



**AGENDA
REGULAR MEETING**

**City Council of the Town of Colma
Colma Town Hall
1198 El Camino Real
Colma, CA 94014**

**Wednesday, April 24, 2019
7:00 PM**

PLEDGE OF ALLEGIANCE AND ROLL CALL

ADOPTION OF AGENDA

PRESENTATION

- Introduction of New Finance Consultant Jessie Kim
- Introduction of New Community Service Officer Katherine Parra
- Birthday Recognition of Former Mayor Dennis Fisicaro
- Report from San Mateo County Mosquito and Vector Control District Board Member Joe Silva
- Recognition of C.A.P.E. Participants and Jeff Norris, SMC Office of Emergency Services

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

1. Motion to Accept the Minutes from the April 10, 2019 Regular Meeting.

STUDY SESSION

2. **SERRAMONTE BOULEVARD AND COLLINS AVENUE MASTER PLAN CONCEPT REVIEW**
This item is for discussion only; no action will be taken at this meeting.

PUBLIC HEARING

3. **VEHICLE RELEASE FEE INCREASE**

Consider: Motion to Adopt a Resolution Amending Colma Master Fee Schedule, Relating to the Vehicle Release Fee.

4. **VENDING ORDINANCE AMENDMENT**

Consider: Motion to Introduce an Ordinance Repealing Sections 4.02.020(c) and 4.02.040 and Adding Chapter 4.15 to the Town of Colma Municipal Code, Imposing Regulations on Sidewalk

Vending in Compliance with Senate Bill 946 and Determining Such Action to be Categorically Exempt from Environmental Review Pursuant to CEQA Guidelines 15378(a) and 15061(b)(3), and Waive a Further Reading of the Ordinance.

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, 1198 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.

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**MINUTES
REGULAR MEETING**

City Council of the Town of Colma
Town Hall Council Chamber, 1198 El Camino Real
Colma, CA 94014

**Wednesday, April 10, 2019
7:00 PM**

CALL TO ORDER

Mayor Joanne F. del Rosario called the meeting back to order at 7:02 p.m.

Council Present –Mayor Joanne F. del Rosario, Vice Mayor John Irish Goodwin, Council Members Diana Colvin, Helen Fisicaro and Raquel Gonzalez were all present.

Staff Present – City Manager Brian Dossey, City Attorney Christopher Diaz, Police Chief Kirk Stratton, Administrative Services Director Pak Lin, Director of Public Works Brad Donohue, City Planner Michael Laughlin, Recreation Manager Cynthia Morquecho, City Clerk Caitlin Corley, Police Sergeant Dawn Marchetti and Associate Planner Jonathan Kwan were in attendance.

ADOPTION OF THE AGENDA

Mayor del Rosario asked if there were any changes to the agenda; none were requested. The Mayor asked for a motion to adopt the agenda.

Action: Council Member Gonzalez moved to adopt the agenda; the motion was seconded by Council Member Colvin and carried by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Joanne F. del Rosario, Mayor	✓				
John Irish Goodwin	✓				
Diana Colvin	✓				
Helen Fisicaro	✓				
Raquel Gonzalez	✓				
	5	0			

PRESENTATIONS

- Chief Kirk Stratton recognized Sergeant Dawn Marchetti for her Peninsula Council of Lions Clubs Police and Fire Award.
- Mayor recognized outgoing Recreation Manager Cynthia Morquecho for her service to the Town. They presented her with a proclamation, plant and a copy of the Colma historical film, as one of Cynthia's first major projects in Colma was the 90th Anniversary Celebration.

PUBLIC COMMENTS

Mayor del Rosario opened the public comment period at 7:12 p.m. and seeing no one come forward to speak, she closed the public comment period.

CONSENT CALENDAR

1. Motion to Accept the Minutes from the March 27, 2019 Regular Meeting.
2. Motion to Accept Report of Check Paid for March 2019.
3. Motion to Accept Informational Report on Recreation Department Programs, Activities, Events, and Trips for the First Quarter of 2019.
4. Motion to Adopt a Resolution to Accept Work Performed by VAS Security, DBA Edgeworth Integration, LLC, for the Town’s Access Control System Project and Authorize the Director of Public Works to File a Notice of Completion with the County Recorder’s Office and Make the Final Payment to Edgeworth Integration, LLC in Accordance with State Prompt Payment Laws.
5. Motion to Adopt a Resolution Adopting Road Maintenance and Rehabilitation Account (RMRA) Project List for Fiscal Year 2019-2020 Funded by SB 1: the Road Repair and Accountability Act of 2017.
6. Motion to Adopt a Resolution Approving and Authorizing the City Manager to Execute an Agreement with Fehr & Peers in the Amount of \$199,108.09 for the El Camino Real Bicycle and Pedestrian Improvement Plan.
7. Motion to Adopt a Resolution Increasing Salaries for Recreation Leader Positions, and Increasing Salaries for Facility Attendant Positions.

Action: Council Member Colvin moved to approve the Consent Calendar items #1 through #7; the motion was seconded by Vice Mayor Goodwin and carried by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Joanne F. del Rosario, Mayor	✓				
John Irish Goodwin	✓				
Diana Colvin	✓				
Helen Fisicaro	✓				
Raquel Gonzalez	✓			Item #7 only	
	5	0			

NEW BUSINESS

8. APPROVAL OF MEMORANDUMS OF UNDERSTANDING AND COST OF LIVING INCREASES

City Manager Brian Dossey presented the staff report. Mayor del Rosario opened the public hearing at 7:17 p.m. and seeing no one come forward to speak, she closed the public comment period.

Action: Vice Mayor Goodwin made a motion to Adopt a Resolution Approving Memorandum of Understanding Between the Town of Colma and the Colma Peace Officers Association for the Period of April 7, 2019 to June 30, 2022; the motion was seconded by Council Member Fisicaro and carried by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Joanne F. del Rosario, Mayor	✓				
John Irish Goodwin	✓				
Diana Colvin	✓				
Helen Fiscaro	✓				
Raquel Gonzalez	✓				
	5	0			

Action: Council Member Gonzalez made a motion to Adopt a Resolution Approving Memorandum of Understanding Between the Town of Colma and the Colma Police Communication/Records Association for the Period of April 7, 2019 to June 30, 2022; the motion was seconded by Council Member Colvin and carried by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Joanne F. del Rosario, Mayor	✓				
John Irish Goodwin	✓				
Diana Colvin	✓				
Helen Fiscaro	✓				
Raquel Gonzalez	✓				
	5	0			

Action: Council Member Colvin made a motion to Adopt a Resolution Approving Cost of Living Salary Increases for Certain Unrepresented Employees and Modifying the Town's Salary Schedule; the motion was seconded by Vice Mayor John Goodwin and carried by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Joanne F. del Rosario, Mayor	✓				
John Irish Goodwin	✓				
Diana Colvin	✓				
Helen Fiscaro	✓				
Raquel Gonzalez	✓				
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Action: Council Member Fiscaro made a motion to Adopt a Resolution Amending Subchapter 3.02 and 3.06 of the Colma Administrative Code, Relating to Retention Pay and Sick Leave; the motion was seconded by Vice Mayor Goodwin and carried by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Joanne F. del Rosario, Mayor	✓				
John Irish Goodwin	✓				
Diana Colvin	✓				
Helen Fisicaro	✓				
Raquel Gonzalez	✓				
	5	0			

STUDY SESSION

9. GREEN INFRASTRUCTURE STUDY SESSION

Associate Planner Jonathan Kwan presented the staff report. Mayor del Rosario opened the public hearing at 7:39 p.m. and seeing no one come forward to speak, she closed the public comment period.

This item was for discussion only; no action was taken at this meeting.

10. FY 2019-20 BUDGET STUDY SESSION

City Manager Brian Dossey and Administrative Services Director Pak Lin presented the staff report. Mayor del Rosario opened the public hearing at 9:36 p.m. and seeing no one come forward to speak, she closed the public comment period.

This item was for discussion only; no action was taken at this meeting.

COUNCIL CALENDARING

The next Regular Meeting will be on Wednesday, April 24, 2019 at 7:00PM in the Town Hall Council Chamber.

REPORTS

There were no Council reports.

City Manager Brian Dossey gave a report on the following topics:

- The C.A.P.E. Program has resulted in 11 residents become CERT certified; these residents will be recognized at the Regular City Council Meeting on April 24, 2019.
- The Town’s annual Eggstravaganza will be on Saturday, April 20, 2019
- Colma is hosting a North San Mateo County Mayors Lunch on Friday, April 12, 2019.
- The Town will be hosting a meeting with cemetery representatives to discuss recycled water.
- In the first quarter of the year Colma ranked 7th in the county for number of arrests.

ADJOURNMENT

Mayor del Rosario adjourned the regular session at 9:44 p.m. in memory of Deborah Lee, wife of Ed Lee of Lucky Chances.

Respectfully submitted,

Caitlin Corley
City Clerk



STAFF REPORT

TO: Mayor and Members of the City Council

FROM: Michael Laughlin AICP, City Planner
Cyrus Kianpour, City Engineer
Abdulkader Hashem, Associate Engineer/Project Manager

VIA: Brian Dossey, City Manager

MEETING DATE: April 24, 2018

SUBJECT: Serramonte Boulevard and Collins Avenue Master Plan Concept Review

RECOMMENDATION

Staff seeks comments, questions, impressions and opinions from City Council members regarding the Serramonte Boulevard and Collins Avenue Master Plan Concept Design Development. Specifically, staff is seeking reaffirmation of the corridor choices made at the August 2018 meeting based on the refinements made to the plans and based on additional transportation data that will be presented.

EXECUTIVE SUMMARY

The purpose of this Study Session is to allow the City Council and public to review and comment on the Serramonte Boulevard and Collins Avenue Master Plan improvement options. Tonight's study will center in on: Update and project status; Design refinements and revisions; transportation analysis; local case studies; and preliminary cost estimates for each corridor based on refinements made by the consultant team. Based on City Council comments and direction, the consultants will continue with the preparation of the draft Master Plan and conduct a stakeholder meeting for the community comment and input.

FISCAL IMPACT

None.

BACKGROUND

At the July 11, 2018 City Council meeting, the City Council held a study session to discuss options for various types of improvements and enhancements on Collins Avenue, Serramonte Boulevard west, Serramonte Boulevard east and at the intersection of Junipero Serra Boulevard and Collins Avenue. Based on the review and discussion that took place, City Council provided direction for further development of the Serramonte/Collins Master Plan components. The City Council did have reservations about the option to reduce lanes of traffic on Serramonte West. It

was requested that Staff and the project consultant come back at a future City Council Meeting with enhanced drawings and traffic analysis to better explain the roadway configuration and traffic analysis and justification for a roadway lane reduction.

At the August 22, 2018 City Council meeting, City Council and members and the public were presented with two options regarding the design options for Serramonte West:

- Option One: A road diet, essentially taking a portion of Serramonte west and reducing the four-lane roadway to one lane in each direction and providing a center lane dedicated to left hand turns. The consultant provided a plan layout of the entire roadway that highlighted items such as roadway configuration, ADA improvements as needed or required, high visibility crosswalks, arterial signalization at the Serra Center driveway, street lighting, landscaping and hardscape features.
- Option Two: Highlighted the features that could be constructed or installed if the roadway was to be kept as is. The enhancements included ADA improvements as needed or required, high visibility crosswalks, new streetlights, minimal landscape features (due to limited right-of-way) and minor hardscape enhancements.

Both Options were studied, and open discussion was held. The loss of traffic lanes appeared to be the main point of concern. The Traffic Consultant, (W-Trans) gave an overview of existing traffic conditions and stated that current traffic volumes and anticipated new traffic volumes from outside developments that currently travel Serramonte Boulevard could be handled by one east and one west bound lane on Serramonte Boulevard provided that a center turn lane be provided, a signal be installed at the Serramonte/Serra Center intersection, and sufficient vehicle queuing (An allowance for vehicles to enter a stop or signalized area) be preserved.

The City Council approved Option One, but the City Council did ask that staff and consultant come back and provide information on:

- Demonstrating Traffic operations, queuing at the various stops or signal intersections;
- Revised concept designs, high visibility crosswalks without landscaping features and rolled curbs for emergency vehicles; and
- Case studies of other municipalities that have successful road diet projects.

ANALYSIS

Since the last City Council meeting, the consultants have continued to develop the preferred options into more detailed concept plans for the various roadway corridors. Features that will be shown at the City Council meeting (by corridor) include:

- **Serramonte West.** Implement a "Road Diet" for the portion of Serramonte Boulevard east of the Serra Center driveway down to the driveway entering Town Hall. The reduced lane portion (two travel lanes and one center turn lane) would include two protected pedestrian crosswalks that include a small raised median area with a rolled curb. There would be no additional landscaping in the center median. New landscaping, wider sidewalks and green infrastructure would be added adjacent to the roadway and

signalization would be added at the intersection of Serramonte Boulevard and Serra Center.

- **Serramonte East.** Updates would be limited to hardscape and lighting within the existing right-of-way while retaining two travel lanes in each direction.
- **Collins Avenue.** Improvements would include traffic calming with pedestrian enhancements, including a sidewalk, where feasible, on the north side of the street. One crosswalk is proposed. The crosswalk and associated landscape island functions to slow traffic, which was identified as an issue by stakeholders. Due to the steep grade, the addition of bike lane was not considered as important as providing better pedestrian access and traffic calming. The further developed plans show a reduction in available parking spaces on the south side of the street and an increase in parking on the north side of the street. A net increase of approximately 10 parking spaces could be expected, in addition to spaces for car carrier loading/unloading.
- **Serramonte Boulevard/Junipero Serra intersection modification.** Improvements would include removal of the slip lane from Serramonte Boulevard eastbound in favor of a gradual right turn. This modification has several benefits, including reducing conflicts of through traffic and left turns from Serramonte Boulevard onto Collins Avenue; slowing through traffic; creating space for improved gateway landscaping; and allowing for a crosswalk. The idea for a “keep clear” zone on Serramonte westbound at the intersection of Serramonte Boulevard and Collins Avenue is shown on the updated plans.

A significant portion of the presentation to the City Council will include additional traffic data and analysis from the Traffic Consultant, W-Trans. Since the last City Council meeting, W-Trans and staff have been coordinating on refinements of the traffic data and conducting traffic stacking analysis. This coordination included meeting with Caltrans to analyze traffic signal phasing options with the Junipero Serra Boulevard/I-280 intersection. W-Trans will be presenting traffic simulations of the existing conditions on Serramonte West and conditions with a signal at the Serra Center driveway with the road diet.

In addition to the overview of the updated plans, the consultants will be presenting preliminary high/low cost estimates for each of the corridor sections. The “high” estimate includes the use of decorative pavers (similar to the Sterling Park neighborhood), decorative light fixtures and specialty signage. The “low” estimates include the use stamped/painted asphalt, standard light fixtures and more basic signage. This information will further be explained in the Master Plan. In addition, a “cost-benefit” analysis will be included in the master plan, as well as funding options.

The final work product is a Master Plan with one alternative Concept Design that the Town will be able to use to guide future improvements on Serramonte Boulevard and Collins Avenue. The following is a list of remaining tasks for the project, with an estimated timeframe:

- Present design concept plans at a community workshop (May 2019)
- Present draft Master Plan to the City Council (September 2019)
- Prepare final Master Plan for adoption (November 2019)

Council Adopted Values

The recommendation is consistent with the Council value of *responsibility*, since City Council proactively solicited input and recommendations from the commercial and residential sectors in developing a vision for the Master Plan study area.

