



## *City of Colusa City Council* **STAFF REPORT**

DATE: August 18, 2020  
TO: Mayor Hill and Members of the City Council  
FROM: Bryan Stice, Community Development Manager through Jesse Cain, City Manager

### **AGENDA ITEM:**

Public Hearing for a proposed development agreement (“DA”), General Plan Amendment (“GPA”), rezoning, and mitigated negative declaration and mitigation monitoring & reporting program (MMRP) in support of the Colusa Town Center Project.

### **REQUESTED ACTION:**

- Open the public hearing; and
- Approve the following Resolution: A resolution of the City Council of the City of Colusa adopting a Mitigated Negative Declaration and mitigation monitoring program relative to the potential development and operation of a mid-size shopping center with multiple retail businesses, including an anchor grocery or drug store, gas station/car wash, 3 fast-food restaurants with drive-through service windows, speculative retail business suites on approximately 6 acres of property, and related roadway and intersection improvements located at 1601 State Highway 20 and 1301 Wescott Road in Colusa
- Introduce, read by title only, and waive the full first reading of the proposed Ordinance:
- An Ordinance of the City Council of the City of Colusa approving a Development Agreement between the City of Colusa and Amarjit Cheema relative to the potential development and operation of retail commercial center on approximately 6 acres of property located at 1601 State Highway 20 and 1301 Wescott Road in Colusa
- Approve the following Resolution: A resolution of the City Council of the City of Colusa approving a general plan amendment to designate approximately 5.93 acres as Commercial Professional District for the Colusa Town Center Project
- Introduce, read by title only, and waive the full first reading of the proposed Ordinance: An Ordinance of the City Council of the City of Colusa rezoning approximately 5.93 acres to General Commercial Planned Development (C-G-PD) District for the Colusa Town Center Project

### **BACKGROUND:**

The property owner, Amarjit Cheema (“Owner”), acquired his property (identified above) 2015 and submitted concept site plans for review and comment by City Planning, Engineering & Public

Works Department Staff (“City Staff”). Soon after, and given the proposed commercial center is adjacent to Hwy. 20, the Owner and City Staff began coordinating their review with Caltrans. Additionally, a major component of the proposed commercial center is the proposed realignment of Wescott Road into a new, signalized intersection as contemplated within the City’s Streets and Roadways Master Plan. This further necessitated review by Caltrans and led to various concept design modifications throughout the planning process.

The latest preliminary site plan (Attachment 1) reflects the Owner’s recent acquisition of the Hwy 20/Wescott SE corner property and illustrates realignment of Wescott Road into a new four-way signalized intersection at Hwy 20 via new public right-of-way to be dedicated by the Project.

Project site planning (in the form of a general development plan) is ongoing and will come before the City Planning Commission and the City Council (along with proposed R.O.W. abandonments/dedications, circulation improvements and intersection signalization plans following potential approval of the DA, MND, GPA, and rezoning.

**ANALYSIS:**

Development Agreement

The Owner and City Staff have prepared the draft DA to establish mutually agreeable terms and assurances acceptable to both the City and the Owner. With this DA the owner desires to:

1. Stabilize obstacles to development;
2. Identify cost sharing/saving opportunities in designing and building a new traffic signal at Hwy 20/Wescott Rd;
3. Ascertain the City’s level of support for the new commercial center prior to significant additional expenditures necessary to proceed with detailed traffic and site planning.

As proposed, the DA includes provisions for reimbursement of traffic-signal design & construction expenditures by the Owner, stabilization of development fees, expeditious services, and vested rights. The DA also identifies all discretionary entitlements and implementing approvals necessary for the Owner to obtain prior to any construction. In addition to the community benefit of the proposed traffic signal design and construction, the Owner agrees—as a provision within the DA—to subject the future architectural and site development plans to review by the Planning Commission, subject to specific, uniform design criteria.

Development agreements require review and recommendation by the Planning Commission prior to action by the City Council. Staff considers the proposed DA to be consistent with the intent of the City Zoning Ordinance and General Plan. The initial term of the DA is for ten (10) years.

Planning Commission Action: At their meeting of April 22, 2020, the Planning Commission voted 4-0 to recommend approval of a Development agreement between the City of Colusa and the Owner.

General Plan Amendment

As summarized above, the Project site is currently designated as High Density Residential and Mixed Use according to the City of Colusa General Plan. Since commercial development is not allowed on residentially-designated property, the Owner has petitioned the City to amend the General Plan in support of the Project and in accordance with City and State requirements.

