



AGENDA
REGULAR MEETING
CITY COUNCIL OF THE TOWN OF COLMA

Colma Town Hall
1198 El Camino Real
Colma, CA 94014

Wednesday, May 22, 2019
6:00 PM – CLOSED SESSION
7:00 PM – REGULAR SESSION

CLOSED SESSION – 6:00 PM

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

Agency Negotiators:
Unrepresented Employees:

Austris Rungis, IEDA
City Manager
Chief of Police

PLEDGE OF ALLEGIANCE AND ROLL CALL – 7:00 PM

ADOPTION OF AGENDA

PRESENTATION

- Introduction of new Recreation Manager Liz Tapia
- Introduction of new Recreation Leaders Alan Gonzalez and Henry Tom
- Recognition of Alice Letcavage's 99th Birthday
- MBS Investments Informational 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 May 8, 2019 Regular Meeting.
3. Motion to Adopt an Ordinance Deleting Reference to Fees and Charges Contained in the Colma Municipal Code to Consolidate Such Fees and Charges Within the Adopted Master Fee Schedule and Taking Other Actions Relating Thereto (second reading).
4. Motion to Adopt a Resolution Approving Municipal Services Contract with CSG.

PUBLIC HEARING

5. VEHICLE RELEASE FEE

Consider: Motion to Adopt a Resolution Amending Colma Administrative Code, Subchapter 1.10, Master Fee Schedule, relating to the Vehicle Release Fee.

6. REGULATION OF WIRELESS COMMUNICATION FACILITIES IN PUBLIC RIGHT-OF-WAY

- a. *Consider:* Motion to Introduce an Ordinance Amending Sections 5.17.020 and 5.17.030 and Adding Subchapter 5.20 to the Colma Municipal Code Relating to Small Cell Wireless Facilities in the Public Rights-Of-Way, and Waive a Further Reading of the Ordinance.
- b. *Consider:* Motion to Adopt a Resolution Establishing Design and Development Standards for Wireless Communication Facilities in the Public Right-Of-Way as Authorized by Subchapter 5.20 of the Town Municipal Code.

7. 1171 EL CAMINO REAL – WIRELESS FACILITY

Consider: Motion to Adopt a Resolution Approving a Conditional Use Permit to Install a Sprint Wireless Communications Facility at an Undeveloped Portion of Salem Memorial Park at 1171 El Camino Real (APN 011-341-720) Pursuant to CEQA Guideline 15303, Class 3.

8. 1850 EL CAMINO REAL – OFFICE BUILDING PROJECT

Consider: Motion to Adopt a Resolution Approving Conditional Use Permit, Project Design Review, and Tree Permit for an Office Building at 1850 El Camino Real. A Mitigated Negative Declaration was Previously Adopted for the Project Pursuant to CEQA.

9. 1457 MISSION ROAD – PAWRADISE BNB CONDITIONAL USE PERMIT

Consider: Motion to Adopt a Resolution Approving a Conditional Use Permit to Allow a 3,890 Square Foot Dog Boarding, Daycare and Basic Grooming Services with an Approximately 54 Square Feet Retail Space Located at 1475 Mission Road (APN: 010-182-090) Pursuant to CEQA Guideline 15301, Class 1(a).

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.

Reasonable Accommodation

Upon request, this publication will be made available in appropriate alternative formats to persons with disabilities, as required by the Americans with Disabilities Act of 1990. Any person with a disability, who requires a modification or accommodation to view the agenda, should direct such a request to Pak Lin, ADA Coordinator, at 650-997-8300 or pak.lin@colma.ca.gov. Please allow two business days for your request to be processed.

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

Agency Negotiators:
Unrepresented Employees:

Austris Rungis, IEDA
City Manager
Chief of Police



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

Wednesday, May 8, 2019
7:00 PM

CALL TO ORDER

Vice Mayor John Irish Goodwin called the meeting to order at 7:03 p.m.

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

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, and City Clerk Caitlin Corley were in attendance.

ADOPTION OF THE AGENDA

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

Action: Council Member Colvin moved to adopt the agenda; the motion was seconded by Council Member Fiscaro 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	✓				
	4	0			

PRESENTATIONS

- Vice Mayor Goodwin presented a proclamation in honor of National Mental Health Awareness Month.
- To encourage responsible use of our precious resources, the Town of Colma joined in the National Mayor’s Challenge for Water Conservation, which took place during the month of April. As an incentive, residents who participated were entered into a drawing to win two free tickets to the Town’s Holiday Party. Resident Alice Letcavage was the raffle winner!
- Rommel Medina and Maureen O’Connor presented the Colma Citizens’ Advisory Scholarship Winners:

Gabriel Gutierrez
 Cody Joseph Miller
 Stephanie Lynn Quitevis
 Giovanni Pierre Fox
 Aiden Gregory Galli
 Gabriel Bonifacio Pacis

Luke Lazaro
 Kathleen Garrett
 Tatiana Yamileth Pulido Gomez
 Hannah Danielle Balton
 Aura Orozco-Funetes
 Miguel Mesina Roque
 Sarah Yoa
 Micah Dela Cruz
 Leonardo Navarro

There was a brief break for refreshments from 7:35 p.m. to 7:55 p.m.

PUBLIC COMMENTS

Vice Mayor Goodwin opened the public comment period at 7:55 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 April 24, 2019 Regular Meeting.
2. Motion to Approve Report of Checks Paid for April 2019.
3. Motion to Adopt an Ordinance Repealing Sections 4.02.020(c) and 4.02.040 and Adding Chapter 4.15 to the Town of Colima 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) (second reading).
4. Motion to Adopt a Resolution Adopting a Program to Manage Polychlorinated Biphenyls (PCBS) in Building Materials During the Demolition of Certain Buildings, Pursuant to Section 15308 of the California Environmental Quality Act (CEQA).
5. Motion to Adopt a Resolution Approving in Form an Encroachment Agreement and Authorizing the City Manager to Execute Such Agreements.

