



**AGENDA  
REGULAR MEETING**

**City Council of the Town of Colma  
Colma Community Center  
1520 Hillside Boulevard  
Colma, CA 94014**

**Wednesday, February 10, 2016  
CLOSED SESSION – 6:00 PM  
REGULAR SESSION – 7:00 PM**

**CLOSED SESSION – 6:00 PM**

1. In Closed Session Pursuant to Government Code Section 54957.6 – Conference with Labor Negotiators  
Agency Negotiators: Sean Rabé, City Manager  
Austris Rungis, IEDA  
Employee Organizations: Colma Peace Officers Association and Colma Communications/Records Association  
Unrepresented Employees: All

**PLEDGE OF ALLEGIANCE AND ROLL CALL**

**REPORT FROM CLOSED SESSION**

**ADOPTION OF AGENDA**

**PRESENTATION**

- Introduction and Swearing In of New Police Officer Anthony Berkovatz
- Police Department Year-in-Review Presentation

**PUBLIC COMMENTS**

Comments on the Consent Calendar and Non-Agenda Items will be heard at this time.  
Comments on Agenda Items will be heard when the item is called.

**CONSENT CALENDAR**

2. Motion to Accept the Minutes from the January 13, 2016 Regular Meeting.
3. Motion to Approve Report of Checks Paid for January 2016.

4. Motion to Adopt an Ordinance Amending Section 5.04.220 of the Colma Municipal Code Relating to Standard Hours of Construction, Pursuant to CEQA Guideline 15061(b)(3), (second reading).
5. Motion Accepting the 2015 Annual Report on the Implementation of the General Plan, Including the Housing Element.
6. Motion to Accept a Resolution Approving First Amendment to Employment Contract with Kirk Stratton.

## **PUBLIC HEARING**

### **7. BINGO ORDINANCE**

*Consider:* Motion to Introduce an Ordinance Adding a New Subchapter 4.14 of the Colma Municipal Code, Relating to Bingo Games, and to Waive a Further Reading of the Ordinance.

### **8. PENINSULA CLEAN ENERGY**

- a. *Consider:* Motion to Introduce an Ordinance Authorizing the Implementation of a Community Choice Aggregation Program Pursuant to CEQA Guidelines 15061(b)(3), 15308, and 15378, and to Waive a Further Reading of the Ordinance.
- b. *Consider:* Motion to Adopt a Resolution Authorizing and Directing the Mayor to Execute the Joint Exercise of Powers Agreement, Which Will Establish the Peninsula Clean Energy Authority with the City as a Charter Member, and Appointing a Director and Alternate Director.

### **9. COMMERCIAL CONDITIONAL USE PERMIT REQUIREMENTS**

*Consider:* Motion to Introduce an Ordinance Amending Section 5.03.090 of the Colma Municipal Code Relating to Commercial Administrative Use Permits Pursuant to CEQA Guideline 15061(B)(3), and to Waive a Further Reading of the Ordinance.

## **COUNCIL CALENDARING**

### **REPORTS**

Mayor/City Council

City Manager

### **ADJOURNMENT**

The City Council Meeting Agenda Packet and supporting documents are available for review at the Colma Town Hall, 1188 El Camino Real, Colma, CA during normal business hours (Mon – Fri 8am-5pm). Persons interested in obtaining an agenda via e-mail should call Caitlin Corley at 650-997-8300 or email a request to [ccorley@colma.ca.gov](mailto:ccorley@colma.ca.gov).

#### Reasonable Accommodation

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**CLOSED SESSION**

1. In Closed Session Pursuant to Government Code Section 54957.6 – Conference with Labor Negotiators

Agency Negotiator:	Sean Rabé, City Manager
Employee Organizations:	Colma Peace Officers Association and Colma Communications/Records Association

*There is no staff report for this item.*



**MINUTES  
REGULAR MEETING**

City Council of the Town of Colma  
Colma Community Center, 1520 Hillside Boulevard  
Colma, CA 94014

**Wednesday, January 13, 2016**

Closed Session – 6:00 p.m.

Regular Session – 7:00 p.m.

**CLOSED SESSION – 6:00 p.m.**

1. In Closed Session Pursuant to Government Code Section 54957.6 – Conference with Labor Negotiators

Agency Negotiators: Sean Rabé, City Manager  
Austris Rungis, IEDA  
Employee Organizations: Colma Peace Officers Association  
Colma Communications/Records Association  
Unrepresented Employees: All

**CALL TO ORDER – 7:00 p.m.**

Mayor Diana Colvin called the Regular Meeting of the City Council to order at 7:03 p.m.

Council Present – Mayor Diana Colvin, Vice Mayor Helen Fisicaro, Council Members Raquel “Rae” Gonzalez, Joseph Silva and Joanne F. del Rosario were all present.

Staff Present – City Manager Sean Rabé, City Attorney Christopher Diaz, Chief of Police Kirk Stratton, Recreation Services Director Brian Dossey, Director of Public Works Brad Donohue, City Planner Michael Laughlin, Associate Planner Turhan Sonmez and City Clerk Caitlin Corley were in attendance.

**REPORT FROM CLOSED SESSION**

Mayor Colvin reported that during Close Session, Council gave direction to staff regarding labor negotiations.

**ADOPTION OF THE AGENDA**

Mayor Colvin asked if there were any changes to the agenda. None were request. The Mayor asked for a motion to adopt the agenda.

**Action:** Council Member del Rosario moved to adopt the agenda; the motion was seconded by Council Member Silva and carried by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Diana Colvin, Mayor	✓				
Helen Fisicaro	✓				
Raquel "Rae" Gonzalez	✓				
Joseph Silva	✓				
Joanne F. del Rosario	✓				
	5	0			

**PRESENTATION**

- Director of Recreation Brian Dossey presented the winners of the Town’s Holiday House Decorating Contest.
- Police Chief Kirk Stratton introduced and swore in the new Police Officer Jorge Alvarado.

**PUBLIC COMMENTS**

Mayor Colvin opened the public comment period at 7:24 p.m. Alie Sobczak of HIP Housing thanked the Council for their support. Bob Gordon of San Mateo County Tobacco Education Coalition spoke briefly about his organization. The Mayor closed the public comment period at 7:32 p.m.

**CONSENT CALENDAR**

2. Motion to Accept the Minutes from the December 9, 2015 Regular Meeting.
3. Motion to Approve Report of Checks Paid for December 2015.
4. Motion to Adopt an Ordinance Amending Sections 5.01.080 and 5.03.350 of the Colma Municipal Code, to Prohibit Marijuana Cultivation Pursuant to CEQA Guideline 15061(b)(3) (Second Reading).
5. Motion to Accept Informational Report on Recreation Department Programs, Activities, Events, and Trips for the Fourth Quarter of 2015.
6. Motion to Adopt a Resolution Amending Subchapter 3.04 and 3.05 of the Colma Administrative Code, Relating to Personnel Policies.

**Action:** Council Member Silva moved to approve the Consent Calendar items #2-6; the motion was seconded by Vice Mayor Fisicaro and carried by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Diana Colvin, Mayor	✓				
Helen Fisicaro	✓				
Raquel "Rae" Gonzalez	✓				
Joseph Silva	✓				
Joanne F. del Rosario	✓				
	5	0			

**NEW BUSINESS**

**7. MOSQUITO ABATEMENT DISTRICT BOARD OF TRUSTEE APPOINTMENT**

Director of Recreation Services Brian Dossey presented the staff report. Mayor Colvin opened the public comment period at 7:37 p.m. and seeing no one come forward to speak, she closed the public comment period. Council discussion followed.

**Action:** Vice Mayor Fiscaro moved to Adopt a Resolution Appointing Carrie Slaughter to the San Mateo County Mosquito and Vector Control District; the motion was seconded by Council Member Gonzalez and carried by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Diana Colvin, Mayor	✓				
Helen Fiscaro	✓				
Raquel "Rae" Gonzalez	✓				
Joseph Silva	✓				
Joanne F. del Rosario	✓				
	5	0			

**8. TOWN HALL RENOVATION PROJECT – SECOND REVIEW OF INTERIOR FINISHES**

City Manager Sean Rabé introduced Bill Blessing and Andrea Wooding of Ratcliff to make a presentation. Mayor Colvin opened the public comment period at 8:04 p.m. Resident Maureen O'Connor made a comment. The Mayor closed the public comment period at 8:10 p.m. Council discussion followed.

**Action:** Vice Mayor Fiscaro moved to Confirm Option 2 as Modified During the Council Meeting, for the Lighting System for the New Town Hall City Council Chamber's Existing Aesthetic; the motion was seconded by Council Member del Rosario and carried by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Diana Colvin, Mayor	✓				
Helen Fiscaro	✓				
Raquel "Rae" Gonzalez	✓				
Joseph Silva	✓				
Joanne F. del Rosario	✓				
	5	0			

**PUBLIC HEARING**

**9. CONSTRUCTION NOISE ORDINANCE**

City Planner Michael Laughlin presented the staff report. Mayor Colvin opened the public comment hearing at 8:36 p.m. Residents Mary Brodzin and Pat Hatfield made comments. The Mayor closed the public hearing at 8:38 p.m. Council discussion followed.

**Action:** Council Member del Rosario moved to Introduce an Ordinance Amending Section 5.04.220 of the Colma Municipal Code Relating to Standard Hours of Construction, Pursuant to CEQA Guideline 15061(b)(3), and to Waive a Further Reading of the Ordinance; the motion was seconded by Vice Mayor Fiscaro and carried by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Diana Colvin, Mayor	✓				
Helen Fiscaro	✓				
Raquel "Rae" Gonzalez	✓				
Joseph Silva	✓				
Joanne F. del Rosario	✓				
	5	0			

10. **PROPERTY ASSESSED CLEAN ENERGY (PACE)**

Associate Planner Turhan Sonmez presented the staff report. Mayor Colvin opened the public hearing at 7:37 p.m. and seeing no one come forward to speak, she closed the public hearing. Council discussion followed. Leah Rowell of the California Hero Program answered Council questions.

**Action:** Mayor Colvin moved to Adopt a Resolution Approving Associate Membership by the Town in the California Enterprise Development Authority; Authorizing and Directing the Execution of an Associate Membership Agreement Relating to Associate Membership of the Town in the Authority; Authorizing the Town to Join the Figtree Pace Program; Authorizing the California Enterprise Development Authority to Conduct Contractual Assessment Proceedings and Levy Contractual Assessments Within the Territory of the Town of Colma; and Authorizing Related Actions; the motion was seconded by Council Member del Rosario and carried by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Diana Colvin, Mayor	✓				
Helen Fiscaro	✓				
Raquel "Rae" Gonzalez	✓				
Joseph Silva	✓				
Joanne F. del Rosario	✓				
	5	0			

**Action:** Vice Mayor Fiscaro moved to Adopt a Resolution Approving Consent to Inclusion of Properties Within the Incorporated Area of the Town in the San Mateo County Property Assessed Clean Energy Program to Finance Distributed Generation Renewable Energy Sources and Energy and Water Efficiency Improvements, Approving the Report Setting Forth the Parameters of the Referenced Program and Certain Matters in Connection Therewith; the motion was seconded by Council Member del Rosario and carried by the following vote:



Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Diana Colvin, Mayor	✓				
Helen Fiscaro	✓				
Raquel "Rae" Gonzalez	✓				
Joseph Silva	✓				
Joanne F. del Rosario	✓				
	5	0			

**Action:** Mayor Colvin moved to Adopt a Resolution of the City Council of the Town of Colma, California, Consenting to the Inclusion of Properties Within the Town's Jurisdiction in the California Hero Program to Finance Distributed Generation Renewable Energy Sources, Energy and Water Efficiency Improvements and Electric Vehicle Charging Infrastructure and Approving the Amendment to a Certain Joint Powers Agreement Related Thereto; the motion was seconded by Council Member Gonzalez and carried by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Diana Colvin, Mayor	✓				
Helen Fiscaro	✓				
Raquel "Rae" Gonzalez	✓				
Joseph Silva	✓				
Joanne F. del Rosario	✓				
	5	0			

## STUDY SESSION

### 11. WASTE HAULERS FRANCHISE RATE DISCUSSION

Council Member Helen Fiscaro announced that due to an ongoing legal issue between her husband's company and a subcontractor for South San Francisco Scavenger Company, she has decided to recuse herself. She stepped down from the dais and did not participate in the discussion.

Special Projects Manager Roger Peters presented the staff report. Mayor Colvin opened the public comment period at 9:22 p.m. Carl Mennie, General Manager of Republic Services made a comment. The Mayor closed the public comment period at 9:24 p.m. Council discussion followed. This item was for discussion only; no action was taken at this meeting.

Council Member Fiscaro returned to the dais.

### 12. PLAN BAY AREA 2040

City Planner Michael Laughlin presented the staff report. Mayor Colvin opened the public comment period at 9:41 p.m. Resident Tom Taylor made a comment. The Mayor closed the public comment period at 9:44 p.m. Council discussion followed. This item was for discussion only; no action was taken at this meeting.

## **COUNCIL CALENDARING**

The next Regular City Council Meetings will be Wednesday, January 27, 2016 at 7:00 p.m. and Wednesday, February 10, 2016 at 7:00 p.m.

## **REPORTS**

Diana Colvin

Council of Cities Dinner, hosted by Colma, 12/18

Raquel "Rae" Gonzalez

Council of Cities Dinner, hosted by Colma, 12/18

Joseph Silva

Council of Cities Dinner, hosted by Colma, 12/18

City Manager Sean Rabé reported on the following topics:

- Town Offices will be closed on Monday, January 18, 2016 for the Martin Luther King Day Holiday.
- The Demolition of the 1986 Expansion of Town Hall has been completed.

## **ADJOURNMENT AND CLOSE IN MEMORY**

The meeting was adjourned by Mayor Colvin p.m. in memory of Elvira Schrembi, former resident of Creekside Villas; Charles Derwin, son of Portola Valley Mayor Mary Ann Derwin; Ave Lovi, mother in law of Doug Button of SSF Scavengers.

Respectfully submitted,

Caitlin Corley  
City Clerk

Bank : first FIRST NATIONAL BANK OF DALY

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
43109	1/4/2016	00140	FIRST NAT BANK OF NO CA	12/21/15	Dossey	12/21/2015 CREDIT CARD CHARGE	3,141.67
				12/21/15	Gogan	12/21/2015 CREDIT CARD CHARGE	2,053.62
				12/21/15	Pfotenf	12/21/2015 CREDIT CARD CHARGE	904.58
				12/21/15	Strattor	12/21/2015 CREDIT CARD CHARGE	501.73
				12/21/15	Fiscarc	12/21/2015 CREDIT CARD CHARGE	337.78
43110	1/4/2016	00181	IEDA	12/21/2015	Rabe	12/21/2015 CREDIT CARD CHARGE	6.99
43111	1/4/2016	00432	VISION SERVICE PLAN	12/28/2015	2015122801	12/28/2015 TOWN COMPENSATION SUR	10,620.00
43112	1/4/2016	00716	SMCPCSA	12/21/2015	Jan 2016	12/21/2015 VISION SERVICE PLAN	980.72
43113	1/4/2016	01036	MANAGED HEALTH NETWORK	14/2016	2016 Installation	14/2016 01/13/16 2016 INSTALLATION	15.00
43114	1/4/2016	01037	COMCAST CABLE	12/17/2015	3200075309	12/17/2015 EMPLOYEE ASSISTANCE PRG	99.20
				12/25-01/24	Intel	12/20/2015 8155 20 022 0097051 Internet	284.02
				12/25-01/24	427	12/20/2015 HIGH SPEED INTERNET 427 f	238.77
				12/27-01/26	XFII	12/17/2015 1520 HILLSIDE XFINITY TV	10.11
43115	1/4/2016	01352	SESAC, INC.	12/11/2015	4167690	12/11/2015 JAN 1 - DEC 31, 2016 LICENSI	378.00
43116	1/4/2016	01367	DUO DANCE ACADEMY	Nov 2015	Nov 2015	12/28/2015 DANCE CLASSES	540.00
43117	1/4/2016	01569	DARLING INTERNATIONAL	IN(600:2710791	12/15/2015	12/15/2015 TRAP SERVICE CHARGE	79.71
43118	1/4/2016	02179	HUB INTERNATIONAL OF CA	Dec 2015	12/30/2015	12/30/2015 INSURANCE EVENTS	384.12
43119	1/4/2016	02788	LUNA-SEVILLA, MARGARET-ROCT	7-Dec 30 Zu	12/31/2015	12/31/2015 OCT 7-DEC 30, 2015 ZUMBA C	360.00
43120	1/4/2016	02851	BERTUMEN, ELIZABETH N.	Nov 3-Dec 22, 2i	12/28/2015	12/28/2015 HULA & TAHITIAN DANCE CL/	412.50
43121	1/4/2016	02887	BELCHER, EHLE, MEDINA & A	8774955011	12/26/2015	12/26/2015 TRANSCRIPTION SERVICES	151.40
<b>b total for FIRST NATIONAL BANK OF DALY CITY:</b>						<b>21,499.92</b>	

13 checks in this report.

Grand Total All Checks:

21,499.92

Bank: first FIRST NATIONAL BANK OF DALY

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
43122	1/4/2016	00004	00007415684	12/13/2015	C3A1210TS01 11/13/15-12/12/	1,492.37	1,492.37
43123	1/4/2016	00020	ASSOCIATED SERVICES INC Nov 2015	12/28/2015	SUPPLIES	148.00	148.00
43124	1/4/2016	00051	CALIFORNIA WATER SERVICE6544607057	12/18/2015	6544607057 S.W. CORNER HI	602.07	602.07
			0990644444	12/21/2015	0990644444 ACROSS FROM 4	19.42	621.49
43125	1/4/2016	00307	PACIFIC GAS & ELECTRIC	12/18/2015	PG&E	1,786.43	1,786.43
				1/5/2016	PG&E	20.13	1,806.56
43126	1/4/2016	00357	SIERRA DISPLAY, INC.	12/14/2015	2015 HOLIDAY SEASON REPL	164.56	164.56
43127	1/4/2016	01370	VERIZON WIRELESS SERVICEf9757253308	12/15/2015	CELL PHONE SERVICE	1,250.74	1,250.74
43128	1/4/2016	01565	BAY CONTRACT MAINTENAN(15756	11/10/2015	MAINTENANCE CORP YARD	491.63	491.63
43129	1/4/2016	01995	CELESTE, MIKE L.	12/31/2015	DEC 1-30, 2015 CARDROOM I	2,090.00	2,090.00
43130	1/4/2016	02167	RAMSEY, ERIK	12/31/2015	RETIREE MEDICAL REIMBUR	454.50	454.50
43131	1/4/2016	02499	GE CAPITAL INFORMATION Tf96025241	12/21/2015	ADMIN COPY MACHINE RENT	1,365.74	1,365.74
43132	1/4/2016	02739	ZEBOHED AUTOMOTIVE INC000002944	12/31/2015	08 FORD CROWN VIC SMOG	50.00	50.00
43133	1/4/2016	02793	DITO'S MOTORS	12/30/2015	2015 FORD FUSION OIL CHAI	40.00	40.00
43134	1/4/2016	02799	WAVE	12/23/2015	RIMS INTERNET W/SSF	400.00	400.00
43135	1/4/2016	02886	READY REFRESH BY NESTLE05L0034299321	12/21/2015	BOTTLED WATER SERVICE	24.43	24.43

b total for FIRST NATIONAL BANK OF DALY CITY: 10,400.02

14 checks in this report.

Grand Total All Checks:

10,400.02

Bank : first FIRST NATIONAL BANK OF DALY

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
43136	1/8/2016	00068	01082016 B	1/8/2016	COLMA PEACE OFFICERS: P/	652.14	652.14
43137	1/8/2016	00631	01082016 B	1/8/2016	PERS - BUYBACK: PAYMENT	24,766.04	
			01082016 B	1/8/2016	PERS MISC NON-TAX: PAYME	8,871.50	
			01082016 M	1/8/2016	PERS MISC NON-TAX: PAYME	610.44	34,247.98
43138	1/8/2016	01340	01082016 B	1/8/2016	FLEX 125 PLAN: PAYMENT	362.31	362.31
43139	1/8/2016	01360	01082016 B	1/8/2016	ICMA CONTRIBUTION: PAYME	3,417.00	
			01082016 M	1/8/2016	ICMA CONTRIBUTION: PAYME	650.00	4,067.00
43140	1/8/2016	01375	01082016 B	1/8/2016	NATIONWIDE: PAYMENT	4,925.00	
			01082016 M	1/8/2016	NATIONWIDE: PAYMENT	700.00	5,625.00
43141	1/8/2016	02377	01082016 B	1/8/2016	WAGE GARNISHMENT: PAYM	553.84	553.84
93313	1/8/2016	00130	01082016 B	1/8/2016	CALIFORNIA STATE TAX: PAY	7,667.29	7,667.29
93314	1/8/2016	00521	01082016 B	1/8/2016	FEDERAL TAX: PAYMENT	42,742.87	42,742.87
93315	1/8/2016	00521	01082016 M	1/8/2016	FEDERAL TAX: PAYMENT	908.40	908.40

↳ total for FIRST NATIONAL BANK OF DALY CITY: 96,826.83

9 checks in this report.

Grand Total All Checks:

96,826.83



Bank : first FIRST NATIONAL BANK OF DALY

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
43142	1/11/2016	00013	Dec 2015	12/31/2015	TIRE SERVICE	105.85	105.85
43143	1/11/2016	00051	12/30/2015	12/30/2015	WATER BILL	2,351.64	2,351.64
43144	1/11/2016	00057	8402545682	12/25/2015	PW FIRST AID SUPPLIES	408.77	583.72
43145	1/11/2016	00140	8402545704	12/25/2015	FIRST AID SUPPLIES 1188 EL	174.95	583.72
43146	1/11/2016	00254	12/21/2015	12/21/2015	CREDIT CARD CHARGE	2,486.73	2,986.34
43147	1/11/2016	00289	12/21/2015	12/21/2015	CREDIT CARD CHARGE	499.61	2,986.34
43148	1/11/2016	00307	160121	1/1/2016	MAINTENANCE CONTRACT	602.00	602.00
43149	1/11/2016	00311	2000362.003	1/5/2016	01/05/16 DEPOSIT REFUND	300.00	300.00
43150	1/11/2016	00364	0567147369-1	12/23/2015	0567147369-1 JSB S/O SERRA	115.43	115.43
43151	1/11/2016	00414	622804	1/3/2016	#2838522 POSTAGE METER	285.03	285.03
43152	1/11/2016	00449	CL04678	12/31/2015	LAB FEES	399.39	399.39
43153	1/11/2016	00500	L351272614	1/8/2016	PEST CONTROL	467.00	526.00
43154	1/11/2016	00563	351272615	1/8/2016	601 F St.	59.00	526.00
43155	1/11/2016	00830	12/24/2015	12/24/2015	CREDIT CARD CHARGE	6,275.25	6,275.25
43156	1/11/2016	00955	Dec 2015	1/5/2016	ALLOCATION OF PARKING PE	1,006.60	1,006.60
43157	1/11/2016	01030	01/05/16 Petty C	1/5/2016	01/05/16 PETTY CASH	169.54	169.54
43158	1/11/2016	01037	8037212942	12/12/2015	TONER, FILE FOLDERS, LABE	355.47	355.47
43159	1/11/2016	01184	Oct - Dec 2015	1/7/2016	DISABILITY ACCESS & EDUC/	3.30	3.30
43160	1/11/2016	01308	1502272	12/20/2015	MONTHLY SERVICE CONTRA	5,380.00	5,380.00
43161	1/11/2016	01340	Jan 2016	12/26/2015	COMCAST CABLE TV	12,880.03	12,880.03
43162	1/11/2016	01367	01/02/16-02/01/1	12/27/2015	INTERNET 1198 & 1199 EL CA	245.95	13,125.98
43163	1/11/2016	01472	Dec 2015	12/31/2015	ALVARADO UNIFORM	2,036.71	2,036.71
43164	1/11/2016	01565	454591	12/31/2015	PW GAS PURCHASES	95.49	95.49
43165	1/11/2016	01629	10038714	12/31/2015	SECTION 125 PARTICIPANT F	80.00	80.00
43166	1/11/2016	01840	Dec 2015	1/6/2016	DANCE CLASSES	540.00	540.00
43167	1/11/2016	02082	2000358.003	12/28/2015	12/28/15 DEPOSIT REFUND	300.00	300.00
43168	1/11/2016	02144	16022	12/29/2015	PD DEEP CLEAN 10 CHAIRS	760.00	1,120.00
43169	1/11/2016	02274	9438	12/29/2015	CCC DEEP CLEAN 15 CHAIRS	360.00	1,120.00
43170	1/11/2016	02287	12/23/15 Pre-Eit	12/31/2015	2015 AUDIT SERVICES THRO	4,020.00	4,020.00
			12/23/15 Pre-Eit	12/23/15	POLGRAPH INTERVI	250.00	250.00
			INCD Dec 2015	12/31/2015	OFFICE SUPPLIES	271.18	271.18
			DOMINIC A. DE LUCCA DBA DI622	1/4/2016	TAE KWON DO	1,000.00	1,000.00
			FRANK AND GROSSMAN LANJ149974	1/1/2016	LANDSCAPE MAINTENANCE	10,675.00	10,675.00
			RIVERA, ROSALIE	12/28/2015	12/28/15 DEPOSIT REFUND	300.00	300.00

Bank: first FIRST NATIONAL BANK OF DALY (Continued)

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
43171	1/11/2016	02658	PUBLIC SAFETY TRAINING March 29, 2016	1/17/2016	03/29/16 MOTORCYCLE ENFC	125.00	125.00
43172	1/11/2016	02730	THE RATCLIFF ARCHITECTS 7970	12/18/2015	COLMA TOWN HALL RENOVA	63,753.92	63,753.92
43173	1/11/2016	02739	ZEBOHED AUTOMOTIVE INC00002943	12/31/2015	08 Ford Crown Vic ABS Brake I	50.00	50.00
43174	1/11/2016	02762	CORNERSTONE EARTH GRO18189	12/11/2015	SOIL BEARING CAPACITY TE:	6,978.00	6,978.00
43175	1/11/2016	02787	AECO SYSTEMS, INC. 50283	1/4/2016	ASSIST THYSSEN KRUPP WI	480.00	480.00
43176	1/11/2016	02864	MOBILE MODULAR MANAGEN898600	12/25/2015	12/25/15-01/23/16 24 X 60 HCI	657.27	
			894295	12/19/2015	12/19/15-01/17/16 8 X 20 OFFI:	408.97	1,066.24
43177	1/11/2016	02899	NATIONAL CONSTRUCTION R4321932	12/15/2015	12/14/15-12/14/16 840 6 FT. TE	4,003.60	4,003.60
43178	1/11/2016	02900	SILVERADO CONTRACTORS, 215809/1 Rev	12/29/2015	INITIAL MOBILIZATION; DEMC	28,452.50	28,452.50
43179	1/11/2016	02901	AMERICAN TECHNOLOGIES, 17H13114435-01	11/24/2015	ASBESTOS ABATEMENT	8,000.00	8,000.00
43180	1/11/2016	02902	CAMPOS, CLAUDIA 2000361.003	1/5/2016	01/05/16 DEPOSIT REFUND	80.00	80.00
43181	1/11/2016	02903	VARGAS, CLAUDIA 2000360.003	12/31/2015	12/31/15 DEPOSIT REFUND	150.00	150.00

b total for FIRST NATIONAL BANK OF DALY CITY: 168,399.18

40 checks in this report.

