



## PLANNING COMMISSION

Wednesday, August 23, 2023

Regular Meeting - 7:00 PM

City Hall – City Council Chambers

425 Webster Street, Colusa, CA 95932

### AGENDA

The public may address the Commission on any agenda item during the Commission's discussion of that item, not to exceed three (3) minutes. We ask that the speaker kindly be recognized by the Planning Commission Chair before speaking and be limited to one comment, per item.

Chair – John Martin

Vice Chair – Jean-Pierre Cativiela

Commissioner – Glen Duncan

Commissioner - Thomas Roach

Commissioner - Vicky Willoh

#### CALL TO ORDER

#### ROLL CALL

#### PLEDGE OF ALLEGIANCE

#### APPROVAL OF THE AGENDA

**CONSENT CALENDAR** - *Items on the Consent Calendar may be removed and discussed at the request of a Commission member.*

#### **NONE**

**PUBLIC COMMENTS** *The Planning Commission may read / address comments on any item concerning subject matter that is within the Planning Commission's jurisdiction. No action may be taken on items not posted on the agenda, other than to briefly respond, refer to staff, or to direct that an item be placed on a future agenda.*

#### **COMMISSION CONSIDERATION ITEM**

1. Colusa Town Center request to amend the Development Agreement by Amarjit Cheema

**Recommendation:** The Planning Commission to adopt the Resolution recommending City Council approval of the First Amendment to the Development Agreement by and between the City of Colusa and Amarjit Cheema relative to the Colusa Town Center Project

**PUBLIC COMMISSION MATTERS** *Discussion of current Planning Department projects.*

#### **FUTURE AGENDA ITEMS**

#### **ADJOURNMENT**



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SHELLY KITTLE, CITY CLERK

**Americans with Disabilities Act**

In compliance with the Americans with Disabilities Act, persons requiring accommodations for a disability at a public meeting should notify the City Clerk at least 48 hours prior to the meeting at 530-458-4941 in order to allow the City sufficient time to make reasonable arrangements to accommodate participation in this meeting.

“This institution is an equal opportunity employer and provider”



## City of Colusa California

### STAFF REPORT

**DATE:** August 23<sup>rd</sup>, 2023  
**TO:** Planning Commission – Action Item  
**FROM:** David Swartz, City Engineer, Planning Dept. Support

**AGENDA ITEM:** Colusa Town Center – Request to Amend Development Agreement by Amar Chema

**Recommendation:** Commission to consider approving amendment and forward said recommendations to City Council for approval. See attached Resolution and amendment.

**BACKGROUND ANALYSIS:** The Colusa Town Center is a development project located on both sides of Hwy, just west of Wescott Road intersection. It's a commercial development, whose primary anchor at this time is planned for an ARCO gas station and market. As part of this development requirements by the City, was to address the traffic issues at the intersection of Wescott Road and Hwy 20. The overall site plan is included herewith as Exhibit 1.

The developer, Amar Chema has been working towards project entitlement and construction improvements since 2017. Key elements that involved the City and Cal Trans interface was addressing traffic impacts. These impacts have been mitigated, designed, and are very near approval through the Cal Trans encroachment department, with anticipated final approval coming in October of this year.

The developer has an executed and binding development agreement with the City. See attached Exhibit 2.

Note: there is an estimate prepared in the DA which references a total estimated obligation of \$1,672,208, but this was subject to updates. We received an update (see attached), which now places the Cities reimbursement obligation at \$2,428,363 "estimated". Realizing that the fund that pays Amar back is the Traffic Impact fee fund, which currently has \$446,173. Amar has made the following request for an amendment to the DA.

- 1.) Reduce the current estimated obligation from the Cities reimbursement to 50% of the most recent update.  $\$2,428,363/2 = \$1,214,181$ .
- 2.) This becomes fixed, and any overages, change orders, price increases etc.. become the sole burden of the developer.

- 3.) The amount of \$1,214,181 becomes available incrementally during construction. Meaning, that as construction progresses, and Amar pays construction invoices, he can be reimbursed (with supporting documentation i.e. cancelled checks, and city field verification of improvement installed), within 30 days of submitting an approved an acceptable reimbursement request.
- 4.) The benefit to Amar, is that he can start construction right away of the offsite improvements, which will allow him to proceed with his site development.
- 5.) The benefit to the City is that we get a traffic signal, Wescott Road realignment, and the associated infrastructure at a much lower cost that if we were to build it as a public project, and, getting the development underway helps to generate both sales tax and property tax from these vacant lots, sooner.