Sustainability Impact

Future improvements to Serramonte Boulevard and Collins Avenue may have a positive sustainability impact by adding improvements that will encourage pedestrian activity (thereby reducing vehicle trips). In addition, green infrastructure improvements will be considered which would improve stormwater quality.

CONCLUSION

City Council is encouraged to participate in the presentation by providing comments and direction to staff and consultant team in order to further the development of the Serramonte Boulevard and Collins Avenue Master Plan.

ATTACHMENTS

- A. Serramonte West Description and Comparison
- B. Plan Layout

Serramonte Boulevard West Information

At the August 2018 City Council meeting, the City Council selected Option 2 (lane reduction) over Option 1 (Maintain 4 lanes) for Serramonte West. A discussion of the attributes of Option 2 is provided below:

Serramonte West –Lane Reduction (Option 2).

- **Traffic Capacity:** Serramonte Boulevard, can accommodate up to 40,000 average daily trips (ADT). Existing traffic volumes with consideration of increases are less than half of this volume (16,000 ADT). Based on information from the FHWA, four lane roadways with this capacity are good candidates for a lane reduction. In order to make sure that capacity is not reduced at intersections, the existing 4-lane configuration would remain at Junipero Serra Boulevard, and on both sides of the Serra Center stop sign and at El Camino Real.
- **Improvements:** With a reduction of one lane, there is an opportunity to widen sidewalks from 5' to 6' and provide a landscape buffer of approximately 4' adjacent to the sidewalk. Pedestrian crossing distance is reduced by about 10', and, if a center lane pedestrian refuge of 5' or more is added, pedestrian safety would be much greater than in option 1, which requires a full 40'+ linear crossing over 4 travel lanes. With center median landscape improvements in a couple of locations, there is an opportunity to create a district with cohesive visual appeal. Additional improvements could include improved paving treatments, improved driveway entrances to businesses (wider driveway aprons), new lighting and cohesive landscaping.
- **Pedestrian Comfort and Safety:** This alternative would reduce the length of a crosswalk from approximately 40'+ across 4 lanes to approximately 30' across 3 lanes. If a center lane pedestrian refuge of 5' or more is added, pedestrians would have a much safer crossing than in option 1. Pedestrian comfort would be greatly enhanced with a wider sidewalk with fewer obstructions, and separation from the roadway with landscaping.
- **Traffic Conflicts and Safety:** This alternative improves existing traffic safety and reduces conflicts. Case studies from the FHWA show a decline in accidents between 19% and 47% where lane reductions have been implemented.
- **Public Safety Vehicle Access:** As discussed at the City Council study session in July, there were concerns about the passage of public safety vehicles through the corridor to respond to service calls if the roadway width is reduced by the addition of landscaping adjacent to sidewalks or in the center median. Passage by public safety vehicles and the provision for space for vehicles to move over to allow passage of emergency vehicles will be the primary design consideration if this option is implemented. As stated above, research by the FHWA suggests that single travel lanes with a center lane allows for emergency vehicles to move through a corridor more quickly by using the center turn lane since vehicles in the main travel lanes can react more quickly to move to the right or out of the center turn lane.

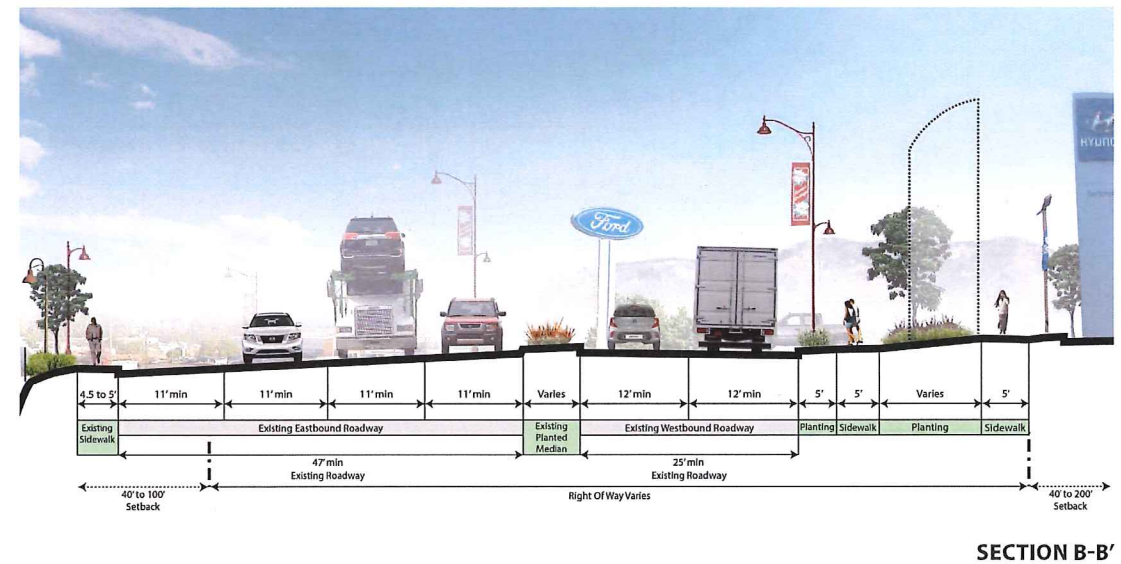
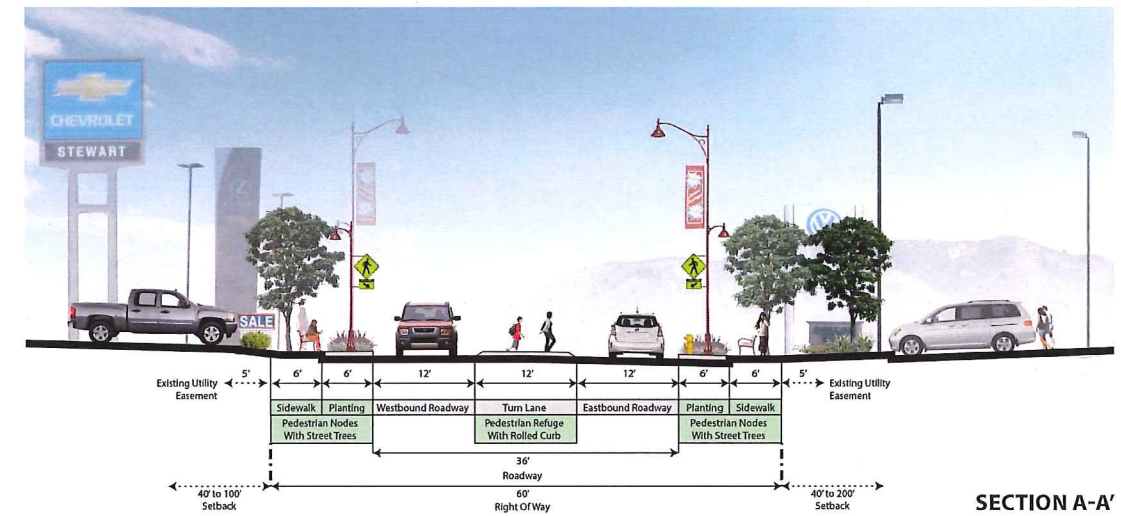
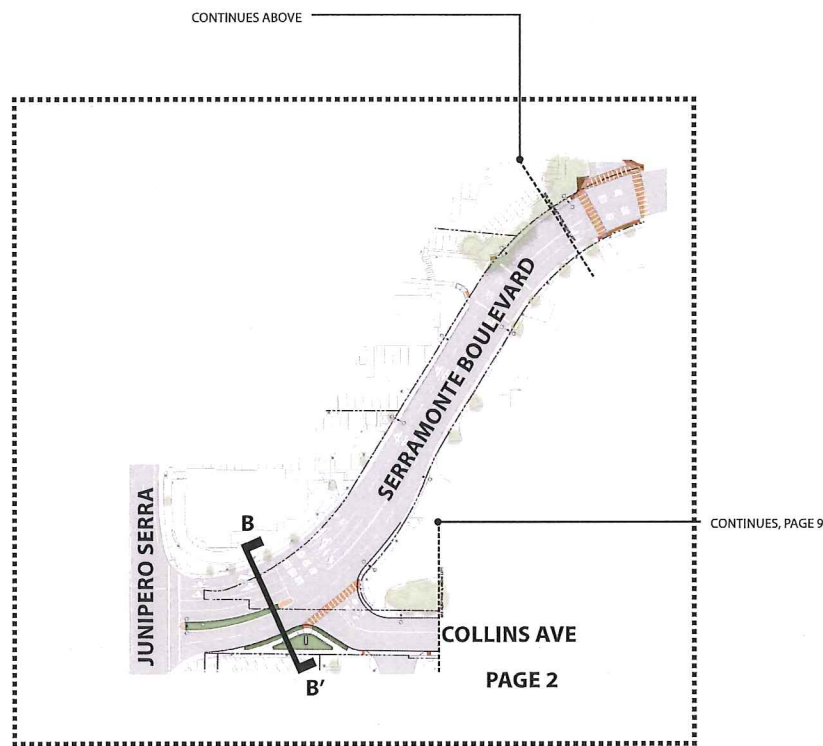
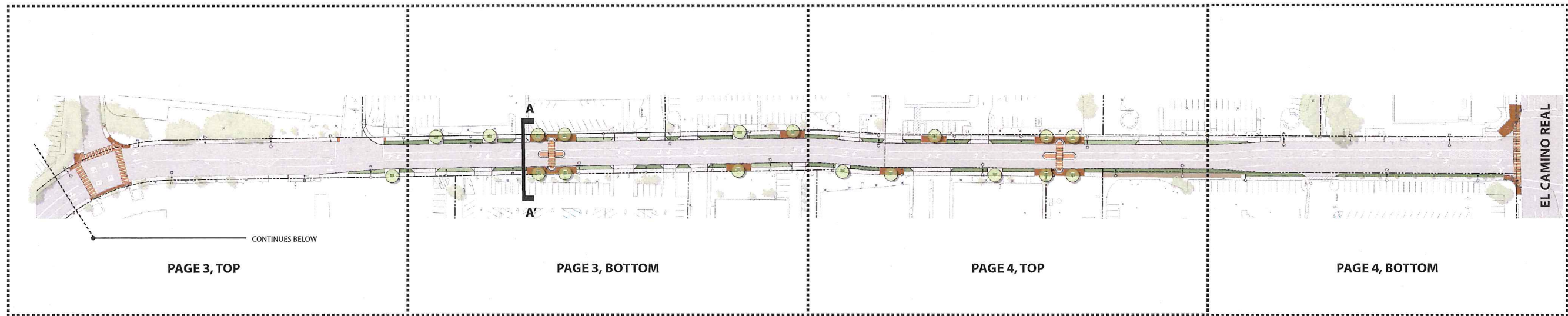
Landscape Opportunities: Option 2 provides options to provide uniform landscaping within the public right-of-way. Since the consultant only provided concept sketches at the July meeting, it was difficult to illustrate the extent of landscaping or medians that could be expected, so illustrations will be shown at the meeting. The following points clarify alternatives within this concept:

- **Landscape Islands:** Given the number of driveways on Serramonte West, a majority of the corridor will not include any center median landscape islands. Realistically, staff sees the potential for only one small island east of the Serra Center stop sign and one small island west of El Camino Real. These two islands would be beneficial to create a strong entrance/exit statement for the auto sales district. These islands could be less than the width of the center turn lane and have rolled curbs to maximize opportunities for vehicles to pass. It would be beneficial to also have two small islands on either side of a sidewalk to provide a pedestrian refuge. These planters could also be less than the width of the center turn lane and have rolled curbs. Again, pedestrian refuge islands could be eliminated in favor of raised center median paving and pedestrian signal devices.
- **Landscaping Adjacent to Sidewalk:** The landscape areas adjacent to the sidewalks in this alternative are approximately 4' wide and are interrupted at driveways. The width could be reduced slightly and also be edged with a rolled curb. These landscape areas can also be pulled back from selected driveways to create paved shoulder areas for use by vehicles pulling over to get out of the way of emergency vehicles or for use by emergency vehicles to pass.
- **Stormwater Treatment/Sustainability:** This alternative provides opportunities to add "green infrastructure" to include landscape stormwater treatment facilities in the landscape areas adjacent to the sidewalk, and helps the Town meet its mandate to add green infrastructure where feasible.
- **Economic Benefits:** StatIn order to better understand the potential economic benefits of streetscape improvement program on a major corridor, staff contacted Alameda County to discuss the benefits of streetscape improvements on Castro Valley Boulevard. Completed in 2012 at a cost of 11 million dollars, improvements to Castro Valley boulevard included infrastructure upgrades, roadway reconstruction, new lighting, new sidewalks with enhanced paving and landscaping. While specific information could not be obtained about the increase in property values or sales tax revenues, the staff indicated that the community loves the improvements, that there is a lot more activity at the businesses, more pedestrian and bicycle activity and that parking is in demand. They also indicated that the Chamber of Commerce has never been stronger or more active.
- **Quality of Life Benefit:** This alternative would greatly improve the aesthetic appeal of the corridor with uniform landscaping, signage and paving. The corridor would enable pedestrians to walk between businesses more safely and with more enjoyment.
- **Grant funding:** Since the removal of a travel lane has been shown to improve pedestrian and vehicle safety, it could be eligible for grant funding which helps pay for a portion of the improvements.