Grand Total All Checks:

168,399.18

Bank : first FIRST NATIONAL BANK OF DALY

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
43182	1/20/2016	00005	ABAG PLAN CORPORATION	11/30/2015	NOV 2015 SELMAN BREITMA	7,112.14	7,112.14
43183	1/20/2016	00057	CINTAS CORPORATION #2	1/13/2016	CLEANING SERVICE	771.82	771.82
43184	1/20/2016	00071	CSG CONSULTANTS, INC.	Nov 28-Dec 25, ;	CSG	80,452.23	80,452.23
43185	1/20/2016	00111	DEPARTMENT OF CONSERVA	1/8/2016	SMIP FEES	193.65	193.65
43186	1/20/2016	00112	DEPARTMENT OF JUSTICE	1/6/2016	FINGERPRINT APPLICATIONS	707.00	707.00
43187	1/20/2016	00174	HOME DEPOT CREDIT SERVI	12/3/2015	FINGERPRINT APPLICATIONS	665.00	665.00
43188	1/20/2016	00214	KSM PRINTING	12/30/2015	NOV 30-DEC 17, 2015 PW PUI	878.74	878.74
43189	1/20/2016	00222	LEAGUE OF CA CITIES	1/12/2016	300 3 PT. NCR PLANNING DE	298.66	298.66
43190	1/20/2016	00307	PACIFIC GAS & ELECTRIC	1/4/2016	2016 MEMBERSHIP DUES & C	932.88	932.88
43191	1/20/2016	00309	PAUL'S FLOWERS	1/5/2016	3007220528-6 1199 EL CAMINI	2,403.20	2,403.20
43192	1/20/2016	00388	SONITROL	1/5/2016	0512181543-4 TRAFFIC LIGHT	2,135.23	2,135.23
43193	1/20/2016	00412	TELECOMMUNICATIONS ENG	1/4/2016	6991706865-7 1190 EL CAMINI	771.72	771.72
43194	1/20/2016	00623	ARAMARK	1/5/2016	0576889222-5 1180 EL CAMINI	307.25	307.25
43195	1/20/2016	00693	DEGUIA, PRISCILLA	1/5/2016	0035222590-8 1180 EL CAMINI	32.64	32.64
43196	1/20/2016	00830	STAPLES BUSINESS ADVANT	12/31/2015	12/01/15 2 PRESENTATION BC	109.00	109.00
43197	1/20/2016	01399	WESTLAKE TOUCHLESS CARD	1/1/2016	427 F ST. MONTHLY MONITO	109.00	109.00
43198	1/20/2016	01569	DARLING INTERNATIONAL IN	1/10/2016	Facilities Mgmt & Maintenance	1,328.00	1,328.00
43199	1/20/2016	01687	UNITED SITE SERVICES OF	12/31/2015	UNIFORM SERVICE	512.70	512.70
43200	1/20/2016	01687	THIRD DEGREE COMMUNICA	1/7/2016	01/07/16 DAY AT THE MOVIES	30.00	30.00
43201	1/20/2016	01808	COLOMBO, EMIL L. AND DOR	12/26/2015	GEL PENS, ENVELOPES, HYL	108.10	108.10
43202	1/20/2016	02150	GOGAN, REA	1/2/2016	2 POCKET PLASTIC ENVELOI	15.57	15.57
43203	1/20/2016	02216	RAMOS OIL CO. INC.	1/1/2016	PD CAR WASH	17.90	17.90
43204	1/20/2016	02244	CALIFORNIA BUILDING STAN	1/5/2016	TRAP SERVICE CHARGE	79.71	79.71
				12/31/2015	STANDARD AND REGULAR SI	118.98	118.98
				1/14/2016	APRIL 25-27, 2016 INTERVIEW	425.00	425.00
				1/7/2016	01/21/16 INNER PERSPECTIV	419.00	419.00
				Jan 4-7, 2016 Re	JAN 4-7, 2016 REIMBURSE IN	52.80	52.80
				538483	12/20/2015 GASOLINE PURCHASES	950.21	950.21
				625692	12/31/2015 GASOLINE PURCHASES	894.14	894.14
				536948	12/10/2015 GASOLINE PURCHASES	803.37	803.37
				625817	12/31/2015 GASOLINE PURCHASES	26.83	26.83
				537085	12/10/2015 GASOLINE PURCHASES	21.31	21.31
				Oct - Dec 2015	OCT - DEC 2015 BSASRF FEE	36.00	36.00

Bank : first FIRST NATIONAL BANK OF DALY (Continued)

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
43205	1/20/2016	02499	GE CAPITAL INFORMATION T196138042 96113778	1/7/2016	PD COPY MACHINE RENTAL	810.78	
43206	1/20/2016	02583	CRIME SCENE CLEANERS, INC 62006	1/5/2016	REC COPY MACHINE RENTAL	602.57	1,413.35
43207	1/20/2016	02592	DKF SOLUTIONS GROUP, LLC 12330	1/12/2016	CAR #7 CLEAN & DISINFECT	80.00	80.00
43208	1/20/2016	02633	DEL GAVIO GROUP 7714	1/12/2016	1000 CUSTOMIZED EL NINO I	2,843.01	2,843.01
43209	1/20/2016	02660	FEISTER, WILLIAM J. 2016-01	1/8/2016	2 BRISBANE HD CHAIR, MIDI	1,523.82	1,523.82
43210	1/20/2016	02743	UTILITY TELEPHONE, INC Jan 2016	1/1/2016	PRE-EMPLOYMENT PSYCHO	700.00	700.00
43211	1/20/2016	02793	DITO'S MOTORS 13348	1/1/2016	INTERNET ACCESS 128070	701.57	701.57
				1/5/2016	2011 FORD CROWN VIC #7 CI	53.95	
				1/4/2016	2015 FORD EXPLORER #4 CT	40.00	
				1/4/2016	2015 FORD EXPLORER AWD	40.00	
43212	1/20/2016	02824	R3 CONSULTING GROUP, INC 7724	1/4/2016	PROCUREMENT ASSISTANCE	3,300.00	133.95
43213	1/20/2016	02840	TONG-ROBINSON, SHARON 2015-0922TC	9/22/2015	09/09/15 CARDMAKING FOR S	270.00	3,300.00
43214	1/20/2016	02892	PENALOZA, VERONICA 2000004.004	1/13/2016	01/13/16 ICE SKATING WITHD	16.00	270.00
43215	1/20/2016	02894	ARC DOCUMENT SOLUTIONS 1338976	12/7/2015	TOWN HALL MASS GRADING	2,210.54	16.00
43216	1/20/2016	02904	HAWKINS TRAFFIC LLC, INV002600	12/30/2015	GLASS BEADS, 50 LB BAG, DI	179.02	2,210.54
43217	1/20/2016	02905	APPLIED CONCEPTS 281717	1/7/2016	2 200-0933-0 LIDAR XS SERIA	4,171.10	179.02

o total for FIRST NATIONAL BANK OF DALY CITY: 121,262.14

36 checks in this report.

Grand Total All Checks:

121,262.14

Bank : first FIRST NATIONAL BANK OF DALY

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
43218	1/22/2016	00047	01222016 B	1/22/2016	CLEA: PAYMENT	343.00	343.00
43219	1/22/2016	00068	01222016 B	1/22/2016	COLMA PEACE OFFICERS: P/	690.83	690.83
43220	1/22/2016	00282	01222016 B	1/22/2016	CALIFORNIA PUBLIC EMPLOY	65,149.63	65,149.63
43221	1/22/2016	00631	01222016 B	1/22/2016	P.E.R.S.	24,415.22	24,415.22
			01222016 B	1/22/2016	PERS MISC NON-TAX: PAYME	8,912.04	33,327.26
43222	1/22/2016	01340	01222016 B	1/22/2016	NAVIA BENEFIT SOLUTIONS	362.31	362.31
43223	1/22/2016	01360	01222016 B	1/22/2016	VANTAGE TRANSFER AGENT:0	3,417.00	3,417.00
43224	1/22/2016	01375	01222016 B	1/22/2016	NATIONWIDE RETIREMENT S:0	5,025.00	5,025.00
43225	1/22/2016	02224	01222016 B	1/22/2016	STANDARD INSURANCE COM0	345.70	345.70
43226	1/22/2016	02377	01222016 B	1/22/2016	CALIFORNIA STATE DISBURS	553.84	553.84
93317	1/22/2016	00130	01222016 B	1/22/2016	EMPLOYMENT DEVELOPMEN	7,868.50	7,868.50
93318	1/22/2016	00521	01222016 B	1/22/2016	UNITED STATES TREASURY	43,640.55	43,640.55

b total for FIRST NATIONAL BANK OF DALY CITY: 160,723.62

11 checks in this report.

Grand Total All Checks:

160,723.62



Bank : first FIRST NATIONAL BANK OF DALY

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
43227	1/25/2016	00020	ASSOCIATED SERVICES INC Dec 2015	12/31/2015	SUPPLIES	141.75	141.75
43228	1/25/2016	00025	ALLIED HEATING & AIR COND38909	12/31/2015	INSTALL NEW SERVER ROOM	10,867.00	10,867.00
43229	1/25/2016	00051	CALIFORNIA WATER SERVICE1727052702	1/14/2016	1727052702 JSB ACROSS FR	76.92	76.92
43230	1/25/2016	00057	CINTAS CORPORATION #2 8402565146	1/8/2016	DEFIB PAD PACKAGE & SERV	68.57	68.57
43231	1/25/2016	00112	DEPARTMENT OF JUSTICE 142399	1/6/2016	FINGERPRINT APPLICATIONS	132.00	132.00
43232	1/25/2016	00117	DELTA DENTAL OF CALIFORNBE001472802	2/1/2016	DENTAL INSURANCE	12,421.20	12,421.20
43233	1/25/2016	00181	IEDA 20964	1/1/2016	LABOR RELATIONS CONSUL	1,279.00	1,279.00
43234	1/25/2016	00185	INTERNATIONAL ASSOCIATIO 1001190577	1/8/2016	JAN - DEC 2016 IACP MEMBE	150.00	150.00
43235	1/25/2016	00221	LCC PENINSULA DIVISION 1291	1/18/2016	2016 PENINSULA DIVISION M	100.00	100.00
43236	1/25/2016	00282	CALIFORNIA PUBLIC EMPLOY1942	1/14/2016	MEDICAL INSURANCE	40,091.27	40,091.27
43237	1/25/2016	00306	INJURY CONTROL SYSTEMS ITOWNOF85449	12/31/2015	12/16/15 PRE-EMPLOYMENT I	492.00	492.00
43238	1/25/2016	00307	PACIFIC GAS & ELECTRIC 0678090639-9	1/13/2016	0678090639-9 S/E CORNER H	44.42	44.42
			9593452526-2	1/13/2016	9593452526-2 1500 HILLSIDE	27.45	27.45
43239	1/25/2016	00534	SMC INFORMATION SERVICE1YCL11512	1/14/2016	MICRO CHANNEL & LINES	1,255.50	1,255.50
43240	1/25/2016	00659	ADAMSON POLICE PRODUCT INV200696	1/13/2016	100 5.56MM 55 GR. FMJ 1000/	1,911.82	1,911.82
43241	1/25/2016	00779	CASTRO, ESTHER 2000367.003	1/12/2016	01/12/16 DEPOSIT REFUND	150.00	150.00
43242	1/25/2016	01036	MANAGED HEALTH NETWORK3200076142	1/17/2016	EMPLOYEE ASSISTANCE PRC	99.20	99.20
43243	1/25/2016	01037	COMCAST CABLE 01/11-02/10 601	1/7/2016	HIGH-SPEED INTERNET 601 I	106.20	106.20
43244	1/25/2016	01183	BEST BEST & KRIEGER LLP 763889	1/12/2016	CITY ATTORNEY SERVICES	16,801.73	16,801.73
			763887	1/12/2016	CITY ATTORNEY SERVICES	1,206.00	1,206.00
			763888	1/12/2016	DEC 2015 THIRD PARTY REIM	108.00	108.00
43245	1/25/2016	01213	THE KELLER CENTER Colma FY 2015/	1/13/2016	FY 2015/2016 KELLER CENTE	1,200.00	1,200.00
43246	1/25/2016	01291	SAN MATEO COUNTY 02/01/16 2nd Ins	2/1/2016	006-388-540 601 F ST. MOSQI	31.75	31.75
43247	1/25/2016	01414	VERANO HOMEOWNERS ASS2	2/1/2016	VERANO OWNERS ASSOCIAI	300.00	300.00
43248	1/25/2016	01557	CITY OF FOSTER CITY 9728	1/6/2016	CALOPPS POLICE COMMUNI	250.00	250.00
43249	1/25/2016	01601	DELA CRUZ, MARIA THERESA2000368.003	1/19/2016	01/19/16 DEPOSIT REFUND	300.00	300.00
43250	1/25/2016	01601	DELA CRUZ, MARIA THERESA2000370.003	1/19/2016	01/19/16 DEPOSIT REFUND	50.00	50.00
43251	1/25/2016	02011	FBI - LEEDA 2016 Dues #485	1/14/2016	2016 DUES CALIFORNIA CHA	100.00	100.00
43252	1/25/2016	02060	HUERTA, MA. GRACIELA 2000369.003	1/19/2016	01/19/16 DEPOSIT REFUND	300.00	300.00
43253	1/25/2016	02224	STANDARD INSURANCE COMFeb 2016	1/15/2016	LIFE INSURANCE	220.00	220.00
43254	1/25/2016	02382	GONZALEZ, MARIA 2000365.003	1/11/2016	01/11/16 DEPOSIT REFUND	300.00	300.00
43255	1/25/2016	02510	REGIONAL GOVERNMENT SE5617	12/31/2015	CONTRACT P. RANKIN	8,449.50	8,449.50
43256	1/25/2016	02623	BLOEBAUM, CYNTHIA Jan 20, 2016	1/21/2016	COOKING CLASSES	865.00	865.00
43257	1/25/2016	02827	CORODATA SHREDDING, INC.DN1115099	12/31/2015	SHREDDING SERVICE	78.00	78.00

Bank : first FIRST NATIONAL BANK OF DALY (Continued)

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
43258	1/25/2016	02827	CORODATA SHREDDING, INC. RS2769725	12/31/2015	STORAGE, PICKUP/DELIVER	61.25	61.25
43259	1/25/2016	02905	APPLIED CONCEPTS 282181	1/18/2016	015-2532-62 MC360 MESSAGI	18,364.73	18,364.73
43260	1/25/2016	02906	PARRA, KATHERINE 2000366.003	1/12/2016	01/12/16 HULA & TAHITIAN DA	12.50	12.50

b total for FIRST NATIONAL BANK OF DALY CITY: 118,412.76

34 checks in this report.

Grand Total All Checks:

118,412.76



**ORDINANCE NO. \_\_\_\_**  
**OF THE CITY COUNCIL OF THE TOWN OF COLMA**

**AN ORDINANCE AMENDING SECTION 5.04.220 OF THE COLMA MUNICIPAL  
CODE RELATING TO STANDARD HOURS OF CONSTRUCTION PURSUANT TO  
CEQA GUIDELINE 15061(b)(3)**

The City Council of the Town of Colma does ordain as follows:

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**ARTICLE 1. CMC SECTION 5.04.220 AMENDED.**

Section 5.04.220 shall be and hereby is amended as follows:

(a) The City Council finds that regulation of construction noise is necessary to protect the public health and safety, and that construction noise at early or late times of the day is a nuisance to neighboring properties.

(b) As used in this subchapter, "noise generating construction activity" means the use of any noise generating equipment or tool, including but not limited to: excavators, backhoes, post diggers, pile drivers, saws, electric screw drivers, grinders, nail guns, compressors, generators, hammers, jack hammers, power washers, paint guns, scaffolding erection, or similar noise generating equipment. "Noise generating construction activity" also includes construction material delivery, demolition activities and the servicing of any tool or equipment. "Noise generating construction activity" does not include activities such as drywall finishing, painting, tile laying, carpet installation or the use of small hand tools in a fully enclosed structure with windows and doors closed.

(c) Within a radius of 500 feet from any residential unit within Town boundaries, noise generating construction activity shall only be permitted between the following hours/days:

Monday Through Friday 8:00 AM through 7:00 PM; Saturday 9:00 AM through 5:00 PM; Sundays 12:00 PM to 5:00 PM. Noise generating construction activity is prohibited on all of the following Federal Holidays: New Year's Day, Martin Luther King Jr. Day, Presidents Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day and Christmas Day.

The Building Official, or his or her designee, may grant an exception for special conditions when requested in writing and approved by the Building Official, or his or her designee, prior to the start of the noise generating noise activity. The above requirements do not apply to emergency repair work, work for public utility and street repair, street sweeping, garbage collection and emergency response warning systems.

(d) For projects more than 500 feet from a residential unit in the Town of Colma, construction hours shall be assigned on a project-by-project basis by the Building Official, or his or her designee, or as established within a project's Conditions of Approval, based on evaluation of potential noise-related impacts on surrounding uses.

[History: Formerly § 5.04.110; Ord 661, 9/12/07; Ord 738, 1/14/15; Ord \_\_\_\_]

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**ARTICLE 2. SEVERABILITY.**

Each of the provisions of this Ordinance is severable from all other provisions. If any article, section, subsection, paragraph, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

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**ARTICLE 3. NOT A CEQA PROJECT.**

The City Council finds that adoption of this Ordinance is not a "project," as defined in the California Environmental Quality Act because it does not have a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and concerns general policy and procedure making. Further, the proposed ordinance further restricts construction noise generating hours over existing regulations, and all projects involving discretionary review by the Town will undergo independent California Environmental Quality Act review.

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**ARTICLE 4. EFFECTIVE DATE.**

This ordinance, or a summary thereof prepared by the City Attorney, shall be posted on the three (3) official bulletin boards of the Town of Colma within 15 days of its passage and is to take force and effect thirty (30) days after its passage.

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### Certificate of Adoption

I certify that the foregoing Ordinance No. \_\_\_ was duly introduced at a regular meeting of the City Council of the Town of Colma held on January 13, 2016 and duly adopted at a regular meeting of said City Council held on January \_\_\_, 2016 by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Diana Colvin, Mayor					
Helen Fiscaro					
Raquel "Rae" Gonzalez					
Joseph Silva					
Joanne F. del Rosario					
<i>Voting Tally</i>					

Dated \_\_\_\_\_

\_\_\_\_\_  
Diana Colvin, Mayor

Attest: \_\_\_\_\_  
Caitlin Corley, City Clerk







# STAFF REPORT

TO: Mayor and Members of the City Council  
 FROM: Michael P. Laughlin, AICP, City Planner  
 VIA: Sean Rabé, City Manager  
 MEETING DATE: February 10, 2016  
 SUBJECT: 2015 General Plan and Housing Element Annual Report

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## RECOMMENDATION

MOTION ACCEPTING THE 2015 ANNUAL REPORT ON THE IMPLEMENTATION OF THE GENERAL PLAN, INCLUDING THE HOUSING ELEMENT

## EXECUTIVE SUMMARY

Each year, the town is required to submit annual reports on the implementation of the General Plan and Housing Element to the state. Prior to staff sending the report to the state, the City Council must accept the report. As shown in the attached General Plan Implementation Status Sheets, there were minimal developments in the 2015 calendar year regarding implementation of the current General Plan. The most significant actions taken in 2015 were the adoption of the new Housing Element and a study session on the revised Historical Resources Element. In addition, the City Council approved two amendments to the Land Use Element to include the removal of the annual housing development limit of 50 units and to allow differing architectural styles in portions of the Town.

## FISCAL IMPACT

The preparation of the 2015 Annual Report on the status of implementation of the General Plan does not have an impact on the Town's adopted budget.

## BACKGROUND

California Government Code Section 65400 requires that an Annual Report be prepared that details the status of implementation of the General Plan. A separate report is required for the status of the Housing Element. This report is to be submitted to the City Council, the Governor's Office of Planning and Research, and the California Department of Housing and Community Development. This report is required to include details of the progress toward implementation of each of the elements within the General Plan.

A city's General Plan serves as the overall guide and vision for all of the community's land use and development activities. Due to the fact that a General Plan requires

periodic updates to accurately reflect changes in values and priorities of a community, it is important that local jurisdictions review their General Plans and the status of implementation of the measures included in each element of the Plan. It is the goal of this Annual Report to provide a tool for this review.

The General Plan contains the seven State required elements: Land Use, Circulation, Housing, Open Space/Conservation, Noise and Safety. The law does not require specific time limits on updates to the General Plan, with the exception of the Housing Element. However, it is essential that a community's General Plan is current and consistent with zoning regulations and changes within the community. As the City Council is aware, most of Colma's General Plan dates back to 1999 and is in need of updating. Over the past calendar year, Staff has also made progress on the 2035 General Plan update.

## **ANALYSIS**

Attached is a table that details each of the policies set forth in elements of the General Plan. The tables contain the implementation measure for each policy along with a status update for each policy. Many of the policies are implemented on a case by case basis, and require ongoing implementation as projects are submitted to staff for review. However, some policies are quite outdated and show the age of our General Plan and are evidence of our need for a General Plan update. The discussion below highlights actions by element (only elements where a significant action occurred are listed):

### ***Housing Element***

Since the focus this year was adopting a new Housing Element, no implementation occurred. Due to the economy, no applications for housing development have been received by the Town, but more inquiries are being made as the economy improves. The following list summarizes the highlights of the Housing Element:

- The units that were identified in the recently adopted Housing Element have not been built. An application was submitted for the former sandblaster site located on El Camino Real but is on hold. Mercy Housing is pursuing development of the Holy Cross property on Mission Road, and submitted an application in early 2016 for a 66 unit veteran's project. If this project is approved and built, it will satisfy not only the Town's entire regional housing number (59) for this housing cycle, but will also satisfy the entire affordable housing production goal for the 8-year housing cycle.
- Colma continues to provide funding to programs such as the Human Investment Project, the North Peninsula Food Pantry and Dining Center, and Second Harvest Food Bank to provide assistance to the homeless and to help people find housing.
- The number of section 8 units in the Town remained at 12 between 2014 and 2015.

Additional information about Housing Element compliance can be found in Tables A-C, attached. Since this is a table generated through the state HCD website, there are typing errors generated by their system that cannot be corrected.

### ***Circulation Element***

The City Council adopted Complete Street revisions to the 1999 Circulation Element and updated text in 2014. Hillside Boulevard was improved between Hoffman and Serramonte. New ADA improvements, bike lanes, street parking, a sidewalk on the east side (there is already exists a sidewalk on the west side), light fixtures, and landscaping were installed. Improvements will extend between Serramonte and Lawndale for Phase II at a future time.

### ***Land Use Element***

Related to the General Plan Land Use Element, the City Council amended the text of the Land Use Element to remove the 50 unit limit on new residential projects. This was done in anticipation of the proposed 66 unit affordable housing project on Mission Road. In addition, the City Council amended the language which would permit other types of architectural styles in portions of the town (in addition to Spanish Mediterranean). No other actions were taken related to the Land Use Element.

### ***Noise Element***

No policy implementation occurred this year on the General Plan Noise Element. Planning Staff presented new existing conditions information at a study session in 2014. This information will be used in the General Plan update.

### ***Safety Element***

The SFPUC furthered the policy encouraging upgrading of pipelines to handle seismic stress (policy 5.07.416) by replacing a main water distribution line south of Serramonte Boulevard.

### ***Historical Resources Element***

With the assistance of a planning consultant, staff prepared a new draft of the Historical Resources Element. This draft was reviewed at a study session by the City Council in December of 2015. This document will be folded into the amended General Plan prior to its review and adoption.

### **Council Adopted Values**

The Annual Report on the General Plan complies with the Council's commitment to ***Responsibility*** through the periodic review of the implementation of adopted policies and programs.

### **Sustainability Impact**

None

## **Alternatives**

1. Take no action. The Town would not be in compliance with the requirements of Government Code Section 65400.
2. Provide direction to staff to make changes in the General Plan Annual Report and forward the report to the state.

## **CONCLUSION**

Staff recommends that the City Council, by motion, accept the 2015 Annual Report on the status of Implementation of the General Plan and Housing Element.

## **ATTACHMENTS**

- A. 2015 Annual Report on the Implementation of the Housing Element, including Tables A-C
- B. 2015 Annual Report on the Implementation of the General Plan, Remaining Elements

**ANNUAL ELEMENT PROGRESS REPORT**  
***Housing Element Implementation***

(CCR Title 25 §6202 )

**Attachment A**

Jurisdiction COLMA  
Reporting Period 01/01/2015 - 12/31/2015

Pursuant to GC 65400 local governments must provide by April 1 of each year the annual report for the previous calendar year to the legislative body, the Office of Planning and Research (OPR), and the Department of Housing and Community Development (HCD). By checking the "Final" button and clicking the "Submit" button, you have submitted the housing portion of your annual report to HCD only. Once finalized, the report will no longer be available for editing.