Action: Council Member Gonzalez moved to approve the Consent Calendar items #1 through #5; 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	✓				
	4	0			

PUBLIC HEARING

6. MASTER FEE SCHEDULE

City Attorney Christopher Diaz presented the staff report. Vice Mayor Goodwin opened the public hearing at 7:55 p.m. and seeing no one come forward to speak, he closed the public heading. Council discussion followed.

Action: Council Member Gonzalez made a Motion to Adopt a Resolution of the City Council of the Town of Colima Deleting Reference to Fees and Charges Contained in the Colma Administrative Code to Consolidate Such Fees and Charges Within the Adopted Master Fee Schedule and Taking Other Actions Relating Thereto; the motion was seconded by Council Member Fiscaro 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	✓				
	4	0			

Action: Council Member Gonzalez made Introduce an Ordinance Deleting Reference to Fees and Charges Contained in the Colma Municipal Code to Consolidate Such Fees and Charges Within the Adopted Master Fee Schedule and Taking Other Actions Relating Thereto, and Waive a Further Reading of the Ordinance; 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	✓				
	4	0			

NEW BUSINESS

7. WATER CONSERVATION INCENTIVE PROGRAM

Director of Public Works Brad Donohue presented the staff report. Vice Mayor Goodwin opened the public comment period at 8:04 p.m. and seeing no one come forward to speak, he closed the public heading. Council discussion followed.

Action: Council Member Fiscaro made a motion to Adopt a Resolution Establishing the Authorized Subsidy at \$50,628 for the Water Conservation Incentive Program in Fiscal Year 2019-20; 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	✓				
	4	0			

STUDY SESSION

8. FY 2019-20 BUDGET STUDY SESSION

City Manager Brian Dossey and Administrative Services Director Pak Lin presented the staff report. Vice Mayor Goodwin opened the public hearing at 9:20 p.m. Resident Thom Taylor made a comment. The Vice Mayor closed the public comment period at 9:22 p.m.

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

COUNCIL CALENDARING

The next Regular City Council Meeting will be on Wednesday, May 22, 2019 at 7:00 p.m. There will also be a Special Meeting on Thursday, May 23, 2019, with a closed session at 9:00 a.m., an anti-harassment training at 10:00 a.m. and a team building session at 12:30 p.m.

REPORTS

Joanne del Rosario
Financial Literacy Workshop, 4/30/19

John Goodwin
Financial Literacy Workshop, 4/30/19
Stronger Together Event at the Jewish Community Center, 5/5/19

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

- There will be a Closed Session at 6pm on Wednesday, May 22, 2019.
- There will be an Active Shooter Training on Thursday, May 16, 2019.
- The Town Wide Clean Up Day will be on Saturday, May 18, 2019.
- The Annual Chamber of Commerce Scholarship Event will be on Thursday, May 23, 2019.

ADJOURNMENT

Vice Mayor Goodwin adjourned the meeting at 9:35 p.m. in memory of Rena Cortopassi.

Respectfully submitted,

Caitlin Corley
City Clerk

**ORDINANCE NO. XX
OF THE CITY COUNCIL OF THE TOWN OF COLMA**

**ORDINANCE DELETING REFERENCE TO FEES AND CHARGES CONTAINED IN THE
COLMA MUNICIPAL CODE TO CONSOLIDATE SUCH FEES AND CHARGES WITHIN THE
ADOPTED MASTER FEE SCHEDULE AND TAKING OTHER ACTIONS RELATING
THERE TO**

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

ARTICLE 1. RECITALS.

1. The Town adopted Ordinance No. 789 on March 13, 2019 that superseded all prior duplicative or inconsistent fees or charges contained within the Colma Municipal Code as part of its adoption of a Master Fee Schedule that contained various new and increased fees and charges. Those fees and charges as contained in the Master Fee Schedule went into effect on May 1, 2019.
 2. Having repealed existing duplicative or inconsistent fees or charges contained within the Colma Municipal Code by adoption of Ordinance No. 789, the Town now wishes to delete all reference to existing fees or charges contained within the Colma Municipal Code for purposes of having those fees or charges be contained exclusively within the revised, adopted Master Fee Schedule. By deleting the reference to fees or charges within the Colma Municipal Code, including those not expressly duplicative or inconsistent with the revised, adopted Master Fee Schedule, the Town is not adopting any new or increased fees or charges.
 3. The Town's goal is to consolidate all the various fees and charges contained in the Colma Municipal Code to be located within the Master Fee Schedule. Nothing contained in this Ordinance shall constitute any repeal or amendment of any existing fee or charge, except for those duplicative or inconsistent fees repealed with the adoption of the revised Master Fee Schedule.
 4. The Town has left in the Colma Municipal Code all penalty amounts, civil and administrative, adopted taxes, and property related user fees applicable to sewer and the courtroom.
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ARTICLE 2. INCORPORATION OF RECITALS.

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

ARTICLE 3. FEES AND CHARGES.

The following fees or charges as referenced within provisions of the Colma Municipal Code are hereby deleted or revised as follows:

- (1) Section 3.06.030, "Same: Permit Fees," is deleted in its entirety and replaced as follows:

No permit shall be issued under this chapter unless the applicant therefore has previously paid the following non-refundable filing fees:

- (a) Where a permit is sought for the construction of a new individual sewage disposal system under Section 3.06.010 of the Code, the filing fee therefore shall be in the sum set forth in the Master Fee Schedule.
- (b) Where an examination of property is sought to determine whether a new individual sewage disposal system permit under Section 3.06.010 of this Code can be issued at a future date, the filing fee therefore shall be the sum set forth in the Master Fee Schedule. If such examination approves the issuance of such permit and application for such permit is made within one year, the filing fee for such examination shall be credited towards the filing fee for such permit.
- (c) Where a permit is sought for the enlargement, alteration, repair, or improvement of an individual sewage disposal system under Section 3.06.010 of this Code, the filing fee therefore shall be in the sum set forth in the Master Fee Schedule.
- (d) Where a permit is sought for a chemical toilet under Section 3.500.1 of this Code, the filing fee therefore shall be in the sum set forth in the Master Fee Schedule.

