatible needs. RCFEs may also be known as assisted living facilities, retirement homes and board and care homes. The facilities can range in size from six beds or less to over 100 beds. The residents in these facilities require varying levels of personal care and protective supervision.

Eight years ago Brawley had three RCFEs with a capacity of 18 beds. As of early December 2020, no RCFEs were operating in the City.

Program #12 of the *2013-2021 Housing Element* was intended to revise the Zoning Ordinance to define the licensed group home facility types and to list the residential zones in which the licensed group homes are permitted.

This program effort will be implemented during course of preparing and adopting the *2021-2029 Housing Element*.

7. Supportive and Transitional Housing

The Zoning Ordinance defines supportive and transitional housing consistent with the requirements of Government Code Section 65582(f) [supportive housing] and (h) [transitional housing].

Supportive housing and transitional housing are permitted by-right in all residential zones.

8. Emergency Shelters

Emergency shelters having a maximum of 30 beds each are permitted by right in the C-1, C-2 and C-3 Commercial Zones. The 30-beds are a limit on an individual shelter and are not a limit on the total number of beds that can be provided in Brawley.

The Zoning Ordinance will be amended to allow “low barrier navigation centers” as a use permitted by right in mixed-use zoned areas and in non-residential zones permitting multifamily residential uses. The Zoning Map identifies an M-U Mixed Use Overlay District and apartment houses are permitted in the C-P (Service and Professional Zone).

L. COMPLIANCE WITH TRANSPARENCY LAWS FOR ZONING AND FEES

Information on the Planning Department’s webpage includes, but is not limited, to:

- Agendas/minutes
- Fees
- Procedures
- Checklists
- Application forms
- Planning application descriptions
- Environmental form
- Zoning Ordinance
- General Plan

A. GOVERNMENT CODE REQUIREMENTS

Government Code Section 65583(a)(6) requires -

An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels...

The analysis must examine the following:

- Availability of financing
- Price of Land
- Cost of construction
- Requests to develop housing at densities below those stated in the sites inventory and analysis (Government Code 65583.2)(c))
- Length of time between receiving approval for a housing development and submittal of an application for building permits
- Efforts to remove nongovernmental constraints creating a gap between the planning for and construction of housing

In addition, data are presented on housing prices and rents.

B. AVAILABILITY OF FINANCING

The analysis of the availability of financing is based on the Home Mortgage Disclosure Act (HMDA) data on FHA and conventional loan applications made by borrowers to buy a home in Brawley. The data provide the basis to calculate loan denial rates by loan type, borrower income, race/ethnicity, and census tract. The HMDA data analysis covers calendar years 2018 and 2019. The 2020 data will not be available until September 2021.

1. Analysis of Home Purchase Loan Applications

During the two-year period 414 loan applications were made of which 12.6% were denied and 87.4% were approved. The loan approval rates were considerably lower in 2019 compared to 2018, especially for FHA borrowers. Refer to Table E-1.

Overall, the vast majority – almost nine of every 10 loan applications - are approved.

FHA loan applications, however, represent a small share of the market as they comprise 10% of all loan applications.

Table E-2 reports on loan denial rates by loan type and income. Generally speaking, lower income borrowers have the highest loan denial rates. Borrowers in the middle and higher income groups have the lowest denial rates.

Table E-3 shows the loan denial rates by race and ethnicity. The loan approval rates for Hispanics applicants and all other borrowers were about the same.

Table E-3 also shows that Hispanic borrowers comprise 73% of all borrowers (304/212).

Table E-1
City of Brawley
FHA/VA and Conventional
Loan Applications and Denial Rates: 2018 and 2019

Type of Application	2018 Number/Percent	2019 Number/Percent	Total Number/Percent
FHA/VA/FSA			
Total Applications	149	121	270
Number Denied	25	9	34
Percent Denied	16.8%	7.4%	12.6%
Conventional Loans			
Total Applications	73	71	144
Number Denied	10	8	18
Percent Denied	13.7%	11.3%	12.5%
All Loans			
Total Applications	222	192	414
Number Denied	35	17	52
Percent Denied	15.8%	8.9%	12.6%

Source: Federal Financial Institutions Examination Council (FFIEC), Home Mortgage Disclosure Act (HMDA) Website HMDA Data Browser

Table E-2
City of Brawley
FHA/VA and Conventional Loan Denial Rates
By Household Income: 2018 and 2019

Loan Type and Income	Total Applications	Total Denied	Percent Denied
FHA/VA/FSA Loans			
<\$40,000	15	3	0.0%
\$40,000-\$49,999	38	5	13.2%
\$50,000-\$59,999	48	8	16.7%
\$60,000-\$69,999	46	4	8.7%
\$70,000-\$79,999	34	4	11.8%
\$80,000-\$89,999	26	4	15.4%
\$90,000-\$99,999	15	1	6.7%
\$100,000-+	48	5	10.4%
Total	270	34	12.6%
Conventional Loans			
<\$40,000	19	4	21.1%
\$40,000-\$49,999	21	4	19.0%
\$50,000-\$59,999	7	1	14.3%
\$60,000-\$69,999	23	3	13.0%
\$70,000-\$79,999	18	2	11.1%
\$80,000-\$89,999	5	0	0.0%
\$90,000-\$99,999	10	0	0.0%
\$100,000-+	41	4	9.8%
Total	144	18	12.5%
All Loans			
<\$40,000	34	7	20.6%
\$40,000-\$49,999	59	9	15.3%
\$50,000-\$59,999	55	9	16.4%
\$60,000-\$69,999	69	7	10.1%
\$70,000-\$79,999	52	6	11.5%
\$80,000-\$89,999	31	4	12.9%
\$90,000-\$99,999	25	1	4.0%
\$100,000-+	89	9	10.1%
Total	414	52	12.6%

Source: Federal Financial Institutions Examination Council (FFIEC), Home Mortgage Disclosure Act (HMDA) Website HMDA Data Browser

**Table E-3
City of Brawley
FHA/VA and Conventional Loan Denial Rates
By Hispanic or Latino and Not Hispanic or Latino: 2018 and 2019**

Race/Ethnicity	FHA/VA/FSA Loans			Conventional			All Loans		
	Hispanic or Latino	All Other	Total	Hispanic or Latino	All Other	Total	Hispanic or Latino	All Other	Total
2018 Total Applications	116	33	149	42	31	73	158	64	222
2018 Total Approved	97	27	124	36	27	63	133	54	187
Percent Approved	83.6%	81.8%	83.2%	85.7%	87.1%	86.3%	84.2%	84.4%	84.2%
2018 Total Denied	19	6	25	6	4	10	25	10	35
Percent Denied	16.4%	18.2%	16.8%	14.3%	12.9%	13.7%	15.8%	15.6%	15.8%
2019 Total Applications	101	20	121	45	26	71	146	46	192
2019 Total Approved	94	18	112	40	23	63	134	41	175
Percent Approved	93.1%	90.0%	92.6%	88.9%	88.5%	88.7%	91.8%	89.1%	91.1%
2019 Total Denied	7	2	9	5	3	8	12	5	17
Percent Denied	6.9%	10.0%	7.4%	11.1%	11.5%	11.3%	8.2%	10.9%	8.9%
Total Applications	217	53	270	87	57	144	304	110	414
Total Approved	191	45	236	76	50	126	267	95	362
Percent Approved	88.0%	84.9%	87.4%	87.4%	87.7%	87.5%	87.8%	86.4%	87.4%
Total Denied	26	8	34	11	7	18	37	15	52
Percent Denied	12.0%	15.1%	12.6%	12.6%	12.3%	12.5%	12.2%	13.6%	12.6%

¹Includes all other races and applications where race and/or ethnicity were not available.

Source: Federal Financial Institutions Examination Council (FFIEC), Home Mortgage Disclosure Act (HMDA) Website HMDA Data Browser

2. Redlining/Financing Availability by Census Tract

Redlining describes a situation where mortgage services are denied or limited for two specific reasons:

- The racial and/or ethnic composition of an area’s residents
- The age of an area’s properties

Redlining is when lenders used discriminatory and unfair lending practices that result in reduced lending accessibility for borrowers in the areas that show high populations of racial minorities, regardless of the credit worthiness of each individual borrower. The word redlining comes from the practice of outlining in red those geographical areas that were perceived to pose a higher mortgage risk. Redlining can affect a particular street, block, census tract, or an entire city.

According to the U.S. Department of Housing and Urban Development (HUD), the analysis of loan denial rates by census tract will help to identify if there are underserved neighborhoods.

The loan denial rate for Census Tract 107 is considerably higher than for the other three census tracts. However, there were only 37 loan applications submitted to purchase a home in this census tract. The low number of loan applications means conclusions regarding the potential existence of redlining are not possible.

**Table E-4
City of Brawley
FHA/VA and Conventional Loan Denial Rates by Census Tract: 2018 and 2019**

Census Tract	FHA/VA/FSA Loans			Conventional Loans			All Loans		
	Total Apps.	Total Denied	Percent Denied	Total Apps.	Total Denied	Percent Denied	Total Apps.	Total Denied	Percent Denied
104	41	5	12.2%	16	3	18.8%	57	8	14.0%
105	89	9	10.1%	28	5	17.9%	117	14	12.0%
106	114	14	12.3%	89	7	7.9%	203	21	10.3%
107	26	6	23.1%	11	3	27.3%	37	9	24.3%
Total	270	34	12.6%	144	18	12.5%	414	52	12.6%

Source: Federal Financial Institutions Examination Council (FFIEC), Home Mortgage Disclosure Act (HMDA) Website HMDA Data Browser

C. LAND AND CONSTRUCTION COSTS

1. Components of Total Development Costs

According to the Turner Center:

Total development costs are made up of a lot of different line items, including land or property acquisition costs, construction costs, architectural/engineering costs, local development fees, as well as fees associated with the “soft” costs of development (e.g., legal fees, appraisals, and insurance).

Source: Turner Center for Housing Innovation, *The Costs of Affordable Housing Production: Insights from California’s 9% Low-Income Housing Tax Credit Program*, March 2020, page 8 (Author: Carolina Reid)

Research completed by the Turner Center found that between 2008 and 2018, the hard costs of building housing in California increased by \$68 per square foot. The research shows that hard construction costs (the costs of material and labor) are the primary driver of rising development costs. The shortage in the construction labor market and higher prices for general contractors (as well as the subcontractors they hire) is affecting affordable housing development—just as this shortage impacts market-rate development.

Source: Turner Center for Housing Innovation, *The Hard Costs of Construction: Recent Trends in Labor and Material Costs for Apartment Buildings in California*, March 2020, 25 pages (Authors: Hayley Raetz, Teddy Forscher, Elizabeth Kneebone, and Carolina Reid)

2. Land Costs

Data on land costs are limited. There are no vacant R-1 zoned sites for sale as of December 2020. New single family homes are for sale in the price range of \$370,000 (1,914 SF) to \$410,000 (2,281SF). The sales price per square foot range between \$180 and \$203.

There is one vacant R-3 zoned parcel for sale as of December 2020. The asking price for the 2.55-acre site is \$220,000 or \$86,275 per acre. The R-3 zone allows up to 17 housing units per acre. Therefore, the per unit land costs are just below \$5,100.

Data on the land and construction costs associated with “market rate” developments are generally unavailable. However, land and cost construction cost data are available for affordable multi-family housing developments built in Brawley. The costs are estimates that are included in Low Income Housing Tax Credit applications and the Tax Credit Allocation Committee project application staff reports.

Table 8 shows that the per unit land costs range from a low of approximately \$8,200 to a high of almost \$53,500.

The reasons for the large low to high range are unknown. For all the projects, there was not an actual sales transaction. The Imperial Valley Housing Authority was the land owner and either donated the land or agreed to a seller carryback.

**Table E-5
City of Brawley
Tax Credit Affordable Housing Developments
Multifamily Land Costs: 2015-2020**

Project Name/TCAC Application Approval Date	Land Costs	No. of Housing Units	Per Unit Land Costs
Brawley Senior Apartments ¹ February 2016	\$261,000	32	\$8,156
Malan Street Apartments I ² 1 st Round 2015	\$658,000	41	\$16,049
Malan Street Apartments II ² 1 st Round 2018	\$685,000	40	\$17,125
Brawley Adams I ³ 2 nd Round 2018	\$3,207,654	60	\$53,461
Brawley Adams II ³ 2 nd Round 2020	\$1,762,711	60	\$29,379

¹Information based on TCAC application dated February 29, 2016; tax credits were not awarded. Land costs were a seller carryback from the Imperial Valley Housing Authority

²Land loans with 55-year term at 3% interest

³Land donation from the Imperial Valley Housing Authority

Source: California Tax Credit Allocation Committee, Project Applications and staff reports

3. Construction Costs

In California, on a per square foot basis, senior housing is the least costly when compared to supportive housing and family housing. The construction costs of the family housing projects listed in Table E-6 range from about \$178,800 to approximately \$229,700. The range in construction costs could be due to the fact that some projects include a non-residential building such as a community building.

Table E-7 shows the share that land, construction, and soft costs comprise of the total housing development costs. Land costs comprise a relatively small share of the total development costs. Construction costs are the largest component, ranging between 55% and 60% of the total development costs.

**Table E-6
City of Brawley
Tax Credit Affordable Housing Developments
Multifamily Construction Costs: 2015-2020**

Project Name	Construction Costs	No. of Housing Units	Per Unit Construction Costs
Brawley Senior Apartments ¹	\$3,559,585	32	\$111,237
Malan Street Apartments	\$7,330,375	41	\$178,790
Malan Street Apartments II	\$9,188,592	40	\$229,715
Brawley Adams I	\$11,694,212	60	\$194,904
Brawley Adams II	\$12,329,881	60	\$205,498

¹Information based on TCAC application dated February 29, 2016; tax credits were not awarded.

Note: Includes estimated construction contingency.

Source: California Tax Credit Allocation Committee, Project Applications

**Table E-7
City of Brawley
Tax Credit Affordable Housing Developments
Share of Development Costs: 2015-2020**

Project Name	Land Costs	Construction Costs	Soft Costs
Brawley Senior Apartments ¹	4.1%	55.9%	40.0%
Malan Street Apartments I	5.8%	64.7%	29.5%
Malan Street Apartments II	4.7%	63.7%	31.6%
Brawley Adams I	15.0%	54.8%	30.2%
Brawley Adams II	8.7%	60.6%	30.7%

Source: California Tax Credit Allocation Committee, Project Applications

4. Market Rate and Affordable Housing Total Development Costs

A market rate project comparable to a tax credit, subsidized development would “cost” less than the affordable housing development. In California, controlling for year, region, construction type, and prevailing wage requirements, affordable projects average \$48 more per square foot compared to market rate projects and projects that mix affordable and market-rate units.

From 2008 to 2019, the average cost per unit of 9% LIHTC new construction, adjusted for inflation, increased from \$411,000 to \$480,000, an increase of over 17%. Total development costs, however, vary substantially by region. In California’s “rural” region of which Brawley is a part, the average per unit total development cost is approximately \$400,000.

The list below quantifies the “total” development costs of the projects:

- Brawley Senior Apartments \$199,022
- Malan Street Apartments I \$276,409
- Malan Street Apartments II \$360,960
- Adams Park I \$355,611
- Adams Park II \$339,077

In contrast, the “total” development costs of projects approved in 2019 for 9%tax credits and which are located in Inland Empire Region are as follows:

- Fern Crossing Apts Holtville 44 units \$385,713
- Sierra Avenue Family Apts Fontana 60 units \$443,246
- Bloomington Housing Phase III Bloomington 98 units \$489,800
- Cedar Glen II Apts Riverside 50 units \$504,523

The four projects were large family developments that involved new construction, not rehabilitation.