The report must be printed and submitted along with your general plan report directly to OPR at the address listed below:

Governor's Office of Planning and Research  
P.O. Box 3044  
Sacramento, CA 95812-3044

# ANNUAL ELEMENT PROGRESS REPORT

## Housing Element Implementation

(CCR Title 25 §6202 )

Jurisdiction COLMA  
 Reporting Period 01/01/2015 - 12/31/2015

Table A

### Annual Building Activity Report Summary - New Construction Very Low-, Low-, and Mixed-Income Multifamily Projects

1		Housing Development Information				5		5a	6		7	8	
		2	3	4			Total Units per Project		Assistance Programs for Each Development	Housing with Financial Assistance and/or Deed Restrictions			Housing without Financial Assistance or Deed Restrictions
Project Identifier (may be APN No., project name or address)	Unit Category	Tenure R=Renter O=Owner	Affordability by Household Incomes			Est. # Infill Units*		Assistance Programs for Each Development			Deed Restricted Units	Housing with Financial Assistance and/or Deed Restrictions	
			Very Low-Income	Low-Income	Moderate-Income		Above Moderate-Income						
(9) Total of Moderate and Above Moderate from Table A3											0	0	
(10) Total by Income Table A/A3											0	0	0
(11) Total Extremely Low-Income Units*											0	0	0

\* Note: These fields are voluntary

# ANNUAL ELEMENT PROGRESS REPORT Housing Element Implementation

(CCR Title 25 §6202 )

Jurisdiction COLMA  
Reporting Period 01/01/2015 - 12/31/2015

**Table A2  
Annual Building Activity Report Summary - Units Rehabilitated, Preserved and Acquired pursuant  
to GC Section 65583.1(c)(1)**

Please note: Units may only be credited to the table below when a jurisdiction has included a program in its housing element to rehabilitate, preserve or acquire units to accommodate a portion of its RHNA which meet the specific criteria as outlined in GC Section 65583.1(c)(1)

Activity Type	Affordability by Household Incomes				TOTAL UNITS	(4) The Description should adequately document how each unit complies with subsection (c)(7) of Government Code Section 65583.1
	Extremely Low-Income*	Very Low-Income	Low-Income	None		
(1) Rehabilitation Activity	0	0	0	0	0	None
(2) Preservation of Units At-Risk	0	0	0	0	0	None
(3) Acquisition of Units	0	0	0	0	0	None
(5) Total Units by Income	0	0	0	0	0	

\* Note: This field is voluntary

# ANNUAL ELEMENT PROGRESS REPORT

## *Housing Element Implementation*

(CCR Title 25 §6202 )

Jurisdiction COLMA  
 Reporting Period 01/01/2015 - 12/31/2015

**Table A3**  
**Annual building Activity Report Summary for Above Moderate-Income Units**  
 (not including those units reported on Table A)

	1. Single Family	2. 2 - 4 Units	3. 5+ Units	4. Second Unit	5. Mobile Homes	6. Total	7. Number of infill units*
No. of Units Permitted for <b>Moderate</b>	0	0	0	0	0	0	0
No. of Units Permitted for <b>Above Moderate</b>	0	0	0	0	0	0	0

\* Note: This field is voluntary





# ANNUAL ELEMENT PROGRESS REPORT

## Housing Element Implementation

(CCR Title 25 §6202 )

Jurisdiction COLMA  
 Reporting Period 01/01/2015 - 12/31/2015

**Table C**  
**Program Implementation Status**

Program Description (By Housing Element Program Names)	Housing Programs Progress Report - Government Code Section 65583. Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.	Objective	Timeframe in H.E.	Status of Program Implementation
Program 3.4 Planner Responsibility to Promote Affordable Housing and Mixed-Use.	To assist in the development of affordable units	Ongoing implementation of existing program.	Ongoing implementation of existing program.	
Program 5.2 Human Investment Project (HIP) Support.	Supports better utilization of existing housing stock and provides affordable housing. It also supports better maintenance of existing housing stock.	Ongoing implementation of existing program	Ongoing implementation of existing program	Continued support of HIP in 2016
Program 5.3 Section 8 Rental Assistance.	To assure that information is provided to qualified applicants to provide equal access to housing.	Ongoing implementation of existing program	Ongoing implementation of existing program	
Program 5.4 Housing Recordkeeping.	To conserve and improve the condition of the existing housing stock.	Ongoing implementation of existing program	Ongoing implementation of existing program	

<p>Program 5.5 Address needs of Extremely Low-Income Households.</p>	<p>To assist developers and property owners in making affordable units available, which, in turn, provides equal housing opportunities.</p>	<p>Ongoing. Meetings with property owners and non-profit developers on an annual ba</p>	
<p>Program 6.1 Greenbuilding Regulations for Residential Uses.</p>	<p>¿ To create new and sustainable residential development ¿ To retrofit existing structures to increase efficiency and reduce energy use and cost</p>	<p>Current State Building Codes require higher energy efficiency. After there is a</p>	
<p>Program 6.2 Encourage use of cool roofing systems and other energy conservation measures to reduce a building's energy usage.</p>	<p>¿ To create new and sustainable residential development ¿ To retrofit existing structures to increase efficiency and reduce energy use and cost</p>	<p>Ongoing</p>	
<p>Program 7.1 ¿Rebuilding Together Peninsula¿ Participation.</p>	<p>To conserve and improve the condition of the existing housing stock.</p>	<p>Ongoing participation in existing program</p>	<p>The Town continues to support Rebuilding Together for projects that they carry out within the Town.</p>
<p>Program 7.2 Minor Housing Repair Grant Program.</p>	<p>To conserve and improve the condition of the existing housing stock.</p>	<p>Study to be conducted by December 2016. If found feasible, implement program by</p>	
<p>Program 7.3 Neighborhood Improvement (Code Enforcement).</p>	<p>To conserve and improve the condition of the existing housing stock.</p>	<p>Completed. Ordinance adopted September 12, 2012. Ongoing code enforcement progr</p>	

<p>Program 7.4 Low-interest loan program for very-low, low, and moderate income homeowners.</p>	<p>2 To conserve and improve the condition of the existing housing stock. To allow low income homeowners to remain in their homes.</p>	<p>Study to be completed December 2016. If feasible, adopt the loan program by De</p>	<p>To conserve and improve the condition of the existing housing stock. To allow low income homeowners to remain in their homes.</p>
<p>Program 1.1 Manufactured Housing Design Standards.</p>	<p>Allows for construction of single family residences at lower costs, thereby reducing the cost of housing.</p>	<p>Ongoing</p>	<p>No manufactured homes have been constructed during reporting period.</p>
<p>Program 7.5 Underground Utilities in the Mission Road Corridor.</p>	<p>To make Mission Road more attractive for new residential development</p>	<p>Portions completed but suspended due to recession. Project to remain in CIP until</p>	<p>Undergrounding not planned for 2016 due to funding limitations.</p>
<p>Program 7.6 Nuisance Abatement and Property Maintenance process to improve Individual Properties and Neighborhood Pride.</p>	<p>To conserve and improve the condition of the existing housing stock</p>	<p>Ongoing enforcement of existing ordinance and standards.</p>	
<p>Program 7.7 Organize Community Clean Up Days.</p>	<p>To conserve and improve the condition of the existing housing stock.</p>	<p>Ongoing 2 the Town organizes community clean-up days on an annual basis.</p>	<p>Community clean-up day held in 2016</p>
<p>Program 1.2 General Plan Consistency Review and Annual Report.</p>	<p>Increase awareness to decision makers of annual progress toward meeting Housing Element Goals</p>	<p>Continue internal consistency review annually and make report available to the p</p>	<p>Report to be completed in March of 2017</p>

<p>Program 2.1 Second Unit Ordinance.</p>	<ul style="list-style-type: none"> <li>¿ To increase the number of second dwelling units</li> <li>¿ To encourage the development of second units in areas of the town where they are permitted or conditionally permitted (C and R zones)</li> </ul>	<p>Ongoing</p>	<p>No second units have been constructed during reporting period.</p>
<p>Program 3.1 Planned Development Districts and Mixed Use.</p>	<ul style="list-style-type: none"> <li>¿ To optimize the use of developable land to maximize the General Plan density of each developable site.</li> <li>¿ To allow for implementation of Density Bonus provisions when appropriate</li> </ul>	<p>Ongoing</p>	
<p>Program 3.2 Density Bonus Provisions for Affordable Housing.</p>	<p>To increase the supply of housing units through the use of density bonus provisions.</p>	<p>Ongoing</p>	
<p>Program 3.3 High-Density Housing Near Colma and South San Francisco BART Stations.</p>	<p>To facilitate the development of housing units and affordable housing units in proximity to the BART station.</p>	<p>Ongoing provision of information to prospective property buyers</p>	
<p>Program 3.5 Planned Development Zoning Provisions for Single Family Attached Development.</p>	<ul style="list-style-type: none"> <li>¿ To optimize the use of developable land to maximize the General Plan density of each developable site.</li> <li>¿ To allow for implementation of Density Bonus provisions when appropriate</li> </ul>	<p>Ongoing enforcement of existing ordinance and standards.</p>	
<p>Program 3.6 Ensure No Net Loss of Required Units.</p>	<p>To assure that all units identified in the Housing Element will be built on designated sites or alternative sites.</p>	<p>Ongoing provision of information to developers and enforcement of the no net loss</p>	
<p>Program 3.7 Inclusionary Housing.</p>	<p>To create new affordable housing units both for rent and for sale.</p>	<p>Nexus Study to be released in 2014; implementation of recommendations</p>	

<p>Program 4.1 Reasonable Accommodations Ordinance Public Information, Ordinance Amendment and Monitoring</p>	<p>To assure that reasonable accommodation is made for individuals to have equal access to housing.</p>	<p>Ongoing. Provide public information and monitor implementation of ordinance</p>	<p>Reasonable Accommodation ordinance amendment completed in March of 2015</p>
<p>Program 4.2 Senior Housing.</p>	<p>To maintain affordable housing for seniors within the community.</p>	<p>Ongoing</p>	
<p>Program 4.3 Emergency Shelters.</p>	<p>Allowance for an emergency shelter</p>	<p>Ongoing</p>	
<p>Program 4.4 Inform local developers of opportunities to provide transitional and supportive housing.</p>	<p>Allowance for transitional and supportive housing</p>	<p>Ongoing</p>	
<p>Program 4.5 Amend the Zoning Code within one year of adoption of the Colma Housing Element to clarify that transitional and supportive housing is considered a residential use of the property, subject only to those restrictions that apply to other residential dwellings of the same type in the same</p>	<p>Allowance for transitional and supportive housing in residential zones</p>	<p>Ongoing</p>	
<p>Program 4.6. Reach out to local service providers of special needs groups to assist in the identification and analysis of constraints to the provision of housing for persons with disabilities.</p>	<p>To assure that equal access and opportunities are provided to persons with disabilities for housing.</p>	<p>Development of program and ongoing implementation</p>	
<p>Program 5.1 Knowledgeable Housing Referral.</p>	<p>To assure that referrals can be made to provide equal access to housing.</p>	<p>Ongoing implementation of existing program</p>	

**ANNUAL ELEMENT PROGRESS REPORT**  
***Housing Element Implementation***  
(CCR Title 25 §6202 )

Jurisdiction COLMA  
Reporting Period 01/01/2015 - 12/31/2015

General Comments:





**2015 GENERAL PLAN ANNUAL PROGRESS REPORT  
LAND USE ELEMENT POLICIES & IMPLEMENTATION STATUS**

**Attachment B**

<b>5.02.310 LANDSCAPING, DESIGN AND COMPATIBILITY</b>			
<b>POLICY NUMBER</b>	<b>POLICY</b>	<b>IMPLEMENTATION MEASURE</b>	<b>STATUS OF POLICY IMPLEMENTATION</b>
5.02.311	In any proposed development the Town shall balance and use judgement in reviewing the visual effects and the potential impacts of the proposed development, facilitating the tranquil atmosphere required for the Town's memorial parks is maintained.	The City Planner will make recommendations consistent with this policy to the Town Council for new development projects.	Ongoing: Policy is being implemented on a case-by-case basis for new projects, both administrative and discretionary.
5.02.312	The Town should take action to improve civic beauty including tree planting, road median landscaping, and enforcement of conditions related to private development projects.	The Town of Colma will commit financial resources for beautification projects including tree planting and road median landscaping in future budgets. Existing budget resources are committed to landscape maintenance. The City Planner currently tracks and enforces conditions related to private development projects.	The following projects have been completed that are consistent with this policy objective: 1) Junipero Serra Blvd median beautification- 2) Junipero Serra gateway sign (south end): 10/2008 3) Junipero Serra gateway sign (north end): 4) El Camino Real Gateway sign (12/2008) 5) Hillside Boulevard, between Hoffman and Serramonte, new ADA improvements, bike lanes, street parking, a sidewalk on the east side (there already exists a sidewalk on the west side), light fixtures, and landscaping were approved as part of the Capital Improvement Plan in 2014. Improvements will extend between Serramonte and Lawndale for Phase II at a future time.
5.02.313	Particular encouragement should be given to those new developments that incorporate passive and/or active solar energy systems for preheating water and for space heating and cooling.	The City Planner will make recommendations consistent with this policy to the Town Council for new development projects.	On-going: during pre-application meetings for new construction, project staff encourages developments to incorporate said measures. In May of 2013, the Town adopted a Climate Action Plan which focuses, in part, on promoting solar/renewable energy installations for commercial and residential development.

POLICY NUMBER	POLICY	IMPLEMENTATION MEASURE	STATUS OF POLICY IMPLEMENTATION
5.02.314	The Town should prohibit land uses generating excessive amounts of traffic or requiring large signs from locating on El Camino Real.	The City Planner will make recommendations consistent with this policy to the Town Council for new development projects, and an Environmental Review will be conducted pursuant to the California Environmental Quality Act to consider traffic impacts. The Sign Ordinance allows only small signs for businesses facing the El Camino Real.	Case-by-case assessment is done by staff. Projects are reviewed in accordance with CEQA, and traffic studies may be part of the CEQA analysis. Traffic studies are reviewed by Public Works and if it is determined that excessive traffic would be generated, staff would provide this information to Council and make appropriate recommendations. All signage applications are reviewed in accordance with this policy.
5.02.315	The Town should encourage the private redevelopment of properties along Collins Avenue to strengthen the commercial retail core.	The City Planner will make property owners aware of the Town's desire to have properties redevelop.	Property owner's are advised of the desire for redevelopment of properties along Collins Avenue when inquiries are made about land use changes and or redevelopment.
5.02.316	Culverting or covering of the remaining open sections of Colma Creek through Colma should not be permitted, except for a short segment near the junction of El Camino Real and Mission Road required for installation of a flood control diversion structure. The Town will seek to enhance the remaining open sections of Colma Creek with creekside landscaping and lighting where possible, and will seek to establish a public pathway following all open sections of Colma Creek as a condition of approval for improvement projects on properties abutting the following open sections of Colma Creek: a) Parallel to El Camino Real from near F Street to near Colma Boulevard b) El Camino Real to Serramonte Boulevard c) Collins Avenue to El Camino Real d) Parallel to Mission Road from near El Camino Real to the South San Francisco boundary.	The City Planner will make recommendations consistent with this policy to the Town Council for new development projects. Flood control projects will be constructed by the County Department of Public Works.	There have been no development projects that have provided an opportunity for staff to include a condition of approval to enhance the open creek area. There have been no capital improvement projects that have provided this opportunity.

POLICY NUMBER	POLICY	IMPLEMENTATION MEASURE	STATUS OF POLICY IMPLEMENTATION
5.02.317	No new metal clad buildings should be permitted in the Town of Colma, other than agriculturally-related.	The City Planner will make recommendations consistent with this policy to the Town Council for new development projects.	This policy is being implemented and Staff has not allowed new metal clad buildings.
5.02.318	The Town should condition the approval of permits for all site and building improvement projects to require the installation of street trees along the frontage of the affected property. Spacing of trees should be in accordance with an adopted tree planting plan or, if no plan exists, trees should be installed at a minimum spacing of one tree each 25 feet parallel to the roadway.	The City Planner will make recommendations consistent with this policy to the City Council for new development projects.	Implemented on a case-by-case basis. No new development applications have been submitted recently.
5.02.319	In the case of properties located at gateway sites, the Town should require gateway elements to be included as part of the design of any new development where applicable.	The City Planner will recommend design alternatives and a preferred design will be adopted by the City Council. Gateways will be implemented as part of the Town's Capital Improvement Plan or alternatively, as part of the permitting for private site development.	Implemented on a case-by-case basis. Will be implemented when projects or development applications are submitted or will be recommended during pre-application review.

**5.02.320 RESIDENTIAL**

POLICY NUMBER	POLICY	IMPLEMENTATION MEASURE	STATUS OF POLICY IMPLEMENTATION
5.02.320	The Town should allow only the construction of single family detached housing units as infill in the Sterling Park neighborhood.	In 1998, the City Council adopted a new Neighborhood Residential (R-S) Zoning for the Sterling Park Sub-area. This ordinance clearly defines density and design guidelines to maintain the single family detached character of the neighborhood.	Ongoing: Two new single family dwellings were constructed in the Sterling Park neighborhood in 2007. No new residences have been constructed since this time.
5.02.321	Residential developments having ten or more units should be required to provide park and recreation facilities or contribute to the improvement of community-wide facilities.	The City Planner will make recommendations consistent with this policy to the Town Council for new development projects.	Park Land Dedication ordinance was adopted by the City Council as part of the Municipal Code in March 2006. There have been no projects since the adoption that have required park in-lieu fees.
5.02.322	The Town should restrict to 50 the maximum annual number of new residential units that become available for rent or purchase and should monitor population growth so that the total population is only approximately 1500 by the year 2005.	Regulation of population growth is necessary so that City Services are not overburdened and can be expanded in an orderly manner.	This policy was removed by the City Council in March of 2015.
5.02.323 ✓	The existing commercial use on Hoffman Street should be phased out and replaced with a residential use.	The City Planner will make recommendations consistent with this policy to the Town Council. The City Planner will work with the property owner to design a Planned Development that is compatible with the surrounding residential development.	Completed: The construction staging yard on Hoffman was replaced with an 18-unit townhouse development approved by City Council in July 2000 and construction was completed in April of 2003.

**5.02.330 COMMERCIAL**

POLICY NUMBER	POLICY	IMPLEMENTATION MEASURE	STATUS OF POLICY IMPLEMENTATION
5.02.324	<p>It is intended that new buildings in design review districts where such buildings are visible from public roads, with the exception of established shopping centers and private cemetery family crypts and markers, should incorporate a Spanish/Mediterranean architectural theme. Exceptions should be allowed if this approach would clash with existing improvements having recognized historical or architectural merit; should be reviewed to ensure that exterior building design, materials and colors are appropriate for the setting where the new buildings are located.</p>	<p>Design requirements consistent with this policy have been added to the Design Review section of the Zoning Ordinance. The City Planner will make recommendations consistent with this policy to the City Council for new development projects or at the administrative level if the project does not require City Council review.</p>	<p>Policy was amended in July of 2015 to not require that all new structures in commercial or office zones be Spanish Mediterranean in design, except for along El Camino Real where the design overlay was kept.</p>
5.02.331	<p>Shopping facilities, auto dealerships, and other general commercial land uses should be located in the commercial core area centered on Serramonte Boulevard and extending northward along Junipero Serra Boulevard to the 280 Metro Center.</p>	<p>The existing commercial zoning pattern, lot sizes and existing development follow this policy. Developments of this type in other commercial areas are not appropriate due to lot size constraints.</p>	<p>Ongoing: all new shopping facilities, auto dealerships, and other general commercial land uses are located in the commercial core</p>
5.02.332 ✓	<p>The City Council should encourage expansion of the Auto Sales District onto vacant and redevelopable properties located at the westerly end of Collins Avenue. All development in the Collins Avenue Corridor should be required to follow specific development guidelines set forth in the General Plan. Heavier service commercial uses such as auto body shops, roofing companies, light manufacturing and similar uses should be located in the Mission Road District.                      ✓ Special site specific policy. See Exhibit LU-2 for locations.</p>	<p>The City Planner has and will continue to make recommendations for the implementation of the Collins Avenue Corridor development guidelines in the General Plan at a staff level or in proposals presented to the City Council.</p>	<p>Ongoing: this policy is implemented as redevelopment arises and changes in land use are proposed.</p>

POLICY NUMBER	POLICY	IMPLEMENTATION MEASURE	STATUS OF POLICY IMPLEMENTATION
5.02.333	As properties on Collins Avenue are redeveloped, new uses which reinforce the Auto Sales District should be encouraged.	The City Planner has and will continue to make recommendations for the implementation of the Collins Avenue Corridor development guidelines in the General Plan at a staff level or in proposals presented to the City Council.	Ongoing: this policy is implemented as redevelopment arises and changes in land use are proposed.
5.02.334	Commercial land uses requiring frequent truck deliveries should not be located adjacent to residential or cemetery land uses without a sufficient buffer incorporated into their site plans.	The City Planner will make recommendations consistent with this policy to the Town Council for new development projects. Colma's primary residential area is physically removed from the commercial areas of Town.	Case-by-case, each proposal for a new commercial land use is reviewed by staff for compliance with this policy.
5.02.335 ✓	Mixed commercial and residential uses should be encouraged in the southerly portion of the Mission Road District and in the commercial frontage along Mission Street in the Sterling Park Planning Area. ✓ Special site specific policy. See on Exhibit LU-2 for locations	The City Planner will make recommendations consistent with this policy to the Town Council for new development projects. Planned Development zoning should be encouraged.	Staff supports this proposal by recommending the development of mixed-use projects in the noted areas when inquiries are made.
<b>5.02.340 EXECUTIVE/ADMINISTRATIVE</b>			
5.02.341	Development proposals for parcels located on El Camino Real between F Street and Mission Road should be consistent with the Cemetery (G) or Executive/Administrative (E) land use categories. Zoning changes on El Camino Real from the Commercial (C) or Cemetery (G) category should only be made to the Executive/Administrative (E) category.	The City Planner will make recommendations consistent with this policy to the Town Council for new development projects or rezoning requests.	Case-by-case implementation; there have been no zoning changes proposed in this area.
5.02.342	The Town should encourage medical service offices and professional business offices to locate their facilities in the Executive/Administrative land use area along El Camino Real.	The Executive/ Administrative land use designation along El Camino Real permits and encourages these uses. Other zoning designations do not encourage these uses.	Staff recommends medical and professional offices to locate in the Executive/Administrative zoning areas of Town. In July of 2013 the Town approved entitlements to construct a new 9,592 square foot three-story, office building built over a one-level at-grade parking podium, on a 0.27 acre project site located at 1850 El Camino Real.

**5.07.350 CIRCULATION AND TRANSIT**

POLICY NUMBER	POLICY	IMPLEMENTATION MEASURE	STATUS OF POLICY IMPLEMENTATION
5.02.351	<p>The Town should cooperate with SamTrans and BART to facilitate the extension of BART service through Colma in a manner that does not detract from Colma's greenbelt theme. All tailtrack and line extensions shall be located underground following the abandoned S.P. Railroad right-of-way through Colma. Replacement landscaping including the use of tree species that will attain significant height and mass should be required.</p>	<p>The Town of Colma was involved in the BART Environmental Impact Report review process and in the review of specific development plans. Verbal and written comments were submitted back to BART consistent with this policy. The Town will continue to review detailed development plans and to monitor construction operations.</p>	<p>The BART expansion through Town is completed. This policy was successfully implemented as BART trains are screened and only visible in limited locations. Landscaping has been successfully planted to screen appropriately.</p>
5.02.352	<p>Sufficient off-street parking should be required for all new construction, in amounts varying with the type of use.</p>	<p>The Zoning Code specifies the amount of off-street parking required for all new construction.</p>	<p>Off-street parking requirements are based on the land use proposed on-site and are enforced accordingly for new construction and additions.</p>
5.02.353	<p>The City Council should condition the approval of permits for all site and building improvement projects to require the installation of a public sidewalk, if one does not already exist, within the public right-of-way fronting the affected property.</p>	<p>The City Planner will make recommendations consistent with this policy to the City Council for new development projects.</p>	<p>Case-by-case implementation; on projects where sidewalks do not already exist, the City Planner will recommend installation of a sidewalk within the public right-of-way. In July of 2013 the Town approved entitlements to construct a new 9,592 square foot three-story, office building built over a one-level at-grade parking podium, on a 0.27 acre project site located at 1850 El Camino Real. Rather than require a public sidewalk on the site which may never be utilized or connected to sidewalk improvements further south, the permit was conditioned to require that the property owner covenant to provide an access easement for the purpose of providing a public sidewalk if one is required in the future.</p>

POLICY NUMBER	POLICY	IMPLEMENTATION MEASURE	STATUS OF POLICY IMPLEMENTATION
5.02.354 ✓	<p>The Town should abandon "paper streets" in the Cypress Hills district that do not provide access to in-holding lots, or are redundant with other paper streets. Paper streets which provide direct access to in-holding lots should be maintained as public easements.</p> <p>✓ Special site specific policy. See Exhibit LU-2 for locations.</p>	<p>The City Planner will make recommendations consistent with this policy to the City Council. If a paper street is made redundant by an in-holding lot being acquired by an adjoining landowner, the City Planner will recommend to the City Council that the street be abandoned.</p>	<p>When applications arise that include paper streets, the City Planner recommends approval of the "vacation" of paper streets. In February of 2012 the City Council reviewed and approved a Street Vacation for a 5 acre portion of property obtained from Cypress Hills Golf Course by Cypress Lawn. In July of 2013 the City Council reviewed and approved another Street Vacation for an additional .5 acre portion of property obtained from Cypress Hills Golf Course by Cypress Lawn, as part of the Town approved Cypress Lawn Phase 4 grading, tree removal, and project design.</p>
5.02.355 ✓	<p>Access to parcels fronting El Camino Real south of Mission Road should be restricted to right-turn in/right-turn out only. Access to parcels with frontage on both El Camino Real and Mission Road should be restricted to Mission Road.</p> <p>✓ Special site specific policy. See Exhibit LU-2 for locations.</p>	<p>The City Planner will make recommendations consistent with this policy to the City Council for new development projects.</p>	<p>Case-by-case, when developments these specific locations arise, the City Planner will condition the project so that access is limited to right turns in and out only. In July of 2013 the Town approved entitlements to construct a new 9,592 square foot three-story, office building built over a one-level at-grade parking podium, on a 0.27 acre project site located at 1850 El Camino Real. It was a project condition of approval that the driveway only allow for right turns in and out of the property.</p>
<b>5.02.360 UTILITIES</b>			
5.02.361	<p>The Town should require all new construction projects to place power, telephone and cable TV lines underground. Utility boxes and transformers should also be undergrounded if possible. If there is no reasonable alternative than above ground placement then these facilities should be screened by fencing and/or landscaping.</p>	<p>The Town of Colima Municipal Code includes a section on utility undergrounding consistent with this policy.</p>	<p>The new development projects recently approved (and constructed) have been required to underground all utilities and are consistent with this policy.</p>
5.02.362	<p>The Town should require all new construction projects to hook up to public water and sewer systems.</p>	<p>The City Planner will make recommendations consistent with this policy.</p>	<p>All new development projects approved (and constructed) in the recent past have been required to hook up to public water and sewer systems.</p>



**5.02.370 PUBLIC SERVICES AND FACILITIES**

POLICY NUMBER	POLICY	IMPLEMENTATION MEASURE	STATUS OF POLICY IMPLEMENTATION
5.02.371	The Town should acquire additional vacant or underutilized land for civic purposes such as community recreation facilities, playing fields, a library, a public safety facility, and a corporation yard.	The Town continues to investigate opportunities for acquiring additional sites for civic purposes. The City Council will be asked to rate acquisition priorities. Dedicated cemetery land will be protected.	On hold; at this time, The Town is currently not investigating site acquisitions for civic purposes.
5.02.372	The Town should insure that the community is served by a self-sufficient fire protection system which may include support for the existing District, establishment of a joint powers agreement, acquisition of the existing District and facilities or development of a new free-standing fire station.	Continue to work with the Fire District to assure that service can be provided.	The Town is currently served by the Colima Fire Protection District. The preliminary facility study has not triggered a need for additional studies, and the fire protection service to the Town will remain the status-quo at this time.
5.02.373	If the police department maintains its facility at Town Hall, the City Council should consider ways to expand office space and facilities on-site or at a new, off-site location. An off-site location should be sought for a Town corporation yard.	A preliminary space needs assessment has been conducted which indicates that there is an urgent need to expand the Police Department facility to meet current and near-term growth. Maintaining the facility at Town Hall would retain the central location that the current facility enjoys.	Completed- A new Colima Police Station was constructed at 1199 El Camino Real in Colima and began operation in late 2005.
5.02.374	In the case that a private school is proposed to be constructed in Colma, it is appropriate to find a site located near established residential areas and public transit routes. If a church is proposed to be built in Colma, a site should first be sought within a cemetery/agriculture land use area; second, in an executive/administrative land use area; third, in a commercial area.	The City Planner will advise prospective applicants accordingly and make recommendations consistent with this policy to the Town Council for new development projects.	Ongoing: The City Planner will advise inquiring parties about the recommend locations for new private schools or churches on a case by case basis.
5.02.375	Child care facilities should be encouraged in both residential and non-residential areas in ways that are compatible with existing uses, in order to promote availability and accessibility of services. Facilities will be encouraged to register with the Child Care Coordinating Council of San Mateo County.	The City Planner will advise prospective applicants accordingly and make recommendations consistent with this policy to the Town Council for new development projects.	Ongoing: The City Planner will provide information about recommended locations for child care facilities to inquiring parties on a case by case basis.

## 2015 GENERAL PLAN ANNUAL PROGRESS REPORT CIRCULATION ELEMENT POLICIES & IMPLEMENTATION STATUS

<b>5.03.710 CIRCULATION SYSTEM</b>			
POLICY NUMBER	POLICY	IMPLEMENTATION MEASURE	STATUS OF POLICY IMPLEMENTATION
5.03.711	Commercial and industrial truck traffic, except for trucks serving local business, should be limited to highways or arterial streets for movement through the Town.	The City Engineer will require appropriate routes consistent with this policy.	Ongoing: Planning staff continues to require that the City Engineer approve all haul routes for projects through mitigation measures and/or conditions of approval
5.03.712	Improvements to Collins Avenue consistent with the Plan Line for Collins Avenue should continue to be implemented as a condition of approval of new development projects.	The City Planner will make recommendations consistent with the policy to the City Council for new development projects.	Policy is implemented on a case by case basis. There has been no major development on Collins Avenue in the recent past that has triggered implementation of this policy.
5.03.713	On-street parking should typically be prohibited except on local streets. On-street parking, where necessary to support commercial businesses, should be oriented primarily to short-term use for the convenience of patrons.	Areas with prohibited or restricted on-street parking are designated with painted curbs and/or signs. The Public Works Department will maintain these designations. The City Engineer will recommend changes when applicable.	All required parking is off-street only, as per the zoning ordinance. On-street parking is not counted toward meeting on-site parking requirements. The Public Works Department continues to monitor on-street parking regulations, and changed standards along Hillside Boulevard to limit parking between 6-8 am on the west side of Hillside Boulevard from the intersection of Serramonte Boulevard every Tuesday and on the east side of Hillside Boulevard from the intersection of Serramonte Boulevard to Sand Hill Road, between the hours of 6:00 and 8:00 AM every Wednesday. Parking regulations along Mission Road were updated in 2012.
5.03.714	A loop road allowing access for emergency vehicles should be included in any future development of the Cypress Hills area. The road should connect the Serramonte Boulevard extension through the Cypress Lawn Hillside Campus to the current golf course access road.	The City Planner will make recommendations consistent with this policy to developers during the design review process. If the property is developed for open space use the road may be private and restricted as to general public access. The road may be installed in increments as land adjoining the right-of-way is improved.	This connection is close to happening. The latest Cypress Lawn improvement ends in a circle that is adjacent to the driving range parking lot.

