

City of Brawley
Planning Commission Meeting
Minutes for October 7, 2015

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

1. CALL TO ORDER/ROLL CALL

The meeting was called to order by Chairman Smith 5:31 PM.

Present: Palacio, Castro, Bumbera, Goyal.

Late: Marquez (5:40PM)

Absent: Hutchinson (excused absence).

2. APPROVAL OF AGENDA

Motion: The Planning Commission approves the agenda as presented.

M/S/C Palacio/Goyal 5-0

3. APPROVAL OF MINUTES

Motion: The Planning Commission approves the minutes of September 7, 2015 as presented.

M/S/C Goyal/Castro 5-0

4. PUBLIC APPEARANCES

Chairman Smith called for public appearances. There were none.

5. PUBLIC HEARING

Application for a Parcel Map (PM 15-03) to Subdivide the Current Parcel into Two Parcels for Finance Phasing of an Approved Apartment Complex.

Property Owner: Imperial Valley Housing Authority
1402 D Street
Brawley, CA 92227

Co-Applican/Developer: AMG Associates LLC
16633 Ventura Blvd., Suite 1014
Encino, CA 91436

Location: Southeast Corner of Malan Street and South 1st -Street, more particularly described as Lot B, Amended Map of Malan Park, City of Brawley, County of Imperial, State of California, APN: 048-275-055.

Commissioner Palacio recused himself from the review of “Agenda Item 5”, stating on the record that he is a seated member of the Imperial Valley Housing Authority Board.

Gordon Gaste, Planning Director provided an overview of the project. “The project involves a proposed split of a single parcel for finance phasing purposes. The City of Brawley previously approved the project site plan as it conforms with adopted City standards for the R-3 zoning designation.

The subject property, zoned R-3 since 1990, is planned for apartments. Development of apartments is allowed by right, provided all City standards per the Municipal Code are met.

Cameron Johnson, Vice President, AMG Associates (Co-Applicant) provided a detailed overview of the project, which involves the development of 81 “low income apartments”. Mr. Johnson stated that because it is a tax credit financed project, significant project oversight will be involved. Areas of attention span ongoing maintenance, safety, and any other issues that are reasonably anticipated to arise in a low income housing project. All tenants will be subject to a screening process that entails credit and criminal background checks.

Andrea D. Roark, Executive Director, Imperial Valley Housing Authority (Property Owner), urged the Planning Commission to approve the parcel split. Ms. Roark stated that more than 3,000 individuals are on the waiting list for these apartments. She stated that the project will address housing needs for Brawley residents.

Planning Commissioners Comments & Questions for Property Owner and Co-Applicant:

- Commissioner Goyal expressed concerns regarding the site plan. He stated the pool was a luxurious feature for “low income housing” during a drought.
- Commissioner Castro inquired about the maximum occupancy of the project, the time frame of the tax credit funding of the project, the developers duration of responsibility for the project’s success and asked for other local projects accomplished by the developer.

Co-Applicant’s Response to Planning Commissioner Comments & Questions:

- Co-Applicant’s informed the Planning Commission that the pool is an existing site amenity, approved as part of the site plan process which has already concluded. It is the developer’s duty to provide features that will enhance tenants’ quality of life regardless of economic status. The developer’s duration of responsibility is a 15 year compliance period, but due to a regulatory agreement the project must be maintained as a “low income housing” project for 55 years. Other local projects are located in the cities of Holtville, Calexico, El Centro, Calipatria, and Seeley.

Chairman Smith opened the public comment period at 5:45PM.