The filing fees set out in subsections (a) and (b) hereinabove shall be paid by the applicant at the time of application for a permit to construct, enlarge, alter, repair, or improve an individual sewage disposal system or to install or replace a chemical toilet, and prior to the inspection of the site of any such construction, enlargement, alteration, repair, or improvement of an individual sewage disposal system or installation or replacement of a chemical toilet. The fee established by subsection (b) hereinabove shall be paid prior to any examination. Filing fees shall not be refunded to the applicant whether or not the City grants him the permit applied for pursuant to subsections (a) and (b) hereof or approves the issuance of a permit pursuant to subsection (b) hereof.

In the event, however, the City fails to process applications under subsections (a) and (c) hereinabove, or to make an examination under subsection (b) hereinabove, it shall return to the applicant any filing fee paid by him.

- (3) Subsection 4.01.050(k), contained within "Procedures," is hereby revised as follows (new language is underlined, removed language is struck):

"Duplicate Certificate of Registration. A duplicate Certificate of Registration may be issued by the tax collector to replace any Certificate previously issued which has been lost or destroyed, upon the registrant filing a declaration under penalty of perjury attesting to such fact, and at the time of such filing of such declaration paying to the Tax Collector as set forth in the Master Fee Schedule."

- (4) Subsection 4.01.050(l), contained within "Procedures," is hereby revised as follows (new language is underlined, removed language is struck):

“Transfer of Certificate of Registration. No Certificate of Registration issued under any provision of this ordinance shall be in any manner transferred or assigned, nor shall such Certificate authorize any person, other than the person named in the Certificate, to carry on the business therein named, or to transact such business in any place other than the place or location therein named, without express approval of the Tax Collector, which approval shall not be unreasonably withheld, and payment of a fee as set forth in the Master Fee Schedule for each assignment or transfer by the person requesting such transfer or assignment.”

(5) Section 4.04.050, *“Fees,”* is hereby revised as follows (new language is underlined, removed language is struck):

(a) Permit fees shall be charged as hereinafter provided in order to defray the cost of the inspections required and for the enforcement of this Subchapter Four.

(b) The fees to be paid each calendar year in connection with the issuance of any permit required hereunder for each food establishment shall be as set forth in the Master Fee Schedule.

(c) No owner or proprietor having complete control of a food establishment, as defined herein, shall be required to have more than one permit for the operation of each place of business; provided, however, that where more than one permit fee is applicable the higher or highest permit fee shall be the fee assessed.

(d) New food establishments opening on or after July 1 or any particular year shall pay one half of the specified fee for the remainder of that calendar year

(6) Subsection 4.05.110(e)(2), contained within *“Suspension and Revocation of City Registration”* is hereby revised as follows (new language is underlined, removed language is struck):

“An appeal must be in writing, and be hand-delivered or mailed to the License Board and accompanied by a filing fee as set forth in the Master Fee Schedule that does not exceed the reasonable cost of providing the service.”

(7) Subsection 4.06.030(f), contained within *“Permit Application”* is hereby revised as follows (new language is underlined, removed language is struck):

“(f) An application fee as set forth in the Master Fee Schedule and a check or money order of the current Department of Justice fingerprint fee.”

(8) Subsection 8.01.115(f), contained within *“Hearing Procedures,”* is hereby revised as follows (new language is underlined, removed language is struck):

“(f) Unless the hearing officer for good cause otherwise determines, the Owner of the animal is liable for all costs as set forth in the Master Fee Schedule.”

(9) Subsection 8.01.220(b), contained within *“Redemption/Spay Neuter Fee,”* is hereby revised as follows (new language is underlined, removed language is struck):

“(b) Upon redemption of any impounded unaltered animal, the Owner will be required to pay a spay/neuter fee in addition to all applicable impound and redemption fees imposed under the Master Fee Schedule. Such fee shall be refundable upon proof of the spay/neuter of the animal within thirty (30) days of the redemption date. Any unaltered animal impounded twice or more within a three-year period shall be altered at the Owner’s expense prior to redemption. At the option of the Owner, required spaying or neutering may be performed by a private veterinarian.”

ARTICLE 4. 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.

ARTICLE 5. NOT A CEQA PROJECT.

The City Council finds, in accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, that deleting reference to fees or charges within the Colma Municipal Code to consolidate those existing fees and charges within the Master Fee Schedule is exempt from CEQA pursuant to Section 15378 and Section 15273 of the CEQA Guidelines and Public Resources Code section 21080(b)(8) because: (i) the existing fees and charges are for the purpose of meeting operational and maintenance expenses of the aforementioned services; and (ii) the existing fees and charges constitute a funding mechanism/other governmental fiscal activity which does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.

ARTICLE 6. 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.

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Certificate of Adoption

I certify that the foregoing Ordinance No. **XX** was duly introduced at a regular meeting of the City Council of the Town of Colma held on May 8, 2019 and duly adopted at a regular meeting of said City Council on May 22, 2019 by the following vote:

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

Dated _____
Joanne F. del Rosario, Mayor

Attest: _____
Caitlin Corley, City Clerk





STAFF REPORT

TO: Mayor and Members of the City Council

FROM: Brian Dossey, City Manager
Christopher J. Diaz, City Attorney

MEETING DATE: May 22, 2019

SUBJECT: Municipal Services Contract

RECOMMENDATION

Staff recommends that the City Council adopt:

RESOLUTION APPROVING MUNICIPAL SERVICES CONTRACT WITH CSG

EXECUTIVE SUMMARY

The Town currently has a contract with CSG Consultants. However, it was last amended and updated in 2012. It is the best practice to periodically review and update contracted services every few years as services often need to be updated to reflect current needs of the organization. The current contract authorizes CSG to provide professional engineering, public works, building inspection, planning and code enforcement services.

The proposed new contract authorizes CSG to provide the same professional services needed by the Town at hourly rates that vary with the expertise and skill of the person performing the services. The contract may be terminated by either side at any time without cause, and contains provisions regarding indemnification of the Town, required types and amount of insurance, and other provisions developed by the City Attorney's Office to better protect the Town.