POLICY NUMBER	POLICY	IMPLEMENTATION MEASURE	STATUS OF POLICY IMPLEMENTATION
5.03.715	<p>The Town shall favorably consider street abandonment applications for paper streets that do not provide access to in-holding lots, are not needed for utility purposes, or are redundant with other paper streets, and will not in the foreseeable future serve a public purpose.</p>	<p>The City Planner and City Engineer will identify streets that meet the policy's criteria and make recommendations for abandonment to the City Council based on the merits of the abandonment application.</p>	<p>There have been no street abandonment applications this past year.</p>
<b>5.03.720 COMPLETE STREETS POLICIES</b>			
5.03.721	<p>Private off-street parking should be developed in all of Colma's commercial areas to minimize traffic congestion. Private off-street parking should be developed in conjunction with residential development projects.</p>	<p>The City Planner will make recommendations consistent with policy to the City Council for new development projects.</p>	<p>On going: Implemented on a case-by-case basis. For all new developments, the City Planner enforces the on-site parking requirements.</p>
5.03.722	<p>Pedestrian sidewalks or walkways should be constructed typically along all streets. These should be done as a requirement of private development, <u>where possible</u>.</p>	<p>The City Planner will make recommendations consistent with policy to the City Council for new development projects.</p>	<p>Ongoing: Implemented on a case-by-case basis.</p>
5.03.723	<p>Sidewalks should be constructed where they do not presently exist, where feasible, on:</p> <ul style="list-style-type: none"> <li>• the west side of El Camino Real north of the entrance to the Greek Cemetery to the Colma BART station</li> <li>• one side of Hillside Boulevard</li> <li>• the north side of Serramonte Boulevard from El Camino Real to Hillside Boulevard</li> <li>• the south side of Collins Avenue</li> </ul>	<p>Projects will be considered as part of ongoing CIP projects. For improvements on El Camino Real, Caltrans coordination will be required.</p>	<p>Completed:</p> <ul style="list-style-type: none"> <li>• the west side of El Camino Real north of Olivet Parkway and south of Collins Avenue*</li> <li>• the east side of Junipero Serra Boulevard from Colma Boulevard to the Town limits</li> <li>• sidewalk on west side of Hillside Boulevard</li> <li>• Hillside Boulevard, between Hoffman and Serramonte, new ADA improvements, bike lanes, street parking, a sidewalk on the east side (there already exists a sidewalk on the west side), light fixtures, and landscaping</li> </ul> <p>Future:</p> <ul style="list-style-type: none"> <li>• Hillside improvements will extend between Serramonte and Lawndale for Phase II at a future time.</li> <li>• the north side of Serramonte Boulevard from El Camino Real to Hillside Boulevard;</li> </ul>

POLICY NUMBER	POLICY	IMPLEMENTATION MEASURE	STATUS OF POLICY IMPLEMENTATION
5.03.721	Private off-street parking should be developed in all of Colma's commercial areas to minimize traffic congestion. Private off-street parking should be developed in conjunction with residential development projects.	The City Planner will make recommendations consistent with policy to the City Council for new development projects.	Ongoing: This policy is implemented on a case-by-case basis. If projects do not require City Council review, the City Planner will review loading and unloading for commercial uses during permit review process and make appropriate recommendations consistent with this policy.
5.03.722	Pedestrian sidewalks or walkways should be constructed typically along all streets. These should be done as a requirement of private development, <u>where possible</u> .	The City Planner will make recommendations consistent with policy to the City Council for new development projects.	Ongoing: This policy is implemented on a case-by-case basis. Facilities for disabled persons are included in all Capital Improvement Programs as well as in new commercial developments.
5.03.723	Sidewalks should be constructed where they do not presently exist, where feasible, on: <ul style="list-style-type: none"> <li>• the west side of El Camino Real north of the entrance to the Greek Cemetery to the Colma BART station</li> <li>• one side of Hillside Boulevard</li> <li>• the north side of Serramonte Boulevard from El Camino Real to Hillside Boulevard</li> <li>• the south side of Collins Avenue</li> </ul>	Projects will be considered as part of ongoing CIP projects. For improvements on El Camino Real, Caltrans coordination will be required.	Ongoing: This policy is implemented on a case-by-case basis.
5.03.724	All loading and unloading of trucks associated with commercial uses should take place out of the road right-of-way in order to avoid potential conflicts with through traffic.	The City Planner will make recommendations consistent with this policy to the City Council for new development projects.	Ongoing: This policy is implemented on a case-by-case basis.
5.03.725	Facilities for disabled persons should be constructed in Colma including specified parking spaces, curb ramps at street crossings, sidewalk clearance around obstacles and sidewalk transitions at driveway crossings.	The City Planner will make recommendations consistent with this policy to the City Council for new development projects.	Ongoing: This policy is implemented on a case-by-case basis.

POLICY NUMBER	POLICY	IMPLEMENTATION MEASURE	STATUS OF POLICY IMPLEMENTATION
5.03.726	Additional driveway access points to El Camino Real and to arterial and collector streets should be discouraged in order to promote traffic safety and retain landscape corridors. Where possible, access should be developed from other streets.	The City Planner will make recommendations consistent with policy to the City Council for new development projects.	On-going: Policy will be considered and implemented with proposed new development projects.
5.03.727	The long term improvement of Hillside Boulevard should include sidewalks and landscaping.	Sidewalks and landscaping are proposed improvements between Serramonte Boulevard and Hoffman Street. Sidewalks are proposed between Serramonte Boulevard and Lawndale Boulevard on the west side of the street. Existing sidewalk sections exist on the east side of Hillside Boulevard between Serramonte Boulevard and Sand Hill Road. Sidewalks on the east side of Hillside Boulevard between Sand Hill Road and Lawndale Boulevard would be required at the time of property development by the property owner.	Hillside Boulevard improvements are completed from Serramonte Boulevard to Hoffman Street. Improvements will be considered as future CIP projects.
5.03.728	The intersection of Mission Road and El Camino Real should be reconfigured to improve safety and to permit left turns from Mission Road onto El Camino Real.	The City Engineer will coordinate with Caltrans on an appropriate configuration. Any necessary funding will be considered in a future CIP.	Future CIP project.
5.03.729	The Town should strive to maintain a Level of Service D or better for all intersections. Levels of E or F should be tolerated during peak periods.	The City Planner and City Engineer will consider and require mitigation, where feasible, to the traffic impacts of new development projects in Colima and proposed in adjoining jurisdictions.	Ongoing. Traffic studies are required for new development projects that could impact LOS for key intersections in Colima. Currently most, if not all, key intersections are operating at an LOS D or better.

**5.03.730 TOWN IMAGE**

POLICY NUMBER	POLICY	IMPLEMENTATION MEASURE	STATUS OF POLICY IMPLEMENTATION
5.03.731	<p>Colima recognizes six major gateways to the Town:</p> <ul style="list-style-type: none"> <li>• El Camino Real at the intersection of F Street</li> <li>• El Camino Real and Mission Road</li> <li>• Serramonte Boulevard and Collins Avenue where they intersect Junipero Serra Boulevard</li> <li>• Hillside Boulevard at the intersection of F Street</li> <li>• Hillside Boulevard at Lawndale Boulevard</li> <li>• Mission Road at Lawndale Boulevard</li> </ul> <p>The Town's gateways should be enhanced and maintained with appropriate landscaping to strengthen Colima's identity. Gateway elements (such as a sculpture or distinctive architecture) should be included at each gateway. The gateway elements should have a consistent theme. Improvements should be included as an element of private development, where appropriate.</p>	<p>The City Planner will make recommendations for the installation of new gateway signs and landscaping consistent with this policy to the City Council whenever a new development project or a CIP project is proposed that will allow for implementation. Remaining gateways to implement include:</p> <ul style="list-style-type: none"> <li>• El Camino Real and Mission Road (which can be implemented when the intersection is reconfigured or improved, or property at 1988 Mission Road is developed)</li> <li>• Hillside Boulevard at the intersection of F Street (to be implemented in Spring of 2015)</li> <li>• Hillside Boulevard at Lawndale Boulevard (to be implemented when the southern section of Hillside Boulevard is improved)</li> </ul>	<p>The installation of the final two gateway monuments will occur when CIP projects are considered</p>
5.03.732	<p>Street trees should be planted along Colima's street system. Trees should be selected from a plant list approved by the City Council in order to create a unifying theme. Street trees should be planted as a requirement of private development, where such developments involve the public street frontage.</p>	<p>The City Planner will designate preferred trees for each street and make recommendations to the City Council for new development projects.</p>	<p>In late 1999 and 2000, 378 new street trees were installed in the Sterling Park neighborhood. Street improvements were also part of the Verano development that was constructed in 2004 with approximately 20 street trees added on the west side of Mission Road. The City Planner implements this policy on a project by project basis when new development applications are submitted.</p>
5.03.733	<p>A utility undergrounding/street beautification program should be carried out for Mission Road in conjunction with the provision of additional off-street parking to improve visual appearance and traffic safety.</p>	<p>Undergrounding and beautification of Mission Road will be considered in as a future Capital Improvement Program project when funds become available.</p>	<p>No funding is available to carry out these improvements. Sidewalks have been installed in some limited areas.</p>

POLICY NUMBER	POLICY	IMPLEMENTATION MEASURE	STATUS OF POLICY IMPLEMENTATION
5.03.734	Overhead transmission lines should be placed underground in order to improve the visual quality of all roadways.	Utility undergrounding will be considered in a future Capital Improvement Program.	Completed: Undergrounding of utilities in majority of the Town has taken place. The areas that are still awaiting undergrounding of utilities include portions of the El Camino Real, Mission Road, Junipero Serra Boulevard and Hillside Boulevard.
<b>5.03.740 BICYCLE AND RECREATION IMPROVEMENTS</b>			
5.03.741	Bicycle lanes should be clearly marked on all designated bicycle routes.	The Town will implement, where feasible, San Mateo County's Comprehensive Bicycle and Pedestrian Master Plan (2011) when projects are being considered under the CIP. In addition, the Town will add Class II and class II bicycle markings and improvements to Mission Road, where feasible.	Will be considered in future CIP programs. Bikes lanes are approved for both sides of Hillside Boulevard, between Hoffman and Serramonte, for Phase I, and between Serramonte and Lawndale for Phase II and III.
5.03.742	The Town should seek ways to implement bikeways along El Camino Real, and Hillside Boulevard.	Consistent with the San Mateo County Comprehensive Bicycle and Pedestrian Master Plan (2011), the Town will consult with Caltrans when improvements are being considered for El Camino Real in order to add bicycle lanes where feasible. Future phases of improvements to Hillside Boulevard will consider, where feasible, the addition of bikeways.	Bikeways were installed along Junipero Serra, Hillside Boulevard Phase I and will be installed along Hillside Boulevard in Phases II & III.
5.03.743	The Town should work with the San Francisco Water Company to see what landscaping improvements are possible on the Water Company right-of-way between Serramonte Boulevard and Collins Avenue.	Securing of an access easement and landscaping of portions of the Water Company right-of-way on the Collins Avenue side shall be considered in the future. The Serramonte half of the right-of-way is proposed to be developed with a wellhouse structure that will be fenced for security.	Ongoing. Future CIP project. The ability to implement this policy is now limited due to the installation of a well building.
<b>5.03.750 SCENIC ROUTES</b>			
5.03.751	The Town recognizes El Camino Real, Hillside Boulevard, and the Junipero Serra Freeway as scenic routes. Detailed studies and mapping of the scenic routes should be undertaken as necessary to define precise corridor boundaries. Standards for site planning within scenic corridors should be adopted.	The City Planner will make recommendations consistent with this policy to the City Council for new development projects.	Ongoing: The City Planner recognizes that El Camino Real, Hillside Boulevard and Junipero Serra are scenic routes. During CEQA review of new development projects the impact of proposed development on these scenic corridor locations is reviewed, and where impacts may occur, mitigations measures are suggested.

# GENERAL PLAN ANNUAL PROGRESS REPORT OPEN SPACE/CONSERVATION ELEMENT POLICIES & IMPLEMENTATION STATUS

5.04.310 WATER AND AIR RESOURCES			
POLICY NUMBER	POLICY	IMPLEMENTATION MEASURE	STATUS OF POLICY IMPLEMENTATION
5.04.311	The City should encourage use of water-saving plumbing fixtures in new construction.	The Building Department will review plans and specifications for new construction for water-saving plumbing fixtures.	Ongoing: During plan checks the Building Department encourages use of water saving plumbing fixtures. In May of 2013 the Town adopted a Climate Action Plan which focuses, in part, on promoting water conservation/efficiency through the installation of water-saving plumbing features in commercial and residential construction.
5.04.312	The City should encourage but not mandate the use of drought-tolerant plants in project landscape schemes.	The City Planner will review landscape and irrigation plans for new developments to assure that landscape practices are in keeping with the Town's Water Efficient Landscape Ordinance.	Ongoing: During the entitlement phase, the Planning Department reviews landscape plans and discusses the installation of drought tolerant plants that is in compliance with Colma's 2015 Water Efficient Landscape Ordinance.
5.04.313	Surface and roof runoff from large scale projects (over 5 acres) should be channeled to detention ponds to facilitate groundwater recharge and to mitigate flooding of Colma Creek.	The City Planner and City Engineer will recommend project specific conditions of approval requiring detention ponds on large scale projects.	Ongoing: Projects of this size are not common in Colma. However, when applicable, the City Planner and City Engineer will require runoff to be channeled to detention ponds.
5.04.314	Colma should make timely improvements to facilitate the flow of vehicular traffic along major thoroughfares to protect air quality and minimize concentrations of carbon monoxide.	The City Engineer will maintain an active Capital Improvement Project (CIP) list to improve the flow of vehicular traffic along major thoroughfares to protect air quality and minimize concentrations of carbon monoxide.	The City Council reinstated the CIP process for the 2015-2016 budget year. The CIP list will be revised for the 2016-2017 fiscal year.
5.04.315	The Town should support the use of public/mass transit by encouraging pedestrian-friendly street design and mixed-use development near transit hubs.	The City Planner will review project plans and make recommendations consistent with this policy.	Ongoing: This policy is implemented on a case-by-case basis. New developments are required to install bike rack and other measures to encourage use of mass transit and alternative forms of transportation.
5.04.316	The Town should minimize the water supply and beneficial use impacts of new development and construction activities to the maximum extent possible.	The plan review and permitting process in the Town should be used to incorporate stormwater quality control, Best Management Practices and minimize increases of impervious cover.	Ongoing: New applications are reviewed to ensure that BMPs are incorporated and that impervious surface is not dramatically increased. New Low Impact Developments (LID) standards shall be applied to new developments to encourage the percolation of water back into the site.



<b>5.04.320 COLMA CREEK</b>			
<b>POLICY NUMBER</b>	<b>POLICY</b>	<b>IMPLEMENTATION MEASURE</b>	<b>STATUS OF POLICY IMPLEMENTATION</b>
5.04.321	Remaining open areas of Colma Creek shall be protected and enhanced for riparian habitat and aesthetic value. This includes the creek bed and a setback on each side extending back 15 feet from the top bank. Particular emphasis shall be given to creek crossings at Serramonte Boulevard, Collins Avenue and El Camino Real.	The City Planner will review project plans and make recommendations consistent with this policy. In addition, the Town may also look for ways to improve creek habitat independent of a private development application.	The creekside setback of 15 feet is implemented; impacts on the open creek channel are reviewed for proposed projects adjacent to the creek. There have been no additional studies by the Town to improve creek habitat at this time.
5.04.322	Open sections of Colma Creek shall be enhanced where appropriate by adding landscaping, pathways and sitting areas along the banks.	The City Planner will review project plans and make recommendations consistent with this policy. In addition, the Town may also look for ways to improve creek aesthetics and use independent of a private development application.	Implemented. Seating and outdoor recreation space was added behind the senior housing complex and Town Hall.
<b>5.04.330 VEGETATION AND PROJECT LANDSCAPING</b>			
<b>POLICY NUMBER</b>	<b>POLICY</b>	<b>IMPLEMENTATION MEASURE</b>	<b>STATUS OF POLICY IMPLEMENTATION</b>
5.04.331	Significant tree masses and other vegetative cover, as indicated on the Open Space Map (Exhibit OS-1), shall be recognized as natural resources and will be managed and preserved. Tree removal, if necessary, shall follow the guidelines of the Tree Ordinance. Any vegetation removed as part of a development process shall be subject to a landscaping replacement. As a general rule, a one-for-one replacement will be required.	The City Planner shall review requests to remove existing trees under the Tree Ordinance. Applications will be denied or approved based on circumstances, tree condition, or merit with appropriate replacement landscaping.	Ongoing: All tree removal permits are reviewed by the City Planner, and in most cases, an arborist report is required prior to approval to assess tree conditions before approving removals.
5.04.332	The Town shall encourage use of the representative plant list and landscape criteria set forth in Tables OS-2 and OS-3.	The City Planner shall make the list available to property owner and/or applicants who wish to improve or install landscaping. Additional plant choices will be considered based on appropriate use and climate/soil considerations.	Ongoing: The Planning Department has developed a list of tree and plant species that grow well in Colma and has this information available to residents and developers.

POLICY NUMBER	POLICY	IMPLEMENTATION MEASURE	STATUS OF POLICY IMPLEMENTATION
5.04.333	Street trees should be planted along Colima's street system. Trees should be selected from a plant list approved by the City council in order to create a unifying theme. Trees should be planted as a requirement of private development with spacing 20-30 feet apart.	The City Planner will make specific street tree recommendations during the design review process.	Replacement trees are required at a 1:1 ratio as a condition of approval when tree removal permits are issued. In addition, when there has been development within the Town's right-of-way, Planning staff has required tree planting consistent with sidewalk development patterns within Colma.
5.04.334	The Town should encourage property owners to eliminate invasive plants wherever they occur.	Town staff will request property owners to remove invasive plants. The Planning Department can provide information on eradication methods.	Ongoing: During code enforcement for weed abatement staff encourages the removal of invasive plants.
<b>5.04.340 FLOODING</b>			
POLICY NUMBER	POLICY	IMPLEMENTATION MEASURE	STATUS OF POLICY IMPLEMENTATION
5.04.341	On-site storm water detention shall be constructed for new developments (over 1/2 acre) which contribute runoff to Colma Creek to store the difference in runoff between the 10-year predevelopment storm (original natural state) and the 100-year post development storm, with stormwater released at the 10-year predevelopment rate. Property owners should be required to enter into agreements for maintenance.	Recommended conditions of approval will be made consistent with this policy. This policy will be implemented by the Building and Engineering Departments at the time of building permit review.	Ongoing: This policy is implemented by the Building and Engineering Departments at the time of building permit review.
<b>5.04.350 MEMORIAL PARKS</b>			
POLICY NUMBER	POLICY	IMPLEMENTATION MEASURE	STATUS OF POLICY IMPLEMENTATION
5.04.351	The City shall encourage the preservation, care and maintenance of memorial parks and cemeteries.	The City Council, City Manager and City Planner will continue to monitor and work with cemetery operators to implement this policy.	Ongoing

POLICY NUMBER	POLICY	IMPLEMENTATION MEASURE	STATUS OF POLICY IMPLEMENTATION
5.04.352	Uncommitted cemetery lands will be encouraged to be used for agricultural purposes. Industrial uses shall be prohibited. Conversion of uncommitted cemetery lands to commercial or residential uses shall be discouraged unless there is a demonstrated public need for such change.	The City Planner shall make recommendations on development applications consistent with this policy, the adopted zoning, and General Plan.	Ongoing: Uncommitted cemetery land is currently used for agricultural purposes.
5.04.353	The Pauper's Field known as the Sunset Cemetery should be designated on the Open Space Map and protected against damage or misuse. The Town should not approve any permits for grading or development that could adversely affect the site. Any development within 250 feet of the north edge of the pauper's field should be required to document an archeological survey to determine if burials related to the Pauper's Field exist.	The City Planner and Police Department will monitor activity to protect against misuse. The City Planner will make recommendations on development applications consistent with this policy.	The Pauper's Field remains undeveloped and development on and around this area is restricted.
<b>5.04.360 TOWN IDENTITY</b>			
POLICY NUMBER	POLICY	IMPLEMENTATION MEASURE	STATUS OF POLICY IMPLEMENTATION
5.04.361	The Town shall maintain a visual and physical distinction from its surrounding cities.	The City Planner will make recommendations on development applications, signage applications, public improvements, applications for exterior building modifications and landscape plans consistent with adopted General Plan and zoning provisions. A strong Spanish-Mediterranean architectural theme, emphasis on flowering plants and gateway elements will strengthen this distinction.	All new development and remodels are subject to design review where the Spanish-Mediterranean architectural theme is encouraged.
5.04.362	A Spanish-Mediterranean architectural theme shall be utilized for new buildings and major remodeling projects unless an established architectural theme of merit exists.	The City Planner shall only approve or make a recommendation to approve plans that are consistent with this policy.	All new development and remodels are subject to design review. The Spanish-Mediterranean architectural theme is required in specified areas on the DR overlay map.

POLICY NUMBER	POLICY	IMPLEMENTATION MEASURE	STATUS OF POLICY IMPLEMENTATION
5.04.363	El Camino Real shall be maintained as a greenbelt with wide, landscaped setbacks. The Town shall introduce a street tree program to enhance the greenbelt theme.	The City Planner and City Engineer shall develop a street tree program after approval of a plan and funding by the Town Council.	The Planning Department continues to promote El Camino Real as a wide greenbelt with landscaped setbacks; however a street tree program has not been pursued or funded at this time.
5.04.364	The Town shall promote the image of Colma as a flower town by encouraging the continuation of flower growing in agricultural areas, by requiring the use of flowering trees, shrubs and groundcover in project landscaping and by installing seasonal flowers on publicly-owned properties.	The City Planner shall make recommendations or implement this policy for new developments, landscape changes or public improvements.	Ongoing: Flowering shrubs and plants are encouraged as part of new development projects as well as Capital Improvement Projects. However, this policy is balanced with the need to utilize drought tolerant planting.
5.04.365	The Town shall promote the design and installation of special landscape features at principal entrances to Town.	The City Planner will make recommendations to implement this policy.	This policy has been partially implemented at some of the gateway locations into Town with the installation of a Town sign along with palm trees planted adjacent to the sign.
5.04.366	The Town shall promote a civic art program.	The City Planner will make recommendations to implement this policy for larger development projects and public projects and spaces.	A Public Art ordinance was drafted and brought before City Council for consideration in 2007, but it was decided that this policy was not a priority for the Town to pursue at that time.
5.04.367	A consistent street beautification strategy should be incorporated into future roadway improvements to establish a unique and identifiable aesthetic throughout the Town.	The City Planner and City Engineer will develop a street design program for approval and funding by the Town Council.	Ongoing: Street improvement plans are considered for implementation of a standard street design to establish a uniform look throughout the Town. Currently this design is under consideration for possible improvements to Hillside Boulevard.

**5.04.370 CYPRESS HILLS PROPERTY**

POLICY NUMBER	POLICY	IMPLEMENTATION MEASURE	STATUS OF POLICY IMPLEMENTATION
5.04.371	Future use of the Cypress Hills property other than for park, cemetery or golf course use shall be considered only in conjunction with an overall Master Plan.	City Planner will advise prospective developers of this requirement and make recommendations consistent with this policy.	The Cypress Hills property is currently transitioning to cemetery land use with purchases by Cypress Lawn. Since no other land uses are contemplated, a Master Plan is not required at this time.
5.04.372	The Town should require reclamation of the Hillside Landfill. Reclamation shall include the expansion of the Cypress Hills Gold Course within the Town boundaries, development a passive use area within the County area of the jurisdiction and development of a trailhead parking area within the Town to provide access to San Bruno Mountain Park from Hillside Boulevard.	The City Planner will work with operator and other agencies to implement this policy, with Town Council approval of the final reclamation plan.	Ongoing discussions by the City and land owner.
5.04.373	The Town should not approve any new landfill operations in Colma.	The City Planner will make recommendations consistent with this policy to the Town Council.	No new landfill operations have been proposed.

**5.04.380 THREATENED AND ENDANGERED SPECIES**

POLICY NUMBER	POLICY	IMPLEMENTATION MEASURE	STATUS OF POLICY IMPLEMENTATION
5.04.381	New developments on properties having open creeks and ponds shall be subject to an investigation of the presence of the threatened Red-legged frog and the endangered San Francisco garter snake.	The City Planner, through the Environmental Review, will ensure that this policy is met.	Ongoing: Staff monitors proposed developments and will require biological studies for projects near sensitive habitats.
5.04.382	Tree removal requests shall be subject to an investigation of the presence of active raptor nests.	The City Planner, through the Environmental Review, will ensure that this policy is met.	Ongoing: Conditions of approval requiring nesting studies under the Migratory Bird Act are included on approvals for tree removals.

**5.04.390 PUBLIC PARKS AND RECREATION**

POLICY NUMBER	POLICY	IMPLEMENTATION MEASURE	STATUS OF POLICY IMPLEMENTATION
5.04.391	<p>The City shall endeavor to increase public park and recreation opportunities in Colma, such as an expansion of the Sterling Park Community Center, a community garden at the Senior Housing Complex, a historical park, and a community playfield.</p>	<p>The City Planner, City Manager and City Council will continue to look for opportunities to implement this policy.</p>	<p>There have been no increases to public park spaces recently.</p>
5.04.392	<p>To promote the creation of a trail and pathway network, the City Council should condition the approval of permits for all site and building improvement projects, where such projects involve the public street frontage, to require the installation of a public sidewalk, if one does not already exist, within the public right-of-way fronting the affected property. Sidewalks should be a minimum 5 feet wide (4'6" walkway and 6" curb).</p>	<p>The City Planner and City Engineer will make recommendations consistent with this policy to the City Council.</p>	<p>Ongoing: where the opportunities arise, staff will require sidewalk installation where non existing. In July of 2013 the Town approved entitlements to construct a new 9,592 square foot three-story, office building built over a one-level at-grade parking podium, on a 0.27 acre project site located at 1850 El Camino Real. Rather than require a public sidewalk on the site which may never be utilized or connected to sidewalk improvements further south, the permit was conditioned to require that the property owner covenant to provide an access easement for the purpose of providing a public sidewalk if one is required in the future.</p>
5.04.393	<p>The Town should work with the San Francisco Water Company to see what landscaping and pedestrian improvements are possible on the Water company right-of-way between Serramonte Boulevard and Collins Avenue.</p>	<p>Landscaping for portions of the easement is included in the Town's 1998/99-2002/03 Capital Improvement Program. The City Planner will make recommendations consistent with this policy to the City Council.</p>	<p>Ongoing discussions with SFPUC regarding their right-of-way. With the construction of a well building in the right of way, the ability to include pedestrian improvements is not possible.</p>

## 2015 GENERAL PLAN ANNUAL PROGRESS REPORT NOISE ELEMENT POLICIES & IMPLEMENTATION STATUS

<b>5.06.310 NOISE ELEMENT POLICIES</b>			
POLICY NUMBER	POLICY	IMPLEMENTATION MEASURE	STATUS OF POLICY IMPLEMENTATION
5.06.311	The Town should review proposed development with regard to potential noise generation impacts, to ensure that the tranquil atmosphere for the Town's memorial parks is maintained.	The City Planner will make recommendations consistent with this policy and Subchapter 2.05 Noise Limitation of the Town Municipal Code to the Town Council for new development projects.	Ongoing: All development projects that are subject to CEQA review are analyzed for potential noise impacts, both construction related and operational. Mitigation measures, including limits on construction hours, are imposed where needed. In December of 2013 the Town added Subchapter 2.05 Noise Limitation to the Town Municipal Code, which allows for police department enforcement of noise complaints or violations.
5.06.312	Land use decisions should include consideration of the noise compatibility chart and acoustic reports required for all development in locations where noise levels exceed the "normal acceptable" range for specified land use types. Mitigation measures should be required if recommended in the acoustic report.	Acoustic reports will be required for applicable new projects, consistent with this policy. The City Planner will make recommendations consistent with this policy to the Town Council for new development projects.	Ongoing: Noise studies (acoustic reports) are required where it is anticipated that noise levels may exceed "normal acceptable" levels, and mitigation measures are imposed as needed to reduce noise levels to "normal acceptable" range.
5.06.313	A detailed acoustic report should be required in all cases where hotels, motels and multiple-family dwellings are proposed in areas exposed to exterior noise levels 60 Ldn or greater. Mitigation measures should be required if recommended in the report.	Acoustic reports will be required for applicable new projects, consistent with this policy. The City Planner will make recommendations consistent with this policy to the Town Council for new development projects.	Ongoing: This policy is implemented on a case-by-case basis where multiple-family dwellings are proposed in areas exposed to exterior noise levels 60 Ldn or greater.
5.06.314	All BART tail tracks and line extensions through Colma shall be located underground along the former Southern Pacific Railroad right-of-way so that environmental noise impacts are minimized.	The design for the BART line through Colma is consistent with this policy. Any future additions or modifications to the BART line through Colma must be consistent with this policy.	This policy has been implemented and there have been no other additions or modifications to the BART line through Colma.
5.06.315	An ordinance should be adopted limiting days and hours of construction to provide quiet time.	The City Planner will work with the City Engineer to prepare an ordinance for City Council consideration.	Completed: Colma Municipal Code Section 5.04.110-5.04.140 was revised in March 2010 to include limits on construction hours: weekdays 7 a.m. to 8 p.m. and weekends 10 a.m. to 6 p.m. This ordinance will be further amended and reported on in 2016.