We have been working with Amar on this project since 2017 and he has expended considerable funds to make this project work, including purchasing the taco bell property on the south side of HWY 20. He has around \$1M in equity invested to date. This provides some level of comfort that this project could be successful.

Outside of the amendment, Jesse and Ish and I have considered the question; Where does the shortfall come from between the impact fee and the \$1.2M?

So far, the strategy we are considering is as follows:

- 1.) Provide the whole amount (not 80%) of traffic impact fee to the construction project. \$446,173
- 2.) Since we have a Regional Roadway Improvement Project which is “shovel ready”, use ½ of the shortfall from Measure B funds or \$384,004 – this was going to be presented at the July Measure B meeting, but it was cancelled. It will be presented at the next one, to see if the Measure B committee would support this.
- 3.) Utilize Cannabis funds for the other ½ of the shortfall \$384,004

**BUDGET IMPACT:** Yes, it reduces the city’s long-term obligation by \$1,214,181 and also reduces the city’s obligation should those costs rise, (they often do), due to change orders and price increases.

**ATTACHMENT:** See Attachments for additional information.

**RESOLUTION NO. 2023-\_\_\_\_**

A RESOLUTION OF THE CITY OF COLUSA PLANNING COMMISSION RECOMMENDING CITY COUNCIL APPROVAL OF THE FIRST AMENDMENT TO A DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF COLUSA AND AMARJIT CHEEMA RELATIVE TO THE COLUSA TOWN CENTER PROJECT

**WHEREAS**, the City has received a request from Amar Chema, Owner, for amending the existing development agreement for the Colusa Town Center Development Project, and

**WHEREAS**, city staff have reviewed and considered said amendment and believe that the planning commission should consider it’s adoption, and

**NOW, THEREFORE, BE IT RESOLVED** by the City of Colusa Planning Commission, that the Planning Commission recommends that the City Council of the City of Colusa adopt a resolution of the City Council of the City of Colusa approving Amendment #1, to the Colusa Town Center Development Agreement;

**THE FOREGOING RESOLUTION** was duly introduced and passed at a regular meeting of the City of Colusa Planning Commission held on the 23<sup>rd</sup> day of August 2023, by the following vote.

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

Signed and approved as to form by me on this 23<sup>rd</sup> day of August 2023

ATTEST: \_\_\_\_\_

\_\_\_\_\_  
*City Manager, Jesse Cain*

*Planning Commission Chair,* \_\_\_\_\_

ATTACHMENT 1 – Resolution No 23-\_\_\_\_

FIRST AMENDMENT TO A DEVELOPMENT AGREEMENT  
BY AND BETWEEN THE CITY OF COLUSA  
AND AMARJIT CHEEMA  
RELATIVE TO THE  
COLUSA TOWN CENTER PROJECT

The City and Amarjit Cheema desire to Amend the current Development Agreement approved by City Council Ord. 544 on the 15<sup>th</sup> day of December 2020, by and between the CITY OF COLUSA, a municipal corporation ("City"), and Amarjit Cheema ("Developer"), (the "Agreement") pursuant to the authority of Sections 65864 through 65869.5 of the Government Code of California.

This First Amendment to the Agreement is entered into on this 6<sup>th</sup> Day of September 2023, by and between the City and Developer, as referenced above.

**Section 1.** All findings, recitals and the portions of the approved Agreement are reconfirmed by the parties and no changes other than those specifically made by this Amendment shall modify the Agreement.

**Section 2.** Subsection 3.02 A.1. is amended to read as follows:

1. The parties estimate that the total WRI Costs, if the Westcott Road Improvements were built on or about the date of this First Amendment pursuant to the building standards and specifications used to determine such estimate, is \$ 2,428,363.

**Section 3.** Subsection 3.02 A.4. is deleted in its entirety and replaced to read as follows:

- 1.) Developer’s reimbursement right for construction of said improvements, under this Section 3.02 shall be in an amount not to exceed \$1,214,181.00. This becomes fixed, and any construction cost overages, change orders, price increases etc.. become the sole burden of the developer. Reimbursement payments will be paid by the City on a monthly basis within 30 days of approval by the City Engineer of submitted invoices and supporting documentation for any of the approved WRI costs.

IN WITNESS WHEREOF, this First Amendment to the Development Agreement has been executed by the parties hereto on the day and year first above written.