The following individuals entered public comments into the record:

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|---------------------------|----------------------------|-------------------------|
| • <u>Sergio Favela</u> | • <u>Caty A. Santillan</u> | • <u>Marvin Lewis</u> |
| • <u>Lupe Navarro</u> | • <u>Debbie Shehan</u> | • <u>Maria Martinez</u> |
| • <u>Yolanda Smith</u> | • <u>Chris Flores</u> | • <u>Sarah Walters</u> |
| • <u>Ashley Mendibles</u> | • <u>Hugo Rodriguez</u> | |

Identified areas of concern during public comments:

- Overall objection to increased density and overcrowding of surrounding area
- Non-disclosure of R-3 by developer and sellers of single family dwellings
- Project location previously proposed for park use
- Park of school parking as better use of the proposed location
- No prior knowledge of R-3 zoning designation
- Public notification process of R-3 zone change
- Prior notification regarding site plan approval process
- Landscaping standards for project
- Fence treatment surrounding proposed project
- Project phasing and project completion
- Incomplete subdivision infrastructure improvements
- Potential crime associated with multi-family dwellings
- Public safety as it relates to children and families
- Onsite project management
- Devaluation of single family residential properties as a result of multi-family apartments
- Increased traffic and congestion on Malan Street and in the surrounding area
- Pedestrian safety and Malan crosswalks
- Traffic During construction period
- Absence of a traffic study
- Overcrowded Witter Elementary School site
- Use of Community Facilities District (CFD) funds in the subdivision/s

City of Brawley Planning Director, Gordon Gaste advised the public that traffic analyses were prepared at the time of the zone change and tentative map which included the current proposed site, in addition to nearby developments. The traffic studies contemplated the R-3 zoning that allows the Malan Street Apartments project. It was also noted that the CFDs are for fire and police services, as well as maintenance of off-site landscaping. The funds collected can only be utilized for specified and defined purposes.

City of Brawley City Manager Rosanna Bayon Moore reviewed the action before the Planning Commission. She stated that the proposed project is not the Malan Streets Apartment site plan. It is the subdivision of the project area from one parcel into two parcels. The site plan is already approved, as is the two phased approach. The City was required to conduct an environmental analysis when the zoning designation changed. At this time, the owner and developer have the ability to pull a City of Brawley building permit as long as the project conforms with City standards for a R-3 zone.

Commissioner Bumbera asked the City Attorney if the item could be passed to the City Council for the City Council to decide.

City Attorney Bill Smerdon indicated that the City Council shall serve as the appeal body should the Planning Commission's action be appealed by parties in favor or opposed to the parcel map approval. Mr. Smerdon advised that a narrow definition for denial is defined by the Subdivision Map Act and no such information has been presented to the Planning Commission

Commissioner Castro stated that by approving the parcel map, the Planning Commission is facilitating the financing of the project. By denying the parcel split, the Planning Commission may delay the financing of the project.

Chairman Smith closed the public comment portion of the public hearing at 6:53PM.

- Commissioner Castro motioned to deny the request to subdivide the property. Motion was seconded by Commissioner Marquez.

Discussion: Chairman Smith discussed the legal advice given by the City Attorney with the Commissioners. Chairman Smith reminded the Commissioners that they have no legal grounds to deny the parcel split of the property.

M/S/C Castro/Marquez (3-2) Motion did not carry

Ayes: Castro, Marquez, Bumbera; Noes: Goyal, Smith

- Commissioner Goyal motioned to approve the parcel split. Motion was seconded by Chairman Smith.

No discussion.

M/S/C Goyal/Smith (2-3) Motion did not carry.

Ayes: Goyal, Smith, Bumbera; Noes: Castro, Marquez.

City Attorney Bill Smerdon advised the Planning Commission that if no action is taken, the parcel map application would be approved by right due to State law.

- Commissioner Marquez motioned to table the item for the next regular meeting.

No discussion.

M/S/C Marquez/Castro (4-1) motion carried.

Ayes: Marquez, Castro, Bumbera, Goyal; Noes: Smith.

5. ZONING CODE ENFORCEMENT

Building Official Francisco Soto stated that there is nothing to report at this time.

6. NEXT MEETING DATE

The Planning Commission adjourned to the next regular meeting date and time- on November 4th 2015 at 5:30PM.

7. ADJOURNMENT

Motion: The Planning Commission meeting adjourned at 7:37 p.m.

M/S/C Goyal/Bumbera 5-0