## GENERAL PLAN ANNUAL PROGRESS REPORT SAFETY ELEMENT POLICIES & IMPLEMENTATION STATUS

5.07.410 SEISMIC AND GEOLOGIC			
POLICY NUMBER	POLICY	IMPLEMENTATION MEASURE	STATUS OF POLICY IMPLEMENTATION
5.07.411	The Town should continue to investigate the potential for seismic and geologic hazards as part of the development review process and maintain this information for the public record. Safety Element maps should be updated as appropriate.	The City Planner will review incoming geologic reports associated with new development and update base information and maps.	Ongoing: Each project that includes a seismic and geologic hazards investigation as part of the development review process is kept on file and City maps will be updated as new information is received.
5.07.412	The Town should require geotechnical, soils and foundation reports for proposed projects which warrant them according to the Safety Element and its geologic and Hazard Maps, the County's Seismic and Safety Element; and the Town's Building Official and Building Codes.	Soils and geotechnical reports will be required as part of the submittal for new development projects. The City Engineer and Building Official will review necessary reports as part of the building permit process.	Ongoing: This policy is implemented on a case-by-case basis; for new construction projects and additions, geotechnical, soils and foundation reports are required and analyzed in the CEQA document as well as by the City Engineer during the permitting process.
5.07.413	Colma should prohibit development in seismic or geologically hazardous zones, including any land alteration, grading for roads and structural development.	Based on applicable Geologic and Engineering reports, this policy will be carried out by the City Engineer and City Planner.	Ongoing: This policy is implemented on a case-by-case basis.
5.07.414	All critical care facilities and services should be designed to remain functional following the maximum credible earthquake. Placement of critical facilities and high-occupancy structures in areas prone to violent ground shaking or ground failures should be avoided.	The City Engineer and Building Official will review Geologic reports, Engineering studies and plans for these types of structures.	Ongoing: This policy is implemented on a case-by-case basis.
5.07.415	The Town should request that owners of all buildings identified as unsafe have their buildings inspected by a licensed engineer or architect, and take the necessary steps to make them safe.	This policy will be implemented by the Building Department.	Ongoing: This policy is implemented on a case-by-case basis. To date, no unsafe buildings have been identified.
5.07.416	Colma should work with San Mateo County, California Water Service Company and the San Francisco Water District to ensure that all water tanks and main water pipelines are capable of withstanding high seismic stress.	The City Planner and City Engineer will make inquiries about these items.	Ongoing: Discussions are held with utility providers. SFPUC has recently reviewed water distribution lines and replaced a main distribution line just south of Serramonte Boulevard.



**5.07.420 FLOODING**

POLICY NUMBER	POLICY	IMPLEMENTATION MEASURE	STATUS OF POLICY IMPLEMENTATION
5.07.421	Drainage facilities should be maintained to accommodate the flow capacity of Colma Creek through Colma to accommodate the storm water runoff from a 100-year storm.	The Town will continue to participate in the review of flood improvement projects, carried out by San Mateo County, to reduce flood hazards throughout the town.	The Colma Creek by-pass pipe was installed on El Camino Real, and has been constructed to accommodate a 100-year storm event.
5.07.422	The Town should continue to require the habitable portions of new structures to have a first-floor elevation that is elevated to or above the projected 100-year water surface, and to be adequately protected from flooding, as defined in the Municipal Code (Section 5.05.335).	This policy will be implemented as a standard condition of Planning Permits and during review of construction plans by the City Engineer and Building Official.	Ongoing: This policy is implemented on a case-by-case basis.
5.07.423	On-site storm water detention facilities should be constructed for new developments (over 1/2 acre) which contribute runoff to Colma Creek to store the difference in runoff between the 10-year predevelopment storm (original natural state) and the 100-year post development storm, with stormwater released at the 10-year predevelopment rate. Property owners should be required to enter into agreements for maintenance.	This policy will be implemented as a standard condition of Planning Permits and during review of construction plans by the City Engineer and Building Official.	Ongoing: This policy is implemented on a case-by-case basis. New developments in Town have been required to comply with this policy and maintenance agreements have been implemented.

**5.07.430 FIRE SAFETY**

POLICY NUMBER	POLICY	IMPLEMENTATION MEASURE	STATUS OF POLICY IMPLEMENTATION
5.07.431	The Town should support the Fire Protection District as they strive to improve the District's ISO rating.	The City Council and City Manager will continue to monitor and work with the Fire Protection District to implement this policy.	Ongoing.
5.07.432	Colma should ensure that all buildings have visible street numbers and are accessible to fire vehicles and equipment. A minimum 20 foot wide fire lane should be provided to all commercial and large scale residential facilities.	The Fire Protection District will review and condition approval of new development plans to meet these standards and will encourage businesses, at the time of fire inspections, to meet these and other fire safety standards.	Ongoing: This policy is implemented on a case-by-case basis. All new development projects and remodels are routed to the Colma Fire District for comment. Fire lanes are inspected on site by the Fire Marshall
5.07.433	Colma should assist the Fire Protection District in efforts to continue to maintain an average response time of two to four minutes to all locations in Colma.	The City Council and City Manager will continue to monitor and work with the Fire Protection District to implement this policy.	Policy is currently being met with in town response times within two to four minutes.

POLICY NUMBER	POLICY	IMPLEMENTATION MEASURE	STATUS OF POLICY IMPLEMENTATION
5.07.434	The Town should continue to have the Colma Fire Protection District review development plans for conformity with the Uniform Fire Code and Title 24 of the California Building Code.	The Fire Protection District or its designee will continue to review development plans.	Ongoing. All applications for development are routed to the Fire Protection District for review comments for conformity with the UFC, Title 24 and the CBC.
5.07.435	The Town should support the Fire Protection District's continued programs of fire prevention and public education about fire safety.	The City Council and City Manager will continue to monitor and work with the Fire Protection District to continue this program.	Ongoing
5.07.436	Encourage the Fire Protection District to continue its participation in mutual aid agreements with Pacifica, Daly City, San Bruno, South San Francisco, Brisbane and the San Mateo County Fire Chiefs Association County Wide Plan.	The Fire Protection District will continue to implement ways to improve local service to Colma and neighboring communities.	Ongoing
5.07.437	The Town should insure that the community is served by a self-sufficient fire protection system that may include support for the existing District, establishment of a joint powers agreement, acquisition of the existing District and facilities or development of a new free-standing fire station.	The City Council and Fire Protection District will continue to monitor and evaluate future service for the Town.	Ongoing. No significant new developments have occurred over the past few years.
5.07.438	Colma should consider acquisition of a site for a new public safety facility.	The Town continues to investigate opportunities for acquiring sites for civic purposes.	Due to the recession, there have not been any recent discussions about acquiring sites.
<b>5.07.440 HAZARDOUS MATERIALS</b>			
POLICY NUMBER	POLICY	IMPLEMENTATION MEASURE	STATUS OF POLICY IMPLEMENTATION
5.07.441	Colma should support County efforts to locate, regulate and maintain information regarding hazardous materials located or transported within the Town.	The Fire Protection District, San Mateo County Environmental Health Department, and the City Engineer will carry out this policy.	Ongoing
5.07.442	Colma should collect and maintain a list of locations in Town where hazardous materials are used.	The Fire Protection District, City Engineer, and City Planner will maintain hazardous materials lists.	Ongoing. List kept by the Fire Protection District

POLICY NUMBER	POLICY	IMPLEMENTATION MEASURE	STATUS OF POLICY IMPLEMENTATION
5.07.443	Measures aimed at significantly decreasing solid waste generation should be promoted. Recycled materials storage and collection areas should be required throughout the Town and in all new developments.	The City Council will continue to work with waste haulers and owners of the Hillside Landfill in Colima to reduce solid waste generation and to increase recycling. Proper waste storage will be required as a standard condition of Planning Permits.	This policy has been implemented with a new waste collection process that has been implemented for curbside recycling of materials; in addition recycling deposits are required for demolition permits issued by the Building Department and standard conditions regarding waste storage are included with entitlement approvals. The Town has adopted ordinances prohibiting the use of polystyrene containers and single use plastic bags. Ongoing
5.07.444	Public awareness of safe and effective hazardous waste use, storage and disposal should be promoted. The Town newsletter should be used to inform residents.	Articles or prepared materials from various sources will be distributed or included in the Town newsletter.	Ongoing
<b>5.07.450 EMERGENCY OPERATIONS</b>			
POLICY NUMBER	POLICY	IMPLEMENTATION MEASURE	STATUS OF POLICY IMPLEMENTATION
5.07.451	The Town should maintain the Colima Emergency Management Plan and continue to participate with San Mateo County's Mutual Aid Programs and Operational Area Emergency Services Organization as a basis for community emergency preparedness.	City staff will continue to work with the San Mateo Operational Emergency Services Organization to maintain and improve community emergency preparedness	Ongoing: Colima continues to participate in the SM County's Mutual Aid program.
5.07.452	Colima should continue to analyze significant seismic, geologic and community wide hazards as part of the environmental review process, and require that mitigation measures be made conditions of project approval.	The City Planner and other departments will monitor and recommend hazards mitigation as part of project approval.	Ongoing: Projects that require CEQA review included analysis of seismic, geologic and community wide hazards and where applicable, mitigate measures are included to reduce impacts from these hazards.
5.07.453	Emergency evacuation routes should be determined by the Police Chief and City Engineer. Evacuation routes should follow the major roadways as set forth in the Circulation Element.	The Police Department will direct any necessary evacuation routes.	Ongoing: no change
5.07.454	Colima should promote awareness of the Town's emergency operations procedure. The Town newsletter should be used to inform residents.	Articles or prepared materials from various sources will be distributed or included in the Town newsletter.	Ongoing: Colima's EOC regularly conducts drills to ensure that employees and members of public are aware of emergency operations; the Town's newsletter also contains information about how to handle and prepare for emergency situations.

POLICY NUMBER	POLICY	IMPLEMENTATION MEASURE	STATUS OF POLICY IMPLEMENTATION
5.07.455	Colima should strive to improve interjurisdictional, interagency cooperation with other public and private agencies for safety in future land use planning, hazard prevention and emergency response.	City staff will communicate with their counterparts in other jurisdictions to continue to work toward protecting community safety.	Ongoing
5.07.456	Colima should work with the Colima Fire Protection District to establish an alternative Emergency Operations Center, if the Fire Protection District facility is not operational.	City staff will work toward having necessary supplies available at an alternative site when one is selected.	The main EOC (Emergency Operations Center) is the Police Station, and the alternative EOC is Colima's Town Hall. In addition, Sterling Park Community Center and the Hillside Community Center have been designated as emergency shelter locations.

## 2015 GENERAL PLAN ANNUAL PROGRESS REPORT HISTORICAL ELEMENT POLICIES & IMPLEMENTATION STATUS

<b>5.08.210 HISTORIC RESOURCE PROTECTIONS</b>			
POLICY NUMBER	POLICY	IMPLEMENTATION MEASURE	STATUS OF POLICY IMPLEMENTATION
5.08.221	Colima should encourage the rehabilitation and continued use or reuse of designated historic buildings or sites whenever planning or building permits are involved	The City Planner will make recommendations consistent with this policy to the City Council	Ongoing: This policy is implemented on a case-by-case basis. City Planner worked with developer of proposed mixed use project at Bocci site, 7778 El Camino Real, to relocate and restore historic Bocci office building across the street to make way for new project; however project was ultimately withdrawn in 2008.
5.08.212	Important historic resources should be protected through designation by the Town of Colima.	The City Planner will make recommendations consistent with this policy to the City Council.	The Town of Colima has not designated any historic resources. Potential resources are protected through the CEQA process.
5.08.213	State and/or Federal recognition of selected historic resources should be sought by applying for designation as a California Historical Landmark, or a California Point of Historical Interest, and/or inclusion in the National Register of Historic Places. Nomination to the California Register of Historical Resources should be made for qualifying public buildings and whenever private property owners concur.	The City Planner will facilitate applications for qualifying public buildings, and assist property owners who want to apply for historical designation for their buildings.	No property owners have sought designation.
<b>5.08.220 HISTORIC RESOURCE PROTECTIONS</b>			
POLICY NUMBER	POLICY	IMPLEMENTATION MEASURE	STATUS OF POLICY IMPLEMENTATION
5.08.221	A Historic Preservation Ordinance and Historic District Resource "HR" Combining Zone should be used to identify historic resources. Protection of historic resources should be provided by use of the design review procedure.	The City Planner will make recommendations consistent with this policy to the City Council.	A Historic Preservation Ordinance and HR combining zone has not been established to date.
5.08.222	The Colima Historical Association should be consulted whenever a proposed development project involves a designated historic resource in Colima.	The City Planner will contact the Colima Historical Association and solicit input whenever a proposed development project involves a designated historic resource.	Ongoing: This policy is implemented on a case-by-case basis.
5.08.223	Colima should use the nationally established Rehabilitation Standards and Guidelines for the Restoration and Rehabilitation of Historic Structures (See Appendix C).	The City Planner and Building Department will make recommendations consistent with this policy to the City Council.	Ongoing: This policy is implemented on a case-by-case basis when repair or construction projects are proposed on historic structures (as identified in this Element).

POLICY NUMBER	POLICY	IMPLEMENTATION MEASURE	STATUS OF POLICY IMPLEMENTATION
5.08.224	Colma should use the California State Historical Building Code (SHBC) for designated buildings to encourage historic rehabilitation.	The City Planner and Building Department will make recommendations consistent with this policy to the City Council.	Ongoing: This policy is implemented on a case-by-case basis when repair or construction projects are proposed on historic structures (as identified in this Element).
5.08.225	A Historic Resources inventory should be maintained, including keeping a current list of all local, state, and federally designated historical landmarks, points of historical interest, historic resources and historic districts in Colma.	The City Planner will maintain a Historic Resources Inventory and make it available for public inspection.	Ongoing: A Historic Resources inventory was prepared to facilitate preparation of the Historic Resources Element. The inventory is available for public inspection.
5.08.226	The Town should utilize its Design Review procedure for review of development in historic districts and adjacent to designated historic landmarks.	The City Planner will make recommendations consistent with this policy to the City Council for new development projects.	Ongoing: This policy is implemented on a case-by-case basis.
<b>5.08.230 INCREASE PUBLIC AWARENESS</b>			
POLICY NUMBER	POLICY	IMPLEMENTATION MEASURE	STATUS OF POLICY IMPLEMENTATION
5.08.231	The Town should provide information to the public concerning the location of historic resources and their value to the community, State and Nation.	The City Planner will maintain a Historic Resources Inventory and make it available for public inspection. Referrals to the Colma Historical Association will also be made.	Ongoing
5.08.232	The Town should support the Colma Historical Association in their efforts to expand historical knowledge about Colma.	The Town will pursue establishment of an historical park and museum for Colma.	Completed: The Colma Historical Association moved into their expanded location at 1500 Hillside Boulevard in 2003.
5.08.233	Colma should maintain communication with the State Office of Historic Preservation, California Register of Historical Resources and San Mateo County Planning Department to disseminate information about historical resources in Colma.	The City Planner, City Manager and City Council will take actions consistent with this policy when required.	Ongoing



# STAFF REPORT

TO: Mayor and Members of the City Council  
 FROM: Sean Rabé, City Manager  
 MEETING DATE: February 10, 2016  
 SUBJECT: First Amendment to Employment Contract for Chief of Police

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## RECOMMENDATION

Staff recommends that the City Council adopt the following resolution:

RESOLUTION APPROVING FIRST AMENDMENT TO EMPLOYMENT CONTRACT WITH  
KIRK STRATTON

## EXECUTIVE SUMMARY

The attached First Amendment will increase the Chief of Police's base salary, retroactively to November 12, 2015, consistent with the time salary negotiations began occurring.

## FISCAL IMPACT

The Chief of Police's salary under the terms of the First Amendment will increase from \$170,000 to \$178,500. While this increase was not reflected in the adopted 2015-16 Budget, there are ample savings in the Police Department Administration Budget to cover the increase.

## BACKGROUND

On October 8, 2014, the Town of Colma entered into an employment contract with Kirk Stratton to serve as the Town's Chief of Police. Upon his successful first year as the Chief of Police, staff began the process of negotiating his salary and evaluating his annual performance. Staff is now seeking to amend the Chief's contract to increase his base salary by five percent retroactive to the time salary negotiations began occurring.

## ANALYSIS

### *Base Salary*

Under the terms of the First Amendment, the Chief of Police's base salary will increase from the current \$170,000 per year to \$178,500 per year, a total increase of \$8,500. This increase will be retroactively effective November 12, 2015. All other terms and conditions of Mr. Stratton's employment agreement with the Town will remain unchanged.

## **CONCLUSION**

Staff recommends that the City Council adopt a Resolution approving the First Amendment to the employment contract with Kirk Stratton.

## **ATTACHMENTS**

- A. Resolution
- B. First Amendment
- C. Employment Contract



**RESOLUTION NO. 2016-##  
OF THE CITY COUNCIL OF THE TOWN OF COLMA**

**RESOLUTION APPROVING FIRST AMENDMENT TO  
EMPLOYMENT CONTRACT WITH KIRK STRATTON**

The City Council of the Town of Colma does hereby resolve as follows:

**1. Background**

(a) On October 8, 2014, the City Council entered into an employment contract with Kirk Stratton to serve as the Town's Chief of Police.

(b) The City Council now seeks to amend the Chief of Police's contract to increase his base salary, subject to approval of an amendment to the employment contract.

**2. Order**

(a) The First Amendment to the employment contract between the Town of Colma and Kirk Stratton, a copy of which is on file with the City Clerk, shall be and hereby is approved by the City Council of the Town of Colma.

(b) The Mayor shall be, and hereby is, authorized to execute this First Amendment on behalf of the Town of Colma, with such technical amendments as may be deemed appropriate by the Mayor and the City Attorney.

**Certification of Adoption**

I certify that the foregoing Resolution No. 2016-## was duly adopted at a regular meeting of said City Council held on February 10, 2016 by the following vote:

Name	Counted toward Quorum			Not Counted toward Quorum	
	Aye	No	Abstain	Present, Recused	Absent
Diana Colvin, Mayor					
Helen Fiscaro					
Raquel Gonzalez					
Joseph Silva					
Joanne del Rosario					
Voting Tally					

Dated \_\_\_\_\_

\_\_\_\_\_  
Diana Colvin, Mayor

Attest: \_\_\_\_\_  
Caitlin Corley, City Clerk



**FIRST AMENDMENT TO  
EMPLOYMENT CONTRACT WITH KIRK STRATTON**

This First Amendment is made and entered into by and between the Town of Colma, a municipal corporation and general law city ("Employer"), and Kirk Stratton ("Employee"), who are sometimes individually referred to as a "Party" and collectively as "Parties" in this First Amendment. For reference purposes, this First Amendment is dated November 12, 2015.

**1. Recitals.** This First Amendment is made with reference to the following facts:

- (a) On October 8, 2014, Employer and Employee entered into an Employment Contract ("Contract") for Employee to serve as Chief of Police.
- (b) The Employer and Employee now seek to amend the Contract to increase the Employee's base salary, retroactive to November 12, 2015.
- (c) Employer and Employee now desire to enter into this First Amendment to increase Employee's base salary.

NOW, THEREFORE, BASED ON THE MUTUAL PROMISES AND CONSIDERATION CONTAINED IN THIS FIRST AMENDMENT AND THE CONTRACT, THE PARTIES HEREBY AGREE AS FOLLOWS:

**1. Subsection (a) of Section 3, "Salary" of the Contract is hereby modified as follows:**

- (a) *Salary.* Employer shall pay Employee a salary of \$178,500.00 per year, or such greater amount as may hereafter be approved by the City Council, which shall be paid at the same time and in the same manner as salaries are usually paid to Miscellaneous Employees of the Town.

**Execution.** In Witness thereof, the parties hereto have signed this First Amendment on the respective dates shown below and this First Amendment and the Contract constitutes the entire Agreement between the Parties.

Dated \_\_\_\_\_

\_\_\_\_\_

Kirk Stratton, Employee

Dated: \_\_\_\_\_

TOWN OF COLMA (Employer)

By \_\_\_\_\_

Diana Colvin, Mayor



**EMPLOYMENT CONTRACT BETWEEN THE TOWN OF COLMA  
AND CHIEF OF POLICE KIRK STRATTON**

This contract is made and entered into by and between the Town of Colma, State of California, a municipal corporation, hereinafter called Employer and Kirk Stratton, Employee.

**RECITALS**

**1. Purpose.**

This contract is made because:

- (a) Employer desires to secure and retain the services of Employee as Chief of Police, as provided by the Municipal Code of the Town of Colma and by the laws of the State of California, to provide inducement for Employee to remain in such employment; and to assure Employee's morale and peace of mind with respect to future security;
- (b) Employee desires to serve as Chief of Police of the Town of Colma; and
- (c) Employee will become an at-will employee and the parties desire to provide a just means for terminating Employee's services.

**2. Duties**

- (a) The Town shall employ Employee on a full-time basis, on a work schedule determined by the City Manager. Employee's duties shall be those generally found in the job description for this position, state law, the Town's Municipal Code and policies, and other duties as assigned by the City Manager. These duties may be modified in the future by the Town Manager (or designee) or Town Council.
- (b) Employee shall faithfully, diligently, and to the best of Employee's abilities perform all duties that may be required under this Agreement. Employee agrees that Employee has a duty of loyalty and a general fiduciary duty to the Town. Employee shall devote the whole of Employee's working time, skill, experience, knowledge, ability, labor, energy, attention and best effort exclusively to the Town's business and affairs. Absent prior written consent from the Town, so long as Employee is employed with the Town, Employee shall not engage in activities that would unreasonably interfere with the performance of Employee's duties or compete with the Town's business.
- (c) Employee shall not engage in any employment, activity, service, or other enterprise, for compensation or otherwise, which is actually or potentially in conflict with, inimical to, or interferes with the performance of the duties required under this Agreement.
- (d) Employee is expected to devote necessary time outside normal office hours to the business of the Town and, to that end, Employee shall be allowed flexibility in setting his own office hours when reasonably necessary to accommodate such activities.

### **3. Salary**

(a) Beginning with the first pay period following execution of this contract, Employer shall pay Employee a salary of \$170,000.00 per year, or such greater salary or benefits as may be hereinafter authorized by the City Council. The salary shall be paid at the same time and manner as salaries are paid for police officers of the Town of Colma.

(b) Employee understands and acknowledges that Employee is obligated to pay, out of his salary, the Employee's share of contributions to CalPERS and the Employee's share of contributions due under the Federal Insurance Contributions Act (FICA), Federal Unemployment Act (FUTA) and State Unemployment Insurance Act (SUI). Employee authorizes Employer to withhold from Employee's salary the amount of these contributions.

(d) Employer shall not, at any time during this Contract, reduce the salary, compensation or other financial benefits of Employee except to the degree of such reduction across the board for most employees of Employer.

### **4. Benefits**

Employee shall receive the benefits as are provided for peace officers by the Colma Municipal Code, the Colma Administrative Code, and the Memorandum of Understanding between the Town of Colma and the Colma Peace Officers' Association, except that:

(a) *Vacation.* Employee shall accrue five weeks per year, accrued monthly beginning upon commencement of employment. Only two weeks of accrued vacation may be carried forward to the next year.

(b) *Management Leave.* Management leave shall be credited to Employee in advance in a prorated amount as of the effective date of this contract and in the full amount on January 1 of each calendar year hereafter. Employer shall grant Employee ten (10) days management leave per year, less the Employee's management leave balance at close of business on December 31, if any. Management leave shall be earned and accrued on January 1 of each year only. If Employee has a management leave balance at close of business on December 31, that balance shall be carried over to January 1, and the number of days of management leave that will be granted to Employee will be fifteen days less the balance carried over from December 31 to January 1.

(c) *Use of Police Car.* Employer shall provide a police car to Employee for his sole and exclusive use for travel while on duty, travel between his residence and the Town, and for any work-related travel. Employee is permitted and encouraged to take the police car home so that Employee can travel to and from the Town in the event of an emergency. The Town police car shall be fueled, insured and maintained at the Town's expense.

(d) *Bond.* Employer shall pay the cost of any employment bonds required for Employee by Employer.

(e) *Uniform Allowance.* If Employee wears a police uniform on a regular basis, Employee shall receive the same uniform allowance as is given to police sergeants.

## **5. Expenses**

The Employer shall pay all reasonable and necessary business expenses of the Employee, including subscriptions, dues and membership fees and similar expenses to local, state and national professional associations. Payment or reimbursement of reasonable travel, lodging and meals incurred in connection with such participation is subject to approval by the City Manager either through approval of the expense as a budget item or specific approval of a particular event.

## **6. Term**

(a) The term of the employment under this Contract shall continue until either party gives written notice of termination as provided below. Employer has delegated the power to terminate this Contract to the City Manager, and Employee understands and acknowledges the same.

(b) No one other than the City Council can enter into a Contract for employment for a specified period of time or make any contract contrary to the policy of at-will employment. Further, any such contract must be in writing and approved by the City Council at a public meeting duly held in accordance with law.

(c) Employee agrees to remain in the exclusive employ of Employer until termination of employment upon written notice thereof as hereinafter provided. Notwithstanding the foregoing, nothing herein shall prohibit Employee from engaging in consulting for government agencies, occasional teaching or writing on Employee's time off.

(d) On reasonable notice to the City Manager, Employee may, and is encouraged, to attend conferences and professional development meetings and conventions, as a part of his duties, provided that the subject matter is related to Employee's duties and that attendance does not unduly interfere with performance of his regular duties.

## **7. Termination by Employee**

(a) Subject to the limitation hereinafter set forth in this section, the Employee may resign at any time from the Employee's position with Employer upon giving the City Manager at least thirty (30) days' notice in writing of Employee's intention to resign, stating the reasons therefor.

(b) During the 30-day period after giving notice of termination, Employee may not take any time off for vacation, management leave, accumulated sick leave, or any other similar reduction of working time, without the express consent of the City Manager.

## **8. Termination by Employer**

(a) Employee may be terminated at any time on written notice by City Manager (or in his or her absence, the acting City Manager), with or without cause, subject to the restrictions set forth

in this section and subject to the requirements of Government Code 3304(c) as it may, from time to time, be amended.

(b) Within three calendar (3) days after delivery to Employee of notice of termination, Employee may, by written notification to the City Manager, request an administrative appeal meeting with the City Manager. Thereafter, the City Manager shall fix a time and place for the meeting, within thirty (30) days of such written request by Employee, at which Employee shall appear and be heard, with or without counsel. The meeting shall be informal, and shall not involve the taking of testimony. The Parties expressly agree that this meeting satisfies Government Code section 3304(c)), and that the purpose of the meeting is to allow Employee to present to the City Manager Employee's grounds of opposition to his removal and/or to present any "name-clearing" information he wishes to provide. . However, the City Manager shall have the sole and absolute discretion to terminate, and its action shall be final and shall not depend upon any particular showing or degree of proof at the hearing.

## **9. Severance Pay**

(a) If Employee's employment is terminated by Employer without cause, then the Employer shall pay Employee a lump sum cash payment equal to six months' salary. Monthly salary for the purpose of this paragraph shall be the average monthly salary of Employee paid by Employer during the twelve months prior to notice of termination excluding the value of any benefits.