The projects approved in Orange County cost even more than those in the Inland Empire Region:

- Manchester/Orangewood Apts Anaheim \$504,921 2nd Round 2019
- Westminster Crossing Apts Westminster \$597,979 1st Round 2019

The housing development costs of affordable housing usually exceed market rate housing because of prevailing wages, inclusion of sustainable materials, and the need to assemble numerous funding sources. These factors combined cause, on average, an increase of 19% in total development costs. Prevailing wage raises total development costs by approximately \$53,000 per unit, or by 13%. It is not known if some or all of Brawley’s affordable housing developments were subject to prevailing wage requirements.

Although less costly, a market rate development will be unable to charge rents low enough to render the apartment units affordable to lower income households.

5. State and Local Policy Implications

The increase in LIHTC project costs has material consequences for the supply of new affordable housing. The cost increases mean that the same amount of public subsidy is now needed to build two units at 1,000 square feet as was needed for three units just 10 years ago.

The Turner Center has concluded that –

...there is also a need to reduce the costs of building subsidized housing. In the current economic climate, new market-rate construction will not meet the housing needs of families earning below 60 percent of the area median in which they live. In addition, the increasing prevalence of unhoused individuals and families will require substantial investments in affordable housing. State policymakers—as well as many local jurisdictions—have recognized the need to invest in new subsidized housing, and the last four years have seen a significant expansion of funding for affordable and supportive housing through both state legislation and local bond measures. But continuing to spend \$700,000 on a unit of affordable housing—with an increasing share of that coming from public subsidies—will make it that much harder to build the supply we need.

Source: Turner Center for Housing Innovation, *The Costs of Affordable Housing Production: Insights from California’s 9% Low-Income Housing Tax Credit Program*, March 2020, page 23 (Author: Carolina Reid)

The City Council has facilitated the development of affordable housing by approving density bonuses and deferring water capacity and waste water capacity fees.

D. HOUSING VALUES AND RENTS

1. Home Values

Table E-8 provides data on home values based on an owner’s estimate of how much the property would sell for if it were for sale. Fifty-five percent of the homes are estimated to have values of less than \$200,000. Almost 30% of the homes have estimated values in the range of \$200,000 to \$299,999. Lastly, nearly 16% of the home owners think they could sell their home for more than\$300,000.

Overall, the value distribution demonstrates that Brawley generally has a stock of affordable single-family homes.

**Table E-8
City of Brawley
Value of Housing Units: 2015-2019**

Value	Number	Percent
Less than \$100,000	381	10.5%
\$100,000 to \$124,999	436	12.1%
\$125,000 to \$149,999	225	6.2%
\$150,000 to \$174,999	539	14.9%
\$175,000 to \$199,999	407	11.3%
\$200,000 to \$249,999	707	19.6%
\$250,000 to \$299,999	347	9.6%
\$300,000 to \$399,999	376	10.4%
\$400,000 to \$499,999	116	3.2%
\$500,000 to \$749,999	42	1.2%
\$750,000 to \$999,999	12	0.3%
\$1,000,000 to \$1,499,999	11	0.3%
\$1,500,000 to \$1,999,999	4	0.1%
\$2,000,000 or more	10	0.3%
Total	3,613	100.0%

Source: 2015-2019 American Community Survey 5-Year Estimates, Table B25075 Value Occupancy

Table E-9 shows the median home values for cities located in Imperial County. The median home values range from a low of \$119,300 (Westmorland) to a high of \$239,900 (Imperial). Brawley’s median home value is estimated to be \$188,900.

**Table E-9
Imperial County
Median Home Values by City (in Rank Order): 2015-2019**

City	Median Home Value
Imperial	\$239,900
Calexico	\$207,600
El Centro	\$192,600
Brawley	\$188,900
Holtville	\$186,600
Calipatria	\$145,700
Westmorland	\$119,300

Source: American Community Survey, 2015-2019 5-Year Estimates, Table B25077 Median Home Value (Dollars)

2. Monthly Gross Rents

Monthly gross rents are available for approximately 3,100 housing units. The data reveal that the a good portion of the rental housing stock meet the space needs of large families as more than one-third have three or more bedrooms.

Gross rent is the contract rent plus the estimated average monthly cost of utilities (electricity, gas, and water and sewer) and fuels (oil, coal, kerosene, wood, etc.) if these are paid by the renter (or paid for the renter by someone else). Gross rent is intended to eliminate differentials that result from varying practices with respect to the inclusion of utilities and fuels as part of the rental payment. Renter units occupied without payment of rent are shown separately as “No rent paid” in the tabulations.

Approximately 70% of the rental housing stock has gross rents of less than \$999. Twenty-two percent and 6.4% of the rental housing units have monthly gross rents of \$1,000-\$1,499 and \$1,500 or more respectively. Refer to Table E-10.

The monthly gross rents demonstrate the affordability of the rental housing stock.

Table E-11 shows the median gross rents for all cities in Imperial County. The median monthly gross rents range from a low of \$600 (Westmorland) to a high of \$1,394 (Imperial). Brawley’s median gross rent is estimated to be \$828.

The City’s median gross rent by bedroom size is shown in Table E-12. The median gross rent for a 2-bedroom unit is estimated to be \$784.

**Table E-10
City of Brawley
Bedrooms by Monthly Gross Rent: 2015-2019**

Monthly Gross Rent	No Bedroom	1 Bedroom	2 Bedrooms	3+ Bedrooms	Total	Percent
Less than \$300	11	101	44	16	172	5.5%
\$300-\$499	0	39	216	26	281	9.0%
\$500-\$749	109	228	362	85	784	25.2%
\$750-\$999	11	52	518	405	986	31.7%
\$1,000-\$1,499	0	55	232	403	690	22.2%
\$1,500 or more	0	2	51	145	198	6.4%
Total	131	477	1,423	1,080	3,111	100.0%
Percent	4.2%	15.3%	45.7%	34.7%	100.0%	

Note: 163 renter households has no cash rent

Source: 2015-2019 American Community Survey 5-Year Estimates, Table B25068: Bedrooms by Gross Rent

**Table E-11
Imperial County
Median Gross Rent by City (in Rank Order): 2015-2019**

City	Median Gross Rent
Imperial	\$1,394
Calexico	\$904
Brawley	\$828
El Centro	\$803
Westmorland	\$767
Calipatria	\$724
Holtville	\$600

Source: American Community Survey, 2015-2019 5-Year Estimates, Table B25064 Median Gross Rent (Dollars)

**Table E-12
City of Brawley
Median Gross Rent by Bedrooms: 2015-2019**

Number of Bedrooms	Median Gross Rent
No bedroom	\$612
1 bedroom	\$625
2 bedrooms	\$784
3 bedrooms	\$982
4 bedrooms	\$1,317

Source: American Community Survey, 2015-2019 5-Year Estimates, Table B25031 Median Gross Rent by Bedrooms

E. REQUESTS TO DEVELOP HOUSING AT DENSITIES BELOW THOSE STATED IN THE SITES INVENTORY AND ANALYSIS (GOVERNMENT CODE 65583.2)(C)

During the period of 2103 to 2021, the City has not received an application to develop housing at densities below stated in the 5th Cycle Housing Element. The City has approved four apartment developments that include density bonus units.

F. LENGTH OF TIME BETWEEN RECEIVING APPROVAL FOR A HOUSING DEVELOPMENT AND SUBMITTAL OF AN APPLICATION FOR BUILDING PERMITS

The City approved several specific plans in the early- to mid-2000s. Development within the approved specific plan areas was stalled due to the Great Recession and the COVID-19 Pandemic. Interest in the development of the specific plan areas has begun and applications for building permits are expected to be submitted in 2021.

The City also has approved several multifamily residential developments. Typically, these developments move forward after construction and other financing has been secured. For instance, the City approved a senior housing development with density bonus units. The tax credit financing application was not approved and, therefore, a building permit application has not yet been submitted.

As another example, the City approved a family rental housing development that included density bonus units. The developer's first Affordable Housing Sustainable Communities (AHSC) funding application was not approved. Following technical assistance, the second application was approved. A building permit for the project has been submitted.

G. EFFORTS TO REMOVE NONGOVERNMENTAL CONSTRAINTS CREATING A GAP BETWEEN THE PLANNING FOR AND CONSTRUCTION OF HOUSING

Nongovernmental constraints include financing availability, land costs, and construction costs.

With regard to funding availability, the City Council approves resolutions supporting the affordable housing developer's funding applications.

With respect to land costs, the City has approved four projects with density bonus units. These approvals have contributed to lowering the per unit land costs.

Construction costs are influenced by the housing unit sizes of new apartment units. The City has approved several developments that adhere to the maximum housing unit sizes established for developments financially supported by Low Income Housing Tax Credits.

The City also has drafted development standards for compact housing units that would range between 350 and 500 square feet.

Program 3.10 in Section II seeks to remove or ameliorate non-governmental constraints. The Non-Governmental Constraints Program includes:

- Adoption of a density bonus program to reduce per unit land costs.
- Adoption of an ADU Ordinance to promote new housing on parcels with no associated land costs,
- Creation of a new housing type – compact housing units of 350 to 500 SF – to promote new housing with lower construction costs.
- To increase financing availability, continue to approve letters supporting developer applications for funding (e.g., LIHTC, AHSC)

Appendix F describes housing financial and administrative resources. Some of the resources provide assistance that could help address the City's housing needs. The availability of land resources to accommodate the City's share of the regional housing need was described in Appendix C - Sites Inventory and Analysis.

A. FINANCIAL RESOURCES

1. United States Department of Agriculture (USDA)

a. Section 502 Direct Loan Program

The Section 502 Direct Loan Program, this program assists low- and very-low-income applicants obtain decent, safe, and sanitary housing in eligible rural areas by providing payment assistance to increase an applicant's repayment ability. Payment assistance is a type of subsidy that reduces the mortgage payment for a short time. The amount of assistance is determined by the adjusted family income.

Generally, rural areas with a population less than 35,000 are eligible

Loan funds may be used to help low-income individuals or households purchase homes in rural areas. Funds can be used to build, repair, renovate, or relocate a home, or to purchase and prepare sites, including providing water and sewage facilities.

b. Section 504 Home Repair Program

The Section 504 Home Repair program, this provides loans to very-low-income homeowners to repair, improve, or modernize their homes or provides grants to elderly very-low-income homeowners to remove health and safety hazards.

The qualification criteria include:

- Be the homeowner and occupy the house
- Be unable to obtain affordable credit elsewhere
- Have a family income below 50% of the area median income

The program basics include:

- Loans may be used to repair, improve, or modernize homes or to remove health and safety hazards.
- Grants must be used to remove health and safety hazards.
- The maximum loan is \$20,000.
- The maximum grant is \$7,500.
- Loans and grants can be combined for up to \$27,500 in assistance.

2. Community Development Block Grant Funds

Eligible applicants include non-entitlement jurisdictions [cities with populations fewer than 50,000 and counties with populations under 200,000 in unincorporated areas that do not participate in the U.S. Department of Housing and Urban Development (HUD) CDBG entitlement program.

CDBG funds are provided as grants. Maximum grant amounts vary by activity and run between \$600,000 and \$1,500,000, not including additional amounts available under the Native American and Colonia allocations. Grants must address one of three national objectives: 1) benefit to low- and moderate-income persons, 2) aid in the prevention or elimination of slums and blight, or 3) to meet an urgent need. Planning and Technical Assistance (PTA) grants may be up to \$100,000 for one or two studies per funding round per jurisdiction.

Eligible activities include:

- **Housing:** Includes single- and multi-family rehabilitation, rental housing acquisition or homeownership assistance, and activities that support new housing construction.
- **Public Improvements:** Includes water and wastewater systems, rural electrification, and utilities such as gas services.
- **Community Facilities:** Includes day care centers, domestic violence shelters, food banks, community centers, medical and dental facilities, and fire stations.
- **Public Services:** Includes staff and operating costs associated with the community facilities.
- **Planning and Technical Assistance (PTA):** Includes studies and plans for housing, public works, and community facilities that meet CDBG national objectives and provide principal benefit to low-income persons.

3. Affordable Housing and Sustainable Communities Program

The AHSC Program reduces greenhouse gas (GHG) emissions through projects implementing land-use, housing, transportation, and agricultural land preservation practices that support infill and compact development. Funding for the AHSC Program is provided from the Greenhouse Gas Reduction Fund (GGRF), an account established to receive Cap-and-Trade auction proceeds.

AHSC provides funding for affordable housing developments (new construction or renovation) and transportation infrastructure. This may include sustainable transportation infrastructure, such as new transit vehicles, sidewalks, and bike lanes; transportation-related amenities, such as bus shelters, benches, or shade trees; and other programs that encourage residents to walk, bike, and use public transit.

In 2017-2018 AHSC funds were awarded to Pacific West Communities in the amount of \$12,779,179:

- **Housing Funding:** \$10,350,000
- **Transportation Capital Funding:** \$2,305,979

Ocotillo Springs in Brawley would fund the AHSC Program's first award in Imperial County. The Project would include 74 units of centrally located net-zero energy affordable housing. The housing development would include nearly 3,000 square feet of community building that would include a kitchen, computer lab, a tot lot, and covered picnic tables and barbecue grills.

The Project also proposes the build-out of over 1.6 miles of new sidewalks and 2.3 miles of new Class II bikeways that would connect the community throughout the downtown. In partnership with Calvans, the project would procure 30 vanpool vans to provide vanpool services to the entire community. Feedback provided in surveys of community members on barriers to active transportation usage led the Project development to exceed the Program scoring incentives and build in over 8,000

feet of new sidewalks. With the help of Technical Assistance, this project improved its score by 27.5 points.

4. Infill Infrastructure Grant Program

To be eligible for funding, a Capital Improvement Project must be an integral part of, or necessary for the development of either a Qualifying Infill Project or housing designated within a Qualifying Infill Area. Eligible costs include the construction, rehabilitation, demolition, relocation, preservation, and acquisition of infrastructure. Examples of infrastructure improvements include:

- Parks and open space development
- Utility improvements & relocation
- Streets, roads, transit linkages and facilities
- Facilities to support pedestrian & bicycle transit
- Traffic mitigation, such as street signals
- Site preparation or demolition
- Sidewalk or streetscape improvements

On June 25, 2020 Pacific Southwest Community Development Corporation was awarded an Infill Infrastructure Grant in the amount of \$1,501,632 for the Adams II affordable housing development.

5. Low Income Housing Tax Credits

This program provides equity for the development of affordable housing. The City does not have direct access to this funding, which is awarded by the California Tax Credit Allocation Committee (TCAC) to experienced non-profit and for-profit developers on a competitive basis.

**Table F-1
City of Brawley
Low Income Housing Tax Credit Affordable Housing Developments**

Spring & Encino Village Apartments (Site A)	402 S. Eastern Ave	95
Salton II Village Apts.	1524 C Street	30
Brawley Pioneers Apartments	1690 C Street	75
Hatfield Homes (Site A)	963 Dominguez Court	48
Brawley Family Apartments	1690 C Street	79
Sonterra Apartments	250 S. Eastern Ave.	53
Brawley Elks Senior Apartments	995 Willard Avenue	80
Brawley Gardens Apartments	221 Best Road	80
Valle del Sol Apartments	1605 East C Street	70
Manzanilla Terrace	1586 I Street	68
Malan Street Apartments	180 Malan Street	40
Malan Street Apartments II	180 Malan Street	40
Brawley Adams I	1598 C Street	59
Imperial VI (Site E) - Citrus Pointe I & II	694 N 3rd St, Brawley	—

An introduction of the Low Income Housing Tax Credit Program is available at:
<https://fas.org/sgp/crs/misc/RS22389.pdf>

6. Section 8 Rental Assistance

a. Public Housing

Public Housing units are owned and managed by IVHA. IVHA owns units located throughout Imperial County. Public Housing units vary in size and style, however they offer low rents based on the household income. Applications for public housing are subject to closure.

b. Section 8 Housing Choice Voucher Program

IVHA administers the Section 8 Housing Choice Voucher Program, a major federally funded program helping low income households afford decent, safe and sanitary housing. Section 8 provides eligible households the opportunity to rent housing of their choice in the private market. Housing Assistance Payments (HAP) are provided on behalf of the household each month to the landlord. The household is responsible for paying the difference between the contract rent charged by the landlord and the amount subsidized by IVHA. Applications for Section 8 are subject to closure.