CITY:  
CITY OF COLUSA,  
A Municipal Corporation

\_\_\_\_\_  
Greg Ponciano, Mayor

ATTEST:

\_\_\_\_\_  
Shelly Kittle, City Clerk

DEVELOPER:  
AMARJIT CHEEMA

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APPROVED AS TO FORM:

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Ryan R. Jones City Attorney

## COST ESTIMATE FORM

**Project Name:** Colusa Town Center

**Street Location:** 1601 State Highway 20

**Municipality:** Colusa, California

**Developer:** Sutter Equities

**Engineer:** Kacey Held, PE

**Contractor:** To be Determined

**Date:** 03/10/23

**No. of Lots:** 1

**Acreage:** 0.82

**Sales Tax Rate:** 7.3%

**Our Job No.:** 17828

HARD COSTS	
ITEM DESCRIPTION	ESTIMATED BUDGET
A. CLEARING/GRADING/EARTHWORK	\$231,980
B. EROSION CONTROL	\$70,000
C. FRONTAGE OR OTHER OFF-SITE ROAD IMPROVEMENTS IN PUBLIC RIGHT-OF-WAY	\$964,004
D. LANDSCAPING/FENCING/PARKS/OPEN SPACE	\$24,311
E. SIGNALIZED INTERSECTION	\$416,350
<b>Subtotal Hard Costs</b>	<b>\$1,706,645</b>

**SALES TAX ON MATERIALS (7.25% OF 40% OF HARD COSTS)** **\$49,493**

<b>20% CONTINGENCY</b>	<b>\$341,329</b>
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<b>GRAND TOTAL HARD COSTS</b>	<b>\$2,097,466</b>
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SOFT COSTS	
ITEM DESCRIPTION	ESTIMATED BUDGET
A. REPORT INVESTIGATION AND DESIGN FEES	\$260,897
B. CONSTRUCTION RELATED SOFT COSTS	\$70,000
<b>Subtotal Soft Costs</b>	<b>\$330,897</b>

<b>GRAND TOTAL HARD COSTS + SOFT COSTS</b>	<b>\$2,428,363</b>
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**HARD COSTS**

**A. CLEARING/GRADING/EARTHWORK**

DESCRIPTION	UNIT	UNIT COST	BUDGET	
			QTY	TOTAL
Mobilization	LS	\$82,000.00	1	\$82,000
Clearing and Grubbing	AC	\$16,500.00	1.1	\$18,118
Concrete Curb Demolition and Disposal	LF	\$5.00	940	\$4,700
AC Removal/Demolition	SF	\$6.00	10,042	\$60,252
Sidewalk Demolition and Disposal	SF	\$6.00	4,025	\$24,150
Mass Excavation and Export	BCY	\$60.00	190	\$11,400
Demolish Catch Basin	EA	\$920.00	4	\$3,680
Remove Existing Sign	EA	\$500.00	3	\$1,500
Remove Existing Traffic Striping	LF	\$1.00	3,248	\$3,248
Demolish Existing Fence	LF	\$10.00	506	\$5,060
Demolish Existing AC Dike	LF	\$6.00	312	\$1,872
Demolish Existing Structure	EA	\$6,000.00	1	\$6,000
Remove Existing Pavement Marking	EA	\$2,000.00	5	\$10,000
<b>TOTAL SECTION A</b>				<b>\$231,980</b>

**B. EROSION CONTROL**

DESCRIPTION	UNIT	UNIT COST	BUDGET	
			QTY	TOTAL
Erosion Control (includes mirafi silt fence, construction entrance, temporary inlet protection, temporary staging area with concrete washout, street cleaning)	LS	\$70,000.00	1	\$70,000
<b>TOTAL SECTION B</b>				<b>\$70,000</b>