(b) Notwithstanding any provision of this Contract to the contrary, in the event Employee is terminated for cause, or Employee voluntarily resigns or retires, then in that event Employer shall have no obligation to pay the severance pay designated in this paragraph. Termination for cause means that the termination of Employee is the result of Employee's gross mismanagement or Employee's commission of an act of moral turpitude. In such an instance, Employee's sole remedy shall be a judicial action in declaratory relief to determine whether there was substantial evidence of gross mismanagement and/or an act or acts of moral turpitude. If the court determines there was not substantial evidence, Employee shall receive the severance pay provided in this subsection, but no other damages.

(c) Eligibility for the severance payment described in this Agreement is expressly conditioned upon Employee's execution of (i) a waiver and release of any and all of Employee's claims against the Town, its officers, directors, and employees, and (ii) a covenant not to sue the Town, its officers, directors, and employees. All normal payroll taxes and withholdings as required by law shall be made with respect to any amounts paid under this section. The Severance Payment and leave cash-out shall be paid by Town in one lump sum, less applicable deductions, within ten (10) business days of the effective date of Employee's waiver and release/covenant not to sue.

## **10. Reviews**

The City Manager shall will meet with Employee within ninety days of the start of Employee's employment, and annually thereafter, to evaluate his performance, discuss performance expectations and other objectives, and make a recommendation regarding a possible increase in



his compensation. This paragraph is directory, not mandatory, and failure to provide a performance evaluation shall not be considered a breach of this contract.

**11. Residence**

Employee must at all times maintain his residence within twenty-five miles of City Hall.

**12. Personnel Policies and Procedures Manual**

(a) Except as explicitly provided to the contrary in this Contract, all provisions of the Town of Colma Personnel Policies in effect from time to time will be applicable to the Chief of Police.

(b) Employer may take disciplinary action relating to Employee without following the procedures set forth in the Colma Personnel Policies for imposing discipline upon regular employees who are not at-will employees.

**13. Notice**

Any notice required or permitted to be given under this Contract shall be sufficient if in writing and if sent by registered mail or certified mail to Employee's residence in the case of the Employee, or to the City Attorney or to the City Manager in the case of the Employer.

**14. Waiver of Terms**

A waiver of any of the terms and conditions hereof shall not be construed as a general waiver by Employer, and the Employer shall be free to reinstate such part or clause.

**15. Applicable Law**

This Contract shall be governed by and shall be construed in accordance with the laws of the State of California.

**16. Disputes**

In the event of a controversy or claim arising out of this Contract which cannot be settled by the parties herein or their legal representatives, it shall be settled by arbitration in accordance with the rules of the American Arbitration Association, and judgment upon the award may be entered in any court having jurisdiction. The prevailing party shall be entitled to its reasonable attorney's fees and costs.

**17. Entire Contract**

This instrument contains the entire contract of the parties. It may not be changed orally but only by a contract in writing signed by the party (and, with respect to Employer, approved by the City Council) against whom enforcement of any waiver, change, modification, extension or discharge is sought.

**18. Knowing and Voluntary Execution**

Employee acknowledges that Employee has not relied on the Town's legal counsel or the Town's officers or directors to provide counseling regarding the meaning or legal impact of the provisions of this Agreement. Employee acknowledges that the Employee has been given a reasonable opportunity to have this Agreement reviewed by an attorney of Employee's choice. Employee further acknowledges that the Employee's execution of this Agreement has not been obtained by any duress, undue influence, coercion or oppressive act(s) by the Town. Finally, the parties fully acknowledge that they each thoroughly and carefully read this Agreement, understand it, and willingly and voluntarily execute this Agreement.

IN WITNESS WHEREOF, the Town of Colma has caused this Contract to be signed and executed on its behalf by the City Manager, and Employee has signed and executed this Contract, both in duplicate, on the respective dates written below.

Dated 10/16/14

TOWN OF COLMA (Employer)

By Helen Fisicaro  
Helen Fisicaro, Mayor

Dated 10/20/14

Kirk Stratton  
Kirk Stratton (Employee)



# STAFF REPORT

TO: Mayor and Members of the City Council  
 FROM: Christopher J. Diaz, City Attorney  
 VIA: Sean Rabé, City Manager  
 MEETING DATE: February 10, 2016  
 SUBJECT: Bingo Ordinance

## RECOMMENDATION

Staff recommends that the City Council:

INTRODUCE AN ORDINANCE ADDING A NEW SUBCHAPTER 4.14 OF THE COLMA MUNICIPAL CODE, RELATING TO BINGO GAMES, AND WAIVE A FURTHER READING.

## EXECUTIVE SUMMARY

The proposed ordinance would add a new subchapter 4.14 to the Colma Municipal Code to allow nonprofits, and other specified entities, to host bingo in the Town. Under state law, a non-profit, or other specified entity, cannot host bingo in the Town until the City Council adopts an enabling ordinance to allow bingo to be conducted within the Town limits. The proposed ordinance meets all the requirements of state law and includes additional provisions in an effort to protect the public health, safety and general welfare.

## FISCAL IMPACT

The proposed ordinance is not anticipated to cause a positive or negative financial impact on the Town. Pursuant to state law, the Town cannot require a non-profit or other specified entity, to share its profits with the Town as a condition to hosting bingo in the Town.

The proposed ordinance also imposes the Town's existing background check fee and a \$50 fee allowed pursuant to state law to recover the Town's costs, in the form of staff time, in processing an application. The Town will closely monitor the staff time involved in processing an application. If it is found that the Town's cost exceeds the fee amounts, additional fee adjustments will be brought forth to the City Council at that time.

## BACKGROUND

The Town has been approached by various non-profit entities seeking to conduct bingo in the Town. Under state law, the Town must enact an ordinance in order to allow non-profit entities to conduct bingo in the Town.

## ANALYSIS

California Penal Code Section 326.5 specifies that prior to a bingo game being conducted within a city or county, the city or county shall first pass an enabling ordinance allowing such games. Any ordinance adopted must meet the specific criteria in Penal Code Section 326.5. More specifically, the ordinance must specify that:

- Bingo shall only be conducted by organizations exempted from the payment of the bank and corporation tax by Sections 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, 23701k, 23701w, and 23701l of the Revenue and Taxation Code and by mobile home park associations, senior citizens organizations, and charitable organizations affiliated with a school district;
- Receipts from any bingo games shall be used only for charitable purposes;
- It is a misdemeanor for any person to receive or pay a profit, wage, or salary from any bingo game, with violation punishable by a fine not to exceed ten thousand dollars (\$10,000);
- Minors shall not be allowed to participate in any bingo game;
- An organization authorized to conduct bingo games shall do so only on property owned or leased by it, or property whose use is donated to the organization and which property is used by that organization for an office or for performance of the purposes for which the organization is organized;
- Bingo games shall be open to the public, not just to the members of the authorized organization;
- Bingo games shall be operated and staffed only by members of the authorized organization that organized it. Those members shall not receive a profit, wage, or salary from any bingo game;
- Any individual, corporation, partnership, or other legal entity, except the organization authorized to conduct a bingo game, shall not hold a financial interest in the conduct of a bingo game;
- All profits derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account;
- A person shall not be allowed to participate in a bingo game, unless the person is physically present at the time and place where the bingo game is being conducted;
- The total value of prizes available to be awarded during the conduct of any bingo games shall not exceed five hundred dollars (\$500).

In addition to the legally required provisions articulated above, the City Attorney's office, in consultation with the City Manager, Chief of Police, and City Planner, have included additional provisions in the proposed bingo ordinance to address the public health, safety and welfare.

These provisions include:

- Limiting the organizations that can conduct bingo in the Town to those that have some connection to the Town, similar to the requirement contained in the Town's existing non-profit donation policy. This will ensure that only those organizations that provide an identifiable benefit to the Town or the community at large, provide a service that complements or enhances a service that the Town of Colma also provides to its residents or businesses; or provides a service that the Town could provide to its residents or businesses but chooses not to, can host bingo in the Town.
- Requiring any organization seeking to conduct bingo to apply for a permit that is good for a one-year period. As part of this permit process, the Chief of Police will have authority to conduct a background check and potentially deny a permit based on past criminal convictions. Also as part of the process, the City Planner must approve the proposed location for bingo games to ensure the location is proper for the use and that the site can meet capacity requirements.
- Allowing the Chief of Police to revoke a permit if the game is played inconsistent with the Town's ordinance or the Penal Code. As part of the revocation process, the applicant will have the right to appeal the Police Chief's decision to the City Manager.
- Bingo is only allowed to be played after 11:00 a.m. up until midnight, but cannot be played overnight hours.
- The Chief of Police will have the right to inspect any bingo game being conducted, along with records from the organization hosting the bingo game.

### **Council Adopted Values**

The City Council's adoption of the ordinance is both *fair* and *responsible*. It is fair as it allows non-profit organizations the right to conduct bingo in the Town in an effort to raise additional charitable funds. It is also responsible as the ordinance includes additional safeguards in an effort to ensure the public health, safety and welfare is adequately protected.

### **Alternatives**

The City Council could choose not to introduce and adopt the ordinance. This would mean that non-profit entities seeking to conduct bingo in the Town would be denied the opportunity to do so. As such, it is not recommended.

### **CONCLUSION**

The City Council should introduce the ordinance.

### **ATTACHMENTS**

- A. Ordinance



**ORDINANCE NO. \_\_\_  
OF THE CITY COUNCIL OF THE TOWN OF COLMA**

**ORDINANCE ADDING A NEW SUBCHAPTER 4.14 OF THE  
COLMA MUNICIPAL CODE, RELATING TO BINGO GAMES**

The City Council of the Town of Colma does ordain as follows:

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**ARTICLE 1. CMC SUBCHAPTER 4.14 ADDED.**

A new subchapter 4.14, Bingo Games, is hereby added to Chapter 4, Business Activities to read as follows:

**Subchapter 4.14: BINGO GAMES**

**4.14.010 Findings and Purpose**

The purpose of this subchapter is to allow certain organizations to conduct bingo games in the Town of Colma consistent with California Penal Code Section 326.5. As used in this subchapter, "bingo" means a game of chance in which prizes are awarded on the basis of designated numbers or symbols on a card, which conform to numbers or symbols selected at random.

**4.14.020 Organizations Eligible to Conduct Bingo Games**

(a) Pursuant to the provisions of California Penal Code Section 326.5, Section 19 of Article IV of the State Constitution, and this subchapter, the following organizations are allowed to conduct bingo games in the Town of Colma, provided they first comply with the permit requirements of this subchapter, meet all other requirements of this subchapter and any other state or local laws, and provide an identifiable benefit to the Town or the community at large, provide a service that complements or enhances a service that the Town of Colma also provides to its residents or businesses; or provide a service that the Town could provide to its residents or businesses but chooses not to:

- (1) Organizations exempted from the payment of the bank and corporation tax by Sections 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, 23701k, 23701w, and 23701l of the Revenue and Taxation Code;
- (2) Mobilehome park associations;
- (3) Senior citizens organizations; or
- (3) Charitable organizations affiliated with a school district.

**4.14.030 Permit Required**

(a) Any organization seeking to conduct a bingo game in the Town shall first file with the Chief of Police, a bingo application, including any required background check fee, or other fee, in an amount set by City Council resolution, or authorized by Penal Code Section 326.5.

- (b) The application shall provide the following information:
- (1) The name of the applicant organization and an explanation as to why the applicant is a qualified organization, as provided for in this subchapter, to conduct bingo;
  - (2) The name and signature of at least two officers, (including the presiding officer) of the organization;
  - (3) Any information deemed necessary by the City Planner and the Chief of Police to determine whether the proposed location for the bingo game meets the necessary requirements of the Town's Zoning Ordinance, General Plan, Building Code, and any other applicable state and local laws;
  - (4) A statement under penalty of perjury, certifying that the address at which the organization is seeking authority to conduct bingo games pursuant to this subchapter is the address of property owned or leased by the organization, or property donated to it and that is used by the organization for an office or for the performance of the purposes for which the organization is organized;
  - (5) The application shall include, as attachments, certificates of the Franchise Tax Board and the U.S. Internal Revenue Service establishing that the organization is currently exempted from the payment of the Bank and Corporation Tax pursuant to the applicable provisions of the Revenue and Taxation Code cited in this subchapter, or any other documentation necessary, as reasonably determined by the Chief of Police, to document how the organization meets the criteria of this subchapter; and
  - (6) A statement under penalty of perjury that the applicant has read and understands the provisions of California Penal Code Section 326.5.

#### **4.14.040 Application Review**

- (a) Upon receipt of an application, the Chief of Police shall conduct such investigation as he may deem necessary and proper into the background of the applicant and other persons to be associated with the conduct of the bingo games.
- (b) The City Planner shall review and approve the proposed location for the bingo game based on the applicable provisions of the Town's Zoning Ordinance, General Plan, Building Code, and any other applicable state and local laws. The City Planner shall have the discretion to disapprove of the proposed location based on the Town's Zoning Ordinance, General Plan, Building Code, and any other applicable state and local laws, including the protection of the public health, safety and welfare.
- (c) Upon completion of his or her investigation, the Chief of Police may approve or deny the application, in consultation with the City Planner, and may impose a requirement that security personnel be present during any proposed bingo game, along with any other conditions or requirements deemed necessary to ensure the public health, safety and welfare.



(d) Permits issued pursuant to this subchapter shall be valid for a one year period, and may be renewed annually thereafter without further payment of a processing fee;

(e) Notwithstanding the foregoing, an application shall be denied by the Chief of Police upon finding that any one of the following conditions exist or occur:

- (1) The applicant or any person financially interested in the organization has been convicted of a felony, an offense perpetrated with the use of deceit or fraud, or an offense involving moral turpitude;
- (2) The applicant has knowingly made a false, misleading, or fraudulent statement of facts in the application or another document required by the Town pursuant to this subchapter;
- (3) The applicant or any person financially interested in the organization is not of good moral character or reputation;
- (4) The bingo operation that is the subject of the application is not in compliance with applicable local and state laws.

#### **4.14.050 Permit Revocation**

(a) The Chief of Police may suspend, modify or revoke any permit issued pursuant to this subchapter if:

- (1) The information contained in the application is false or misleading, or
- (2) The bingo game authorized pursuant to the permit fails to comply with the provisions of Penal Code Section 326.5, the provisions of this subchapter, or the terms and conditions of the permit.

(b) The chief of police shall give written notice to the permittee at least ten days prior to the proposed suspension or revocation, and the notice shall set a hearing on the tenth day or a reasonable time thereafter. The permittee may attend the hearing and submit evidence and information as to whether the permit should be suspended, modified or revoked. The Chief of Police shall issue an order within ten days after the hearing date.

#### **4.14.060 Disapproval, Suspension or Revocation of Permit - Appeals**

(a) Any applicant whose application has been denied, or whose permit has been suspended or revoked, may appeal such action by filing with the City Manager a written notice of appeal within fifteen calendar days after the date of such action by the Chief of Police and by serving such notice personally by mail upon the Chief of Police.

(b) Upon receipt of a written notice of appeal, the City Manager, or his or her designee, shall fix a date for hearing the appeal, not more than thirty days from the date of the Town's receipt of the written notice of appeal. The City Manager shall also designate the time and place where the hearing is to be held. The Town shall provide at least ten days' written notice to the applicant of such hearing date and location.

(c) At any such hearing, the applicant shall be given the opportunity to be heard but formal rules of evidence shall not apply.

(d) The City Manager, or his or her designee, shall affirm, modify or reverse the action of the Chief of Police. The decision of the City Manager or his designee shall be final.

#### **4.14.070 Location of Bingo Games; Hours of Operation**

(a) An organization authorized to conduct bingo games shall conduct a bingo game only on property that has been reviewed and approved by the City Planner, and that is owned or leased by it, or property the use of which is donated to the organization for an office or for performance of the purposes for which the organization is organized.

(b) An organization authorized to conduct bingo games pursuant to this subchapter shall not conduct or operate any such game or games between the hours of midnight and 11:00 A.M.

#### **4.14.080 Right to Inspect**

The Chief of Police, or his or her designee, shall have the authority to inspect the premises and records of a permittee relating to bingo games at any reasonable time, including but not limited to times during which games are being conducted, to insure that the operation of bingo games does not constitute a violation of any applicable state or local law. All records relating to bingo games shall be maintained for at least three years. Failure to permit such inspection upon a reasonable notice shall be grounds for revocation or suspension of a permit.

#### **4.14.090 Penalty**

It shall be a misdemeanor for any person to receive a profit, wage or salary from any bingo game authorized under this subchapter. A violation of this section shall be punishable by a fine not to exceed ten thousand dollars, as provided in Section 326.5(c) of the Penal Code, which fine shall be deposited in the Town's general fund.

#### **4.14.100 Minors**

It shall be unlawful for any minor to participate in any bingo game.

#### **4.14.110 Open to the Public**

All bingo games allowed by this subchapter shall be open to the public, not just to the members of the nonprofit charitable organization.

#### **4.14.120 Staffing**

A bingo game shall be operated and staffed only by members of the nonprofit charitable organization which organized it. Such members shall not receive a profit, wage, or salary from the bingo game. Only the organization authorized to conduct a bingo game shall operate such game, or participate in the promotion, supervision, or any other phase of such game.

#### **4.14.130 Financial Interest**

It shall be unlawful for any individual, corporation, partnership, or other legal entity, except the organization authorized to conduct a bingo game, to hold a financial interest in the conduct of such bingo game.

#### **4.14.140 Special Fund**

(a) With respect to organizations exempt from payment of the bank and corporation tax by Section 23701d of the Revenue and Taxation Code, all profits derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account. Those profits shall be used only for charitable purposes.

(b) With respect to other organizations authorized to conduct bingo games pursuant to this subchapter, all proceeds derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account. Those proceeds shall be used only for charitable purposes, except as permitted in Penal Code section 326.5.

#### **4.14.150 Participants to be Present**

It shall be unlawful for any person to participate in a bingo game unless such person is physically present at the time and place in which the bingo game is being conducted.

#### **4.14.160 Prizes**

The total value of prizes awarded during the conduct of any bingo games shall not exceed five hundred dollars in cash or kind, or both, for each separate game which is held.

#### **4.14.170 Conduct of Bingo Games**

Except as otherwise provided in this subchapter, all bingo games shall be conducted in compliance with all applicable state and local laws, including Penal Code section 326.5.

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### **ARTICLE 2. SEVERABILITY.**

Each of the provisions of this ordinance is severable from all other provisions. If any article, section, subsection, paragraph, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

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### **ARTICLE 3. NOT A CEQA PROJECT.**

The City Council finds that adoption of this ordinance is not a "project," as defined in the California Environmental Quality Act (CEQA) because it does not have a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment pursuant to CEQA Guideline 15061(b)(3) and concerns general policy and procedure making. Further, prior to the time a permit is issued, the Town shall determine whether individual CEQA review is required based on potential environmental impacts associated with a respective permit.

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**ARTICLE 4. EFFECTIVE DATE.**

This ordinance including the vote for and against the same shall be posted in the office of the City Clerk and on the three (3) official bulletin boards of the Town of Colma within 15 days of its passage and shall take force and effect thirty (30) days after its passage.

**Certification of Adoption**

I certify that the foregoing Ordinance No. ### was introduced at a regular meeting of the City Council of the Town of Colma held on February 10, 2016, and duly adopted at a regular meeting of said City Council held on \_\_\_\_\_, 2016 by the following vote:

Name	Counted toward Quorum			Not Counted toward Quorum	
	Aye	No	Abstain	Present, Recused	Absent
Diana Colvin, Mayor					
Helen Fisicaro					
Raquel Gonzalez					
Joseph Silva					
Joanne del Rosario					
Voting Tally					

Dated \_\_\_\_\_

\_\_\_\_\_  
Diana Colvin, Mayor

Attest: \_\_\_\_\_  
Caitlin Corley, City Clerk



# STAFF REPORT

TO: Mayor and Members of the City Council  
 FROM: Brad Donohue, Public Works Director  
 Christopher J. Diaz, City Attorney  
 VIA: Sean Rabé, City Manager  
 MEETING DATE: February 10, 2016  
 SUBJECT: Peninsula Clean Energy

## RECOMMENDATION

Staff recommends that the City Council:

INTRODUCE AN ORDINANCE AUTHORIZING THE IMPLEMENTATION OF A COMMUNITY CHOICE AGGREGATION PROGRAM PURSUANT TO CEQA GUIDELINES 15061(b)(3), 15308, AND 15378, AND WAIVE A FURTHER READING OF THE ORDINANCE

ADOPT A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE THE JOINT EXERCISE OF POWERS AGREEMENT, WHICH WILL ESTABLISH THE PENINSULA CLEAN ENERGY AUTHORITY WITH THE CITY AS A CHARTER MEMBER, AND APPOINTING A DIRECTOR AND ALTERNATE DIRECTOR

## EXECUTIVE SUMMARY

The City Council is being asked to:

- Introduce and adopt an ordinance. The City Council's introduction and adoption of the proposed ordinance will authorize the implementation of a community choice aggregation program within the Town. This means that Town consumers will have their power provided by Peninsula Clean Energy unless a Town consumer opts out. Upon opting out, the Town consumer will continue to have their power provided by the incumbent utility Pacific Gas & Electric ("PG&E"). If the City Council authorizes the implementation of a community choice aggregation program within the Town, all billing and service related issues will continue to be provided by PG&E. The only distinction is that the power itself will no longer be provided by PG&E but will instead be provided by Peninsula Clean Energy.
- Adopt a resolution. The City Council's adoption of the resolution will authorize the Town to become a charter member in the Peninsula Clean Energy Joint Powers Authority. Becoming a member of the Joint Powers Authority will provide the Town with involvement as to how Peninsula Clean Energy is managed, as well as a seat on the Peninsula Clean Energy Joint Powers Authority Board of Directors.

## **FISCAL IMPACT**

The City Council's adoption of the ordinance authorizing the implementation of a community choice aggregation program in the Town is not anticipated to cause any fiscal impact. Although the Town itself, along with other Town consumers, will pay rates set by the Peninsula Clean Energy Authority, it is anticipated that these rates will be competitive with existing rates set by the incumbent utility, Pacific Gas & Electric.

The City Council's adoption of the resolution authorizing the Town to become charter member in the Peninsula Clean Energy Joint Powers Authority ("JPA") will not normally have financial impacts on the Town. This is especially true as all debts and liabilities associated with JPA will be debts and liabilities of the JPA, and not the Town. However, a situation or circumstance may arise where the Town seeks to no longer be a charter member of the JPA. If that were to occur, the Town may be subject to financial obligations from any electrical energy contracts executed by the JPA prior to the date the Town withdraws.

## **BACKGROUND**

California Assembly Bill 117, passed in 2002, allows California cities and counties to pool the electric load of their residents, businesses and public facilities in order to purchase and develop clean electricity. Community Choice Aggregation or "CCA" is a mechanism by which local governments assume responsibility for providing electrical power for residential and commercial customers in their jurisdiction. Although the CCA will provide the power in lieu of the incumbent utility PG&E, PG&E will still be responsible for billing, maintenance, and other basic services to Town consumers.

On December 9, 2014, the County of San Mateo Board of Supervisors directed its staff to explore the feasibility of a CCA in San Mateo County, including conducting a focused outreach effort to educate and engage staff, city managers and city councils about the program. Outreach efforts showed that there was interest among cities in the county for the creation of such a program.

On February 24, 2015, the County of San Mateo allocated \$300,000 to fund Phase 1 of the CCA program, which included the following activities: hiring a program consultant (LEAN Energy U.S.) to provide guidance and project management support; commissioning a study to determine the economic and technical feasibility of starting a CCA program in San Mateo County, which was completed by Pacific Energy Advisors, Inc.; hiring a creative services consultant to develop a website and related graphics for the program; and creating and supporting an Advisory Committee co-chaired by San Mateo County Supervisor Board President Carole Groom and County Supervisor Dave Pine. The Committee is comprised of representatives from all the cities in the county, as well as relevant stakeholder organizations.

On October 20, 2015, the County introduced an ordinance authorizing a CCA program within the unincorporated area of the County and allocated \$800,000 to fund Phase 2 of the CCA program. Phase 2 includes the following activities: Peninsula Clean Energy JPA formation and program design; energy product investigation and supply portfolio recommendations; city outreach and informational support for local ordinance adoption; implementation plan development; and community engagement, marketing, and communication.

On November 12, 2015, the City Council of the Town of Colma received a presentation regarding the CCA program from the San Mateo Office of Sustainability.

Several cities and towns in San Mateo County have joined the JPA, along with the County of San Mateo, including the Town of Atherton and the City of San Mateo. Over the next month, it is anticipated that several other municipalities will become a part of the JPA.

## **ANALYSIS**

Public Utilities Code Section 366.2(c)(12)(B) expressly contemplates creation of a Joint Powers Authority so that a county and a city or cities can “participate as a group in a community choice aggregation program.” The County and each city can begin to take advantage of this option by doing two things: (1) adopting an Ordinance to implement a CCA program within its jurisdiction as required by Section 366.2(c)(12)(A); and (2) entering into a Joint Powers Agreement forming a Joint Powers Authority under Section 6500, et seq. of the Government Code.

### *The Ordinance Authorizing the Implementation of the CCA*

In order to participate in the CCA, each governmental agency must adopt an ordinance to authorize the CCA to provide power to its consumers.

The proposed ordinance authorizes the implementation of a CCA program within the Town. This means, that Town consumers will have their power provided by Peninsula Clean Energy unless a Town consumer opts out. Pursuant to Public Utilities Code Section 366.2(c)(13), a Town consumer would have the right to opt-out of the CCA program and continue to receive power from the incumbent utility PG&E. Consumers who wish to continue to receive power from PG&E will be able to do so. In fact, Peninsula Clean Energy is required to provide Town consumers at least four notices of their rights to continue to receive power from PG&E. It is important to note that whoever provides power to a Town consumer, be it Peninsula Clean Energy or PG&E, the Town consumer will receive that power over the same transmission and distribution lines as before, and receive the same billing statement from PG&E.

### *Resolution to Enter into the Joint Powers Agreement*

The Peninsula Clean Energy Joint Powers Authority will become effective upon approval and execution of the Joint Powers Agreement by the County and at least two cities. The framework of the Agreement initially originated from a similar agreement that was used to form Sonoma Clean Power in Sonoma, California.

As part of drafting the Agreement, feedback on key decision points was obtained from the Advisory Committee, of which Brad Donohue, the Town’s Public Works Director was a member, and the County Board of Supervisors during a Study Session held on October 6, 2015. Additionally, a first draft of the agreement was circulated to all of the city attorneys and two in-person meetings were held with city attorney representatives. During those meetings numerous changes to the agreement were made to address issues raised by the various representatives. The attached Agreement reflects that collaborative effort.

Key provisions of the JPA Agreement include:

- Cities in the County join the JPA as full members of the JPA rather than mere “participants” in the CCA program.
- In Section 3.1, the JPA Agreement requires each city or town to appoint a Director that from its respective City Council.
- In Section 3.7 of the JPA Agreement, a two-tiered voting system is allowed based both on majority vote as well as a weighted vote that takes into account the energy use within the jurisdiction so as to create a fair balance of power amongst the members. Although all actions of the JPA Board will be taken by majority vote with such vote normally final, the weighted voting system will be triggered if any one Director makes the request for a weighted vote. If a Director makes such a request with respect to approval of any such matter, then approval of such matter shall require the affirmative vote of a majority of Directors present at the meeting and the affirmative vote of Directors having a majority of voting shares present. Because the Town of Colma is a smaller jurisdiction in size and likely has less energy use, it will likely have fewer shares in the weighted voting system.
- In Section 2.2 of the JPA Agreement, it states that any debts and liabilities are incurred by the JPA and not the members, such as the Town of Colma. This is an important provision as it ensures that any on-going debts and liabilities of the JPA cannot impact the Town's finances.
- In Article 6 of the JPA Agreement, it acknowledges that members, such as the Town of Colma, can withdraw from the JPA without financial obligation if prior to launch of the CCA Program the Authority cannot meet its pricing and environmental goals. This section of the Agreement also discusses the financial obligations of the Town if it chooses to leave the JPA after the launch of the program and after the JPA has executed contracts with power providers. Although there is a waiting period that can be implemented to address any financial obligations, the City Council should be aware that financial implications for the Town can occur in this very limited circumstance.

