

CONDITIONS OF APPROVAL

**Brawley Gateway Specific Plan Amendment (SPA) 26-01
General Plan Amendment (GPA) 24-02
Zone Change (ZC) 24-03 / Site Plan (SP) 26-04
Tentative Tract Map (TTM) 26-01**

BRAWLEY GATEWAY MIXED USE MASTER PLAN

LOT 16 OF BRAWLEY GATEWAY UNIT 1

APN: 048-440-001

SE corner of CA-86 & Legion Road

GENERAL	CONDITION
G-1	The conditional approval of this Zone Change (ZC) 24-03, General Plan Amendment (GPA) 24-02, Specific Plan Amendment (SPA) 26-01, Tentative Tract Map (TTM) 26-01, and Site Plan (SP) 26-04, herein referred to as "Permit", shall not constitute the waiver of any requirement of the City's ordinances or regulations, except where a condition set forth herein specifically provides for a waiver.
G-2	The provisions of the Permit are to run with the land and shall bind the current and future owner(s), successor(s) in interest, assignee(s) and/or transferor(s) of said parcel.
G-3	Developer/Applicant/Property Owner, herein referred to as "Developer", shall comply with all local, state and/or federal laws, rules, regulations and/or standards as they may pertain to this project, whether specified herein or not.
G-4	If the City finds and determines that the Developer or successor-in-interest has not complied or cannot comply with the terms and conditions of the Permit, or the Planning/Building/Code Enforcement Department determines that the permitted activities constitute a nuisance, the City shall provide the Developer or successor-in-interest with notice and opportunity to comply with the enforcement or abatement order. If after the receipt of the order the Developer or successor-in-interest (1) fails to comply, and/or (2) cannot comply with the conditions set forth in the Permit, then the matter shall be referred to the Planning Commission for permit modification, suspension, or termination, or to the appropriate enforcement authority.

G-5	As between the City and the Developer or successor-in-interest, any violation of this permit may be a “nuisance per se”. The City may enforce the terms and conditions of this permit in accordance with its Codified Ordinances and/or State law. The provisions of this paragraph shall not apply to any claim of nuisance per se brought by a third party.
G-6	Developer shall not be permitted to maintain a “nuisance”, which is anything which: (1) is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, and/or (2) affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal, and/or (3) occurs during or as a result of the re-located business.
G-7	Developer shall defend, indemnify, and hold harmless the City of Brawley, or its agents, officers and employees from any claim, action or proceedings against the City or its agents, officers, or employees to attack, set aside, void or annul, an approval by the Development Review Committee, Planning Commission or City Council concerning the project. The City of Brawley shall promptly notify the applicant of any claim, action or proceedings and shall cooperate fully in the defense.
BUILDING	CONDITION
B-1	The Developer shall obtain a Building Permit for all building construction and on-site improvements including permanent and temporary signs, and landscaping and parking when applicable. Inspections for compliance shall be obtained prior to issuance of a Certificate of Occupancy and/or issuance of a business license. All applicable fees shall be paid.
FIRE	CONDITION
F-1	Fire hydrants, sprinklers, and alarm systems shall be installed per California Fire Code and as approved by the Brawley Fire Department prior to the issuance of a Certificate of Occupancy.
F-2	Developer shall install fire access lanes per California Fire Code and approval by the Brawley Fire Department prior to the issuance of a Certificate of Occupancy.

F-3	Developer shall abide by California Fire Code, Appendix D, Section 104. All buildings shall be equipped with an approved automatic fire sprinkler system. Other fire suppression systems allowed by California Fire Code and approved by the City Fire Department may be considered. If the conditions set forth in Condition F-3 are not satisfied to the approval of the City Fire Department, the site shall require a secondary ingress/egress.
PUBLIC WORKS / CITY ENGINEER	CONDITION
PW-1	The Developer shall provide half-width improvements to both Legion Road and Western Avenue. Improvements to Western Avenue shall have a width of 36'. Additionally, the Developer shall provide improvements to existing Mead Road up to a width of 38'.
PW-2	The Developer shall provide a southern continuation of the multipurpose trail that currently runs along the west side of Lots 6, 7, and 8 of the Brawley Gateway Subdivision along the east side of Highway 86, approved by the City's Planning Division. Said trail shall also run along the east side of Highway 86 along the future commercial pads #1-5 and #9.
PW-3	Any trenching required for the project in the public right-of-way will be coordinated and approved by the Public Works Director and City Engineer. Asphalt replacement as a result of trenching activities will be required to conform to City Standards and shall be installed to the satisfaction of the Public Works Director and City Engineer.
PW-4	All off-site improvements in the public right-of-way shall require an Encroachment Permit. Encroachment Permits will be filed with the Public Works Office and reviewed and approved by the City Engineer and Public Works Director.
PW-5	Sewer and water improvements meeting City Standards shall be provided. Backflow preventer(s) shall be installed etc. Improvements shall be subject to review and approval by the Public Works Director and City Engineer before the issuance of a Certificate of Occupancy for any structure for each parcel.
PW-6	Developer shall provide street and public right-of-way improvements (e.g., sidewalk, driveway, curb and gutter, etc.) to City Standards. Improvement shall be subject to approval by the Public Works Director and City Engineer before the issuance of a Certificate of Occupancy.