FISCAL IMPACT

The maximum amount payable under the contract will be set by the City Council during the annual budget process. For FY2018-19, the amount budgeted is approximately \$1.5 - \$1.6 million for engineering, public works, building inspection, planning and code enforcement services.

BACKGROUND

The Town has made use of CSG for many years and seeks to continue that positive relationship on slightly revised agreement terms.

ENVIRONMENTAL

There are no environmental impacts associated with this agenda item. Approval of this agenda item may have a positive environmental impact on the Town as CSG does provide services to the Town related to sustainability, green infrastructure, and other green initiatives.

ANALYSIS

Contract Terms

Overview. The services provided by CSG fall into two broad categories – staff augmentation services and special services. Staff augmentation services consist of services by multiple persons intended to provide on-going assistance to backfill any unmet demand at Town Hall. Special services are services that are project oriented and do not recur on a regular schedule, such as preparation of plans, specifications and estimates for a specific capital improvement project, preparation of a conceptual study, and construction management services for a particular CIP project.

The proposed contract has separate provisions describing the services and compensation for each of these two categories.

Compensation. For both Staff Augmentation Services (Contract §7) and Special Services (Contract §8), CSG will bill the Town for the work performed by its personnel at hourly rates that vary with the expertise and skill of the person performing the services. The two different rate schedules are set forth in Exhibit B. The rates charged by CSG for Special Services are the standard rates it charges other clients for the same work. The rates for the Staff Augmentation services are discounted from the standard rates and are adjustable in the CPI for the Bay Area metropolitan region.

The maximum amount payable for each category of service will be set by the City Council during the annual budget process.

Term. The contract may be terminated by either party by giving written notice to the other party (Contract §12).

Staff Augmentation. The scope of services is set forth in an extensive list of the services to be performed by CSG (Contract §2; Exhibit A). City Engineering services for example, will include administration and implementation of the Capital Improvement Program (CIP), the federally mandated Storm water Pollution Program, flood control, sewer services, compliance with the Subdivision Map Act, the Town's Geographic Information System (GIS), traffic engineering, civil engineering for the Town, and for the review and inspection of development projects.

Public Works services will include maintenance of the Town's parks, roadway medians and other open space; maintenance of Town facilities, vehicles, and equipment; maintenance of drainage, catch basins and creeks; street sweeping; administration of the solid waste franchise agreement, composting and recycle programs; and administration of the sewer services program.

City Planning services will include all environmental and land use related services; general administration; development processing; zoning administration; architectural review;

subdivision processing; zoning enforcement; General Plan administration; environmental review, housing and special planning studies.

Building Official services will include the promotion of health and safety in the construction and maintenance of buildings and structures, and the maintenance of property through enforcement of uniform building codes, conservation standards, regulations and ordinances.

Code Enforcement Services will include the enforcement of the Colma Municipal Code and application of federal and state laws throughout the Town.

Special Services. Special services includes preparation of plans, specifications and estimates for Capital Improvement Projects (CIP), preparation of reports and conceptual studies, construction management services for CIP projects, website technical support and related IT services, GIS mapping, ADA CASp services, special studies for the development of operational, maintenance and management programs within the Town's Public Works Department, traffic analysis and safety studies, property and route surveys, mapping and right of way acquisitions.

Key Personnel. The contract continues the staffing arrangement with Brad Donohue in Public Works, Cyrus Kianpour in Engineering and Michael Laughlin in Planning and Code Enforcement.

Insurance (Contract §19). CSG is required to carry a comprehensive liability insurance policy, an automobile liability insurance policy, and an errors and omissions insurance policy that meet the standards set by the Town, including minimum coverage, a limit on endorsements, and the naming of the Town as additional insured.

Council Adopted Values

Approving this contract with CSG is the **responsible** action because CSG has proven to be a reliable and trustworthy provider to the Town. It is also **visionary** because by approving this contract will assure that the Town will continue to receive high-quality services for years to come.

Alternatives

The alternative to approving the Municipal Services Agreement with CSG would be to pull all or parts of this contract out to public bid. The downside is that this alternative will cost the Town a significant expense and will delay the final solution to public works, planning and engineering services.

CONCLUSION

Staff recommends adopting the resolution approving the Municipal Services Contract with CSG.

ATTACHMENTS

- A. Resolution
- B. Contract



**RESOLUTION NO. 2019-____
OF THE CITY COUNCIL OF THE TOWN OF COLMA**

RESOLUTION APPROVING A MUNICIPAL SERVICES CONTRACT WITH CSG

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

1. Background.

- (a) The Town currently has a contract with CSG Consultants. However, it was last amended and updated in 2012.
- (b) It is the best practice to periodically review and update contracted services every few years as services often need to be updated to reflect current needs of the organization.
- (c) The current contract authorizes CSG to provide professional engineering, public works, building inspection, planning code enforcement services.
- (d) The proposed new contract authorizes CSG to provide the same professional services needed by the Town at hourly rates that vary with the expertise and skill of the person performing the services.

2. Order.

- (a) The contract between the Town of Colma and CSG Consultants, a copy of which is on file with the City Clerk, is approved by the City Council of the Town of Colma.
- (b) The Mayor is authorized to execute said contract on behalf of the Town of Colma, with such technical amendments as may be deemed appropriate by the City Manager and the City Attorney.

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Certification of Adoption

I certify that the foregoing Resolution No. 2019-__ was duly adopted at a regular meeting of said City Council held on May 22, 2019 by the following vote:

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

Dated _____

 Joanne del Rosario, Mayor

Attest: _____
 Caitlin Corley, City Clerk

MUNICIPAL SERVICES CONTRACT

between

TOWN OF COLMA

and

CSG CONSULTANTS, INC.