It is important to note that participating in the CCA program does not require outlay of any Town funds. The County of San Mateo has provided seed money and future expenses will be covered by revenues from ratepayers. One of the claimed advantages of the program is that unlike the incumbent utility PG&E, Peninsula Clean Energy will not be a profit-driven enterprise. All revenues over expenses can be reinvested to improve pricing, focus on environmentally conscious power purchases and fund locally beneficial power projects at the election of the JPA Board of Directors.

Finally, as part of the City Council's adoption of the resolution to join the Peninsula Clean Energy JPA, the City Council should select a Director for the Board, as well as an Alternate Director.

### **Council Adopted Values**

The City Council adoption of the ordinance and resolution to authorize a CCA program in the Town is *visionary* as it looks toward the future in reducing greenhouse gas emissions in the



State of California, and allows the Town's power consumers to have a choice in who provides their electrical energy.

### **Sustainability Impact**

The implementation of a CCA Program in the Town and in the County is anticipated to reduce greenhouse gas emissions, and will assist the Town in meeting its goals in the Town's Climate Action Plan. Further, funds from the CCA program can be used, pursuant to state law, to re-invest in the program itself and in other energy related programs.

### **Alternatives**

The City Council could choose not to adopt the ordinance and resolution. Doing so would mean the CCA program would not be implemented in the Town. If this were to occur, Town consumers would continue to receive power from PG&E and would not have the choice to join Peninsula Clean Energy. Greenhouse gas emissions may not decrease to the extent they may if power was provided by Peninsula Clean Energy. As you may know, the Town is required to meet certain reductions in greenhouse gas emissions pursuant to state law.

### **CONCLUSION**

The City Council should introduce the ordinance and adopt the resolution.

### **ATTACHMENTS**

- A. Ordinance
- B. Resolution
- C. Joint Powers Agreement



**ORDINANCE NO. \_\_\_\_**  
**OF THE CITY COUNCIL OF THE TOWN OF COLMA**  
**ORDINANCE AUTHORIZING THE IMPLEMENTATION**  
**OF A COMMUNITY CHOICE AGGREGATION PROGRAM PURSUANT TO CEQA**  
**GUIDELINES 15061(B)(3), 15308, AND 15378**

The City Council of the Town of Colma does ordain as follows:

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**ARTICLE 1. FINDINGS**

(a) The City Council of the Town of Colma has investigated options to provide electric services to customers within the Town, with the intent of achieving greater local control and involvement over the provision of electric services, competitive electric rates, the development of clean, local, renewable energy projects, reduced greenhouse gas emissions, and the wider implementation of energy conservation and efficiency projects and program.

(b) The County of San Mateo has prepared a Feasibility Study for a community choice aggregation (“CCA”) program in San Mateo County under the provisions of the Public Utilities Code section 366.2. The Feasibility Study shows that implementing a community choice aggregation program would provide multiple benefits, including:

- (1) Providing customers a choice of power providers;
- (2) Increasing local control and involvement in and collaboration on energy rates and other energy-related matters;
- (3) Providing more stable long-term electric rates that are competitive with those provided by the incumbent utility;
- (4) Reducing greenhouse gas emissions arising from electricity use within San Mateo County;
- (5) Increasing local renewable generation capacity;
- (6) Increasing energy conservation and efficiency projects and programs;
- (7) Increasing regional energy self-sufficiency;
- (8) Improving the local economy resulting from the implementation of local renewable and energy conservation and efficiency projects.

(c) The County of San Mateo Board of Supervisors has directed staff to bring for its approval a Joint Powers Agreement creating the Peninsula Clean Energy Authority (“Authority”). Under the Joint Powers Agreements, cities and towns within San Mateo County may participate in the Peninsula Clean Energy CCA program by adopting the resolution and ordinance required by Public Utilities Code section 366.2. Cities and towns choosing to participate in the CCA

program will have membership on the Board of Directors of the Authority as provided in the Joint Powers Agreements.

(d) The Authority will enter into Agreements with electric power suppliers and other service providers, and based upon those Agreements the Authority will be able to provide power to residents and business at rates that are competitive with those of the incumbent utility ("PG&E"). Once the California Public Utilities Commission approves the implementation plan created by the Authority, the Authority will provide service to customers within the unincorporated area of San Mateo County and within the jurisdiction of those cities who have chosen to participate in the CCA program.

(e) Under Public Utilities Code Section 366.2, customers have the right to opt-out of a CCA program and continue to receive service from the incumbent utility. Customers who wish to continue to receive service from the incumbent utility will be able to do so.

(f) On November 12, 2015, the City Council of the Town Colma had a presentation on the Peninsula Clean Energy CCA, and on February 10, 2016, the City Council of the Town of Colma held a public hearing at which time interested persons had an opportunity to testify either in support or opposition to implementation of the Peninsula Clean Energy CCA program in the Town.

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## **ARTICLE 2. NOT A CEQA PROJECT**

This ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to the State CEQA Guidelines, as it is not a "project" as it has no potential to result in a direct or reasonably foreseeable indirect physical change to the environment. (14 Cal. Code Regs. § 15378(a)). Further, the ordinance is exempt from CEQA as there is no possibility that the ordinance or its implementation would have a significant effect on the environment. (14 Cal. Code Regs. § 15061(b)(3)). The ordinance is also categorically exempt because it is an action taken by a regulatory agency to assume the maintenance, restoration, enhancement or protection of the environment. (14 Cal. Code Regs. § 15308).

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## **ARTICLE 3. AUTHORIZATION TO IMPLEMENT CCA PROGRAM**

The above findings are true and correct and material to this Ordinance. Based upon the forgoing, and in order to provide business and residents within the Town of Colma with a choice of power providers and with the benefits described above, the City Council of the Town of Colma hereby ordains that it shall implement a community choice aggregation program within its jurisdiction by participating as a group, with the County of San Mateo and other cities and towns as described above, in the Community Choice Aggregation program of the Peninsula Clean Energy Authority, as generally described in the Joint Powers Agreement.

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## **ARTICLE 4. EFFECTIVE DATE**

This ordinance including the vote for and against the same shall be posted in the office of the City Clerk and on the three (3) official bulletin boards of the Town of Colma within 15 days of its passage and shall take force and effect thirty (30) days after its adoption.

### Certification of Adoption

I certify that the foregoing Ordinance No. ### was introduced at a regular meeting of the City Council of the Town of Colma held on February 10, 2016, and duly adopted at a regular meeting of said City Council held on \_\_\_\_\_, 2016 by the following vote:

Name	Counted toward Quorum			Not Counted toward Quorum	
	Aye	No	Abstain	Present, Recused	Absent
Diana Colvin, Mayor					
Helen Fisicaro					
Raquel Gonzalez					
Joseph Silva					
Joanne del Rosario					
Voting Tally					

Dated \_\_\_\_\_

\_\_\_\_\_  
Diana Colvin, Mayor

Attest: \_\_\_\_\_  
Caitlin Corley, City Clerk



**RESOLUTION NO. 2016-##  
OF THE CITY COUNCIL OF THE TOWN OF COLMA**

**RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE THE JOINT  
EXERCISE OF POWERS AGREEMENT, WHICH WILL ESTABLISH THE PENINSULA  
CLEAN ENERGY AUTHORITY WITH THE CITY AS A CHARTER MEMBER, AND  
APPOINTING A DIRECTOR AND ALTERNATE DIRECTOR**

The City Council of the Town of Colma does hereby resolve as follows:

**1. Background and Findings**

(a) The City Council of the Town of Colma has investigated options to provide electric services to customers within the Town, with the intent of achieving greater local control and involvement over the provision of electric services, competitive electric rates, the development of clean, local, renewable energy projects, reduced greenhouse gas emissions, and the wider implementation of energy conservation and efficiency projects and program.

(b) The County of San Mateo has prepared a Feasibility Study for a community choice aggregation ("CCA") program in San Mateo County under the provisions of the Public Utilities Code section 366.2. The Feasibility Study shows that implementing a community choice aggregation program would provide multiple benefits, including:

- (1) Providing customers a choice of power providers;
- (2) Increasing local control and involvement in and collaboration on energy rates and other energy-related matters;
- (3) Providing more stable long-term electric rates that are competitive with those provided by the incumbent utility;
- (4) Reducing greenhouse gas emissions arising from electricity use within San Mateo County;
- (5) Increasing local renewable generation capacity;
- (6) Increasing energy conservation and efficiency projects and programs;
- (7) Increasing regional energy self-sufficiency;
- (8) Improving the local economy resulting from the implementation of local renewable and energy conservation and efficiency projects.

(c) The City wishes to be a community choice aggregator and has introduced the Ordinance required by Public Utilities Code Section 366.2 in order to do so.

(d) The County of San Mateo has already become a community choice aggregator and believes that other cities and towns within San Mateo County also wish to be community choice aggregators.

(e) Pursuant to Public Utilities Code Section 366.2, two or more entities authorized to be a community choice aggregator, may participate as a group in a community choice aggregation program through a joint powers agency established pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code, if each entity adopts the aforementioned ordinance.

(f) There has been presented to this City Council for its consideration and acceptance a Joint Powers Agreement, reference to which is hereby made for further particulars, whereby the Town of Colma shall participate in the creation of the Peninsula Clean Energy Authority ("Authority") with the County, and at least one other city and/or towns, and become a charter member.

(g) The Joint Powers Agreement entered into between the County of San Mateo and the participating cities of the Peninsula will create and form the Peninsula Clean Energy Authority ("Authority"). Under the Joint Powers Agreement, the County and cities and towns within San Mateo County choosing to participate in the CCA program will have membership on the Board of Directors of the Authority as provided in the Joint Powers Agreement if they execute the Agreement and adopt the ordinance required by the Public Utilities Code.

(h) The newly created Authority will enter into Agreements with electric power suppliers and other service providers, and based upon those Agreements the Authority will be able to provide power to residents and business at rates that are competitive with those of the incumbent utility ("PG&E"). Once the California Public Utilities Commission approves the implementation plan created by the Authority, the Authority will provide service to customers within the unincorporated area of San Mateo County and within the jurisdiction of those cities who have chosen to participate in the CCA program.

(i) Under Public Utilities Code Section 366.2, customers have the right to opt-out of a CCA program and continue to receive service from the incumbent utility. Customers who wish to continue to receive service from the incumbent utility will be able to do so.

(j) This City Council has been presented with a form of such Agreement and has examined and approved the Agreement as to both form and content and desires to enter into the Agreement.

## **2. Order**

(a) The City Council of the Town of Colma wishes to enter into the Joint Exercise of Powers Agreement with the County and other participating Cities and Towns of the Peninsula to form the Peninsula Clean Power Agency and the Mayor is authorized and directed to execute the Joint Exercise of Powers Agreement, which will establish the Authority with the Town as a charter member.

(b) [Name] is appointed to be the Town's Director on the Board, [Name] is appointed the Town's Alternate Director, and the City Manager is authorized to execute any and all other necessary documents to enter into the Joint Exercise of Powers Agreement to form Peninsula Clean Energy.



### Certification of Adoption

I certify that the foregoing Resolution No. 2016-## was duly adopted at a regular meeting of said City Council held on February 10, 2016 by the following vote:

Name	Counted toward Quorum			Not Counted toward Quorum	
	Aye	No	Abstain	Present, Recused	Absent
Diana Colvin, Mayor					
Helen Fiscaro					
Raquel Gonzalez					
Joseph Silva					
Joanne del Rosario					
Voting Tally					

Dated \_\_\_\_\_

\_\_\_\_\_  
Diana Colvin, Mayor

Attest: \_\_\_\_\_  
Caitlin Corley, City Clerk



**JOINT EXERCISE OF POWERS AGREEMENT RELATING TO  
AND CREATING THE**

**PENINSULA CLEAN ENERGY AUTHORITY**

**OF**

**SAN MATEO COUNTY**

This Joint Exercise of Powers Agreement, effective on the date determined by Section 2.1, is made and entered into pursuant to the provisions of Title 1, Division 7, Chapter 5, Article 1 (Sections 6500 et seq.) of the California Government Code relating to the joint exercise of powers among the Parties set forth in Exhibit B, and establishes the Peninsula Clean Energy Authority (“Authority”), is by and between the County of San Mateo (“County”) and those cities and towns within the County of San Mateo who become signatories to this Agreement, and relates to the joint exercise of powers among the signatories hereto.

**RECITALS**

- A. The Parties share various powers under California law, including but not limited to the power to purchase, supply, and aggregate electricity for themselves and customers within their jurisdictions.
- B. In 2006, the State Legislature adopted AB 32, the Global Warming Solutions Act, which mandates a reduction in greenhouse gas emissions in 2020 to 1990 levels. The California Air Resources Board is promulgating regulations to implement AB 32 which will require local governments to develop programs to reduce greenhouse gas emissions.
- C. The purposes for entering into this Agreement include:
  - a. Reducing greenhouse gas emissions related to the use of power in San Mateo County and neighboring regions;
  - b. Providing electric power and other forms of energy to customers at a competitive cost;
  - c. Carrying out programs to reduce energy consumption;
  - d. Stimulating and sustaining the local economy by developing local jobs in renewable energy; and
  - e. Promoting long-term electric rate stability and energy security and reliability for residents through local control of electric generation resources.
- D. It is the intent of this Agreement to promote the development and use of a wide range of renewable energy sources and energy efficiency programs, including but not limited to

solar, wind, and biomass energy production. The purchase of renewable power and greenhouse gas-free energy sources will be the desired approach to decrease regional greenhouse gas emissions and accelerate the State's transition to clean power resources to the extent feasible. The Agency will also add increasing levels of locally generated renewable resources as these projects are developed and customer energy needs expand.

- E. The Parties desire to establish a separate public agency, known as the Peninsula Clean Energy Authority, under the provisions of the Joint Exercise of Powers Act of the State of California (Government Code Section 6500 et seq.) ("Act") in order to collectively study, promote, develop, conduct, operate, and manage energy programs.
- F. The Parties anticipate adopting an ordinance electing to implement through the Authority a common Community Choice Aggregation (CCA) program, an electric service enterprise available to cities and counties pursuant to California Public Utilities Code Sections 331.1(c) and 366.2. The first priority of the Authority will be the consideration of those actions necessary to implement the CCA Program.

## **AGREEMENT**

NOW, THEREFORE, in consideration of the mutual promises, covenants, and conditions hereinafter set forth, it is agreed by and among the Parties as follows:

### **ARTICLE 1: DEFINITIONS AND EXHIBITS**

- 1.1 Definitions. Capitalized terms used in the Agreement shall have the meanings specified in Exhibit A, unless the context requires otherwise.
- 1.2 Documents Included. This Agreement consists of this document and the following exhibits, all of which are hereby incorporated into this Agreement.

- Exhibit A: Definitions
- Exhibit B: List of the Parties
- Exhibit C: Annual Energy Use
- Exhibit D: Voting Shares
- Exhibit E: Signatures

### **ARTICLE 2: FORMATION OF PENINSULA CLEAN ENERGY AUTHORITY**

- 2.1 Effective Date and Term. This Agreement shall become effective and Peninsula Clean Energy Authority shall exist as a separate public agency on February 29, 2016 or when the County of San Mateo and at least two municipalities execute this Agreement, whichever occurs later. The Authority shall provide notice to the Parties of the Effective Date. The Authority shall continue to exist, and this Agreement shall be effective, until this Agreement is terminated in accordance with Section 6.4, subject to the rights of the Parties to withdraw from the Authority.

2.2 Formation. There is formed as of the Effective Date a public agency named the Peninsula Clean Energy Authority. Pursuant to Sections 6506 and 6507 of the Act, the Authority is a public agency separate from the Parties. Pursuant to Sections 6508.1 of the Act, the debts, liabilities or obligations of the Authority shall not be debts, liabilities or obligations of the individual Parties unless the governing board of a Party agrees in writing to assume any of the debts, liabilities or obligations of the Authority. A Party who has not agreed to assume an Authority debt, liability or obligation shall not be responsible in any way for such debt, liability or obligation even if a majority of the Parties agree to assume the debt, liability or obligation of the Authority. Notwithstanding Section 7.4 of this Agreement, this Section 2.2 may not be amended unless such amendment is approved by the governing board of each Party.

2.3 Purpose. The purpose of this Agreement is to establish an independent public agency in order to exercise powers common to each Party to study, promote, develop, conduct, operate, and manage energy, energy efficiency and conservation, and other energy-related programs, and to exercise all other powers necessary and incidental to accomplishing this purpose. Without limiting the generality of the foregoing, the Parties intend for this Agreement to be used as a contractual mechanism by which the Parties are authorized to participate in the CCA Program, as further described in Section 4.1. The Parties intend that other agreements shall define the terms and conditions associated with the implementation of the CCA Program and any other energy programs approved by the Authority.

2.4 Powers. The Authority shall have all powers common to the Parties and such additional powers accorded to it by law. The Authority is authorized, in its own name, to exercise all powers and do all acts necessary and proper to carry out the provisions of this Agreement and fulfill its purposes, including, but not limited to, each of the following powers, subject to the voting requirements set forth in Section 3.7 through 3.7.5:

2.4.1 to make and enter into contracts;

2.4.2 to employ agents and employees, including but not limited to a Chief Executive Officer;

2.4.3 to acquire, contract, manage, maintain, and operate any buildings, infrastructure, works, or improvements;

2.4.4 to acquire property by eminent domain, or otherwise, except as limited under Section 6508 of the Act, and to hold or dispose of any property; however, the Authority shall not exercise the power of eminent domain within the jurisdiction of a Party over its objection without first meeting and conferring in good faith.

2.4.5 to lease any property;

2.4.6 to sue and be sued in its own name;

2.4.7 to incur debts, liabilities, and obligations, including but not limited to loans from private lending sources pursuant to its temporary borrowing powers such as Government Code Sections 53850 et seq. and authority under the Act;

2.4.8 to form subsidiary or independent corporations or entities if necessary, to carry out energy supply and energy conservation programs at the lowest possible cost or to take advantage of legislative or regulatory changes;

2.4.9 to issue revenue bonds and other forms of indebtedness;

2.4.10 to apply for, accept, and receive all licenses, permits, grants, loans or other aids from any federal, state, or local public agency;

2.4.11 to submit documentation and notices, register, and comply with orders, tariffs and agreements for the establishment and implementation of the CCA Program and other energy programs;

2.4.12 to adopt Operating Rules and Regulations; and

2.4.13 to make and enter into service agreements relating to the provision of services necessary to plan, implement, operate and administer the CCA Program and other energy programs, including the acquisition of electric power supply and the provision of retail and regulatory support services.

2.4.14 to permit additional Parties to enter into this Agreement after the Effective Date and to permit another entity authorized to be a community choice aggregator to designate the Authority to act as the community choice aggregator on its behalf.

2.5 Limitation on Powers. As required by Government Code Section 6509, the power of the Authority is subject to the restrictions upon the manner of exercising power possessed by San Mateo County.

2.6 Compliance with Local Zoning and Building Laws and CEQA. Unless state or federal law provides otherwise, any facilities, buildings or structures located, constructed, or caused to be constructed by the Authority within the territory of the Authority shall comply with the General Plan, zoning and building laws of the local jurisdiction within which the facilities, buildings or structures are constructed and comply with the California Environmental Quality Act (“CEQA”).

### **ARTICLE 3: GOVERNANCE AND INTERNAL ORGANIZATION**

3.1 Board of Directors. The governing body of the Authority shall be a Board of Directors (“Board”). The Board shall consist of 2 (two) directors appointed by the San Mateo County Board of Supervisors and 1 (one) director appointed by each City or Town that becomes a signatory to the Agreement (“Directors”). Each Director shall serve at the pleasure of the governing board of the Party who appointed such Director, and may be removed as Director by such governing board at any time. If at any time a vacancy occurs on the Board, a replacement shall be appointed to fill the position of the previous Director within 90 days of the date that such position becomes vacant. Directors must be members of the Board of Supervisors or members of the governing board of the municipality that is the signatory to this Agreement. Each Party may appoint an alternate(s) to serve in the absence of its Director(s). Alternates may be either (1) members of the Board of Supervisors or members of the governing board of the municipality that is the signatory to this

Agreement, or (2) staff members of the County or any such municipality.

3.2 Quorum. A majority of the appointed Directors shall constitute a quorum, except that less than a quorum may adjourn from time to time in accordance with law.

3.3 Powers and Functions of the Board. The Board shall exercise general governance and oversight over the business and activities of the Authority, consistent with this Agreement and applicable law. The Board shall provide general policy guidance to the CCA Program. Board approval shall be required for any of the following actions:

3.3.1 The issuance of bonds or any other financing even if program revenues are expected to pay for such financing.

3.3.2 The hiring or termination of the Chief Executive Officer and General Counsel.

3.3.3 The appointment or removal of officers described in Section 3.9, subject to Section 3.9.3.

3.3.4 The adoption of the Annual Budget.

3.3.5 The adoption of an ordinance.

3.3.6 The approval of agreements, except as provided by Section 3.4.

3.3.7 The initiation or resolution of claims and litigation where the Authority will be the defendant, plaintiff, petitioner, respondent, cross complainant or cross petitioner, or intervenor; provided, however, that the Chief Executive Officer or General Counsel, on behalf of the Authority, may intervene in, become a party to, or file comments with respect to any proceeding pending at the California Public Utilities Commission, the Federal Energy Regulatory Commission, or any other administrative agency, without approval of the Board as long as such action is consistent with any adopted Board policies.

3.3.8 The setting of rates for power sold by the Authority and the setting of charges for any other category of service provided by the Authority.

3.3.9 Termination of the CCA Program.

3.4 Chief Executive Officer. The Board of Directors shall appoint a Chief Executive Officer for the Authority, who shall be responsible for the day-to-day operation and management of the Authority and the CCA Program. The Chief Executive Officer may exercise all powers of the Authority, including the power to hire, discipline and terminate employees as well as the power to approve any agreement if the total amount payable under the agreement is less than \$100,000 in any fiscal year, except the powers specifically set forth in Section 3.3 or those powers which by law must be exercised by the Board of Directors.

3.5 Commissions, Boards, and Committees. The Board may establish any advisory

commissions, boards, and committees as the Board deems appropriate to assist the Board in carrying out its functions and implementing the CCA Program, other energy programs and the provisions of this Agreement which shall comply with the requirements of the Ralph M. Brown Act. The Board may establish rules, regulations, policies, bylaws or procedures to govern any such commissions, boards, or committees if the Board deems appropriate to appoint such commissions, boards or committees, and shall determine whether members shall be compensated or entitled to reimbursement for expenses.

3.6 Director Compensation. Directors shall serve without compensation from the Authority. However, Directors may be compensated by their respective appointing authorities. The Board, however, may adopt by resolution a policy relating to the reimbursement by the Authority of expenses incurred by Directors.

3.7 Voting In general, as described below in Section 3.7.3, action by the Authority Board will be taken solely by a majority vote of the Directors present. However, as described below in Section 3.7.4, upon request of a Director, a weighted vote by shares will also be conducted. When such a request is made, an action must be approved by both a majority vote of Directors present and a majority of the weighted vote by shares present. No action may be approved solely by a vote by shares. The voting shares of Directors and approval requirements for actions of the Board shall be as follows:

3.7.1. Voting Shares.

Each Director shall have a voting share as determined by the following formula: (Annual Energy Use/Total Annual Energy) multiplied by 100, where

(a) “Annual Energy Use” means, (i) with respect to the first year following the Effective Date, the annual electricity usage, expressed in kilowatt hours (“kWh”), within the Party’s respective jurisdiction and (ii) with respect to the period after the anniversary of the Effective Date, the annual electricity usage, expressed in kWh, of accounts within a Party’s respective jurisdiction that are served by the Authority; and

(b) “Total Annual Energy” means the sum of all Parties’ Annual Energy Use. The initial values for Annual Energy Use will be designated in Exhibit C, and shall be adjusted annually as soon as reasonably practicable after January 1, but no later than March 1 of each year. These adjustments shall be approved by the Board.

(c) The combined voting share of all Directors representing the County of San Mateo shall be based upon the annual electricity usage within the unincorporated area of San Mateo County.

For the purposes of Weighted Voting, if a Party has more than one director, then the voting shares allocated to the entity shall be equally divided amongst its Directors.

3.7.2. Exhibit Showing Voting Shares. The initial voting shares will be set forth in Exhibit D. Exhibit D shall be revised no less than annually as necessary to account for changes in the number of Parties and changes in the Parties’ Annual Energy Use. Exhibit



D and adjustments shall be approved by the Board.

3.7.3. Approval Requirements Relating to CCA Program. Except as provided in Sections 3.7.4 and 3.7.5 below, action of the Board shall require the affirmative vote of a majority of Directors present at the meeting.

3.7.4. Option for Approval by Voting Shares. Notwithstanding Section 3.7.3, any Director present at a meeting may demand that approval of any matter related to the CCA Program be determined on the basis of both voting shares and by the affirmative vote of a majority of Directors present at the meeting. If a Director makes such a demand with respect to approval of any such matter, then approval of such matter shall require the affirmative vote of a majority of Directors present at the meeting and the affirmative vote of Directors having a majority of voting shares present, as determined by Section 3.7.1 except as provided in Section 3.7.5.

3.7.5. Special Voting Requirements for Certain Matters.

(a) Two-Thirds and Weighted Voting Approval Requirements Relating to Sections 6.2 and 7.4. Action of the Board on the matters set forth in Section 6.2 (involuntary termination of a Party), or Section 7.4 (amendment of this Agreement) shall require the affirmative vote of at least two-thirds of Directors present; provided, however, that (i) notwithstanding the foregoing, any Director present at the meeting may demand that the vote be determined on the basis of both voting shares and by the affirmative vote of Directors, and if a Director makes such a demand, then approval shall require the affirmative vote of both at least two-thirds of Directors present and the affirmative vote of Directors having at least two-thirds of the voting shares present, as determined by Section 3.7.1; (ii) but, at least two Parties must vote against a matter for the vote to fail; and (iii) for votes to involuntarily terminate a Party under Section 6.2, the Director(s) for the Party subject to involuntary termination may not vote, and the number of Directors constituting two-thirds of all Directors, and the weighted vote of each Party shall be recalculated as if the Party subject to possible termination were not a Party.

(b) Seventy Five Percent Special Voting Requirements for Eminent Domain and Contributions or Pledge of Assets.

(i) A decision to exercise the power of eminent domain on behalf of the Authority to acquire any property interest other than an easement, right-of-way, or temporary construction easement shall require a vote of at least 75% of all Directors.

(ii) The imposition on any Party of any obligation to make contributions or pledge assets as a condition of continued participation in the CCA Program shall require a vote of at least 75% of all Directors and the approval of the governing boards of the Parties who are being asked to make such contribution or pledge.

(iii) Notwithstanding the foregoing, any Director present at the meeting may demand that a vote under subsections (i) or (ii) be determined on the basis of

voting shares and by the affirmative vote of Directors, and if a Director makes such a demand, then approval shall require both the affirmative vote of at least 75% of Directors present and the affirmative vote of Directors having at least 75% of the voting shares present, as determined by Section 3.7.1, but at least two Parties must vote against a matter for the vote to fail. For purposes of this section, “imposition on any Party of any obligation to make contributions or pledge assets as a condition of continued participation in the CCA Program” does not include any obligations of a withdrawing or terminated party imposed under Section 6.3.

3.8 Meetings and Special Meetings of the Board. The Board shall hold at least six regular meetings per year, but the Board may provide for the holding of regular meetings at more frequent intervals. The date, hour and place of each regular meeting shall be fixed by resolution or ordinance of the Board. Regular meetings may be adjourned to another meeting time. Special and Emergency Meetings of the Board may be called in accordance with the provisions of California Government Code Sections 54956 and 54956.5. Directors may participate in meetings telephonically, with full voting rights, only to the extent permitted by law. All meetings shall be conducted in accordance with the provisions of the Ralph M. Brown Act (California Government Code Sections 54950 et seq.).