7. CalHFA Multifamily Mixed Income Program

The CalHFA Mixed-Income Program (MIP) provides long-term subordinate financing for new construction of multifamily housing projects which restrict units at a mix between 30% and 120% of the Area Median Income. The program was created after Senate Bill 2 (SB2), the Building Homes and Jobs Act which was signed into law in 2017, established an annual appropriation to the Agency for the purpose of creating mixed income multifamily residential housing for lower to moderate income households. CalHFA receives 15% of the Building Homes and Jobs Act Fund for this purpose.

CalHFA expects to have a total of \$60 million available for MIP subordinate financing in 2021.

For 2021, the Agency has also made available funds provided through Assembly Bill 101. The bill directs the funding to CalHFA to be used to finance low- and moderate-income housing.

8. CalHFA Homebuyer Programs

The agency offers a variety of loan programs to purchasers of a home: conventional loans, government insured loans (FHA, VA), down payment assistance programs, and Mortgage Credit Certificates (MCCs).

9. CalHFA Multifamily Programs

CalHFA's Taxable, Tax-Exempt, or CalHFA funded *Permanent Loan* programs provide competitive long-term financing for affordable multifamily rental housing projects. Eligible projects include newly constructed or acquisition/rehabilitation developments that provide affordable housing opportunities for individuals, families, seniors, veterans, and special needs tenants.

CalHFA's *Conduit Issuer Program* is designed to facilitate access to tax-exempt and taxable bonds by developers that seek financing for eligible projects that provide affordable multifamily rental housing for individuals, families, seniors, veterans or special needs tenants. The conduit bonds may be used to finance the acquisition, rehabilitation, and/or development of an existing project, or they can be used for the construction of a new project.

10. HCD No Place Like Home Program (NPLH) Program

This program provides funding and tools that enables HCD to address affordability issues associated with creating housing units that are specifically set aside for persons with serious mental illness who are chronically homeless, homeless, or at-risk of becoming chronically homeless. Under the program, the Department may make loans to reduce the initial cost of acquisition and/or construction or rehabilitation of housing, and may set funds aside to subsidize extremely low rent levels over time.

11. HCD Multifamily Housing Program

Funds for the program were authorized by the Veterans and Affordable Housing Act of 2018. The program funds new construction, rehabilitation of housing, development or conversion of a nonresidential structure to a rental housing development. Eligible uses include land acquisition and construction. The maximum rent limit is 30% of 60% of Area Median Income (AMI), adjusted by unit size.

12. HCD Supportive Housing Multifamily Housing Program

Funds available are for multifamily rental housing projects involving new construction, rehabilitation, acquisition and rehabilitation, or conversion of nonresidential structures for the purpose of development of rental housing containing permanent supportive housing units for the target population.

13. HCD Veterans Housing and Homelessness Prevention Program

This program involves collaboration between HCD, California Department of Veteran Affairs, and California Housing Finance Agency to provide \$600 million in Proposition 41 general obligation bonds to fund affordable multifamily rental, supportive and transitional housing. The goal is to fund 4,800 new veteran housing units including 2,880 to 3,300 permanent supportive housing units for homeless veterans. Of the permanent supportive housing units, 1,200 to 1,400 will be for chronically homeless veterans. Priority is placed on housing to be developed in areas with especially high concentrations of California's most vulnerable veterans while preserving funding for other areas.

“Veteran” means any person who served in the active military, naval, or air service of the United States or as a member of the National Guard who was called to and released from active duty or active services for a period of not fewer than 90 consecutive days or was discharged from service due to a service-related disability. This includes veterans with other-than-honorable discharges.

At least 50% of the funds awarded shall serve veteran households with extremely low incomes. Of those units targeted to extremely low-income veteran housing, 60% shall be supportive housing units.

14. Housing for Healthy California (HHC) Program

In September of 2017, as part of a landmark housing package, Governor Jerry Brown signed AB 74 into law. The HCD is authorized to develop the Housing for a Healthy California (HHC) Program. The HHC program creates supportive housing for individuals who are recipients of or eligible for health care provided through the California Department of Health Care Services, Medi-Cal program. The goal of the HHC program is to reduce the financial burden on local and state resources due to the overutilization of emergency departments, inpatient care, nursing home stays and use of corrections systems and law enforcement resources as the point of health care provision for people who are chronically homeless or homeless and a high-cost health user.

15. AB 101**a. New State Low Income Housing Tax Credits Program**

Provides for the allocation of \$500 million in new state low-income housing tax credits for new construction projects that receive the federal 4% tax credit. For these new credits, the bill would increase the eligible basis for these projects from 13% to 30%. It would require at least \$300 million of this to be available to new construction projects receiving the federal 4% tax credit, and would allow up to \$200 million to be available to projects receiving assistance from the California Housing Finance Agency (CalHFA) Mixed Income Program.

Eligible basis refers to depreciable basis; it does not include land, syndication, organization, or permanent financing costs. A more complete explanation of eligible basis is available at:

<https://www.ncsha.org/wp-content/uploads/2018/11/Eligible-Basis-and-Credit-Calculations.pdf>

b. CalHome Program

AB 101 (2019) allows the CalHome program to include accessory dwelling units (ADUs) and junior accessory dwelling units (JADU), and to authorize the program to make grants for housing purposes in declared disaster areas.

B. ADMINISTRATIVE RESOURCES

Administrative resources include organizations that are able to assist the City in implementing housing activities, including some of those described in Section II - Housing Program.

1. California Department of Housing and Community Development (HCD)

HCD is able to provide technical assistance on a myriad of housing topics, including model housing programs and ordinances.

2. Imperial Valley Housing Authority (IVHA)

This agency administers the Section 8 Housing Voucher Program and Public Housing Program. The HA's area of operation is all of the unincorporated areas of Imperial County and all incorporated cities.

3. Imperial County Continuum of Care (CoC)

The goal of the Imperial Valley Continuum of Care Council is to end homelessness by developing systems that will effectively direct homeless individuals and families to needed resources. Through these resources, the individual and families will have the help to better regain dignity and respect while returning to the community as thriving and productive citizens. Our goal is also to provide resources that will prevent individuals from entering into homelessness.

The focus for the Imperial Valley Continuum of Care Council is to address the concerns of the community dealing with homelessness while improving the conditions that suffocate community growth. This is being achieved through collaborations, trainings, services, and hard work.

A. GOVERNMENT CODE REQUIREMENTS

The Progress Report (officially known as review and revision) must discuss:

"Appropriateness of goals, objectives and policies" (Section 65588(a)(1)): A description of how the goals, objectives, policies and programs of the updated element incorporate what has been learned from the results of the prior element.

"Effectiveness of the element" (Section 65588(a)(2)): A comparison of the actual results of the earlier element with its goals, objectives, policies and programs. The results should be quantified where possible (e.g., rehabilitation), but may be qualitative where necessary (e.g., mitigation of constraints).

"Progress in implementation" (Section 65583(a)(3)): An analysis of the significant differences between what was projected or planned in the earlier element and what was achieved.

B. APPROPRIATENESS OF GOALS, OBJECTIVES AND POLICIES

Section II – Housing Program – establishes goals, objectives and policies for the five program categories mandated by State law. Several of the goals and policies are appropriate to carry forward to the 2021-2029 planning period. However, the goals and policies have been updated to include many important pro-housing policies such as an emphasis by right zoning.

The quantified objectives have also been adjusted to account for the accomplishments made during the 2013-2021 planning period. Quantified objectives have been adjusted in regard to new housing production, housing rehabilitation, and housing code enforcement.

C. EFFECTIVENESS OF THE ELEMENT

Table G-1 provides information on the effectiveness of 19 individual housing programs.

Several programs exceeded the quantified objectives. The new construction objective exceeded actual housing demand, however.

Individual programs #2, #7 and #8 were particularly effective during the 2013-2021 planning period.

Additionally, the quantified objective for at-risk housing was almost attained.

D. PROGRESS IN IMPLEMENTATION

Table G-1 on the following page describes the progress made toward implementing the 19 individual programs. Some of the programs such as housing code enforcement and housing rehabilitation will be carried forward to the 2021-2029 planning period.

E. RHNA PROGRESS

The demand for new market rate housing has limited the production of moderate income housing and caused no new above moderate income housing to be built. Efforts to accelerate the production of market rate housing will be described in the Economic Development Element.

Affordable housing developers have been very successful in securing funding – LIHTC, AHSC, Joe Serna Farmworker funding, and Infill Infrastructure Grants.

**Table G-1
City of Brawley
Building Permits for New Housing by Income Level**

Income Level	Deed Restricted	Non-Deed Restricted	Total
Very Low Income	40	0	40
Low Income	45	9	54
Moderate Income	2	28	30
Above Moderate Income	0	0	0
Total	87	37	124

Source: City of Brawley, CY 2020 APR

The annual rate of ADU production is projected to increase from two to five as homeowners become more aware of the benefits of building ADUs and more financing options become available. Thus, ADU production is projected to be 40-units during the RHNA period.

F. BENEFICIAL IMPACTS FOR SPECIAL NEEDS POPULATIONS

Elderly

Approval of Brawley Senior Apartments, a 56-unit development. The approval includes 13 density bonus units and a waiver of water and wastewater capacity fees in the amount of \$186,442.

Disabled

The Reasonable Accommodation Procedure (Section 27.183 of the Zoning Ordinance) was adopted in the 5th Cycle planning period.

The 75-unit Ocotillo Springs Apartments were approved. The development includes:

- 12 adaptable units
- 8 accessible units
- 3 sensory impaired units

Large Families

Five affordable housing developments were approved that include 92 3-bedroom and 44-bedroom units.

Farmworker Housing

Housing for farmworkers is included in two affordable housing developments were approved during the 5th Cycle planning period. The two approved developments are Adams Park III (80 units) and Ocotillo Springs Apartments (75 units). The latter development received Joe Serna Farmworker funding.

**Table G-2
City of Brawley
2021-2029 Housing Element - Implementation Progress Report**

Name of Program	Objective	Status of Program
1. RHNA Housing Sites Implementation Program	2,800 housing units	383 constructed housing units as of 1/1/2021
2. Infill Housing Development Strategy	72 new housing units on infill sites	Infill Infrastructure Grant – Ocotillo Springs Apts – 75 housing units
3. No Net Loss Program	Evaluation Procedure Established	Complete
4. Zoning Ordinance Amendments to Encourage a Variety of Housing Types	Amendments Adopted	Complete
5. Imperial Valley Housing Authority-Rental Assistance for Lower Income Cost Burdened Families	505 ELI, 169 VLI, and 75 LI families	Ongoing 222 VLI and 74 LI households
6. First Time Home Buyer Program	35 LI Families	Complete
7. Density Bonus Affordable Housing Program	30 density bonus units	4 density bonus projects 39 density bonus units
8. Affordable Rental Housing Construction Program	25 affordable rental housing units	Complete; 8 projects; 488 affordable housing units
9. Developmentally Disabled Outreach Program	Development and implement outreach program	Outreach completed; information posted on City’s website
10. Extremely Low Income (ELI) Program	550 ELI families	Completed and ongoing rental assistance provided by the Imperial Valley Housing Authority
11. Reasonable Accommodations Procedure	Procedure adopted	Complete
12. Zoning Ordinance Amendments to Accommodate Housing for Disabled	Amendments Adopted	Complete
13. Zoning Ordinance Amendment to Reduce Parking for Special Needs	Amendments Adopted	Complete
14. Housing Code Enforcement Program	2009 corrected code violations	Complete
15. Housing Rehabilitation Program	21 single-family homes	Accomplished by City and USDA programs
16. Fair Housing Services Program	Accomplish training and workshops	Ongoing
17. Fair Housing Information Program	Post information on City's website	Complete and Ongoing
18. At-Risk-Housing Preservation Program	Preserve 117 affordable housing units	Underway –affordability of 96 housing units to be preserved
19. Energy Conservation Program	Reduce energy consumption	Ongoing

Initial Study

Housing Element Update

Prepared by:

CITY OF BRAWLEY



SEPTEMBER 2021

Prepared by:

City of Brawley

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INITIAL STUDY

September 2021

A. BACKGROUND

1. Project Title: City of Brawley Housing Element Update
2. Lead Agency Name and Address: City of Brawley
Development Services Department
205 South Imperial Avenue
Brawley, CA, 92227
3. Contact Person and Phone Number/Email: Gordon Gaste
Development Services Director
(760) 344-8822
ggaste@brawley-ca.gov
4. Project Location: City of Brawley
5. Project Sponsor's Name and Address: City of Brawley
Development Services Department
205 South Imperial Avenue
Brawley, CA, 92227
6. General Plan Designation: N/A
7. Existing Zoning: N/A
8. Proposed Zoning: N/A
9. Project Description Summary:

The City of Brawley's current Housing Element was adopted in 2013. However, a new housing element is currently being prepared for the City. This Initial Study evaluates the environmental effects of the *2021-2029 Brawley Housing Element*.

The Housing Element is an integral component of the City's General Plan. The Housing Element addresses existing and future housing needs of all types for persons of all economic groups in the City. The Housing Element is a tool for use by citizens and public officials in understanding and meeting the housing needs in City of Brawley.

The Housing Element Update covers the eight-year period of October 2021 through September 2029, and provides an implementation strategy for effectively addressing the housing needs of Brawley residents during this period. Housing program strategies are presented to address the following issues:

- Availability of adequate housing supply;
- Housing cost and affordability;
- Maintenance and rehabilitation;
- Special housing needs; and
- Energy conservation.

B. SOURCES

The following documents are referenced information sources utilized by this analysis:

1. City of Brawley General Plan, September 2008.
2. California Department of Toxic Substances Control, Envirostor Database, accessed July 30, 2021.
3. City of Brawley, Housing Element 2013-2021, October 2013.
4. City of Brawley, Zoning Ordinance, September 2008.
5. California Department of Conservation, Imperial County Important Farmland 2010, Division of Land Resource Protection, 2013.
6. Soil Candidate Listing for Prime Farmland and Farmland of Statewide Importance, Imperial County, California Department of Conservation, Farmland Mapping and Monitoring Program, Updated June 2, 2010.
7. City of Brawley Service Area Plan, November 2017.
8. Imperial County General Plan, January 2008.

C. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

- | | | |
|---|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology /Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality |
| <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |
| <input checked="" type="checkbox"/> None | | |

D. DETERMINATION

On the basis of this initial study:

- I find that the Proposed Project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the Proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the applicant. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the Proposed Project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that the proposed project **MAY** have a “potentially significant impact” or “potentially significant unless mitigated” on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Gordon Gaste, AICP CEP
Printed Name

Date

Development Service Director
Title

E. BACKGROUND AND INTRODUCTION

The California State Legislature has identified the attainment of a decent home and suitable living environment for every Californian as the State's primary housing goal. Recognizing the important role of local planning programs in the pursuit of this goal, the Legislature has mandated that all cities and counties prepare a Housing Element as part of the comprehensive General Plan.

The Housing Element of the Brawley General Plan sets forth the City's six-year strategy to preserve and enhance the community's character, expand housing opportunities for all economic segments, and provided guidance and direction for local government decision-making in all matters related to housing.

The Housing Element covers the eight-year period of October 2021 through September 2029, and provides an implementation strategy for effectively addressing the housing needs of Brawley residents during this period. Housing program strategies address the following issues:

- Availability of adequate housing supply;
- Housing cost and affordability;
- Maintenance and rehabilitation;
- Special housing needs; and
- Energy conservation.