Below is a comparative summary of the two alternatives based on the two options. The factor with the greatest merit is shown highlighted in bold italic:

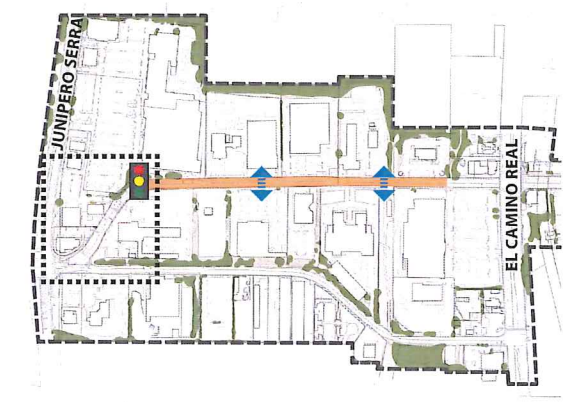
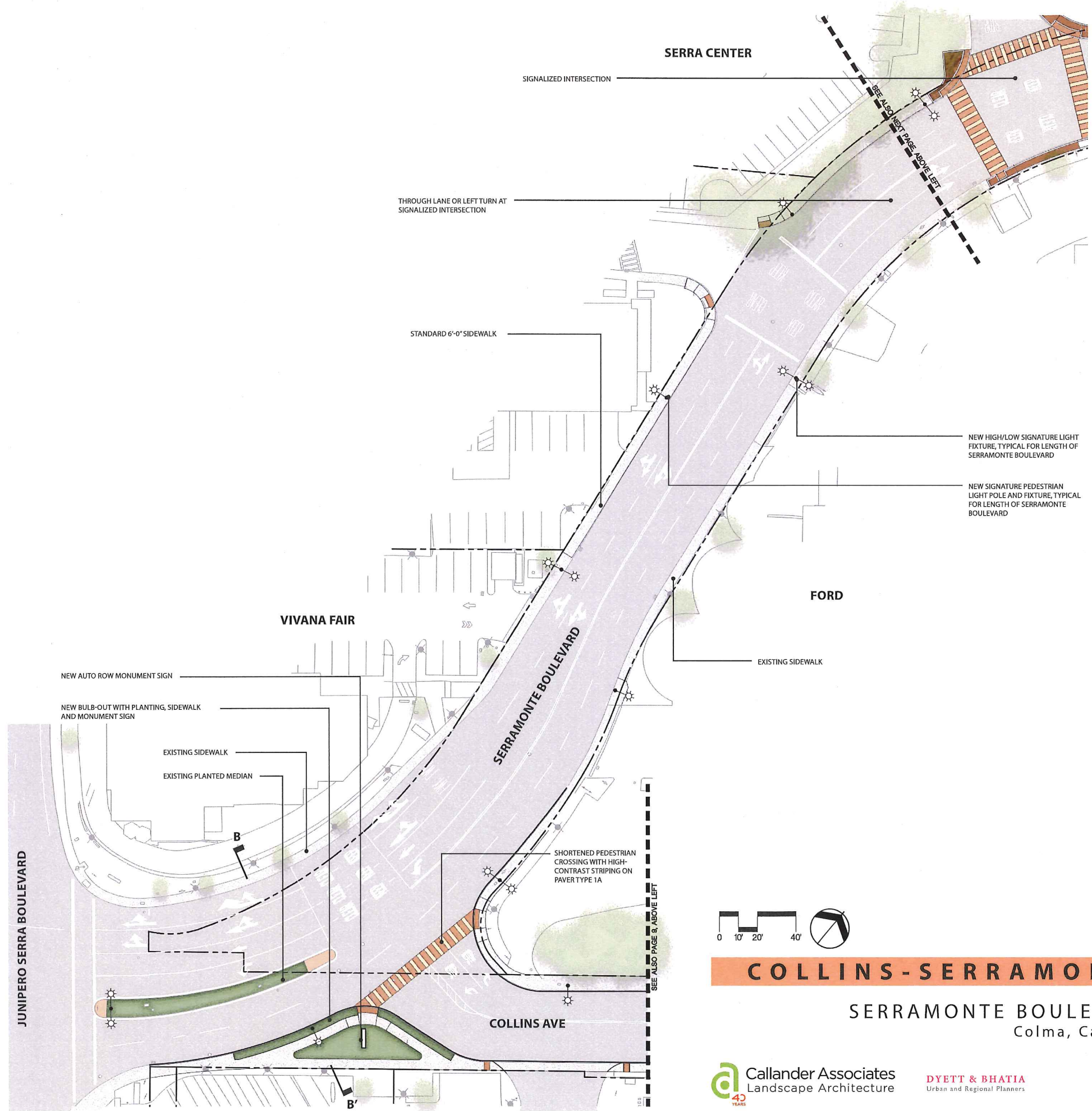
Factor:	Option – 1, Retain 4 Lanes	Option-2, Center turn lane
Traffic Capacity	Oversized for need (can handle 40,000 Average Daily Trips (ADT))	Reduced, but with limited delay or impact. Signal retiming should be conducted at intersections to determine any effect on capacity. ADT with future growth projection 16,000 ADT, far below existing capacity
Improvement Level	Low, Limited to existing ROW or landscape easement behind sidewalk	<i>High, opportunity to create uniform paving, landscaping and lighting treatment.</i>
Pedestrian Comfort Level and safety	Low. Crosswalk problematic crossing 4 lanes of traffic	<i>Improved by wider sidewalk, landscaping and shorter pedestrian crossing.</i>
Traffic Conflicts and Safety	No change. High level of conflicts	<i>Based on FHWA research, crashes would be reduced by 19%-47%</i>
Public Safety Vehicle Access	No change.	<i>Based on FHWA research, a center turn-lane option provides for easier passage by emergency vehicles. Any final design would need to analyze public safety as a primary consideration.</i>
Landscape Opportunities	Limited to area behind sidewalk in a landscape easement or by private property acquisition	<i>Ability to provide uniform landscape with maximum visual benefit.</i>
Stormwater Treatment and Sustainability	No opportunities to provide green infrastructure	<i>Opportunity to provide green infrastructure and improve stormwater quality</i>
Economic Benefits	Minimal	<i>Improving safety for all roadway users and increasing livability and aesthetic appeal would encourage economic growth by increasing</i>

		<i>property values and attracting businesses.</i>
Quality of Life Benefit	Low	<i>High, creates a desirable environment in which to shop or walk or travel through</i>
Grant Funding	Not available	<i>Could be available since this alternative will improve vehicle and pedestrian safety.</i>

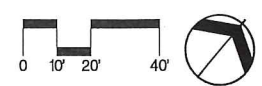


SERRAMONTE WEST

SERRAMONTE BOULEVARD MASTER PLAN
Colma, California

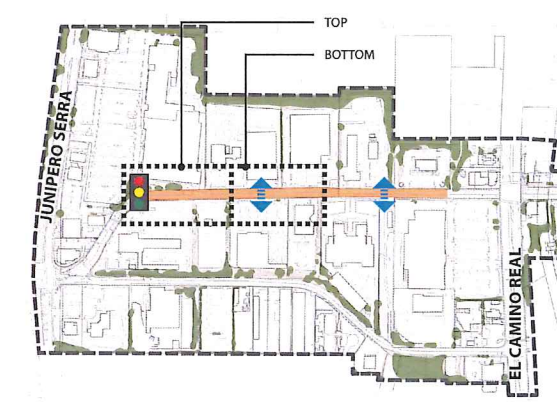
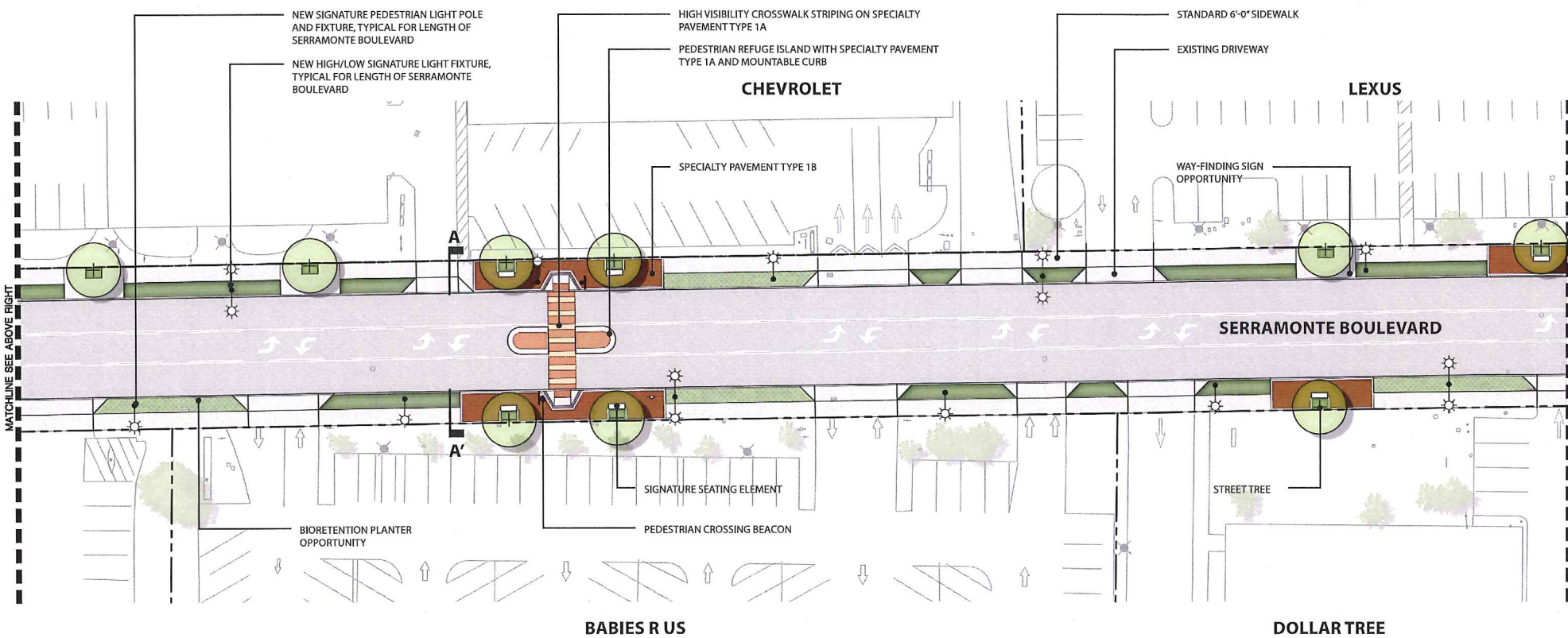
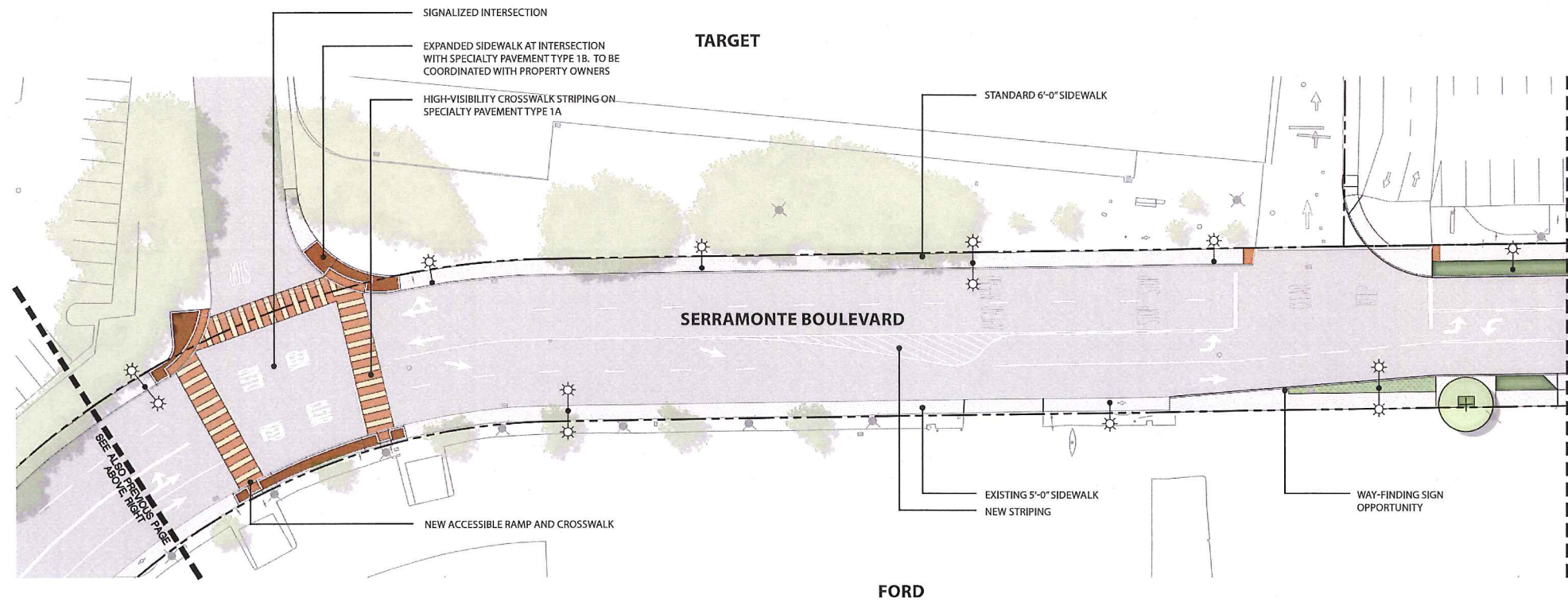


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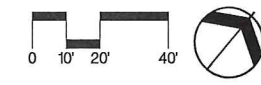