Amending the Project site’s two, current land use designations into one “Commercial Professional District” would provide for cohesive general planning of the proposed commercial Project site, specifically as follows:

<u>APN</u>	<u>CURRENT GENERAL PLAN DESIGNATION</u>	<u>PROPOSED GENERAL PLAN DESIGNATION</u>
002-011-004	High Density Residential District	Commercial Professional District
002-120-025	High Density Residential District (portion)	Commercial Professional District
002-120-025	Mixed Use District (portion)	Commercial Professional District

Lands designated as Commercial Professional by the General Plan allow for General Commercial (C-G) zoning, discussed below. Additionally, the General Plan policies advocate planned developments where feasible with new projects in Colusa.

Rezoning

The Project site is comprised of three different zoning districts all proposed for rezoning to General Commercial Planned Development (C-G-PD) District as follows:

<u>APN</u>	<u>CURRENT ZONING DESIGNATION</u>	<u>PROPOSED ZONING DESIGNATION</u>
002-011-004	General Apartment (R-4) District	General Commercial Planned Development (C-G-PD) District
002-120-025	General Apartment High Density Development (R-4-HD) District (portion)	General Commercial Planned (C-G-PD) District
002-120-025	Bridge Street Mixed Use (M-U-B) District (portion)	General Commercial Planned Development (C-G-PD) District

The purpose of the proposed C-G-PD zoning is to allow for a multitude of commercial uses including fueling, carwash, restaurants, retail, office and other service-related uses. The planned development (PD) component of the proposed zoning enables enhanced review by the Planning Commission, while affording developers flexibility within standard City zoning requirements in order to achieve a more desirable overall development project.

At their meeting on July 22, 2020, and by consecutive votes of 4-0, the Planning Commission approved the following:

1. A RESOLUTION OF THE COLUSA PLANNING COMMISSION RECOMMENDING THAT THE COUNCIL OF THE CITY OF COLUSA ADOPT A MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING AND REPORTING PROGRAM FOR

THE COLUSA TOWN CENTER

2. A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLUSA RECOMMENDING CITY COUNCIL APPROVAL OF GENERAL PLAN AMENDMENT TO DESIGNATE APPROXIMATELY 5.93 ACRES AS COMMERCIAL PROFESSIONAL DISTRICT FOR THE COLUSA TOWN CENTER PROJECT
  
3. A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLUSA RECOMMENDING CITY COUNCIL ADOPTION OF AN ORDINANCE REZONING APPROXIMATELY 5.93 ACRES TO GENERAL COMMERCIAL PLANNED DEVELOPMENT (C-G-PD) DISTRICT FOR THE COLUSA TOWN CENTER PROJECT

**ENVIRONMENTAL REVIEW:**

The City of Colusa, as “Lead Agency,” prepared an Initial Study/Mitigated Negative Declaration (“IS/MND”), dated June 3, 2020, Exhibit A of Attachment 3 to evaluate the potential environmental impacts associated with the Project. The IS/MND was prepared in compliance with CEQA Guidelines Sections 15063, 15070 & 15071 and identified mitigation measures that would avoid or mitigate the potential environmental effects of the Project to a point where clearly no significant effects would occur.

**PUBLIC COMMENT:**

Staff received two comment letters on this proposal as of the writing of this report. Both were introduced into the Planning Commission meeting record. The first letter was received by Gulzar S. Johl of D&H LLC (attached, dated: 4-16-20) expressing his support for the Project. The second letter was received by Davies Oil Company (attached, dated: 4-21-20) addressing specific concerns, and was responded to verbally soon afterwards, and again in a formal response letter by staff (attached, dated: 6-4-20).

**BUDGET IMPACT:**

If adopted, this ordinance and DA may facilitate new sources of revenue to the City of Colusa from future cannabis manufacturing activities associated with this Project.

**RECOMMENDED ACTIONS:**

Staff recommends that the City Council consider the analysis, project staff report, and public testimony. Should the City Council support such analysis and the proposed project, staff recommends that the City Council approve the “Requested Actions” on page 1 of this staff report.

**ATTACHMENTS:**

1. Preliminary Site Plan
2. Resolution No. \_\_\_\_ Approving Development Agreement

3. Resolution No. \_\_\_\_ Adopting Mitigated Negative Declaration and Mitigation Monitoring Program (MMRP)
4. Response to comments on Initial Study
5. Resolution No. \_\_\_\_ Approving General Plan Amendment
6. Ordinance No. \_\_\_\_ Rezoning
7. Comment Letter (4-16-20) Gulzar S. Johl
8. Comment Letter (4-21-20)