**Figure 1
Regional Location Map**

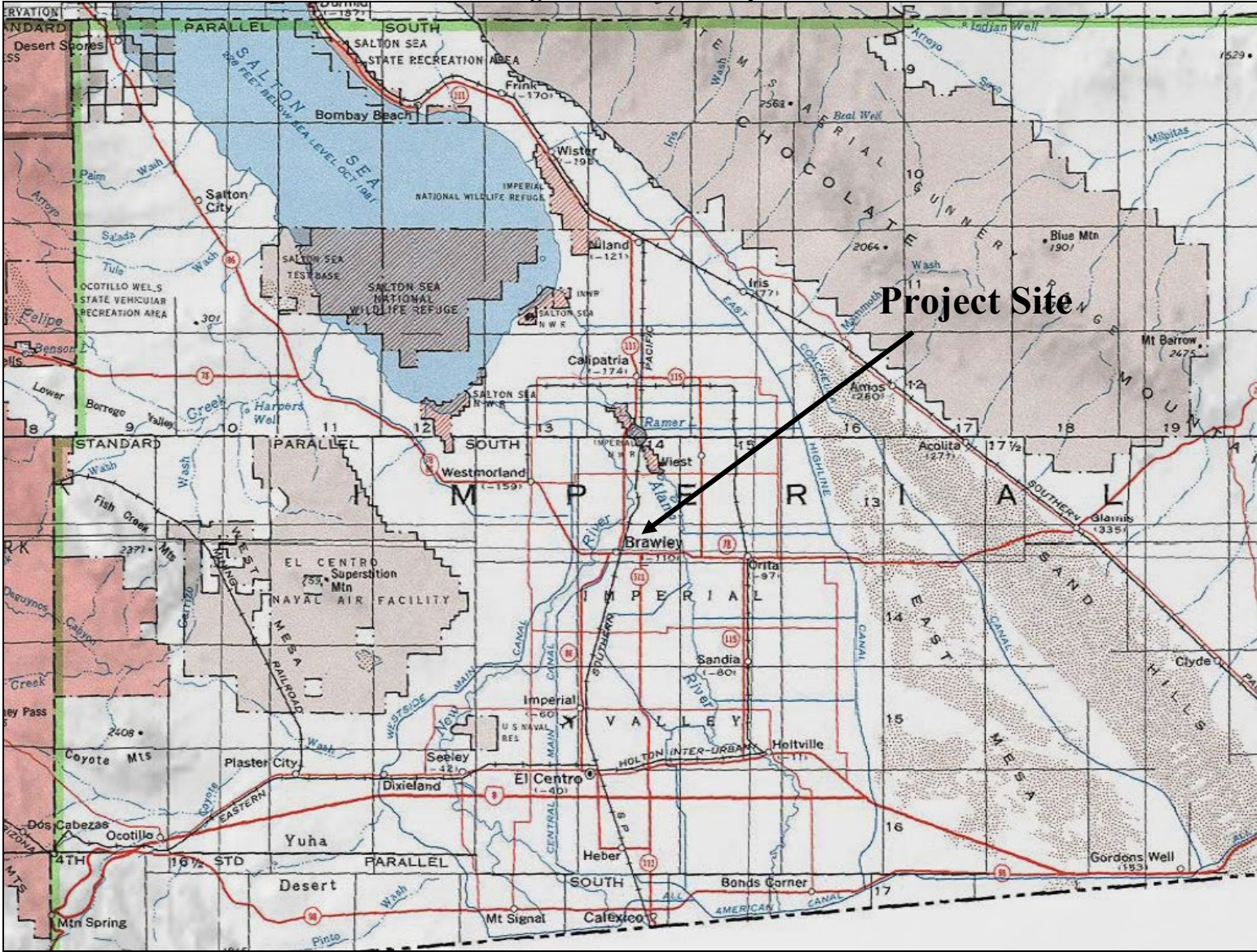
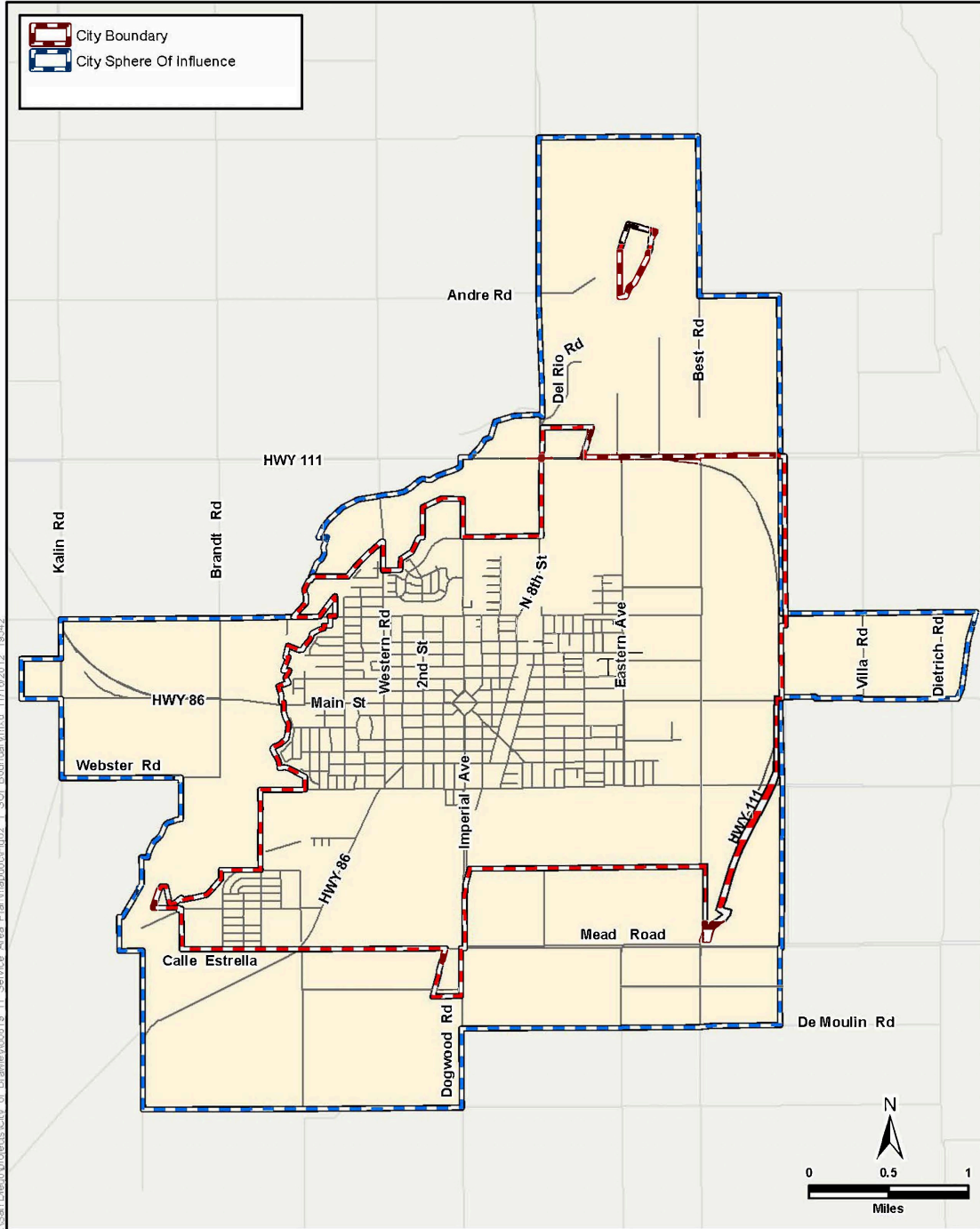


Figure 2
Project Location Map



K:\San_Diego\projects\City of Brawley\00818_11_Service Area Plan\mapdocs\Fig2_1_SOI_Boundary.mxd 11/16/2012 10:54:2



F. PROJECT DESCRIPTION

REGIONAL SETTING

Imperial County is located in a broad desert that has been transformed to productive agricultural lands by the importation of irrigation water. The City of Brawley is located in central Imperial County, which is in the southeastern corner of California near the Mexican border. Brawley is located approximately –

- 6 miles southeast of the City of Westmorland
- 9 miles to the south of the City of Calipatria
- 9 and 12 miles north of the Cities of Imperial and El Centro
- 21 miles north of Calexico situated along the Mexican border

Within the context of the County, Brawley is located at the intersection of State Route 78 with State Route 86 and State Route 111. The New River flows from the southwest to the northern portion of the Brawley Planning Area and the Union Pacific Railroad generally extends north-to-south and bisects central Brawley.

Brawley has historically played a significant role in the agricultural economy that characterizes Imperial County. The landscape around the urbanized areas is dominated by agricultural fields, scattered farmhouses, and related agricultural structures. Scenic views are enjoyed throughout Brawley including panoramic views of the stark topography of the Chocolate Mountains in the east and the foothills of the Peninsular Range in the west, the New River riparian corridor, and agricultural open space.

Brawley's strategic crossroads location at several major highways and the railroad facilitates easy access for residents and visitors, and regional shipping services. The City continues to provide a unique urban setting for residential, commercial, agribusiness, and industrial uses. The City is distinguished by a historic downtown commercial and civic center surrounded by a variety of distinct residential neighborhoods, parks, some industrial development, agriculture, and a municipal airport.

HISTORICAL CONTEXT

In 1902, J.H. Braly, a Los Angeles investor, was assigned 4,000 acres of land in the center of the area representing the present-day City of Brawley. U.S. Government Circular No. 9 was shortly released after Braly took control of the land and it claimed that nothing would grow in the desert area of Imperial Valley, even with plentiful water. In response to this news, Braly sold the land to G.A. Carter who shortly sold the land to the Imperial Land Company. In defiance of the government circular, the Imperial Land Company ordered the new town plotted and began promoting the agricultural potential of the area. Colorado River water was initially diverted to Imperial Valley in 1901 and irrigated agriculture in the Valley was showing promise.

People had already begun to call the new townsite "Braly." However, Mr. Braly prohibited the use of his name for the town because he was convinced the town would fail miserably. A.H. Heber, one of the principals of the Imperial Land Company, suggested that the town be named

Brawley: "I have a friend in Chicago named Brawley - we'll name the town after him," said Mr. Heber. The town developed that year with approximately a dozen tent houses and the railroad reached Brawley in September 1903. Due to the town's location at the end of the rail, new immigrants hopped off the train and often remained in Brawley for a while. By Christmas of 1903, the town's success was certain.

Brawley incorporated as a City in 1908. The City initially served as a bedroom community for farmers and cattlemen working in the central part of Imperial Valley. Due to the historic location of Brawley along the railroad, the City also served as an important trading and shipping center. For many years, Brawley contained the largest concentration of people in Imperial Valley.

During World War II, the City of El Centro exceeded Brawley's population due to the large military installations located near El Centro and Brawley consequently had become the second largest city in the Valley. Today, the cities of El Centro and Calexico each surpass the population of Brawley as a result in part to their advantageous position near Interstate 8 and the international border.

Chart 1-1 shows Brawley's population growth over the past 41 years. During this period the City grew by almost 12,400 persons or by 82%. Brawley, as noted in the preceding paragraph, is the third most populous city in Imperial County after El Centro and Calexico.

Brawley's strategic crossroads location with several major highways and the railroad as well as the City's proximity to Mexico continues to provide convenient access and opportunities for residents, visitors and businesses. The City's employment base, low cost of living, historic character, and recreational opportunities have made Brawley an attractive place to live.

STATE REQUIREMENTS AND LEGISLATIVE CHANGES

The Housing Element is one of the seven mandatory elements of the General Plan, and it specifies ways in which the housing needs of existing and future residents can be met. The element became a mandated element of a general plan in 1969, or 44 years ago. The law acknowledges that, in order for the private market to adequately address housing needs and demand, local governments must adopt land use plans and regulatory systems which provide opportunities for, and do not unduly constrain, housing development.

Government Code Section 65583 states:

The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobile homes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community.

In enacting the housing element requirement in 1969, the State legislature found and declared that -

The availability of housing is of vital statewide importance, and the early attainment of decent housing and a suitable living environment for every Californian, including farm workers, is a priority of the highest order.

And that –

The provision of housing affordable to low- and moderate-income households requires the cooperation of all levels of government.

Also –

Local and state governments have a responsibility to use the powers vested in them to facilitate the improvement and development of housing to make adequate provision for housing needs of all economic segments of the community.

The Housing Element must include six major components:

- An assessment of the City's housing *needs*.
- An inventory of *sites* that can accommodate the need for new housing.
- An analysis of housing market and governmental *constraints* that impede public and private sector efforts to meet the needs.
- A *progress report* describing actions taken to implement the *2013-2021 Housing Element*.
- A statement of *goals*, quantified *objectives* and *policies* relative to the construction, rehabilitation, conservation and preservation of housing.

- An *implementation program* which sets forth a schedule of actions which the City is undertaking or intends to undertake to implement the policies and achieve the stated goals and objectives.

The City's prior Housing Element was adopted on December 3, 2013.

According to Government Code Section 65588(f)(2):

“Projection Period” shall be the time period for which the regional housing need is calculated.

The SCAG Regional Housing Needs Assessment (RHNA) covers the period from October 2021 to October 2029.

ROLE AND ORGANIZATION OF THE HOUSING ELEMENT

As previously noted, the Housing Element is one of seven mandatory elements of a General Plan. Its focus is on assessing the community's housing needs and describing programs to address those needs. The element must describe actions to –

- Identify adequate sites to accommodate a variety of housing needs
- Assist in the development of affordable housing
- Remove governmental constraints to housing improvement and construction
- Improve the condition of housing
- Preserve the affordable housing supply
- Promote fair housing
- Promote energy conservation

In addition to this Introduction, two additional sections and two appendices comprise the Housing Element as well as the related zoning ordinance updates:

Section 2 - Housing Program: This section provides a summary of the housing needs and describes the goals, policies and objectives of the Housing Element. Section 3 also describes the individual programs that the City will implement during the eight-year planning period in order to address the community's housing needs.

Appendices: The Appendices contains detailed information on the following:

- Appendix A: Assessment of Housing Needs
- Appendix B: Assessment of Fair Housing
- Appendix C: Sites Inventory and Analysis
- Appendix D: Governmental Constraints Analysis
- Appendix E: Analysis of Non-Governmental Constraints
- Appendix F: Housing Resources
- Appendix G: Progress Report

RELATIONSHIP TO OTHER GENERAL PLAN ELEMENTS

Seven elements comprise the Brawley General Plan:

- Land Use Element
- Infrastructure Element
- Resource Management Element
- Open Space/Recreation Element
- Public Safety/Noise Element
- Economic Development Element
- Housing Element
- Environmental Justice Element (To be adopted October/November 2021)

The Housing Element complements other General Plan elements and is consistent with the policies and proposals set forth by the General Plan. For example, the housing sites identified in the Housing Element are consistent with those designated as residential or mixed use in the Land Use Element. Also, residential densities established by the Land Use Element are incorporated within the Housing Element and form the basis for calculating the residential capacity within the City.

The California Government Code requires internal consistency among the various elements of a General Plan. Section 65300.5 of the Government Code states that the General Plan's various Elements shall provide an integrated and internally consistent and compatible statement of policy. The City has reviewed the other elements of the General Plan and has determined that this Housing Element provides consistency with the other Elements of the General Plan. The City will maintain this consistency as future General Plan amendments are processed by evaluating proposed amendments for consistency with *all* elements of the General Plan.

OTHER STATUTORY REQUIREMENTS

Water and Sewer Priority

Chapter 727 amended Government Code Section 65589.7(a) as follows:

The housing element adopted by the legislative body and any amendments made to that element shall be immediately delivered to all public agencies or private entities that provide water or sewer services for municipal and industrial uses, including residential, within the territory of the legislative body. Each public agency or private entity providing water or sewer services shall grant *a priority for the provision of these services to proposed developments that include housing units affordable to lower income households.* [Emphasis added]

The General Plan Infrastructure Component contains the following goals and objectives:

- Goal 7: Adequate water service and infrastructure.
- Objective 7.1: Provide adequate water service and infrastructure for existing development while planning and implementing improvements to accommodate planned growth in Brawley
- Goal 8: Provide adequate sewer collection infrastructure and treatment facilities.
- Objective 8.1: Provide adequate sewer collection infrastructure and treatment facilities for existing development while planning and implementing improvements to accommodate planned growth in Brawley.