**C. FRONTAGE OR OTHER OFF-SITE ROAD IMPROVEMENTS IN PUBLIC RIGHT-OF-WAY**

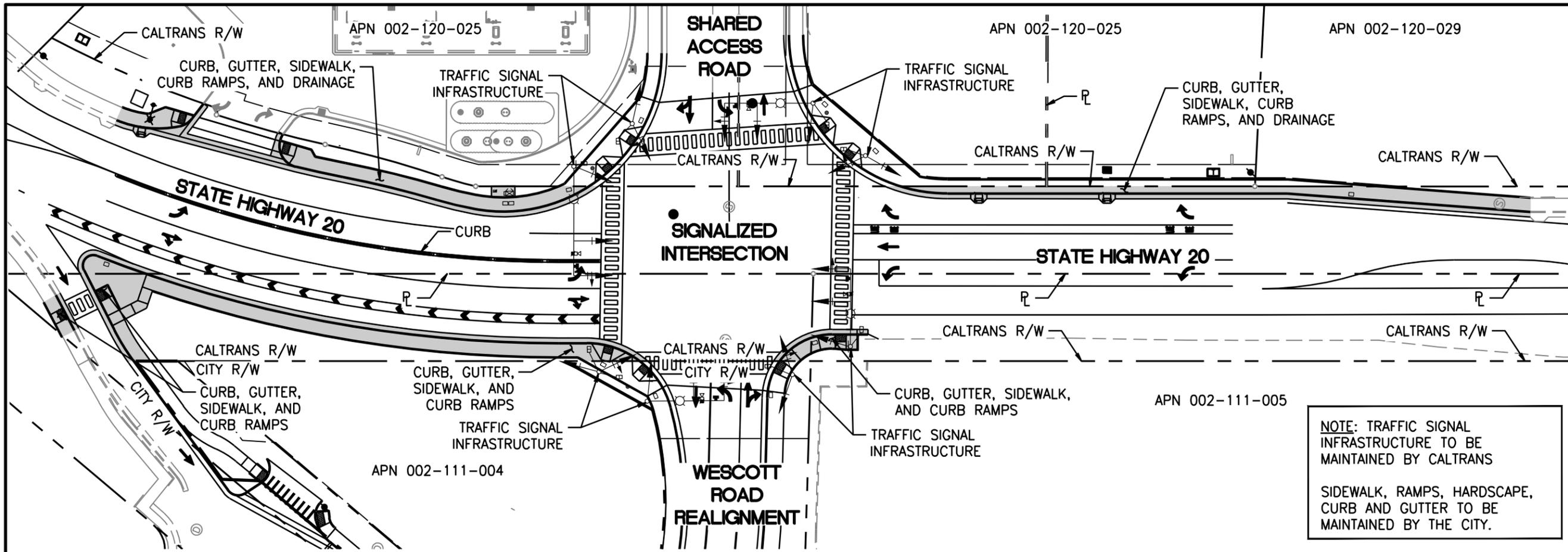
DESCRIPTION	UNIT	UNIT COST	BUDGET	
			QTY	TOTAL
Concrete Vertical Curb	LF	\$30.00	473	\$14,190
2-Foot Concrete Curb and Gutter (vertical)	LF	\$50.00	1,690	\$84,500
Concrete Sidewalk (4-inch thick)	SF	\$20.00	10,964	\$219,280
ADA Curb Ramps (with truncated domes)	EA	\$3,500.00	16	\$56,000
HMA Paving	TON	\$225.00	766	\$172,409
Class 2 Aggregate Base	CY	\$90.00	1,013	\$91,187
Adjust Existing Utility Cover to Grade	LS	\$7,500.00	2	\$15,000
Adjust Existing Utility Pole(s)	EA	\$35,000.00	1	\$35,000
Striping/Channelization Marking	LF	\$8.00	5,676	\$45,408
Pavement Marking	EA	\$100.00	33	\$3,300
Street Signs - Salvage and relocate existing signs	EA	\$500.00	5	\$2,500
Install Street Sign - Including posts	EA	\$1,000.00	4	\$4,000
Site Retaining Curb and Fencing	LS	\$1,000.00	1	\$1,000
Traffic Control	LS	\$80,000.00	1	\$80,000
<b>STORM DRAINAGE</b>				
36-Inch RCP	LF	\$500.00	59	\$29,500
12-Inch RCP	LF	\$200.00	37	\$7,400
Catch Basin	EA	\$3,500.00	4	\$14,000
Catch Basin w/ Manhole	EA	\$5,000.00	1	\$5,000
48-Inch Manhole/Type 1	EA	\$8,000.00	2	\$16,000
Connect to Existing Main or Manhole	EA	\$5,000.00	2	\$10,000
<b>SANITARY SEWER SYSTEM</b>				
6-Inch PVC	LF	\$110.00	30	\$3,300

8-Inch PVC	LF	\$150.00	54	Item 1.
Cleanout with Concrete Collar	EA	\$800.00	1	\$800
48-Inch Manhole/Type 1	EA	\$8,000.00	1	\$8,000
Connect to Existing Main or Manhole	EA	\$5,000.00	2	\$10,000
<b>WATER SUPPLY SYSTEM</b>				
6-Inch DIP	LF	\$110.00	23	\$2,530
8-Inch PVC	LF	\$150.00	60	\$9,000
8-Inch Gate Valves with Box	EA	\$1,500.00	2	\$3,000
8-Inch Fittings and Blocking	EA	\$800.00	2	\$1,600
Connect to Existing Main	EA	\$5,000.00	2	\$10,000
Fire Hydrant Assembly (including tee and valve)	EA	\$2,000.00	1	\$2,000
<b>TOTAL SECTION C</b>				<b>\$964,004</b>
<b>D. LANDSCAPING/FENCING/PARKS/OPEN SPACE</b>				
DESCRIPTION	UNIT	UNIT COST	BUDGET	
			QTY	TOTAL
Landscaping (shrubs, plants, irrigation)	SF	\$7.00	3,423	\$23,961
Landscaping Trees	EA	\$350.00	1	\$350
<b>TOTAL SECTION D</b>				<b>\$24,311</b>
<b>E. SIGNALIZED INTERSECTION</b>				
DESCRIPTION	UNIT	UNIT COST	BUDGET	
			QTY	TOTAL
Signalized Intersection (includes relocating flashing beacon and interconnection to Sioc)	LS	\$400,000.00	1	\$400,000
Connectivity and power conduit installed during Caltrans widening project	LS	\$16,350.00	1	\$16,350
<b>TOTAL SECTION M</b>				<b>\$416,350</b>