JULY 1, 2019

TABLE OF CONTENTS

1. Recitals	1
2. Staff Augmentation Services	1
3. Special Services	1
4. Office Space, Facilities and Equipment	2
5. Personnel	3
6. Performance Standards	3
7. Fee for Staff Augmentation Services	3
8. Fee for Special Services	4
9. Reimbursable Expenses	4
10. Payment Terms	5
11. Other Town Obligations	5
12. Term, Termination	5
13. Independent Contractor	6
14. Authorized Representatives	6
15. Warranties	6
16. Laws and Regulations	7
17. CSG's Indemnification Obligations	7
18. Town's Indemnification Obligations	8
19. Insurance	9
20. Safety	12
21. Records	12
22. General Terms and Conditions	13

EXHIBITS

A - Staff Augmentation Services, Special Services, Detailed Descriptions

B - Rate Schedule

MUNICIPAL SERVICES CONTRACT

This Municipal Services Contract is made by and between the Town of Colma, a municipal corporation organized under the laws of the State of California (“Town” or “City”), and CSG Consultants, Inc., a California corporation (“CSG”). For reference purposes, this Contract is dated July 1, 2019. Town and CSG are sometimes individually referred to as “Party” and collectively as “Parties.”

1. Recitals

This contract is made with reference to the following facts:

- (a) CSG has provided to the Town engineering, building plan review, inspection services, and planning services.
- (b) The Services were previously provided pursuant to the *Engineering, Plan Review and Inspection Services Contract* between the parties, as amended;
- (c) The Parties restated the agreement pursuant to the Municipal Services Contract, dated September 13, 2012, as amended; and
- (d) The Parties desire to replace the existing contract with this contract.

2. Staff Augmentation Services

- (a) When requested by the City, CSG shall provide supplemental services in the fields of engineering, building code, planning and code enforcement as needed by the Town. These services are more fully described in Exhibit A hereto (“Staff Augmentation Services, Detailed Description”), which exhibit may be amended as mutually agreed by the City Manager and CSG.
- (b) CSG shall make personnel available to supplement services provided in the positions designated by the City, including Director of Public Works, City Engineer, Building Official, City Planner, or Code Enforcement Officer.
- (c) The parties agree that the City may, at any time, provide written direction to CSG to cease performing, or not perform at all, any of the Services described in Exhibit A.

3. Special Services

- (a) When mutually agreed upon by Town and CSG, CSG shall perform the Special Services as defined as Exhibit A and listed in this Section. Special services will be charged at the appropriate Standard Rate set forth in Exhibit B. Special Services are so characterized by the novelty or difficulty of the nature of the services to be provided by CSG, the complexity of the

matter, the skill requisite to properly perform the services, or the amount of time required to properly undertake the matter. Special Services include, but are not limited to the following:

(i) Preparation of plans, specification and estimates for Capital Improvement Projects (CIP);

(ii) Preparation of reports and conceptual studies;

(iii) Construction management services for CIP projects;

(iv) GIS mapping;

(v) Certified Access Specialists services;

(vi) Special studies for the development of operational, maintenance or management programs within the Town's Public Works Department;

(vii) Traffic analysis and safety studies;

(viii) Property and route surveys;

(ix) Mapping and right of way acquisition;

(x) Planning services that have not been included in Staff Augmentation services outlined in section 2 of this contract.

(xi) Building Department services that have not been included in the Staff Augmentation serviced outlined in the section 2 of this contract. and

(xii) Other services not included in Exhibit A.

(b) An Addendum in the form of a Task Order or Project Scope to this Contract may be executed for performance of Special Services. The Addendum shall describe the scope of the special services, the budget for such services, and any other matter agreed upon by the parties. In all other respects, the obligations of the parties shall be as set forth in this contract. The Town reserves the right to use other consultants for these services.

4. Office Space, Facilities and Equipment

(a) Town may lease office space to CSG pursuant to a separate lease agreement, which Lease shall terminate on termination of this Contract. CSG employees may perform the Services, as well as services for others, in the office space leased by CSG. CSG employees shall not perform any Services on facilities or office space that is not otherwise leased by CSG.

(b) CSG shall furnish all labor, materials, tools, equipment, and incidental and customary work necessary to fully and adequately provide the Services.

5. Personnel

- (a) CSG shall provide the necessary personnel to perform and coordinate the Services under this Contract.
- (b) Any employee of CSG or its sub-contractors who fails or refuses to perform the Services in an acceptable manner, or who is determined to be uncooperative, incompetent, a threat to the adequate or timely completion of the Services, or a threat to the safety of persons or property, shall be promptly removed from the Services by CSG.
- (c) The Town reserves the right to refuse any employee of CSG brought forth to work for the Town.

6. Performance Standards

- (a) CSG will maintain at all times during the term of this Contract all professional and business licenses, certifications and permits necessary for performing the Services described in this Contract.
- (b) CSG shall diligently perform all Services under this Contract in a skillful, professional, and competent manner, consistent with the standards prevalent in the industry for such services in the State of California.
- (c) All personnel assigned by CSG to perform the Services shall be competent and qualified by experience or ability. CSG and its contractors shall replace any of their employees whose work is contrary to the requirements of this Contract, shall implement personnel changes without interruption to services or workload, and shall provide training and education to keep staff current on laws, regulations and other job related functions related to the Services.
- (d) CSG shall understand the Town's budget process and shall efficiently perform the Services hereunder in a manner that comports with the level of service required herein within the approved budget.
- (e) CSG shall respond to and complete assigned tasks in a professional and timely manner and shall timely meet established schedules and deadlines.
- (f) CSG shall make effective oral and visual presentations for public presentations and hearings.

7. Fee for Staff Augmentation Services

- (a) *Hourly Fee.* Town will pay CSG a fee determined by multiplying the hourly rate for CSG's personnel working on Staff Augmentation Services times the amount of time spent. The hourly rates are set forth in Exhibit B hereto. The rates set forth in Exhibit B will remain in effect until adjusted in the manner set forth in the next paragraph.