The Public Works Department plans, constructs, and maintains the water system. The City purchases raw imported Colorado River water from the Imperial Irrigation District (IID), which then delivers treated water to the City.

The City provides wastewater collection, treatment and disposal services from residential, commercial, and industrial uses, and the Public Works Department plans, constructs, and maintains the sewage system, which includes a collection network of pipes and a wastewater treatment plant (WWTP).

The Planning Department will transmit a copy of the adopted Housing Element to the Public Works Department.

Required Approvals

Implementation of the proposed project would require the following discretionary actions by the City of Brawley City Council:

- Approval of a Negative Declaration; and
- Adoption of the Housing Element for the City of Brawley.

7. ENVIRONMENTAL CHECKLIST

The following Checklist contains the environmental checklist form presented in Appendix G of the CEQA Guidelines. The checklist form is used to describe the impacts of the proposed project. A discussion follows each environmental issue identified in the checklist. Included in each discussion are project-specific mitigation measures recommended as appropriate as part of the proposed project.

For this checklist, the following designations are used:

Potentially Significant Impact: An impact that could be significant, and for which no mitigation has been identified. If any potentially significant impacts are identified, an EIR must be prepared.

Potentially Significant Unless Mitigation Incorporated: An impact that requires mitigation to reduce the impact to a less-than-significant level.

Less-Than-Significant Impact: Any impact that would not be considered significant under CEQA relative to existing standards.

No Impact: The project would not have any impact.

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

Discussion

a-d. The City of Brawley is located in the central portion of Imperial County, southeast of the Salton Sea, North of the City of El Centro, in the Imperial Valley area. The core of the Brawley consists of residential, commercial, industrial, park/open space, and public facilities uses. The surrounding areas consist primarily of agricultural land. The New River runs along the western edge of Brawley. The General Plan EIR states that specific scenic resources or unique features do not exist within or adjacent to the City limits. State Routes 98 and 111 run through the City, but they have not been identified as State scenic highways.

The City of Brawley’s Housing Element is a policy-level document and would not cause direct development or redevelopment of specific projects within the City. Future development within the City will be required to comply with the City’s development standards. Without identifying the location of development within the area, the potential impact of development on a scenic vista, scenic resources, historic buildings, or the visual character of the City is impossible to determine. Furthermore, because the Housing Element is a policy-level document, site-specific designs or proposals are not included; therefore, that an assessment of potential site-specific visual impacts resulting from future development proposals is not possible.

Future development applications submitted for parcels within the City of Brawley will be subject to additional environmental review, which would ensure that impacts to aesthetics are minimized. Project-specific environmental review of future development applications and adherence to the above-mentioned City requirements would ensure that impacts related to aesthetics are *less-than-significant*.

II. AGRICULTURE RESOURCES.

Would the project:

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Involve other changes in the existing environment which, due to their location or nature, could individually or cumulatively result in loss of Farmland to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

- a, c. The Soil Candidate Listing for Prime Farmland and Farmland of Statewide Importance in Imperial County (2010) in conjunction with the Soil Survey of Imperial County, California (1981), lists soils in the City that are considered Prime Farmland or Farmland of Statewide Importance. The following Prime Farmland soils are found within the City: Holtville silty clay, Holtville silty clay (wet), Indio loam, Indio loam (wet), Indio-Vint complex, Meloland very fine sand loam (wet), Meloland and Holtville loams (wet), Vint loamy very fine sand (wet), and Vint and Indio fine sandy loams (wet). In addition, the following soils of Statewide Importance are found within the City: Imperial silty clay (saline), Imperial silty clay (wet), and Imperial-Glenbar silt clay loams (wet), 0 to 2 percent slopes. However, much of Brawley has already been developed, resulting in a loss of Prime Farmland and Farmland of Statewide Importance. Furthermore, future development projects within the City would be required to undergo individual environmental review to determine potential impacts to existing agricultural uses, and to implement General Plan goals and policies related to conservation of agricultural resources including, but not limited to, Goal 8 found in the General Plan Resource Management Element, Goal 2 found in Open Space/Recreation Element, Goal 7 found in the Land Use Element and Goal 7 in the Public Safety/Noise Element. Therefore, impacts related to the conversion of agricultural lands to other uses would be ***less-than-significant***.
- b. Williamson Act contract lands do not exist within the Brawley City Limits. In addition, the Housing Element is a policy-level document and does not include any site-specific designs or proposals that would enable an assessment of potential site-specific impacts to lands that are zoned for agricultural use. Future development applications submitted for parcels within the City of Brawley will be subject to additional environmental review, which would ensure that impacts to agricultural uses are minimized. Therefore, impacts related to Williamson Act lands or lands zoned for agricultural use would be ***less-than-significant***.

III. AIR QUALITY.

Would the project:

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
d. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
e. Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✘

Discussion

- a-d. Brawley is located within the Salton Sea Air Basin (SSAB), which is under the jurisdiction of the Imperial County Air Pollution Control District (ICAPCD). The SSAB consists of all of Imperial County and the southeast portion of Riverside County.

Regional air quality within the SSAB is affected by topography and atmospheric inversions. The area is generally very flat and is bordered to the east by the Chocolate, Orocopa, and Cargo Muchacho mountains and to the west by the Peninsular Mountain Range. The prevailing winds tend to come from the west-northwest through the southwest. The mountains located to the east act as physical barriers to the dispersion of airborne contaminants. The SSAB also experiences surface inversions almost every day of the year. The surface inversions often last for long periods of time, allowing for air stagnation and the buildup of pollutants. During the winter, the area experiences radiation inversions in which the air near the ground surface cools by radiation, whereas the air higher in the atmosphere remains warmer. A shallow inversion layer is created between the two layers and precludes the vertical dispersion of air, causing pollutants to be trapped.

The State of California and the federal government have established air quality standards and emergency episode criteria for various pollutants. These standards are used to determine attainment of State and federal air quality goals and plans. Generally, State regulations are stricter standards than federal regulations. Air quality standards are set at concentrations that provide a sufficient margin of safety to protect public health and welfare. Episode criteria define air pollution concentrations at the level where short-term exposures may begin to affect the health of a portion of the population particularly susceptible to air pollutants. The health effects are progressively more severe and widespread as pollutant concentrations increase.

The Housing Element is a policy-level document that does not include site-specific development plans. Although implementation of a successful Housing Element can be expected to induce long-term physical growth in the City, the lack of site-specific development applications, including the design and location of specific projects, makes evaluation of the project's air quality impacts nearly impossible. In addition, future development within the City will be required to undergo project-specific review and approval and to adhere to General Plan goals and policies related to air quality, as well as federal, State, and regional air quality plans. Because the proposed project is a policy-level document that does not include direct development and because future development would be required to adhere to federal, State, and local policies and regulations, a *less-than-significant* impact would result.

- e. The proposed project would not include industrial or intensive agricultural uses; thus, the project would not be expected to create odors. Therefore, the proposed project would have *no impact* related to production of odors.

IV. BIOLOGICAL RESOURCES.

Would the project:

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

Discussion

a-d. The Imperial Valley provides a mix of arid desert and wetland habitat areas that can support a broad range of wildlife species. These species include both native and introduced species, as well as year-round and migrant species. Large, actively cultivated areas provide foraging habitat for numerous birds and small mammals.

It should be noted that, to a large extent, the City of Brawley has been disturbed by human activity and does not provide suitable habitat for special-status plant and wildlife species. Lands surrounding the developed areas of Brawley are primarily used for agricultural purposes. However, within the developed areas of Brawley, the New River and land adjacent to the river, as well as irrigation ditches and canals, potentially provide habitat for sensitive species. In addition, lands used for agriculture provide habitat for the burrowing owl, as well as foraging and roosting habitat for migratory birds that winter in the area.

Successful implementation of the Housing Element within Brawley would be expected to contribute to long-term physical growth in the area, which could adversely impact known and unknown biological resources in the area. Impacts could include the potential displacement or elimination of assorted biological resources in the area. However, the Housing Element is a policy-level document and would not cause direct development or redevelopment of specific projects within the City. Future development within the City will be required to comply with the City's development standards. Without identifying the location of development within the area, the potential impact of development on biological resources within the City is impossible to determine. Furthermore, because the Housing Element is a policy-level document, site-specific proposals that would enable an assessment of potential site-specific biological impacts that could result are not included. Future development applications submitted for parcels within the City of Brawley will be subject to additional environmental review, which would ensure that impacts to biological resources are minimized. In addition, future projects would be subject to federal, State, and local regulations, such as the Federal Endangered Species Act, the California Endangered Species Act, and Policy 1.1 found in the Open Space/Recreation Element of the General Plan. Therefore, impacts associated with the proposed project would be considered *less-than-significant*.

- e-f. The City of Brawley's Housing Element is a policy-level document and would not directly result in the development of specific projects within the City. Without identifying the location of specific development within the area, the potential impact of development on biological resources is impossible to determine. Because the Housing Element is a policy-level document, site-specific proposals that would enable an assessment of potential site-specific biological impacts are not included. Future development applications within the City will be required to comply with the City's development standards and will be subject to additional environmental review, which would ensure that impacts to biological resources are minimized. In addition, future projects would be subject to federal, State, and local regulations, such as the Federal Endangered Species Act, the California Endangered Species Act, and General Plan Open Space Policy 1.1. At this time, a habitat conservation plan has not been adopted within, or adjacent to, the planning area. Therefore, the proposed project would not conflict with any policies or ordinances protecting biological resources, or a habitat conservation plan, resulting in *no impact*.

V. CULTURAL RESOURCES.

Would the project:

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Directly or indirectly destroy a unique paleontological resource on site or unique geologic features?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Disturb any human remains, including those interred outside of formal cemeteries.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

- a. The City of Brawley was incorporated in 1908. The City initially served as a bedroom community for farmers and cattlemen working in the central part of Imperial Valley. For many years, Brawley contained the largest population concentration in Imperial Valley and a number of residential, commercial, civic, and agricultural structures were constructed. Although many of the historic structures have been removed, subsurface features such as house foundations, privies, and trash deposits may exist. Typically, the buildings and waterworks features associated with the irrigation systems of the early 20th Century are considered historic resources.

Because the Housing Element is a policy-level document, site-specific development is not associated with the proposed project, and future development projects will be required to undergo project-specific review and approval, including analysis for impacts to cultural and historic resources. In addition, future development projects would need to be consistent with the General Plan goals and policies related to cultural and historic resources, which include, but are not limited to, goals and policies found in the Land Use and Resource Management Elements. Furthermore, the future development projects would be required to adhere to federal, State, and local polices regarding preservation of historic resources. Therefore, the proposed project would result in a ***less-than-significant*** impact to cultural and historical resources.

- b-d. According to the County of Imperial General Plan, approximately 7,000 prehistoric archaeological sites have been recorded in Imperial County as a whole. The Sensitivity Map of Cultural Resources prepared for the County of Imperial General Plan Final EIR indicates that the New River is the nearest known cultural resource to the City of Brawley and the entire length of the New River is considered very sensitive for cultural resources due to the propensity of earlier peoples to settle in river areas.

The Brawley Housing Element is a policy-level document and would not cause direct development of specific projects within the City. Because the Housing Element is a policy document, site-specific proposals that would enable an assessment of potential site-specific impacts to cultural resources are not included. Future development projects

would be required to undergo project-specific environmental review. In addition, future projects would be required to adhere to federal and state regulations associated with protection of cultural resources, and to implement General Plan goals and policies associated with cultural resources. Therefore, impacts related to destruction or disturbance of cultural resources as a result of the proposed project would be *less-than-significant*.

VI. GEOLOGY AND SOILS.

Would the project:

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

Discussion

ai-iii. According to the Brawley General Plan EIR, the City of Brawley lies within a seismically active region. The County of Imperial General Plan estimates that minor earthquakes will affect certain portions of Imperial County every few months. The Alquist-Priolo Special Studies Zone for the Imperial Fault extends approximately 500 feet into the southern portion of the Brawley Sphere of Influence.

Liquefaction, settlement, ground lurching, and ground displacement along the fault line, are often the secondary effects of earthquakes. The soils in the New River Corridor, which includes portions of the City of Brawley, have properties, such as a combination unconsolidated soils, high groundwater, and saturated soils, that could facilitate these effects. Although the City of Brawley is within a seismically-active region, new developments would be required to adherence to the Uniform Building Code (UBC). Adherence with the UBD would reduce impacts from known geologic hazards.

The Housing Element is a policy-level document that does not include site-specific development proposals. Future development related to the Housing Element will have to undergo project-specific design review and approval, and will have to comply with the

goals and policies set forth in the General Plan relating to seismic hazards as well as other federal and State policies and Uniform Building Codes. Adherence to such regulations would reduce the potential impacts relating to groundshaking to a *less-than-significant* level.

- aiv. The proposed project area is not susceptible to landslides because the area is essentially flat. In addition, the Housing Element is a policy-level document and does not include site-specific development proposals that could result in the exposure of people or structures to landslides. Therefore, *no impact* would occur.
- b. Successful implementation of the Housing Element can be expected to contribute to development of residential uses within the City of Brawley. The development would range from renovation of existing structures to development of new structures on land that is currently vacant. The conversion of mostly vacant land to single-family or multi-family residential development, and the associated infrastructure improvements, would involve the disturbance and relocation of topsoil, rendering earth surfaces susceptible to erosion from wind and water. Soil erosion, or the loss of topsoil, resulting from the grading and excavation of a project site could be considered a significant impact.

However, the Housing Element is a policy-level document that does not include site-specific development proposals. Future development projects will be required to undergo project-specific environmental and design review, as well as comply with all UBC regulations. Therefore, impacts related to soil erosion would be *less-than-significant*.

- c,d. According to the City of Brawley General Plan EIR, the possibility exists in the City for geologic hazards such as liquefaction and subsidence, as well as mudslides near the rivers and canals. However the General Plan EIR states that through the implementation of mitigation measures and General Plan policies, the impacts would be reduced to a less-than-significant level. In addition, the Housing Element is a policy-level document that does not include site-specific development proposals. Future development projects would be required to undergo project-specific environmental and design review, and would be required to comply with the General Plan goals and policies related to geologic hazards, as well as the regulations found in the UBC. Therefore, impacts related to liquefaction, expansive soils, subsidence, and mudslides would be *less-than-significant*.
- e. Successful implementation of the Housing Element within the City of Brawley is expected to contribute to long-term growth in the area. However, the type of residential buildout related to the Housing Element would not include the use of septic tanks or alternative wastewater disposal systems, as all units would be required to connect to the City sewer system. Therefore, *no impact* would result.

VII. GREENHOUSE GAS

EMISSIONS. Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

✘

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

✘

a, b. The Housing Element Update would not in itself, produce impacts related to GHG emissions. The Housing Element identifies adequate sites under current zoning regulations that can accommodate the City's RHNA allocation through 2021. The potential impacts related to GHG emissions and global warming for any specific future residential projects will be assessed at the time the projects are actually proposed. Mitigation measures would then be adopted as necessary, in conformance with CEQA. Based on the above, the Housing Element Update would result in *less-than-significant* impacts from greenhouse gas emissions.

VIII. HAZARDS AND HAZARDOUS MATERIALS.

Would the project:

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

Discussion

a-c. Accidents can occur in the production, use, transport, and disposal of hazardous materials. Hazardous materials are used in Brawley for a variety of purposes including manufacturing, service industries, small businesses, agriculture, medical clinics, schools and households. In addition, several highways and railroads traverse the City of Brawley. The transportation routes include Highways State Routes 78, 86 and 111, and the Southern Pacific Railroad.

The City of Brawley does not have direct authority to regulate the transportation of hazardous materials on State highways and rail lines, but the U.S. Department of Transportation (DOT) regulations establish criteria for safe handling procedures. Federal

safety standards are also included in the California Administrative Code. In addition, the California Health Services Department regulates the haulers of hazardous waste, but does not regulate all hazardous materials.