**GENERAL NOTES/ASSUMPTION AND QUALIFICATIONS:**

1. Engineer cannot and does not guarantee or warrant the accuracy of the unit prices as indicated. These unit prices are based upon engineer's general experience and may be subject to significant variations at the time actual bids are received.
2. This estimate has been prepared for the purpose of giving the client and engineer an approximate understanding of the general range of construction costs that may be expected for this project, based upon the information that the engineer had available at the time this estimate was completed.
3. Engineer makes no guarantee or warranty, expressed or implied, that ALL aspects of the construction effort expected for the project have been included, and the client is advised to budget appropriately for contingencies and items not covered or included in this preliminary summary.
4. Engineer makes no guarantee or warranty, expressed or implied, as to the accuracy of the quantities outlined. If the client desires a more definitive cost estimate, actual construction bids and/or the services of a qualified construction estimator should be utilized by the client.
5. Costs associated with building (vertical) construction.
6. The earthwork quantity is approximate only, and should be verified at the time of bid preparation, based on approved final construction plans.
7. This estimate does NOT include any costs associated with the purchase of off-site slope or utility easements unless noted.
8. This estimate is based on the Colusa Town Center Offsite Improvement Plans dated February 2023.
9. The unit prices listed are based on the 2020 *BNI Building News General Construction Costbook; 30th edition* and Caltrans Bid Summary Results dated 10/07/2020. The unit prices have been adjusted to reflect the associated construction costs of the Colusa area.
10. The estimated cost associated with signaling the proposed intersection at Highway State 20 and the Westcott Road realignment is approximate only. This estimate was provided by traffic engineer Ken Anderson at KD Anderson & Associates, Inc. If the client desires a more definitive cost estimate, actual construction bids and/or the services of a qualified construction estimator should be utilized by the client.
11. Structural sections for the Wescott Road Retrofit and Wescott Road Realignment were assumed to be 0.35 feet HMA over 1.15 feet AB using the Public Works Department Improvement Standards dated November 2007. Structural sections along State Highway 20 were assumed to be 0.45 feet HMA over 1.5 feet AB to match the average structural section indicated in Caltrans project plans contract no. 03-2F9804.
12. Cost opinion does not include costs associated with permit fees, impact fees or inspection fees incurred by the local agency.





**NOTE:** TRAFFIC SIGNAL INFRASTRUCTURE TO BE MAINTAINED BY CALTRANS

SIDEWALK, RAMPS, HARDSCAPE, CURB AND GUTTER TO BE MAINTAINED BY THE CITY.



**VICINITY MAP**  
N.T.S

**PLAN VIEW**

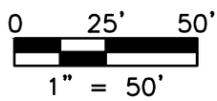


EXHIBIT A  
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**LEGEND**

- TO BE MAINTAINED BY THE CITY OF COLUSA AT THE CITY OF COLUSA'S EXPENSE
- R/W RIGHT-OF-WAY
- APN ASSESSOR'S PARCEL NUMBER
- P PROPERTY LINE
- EXISTING PROPERTY LINE
- PROPOSED PROPERTY LINE
- EXISTING RIGHT OF WAY LINES
- PROPOSED RIGHT OF WAY LINES

Item 1.

**Title:** MAINTENANCE AGREEMENT WITH THE CITY OF COLUSA  
**EXHIBIT A**  
COL 20 PM 32.5 / 32.6  
**ENCROACHMENT PERMIT NO.**

<b>Scale:</b>	Horizontal	Vertical
	1"=50'	N/A
<b>Designed</b> KCH	<b>Drawn</b> JLR	<b>Checked</b> KCH
		<b>Approved</b> KCH
		<b>Date</b> 07/27/23

**Barghausen Consulting Engineers, Inc.**  
18215 72nd Avenue South  
Kent, WA 98032  
425.251.6222 [barghausen.com](http://barghausen.com)



**Job Number** 17828  
**Sheet** EXHIBIT A  
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