3.9 Selection of Board Officers.

3.9.1 Chair and Vice Chair. The Directors shall select, from among themselves, a Chair, who shall be the presiding officer of all Board meetings, and a Vice Chair, who shall serve in the absence of the Chair. The term of office of the Chair and Vice Chair shall continue for one year, but there shall be no limit on the number of terms held by either the Chair or Vice Chair. The office of either the Chair or Vice Chair shall be declared vacant and a new selection shall be made if:

- (a) the person serving dies, resigns, or the Party that the person represents removes the person as its representative on the Board or
- (b) the Party that he or she represents withdraws from the Authority pursuant to the provisions of this Agreement.

3.9.2 Secretary. The Board shall appoint a Secretary, who need not be a member of the Board, who shall be responsible for keeping the minutes of all meetings of the Board and all other official records of the Authority.

3.9.3 Treasurer and Auditor. The San Mateo County Treasurer shall act as the Treasurer for the Authority. Unless otherwise exempted from such requirement, the Authority shall cause an independent audit to be made by a certified public accountant, or public accountant, in compliance with Section 6505 of the Act. The Treasurer shall act as the depository of the Authority and have custody of all the money of the Authority, from whatever source, and as such, shall have all of the duties and responsibilities specified in Section 6505.5 of the Act. The Treasurer shall report directly to the Board and shall comply with the requirements of treasurers of incorporated municipalities. The Board may transfer the responsibilities of Treasurer to any person or entity as the law may provide at the time. The duties and obligations of the Treasurer are further specified in Article 5.

3.10 Administrative Services Provider. The Board may appoint one or more administrative services providers to serve as the Authority's agent for planning, implementing, operating and administering the CCA Program, and any other program approved by the Board, in accordance with the provisions of an Administrative Services Agreement. The appointed administrative services provider may be one of the Parties. An Administrative Services Agreement shall set forth the terms and conditions by which the appointed administrative services provider shall perform or cause to be performed all tasks necessary for planning, implementing, operating and administering the CCA Program and other approved programs. The Administrative Services Agreement shall set forth the term of the Agreement and the circumstances under which the Administrative Services Agreement may be terminated by the Authority. This section shall not in any way be construed to limit the discretion of the Authority to hire its own employees to administer the CCA Program or any other program.

#### **ARTICLE 4: IMPLEMENTATION ACTION AND AUTHORITY DOCUMENTS**

##### 4.1 Preliminary Implementation of the CCA Program.

4.1.1 Enabling Ordinance. To be eligible to participate in the CCA Program, each Party must adopt an ordinance in accordance with Public Utilities Code Section 366.2(c)(12) for the purpose of specifying that the Party intends to implement a CCA Program by and through its participation in the Authority.

4.1.2 Implementation Plan. The Authority shall cause to be prepared an Implementation Plan meeting the requirements of Public Utilities Code Section 366.2 and any applicable Public Utilities Commission regulations as soon after the Effective Date as reasonably practicable. The Implementation Plan shall not be filed with the Public Utilities Commission until it is approved by the Board in the manner provided by Section 3.7.3.

4.1.3 Termination of CCA Program. Nothing contained in this Article or this Agreement shall be construed to limit the discretion of the Authority to terminate the implementation or operation of the CCA Program at any time in accordance with any applicable requirements of state law.

4.2 Authority Documents. The Parties acknowledge and agree that the affairs of the Authority will be implemented through various documents duly adopted by the Board through Board resolution. The Parties agree to abide by and comply with the terms and conditions of all such documents that may be adopted by the Board, subject to the Parties' right to withdraw from the Authority as described in Article 6.

#### **ARTICLE 5: FINANCIAL PROVISIONS**

5.1 Fiscal Year. The Authority's fiscal year shall be 12 months commencing July 1 or the date selected by the Agency and ending June 30. The fiscal year may be changed by Board resolution.

## 5.2 Depository.

5.2.1 All funds of the Authority shall be held in separate accounts in the name of the Authority and not commingled with funds of any Party or any other person or entity.

5.2.2 All funds of the Authority shall be strictly and separately accounted for, and regular reports shall be rendered of all receipts and disbursements, at least quarterly during the fiscal year. The books and records of the Authority shall be open to inspection by the Parties at all reasonable times. The Board shall contract with a certified public accountant or public accountant to make an annual audit of the accounts and records of the Authority, which shall be conducted in accordance with the requirements of Section 6505 of the Act.

5.2.3 All expenditures shall be made in accordance with the approved budget and upon the approval of any officer so authorized by the Board in accordance with its Operating Rules and Regulations. The Treasurer shall draw checks or warrants or make payments by other means for claims or disbursements not within an applicable budget only upon the prior approval of the Board.

## 5.3 Budget and Recovery of Costs.

5.3.1 Budget. The initial budget shall be approved by the Board. The Board may revise the budget from time to time as may be reasonably necessary to address contingencies and unexpected expenses. All subsequent budgets of the Authority shall be approved by the Board in accordance with the Operating Rules and Regulations.

5.3.2 Funding of Initial Costs. The County of San Mateo has funded certain activities necessary to implement the CCA Program. If the CCA Program becomes operational, these Initial Costs paid by the County of San Mateo shall be included in the customer charges for electric services as provided by Section 5.3.3 to the extent permitted by law, and the County of San Mateo shall be reimbursed from the payment of such charges by customers of the Authority. Prior to such reimbursement, the County of San Mateo shall provide such documentation of costs paid as the Board may request. The Authority may establish a reasonable time period over which such costs are recovered. In the event that the CCA Program does not become operational, the County of San Mateo shall not be entitled to any reimbursement of the Initial Costs it has paid from the Authority or any Party.

5.3.3 CCA Program Costs. The Parties desire that all costs incurred by the Authority that are directly or indirectly attributable to the provision of electric, conservation, efficiency, incentives, financing, or other services provided under the CCA Program, including but not limited to the establishment and maintenance of various reserves and performance funds and administrative, accounting, legal, consulting, and other similar costs, shall be recovered through charges to CCA customers receiving such electric services, or from revenues from grants or other third-party sources.

## ARTICLE 6: WITHDRAWAL AND TERMINATION

### 6.1 Withdrawal.

6.1.1 Right to Withdraw. A Party may withdraw its participation in the CCA Program, effective as of the beginning of the Authority's fiscal year, by giving no less than 6 months advance written notice of its election to do so, which notice shall be given to the Authority and each Party. Withdrawal of a Party shall require an affirmative vote of the Party's governing board.

6.1.2 Right to Withdraw After Amendment. Notwithstanding Section 6.1.1, a Party may withdraw its membership in the Authority following an amendment to this Agreement adopted by the Board which the Party's Director(s) voted against provided such notice is given in writing within thirty (30) days following the date of the vote. Withdrawal of a Party shall require an affirmative vote of the Party's governing board and shall not be subject to the six month advance notice provided in Section 6.1.1. In the event of such withdrawal, the Party shall be subject to the provisions of Section 6.3.

6.1.3 The Right to Withdraw Prior to Program Launch. After receiving bids from power suppliers, the Authority must provide to the Parties the report from the electrical utility consultant retained by the Authority that compares the total estimated electrical rates that the Authority will be charging to customers as well as the estimated greenhouse gas emissions rate and the amount of estimated renewable energy used with that of the incumbent utility. If the report provides that the Authority is unable to provide total electrical rates, as part of its baseline offering, to the customers that are equal to or lower than the incumbent utility or to provide power in a manner that has a lower greenhouse gas emissions rate or uses more renewable energy than the incumbent utility, a Party may immediately withdraw its membership in the Authority without any financial obligation, as long as the Party provides written notice of its intent to withdraw to the Authority Board no more than fifteen days after receiving the report.

6.1.4 Continuing Financial Obligation; Further Assurances. Except as provided by Section 6.1.3, a Party that withdraws its participation in the CCA Program may be subject to certain continuing financial obligations, as described in Section 6.3. Each withdrawing Party and the Authority shall execute and deliver all further instruments and documents, and take any further action that may be reasonably necessary, as determined by the Board, to effectuate the orderly withdrawal of such Party from participation in the CCA Program.

6.2 Involuntary Termination of a Party. Participation of a Party in the CCA program may be terminated for material non-compliance with provisions of this Agreement or any other agreement relating to the Party's participation in the CCA Program upon a vote of Board members as provided in Section 3.7.5. Prior to any vote to terminate participation with respect to a Party, written notice of the proposed termination and the reason(s) for such termination shall be delivered to the Party whose termination is proposed at least 30 days prior to the regular Board meeting at which such matter shall first be discussed as an agenda item. The written notice of proposed termination shall specify the particular provisions of this Agreement or other agreement that the Party has allegedly

violated. The Party subject to possible termination shall have the opportunity at the next regular Board meeting to respond to any reasons and allegations that may be cited as a basis for termination prior to a vote regarding termination. A Party that has had its participation in the CCA Program terminated may be subject to certain continuing liabilities, as described in Section 6.3.

6.3 Continuing Financial Obligations; Refund. Except as provided by Section 6.1.3, upon a withdrawal or involuntary termination of a Party, the Party shall remain responsible for any claims, demands, damages, or other financial obligations arising from the Party membership or participation in the CCA Program through the date of its withdrawal or involuntary termination, it being agreed that the Party shall not be responsible for any financial obligations arising after the date of the Party's withdrawal or involuntary termination. Claims, demands, damages, or other financial obligations for which a withdrawing or terminated Party may remain liable include, but are not limited to, losses from the resale of power contracted for by the Authority to serve the Party's load. With respect to such financial obligations, upon notice by a Party that it wishes to withdraw from the CCA Program, the Authority shall notify the Party of the minimum waiting period under which the Party would have no costs for withdrawal if the Party agrees to stay in the CCA Program for such period. The waiting period will be set to the minimum duration such that there are no costs transferred to remaining ratepayers. If the Party elects to withdraw before the end of the minimum waiting period, the charge for exiting shall be set at a dollar amount that would offset actual costs to the remaining ratepayers, and may not include punitive charges that exceed actual costs. In addition, such Party shall also be responsible for any costs or obligations associated with the Party's participation in any program in accordance with the provisions of any agreements relating to such program provided such costs or obligations were incurred prior to the withdrawal of the Party. The Authority may withhold funds otherwise owing to the Party or may require the Party to deposit sufficient funds with the Authority, as reasonably determined by the Authority and approved by a vote of the Board of Directors, to cover the Party's financial obligations for the costs described above. Any amount of the Party's funds held on deposit with the Authority above that which is required to pay any financial obligations shall be returned to the Party. The liability of any Party under this section 6.3 is subject and subordinate to the provisions of Section 2.2, and nothing in this section 6.3 shall reduce, impair, or eliminate any immunity from liability provided by Section 2.2.

6.4 Mutual Termination. This Agreement may be terminated by mutual agreement of all the Parties; provided, however, the foregoing shall not be construed as limiting the rights of a Party to withdraw its participation in the CCA Program, as described in Section 6.1.

6.5 Disposition of Property upon Termination of Authority. Upon termination of this Agreement, any surplus money or assets in possession of the Authority for use under this Agreement, after payment of all liabilities, costs, expenses, and charges incurred under this Agreement and under any program documents, shall be returned to the then-existing Parties in proportion to the contributions made by each.

## **ARTICLE 7: MISCELLANEOUS PROVISIONS**

7.1 Dispute Resolution. The Parties and the Authority shall make reasonable efforts to informally settle all disputes arising out of or in connection with this Agreement. Should such

informal efforts to settle a dispute, after reasonable efforts, fail, the dispute shall be mediated in accordance with policies and procedures established by the Board.

7.2 Liability of Directors, Officers, and Employees. The Directors, officers, and employees of the Authority shall use ordinary care and reasonable diligence in the exercise of their powers and in the performance of their duties pursuant to this Agreement. No current or former Director, officer, or employee will be responsible for any act or omission by another Director, officer, or employee. The Authority shall defend, indemnify and hold harmless the individual current and former Directors, officers, and employees for any acts or omissions in the scope of their employment or duties in the manner provided by Government Code Sections 995 et seq. Nothing in this section shall be construed to limit the defenses available under the law, to the Parties, the Authority, or its Directors, officers, or employees.

7.3 Indemnification of Parties. The Authority shall acquire such insurance coverage as is necessary to protect the interests of the Authority, the Parties, and the public. The Authority shall defend, indemnify, and hold harmless the Parties and each of their respective Board or Council members, officers, agents and employees, from any and all claims, losses, damages, costs, injuries, and liabilities of every kind arising directly or indirectly from the conduct, activities, operations, acts, and omissions of the Authority under this Agreement.

7.4 Amendment of this Agreement. This Agreement may not be amended except by a written amendment approved by a vote of Board members as provided in Section 3.7.5. The Authority shall provide written notice to all Parties of amendments to this Agreement, including the effective date of such amendments, at least 30 days prior to the date upon which the Board votes on such amendments.

7.5 Assignment. Except as otherwise expressly provided in this Agreement, the rights and duties of the Parties may not be assigned or delegated without the advance written consent of all of the other Parties, and any attempt to assign or delegate such rights or duties in contravention of this Section 7.5 shall be null and void. This Agreement shall inure to the benefit of, and be binding upon, the successors and assigns of the Parties. This Section 7.5 does not prohibit a Party from entering into an independent agreement with another agency, person, or entity regarding the financing of that Party's contributions to the Authority, or the disposition of proceeds which that Party receives under this Agreement, so long as such independent agreement does not affect, or purport to affect, the rights and duties of the Authority or the Parties under this Agreement.

7.6 Severability. If one or more clauses, sentences, paragraphs or provisions of this Agreement shall be held to be unlawful, invalid or unenforceable, it is hereby agreed by the Parties, that the remainder of the Agreement shall not be affected thereby. Such clauses, sentences, paragraphs or provision shall be deemed reformed so as to be lawful, valid and enforced to the maximum extent possible.

7.7 Further Assurances. Each Party agrees to execute and deliver all further instruments and documents, and take any further action that may be reasonably necessary, to effectuate the purposes and intent of this Agreement.

7.8 Execution by Counterparts. This Agreement may be executed in any number of

counterparts, and upon execution by all Parties, each executed counterpart shall have the same force and effect as an original instrument and as if all Parties had signed the same instrument. Any signature page of this Agreement may be detached from any counterpart of this Agreement without impairing the legal effect of any signatures thereon, and may be attached to another counterpart of this Agreement identical in form hereto but having attached to it one or more signature pages.

7.9 Parties to be Served Notice. Any notice authorized or required to be given pursuant to this Agreement shall be validly given if served in writing either personally, by deposit in the United States mail, first class postage prepaid with return receipt requested, or by a recognized courier service. Notices given (a) personally or by courier service shall be conclusively deemed received at the time of delivery and receipt and (b) by mail shall be conclusively deemed given 48 hours after the deposit thereof (excluding Saturdays, Sundays and holidays) if the sender receives the return receipt. All notices shall be addressed to the office of the clerk or secretary of the Authority or Party, as the case may be, or such other person designated in writing by the Authority or Party. Notices given to one Party shall be copied to all other Parties. Notices given to the Authority shall be copied to all Parties.



## **Exhibit A Definitions**

“Act” means the Joint Exercise of Powers Act of the State of California (Government Code Section 6500 *et seq.*)

“Administrative Services Agreement” means an agreement or agreements entered into after the Effective Date by the Authority with an entity that will perform tasks necessary for planning, implementing, operating and administering the CCA Program or any other energy programs adopted by the Authority.

“Agreement” means this Joint Powers Agreement.

“Annual Energy Use” has the meaning given in Section 3.7.1.

“Authority” means the Peninsula Clean Energy Authority.

“Authority Document(s)” means document(s) duly adopted by the Board by resolution or motion implementing the powers, functions, and activities of the Authority, including but not limited to the Operating Rules and Regulations, the annual budget, and plans and policies.

“Board” means the Board of Directors of the Authority.

“CCA” or “Community Choice Aggregation” means an electric service option available to cities and counties pursuant to Public Utilities Code Section 366.2.

“CCA Program” means the Authority’s program relating to CCA that is principally described in Sections 2.3, 2.4, and 4.1.

“Director” means a member of the Board of Directors representing a Party.

“Effective Date” means February 29, 2016 or when the County of San Mateo and at least two municipalities execute this Agreement, whichever occurs later, as further described in Section 2.1.

“Implementation Plan” means the plan generally described in Section 4.1.2 of this Agreement that is required under Public Utilities Code Section 366.2 to be filed with the California Public Utilities Commission for the purpose of describing a proposed CCA Program.

“Initial Costs” means all costs incurred by the County and/or Authority relating to the establishment and initial operation of the Authority, such as the hiring of a Chief Executive Officer and any administrative staff, and any required accounting, administrative, technical, or legal services in support of the Authority’s initial activities or in support of the negotiation, preparation, and approval of one or more Administrative Services Agreements.

Approved [insert date]

**Exhibit A (cont.)**  
**Definitions**

“Operating Rules and Regulations” means the rules, regulations, policies, bylaws and procedures governing the operation of the Authority.

“Parties” means, collectively, any municipality within the County of San Mateo which executes this Agreement.

“Party” means a signatory to this Agreement.

“Total Annual Energy” has the meaning given in Section 3.7.1.

Approved [insert date]

**Exhibit B  
List of Parties**

Parties: County of San Mateo

Approved [insert date]

**Exhibits C and D**  
**Annual Energy Use and Voting Shares**

<b>ANNUAL ENERGY USE WITHIN PCE JURISDICTIONS AND VOTING SHARES</b>		
Twelve Months Ended November [date]		
<u>Party</u>	<u>Total kWh</u>	<u>Voting Share</u>
SAN MATEO COUNTY		
Total		100

Approved [insert date]



# STAFF REPORT

TO: Mayor and Members of the City Council  
 FROM: Michael P. Laughlin, City Planner  
 VIA: Sean Rabé, City Manager  
 MEETING DATE: February 10, 2016  
 SUBJECT: Commercial Conditional Use Permit Requirements

## RECOMMENDATION

Staff recommends that the City Council introduce the following ordinance:

AN ORDINANCE AMENDING SECTION 5.03.090 OF THE COLMA MUNICIPAL CODE  
 RELATING TO COMMERCIAL ADMINISTRATIVE USE PERMITS PURSUANT TO CEQA  
 GUIDELINE 15061(b)(3)

## EXECUTIVE SUMMARY

The existing Commercial "C" zoning requires a Conditional Use Permit (Use Permit) issued by the City Council for all new commercial uses. Filing for a Use Permit costs \$905.00 and takes 4-6 weeks to process. For buildings which were previously occupied by a similar use to the prior use, the process is unnecessarily costly and cumbersome. The proposed ordinance would allow for the processing of an Administrative Use Permit for new uses moving into an existing building that are similar to the prior use. The processing time would be reduced to two-three weeks with a processing fee of \$280.00. This process will still allow the Town to screen uses and impose any necessary conditions to ensure the public health, safety and welfare.

## FISCAL IMPACT

No loss of funds will occur as permit fees are designed to merely recover the cost associated with staff time.

## BACKGROUND

The Town of Colma is one of the few communities in California that requires all new commercial land uses to obtain a Conditional Use Permit. In most communities, assuming a new commercial use is to be located in that City's respective Commercial Zone, a majority of commercial uses are permitted outright (with just a business registration required), with a few that may still require a Conditional Use Permit due to aspects of the business that may impact the general health, safety and welfare (such as bars, churches, hazardous materials use etc.). In 2015, this process almost cost the Town an ideal tenant for a building at 1535 Mission Road. The proposed tenant, a home staging company, had to move from an existing location and could

not wait for the processing of the Town's Use Permit. Fortunately, she was able to extend the lease on her previous location just long enough to move into the building the day after the City Council meeting approving the Use Permit. The tenant space was already set up for a primarily storage use with office with limited parking demands, and other less ideal potential tenants with greater parking demands were waiting to lease the building.

The Town's process also delayed the escrow of a long vacant building at 1755 Mission Road. The building is improved for warehouse use with limited office. The existing limited parking matched the building's original design as primarily a structure for warehousing. Many potential tenants approached staff about uses for the building, all of which were problematic and would have impacted parking on Mission Road. Staff was supportive when a moving company was interested in the building to use the warehouse and office spaces as originally designed. However, the moving company almost decided against purchasing the building due to the Town's Use Permit process and the complications it posed with escrow.

Several years ago, a property owner of a multi-tenant light industrial building at 450 Collins Avenue was very concerned about the Town's process and his ability to quickly fill tenant vacancies due to the lengthy and costly Use Permit process. The City Council approved a "Master Use Permit" for the building which allows for tenants whose business operations are in keeping with the design of the building and available on-site parking to apply for an Administrative Use Permit. This process has worked very well for the Town and the building owner, and the proposed ordinance amendment will allow for the same process for similar buildings in Town.

## **ANALYSIS**

Use Permits are land use approvals granted under the Town's police powers, with conditions imposed to protect the public health, safety, and welfare of the community. A Use Permit runs with the land, meaning the permit is specific to the property and not the individual applicant. Thus, Use Permits can be assumed by a similar business of the same use. However, if a different type of use is proposed, a new Use Permit is required. The Master Use Permits for both the Serra Shopping Center and the 280 Metro Center are exceptions since they allow for any commercial use to move into any existing tenant space without a new Use Permit. For new commercial tenants, only a business registration is required.

### *Current Process:*

Once a Use Permit application is received, it is reviewed by other Town departments and the Colma Fire Protection District and conditions of approval and a staff report are prepared. Noticing to property owners within 300 feet of the property occurs at least 10 days prior to the hearing. Due to the internal review process by the City Attorney, City Manager and the City Council packet deadlines, the process can take 4-6 weeks, depending on when an applicant files during the packet cycle.

### *Proposed Process:*

Processing of an Administrative Use Permit is a streamlined version of the City Council Use Permit process. The application is reviewed internally and a staff report and conditions are prepared. Public noticing is still provided to property owners within 300 feet of the project site

and is posted on the Town bulletin boards. Since Administrative Use Permits are not subject to packet deadlines, processing can be expedited. The hearing is held by the Zoning Administrator (City Planner) on the soonest weekday possible after internal review and noticing requirements are met. The Planning Department review considers the use, parking and any other potential impacts with the business. If there is concern about aspects of the business, the Zoning Administrator will refer the application to the City Council for hearing pursuant to CMC 5.03.520 (h).

The process will only apply in instances where the proposed use of the building is in keeping with the Building Code occupancy classification of the building and where few, if any, substantive modifications to the building are required for the new use. In the case of the two buildings on Mission Road, both were designed for general, non-hazardous storage with incidental office and the new uses could move in without securing a building permit. If, for example, one of the buildings was proposed to store hazardous materials, modifications to the building would be required to meet the appropriate occupancy classification and review by the County Environmental Health Department. This type of request would still require review through the City Council Use Permit process.

If an office tenant proposes to convert an existing commercial building with warehouse and office to all office, which has a higher parking requirement, this would change the occupancy classification of the warehouse to office. This would also trigger a full Conditional Use Permit by the City Council. The same would apply if a warehouse space is proposed to be used as a dance studio, fitness center or church. In this example, the warehouse area is proposed to be converted to an assembly use, which will require substantive changes to the building (including restroom, exiting and ADA access upgrades). This change in use also requires additional parking which may be insufficient for the site. This change would also continue to require a City Council Use Permit. A City Council Use Permit is also required for all ground up construction or when other entitlement requests are required to be reviewed by the City Council.

The Administrative Use Permit will likely only apply to a few multi-tenant retail and light industrial buildings in Town. However, for these landlords and prospective tenants, the change will save time and costs while still allowing an appropriate level of review by the Town to assure maintenance of the health, safety and welfare of the community.

### **Council Adopted Values**

The recommendation is consistent with the Council value of **responsibility** because it considers the impact of Town processes on businesses.

### **Sustainability Impact**

None.

## **Alternatives**

The City Council could choose not to introduce the ordinance which would keep the existing Use Permit provisions in the CMC. This is not recommended since streamlining existing processes is beneficial to businesses and consistent with the Town's desire to support economic development.

## **CONCLUSION**

Staff recommends the City Council introduce and adopt the ordinance.

## **ATTACHMENTS**

- A. Ordinance



**ORDINANCE NO. \_\_\_\_**  
**OF THE CITY COUNCIL OF THE TOWN OF COLMA**

**AN ORDINANCE AMENDING SECTION 5.03.090 OF THE COLMA MUNICIPAL  
CODE RELATING TO COMMERCIAL ADMINISTRATIVE USE PERMITS  
PURSUANT TO CEQA GUIDELINE 15061(b)(3)**

The City Council of the Town of Colma does ordain as follows:

**ARTICLE 1. CMC SECTION 5.03.090 AMENDED.<sup>1</sup>**

Section 5.03.090 shall be and hereby is amended as follows:

(b) Uses Allowed in the "C" Zone upon issuance of an administrative use permit.

(1) The uses allowed in the "C" Zone with the issuance of a use permit pursuant to Section 5.03.090(c) may be permitted upon issuance of an administrative use permit, instead of a use permit, if the proposed use meets all of the following criteria:

- A. Will occupy an existing commercial building or occupy a tenant space within an existing commercial building; and
- B. Is within the same Building Code occupancy classification of the existing building; and
- C. Doesn't require any building modifications; and
- D. Will not exceed the available on-site parking

(2) This section shall not apply to the following uses, all of which still require a use permit pursuant to Section 5.03.090 (c):

- A. Uses which convert existing warehouse or light industrial space to office;
- B. Uses which convert existing warehouse or light industrial space to auto repair;
- C. Uses which convert retail space to a restaurant or bar; and
- D. Uses which convert warehouse or light industrial space to a use where hazardous materials use requires review by the San Mateo County Environmental Health Department based on responses to questions on their Hazardous Materials Notification Form.

<sup>1</sup> Substantive changes have been identified as follows: New text has been underlined; revised text has been underlined, without showing the prior wording; and deleted text is shown with a strike-through line. Non-substantive changes, such as grammar and formatting are not identified. All markings will be removed from the final version that is adopted by the City Council.

~~(b)~~ (c) The following uses may be permitted in the "C" Zone upon issuance of a use permit in accordance with the procedures set forth:

- (1) A commercial establishment;
- (2) A single family dwelling or a multiple dwelling up to six units, provided the proposed residential density does not exceed that specified in the Colma General Plan;
- (3) Residential Planned Development on land identified in the Colma General Plan as suitable for residential uses, provided the proposed residential density does not exceed that specified in the Colma General Plan;
- (4) Supportive housing;
- (5) Transitional housing;
- (6) A light industrial establishment;
- (7) Communications structures;
- (8) Commercial center;
- (9) Retail Merchandising Unit; and
- (10) Such other uses which are found by the City Council to be of a similar nature to the above described uses.

[History: formerly §5.314; ORD. 234, 3/14/79; ORD. 309, 2/13/85; ORD. 425, 7/10/91; Ord. 506, 3/12/97; ORD. 638, 12/14/05; ORD. 720, 5/8/13; ORD. 728, 10/9/13; ORD. 737, 1/14/15; ORD. \_\_\_\_]

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## **ARTICLE 2. SEVERABILITY.**

Each of the provisions of this Ordinance is severable from all other provisions. If any article, section, subsection, paragraph, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

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## **ARTICLE 3. NOT A CEQA PROJECT.**

The City Council finds that adoption of this Ordinance is not a "project," as defined in the California Environmental Quality Act because it does not have a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and concerns general policy and procedure making.

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**ARTICLE 4. EFFECTIVE DATE.**

This ordinance, or a summary thereof prepared by the City Attorney, shall be posted on the three (3) official bulletin boards of the Town of Colma within 15 days of its passage and is to take force and effect thirty (30) days after its passage.

**Certificate of Adoption**

I certify that the foregoing Ordinance No. \_\_\_\_ was duly introduced at a regular meeting of the City Council of the Town of Colma held on February 10, 2016 and duly adopted at a regular meeting of said City Council held on \_\_\_\_, 2016 by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Diana Colvin, Mayor					
Helen Fiscaro					
Raquel "Rae" Gonzalez					
Joseph Silva					
Joanne F. del Rosario					
<i>Voting Tally</i>					

Dated \_\_\_\_\_

\_\_\_\_\_  
Diana Colvin, Mayor

Attest: \_\_\_\_\_  
Caitlin Corley, City Clerk