Successful implementation of the Housing Element would be expected to contribute to long-term growth in the City. However, the type of residential development associated with the Housing Element would not include the routine use, transport, disposal, or release of hazardous waste. In addition, the Housing Element is a policy-level document and specific development projects are not proposed in conjunction with the Housing Element. Future development projects would be required to undergo project-specific environmental review; therefore, the project's impacts associated with hazardous materials would be *less-than-significant*.

- d. One site near the City of Brawley, Holtville Rocket Target Range No. 2., has been identified on list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. The hazardous materials site is 13 miles northeast of Brawley. As the City is located over 10 miles from the hazardous site, adverse impacts are not anticipated.

The Housing Element is a policy-level document and does not include site-specific development proposals. Future development projects would be required to undergo project-specific environmental review, and would be required to implement General Plan policies related to hazardous materials, including Goal 3 found in the General Plan Safety Element. Therefore, impacts related to hazardous materials sites would be *less-than-significant*.

- e-f. The Brawley Municipal Airport is located within the Brawley City Limits. The Brawley Municipal Airport is located in the northeastern portion of the City, west of North Best Avenue and north of River Drive.

The General Plan environmental document indicates that General Plan policies found in the Land Use Element, as well as changes that were previously made to some existing land use designations near the airport, adequately address airport safety with respect to planned and existing land uses; therefore adverse impacts that could be significant are considered less-than-significant when policies are implemented. In addition, the Housing Element is a policy-level document that does not include site-specific development proposals, and an assessment of potential impacts related to the proximity of the project site to an airport is not possible. Future projects would be required to undergo project-specific environmental review and adhere to federal and State regulations, as well as General Plan goals and policies, related to airport land use plans. Therefore, implementation of the proposed project would result in a *less-than-significant* impact related to conflict with any airport land use plans.

- g, h. The Housing Element is a policy-level document that does not include site-specific development proposals, and any future development projects would be required to adhere to City regulations regarding emergency access, thus the project would not have an effect on any emergency plans. In addition, the proposed project area is not located within an area designated as "wildlands," where wildland fires pose a risk to structures. Therefore,

the proposed project would have *no impact* on emergency plans and would not be impacted by wildfires.

IX. HYDROLOGY AND WATER QUALITY.

Would the project:

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (i.e., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Place housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Place within a 100-year floodplain structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j. Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

- a, f. Imperial Valley sediments contain as much as three billion acre-feet of groundwater, according to the Imperial County General Plan EIR. The application of imported water combined with the presence of fine-textured soils that do not drain well has caused the groundwater level to rise in many areas. Tile drain systems have been installed below ground in order to dewater soils to a depth below the crop root zone. Groundwater in Imperial Valley is not generally used for domestic purposes.

Water quality for all surface water and groundwater for the entire Imperial Valley is regulated under the jurisdiction of the Colorado River Basin Regional Water Quality Control Board (CRBRWQCB), Region 7. The jurisdictional area of the CRBRWQCB is separated into six different planning area.

Future development projects related to the Housing Element would be required to comply with all applicable federal, State, and local water quality regulations. Currently, the City of Brawley does not have specific standards for water quality, so the City follows State standards for water quality. During construction, future development projects would be required to obtain coverage under the State's General Permit for Construction Activities, which is administered by the CRBRWQCB. As stated in the Permit, during and after construction, Best Management Practices (BMPs) would be required to be implemented in order to reduce or eliminate adverse water quality impacts resulting from development. In addition, pursuant to the City's Municipal Separate Storm System (MS4) permit, the City is required to ensure that development does not cause adverse water quality impacts. Furthermore, stormwater management measures that will effectively control erosion and sedimentation and other construction-related pollutants during construction would be identified and implemented as required by City Ordinance. Other management measures, such as construction of detention basins, would also be required to be identified and implemented on a project-specific basis to effectively treat pollutants that would be expected for post-construction land uses. Because the Housing Element is a policy-level document and because future development projects will be subject to regulatory requirements, impacts to water quality standards or waste discharge requirements would be considered *less than significant*.

- b. According to the Brawley Service Area Plan 2017, groundwater is not used as a source of drinking water in the City of Brawley. The City purchases raw imported Colorado River water from the Imperial Irrigation District (IID). The groundwater is highly saline and detrimental to plant growth; therefore, the entire valley contains extensive underground tile drain systems to drain water from within the crop root zone. Conversion to urban land uses may result in a local lowering of the groundwater table, but this would not be substantial or detrimental because groundwater recharge in the region is estimated to be approximately 400,000 acre-feet per year. At the City of Brawley General Plan buildout, agriculture would continue to be the dominant land use in the region and because groundwater is not a source of potable water, impacts to ground water supplies and recharge would not be significant.

Because the proposed project does not include site-specific development and because buildout of the General Plan was determined not to have an adverse impact on groundwater levels, a *less-than-significant* impact would result.

- c-e. Drainage patterns in the City of Brawley are defined by the New River and the intricate network of drainage and irrigation canals that were constructed to serve the agricultural community. All of the manmade drainages ultimately discharge to the New River and then to the Salton Sea. Buildout of future development projects within the Brawley SOI would introduce roadway systems with curbs and gutters, stormwater conveyance systems, and/or stormwater detention basins that would alter existing drainage patterns. Changes to existing drainage patterns could result in a substantial increase in erosion and sediment transport to the New River unless appropriate mitigation were incorporated.

Because the Housing Element is a policy-level document, site-specific proposals that would enable an assessment of potential site-specific drainage impacts are not included. In addition, future development projects would be required to implement General Plan goals and policies related to hydrology, water quality, and drainage, as well as the mitigation measures related to drainage found in the General Plan environmental document, which would ensure that impacts of future development projects upon the City's drainage systems would be *less-than-significant*.

- g-i. The potential flood hazards in the City of Brawley are located near the New River along the western border of the City. The City has discouraged development in the New River flood channel by designating land as Open Space, where residential units are not permitted.

Because the Housing Element is a policy-level document, site-specific proposals that would enable an assessment of potential site-specific flooding impacts are not included. In addition, future development projects would not be constructed within the 100-year floodplain, resulting in *no impact*.

- j. A tsunami is a sea wave caused by submarine earth movement. A seiche is an oscillation of the surface of a lake or landlocked sea. The City of Brawley is not in close proximity to the ocean, a landlocked sea, or a lake; therefore the City is not at risk of inundation from these phenomena. In addition, the City's land is relatively flat and has a low risk of being impacted by mudslides. Therefore, the potential impact is *less-than-significant*.

X. LAND USE AND PLANNING. <i>Would the project:</i>	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than- Significant Impact	No Impact
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
b. Conflict with any applicable land use plans, policies, or regulations of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating on environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✘
c. Conflict with any applicable habitat conservation plan or natural communities conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✘

Discussion

- a. The proposed project is a policy-level document that does not include site-specific development plans. Although implementation of a successful Housing Element would be expected to induce long-term growth in the City of Brawley, the lack of site-specific development applications, including the locations and design of projects, makes evaluating the impacts of the proposed project on the community impossible. Future development projects would be required to undergo project-specific review and approval and would be required to adhere to the General Plan goals and policies related to land use. Because the proposed project is a policy-level document that does not include direct development and because future development would be required to adhere to local policies and regulations, a ***less-than-significant*** impact would result.
- b. The intent of the Housing Element is to assess the housing needs of the City and to set future goals to fulfill those housing needs. Adoption of the Housing Element would not alter existing General Plan land use designations or zoning, nor would new land use designations or zones be created. Goal 2 of the General Plan Land Use Element sets policies to ensure that land uses will be compatible with each other and prevents the planning of incompatible land uses adjacent to one another. In addition, the Housing Element itself is an element included in the General Plan and, in accordance with State planning law, the Housing Element must be consistent with the other elements in the General Plan. Because the Housing Element must be consistent with the goals, policies, and regulations set forth in the General Plan regarding land use, ***no impact*** would result.
- c. The City of Brawley does not currently participate in a habitat conservation plan or natural community conservation plan. Therefore, ***no impact*** would result from conflict with such a plan.

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

Discussion

a,b. According to the County of Imperial General Plan, geothermal plants or mineral recovery plants do not exist within the City of Brawley. Geothermal resources are present in the area underlying the City’s proposed Sphere of Influence; however, the resource area is far greater than the area subject to future urbanization. Consequently, impacts to mineral and geothermal resources and resource recovery from implementation of the City’s proposed General Plan were not determined to be significant. The proposed project is a policy-level document that does not include project-specific development, impacts to mineral resources would be *less-than-significant*.

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

Discussion

a, b. Development of a project requires the use of construction equipment, which would generate an increase in noise levels, as well as potential groundborne vibration. Short-term construction-related noise levels would be higher than current ambient noise levels in a development area, but would be temporary in nature. Activities associated with construction would typically generate maximum noise levels ranging from 85 to 90 dB at a distance of 50 feet. However, because construction activities would be temporary and would occur during normal daytime working hours, significant adverse public reaction to construction noise would not be anticipated.

Although construction activities could result in periods of elevated noise levels, specific development projects are not proposed in connection with the Housing Element, and future construction activities would be required to comply with the Brawley Zoning Code. Therefore, impacts related to construction noise and groundborne vibration would be *less-than-significant*.

c, d. Successful implementation of the Housing Element would induce growth within the City of Brawley; specifically, residential growth. Residential growth would introduce additional traffic to the local roadway network, which, in turn, would result in a permanent increase in ambient noise levels. Whether or not the increase is considered

significant is a function of the amount of traffic noise generated by each project, relative to existing traffic noise levels prior to development of the project.

The City of Brawley includes a centralized urban area surrounded by agricultural lands. The type of housing that may result from the proposed project would be developed as infill or would involve the expansions of the urbanized limits of the City. The amount of housing would be considered small in regards to the amount of housing and population that already exists within the City and would be spread throughout the City; which would also spread the traffic related noise impacts throughout the City.

Because the proposed project does not include site-specific development, site-specific evaluation of noise-related impacts is not possible. Future development projects would be required to undergo project-specific environmental review. In addition, future projects would be required to adhere to General Plan goals and policies related to noise. Therefore, a *less-than-significant* impact to ambient noise levels would result.

- e,f. According to the Brawley General Plan, the northern portions of the City are located within the Brawley Municipal Airport Plan. The Land Use Element of the General Plan designates the areas west and north of the airport and under the flight pattern for Industrial uses. The objective of employing the Industrial designation around the airport and below the flight pattern is to minimize the risk of aircraft overflight incidents and human endangerment.

The Housing Element does not include site-specific designs or development proposals that would enable an assessment of potential site-specific impacts that could result from future development proposals. Furthermore, all future development would be reviewed to ensure consistency with all regional and local transportation plans and policies, including the Brawley Municipal Airport Plan. In addition, potential future development related to the Housing Element would generally not be expected to occur in the vicinity of the airport. Adherence to applicable plans, policies, and regulations would reduce the potential impacts related to air traffic noise levels to a *less-than-significant* level.

XIII. POPULATION AND HOUSING.

Would the project:

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>

Discussion

a-c. Housing development that is anticipated by the Brawley Housing Element would be located on land already served by the necessary infrastructure for residential development, or on land that would allow for the reasonable extension of existing infrastructure systems. Therefore, adoption and implementation of the Housing Element would not be expected to induce substantial growth that would require significant new infrastructure. In addition, future development associated with the Housing Element would not require the displacement of existing housing or people, or necessitate the construction of replacement housing. Therefore, approval and implementation of the Housing Element would have *less-than-significant* impacts related to population and housing.

XIV. PUBLIC SERVICES.

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

a,b. Fire Protection

The Brawley Fire Department (BFD) provides fire protection to the City of Brawley. The BFD currently has two fire stations located at 815 Main Street and 1505 Jones Street. The BFD is a member of the Imperial Valley Firefighters Strike Force, which is responsible for responding to fire emergencies throughout California. The BFD is also a member of the Imperial Valley Hazardous Materials Response Team and is available to respond to hazardous materials emergencies throughout Imperial County.

Police Protection

The Brawley Police Department (BPD) provides police protection for the City of Brawley. The BPD station is located at 351 Main Street. As Brawley develops outward, the necessity may arise in the future to construct new facilities in order to maintain acceptable response times.

Conclusion

The proposed project is a policy-level document that does not include site-specific development plans. Although implementation of a successful Housing Element would be expected to induce long-term growth in the Brawley, the lack of site-specific development applications, including the location and design of projects makes evaluating the impacts of projects on the City's Police and Fire Departments difficult. However, future development would be required to undergo project-specific review and pay appropriate Impact Fees related to public services, as well as adhere to General Plan goals and policies related to land use. Because the proposed project is a policy-level document that does not include direct development and because future development would be required to pay associated Impact Fees, a ***less-than-significant*** impact would result.

- c. The Brawley Elementary School District (BESD) provides educational services for K-8 the City of Brawley. BESD has students in four elementary schools and one junior high school. The Brawley Union High School (BUHS) District includes two high schools and one community day school.

The proposed project is a policy-level document that does not include site-specific development plans. Although implementation of a successful Housing Element would be expected to induce long-term growth in Brawley, the lack of site-specific development applications makes evaluating the impacts of projects on school facilities difficult. Because future development projects would be required to undergo project-specific review, comply with General Plan goals and policies related to school facilities, and pay Chapter 407, Statutes of 1998 (SB 50) school facility development fees, a ***less-than-significant*** impact would result.

- d,e. According to the Brawley Service Area Plan, as of 2017, the City of Brawley had 20 park and recreation facilities totaling more than 125 acres. All of the City's parks are classified as Mini, Neighborhood, or Community Parks

The proposed project is a policy-level document that does not include site-specific development plans. Although implementation of a successful Housing Element would be expected to increase long-term growth in the City, the lack of site-specific development applications makes evaluating impacts to park and recreational facilities difficult. However, future development projects would be required to comply with the GP Goal 4, Policy 6.2.6 that includes the payment of in-lieu fees and Quimby fees. Because the proposed project is a policy-level document that does not include direct development and because future development would be required to comply with the Quimby Act and pay appropriate fees, a ***less-than-significant*** impact would result.

XV. RECREATION.

Would the project:

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

Discussion

- a,b. According to the City of Brawley Service Area Plan (2017), the City of Brawley had 20 parks and recreational facilities totaling more than 125 acres. In addition, 101.9 acres are planned for addition or expansion of parks. All of the City’s parks are classified as mini-park, Neighborhood Park, or Community Park. Parks that are less than two acres and serve a one-quarter-mile radius are considered Mini Parks, Neighborhood Parks are three to ten acres, and Community Parks are within a one to two-mile radius and are larger than ten acres.

The proposed project is a policy-level document that does not include site-specific development plans. Although implementation of a successful Housing Element would be expected to long-term growth in the City, the lack of site-specific development applications makes evaluating impacts to park and recreational facilities difficult. Because the proposed project is a policy-level document that does not include direct development and because future development would be required to comply with the Quimby Act and pay appropriate fees, a *less-than-significant* impact would result.

XVI. TRANSPORTATION/CIRCULATION.

Would the project:

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Substantially increase hazards due to a design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Conflicts with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

a,b. Cities in the more urbanized areas of southern California use Level of Service (LOS) D or E for determining the performance of roadways. The City of Brawley maintains a LOS C performance criteria. The City of Brawley regulates the impacts of new development on the transportation system by requiring payment of Traffic Impact Fees as part of the Development Impact Fees required to be paid by developers as part of specific development projects.