COLLINS-SERRAMONTE INTERSECTION

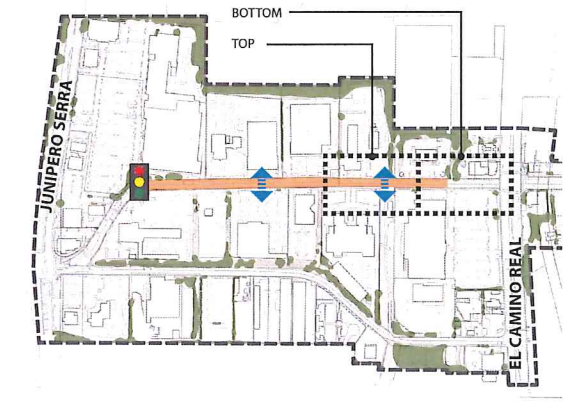
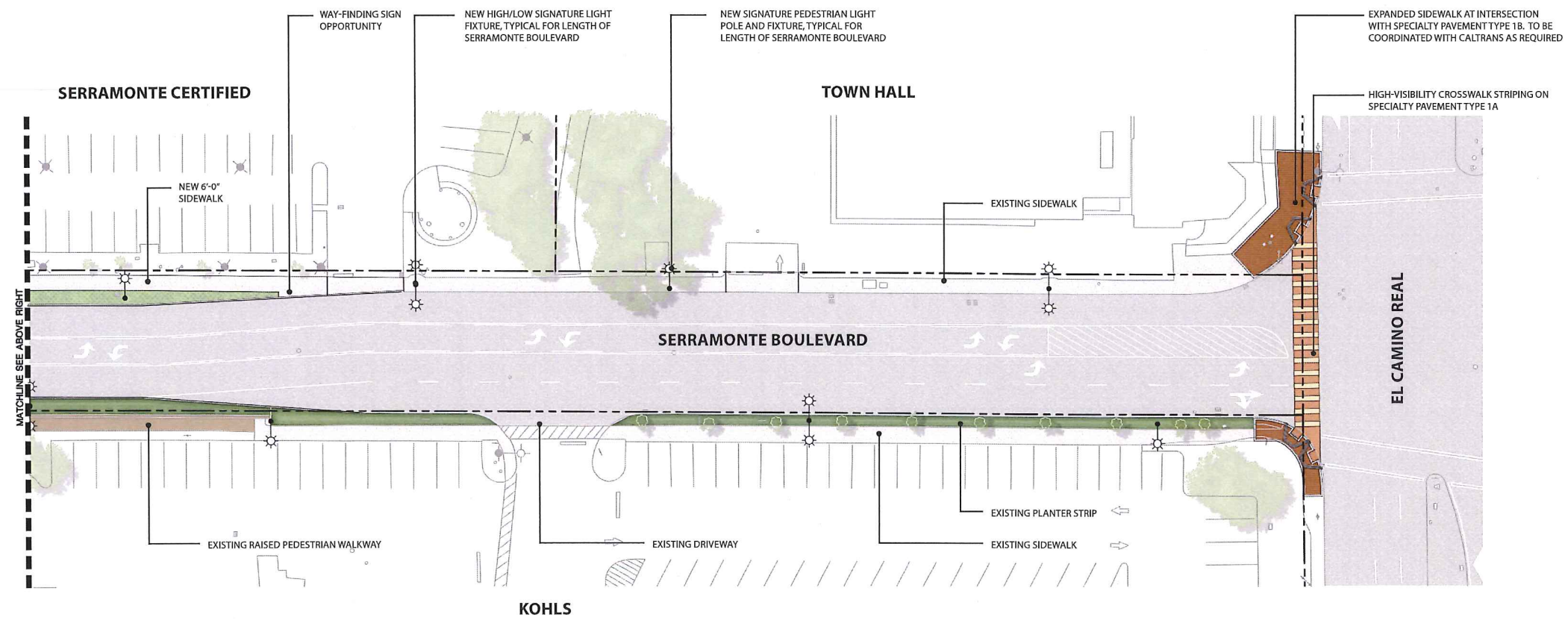
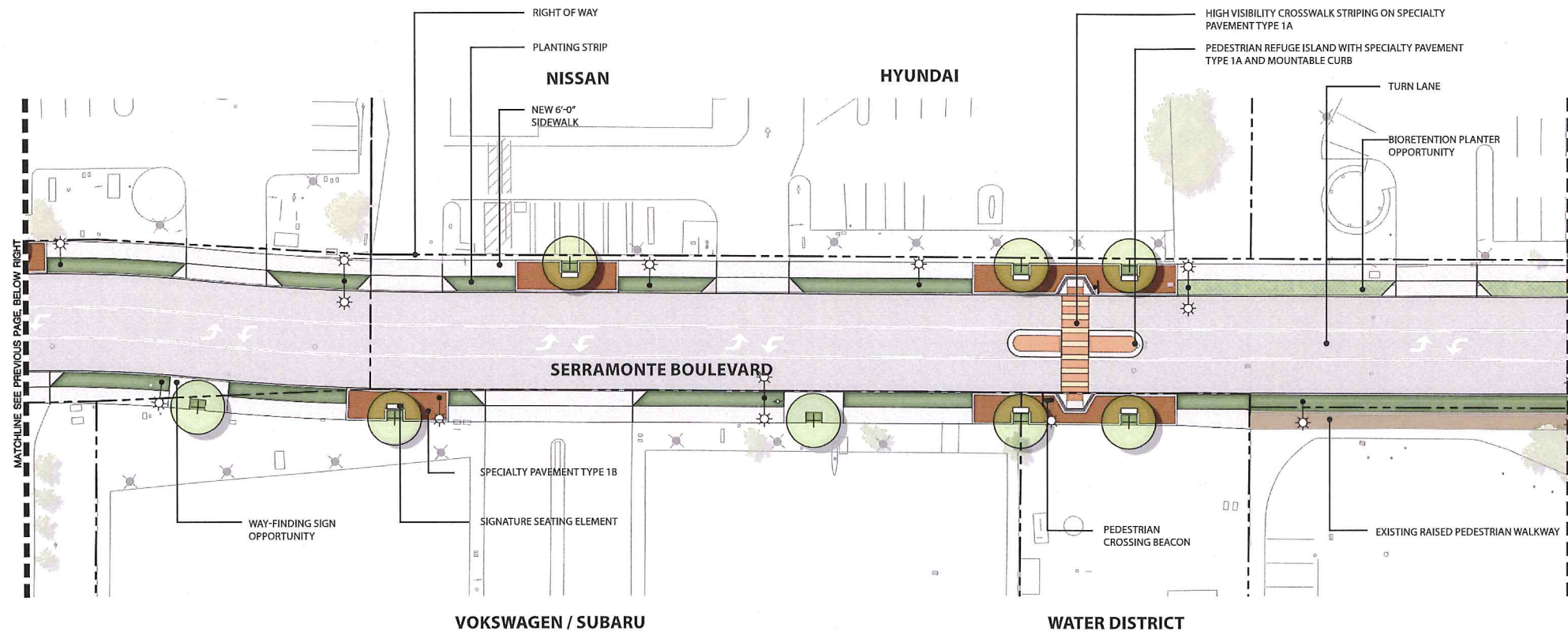
SERRAMONTE BOULEVARD MASTER PLAN
Colma, California



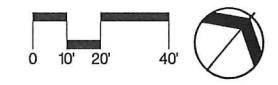
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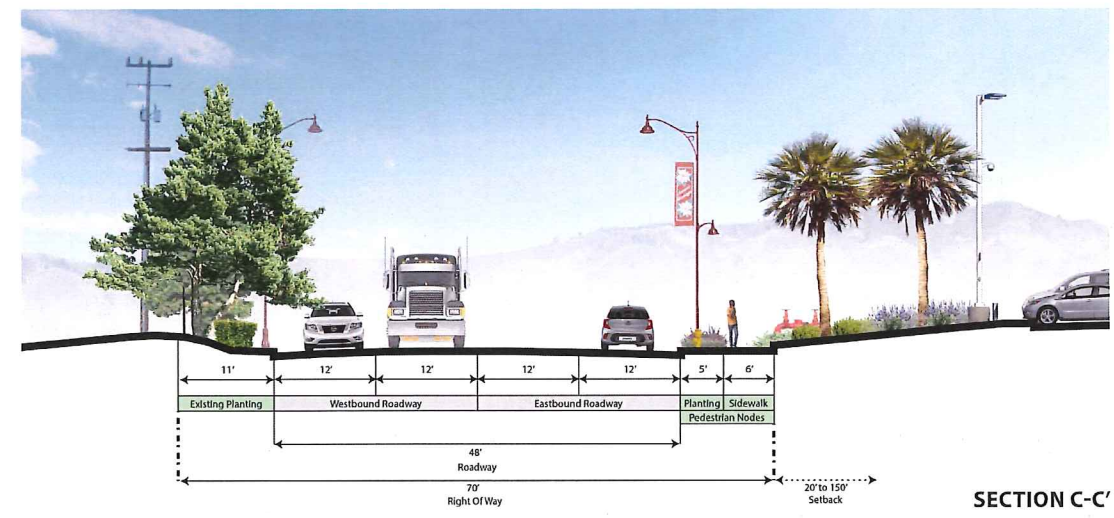
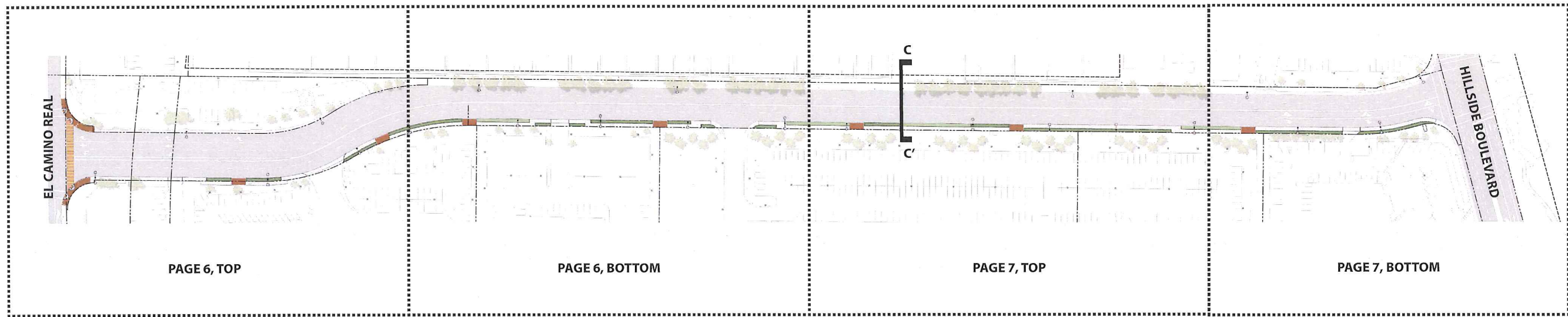
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KEY MAP



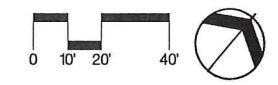
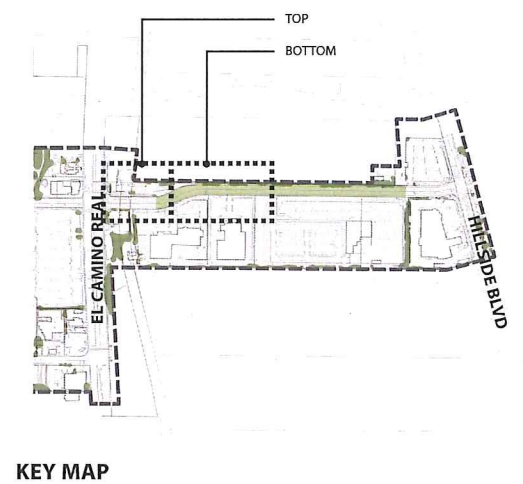
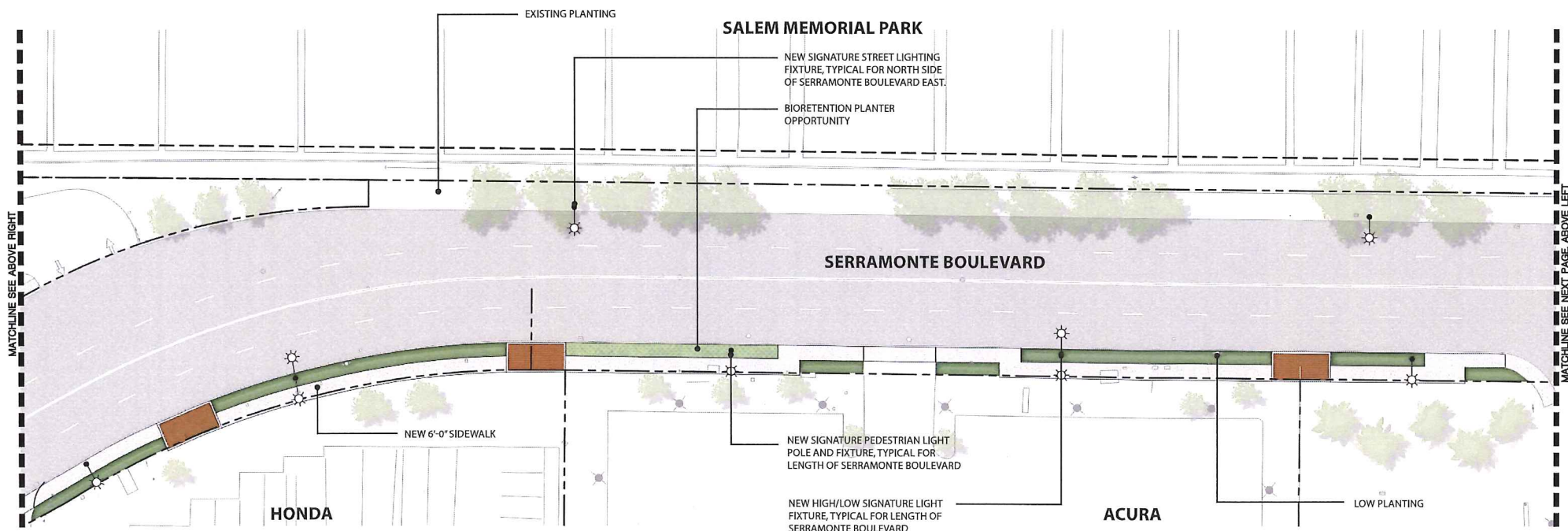
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SECTION C-C'

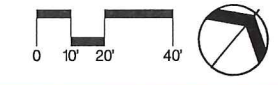
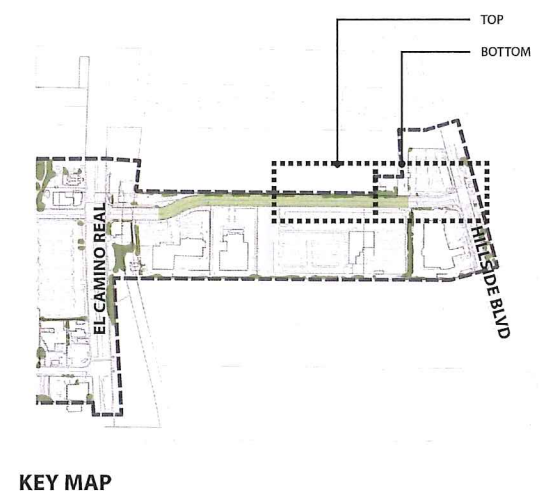
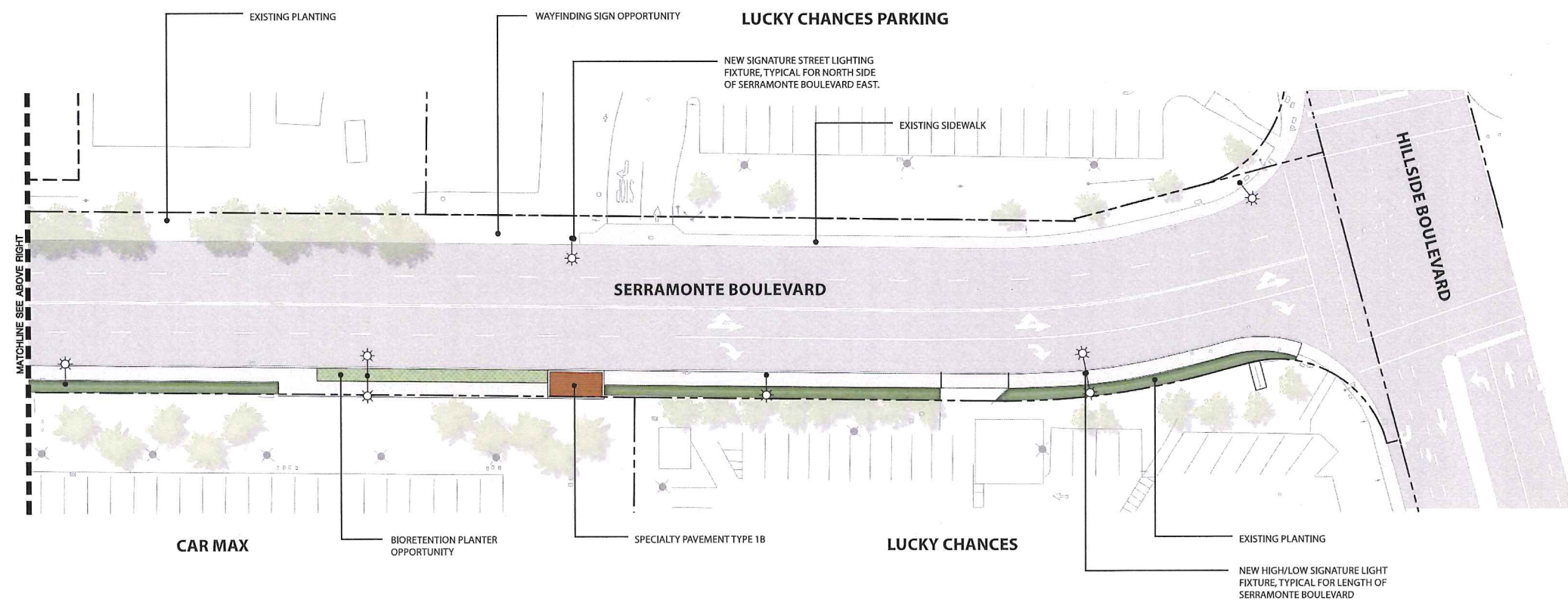
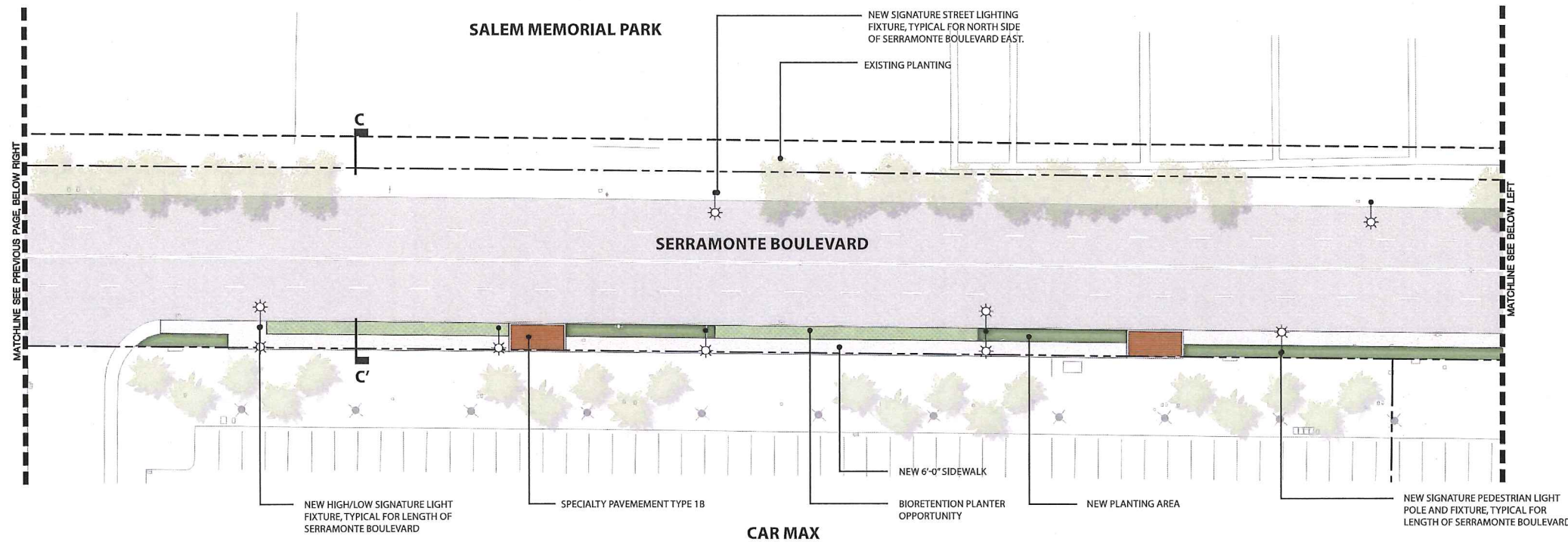
SERRAMONTE EAST