(b) *CPI Adjustment.* On or about July 1 of each year, the hourly rate for Staff Augmentation Services shall be adjusted according to the following formula, where “Consumer Price Index” or “CPI” means the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index entitled “Consumers Price Index of Urban Wage Earners and Clerical Workers (Revised Series), San Francisco-Oakland-San Jose, CA Average, 1982-84=100 [Series ID CWURA422SA0]”:

If the CPI for March of any year exceeds the previous year CPI for March (the hourly rate shall be multiplied by the Subject CPI and divided by the previous CPI to obtain the adjusted hourly rate.)

(c) *Maximum Amount.* The total annual compensation due to CSG for Staff Augmentation Services shall not exceed the amount appropriated for Staff Augmentation Services by the City Council.

8. Fee for Special Services

(a) *Hourly Fee.* Town will pay CSG a fee determined by multiplying the hourly rate for CSG’s personnel working on Special Services times the amount of time spent. The hourly rates are set forth in Exhibit B hereto. The rates set forth in Exhibit B will remain in effect until adjusted in the manner set forth in the next paragraph.

(b) *CPI Adjustment.* On or about July 1 of each year, the hourly rate for Staff Augmentation Services shall be adjusted according to the following formula, where “Consumer Price Index” or “CPI” means the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index entitled “Consumers Price Index of Urban Wage Earners and Clerical Workers (Revised Series), San Francisco-Oakland-San Jose, CA Average, 1982-84=100 [Series ID CWURA422SA0]”:

If the CPI for March of any year exceeds the previous year CPI for March (the hourly rate shall be multiplied by the Subject CPI and divided by the previous CPI to obtain the adjusted hourly rate.)

(c) *Maximum Amount.* The total annual compensation due to CSG for Special Services shall not exceed the amount appropriated for Special Services by the City Council.

9. Reimbursable Expenses

(a) Town agrees to reimburse CSG for the following expenses that are directly, reasonably and necessarily incurred in performing the Services:

- (i) Copying or reproducing drawings, specifications and other documents, excluding reproductions for office use of CSG;
- (ii) Making renderings, models and mock-ups;

(iii) Postage and handling of mass mailings, such as Proposition 218 Notices and Information about Recycling Obligations; and

(iv) Other items authorized in writing in advance by City Manager.

(b) Notwithstanding the foregoing, expenses in excess of \$2,500 per month must be approved in advance in writing by the City Manager.

10. Payment Terms

CSG shall submit to Town a monthly itemized statement of fees and, if applicable, reimbursable expenses, showing the Services rendered by CSG for that month. Town shall, within 30 days of receiving such statement, pay CSG for all Services satisfactorily completed, and all reimbursable expenses, if applicable.

11. Other Town Obligations

(a) Town shall provide employees or contractors to perform the day-to-day work required of any Town department or division such as maintenance, repairs, and construction work under force account procedures.

(b) Town shall provide and maintain vehicles, equipment and tools for use by Town employees to perform the day-to-day work required of its departments or divisions.

(c) The City Attorney may provide advice on Town matters to CSG, acting as the Town's representative. CSG understands and acknowledges that the Town – not CSG -- is the client of the City Attorney, and that in any matter affecting CSG's own interests, CSG may not seek the advice of the City Attorney but must seek the advice of an independent attorney of its own choosing.

12. Term, Termination

(a) *At Will Term.* Either Party may terminate this Contract at any time by giving written notice to the other Party of such termination and specifying the effective date thereof. Upon termination, CSG shall be compensated only for those Services which have been satisfactorily completed as of the effective date of termination, and CSG shall be entitled to no further compensation unless the Town and CSG enter into a separate contract for future services.

(b) *Effect of Termination.* If this Contract is terminated as provided herein, Town may require CSG to provide Town all finished or unfinished documents, information and work product of any kind prepared by CSG in connection with the performance of Services under this Contract. CSG shall be required to provide, at its own expense, such documents, information and work product within fifteen (15) days of the request.

(c) *No Continuing Contract.* Nothing in this Contract shall be interpreted to imply that the Town must maintain any contractual relationship with CSG on a continuing basis after termination of this Contract.

13. Control and Payment of Subordinates; Independent Contractor

The Services shall be performed by CSG or under its supervision. CSG will determine the means, methods and details of performing the Services subject to the requirements of this Contract. Town retains CSG on an independent contractor basis and not as an employee. CSG retains the right to perform similar or different services for others during the term of this Contract. Any additional personnel performing the Services under this Contract on behalf of CSG shall also not be employees of Town and shall at all times be under CSG's exclusive direction and control. CSG shall pay all wages, salaries, benefits, and other amounts due such personnel in connection with their performance of Services under this Contract and as required by law. CSG shall be responsible for all reports and obligations respecting such additional personnel, including, but not limited to: social security taxes, income tax withholding, unemployment insurance, disability insurance, and workers' compensation insurance.

14. Authorized Representatives

(a) *Town's Representative.* The Town hereby designates the City Manager, or his or her representative, to act as its representative in managing this Contract ("Town's Representative"). Town's Representative shall have the power to act on behalf of the Town for all purposes under this Contract. CSG shall not accept direction or orders from any person other than the Town's Representative.

(b) *CSG's Representative.* CSG hereby designates Dave Gottlieb to act as its representative in managing this Contract ("CSG's Representative"). CSG's Representative shall have full authority to represent and act on behalf of the CSG for all purposes under this Contract. The CSG's Representative shall supervise and direct the Services, using his best skill and attention, and shall be responsible for all means, methods, techniques, sequences and procedures and for the satisfactory coordination of all portions of the Services under this Contract.

(c) *Coordination of Services.* CSG agrees to work closely with Town staff in the performance of Services and shall be available to Town's employees and Town consultants at all reasonable times.