However, the Housing Element is a policy-level document and does not include site-specific development proposals that would enable an assessment of potential site-specific impacts to traffic and circulation. In addition, future development projects within the City would be required to follow the City’s regulations and development standards, and contribute the appropriate Traffic Impact Fees, as assessed on a project-by-project basis. Therefore, because the proposed project does not include site-specific development and future development would be required to adhere to City regulations and standards, a *less-than-significant* impact would result.

c. The City of Brawley is located within the Brawley Municipal Airport Plan. The Housing Element does not include site-specific development proposals that would enable an assessment of potential site-specific impacts related to an increase in traffic levels near the airport; however, all future development projects would be required to undergo

review to ensure consistency with all regional and local transportation plans and policies, including the Brawley Municipal Airport Plan and Brawley General Plan. In addition, it should be noted that potential future development related to the Housing Element would not generally be located in the vicinity of the airport. Therefore, impacts related to interference with existing air traffic patterns would be *less-than-significant*.

- d,e. The proposed project does not include site-specific development proposals that would enable an assessment of the adequacy of road design and emergency access with any precision. Future development projects would be evaluated on a project-by-project basis for potential safety impacts and to determine adequacy of emergency access prior to approval. Therefore, the proposed project would have a *less-than-significant* impact to hazards resulting from roadway design features.
- f. The City of Brawley regulates the design of development to ensure proper emergency access and parking facilities. The City also regulates off-street truck parking to reduce the impact of truck traffic in residential areas. Because the proposed project does not include site-specific development, and future development would be required to adhere to City regulations related to parking, a *less-than-significant* impact would result.
- g. According to the Brawley General Plan, the City of Brawley works with many organizations to implement plans and programs for alternative modes of transportation as well as for direct improvements to existing highways. In addition, General Plan policies address and encourage cooperation with transit providers, development of appropriate transit facilities (such as bus stops and shelters), and demand for service systems such as dial-a-ride. The General Plan infrastructure Element includes a transit, bicycle, pedestrian, and equestrian section, which identifies locations and standards for trails, routes, lanes, and related bicycle facilities. Because the Brawley General Plan recognizes and incorporates plans and programs that support alternative modes of transportation, and because site-specific development proposals are not included as part of the proposed project, the impact would be *less-than-significant*.

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

Discussion

a,e. According to the Brawley General Plan and Service Area Plan (2017), the City of Brawley operates the wastewater collection and treatment system. The City's wastewater treatment plant has a capacity of approximately 5.9 million gallons per day (MGD) and currently processes 5.83 MGD.

The Housing Element is a policy-level document and does not include site-specific development proposals. Future development projects within the City would be required to follow the City's regulations and development standards related to wastewater facilities. Therefore, because the proposed project does not include site-specific development and future development would be required to adhere to City regulations and standards, a *less-than-significant* impact would result.

b,d. The City of Brawley provides water treatment and distribution services within the City limits and to some unincorporated areas of Imperial County. The City owns and operates a water treatment plant that provides clarification, filtration, and disinfection of water from the Colorado River. Untreated water is delivered to the plant via the Imperial

Irrigation District (IID) canals. Treated water is then pumped from storage tanks to users via a grid of distribution pipelines and water mains. The City plans for existing water and future development through a Water Master Plan.

According to the Brawley Service Area (2017), the IID canals provide up to 16 MGD. The water treatment plant is capable of processing 15 MGD.

The Housing Element is a policy-level document and does not include site-specific development proposals that would enable an assessment of potential site-specific impacts to water supply. Future development projects would be subject to project-specific environmental review and would be required to comply with General Plan goals and policies related to water facilities. In addition, future projects would be required to comply with Chapter 643, Statutes of 2001 (SB 610) and Chapter 642, Statutes of 2001 (SB 221), which require large developments to prove their ability to obtain adequate water supply for their projects. Therefore, a *less-than-significant* impact would result.

- c. The Brawley General Plan states that development of planned land uses will affect the drainage system in the planning area. New development will result in greater areas of impervious surfaces such as streets, roofs, sidewalks, and parking lots. Future development within the City would increase impervious surfaces and runoff. In order to accommodate for the increased run off, future development would either have to discharge stormwater to existing retention facilities or construct new facilities. Retention needs would depend on the particular constraints of each project and would be determined on an individual basis, as development applications are submitted and reviewed by regulatory agencies.

Because the Housing Element is a policy-level document, the Housing Element does not include any site-specific proposals that would enable an assessment of potential site-specific drainage impacts that could result with future development projects. Future projects would be required to undergo project-specific environmental review, and would be required to comply with the City of Brawley's design criteria. Therefore, because the proposed project would not include direct development, and because future development would be required to comply with City regulations, a *less-than-significant* impact would occur.

- f,g. Solid waste collection and disposal services are provided to the City of Brawley by Allied Waste. The County of Imperial and other local agencies continue to actively seek a new landfill site and expect to open a new site in the near future.

Because the Housing Element is a policy-level document and does not include site-specific development proposals, and because future development projects would be required to comply with City regulations and development standards related to solid waste, impacts associated with solid waste would be *less-than-significant*.

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

Discussion

- a. As mentioned previously, to a large extent the City of Brawley has been disturbed by human activity and does not provide suitable habitat for special-status plant and wildlife species. However, within the developed areas of Brawley, the New River and land adjacent to the river, as well as irrigation ditches and canals, potentially provide habitat for sensitive species. In addition, lands used for agriculture provide habitat for the burrowing owl, as well as foraging and roosting habitat for migratory birds that winter in the area. However, the proposed project is a policy-level document and does not include site-specific development proposals. All future development projects would be required to undergo site-specific environmental review, at which time the impacts to biological resources would be determined and mitigation would be required to reduce the project's impacts to a less-than-significant level. Therefore, the proposed project would have a ***less-than-significant*** impact to special-status species and sensitive natural communities.
- b. Development that converts rural areas to urban/suburban uses may be regarded as achieving short-term goals to the disadvantage of long-term environmental goals. However, long-range planning to establish policies, programs, and measures for the efficient and economical use of resources mitigates the inevitable impacts resulting from population and economic growth. Long-term environmental goals, both broad and specific, have been addressed previously in several environmental documents, the most comprehensive being the Brawley General Plan. The proposed project is a policy-level document and does not include site-specific development proposals. Future development projects would be required to undergo site-specific environmental review for both short-term and cumulative impacts, and implement any mitigation measures required to reduce

those impacts to less-than-significant levels. Therefore, the impact related to the proposed project would be *less-than-significant*.

- c. The loss of prime agricultural land is considered both a “cumulatively considerable impact” and a “substantial adverse impact,” both direct and indirect. As mentioned previously, portions of the General Plan buildout area are designated as Prime Farmland or Farmland of Statewide Importance.

However, the impact related to the proposed project, which is a policy-level document and does not include site-specific development proposals, is not considered significant. Other cumulative impacts could be identified in the categories of population growth, use of resources, demand for services, and physical changes to the natural environment. These impacts could be considered *potentially significant*; however, the impacts would be related to future site-specific projects, and would be mitigated to a less-than-significant level through mitigation measures required for those projects, as well as through cumulatively applied measures as development occurs. Therefore, the proposed project would result in a *less-than-significant* impact.

XIX. DETERMINATION AND PREPARERES

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE FEE DETERMINATION (Fish and Wildlife Code Section 711.4, Statutes of 2006 - SB 1535)

[X] It is hereby found that this project involves no potential for any adverse effect, either individual or cumulatively, on wildlife resources and that a "Certificate of Fee Exemption" shall be prepared for this project.

[] It is hereby found that this project could potentially impact wildlife, individually or cumulatively, and therefore, fees in accordance with Section 711.4(d) of the Fish and Wildlife Code shall be paid to the County Clerk.

Report Preparers

Gordon R. Gaste, AICP CEP
Development Services Director
City of Brawley
205 South Imperial Avenue
Brawley, CA 92227

**CITY OF BRAWLEY
NEGATIVE DECLARATION
HOUSING ELEMENT UPDATE**

I. DESCRIPTION OF PROJECT

REGIONAL SETTING

Imperial County is located in a broad desert that has been transformed to productive agricultural lands by the importation of irrigation water. The City of Brawley is located in central Imperial County, which is in the southeastern corner of California near the Mexican border. Brawley is located approximately –

- 6 miles southeast of the City of Westmorland
- 9 miles to the south of the City of Calipatria
- 9 and 12 miles north of the Cities of Imperial and El Centro
- 21 miles north of Calexico situated along the Mexican border

Within the context of the County, Brawley is located at the intersection of State Route 78 with State Route 86 and State Route 111. The New River flows from the southwest to the northern portion of the Brawley Planning Area and the Union Pacific Railroad generally extends north-to-south and bisects central Brawley.

Brawley has historically played a significant role in the agricultural economy that characterizes Imperial County. The landscape around the urbanized areas is dominated by agricultural fields, scattered farmhouses, and related agricultural structures. Scenic views are enjoyed throughout Brawley including panoramic views of the stark topography of the Chocolate Mountains in the east and the foothills of the Peninsular Range in the west, the New River riparian corridor, and agricultural open space.

Brawley's strategic crossroads location at several major highways and the railroad facilitates easy access for residents and visitors, and regional shipping services. The City continues to provide a unique urban setting for residential, commercial, agribusiness, and industrial uses. The City is distinguished by a historic downtown commercial and civic center surrounded by a variety of distinct residential neighborhoods, parks, some industrial development, agriculture, and a municipal airport.

HISTORICAL CONTEXT

In 1902, J.H. Braly, a Los Angeles investor, was assigned 4,000 acres of land in the center of the area representing the present-day City of Brawley. U.S. Government Circular No. 9 was shortly released after Braly took control of the land and it claimed that nothing would grow in the desert area of Imperial Valley, even with plentiful water. In response to this news, Braly sold the land to G.A. Carter who shortly sold the land to the Imperial Land Company. In defiance of the government circular, the Imperial Land Company ordered the new town plotted and began promoting the agricultural potential of the area. Colorado River water was initially diverted to Imperial Valley in 1901 and irrigated agriculture in the Valley was showing promise.

People had already begun to call the new townsite "Braly." However, Mr. Braly prohibited the use of his name for the town because he was convinced the town would fail miserably. A.H. Heber, one of the principals of the Imperial Land Company, suggested that the town be named Brawley: "I have a friend in Chicago named Brawley - we'll name the town after him," said Mr.

Heber. The town developed that year with approximately a dozen tent houses and the railroad reached Brawley in September 1903. Due to the town's location at the end of the rail, new immigrants hopped off the train and often remained in Brawley for a while. By Christmas of 1903, the town's success was certain.

Brawley incorporated as a City in 1908. The City initially served as a bedroom community for farmers and cattlemen working in the central part of Imperial Valley. Due to the historic location of Brawley along the railroad, the City also served as an important trading and shipping center. For many years, Brawley contained the largest concentration of people in Imperial Valley.

During World War II, the City of El Centro exceeded Brawley's population due to the large military installations located near El Centro and Brawley consequently had become the second largest city in the Valley. Today, the cities of El Centro and Calexico each surpass the population of Brawley as a result in part to their advantageous position near Interstate 8 and the international border.

Chart 1-1 shows Brawley's population growth over the past 41 years. During this period the City grew by almost 12,400 persons or by 82%. Brawley, as noted in the preceding paragraph, is the third most populous city in Imperial County after El Centro and Calexico.

Brawley's strategic crossroads location with several major highways and the railroad as well as the City's proximity to Mexico continues to provide convenient access and opportunities for residents, visitors and businesses. The City's employment base, low cost of living, historic character, and recreational opportunities have made Brawley an attractive place to live.

STATE REQUIREMENTS AND LEGISLATIVE CHANGES

The Housing Element is one of the seven mandatory elements of the General Plan, and it specifies ways in which the housing needs of existing and future residents can be met. The element became a mandated element of a general plan in 1969, or 44 years ago. The law acknowledges that, in order for the private market to adequately address housing needs and demand, local governments must adopt land use plans and regulatory systems which provide opportunities for, and do not unduly constrain, housing development.

Government Code Section 65583 states:

The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobile homes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community.

In enacting the housing element requirement in 1969, the State legislature found and declared that -

The availability of housing is of vital statewide importance, and the early attainment of decent housing and a suitable living environment for every Californian, including farm workers, is a priority of the highest order.

And that –

The provision of housing affordable to low- and moderate-income households requires the cooperation of all levels of government.

Also –

Local and state governments have a responsibility to use the powers vested in them to facilitate the improvement and development of housing to make adequate provision for housing needs of all economic segments of the community.

The Housing Element must include six major components:

- An assessment of the City's housing *needs*.
- An inventory of *sites* that can accommodate the need for new housing.
- An analysis of housing market and governmental *constraints* that impede public and private sector efforts to meet the needs.
- A *progress report* describing actions taken to implement the *2013-2021 Housing Element*.
- A statement of *goals*, quantified *objectives* and *policies* relative to the construction, rehabilitation, conservation and preservation of housing.
- An *implementation program* which sets forth a schedule of actions which the City is undertaking or intends to undertake to implement the policies and achieve the stated goals and objectives.

The City's prior Housing Element was adopted on December 3, 2013.

According to Government Code Section 65588(f)(2):

“Projection Period” shall be the time period for which the regional housing need is calculated.

The SCAG Regional Housing Needs Assessment (RHNA) covers the period from October 2021 to October 2029.

ROLE AND ORGANIZATION OF THE HOUSING ELEMENT

As previously noted, the Housing Element is one of seven mandatory elements of a General Plan. Its focus is on assessing the community’s housing needs and describing programs to address those needs. The element must describe actions to –

- Identify adequate sites to accommodate a variety of housing needs
- Assist in the development of affordable housing
- Remove governmental constraints to housing improvement and construction
- Improve the condition of housing
- Preserve the affordable housing supply
- Promote fair housing
- Promote energy conservation

In addition to this Introduction, two additional sections and two appendices comprise the Housing Element as well as the related zoning ordinance updates:

Section 2 - Housing Program: This section provides a summary of the housing needs and describes the goals, policies and objectives of the Housing Element. Section 3 also describes the individual programs that the City will implement during the eight-year planning period in order to address the community’s housing needs.

Appendices: The Appendices contains detailed information on the following:

- Appendix A: Assessment of Housing Needs
- Appendix B: Assessment of Fair Housing
- Appendix C: Sites Inventory and Analysis
- Appendix D: Governmental Constraints Analysis
- Appendix E: Analysis of Non-Governmental Constraints
- Appendix F: Housing Resources
- Appendix G: Progress Report

RELATIONSHIP TO OTHER GENERAL PLAN ELEMENTS

Seven elements comprise the Brawley General Plan:

- Land Use Element
- Infrastructure Element
- Resource Management Element
- Open Space/Recreation Element
- Public Safety/Noise Element
- Economic Development Element
- Housing Element
- Environmental Justice Element (To be adopted October/November 2021)

The Housing Element complements other General Plan elements and is consistent with the policies and proposals set forth by the General Plan. For example, the housing sites identified in the Housing Element are consistent with those designated as residential or mixed use in the Land Use Element. Also, residential densities established by the Land Use Element are incorporated within the Housing Element and form the basis for calculating the residential capacity within the City.

The California Government Code requires internal consistency among the various elements of a General Plan. Section 65300.5 of the Government Code states that the General Plan's various Elements shall provide an integrated and internally consistent and compatible statement of policy. The City has reviewed the other elements of the General Plan and has determined that this Housing Element provides consistency with the other Elements of the General Plan. The City will maintain this consistency as future General Plan amendments are processed by evaluating proposed amendments for consistency with *all* elements of the General Plan.

OTHER STATUTORY REQUIREMENTS

Water and Sewer Priority

Chapter 727 amended Government Code Section 65589.7(a) as follows:

The housing element adopted by the legislative body and any amendments made to that element shall be immediately delivered to all public agencies or private entities that provide water or sewer services for municipal and industrial uses, including residential, within the territory of the legislative body. Each public agency or private entity providing water or sewer services shall grant *a priority for the provision of these services to proposed developments that include housing units affordable to lower income households.* [Emphasis added]

The General Plan Infrastructure Component contains the following goals and objectives:

- Goal 7: Adequate water service and infrastructure.
- Objective 7.1: Provide adequate water service and infrastructure for existing development while planning and implementing improvements to accommodate planned growth in Brawley
- Goal 8: Provide adequate sewer collection infrastructure and treatment facilities.
- Objective 8.1: Provide adequate sewer collection infrastructure and treatment facilities for existing development while planning and implementing improvements to accommodate planned growth in Brawley.