SERRAMONTE BOULEVARD MASTER PLAN
Colma, California



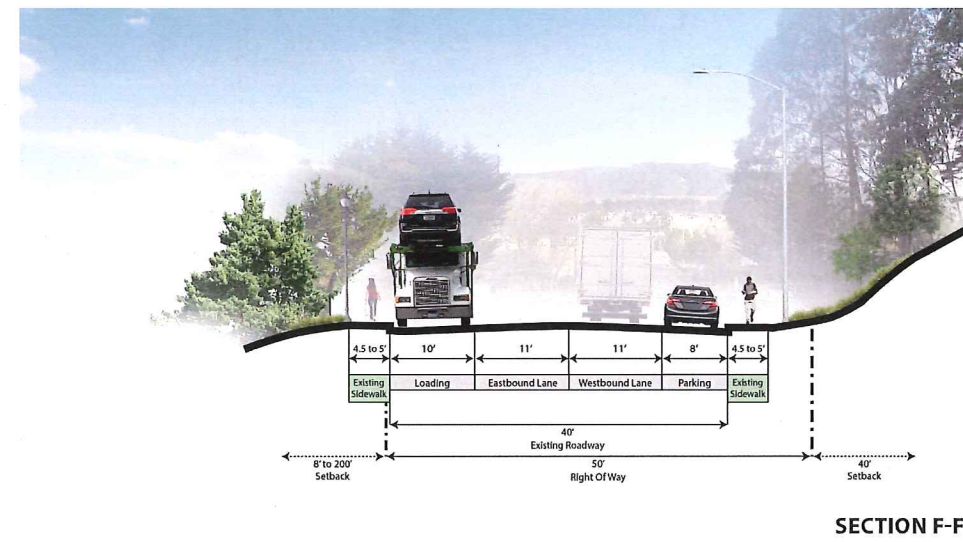
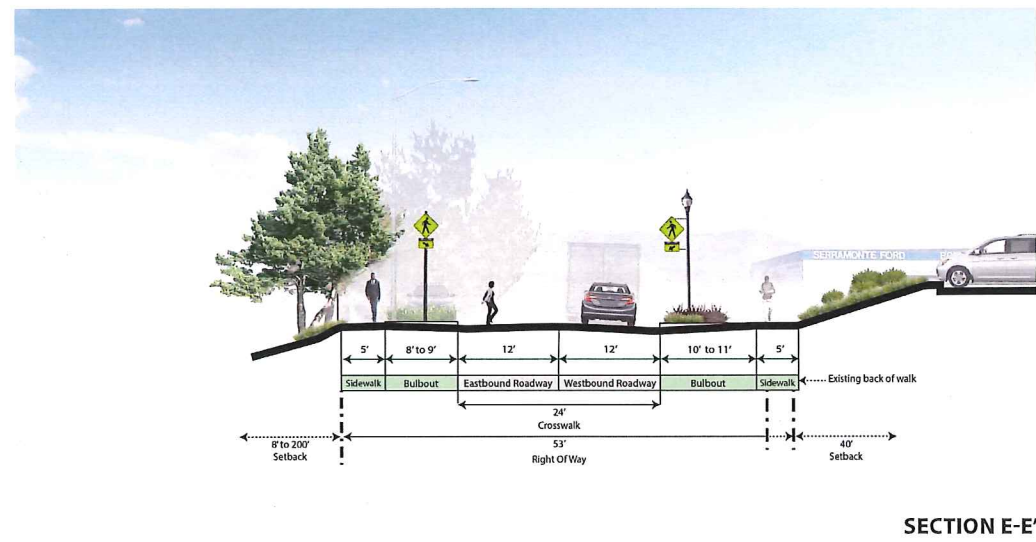
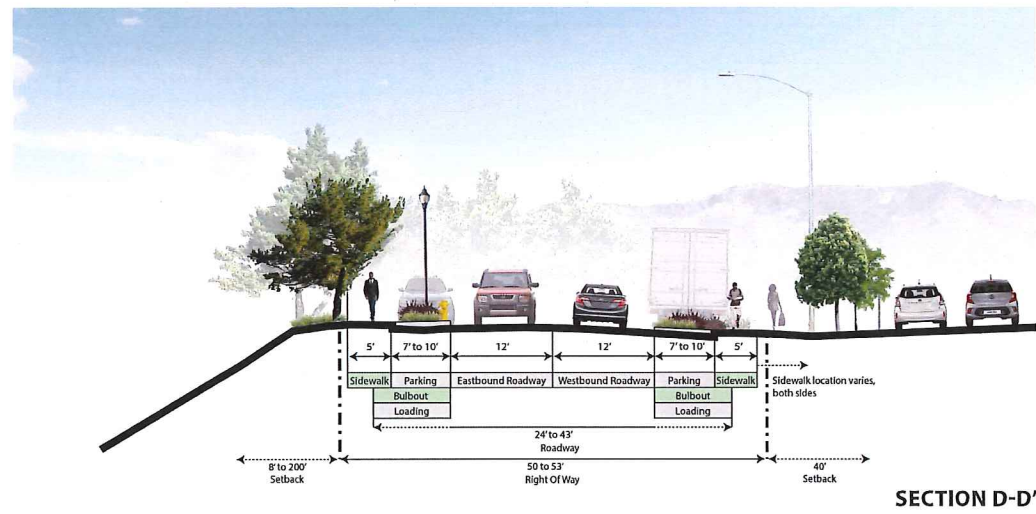
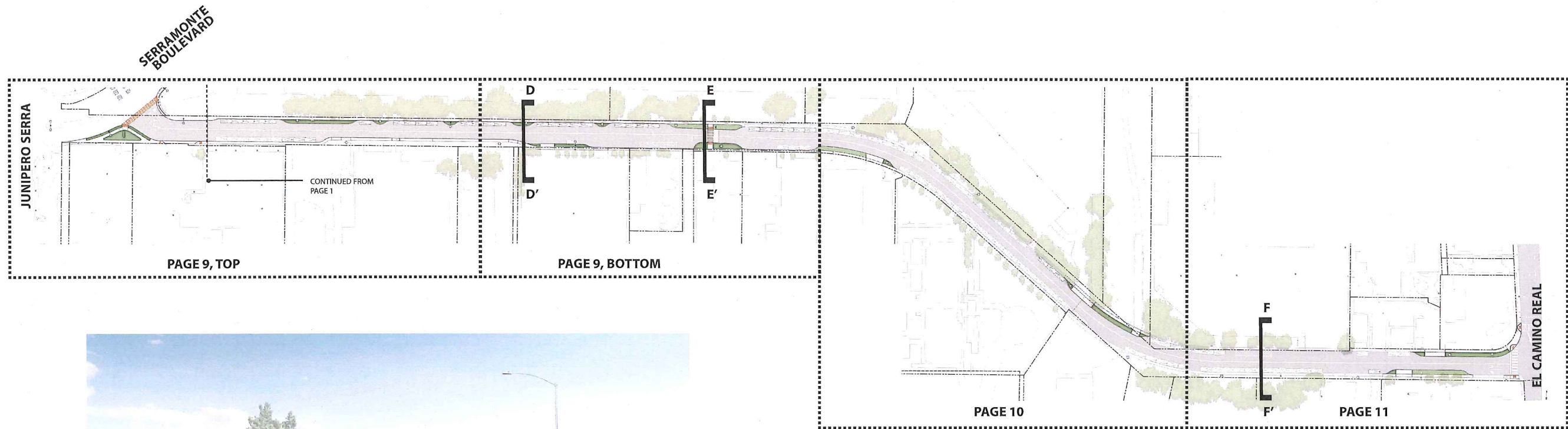
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Colma, California



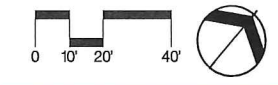
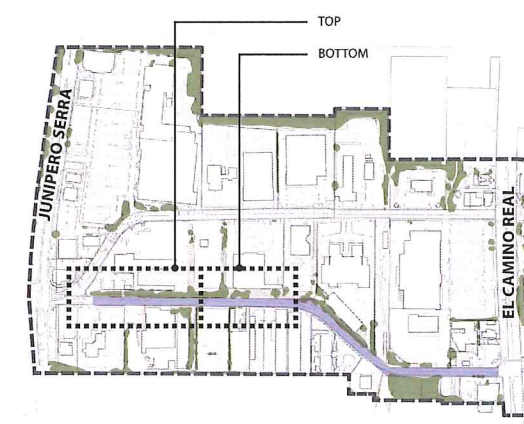
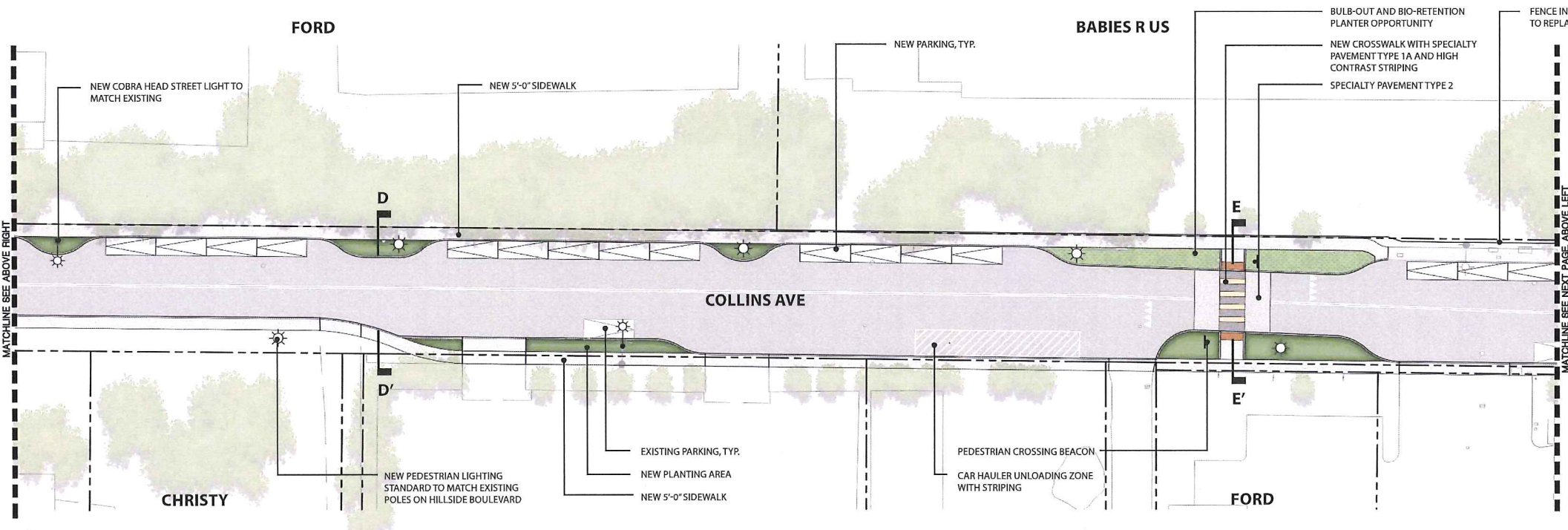
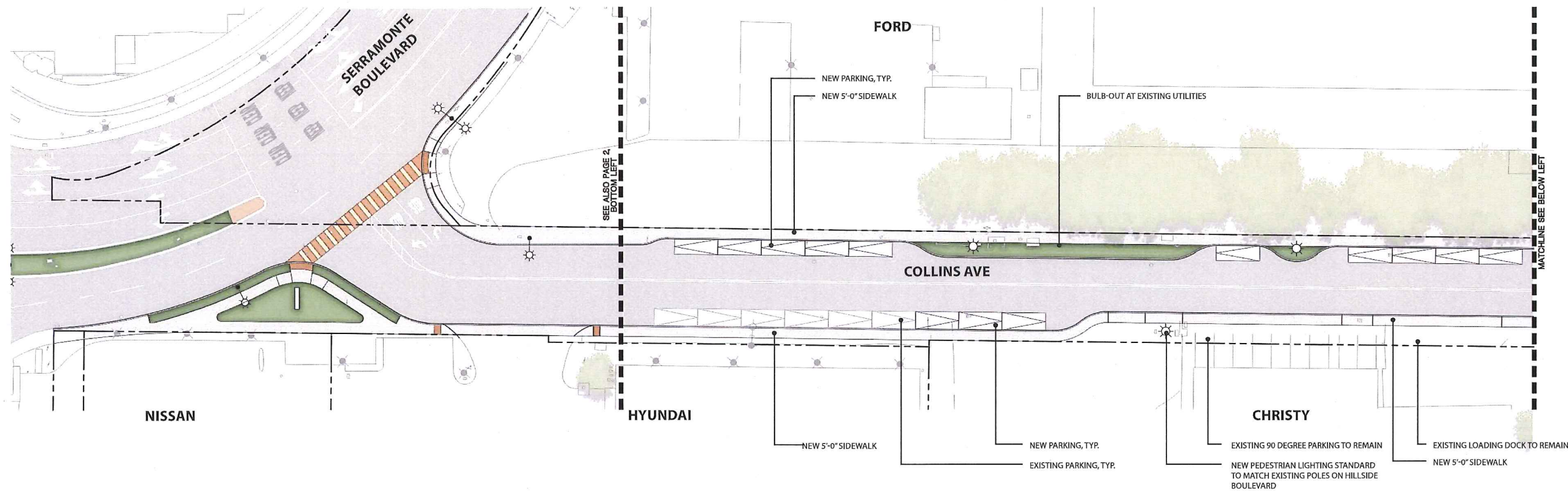
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Colma, California



