

ORDINANCE NO. 2612

**AN UNCODIFIED ORDINANCE OF THE CITY OF REDDING
REPEALING ORDINANCE NO. 2589 AND RESCINDING RESOLUTION
NO. 2018-070 IN RELATION TO THE PROPOSED PROJECT OF
APPROXIMATELY 1.2 ACRES LOCATED AT 2450 GOODWATER
AVENUE IN THE CITY OF REDDING**

WHEREAS, the Planning Commission held three duly noticed public hearings on March 27, 2018, April 24, 2018, and May 8, 2018, relating to a proposed 3,180 square foot convenience gas mart and carwash to be located at 2450 Goodwater Avenue, Redding, California (hereafter, the “Project”); and

WHEREAS, at the conclusion of said public hearings, the Planning Commission recommended that the City Council approve the Project, as represented in Site Development Permit Application SDP-2017-01262, and that it likewise approve Rezoning Application RZ-2017-00954, General Plan Amendment Application GPA-2017-00955, and a Mitigated Negative Declaration drafted in support of the Project; and

WHEREAS, at the conclusion of a duly noticed public hearing held on June 19, 2018, the City Council of the City Redding adopted a Mitigated Negative Declaration and General Plan Amendment Application (GPA-2017-00955) by means of its adoption of Resolution No. 2018-070; and

WHEREAS, at the conclusion of a duly noticed public hearing held on June 19, 2018, the City Council of the City of Redding also heard an ordinance to adopt an amendment to the City of Redding Zoning Map for the property located at 2450 Goodwater Avenue in accordance with Rezoning Application RZ-2017-00954 and adopted this same ordinance as Ordinance No. 2589 at its regular meeting on July 17, 2018; and

WHEREAS, on August 10, 2018, Petitioner Kulveer Kaur filed a Petition for Writ of Administrative Mandate in the Superior Court of the County of Shasta (Case No. 0190646) and subsequently filed a Supplemental Petition for Writ of Administrative Mandate on September 7, 2018, thereby seeking to have all approvals for the Project set aside on the allegation that the City of Redding General Plan requires that a market analysis be conducted for the Project prior to approval; and

WHEREAS, prior to the filing of said litigation, on July 24, 2018, the Director of Development Services adopted Policy No. 2018-01 which sets the guidelines for preparation of a market analysis pursuant to General Plan Policy CDD13A; and

WHEREAS, the Parties to the litigation met at a settlement conference on April 8, 2019, and the terms of a proposed settlement were addressed to the City Council in closed session on May 21, 2019; and

WHEREAS, on July 26, 2019, the Mayor of the City of Redding executed a settlement agreement which had been negotiated subsequent to May 21, 2019, in which the Parties agreed that, in return for the rescind of all City approvals of the Project, Petitioner would dismiss its Petition and each party would bear its own legal costs and attorney fees; and

WHEREAS, on July 29, 2019, Petitioner entered a Request for Dismissal of its Petition and said Request for Dismissal was entered by the Clerk of Court and filed on July 30, 2019;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF REDDING AS FOLLOWS:

Section 1. The City Council of the City of Redding hereby finds that the above recitals are true and correct.

Section 2. The City Council hereby repeals Ordinance No. 2589.

Section 3. The City Council hereby rescinds Resolution 2018-070.

Section 4. For avoidance of doubt, adoption of the Mitigated Negative Declaration in support of the Project and all approvals of General Plan Amendment Application GPA-2017-00955, Rezone Application RZ-2017-00954, and Site Development Permit Application SDP-2017-01262 are hereby rescinded.

Section 5. Severability. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be unconstitutional, unlawful or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have passed and adopted this Ordinance and each and all provisions thereof irrespective of the fact that any one or more of said provisions be declared unconstitutional, unlawful or otherwise invalid.

Section 6. The passage of this Ordinance is not a “project” according to the definition in the California Environmental Quality Act (“CEQA”), and therefore is not subject to the provisions requiring environmental review.

Section 7. The adoption of this Ordinance shall not be construed as prohibiting subsequent application for a project at 2450 Goodwater Avenue, Redding, California.

Section 8. This Ordinance shall take effect thirty (30) calendar days after the date of its adoption, and the City Clerk shall certify to the adoption thereof and cause its publication according to law.

I HEREBY CERTIFY that the foregoing ordinance was introduced and read by the City Council of the City of Redding at a regular meeting on the 3rd day of September, 2019; and was duly read and adopted at a regular meeting on the ____ day of _____, 2019, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

JULIE WINTER, Mayor

ATTEST:

APPROVED AS TO FORM:

PAMELA MIZE, City Clerk

BARRY E. DeWALT, City Attorney