15. Warranties

CSG represents and warrants that:

(a) CSG is skilled and experienced in providing to public entities the services described herein, and is familiar with the plans of the Town of Colma;

- (b) All CSG employees and subcontractors shall have sufficient skill and experience to perform the Services assigned to them;
- (c) CSG, its employees and subcontractors have all licenses, permits, qualifications and approvals of whatever nature that are legally required to perform the Services, including a Town Business License, and that such licenses and approvals shall be maintained throughout the term of this Contract;
- (d) CSG is ready, willing and able to perform the services described in this Contract without the use of Town equipment, materials, tools, facilities, training, or administrative or legal services, unless otherwise provided under this or a separate agreement.
- (e) CSG covenants that neither it nor any officer of the corporation has any interest, nor shall it acquire an interest, directly or indirectly, which would conflict in any manner with the performance of CSG's services under this Contract.
- (f) CSG has not employed nor retained any company or person, other than a bona fide employee working solely for CSG, to solicit or secure this Contract. Further, CSG warrants that it has not paid nor has it agreed to pay any company or person, other than a bona fide employee working solely for CSG, any fee, commission, percentage, brokerage fee, gift or other consideration contingent upon or resulting from the award or making of this Contract. For breach or violation of this warranty, Town shall have the right to rescind this Contract without liability.

16. Laws and Regulations

- (a) CSG shall keep itself fully informed of all local, state and federal laws, rules and regulations in any manner affecting the performance of the Services or the Services, including all Cal/OSHA requirements, and shall give all notices, whether to third parties or CSG's employees or subcontractors, as required by law.
- (b) All Services shall be subject to, and performed in accordance with all applicable local, state and federal laws, rules and regulations.

17. CSG's Indemnification Obligations

- (a) *Duties.* CSG shall, at its own cost and expense, defend, indemnify, and hold harmless the Town and its elected and appointed officers, agents, and employees from and against any Claim, including, without limitation, reasonable attorneys' fees, experts' fees and court costs, to the extent caused by the willful misconduct, recklessness or negligent conduct of CSG or its directors, officers, agents, or employees. Town shall: (i) give CSG prompt written notice of such Claim; and (ii) allow CSG to control, and fully cooperate with CSG in, the defense and all related negotiations.
- (b) *Claims.* The *Claims* protected against are as follows:

(i) Any and all losses, claims, actions, and liabilities of any kind allegedly suffered, incurred or threatened because of actions described herein, and include claims for damages for personal injury, death, property damage, inverse condemnation, or any combination of these, and shall also include the defense of any suit(s), action(s) or other proceeding(s) asserting those liabilities.

(I) Scope of Duties.

a. The duty to indemnify under this Section 17(b)(i) applies only to acts or omissions caused by the willful misconduct, recklessness or negligent conduct, whether active or passive, on the part of the CSG or any of its subcontractors, officers, agents or employees. CSG shall not be liable to indemnify or defend Town for any act or omission arising solely from the willful misconduct, recklessness, or negligence of the Town.

b. The duty to defend applies to any acts or omissions caused by CSG or any of its officers, agents or employees.

(ii) Fifty percent (50%) of the cost of any and all losses, claims, actions, and liabilities of any kind incurred or threatened as a result of the representation of CSG or its status, and the status of CSG personnel assigned to perform the Services, as an independent contractor with such obligation running from the effective date of this Contract.

(c) *Survival; Interpretation.* This obligation to indemnify and defend Town as set forth herein is binding on the successors, assigns, or heirs of CSG and shall survive the termination of this agreement or this section. By execution of this Contract, CSG acknowledges and agrees that it has read and understands the provisions hereof and that this paragraph is a material element of consideration. If any part of this Indemnification is found to conflict with applicable laws, such part shall be unenforceable only insofar as it conflicts with said laws, and that this indemnification shall be judicially interpreted and rewritten to be legally binding upon CSG.

18. Town's Indemnification Obligations

(a) *Duties.* Town shall, at its own cost and expense, defend, indemnify, and hold harmless the CSG and its officers, agents, and employees from and against any Claim, including, without limitation, reasonable attorneys' fees, experts' fees and court costs, to the extent caused by the willful misconduct, recklessness or negligent conduct of Town or its directors, officers, agents, or employees. CSG shall: (i) give Town prompt written notice of such Claim; and (ii) allow Town to control, and fully cooperate with Town in, the defense and all related negotiations.

(b) *Claims.* The *Claims* protected against are any and all losses, claims, actions, and liabilities of any kind allegedly suffered, incurred or threatened because of actions described herein, and include claims for damages for personal injury, death, property damage, inverse

condemnation, or any combination of these, and shall also include the defense of any suit(s), action(s) or other proceeding(s) asserting those liabilities.

(c) Scope of Duties.

(i) The duty to indemnify applies only to acts or omissions caused by the willful misconduct, recklessness or negligent conduct, whether active or passive, on the part of the Town or any of its subcontractors, officers, agents or employees. Town shall not be liable to indemnify or defend CSG for any act or omission arising solely from the willful misconduct, recklessness, or negligence of CSG.

(ii) The duty to defend applies to any acts or omissions caused by Town or any of its officers, agents or employees.

(d) *Survival; Interpretation.* This obligation to indemnify and defend Town as set forth herein is binding on the successors, assigns, or heirs of Town and shall survive the termination of this agreement or this section. By execution of this Contract, Town acknowledges and agrees that it has read and understands the provisions hereof and that this paragraph is a material element of consideration. If any part of this Indemnification is found to conflict with applicable laws, such part shall be unenforceable only insofar as it conflicts with said laws, and that this indemnification shall be judicially interpreted and rewritten to be legally binding upon Town.

19. Insurance

(a) *Insurance Required before Work Commences.* CSG shall not commence the Services under this Contract until it has provided evidence satisfactory to the Town that it has secured all insurance required under this Section. In addition, CSG shall not allow any subcontractor to commence work on any subcontract until it has provided evidence satisfactory to the Town that the subcontractor has secured all insurance required under this Section.

(b) *Required Minimum Insurance.* CSG shall, at its sole cost and expense, procure and maintain for the duration of this Contract the following types of insurance coverage:

(i) *Comprehensive general liability insurance* (using Insurance Services Office form CG 00 01 12 04 or exact equivalent) with a minimum combined single limit in the amount of two million dollars (\$2,000,000) per occurrence for bodily or personal injury to, illness of, or death of persons, and damage to property. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this location or the general aggregate limit shall be twice the required occurrence limit.