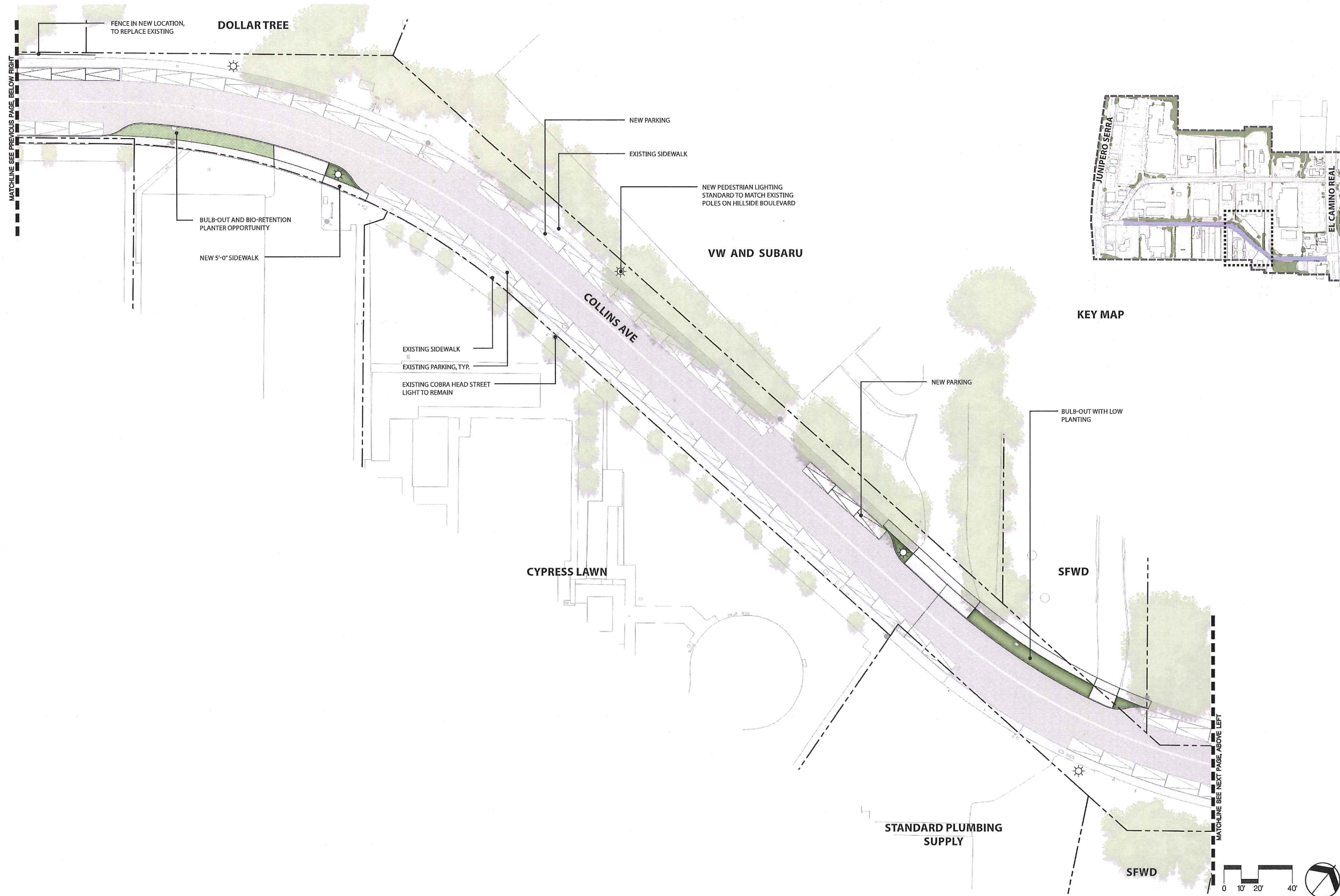
COLLINS AVE

SERRAMONTE BOULEVARD MASTER PLAN Colma, California



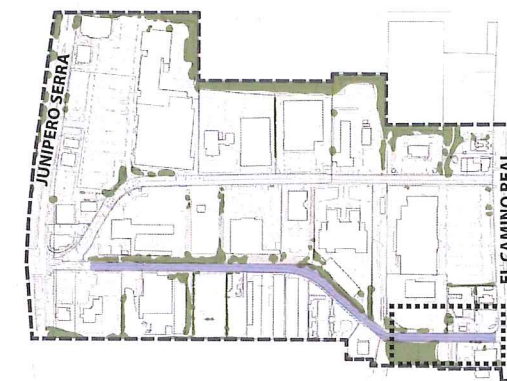
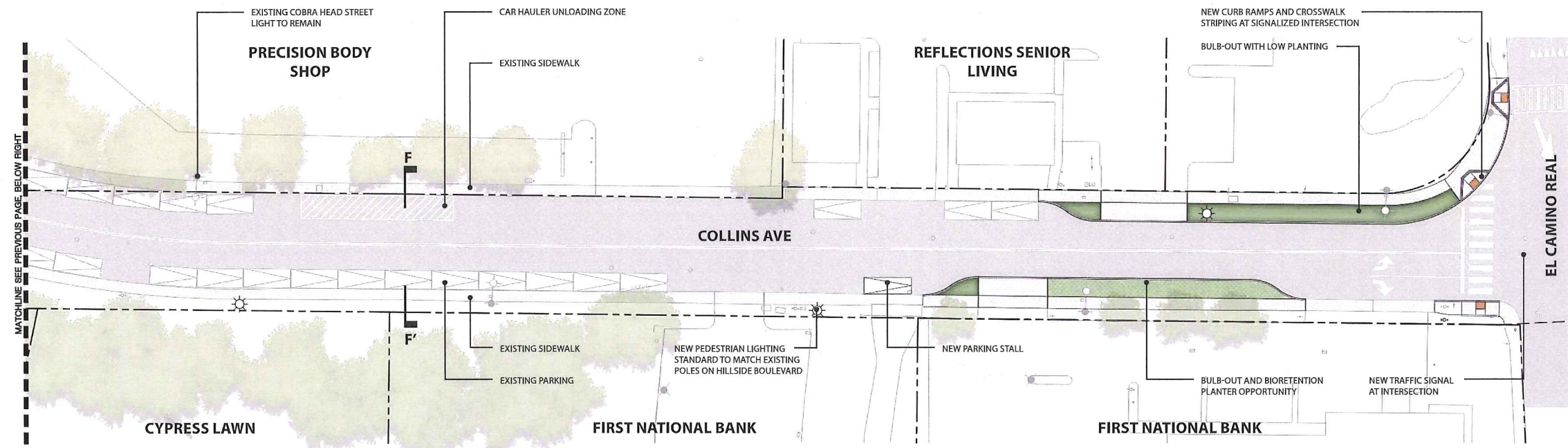
COLLINS AVE

SERRAMONTE BOULEVARD MASTER PLAN
Colma, California

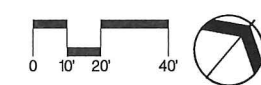


COLLINS AVE

SERRAMONTE BOULEVARD MASTER PLAN
Colma, California

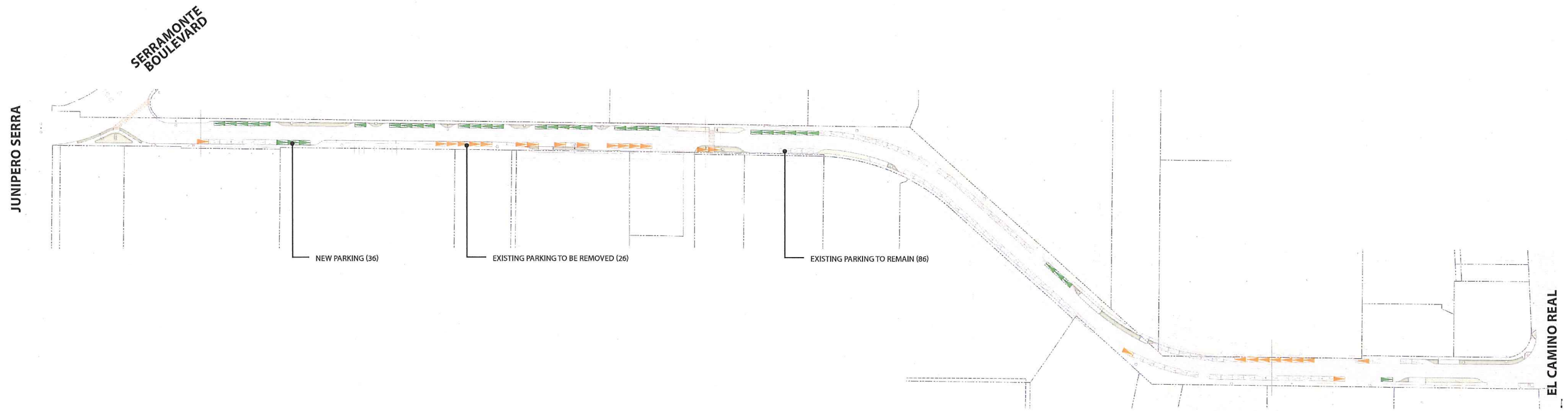


KEY MAP



COLLINS AVE

SERRAMONTE BOULEVARD MASTER PLAN
Colma, California



PARKING ANALYSIS	
EXISTING PARKING TO REMAIN:	80
NEW PARKING:	+ 36
TOTAL STALLS:	116
EXISTING PARKING:	- 106
NET PARKING GAIN:	+10

COLLINS AVE. PARKING ANALYSIS

SERRAMONTE BOULEVARD MASTER PLAN Colma, California



STAFF REPORT

TO: Mayor and Members of the City Council
 FROM: Sherwin Lum, Police Commander
 VIA: Brian Dossey, City Manager
 MEETING DATE: April 24, 2019
 SUBJECT: Vehicle Release Fee Increase

RECOMMENDATION

RESOLUTION AMENDING COLMA MASTER FEE SCHEDULE, RELATING TO THE VEHICLE RELEASE FEE

EXECUTIVE SUMMARY

The vehicle release fee has not been updated since 2007 and since that time the costs of providing these services has increased over the years.

The proposed resolution would:

- Increase the current fee from \$80.00 to \$120.00 based on the cost to the Town in providing the service.
- Offset the cost for police department personnel time to conduct vehicle releases.

FISCAL IMPACT

California Vehicle Code section 22850.5 authorizes cities to impose an administrative charge for the release of an impounded vehicle if that charge is equal to or less than the administrative costs relating to the removal, impound, storage, or release of vehicles. The Colma Police Department has not updated the fees for vehicle releases in over 10 years. The last increase to the vehicle release fee was in August of 2007 from \$60.00 to \$80.00. The increase in the vehicle release fee will recover costs associated with staff time from the time the vehicle is towed, to the time involved with entering the vehicle into the records management system. Between June 1, 2017 and June 30, 2018, the Colma Police Department towed 109 vehicles at \$80.00, which totaled \$8,720 in recovered costs to the Town. The costs to the Town for these services were approximately \$13,193.36. At the proposed rate increase of \$120.00 the recovered cost would have been \$13,080.

BACKGROUND

The Town recently adopted a new stand-alone Master Fee Schedule. The current Vehicle Release Fee is contained in the Colma Administrative Code, but will be incorporated into the new stand-alone Master Fee Schedule if the Council elects to adopt the resolution updating the Fee. Vehicle tow release fees are generated when Colma Police Officers impound vehicles while in the course of their routine duties. A majority of the tows conducted by the Colma Police Department occur following an arrest of a driver, occur with vehicles with expired registrations over 6 months, and occurs with vehicles that pose a roadway hazard. The average time to process a tow from beginning to end is approximately 1.25 hour of staff time. The following is a breakdown of staff time

- Average of .5 hours to complete tow sheet, inventory search of the vehicle and on standby time for the tow truck to arrive.
- Average of .25 hours of Community Service Officer on scene time, including traffic control.
- Average of .25 hours for the Sergeants report and review process.
- Average of .25 hours for dispatch to process vehicle entry, into records management, process release and finalize and report.

These hours were determined from staff experience, research, and discussing and analyzing with staff how long each classification spent during this process from beginning to end. The times for Officers and CSOs fluctuate based on the wait time for a tow truck to actually arrive on scene and take custody of the vehicle.

The following is a calculation of estimated costs that includes salary and benefits associated with each job classification. The hourly rates were calculated by Human Resources and the hourly rate at top step was pro-rated using the time spent by each job classification.

	Estimated Hours	Rate per hour	Total Min
Officer – FT	.50	103.66	51.83
CSO – FT	.25	84.66	21.16
Sergeant	.25	115.41	28.85
Dispatcher	.25	76.80	19.20
<hr/>			
Total Cost			121.04

Staff researched other San Mateo County police agencies and found the following vehicle fees charged by each agency:

South San Francisco PD \$174
San Bruno PD \$85

Broadmoor PD	\$150
Daly City PD	\$240

Council Adopted Values

The proposed resolution to increase Vehicle Release Fees is in line with the council's value of ***responsibility*** to ensure all costs to the Town of providing various services are recovered to aid the Town in remaining financially stable.

Alternatives

Do not adopt the resolution and continue with the current fee of \$80.00 and not offset the rising costs for police department personnel time to conduct vehicle releases.

CONCLUSION

Staff recommends that the City Council adopt the resolution

ATTACHMENTS

- A. Resolution



RESOLUTION NO. 2019-__
OF THE CITY COUNCIL OF THE TOWN OF COLMA

RESOLUTION AMENDING COLMA
MASTER FEE SCHEDULE, RELATING TO THE VEHICLE RELEASE FEE

The City Council of the Town of Colma hereby resolves:

ARTICLE 1. RECITALS

(a) California Vehicle Code section 22850.5 authorizes cities to impose an administrative charge for the release of an impounded vehicle if that charge is equal to or less than the administrative costs relating to the removal, impound, storage, or release of vehicles. The City Council has determined that due to the nature of the removal or tow of a vehicle, costs are incurred by the Town, and cost recovery for certain removal or towing of vehicles will occur.

(b) Pursuant to California Vehicle Code Section 22850.5(a), the Town is authorized to impose a vehicle release fee covering up to 100 percent of the actual administrative costs related to the removal or tow of certain vehicles.

(c) The vehicle release fee included in the Town's Master Fee Schedule has not been revised since 2007 and since that time the costs of providing these services have risen. The Town now desires to increase the amount of the vehicle release fee from \$80.00 to \$120.00 to offset the administrative costs related to the Police Department's removal or tow of certain vehicles. This increase will also make the fee consistent with the average fee charged by other cities in the County.

(d) The City Council considered the proposed increased fee and held a duly noticed public hearing on April 24, 2019, during which time all persons who wanted to provide input and comment on the increased fee were provided with an opportunity to do so.

(e) The City Council has reviewed the Police Department's recommended fee increase, and all public comment provided, and finds that adoption of the increased vehicle release fee is in the best interests of the City.

ARTICLE 2. INCORPORATION OF RECITALS

The City Council hereby finds that the foregoing recitals and the staff report presented herewith are true and correct and are hereby incorporated and adopted as findings of the City Council as if fully set forth herein.