<p>PW-7</p>	<p>Hydraulics, drainage, and grading details to City standards provided to the Public Works Director and City Engineer. The percentage of retention shall be determined by the Public Works Director and City Engineer per current discharge amount and the amount of pervious surface that will be eliminated. The Site Plan is subject to require amendment should the City Engineer and Public Works Director determine the proposed retention basins are insufficient. Any required off-site stormwater improvements shall be reviewed, approved, and installed to the satisfaction of the Public Works Director and City Engineer.</p> <p>Fencing requirements along the perimeter of the retention basin(s) shall be determined by the City Engineer/Public Works Director in accordance with the findings in the project technical reports confirming the depth, slope, and size of the detention basin(s). If required, the installation of fencing shall abide by Sec. 27.179 of the Zoning Ordinance.</p>
<p>PW-8</p>	<p>The Developer shall file a Shared Use Agreement for the maintenance of the Wal-Mart retention basin and conduct any improvements needed to increase its capacity for project-related uses.</p>
<p>PW-9</p>	<p>Where feasible, utilities, including both electric and water, will be undergrounded. The infeasibility of utility undergrounding will be determined per Zoning Ordinance Sec. 23A.16.</p>
<p>PW-10</p>	<p>Any improvement on Caltrans right-of-way will require a Caltrans encroachment permit prior to the issuance of a Building Permit.</p>
<p>PW-11</p>	<p>Any improvement on Imperial Irrigation District right-of-way will require an IID encroachment permit prior to the issuance of a Building Permit.</p>
<p>PW-12</p>	<p>The Final Subdivision Map shall be prepared in accordance with a completed final survey of the subdivision and in compliance with the requirements of the Subdivision Map Act and applicable City Ordinances.</p>
<p>PW-13</p>	<p>The Final Subdivision Map shall clearly show all stakes, monuments, or other evidence found on the ground which were used as ties to determine the boundaries of the lots. The survey of monuments referenced must be found acceptable by the City Engineer and meet Subdivision Map Act standards and that all Conditions of Approval have been met.</p>
<p>PW-14</p>	<p>A Grading Plan and Erosion Control Plan shall be accompanied with the Final Map to the City Engineer for review and approval.</p>

PUBLIC SAFETY	CONDITION
PS-1	Lighting shall be installed in accordance with Sec. 27.182 of the Zoning Ordinance, other applicable City standards, and California Energy Commission and California Building Code requirements.
ZONING & LAND USE	CONDITION
Z-1	The Planning Director reserves the right to request additional Site Plan Review for the development of Retail Commercial parcels within the project area in accordance with the Brawley Gateway Specific Plan, especially in cases where proposed plans (e.g., land use, circulation, parking, etc.) differ significantly from those included in the approved version of SP26-04.
Z-2	Planning shall reserve the right to provide architectural design comments.
Z-3	Planning shall reserve the right to provide comment on placement, aesthetics, and maintenance of retention basins.
Z-4	Commercial developments shall be developed in accordance with Article V of the Zoning Ordinance and Section III.C.1 of the Brawley Gateway Specific Plan.
Z-5	Multifamily residential developments and their amenities (e.g., trash enclosures, common areas, etc.) shall be developed in accordance with Section 27.182 of the Zoning Ordinance and Section III.C.5 of the Brawley Gateway Specific Plan.
Z-6	Landscaping will be installed per Sec. 27.180 of the Zoning Ordinance. Any landscaping in the public right-of-way will require a maintenance agreement which shall be reviewed and approved by the City Engineer / Public Works Director and Planning Director. Maintenance agreement will be deed recorded.
Z-7	Fences, walls, and hedges shall be installed per Sec. 27.179 & 27.182(12) of the Zoning Ordinance. This shall include a masonry wall to separate the C-2 zone from the R-3 zone. A pedestrian path shall be permitted between these two zones in appropriate areas to encourage pedestrian activity between residents and the nearby commercial center.

Z-8	Parking lot space provisions, configurations, screening, landscaping, tree canopy shading, lighting , pavement, and other details shall be in accordance with Article XI and Sec. 27.182(12) of the Zoning Ordinance, as well as the Brawley Gateway Specific Plan.
Z-9	Open space and landscaping for apartment complexes shall be provided in accordance with Sec. 27.182(11) of the Zoning Ordinance.
Z-10	Developer shall install the required number of appropriately-sized tot lots for the proposed multifamily developments in accordance with the standards set in Sec. 27.182(10) of the Zoning Ordinance.
Z-11	The Building Permit Application shall include a detailed Landscape Plan in compliance with the aforementioned landscaping standards described in Conditions Z-6 through Z-10.
Z-12	Signage shall be installed per Article XIV of the Zoning Ordinance and shall require a separate review and permit.
Z-13	Half an acre of land shall be dedicated for City Public Facilities (e.g., Fire, Police).
GRANT PROGRAMS	CONDITION (CONTINGENT ON FUNDING)
C-1	The Developer shall provide their fair share to cover study costs for Rockwood Canal improvements OR conduct improvements to the Rockwood Canal provided funding can be secured.
C-2	The Developer shall satisfy all affordable housing and infrastructure obligations required as a condition of any grant program or external funding source utilized for the project.