The Public Works Department plans, constructs, and maintains the water system. The City purchases raw imported Colorado River water from the Imperial Irrigation District (IID), which then delivers treated water to the City.

The City provides wastewater collection, treatment and disposal services from residential, commercial, and industrial uses, and the Public Works Department plans, constructs, and maintains the sewage system, which includes a collection network of pipes and a wastewater treatment plant (WWTP).

The Planning Department will transmit a copy of the adopted Housing Element to the Public Works Department.

Required Approvals

Implementation of the proposed project would require the following discretionary actions by the City of Brawley City Council:

- Approval of a Negative Declaration; and
- Adoption of the Housing Element for the City of Brawley.

1. Flood Hazards and Flood Management Information

Government Code Section 65302 requires all cities and counties to amend the safety and conservation elements of their general plan to include an analysis and policies regarding flood hazard and flood management information upon the next revision of the housing element on, or after, January 1, 2009. The City's General Plan was adopted in September 2008.

The Safety Element includes an analysis of flood hazards. A figure in that element shows the areas subject to flooding of the New River. Flooding of the New River is presently not considered hazardous in the Planning Area because little development occurs in the flood channel and the elevation of the channel is substantially lower than the valley floor. Minor flooding and ponding of surface water can occasionally occur on the flat valley floor when irrigation canals overflow or are unable to withstand heavy precipitation. Flooding of the valley floor is considered more of an inconvenience than a hazard.

To maintain low flood hazards, the City will continue to restrict development in the New River flood channel. As indicated on the Land Use Policy Map in the Land Use Element and in the Open Space/Recreation Element, the New River channel is generally designated as Open Space. Development of land under the Open Space designation will be limited to passive and active recreational uses. To keep flood hazards minimal, the development intensity allowed under the Open Space category is very low and no residential uses are allowed.

The City has adopted the following goal and objective:

- Goal 1: Reduce the risk of flood damage in Brawley.
- Objective 1.1: Promote policies and programs that reduce the risk to the community's inhabitants from flood hazards.

Required Approvals

Implementation of the proposed project would require the following discretionary actions by the City of Brawley City Council:

- Approval of a Negative Declaration; and
- Adoption of the Housing Element for the City of Brawley.

II. DESCRIPTION OF ENVIRONMENTAL SETTING

The setting is entire area of the City of Brawley including projected annexation areas within the Sphere of Influence per the Service Area Plan.

III. ENVIRONMENTAL IMPACT AND PHYSICAL EFFECT

The Brawley Development Services Director prepared a draft Initial Study. Staff provided input.

1. There is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment.
2. Feasible mitigation measures or alternatives will be incorporated to revise the proposed project, before the Negative Declaration is released for public review, such that the potential significant effects are eliminated or reduced to a level of insignificance.
3. The project is consistent with the general plan and zoning of the City of Brawley.
4. The project will not have a demonstrable negative aesthetic effect because development standards included in the Brawley Zoning Ordinance will assure a high quality of architectural and landscape design.
5. There are no unusual geologic hazards or flooding problems that would not be adequately addressed by compliance with city development requirements and the California Building Code (CBC).

VI. POTENTIAL SIGNIFICANT IMPACTS

There were no potential significant impacts found.

VII. REASONS TO SUPPORT FINDING OF A NEGATIVE DECLARATION

On the basis of this analysis, it is determined that any environmental impacts of this project are nonexistent or would not be potentially significant.

A NEGATIVE DECLARATION IS THEREFORE APPROVED FOR THIS PROJECT.

Gordon R. Gaste, AICP CEP
Planning Director

Date

RESOLUTION NO. 2021 -

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRAWLEY, CALIFORNIA,
AMENDING THE HOUSING ELEMENT OF THE GENERAL PLAN AND ADOPTION OF THE
NEGATIVE DECLARATION

WHEREAS, Government Code Section 65301 of the State Planning Law mandates a Housing Element as one of the elements of the City's General Plan; and

WHEREAS, the Planning Commission on September 8, 2021, reviewed an amended Housing Element and after conducting a duly noticed public hearing thereon, recommended to the City Council that the amended Housing Element be approved; and

WHEREAS, the amended Housing Element projects and the housing needs of the City of Brawley for all income groups for an eight year period beginning October 15, 2021, and ending October 15, 2029; and

WHEREAS, the City is required to have a certified Housing Element in order to receive Community Development Block Grant funds for housing rehabilitation projects and apply for other State of California grants or programs, and

WHEREAS, the City is required to have the Zoning Ordinance updated for any deficiencies in the General Plan by advisement of the State of California Housing & Community Development Department regarding any required policies.

WHEREAS, the City Council, on due notice, conducted a public hearing on October 19, 2021 on the amended Housing Element and Negative Declaration, and considered all public comments thereon;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BRAWLEY, CALIFORNIA, DOES HEREBY ORDER, DETERMINE AND RESOLVE AS FOLLOWS:

The Housing Element of the General Plan adopted by Resolution No. 2021- on October 19, 2021, is hereby revised to provide as set forth in Exhibit "A", entitled "City of Brawley - Housing Element of the General Plan", attached hereto and made a part hereof.

The Negative Declaration of the Housing Element is certified by Resolution No. 2021- on October 19, 2021, is hereby adopted as Exhibit "B" entitled "Initial Study City of Brawley Housing Element and Negative Declaration", attached hereto and made a part hereof.

The Planning Director is hereby authorized by the City Council to edit any deficiencies in the Housing Element by advisement of the State of California Housing & Community Development Department regarding any policies regarding:

1. Conformance with State statutes
2. Analysis for the zoning of a variety of residential uses
3. Staff is able to make technical corrections/revisions based on State Housing Community and Development Department comments on the adopted element

Commented [b1]: Shall we change this title? The title is now: CITY OF BRAWLEY 2021-2029 HOUSING ELEMENT

Commented [b2]: Is this the correct title of the current IS and Neg Dec?

APPROVED, PASSED AND ADOPTED at a regular meeting of the Brawley City Council held on the 19th day of October 2021.

CITY OF BRAWLEY, CALIFORNIA

Luke Hamber, Mayor

ATTEST:

Alma Benavides, City Clerk

STATE OF CALIFORNIA }
COUNTY OF IMPERIAL }
CITY OF BRAWLEY }

I, ALMA BENAVIDES, City Clerk of the City of Brawley, California, DO HEREBY CERTIFY that the foregoing Resolution No. 2021- was passed and adopted by the City Council of the City of Brawley, California, at a regular meeting held on the 19th of October 2021 and that it was so adopted by the following roll call vote: m/s/c

AYES:
NAYES:
ABSTAIN:
ABSENT:

DATED: October 19, 2021

Alma Benavides, City Clerk

ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF BRAWLEY AMENDING ARTICLE II TO CHAPTER 27 ARTICLE XII SECTION
27.201 OF THE BRAWLEY MUNICIPAL CODE TO AMEND THE SECOND UNIT SECTION
WITH THE ACCESSORY DWELLING UNIT ORDINANCE ALTERNATIVE.

A. Recitals.

- (i) On September 8, 2021, the Planning Commission of the City of Brawley conducted and concluded a duly noticed public hearing concerning the Municipal Code amendments contained herein, as required by law. At the conclusion of the hearing, the Planning Commission recommended adoption of said amendments.
- (ii) On October, 19, 2021, the City Council of Brawley conducted and concluded a duly noticed public hearing concerning the Municipal Code amendments contained herein as required by law.
- (iii) All legal prerequisites to the adoption of this Ordinance have accrued.

B. Ordinance.

NOW, THEREFORE, the City Council hereby ordains as follows:

Section 1. The facts set forth in the Recitals, Part A of this Ordinance, are true and correct.

Section 2. The provisions of this Ordinance and the Municipal Code amendments contained herein have been reviewed and considered by the City Council in accordance with the provisions of the California Environmental Quality Act, as amended, and the Guidelines promulgated there under. The City Council finds that this Ordinance and said Municipal Code amendments are exempt from the requirements of the California Environmental Quality Act pursuant to the provisions of Section 15061(b)(3) of the Guidelines.

Section 3. Section 27.201 is hereby amended to Chapter 27 of the Brawley Municipal Code to read as follows:

Section 27.201 Accessory Dwelling Units and Junior Accessory Dwelling Units

A. Purpose

This Ordinance provides for the creation of accessory dwelling units and junior accessory dwelling units as defined in Government Code Section 65852(j)(1). The purpose of the Ordinance is to achieve the following objectives:

1. Contribute to alleviating the housing supply shortage by increasing the housing unit capacity of lots zoned to permit single-family homes and multi-family housing developments.
2. Facilitate the development of new housing with land and construction costs lower than single family homes built on vacant land because accessory dwelling units will be constructed on already developed land, will have housing unit sizes smaller than single-family homes, and utilize existing infrastructure.

3. Create the opportunity for new housing units to be built to accommodate the needs of diverse household types including, but not limited to, seniors, disabled persons, caretakers, students, and multi-generational families.
4. Provide the opportunity to create new housing at costs affordable to lower and moderate income households.
5. Produce housing that will satisfy a portion of the Brawley's share of the regional housing need.

B. Accessory Dwelling Unit Defined

"Accessory dwelling unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

- a. An efficiency unit as defined in Section 17958.1 of the Health and Safety Code.
- b. A manufactured home, as defined in Section 18007 of the Health and Safety Code.

C. General Plan Consistency

In adopting this Ordinance, the City recognizes that the development of accessory dwelling units and junior accessory dwelling units may result in residential densities exceeding the maximum densities prescribed by the General Plan Land Use Element and Zoning Ordinance. Pursuant to Government Code Section Government Code Section 65852.2(a)(1)(C), the City finds that this occurrence is consistent with the General Plan. Government Code Section 65852.2(a)(1)(C) provides that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

D. Types of ADUs

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

E. Statewide Exempt ADUs

A statewide exemption ADU is an ADU of up to 800 square feet, 16 feet in height and with 4 feet side and rear yard setbacks. No lot coverage, floor area ratio, open space, or minimum lot size requirement can preclude the construction of a statewide exemption ADU. The construction of a detached new construction statewide exemption ADU can be combined on the same lot with a JADU in a single-family residential zone.

F. General Standards for ADUs

Each ADU shall comply with the following standards:

1. The ADU shall be constructed on a lot zoned for residential uses that includes an existing or proposed single family or multi-family dwelling unit.
2. Maximum unit size requirements: At least 850 square feet and 1,000 square feet for ADUs with more than one bedroom.
3. Height: No ADU shall exceed 16 feet in height. However, an increase in height up to the limit allowed for the principal dwelling unit may be permitted with approval of the Planning Director.
4. Setback and yard requirements:
 - a. Each attached ADU must comply with the setback requirements in the underlying zoning district for the principal dwelling unit except as otherwise provided herein.
 - b. Each attached and detached ADU shall have a rear and side setback of four (4) feet
 - c. No setback shall be required for an existing accessory structure that is converted to an ADU or an ADU that is constructed within the same location and to the same dimensions as an existing accessory structure.
5. Number of ADUs permitted.
 - a. Single family dwellings: One ADU or JADU is permitted per lot developed with a single-family dwelling unless the ADU is a detached ADU, in which case a JADU is also permitted.
 - b. Multifamily dwellings: ADUs may be constructed on lots developed with multifamily dwellings in accordance with California Government Code Section 65852.2(e).
6. ADUs shall be rented for terms longer than 30 days in accordance with Government Code Section 65852.2(a)(6) and (e)(4).
7. Parking:
 - a. Each ADU shall have one parking space per unit or bedroom, whichever is less.
 - b. Parking spaces may be covered or uncovered, provided as tandem parking on an existing driveway, or on a paved surface in a setback or yard area.
 - c. Notwithstanding subsection (a) above, parking requirements shall be waived if the ADU is located: (1) within one-half (1/2) mile walking distance of a public transit stop; (2) in a designated historic district; (3) in part of a principal dwelling unit or an existing accessory structure; (4) in an area requiring on-street parking permits but the permits are not offered to the ADU occupant; or (5) within one block of a car-sharing pickup/drop-off location.
 - d. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, replacement of the lost parking is not required. However, replacement parking is encouraged and may be located in any configuration on the same lot as the ADU as a covered, uncovered, or tandem parking space.

G. Additional Standards for Conversion of an Existing Accessory Structure to an Accessory Dwelling Unit

1. Conversion of a non-habitable accessory structure/garage or other living space to an ADU shall meet all building codes for residential occupancy.

H. Fire Sprinkler Requirements.

1. Each ADU shall comply with all applicable fire safety provisions of state law, as well as the City of Brawley adopted building and fire codes.
2. An ADU is not required to be equipped with fire sprinklers unless fire sprinkler installation is required for the principal dwelling unit.

I. Junior Accessory Dwelling Units.

Each Junior Accessory Dwelling Unit (JADU) shall be subject to compliance with the building permit requirements and the following standards:

1. A JADU may be created on a lot zoned for single family residences with one primary dwelling. JADUs are limited to one per residential lot with an existing or proposed single-family residence.
2. The JADU may be created within the walls of the proposed or existing single-family residence, including attached garages, as attached garages are considered within the walls of the existing single-family residence.
3. The maximum size of a JADU is 500 square feet.
4. Each JADU may contain separate sanitation facilities or may share sanitation facilities with the principal dwelling unit.
5. Each JADU shall include a separate entrance from the main entrance to the existing or proposed principal dwelling unit and may include an interior entry to the main living area. A second interior door may be included for sound attenuation.
6. Each JADU shall, at a minimum, include an efficiency kitchen, including a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit. Minimum requirements are a hot and cold water sink, 4.5 cubic foot refrigerator, two ground fault circuit interrupter outlets, eight (8) square feet of counter spaces, and five (5) linear feet of cabinet space.
7. Additional parking is not required for a JADU.
8. The property owner shall reside in either the principal dwelling unit or the JADU.
9. Prior to issuance of a building permit for the JADU, the property owner shall file with the City a deed restriction for recordation with the Imperial County Recorder, which shall run with the land and include the following provisions:
 - a. A prohibition on the sale of the JADU separate from the sale of the principal dwelling unit.
 - b. A restriction on the size and attributes of the JADU that conforms with this Section.
 - c. A prohibition on using the JADU for transient occupancy.
 - d. A statement that the restrictions shall be binding upon any successor owner of the property and that failure to comply with the restrictions shall result in legal action against the owner.

J. Government Code Section 65852

If there is a conflict between the provisions of this City of Brawley Zoning Ordinance Section 27.201 and those of Government Code Section 65852, the Government Code provisions shall prevail.

PASSED, ADOPTED AND APPROVED at a regular meeting of the City Council held on the 19th day of October, 2021.

CITY OF BRAWLEY, CALIFORNIA

Luke Hamby, Mayor

ATTEST:

Alma Benavides, City Clerk

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

1st Reading

I, Alma Benavides, City Clerk of the City of Brawley, California, DO HEREBY CERTIFY that the foregoing Ordinance No. 2021- was passed and adopted by the City Council of the City of Brawley, California, at a regular meeting held on the 19th day of October 2021 and that it was so adopted by the following roll call vote: m/s/c/

- AYES:
- NAYES:
- ABSTAIN:
- ABSENT:

DATED: November 2, 2021

Alma Benavides, City Clerk

2nd Reading & Adoption

I, Alma Benavides, City Clerk of the City of Brawley, California, DO HEREBY CERTIFY that the foregoing Ordinance No. 2021- was passed and adopted by the City Council of the City of Brawley, California, at a regular meeting held on the 2nd day of November 2021 and that it was so adopted by the following roll call vote: m/s/c/

- AYES:
- NAYES:
- ABSTAIN:
- ABSENT:

DATED: November 1, 2021

Alma Benavides, City Clerk