ARTICLE 3. MASTER FEE SCHEDULE AMENDED

The Colma Master Fee Schedule is hereby amended as follows:

Release of Impounded Vehicle (Investigation, traffic control, and reporting)	\$120.00
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ARTICLE 4. SEVERABILITY

Each of the provisions of this resolution is severable from all other provisions. If any article, section, subsection, paragraph, sentence, clause or phrase of this resolution 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 resolution.

ARTICLE 5. NOT A CEQA PROJECT

The City Council finds that adoption of this resolution 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.

ARTICLE 6. EFFECTIVE DATE

This resolution shall take effect immediately upon adoption.

Certification of Adoption

I certify that the foregoing Resolution No. 2019-__ was duly adopted at a regular meeting of the City Council of the Town of Colma held on April 24, 2019, by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Joanne F. del Rosario, Mayor	X				
John Irish Goodwin	X				
Diana Colvin	X				
Helen Fisicaro	X				
Raquel Gonzalez	X				
<i>Voting Tally</i>	5	0			

Dated _____

Joanne F. del Rosario, Mayor

Attest: _____
Caitlin Corley, City Clerk



STAFF REPORT

TO: Mayor and Members of the City Council
 FROM: Michael Laughlin, City Planner
 Christopher Diaz, City Attorney
 VIA: Brian Dossey, City Manager
 MEETING DATE: April 24, 2019
 SUBJECT: Vending Ordinance Amendment

RECOMMENDATION

Staff recommends that the City Council introduce the following:

ORDINANCE REPEALING SECTIONS 4.02.020(C) AND 4.02.040 AND ADDING CHAPTER 4.15 TO THE TOWN OF COLMA MUNICIPAL CODE, IMPOSING REGULATIONS ON SIDEWALK VENDING IN COMPLIANCE WITH SENATE BILL 946 AND DETERMINING SUCH ACTION TO BE CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO CEQA GUIDELINES 15378(A) AND 15061(B)(3), AND WAIVE A FURTHER READING OF THE ORDINANCE

EXECUTIVE SUMMARY

Current sidewalk vending provisions in the Colma Municipal Code (CMC) prohibit sidewalk vending on public property. Under a new state law, SB 946, cities can no longer prohibit sidewalk vending but are allowed to adopt reasonable time, place, and manner regulations related to objective health and safety standards. The proposed ordinance ("Ordinance") will enact reasonable time, place, and manner requirements on vending activities that are consistent with state law.

FISCAL IMPACT

There are no fiscal implications associated with this item as enforcement will be on a similar scale as existing ordinances for solicitation and vending.

ANALYSIS

Senate Bill 946 (SB 946) was signed into law on September 17, 2018 and took effect on January 1, 2019. The law limits the authority of cities to regulate sidewalk vendors except in accordance with the provisions of California Government Code Sections 51036 to 51039.

Existing sidewalk vendor provisions can be found in sections 4.02.020(C) and 4.02.040 of the CMC. These provisions are currently inconsistent with SB 946. As stated previously, under SB 946 cities can no longer prohibit sidewalk vending but can adopt reasonable time, place, and manner regulations related to objective health and safety standards, including the Americans with Disabilities Act and the Town's general encroachment permit requirements for work and/or activities in the public right of way.

Staff recommends that the City Council adopt a comprehensive Sidewalk Vending Program by adding Chapter 4.15 to the Municipal Code to ensure legal compliance with state law in SB 946. As the Town can no longer prohibit sidewalk vending overall, the proposed regulations will ensure orderly commerce while appropriately limiting the time, place and manner of such vending consistent with state law.

The Sidewalk Vending Program would regulate vending consistent with state law on public sidewalks, pedestrian paths and pedestrian walkways. The regulations impose requirements to reduce the potential for safety hazards by requiring vendors not to:

- inhibit the ability of disabled individuals and other pedestrians to follow a safe path of travel;
- interfere with the performance of police, firefighter and emergency medical personnel services;
- encourage pedestrians to cross mid-block or stand in roadways to purchase food and merchandise; and
- create obstacles or contribute to congestion for pedestrian, vehicle and bicycle traffic.

Regulation of sidewalk vendors will provide accommodations for legal and permitted sidewalk vendors' equipment while safeguarding pedestrian movement on public sidewalks, parkways, pedestrian paths and walkways, easements and other public rights-of-way.

The Ordinance will also provide regulation of sidewalk vendors engaged in the sale of food and food products to protect the public health and safety by ensuring that sidewalk vendors prepare food safely in accordance with the requirements of the San Mateo County Department of Health. Moreover, regulation of sidewalk vendors will prohibit hazardous or unsanitary conditions and provide rules to ensure that trash and debris are removed by sidewalk vendors, so they will not become a pollutant or public nuisance.

A sidewalk vendor will also be required to obtain either a Temporary Use Permit (if on private property) or an encroachment permit (if on public property) and business registration. If food is being sold, approval from the San Mateo County Health Department would also be required. A background check and other information is required to be submitted by the applicant as described in the Ordinance.

The proposed Ordinance, consistent with state law, contains findings that the time, place, and manner regulations and requirements are: 1) directly related to the Town's legitimate purpose of protecting the health, safety and welfare of its residents, businesses and visitors, including ensuring compliance with the Americans with Disabilities Act of 1990 (Public Law 101-336) and other disability standards; 2) designed to protect the public's use and enjoyment of natural resources and recreational opportunities; and 3) intended to prevent an undue concentration of commercial activity.

It should be noted that the proposed ordinance and SB 946 does not apply to Retail Merchandise Units (RMU's) such as food trucks. Food trucks are not permitted to park on public streets. They can be approved with an administrative permit on private property with permission of the property owner and approval by the Town. Currently, the Town does not have any approved RMU's.

Council Adopted Values

The recommendation is consistent with the Council value of **responsibility** because it appropriately regulates street vending consistent with state law.

Sustainability Impact

None

Alternatives

The City Council could choose not to introduce the Ordinance. This alternative is not recommended since the Town's current ordinance is not consistent with state law.

CONCLUSION

Staff recommends the City Council introduce the Ordinance.

ATTACHMENTS

- A. Ordinance



ORDINANCE NO. _____
OF THE CITY COUNCIL OF THE TOWN OF COLMA

**ORDINANCE REPEALING SECTIONS 4.02.020(C) AND 4.02.040 AND ADDING
CHAPTER 4.15 TO THE TOWN OF COLMA MUNICIPAL CODE, IMPOSING
REGULATIONS ON SIDEWALK VENDING IN COMPLIANCE WITH SENATE BILL 946
AND DETERMINING SUCH ACTION TO BE CATEGORICALLY EXEMPT FROM
ENVIRONMENTAL REVIEW PURSUANT TO CEQA GUIDELINES 15378(A) AND
15061(B)(3)**

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

ARTICLE 1. RECITALS

- (a) The Town of Colma, California ("City") is a municipal corporation, duly organized under the California Constitution and laws of the State of California.
- (b) Article XI, section 7 of the California Constitution grants the Town broad discretionary power to "make and enforce within its limits all local police, sanitary, and other ordinances and regulations not in conflict with general laws."
- (c) In 2018, the California Legislature passed Senate Bill 946 ("SB 946") which prohibits cities and towns from regulating sidewalk vendors, except in accordance with the provisions of SB 946.
- (d) SB 946 applies to both charter and general law cities and towns.
- (e) SB 946 requires implementation of regulations that are directly related to objective health, safety, or welfare concerns, and that do not restrict sidewalk vendors to operate only in a designated neighborhood or area, except as specified.
- (f) The permit requirements proposed are consistent with SB 946, as they are reasonable, related to objective health, safety, and welfare concerns, and are based upon compliance with other generally applicable laws including the Americans with Disabilities Act and the Town's general encroachment permit requirements for work and/or activities in the public right of way.
- (g) The standards imposed on stationary sidewalk vendors requiring a minimum path of accessible travel are necessary to comply with the Americans with Disabilities Act and maintain minimum safe access along public sidewalks.
- (h) Standards for maintaining access to building entrances, and not blocking driveways, fire hydrants, parking areas and building storefront windows are necessary to guard the health and safety of patrons, drivers, vendors and existing business owners and promote fire suppression and law enforcement practices that allow the Town's safety personnel to observe activities within buildings and maintain access.
- (i) The City Council finds and determines that the installation, repair, maintenance, and removal of encroachments in the public way must be regulated in order to protect the public health, safety, and welfare and to provide for the orderly administration and maintenance of the

public access ways for the benefit of the community, while at the same time allowing reasonable accommodation and cooperative flexibility for providing necessary utility and other convenience services to the community.

(j) The City Council finds that public and private persons who maintain and/or install encroachments in the public way bear a responsibility to help preserve the public right of way and to contribute to the administrative and liability costs incurred by the community and caused by such encroachments.

(k) The City Council finds that, unless properly regulated, sidewalk vending poses a unique risk to the health, safety, and welfare of the public, including, but not limited to, impacts to traffic, pedestrian safety, mobility, unsanitary conditions involving food preparation, risks to children, and consumer protection.

(l) The inherent nature of sidewalk vending and the ability of such vendors to be located on private property and public streets and move quickly from place to place in the community, including near parks, schools, and other places frequented by children, warrants imposing certain regulatory measures, including requiring background checks, to protect the health, safety, and welfare of the community.

(m) SB 946 continues to authorize cities and towns to prohibit sidewalk vendors in areas located within the immediate vicinity of a permitted certified farmers' market and a permitted swap meet, as specified, and to restrict or prohibit sidewalk vendors within the immediate vicinity of an area designated for a temporary special permit issued by a city or town.

(n) Fraud or misrepresentation in the course of vending constitutes an objective harm to the health, safety, and welfare of the Town's residents.

(o) Fraud or misrepresentation in the application for the permit constitutes an objective harm to health, safety, and welfare of the Town's residents.

(p) Vending in a manner that creates a public nuisance or constitutes a danger to the public constitutes an objective harm to the health, safety, and welfare of the Town's residents.

(q) All other legal prerequisites to the adoption of this Ordinance have occurred.

ARTICLE 2. INCORPORATION OF RECITALS.

The City Council hereby finds that all of the foregoing recitals and the staff report presented herewith are true and correct and are hereby incorporated and adopted as findings of the City Council as if fully set forth herein.

ARTICLE 3. CMC CHAPTER 4.02.020(c) AND 4.02.040 REPEALED.

Chapter 4.02.020, subsection (c), and Chapter 4.02.040 of the Town of Colma Municipal Code is hereby repealed and marked "Reserved."

ARTICLE 4. CMC CHAPTER 4.15 ADDED.

Chapter 4.15 is hereby added to the Town of Colma Municipal Code to read as follows:
"Subchapter 4.15: Sidewalk Vending

4.15.10 Purpose.

The Town finds that the vending of prepared or pre-packaged foods, goods, and/or wares at semi-permanent locations on public sidewalks and rights-of-way may pose unsafe conditions and special dangers to the public health, safety, and welfare of residents and visitors. The purpose of this Chapter is to implement regulations on both roaming and stationary sidewalk vending that protect the public health, safety, and welfare of the community while complying with the requirements of state law, as amended from time to time, to promote safe vending practices, prevent safety, traffic, and health hazards, and preserve the public peace, safety, and welfare of the community.

4.15.20 Definitions.

For purposes of this Chapter, the following definitions apply:

- (a) "Certified Farmers' Market" means a location operated in accordance with Chapter 10.5 (commencing with Section 47000) of Division 17 of the Food and Agricultural Code and any regulations adopted pursuant to that chapter.
- (b) "Encroachment Permit" means a permit issued by the Public Works Department to conduct activities in the public right-of-way.
- (c) "Park" means a public park owned by the Town.
- (d) "Roaming sidewalk vendor or vending" means a sidewalk vendor who moves from place to place and stops only to complete a transaction.
- (e) "Sidewalk vendor or vending" means a person who sells food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance, or from one's person, upon a public sidewalk or other pedestrian path.
- (f) "Special Event Permit" means a short-term use of property for a primarily non-commercial event such as a parade, street fair, concert or marathon.
- (g) "Swap Meet" means a location operated in accordance with Article 6 (commencing with Section 21660) of Chapter 9 of Division 8 of the Business and Professions Code, and any regulations adopted pursuant to that article.
- (h) "Temporary Use Permit" means a short-term use of property for a commercial use as approved by the Zoning Administrator as specified in Sections 5.03.610 through 5.03.710 of the Colma Municipal Code.
- (i) "Town" means the Town of Colma.

4.15.30 Permits Required.

(a) All sidewalk vendors shall obtain a Temporary Use Permit if proposing to sell items on private property or an Encroachment Permit pursuant to Subchapter 5.08 of the CMC if proposing to sell items on a public sidewalk or property. In addition to obtaining one of these permits, a business license is required prior to engaging in any sidewalk vending activities. The following information shall be required:

- (1) Name, current mailing address, and phone number of the vendor; and
- (2) If the vendor is an agent of an individual, company, partnership, or corporation, the name and business address of the principal; and
- (3) A description of the merchandise/goods to be offered for sale or exchange, and the days/hours of sales; and
- (4) A copy of the California seller's permit with the sales tax number issued by the California Department of Tax and Fee Administration to the vendor; and
- (5) A copy of the valid California Driver's license issued to the vendor; or a copy of the individual taxpayer identification number issued to the vendor.
 - (A) Any such identification number(s) or license(s) collected shall not be available to the public for inspection and shall remain confidential and not be disclosed except as required to administer the permit or licensure program or comply with a state law or state or federal court order.
- (6) If preparing or selling food, a copy of the County Health Department permit issued to the vendor; and
- (7) If the vendor proposes to be a sidewalk vendor, a description or site plan map of the proposed location(s) where vending will take place, showing that the sidewalk location maintains a minimum of thirty-six inches (36") of accessible route area, in compliance with the Americans with Disabilities Act; and
- (8) If the vendor proposes to be a sidewalk vendor anywhere along the El Camino Real (State Route 82), the vendor must provide a valid encroachment permit issued by Caltrans District 4; and
- (9) A copy of general liability policy naming the Town as additional insured in the amount of \$2,000,000.00; and
- (10) A certification by the vendor that to his or her knowledge and belief, the information contained in the application is true and correct.

(b) Prior to the issuance of a Temporary Use Permit or an Encroachment Permit, the applicant shall cause to be filed with the Chief of Police or his or her designee a LiveScan background check conducted by the California Department of Justice within the previous six (6) months of the application date. The Chief of Police shall furnish each applicant with a LiveScan request form for use at any LiveScan vendor location.

(c) At the time the permit application or permit renewal application is filed, the applicant shall pay the permit processing fee established by separate resolution of the City Council.

4.15.40 Review of Permit Application; Decision.

(a) Upon the Town's acceptance of a properly completed and filed permit application and the Town's receipt of an acceptable LiveScan report issued by the Department of Justice, the Zoning Administrator or Public Works Director shall conduct a preliminary investigation to determine compliance with this Chapter. The Zoning Administrator or Public Works Director shall make such determination no more than thirty (30) days after the Town's acceptance of a properly completed and filed permit application and the Town's receipt of an acceptable LiveScan report. The Zoning Administrator or Public Works Director shall provide the applicant with written notice of his or her decision to the address indicated in the application.

(b) The Zoning Administrator or Public Works Director may deny an application for a permit if he or she makes any of the following findings:

- (1) The applicant has failed to pay the application permit fee.
- (2) The applicant has made one or more material misstatements in the application for a permit.
- (3) The applicant does not have a valid social security card or valid California Driver's license; or valid individual taxpayer identification number.
- (4) The applicant's vending operation, as described in the application, is inconsistent with the standards, conditions, and requirements of this Chapter.
- (5) Within three (3) years of the date of the application, the applicant has been convicted in a court of competent jurisdiction or pled nolo contendere to any felony offense involving the sale of a controlled substance specified in California Health and Safety Code sections 11054, 11055, 11056, 11057 or 11058, or at the time of application is on probation or parole for any offenses set forth in this section for an offense that was committed within three (3) years of the date of the application.
- (6) It is determined that the applicant does not possess all federal, state, and local permits and licenses necessary to engage in the activity in which he or she seeks to engage.

(c) If the application is denied, the reasons for disapproval shall be noted on the application, and the applicant shall be notified that his or her application is denied and that no permit will be issued. Notice shall be mailed to the applicant at the address shown on the application form.

(d) If the Zoning Administrator or Public Works Director approves the applicant's permit, he or she shall endorse his or her approval on the application and shall, upon payment of the prescribed fee, deliver the permit to the applicant.

(e) *Exemptions.* A permit shall not be required for the following activities:

- (1) The sale of agriculture products on the site where the product is grown.

- (2) Catering for private parties held exclusively on private property and not open to the general public.
- (3) Events permitted pursuant to a lawfully issued Temporary Use Permit or Special Event Permit including but not limited to a Certified Farmers' Market, Swap Meet, street fairs, outdoor concerts, sport league opening day, and business sidewalk sales.
- (4) Events organized by the Town of Colma or where the Town is a participant.
- (5) First Amendment protected vending.
- (6) Temporary sales from private property such as garage sales where the seller leases or owns the property where the sale occurs.

(f) *Term of permit.* A Temporary Use or Encroachment Permit issued pursuant to this Chapter shall automatically expire one (1) year from the date issued, unless an earlier expiration date is noted on the permit.

(g) *Transferability.* Permits shall not be transferable to any other entity or person and are valid only as to the original applicant for the term stated.

(h) *Display of Permit.* Such permit shall, during the time such permittee is engaged in sidewalk vending, be worn constantly by the permittee on the front of his or her outer garment in such a way as to be conspicuous. Sidewalk vendors shall be required to exhibit their permits and/or licenses at the request of any person, in addition to wearing them in a conspicuous place.

4.15.50 Stationary Sidewalk Vending Locations and Standards.

(a) Stationary sidewalk vendors shall be prohibited from operating or establishing in any residential zone of the Town.

(b) Stationary sidewalk vendors may operate in non-residential zones of the Town, including mixed use zones, provided they meet the following:

- (1) The sidewalk vendor is duly licensed and meets all requirements of section 4.15.030; and
- (2) The sidewalk vendor can set up their vending operation while still leaving a minimum of thirty-six inches (36") of accessible path of travel, without obstruction, along the public sidewalk or public pathway; and
- (3) Sidewalk vending hours shall be conducted only during the typical business hours of other businesses located on the same street as the stationary sidewalk vendor; and
- (4) The sidewalk vendor maintains the vending area in a clean, orderly, and sanitary condition; and

- (5) The sidewalk vendor location does not block entrances to buildings, driveways, parking spaces or building windows; and
- (6) No vending shall occur within ten (10) feet of a fire hydrant, fire escape, bus stop, loading zone, handicapped parking space or access ramp, fire station driveway, or police station driveway; and
- (7) No tables, chairs, fences, shade structures, other site furniture, or any freestanding signs shall be permitted in conjunction with the vendor's vending activities; and
- (8) The vendor shall not attach or use any water lines, electrical lines, or gas lines during vending operations; and
- (9) Exterior storage or display of refuse, equipment, materials, goods, wares, or merchandise associated with the vendor is prohibited; and
- (10) No vending shall occur within the immediate vicinity of a Certified Farmers' Market, a Swap Meet, or an event held pursuant to a Temporary Use Permit or Special Event Permit unless the vendor is approved to conduct sales at the event; and
- (11) No vending shall occur within a corner cutoff area. A corner cutoff area is that area at all intersecting and intercepting streets or highways. The cutoff line shall be in a horizontal plane, making an angle of 45 degrees with the side, front, or rear property line, as the case may be. It shall pass through the points located on both sides and front or rear property lines at a distance of 30 feet from the intersection of such lines at the corner of a street or highway; and
- (12) No vending shall occur within five hundred (500) feet of any schools or any postsecondary educational facility attended by secondary pupils or private kindergarten, elementary, or secondary schools facilities; and
- (13) No vending shall occur within three (3) feet of any street lights, edges of tree wells, parking meters, or above-ground utility structures; and
- (14) No vending shall occur within two (2) feet of any existing subsurface utility box, valve, or vault; and
- (15) No vending shall occur within one hundred (100) feet of another vendor; and
- (16) No vending shall occur at bus stop locations, red curbs, or at locations where there are existing above-ground amenities such as newsstands or street furniture, including but not limited to benches and bike racks; and
- (17) No vending shall occur in public streets, roadways, medians, pedestrian islands, parking lots, alleys, or bikeways; and
- (18) No vending shall occur within twenty (20) feet of the entrance way to any building, store, theater, movie house, house of worship, or place of public assembly; and

- (19) To protect the health, safety, and welfare of the public, no vending shall occur in or adjacent to any property zoned for cemetery use due to potential hazards and conflicts created between vending activities and funeral processions with many vehicles entering and exiting cemetery driveways and burial events.

4.15.60 Sidewalk Vending in Parks, Certified Farmer's Markets.

(a) Sidewalk vending of food or merchandise by stationary vendors shall be prohibited in any Town Park with a concession stand operated by a vendor under exclusive contract with the Town selling similar food or merchandise or in an area occupied by a Certified Farmer's Market.

(b) Sidewalk vendors may operate in Town Parks provided they meet the following:

- (1) The sidewalk vendor is duly licensed and meets all requirements of section 4.15.030; and
- (2) For stationary sidewalk vending, the sidewalk vendor can set up their vending operation while still leaving a minimum of thirty-six inches (36") of accessible path of travel, without obstruction, along the public sidewalk or public pathway; and
- (3) The sidewalk vendor shall cease operations one (1) hour prior to the close of the park; and
- (4) The sidewalk vendor maintains the vending area in a clean, orderly, and sanitary condition; and
- (5) The sidewalk vendor location does not block entrances to buildings, driveways, parking spaces, or building windows; and
- (6) No vending shall occur within the immediate vicinity of an event held pursuant to a Temporary Event Permit; and
- (7) No vending shall occur within a corner cutoff area. A corner cutoff area is that area at all intersecting and intercepting streets or highways. The cutoff line shall be in a horizontal plane, making an angle of 45 degrees with the side, front, or rear property line, as the case may be. It shall pass through the points located on both sides and front or rear property lines at a distance of 30 feet from the intersection of such lines at the corner of a street or highway; and
- (8) The sidewalk vendor does not cause an undue concentration of commercial activity that unreasonably interferes with the scenic and natural character of the park or the public's use and enjoyment of natural resources and recreational opportunities or regulations directly related to objective health, safety, or wellness concerns; and
- (9) No vending shall occur in public streets, roadways, medians, pedestrian islands, parking lots, alleys, or bikeways; and

4.15.70 Roaming Sidewalk Vending.

- (a) Roaming sidewalk vendors shall meet the following:
- (1) The sidewalk vendor is duly licensed and meets all requirements of section 4.15.030; and
 - (2) Sidewalk vending hours for residential zones shall be conducted between the hours of 8:00AM and 6:00 PM; and
 - (3) Sidewalk vending hours for non-residential zones shall be conducted between the hours of 7:00 AM and 9:00 PM every day; and
 - (4) The sidewalk vendor maintains their temporary vending area in a clean, orderly, and sanitary condition; and
 - (5) The sidewalk vendor does not block entrances to buildings, driveways, parking spaces, or building windows; and
 - (6) The sidewalk vendor does not conduct sales from a public street; and
 - (7) No vending shall occur within the immediate vicinity of a Certified Farmers' Market, a Swap Meet, or an event held pursuant to a Temporary Event Permit; and
 - (8) No vending shall occur within a corner cutoff area. A corner cutoff area is that area at all intersecting and intercepting streets or highways. The cutoff line shall be in a horizontal plane, making an angle of 45 degrees with the side, front, or rear property line, as the case may be. It shall pass through the points located on both sides and front or rear property lines at a distance of 30 feet from the intersection of such lines at the corner of a street or highway; and
 - (9) No vending shall occur within five hundred (500) feet of any school or postsecondary educational facility attended by secondary pupils or private kindergarten, elementary, or secondary school facilities; and
 - (10) No vending shall occur within three (3) feet of any street lights, edges of tree wells, parking meters, or above-ground utility structures; and
 - (11) No vending shall occur within one hundred (100) feet of another vendor; and
 - (12) No vending shall occur at bust stop locations, red curbs, or at locations where there are existing above-ground amenities such as newsstands or street furniture, including but not limited to benches and bike racks; and
 - (13) No vending shall occur in public streets, roadways, medians, pedestrian islands, parking lots, alleys, or bikeways; and
 - (14) No vending shall occur within twenty (20) feet of the entrance way to any building, store, theater, movie house, house of worship, or place of public assembly.

4.15.80 Suspension; Rescission.

(a) A Temporary Use or Encroachment Permit issued under this Chapter may be suspended or rescinded by the Public Works Director or Zoning Administrator after four or more violations of this Chapter in accordance with Section 4.15.100 of this Chapter, at their discretion, for any of the following causes:

- (1) Fraud or misrepresentation in the course of vending;
- (2) Fraud or misrepresentation in the application for the permit;
- (3) Vending in a manner that creates a public nuisance or constitutes a danger to the public.

(b) Notice of the suspension or rescission of a permit issued under this Chapter shall be mailed, postage prepaid, to the holder of the sidewalk vendor permit at his or her last known address.

(c) No person whose permit has been revoked pursuant to this chapter shall be issued a permit for a period of two (2) years from the date revocation becomes final.

4.15.90 Appeals to City Manager.

In the event that any applicant or permittee desires to appeal from any order, suspension, rescission, or other ruling of the Public Works Director or Zoning Administrator made under the provisions of this Chapter, such applicant or any other person aggrieved shall have the right to appeal such action or decision to the City Manager within fifteen (15) days after the notice of the action or decision has been mailed to the person's address as shown on the permit application. An appeal shall be taken by filing with the Planning Department a written appeal statement setting forth the grounds for the appeal, along with the Town's appeal fee, which shall be established by City Council resolution. The filing of the appeal shall stay the enforcement of any decision suspending or rescinding the permit. The Planning Department shall transmit the written statement to the City Manager within ten (10) days of its filing and payment of the appeal fee, and the City Manager shall set a time and place for a hearing on appeal. A hearing shall be set not later than sixty (60) days from the date of filing of the applicant's written appeal statement with the Planning Department. Notice of the time and place of the hearing shall be given to the appellant in the same manner as provided for the mailing of notice of suspension or rescission at least five (5) days prior to the date set for the hearing. At the hearing, the permittee and the Town shall be entitled to legal representation and may present relevant evidence, testify under oath, and call witnesses who shall testify under oath. The City Manager shall not be bound by the traditional rules of evidence in a hearing, except that hearsay evidence may not be the sole basis for the decision of the City Manager. The City Manager may continue the hearing as deemed necessary. The decision of the City Manager, or his or her designee, on the appeal shall be final and binding on all parties concerned.

4.15.100 Penalties.

(a) It is unlawful for any person to violate any provision or fail to comply with any requirements of this Chapter. A violation of this Chapter shall be punished by:

- (1) An administrative fine not exceeding \$100 for a first violation.

- (2) An administrative fine not exceeding \$200 for a second violation within one (1) year of the first violation.
 - (3) An administrative fine not exceeding \$500 for each additional violation within one (1) year of the first violation.
- (b) A violation of vending without a permit, may, in lieu of the penalties set forth in subsection (a), set forth above, be punished by:
- (1) An administrative fine not exceeding two hundred fifty (\$250) dollars for a first violation.
 - (2) An administrative fine not exceeding five hundred dollars (\$500) for a second violation within one (1) year of the first violation.
 - (3) An administrative fine not exceeding one thousand dollars (\$1,000) for each additional violation within one (1) year of the first violation.
- (c) If an individual is subject to subsection (b), set forth above, for vending without a permit, upon the individual providing proof of a valid permit issued by the Town, the administrative fines set forth in this Chapter shall be reduced to the administrative fines set forth in subsection (a), respectively.
- (d) The proceeds of any administrative fines assessed pursuant to this Chapter shall be deposited in the treasury of the Town.
- (e) Failure to pay an administrative fine assessed under this Chapter shall not be punishable as an infraction or misdemeanor. Additional fines, fees, assessments, or any other financial conditions beyond those authorized in this Chapter shall not be assessed.
- (f) Any violation of this Chapter shall not be punishable as an infraction or misdemeanor, and any person alleged to have violated any provisions of this Chapter shall not be subject to arrest except when otherwise permitted under law.
- (g) When assessing an administrative fine pursuant to this Chapter, the adjudicator shall take into consideration the person's ability to pay the fine. The Town shall provide the person with notice of his or her right to request an ability-to-pay determination and shall make available instructions or other materials for requesting an ability-to-pay determination. The person may request an ability-to-pay determination at adjudication or while the judgment remains unpaid, including when a case is delinquent or has been referred to a comprehensive collection program.
- (1) If the person meets the criteria described in subdivision (a) or (b) of Government Code section 68632, the Town shall accept, in full satisfaction, twenty (20) percent of the administrative fine imposed pursuant to this Chapter.
 - (2) The Town may allow the person to complete community service in lieu of paying the total administrative fine, may waive the administrative fine, or may offer an alternative disposition.

(h) Nothing contained herein shall be construed to impede the Town's or County's ability to enforce County Health Department codes and regulations."

ARTICLE 5. SEVERABILITY.

If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The City Council of the Town of Colma hereby declares that it would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

ARTICLE 6. NOT A CEQA PROJECT.

This Ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines, as it is not a "project" and has no potential to result in a direct or reasonably foreseeable indirect physical change to the environment. 14 Cal. Code Regs. § 15378(a). Further, this Ordinance is exempt from CEQA as there is no possibility that this Ordinance or its implementation would have a significant negative effect on the environment. 14 Cal. Code Regs. § 15061(b)(3). The City Planner shall cause a Notice of Exemption to be filed as authorized by CEQA and the State CEQA Guidelines.

ARTICLE 7. 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 fifteen (15) days of its passage and is to take force and effect thirty (30) days after its passage.

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Certification of Adoption

I certify that the foregoing Ordinance No. ____ was adopted at a regular meeting of the City Council of the Town of Colma held on May 8, 2019 by the following vote:

Name	Counted toward Quorum			Not Counted toward Quorum	
	Aye	No	Abstain	Present, Recused	Absent
Joanne F. del Rosario, Mayor					
John Irish Goodwin					
Diana Colvin					
Helen Fiscaro					
Raquel Gonzalez					
Voting Tally					

Dated _____

Joanne F. del Rosario, Mayor

Attest: _____
Caitlin Corley, City Clerk