(ii) *Automobile liability insurance* (using Insurance Services Office form number CA 0001, Code 1 covering “any auto” (Symbol 1), or exact equivalent), covering bodily injury and property damage for all activities shall be in an amount of not less than \$1,000,000 combined limit for each occurrence. If CSG does not own any company vehicles or may not be

able to purchase a Business Automobile Insurance Policy, the requirement may be satisfied by providing either of the following: (1) a Personal Automobile Liability policy for the CSG's own vehicle stipulating "Automobile Liability Insurance with a limit of not less than \$1,000,000 each accident"; or (2) a non-owned auto endorsement to the Commercial General Liability policy if CSG uses vehicles of others (e.g., vehicles of employees).

(iii) *Worker's Compensation Insurance* as required by the laws of the State of California and *Employer's Liability Insurance* with a limit of not less than \$1,000,000.00 per accident for bodily injury and disease. CSG's workers compensation insurance policy shall provide that the insurer waives all rights of subrogation against Town, its elected officials, officers, agents, employees and volunteers for losses arising from the Services performed by CSG for Town under this Contract. Any notice of cancellation or non-renewal for all workers compensation policies must be received by the Town at least thirty (30) days prior to such change. CSG shall require each subcontractor to maintain Workers' Compensation insurance and Employer's Liability insurance in accordance with the laws of the State of California for all of the subcontractor's employees.

(iv) *Errors and Omissions Liability Insurance*, which specifically covers the Services to be performed under this Contract, in the minimum amount of two million dollars (\$2,000,000), and deletes any exclusions that may potentially affect the Services (for example, any exclusions relating to lead, asbestos, pollution, testing, underground storage tanks, laboratory analysis, soil work, etc.). If coverage is written on a claims-made basis, the retroactive date shall precede the effective date of the initial Contract and continuous coverage will be maintained or an extended reporting period will be exercised for a period of at least three (3) years from termination or expiration of this Contract.

(c) *Requirements for all insurance policies.* All insurance coverage required by this Section, except Errors and Omissions Liability Insurance, shall:

(i) In an endorsement thereto, name Town and its elected officials, appointed officials, officers, agents and its employees as additional insureds as such insurance coverage pertains to this Municipal Services Contract between the Town and CSG;

(ii) Be primary and noncontributing with any insurance which may be carried by Town;

(iii) Afford coverage for all claims based on any act, omission, event or condition that occurred or arose (or the onset of which occurred or arose) during the policy period;

(iv) Apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability (cross-liability endorsement).

(v) Expressly provide that Town, although named as an insured, shall nevertheless be entitled to recover under the policy for any loss, injury or damage to Town and

that the insurer waives all rights of subrogation against Town, its officers, agents, employees and volunteers for losses arising from work performed by CSG for Town; and

- (vi) Expressly provide that the policy shall not be cancelled or altered until CSG or its insurer gives thirty (30) days written notice of cancellation or alteration to the Town, except ten (10) days shall be allowed for nonpayment of premium.
- (d) *Endorsements.* Required insurance policies under this Section shall not be in compliance if they include any sort of limiting provision or endorsement that has not first been submitted to the Town for approval. The Additional Insured Endorsements shall not: (1) be restricted to "ongoing operations"; (2) exclude "contractual liability" (except with respect to Errors and Omissions Liability Insurance); (3) restrict coverage to "sole" liability of CSG; or (4) contain any other exclusions contrary to the Contract;
- (e) *Insurer's Qualifications.* All insurance required under this section and all renewals of this Contract shall be issued by good and responsible companies admitted to do and doing business in the State of California, or otherwise allowed to place insurance through surplus line brokers under applicable provisions of the California Insurance Code or any federal law, with a current A.M. Best's rating of "A:VII" or better.
- (f) *Deductibles and Self-Insurance Retentions.* Any deductibles or self-insured retentions must be declared to and approved by the Town. CSG shall guarantee that, at the option of the Town, either: (1) the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the Town, its directors, officials, officers, employees, agents and volunteers; or (2) the CSG shall procure a bond guaranteeing payment of losses and related investigation costs, claims and administrative and defense expenses.
- (g) *Verification of Coverage.* CSG shall furnish Town with certificates of insurance and endorsements effecting coverage required by this Contract on forms satisfactory to the Town. The Town reserves the right to require complete, certified copies of all required insurance policies, at any time.
- (h) *Failure to Maintain Coverage.* CSG agrees to suspend and cease all operations hereunder during such period of time as the required insurance coverage is not in effect and evidence of insurance has not been furnished to the Town. The Town shall have the right to withhold any payment due CSG until CSG has fully complied with the insurance provisions of this Contract. In the event that the CSG's operations are suspended for failure to maintain required insurance coverage, the CSG shall not be entitled to an extension of time for completion of the Services because of production lost during suspension. In addition, if CSG fails to insure or fails to furnish Town proof of insurance as required by Town, Town, in addition to any other remedy provided by law, shall have the right, with prior reasonable notice to CSG, from time to time to effect such insurance for the benefit of CSG or Town or both of them and all premiums paid by Town shall be payable by CSG on demand.

(i) *Insurance for Subcontractors.* All subcontractors hired by CSG to perform the Services under Contract shall be included as additional insureds under the CSG's policies, and CSG shall be responsible for causing subcontractors to purchase the appropriate insurance in compliance with the terms of the insurance requirements set forth in this Section 16, including adding the Town as an additional insured to the subcontractor's policies. CSG shall provide to Town satisfactory evidence of these requirements as required in Town's discretion.

20. Safety

CSG shall execute and maintain its work so as to avoid injury or damage to any person or property. In carrying out its Services, CSG shall at all times be in compliance with all applicable local, state and federal laws, rules and regulations, and shall exercise all necessary precautions for the safety of employees appropriate to the nature of the work and the conditions under which the Services are to be performed. Safety precautions as applicable shall include, but shall not be limited to: (A) adequate life protection and life saving equipment and procedures; (B) instructions in accident prevention for all employees and subcontractors, and (C) adequate facilities for the proper inspection and maintenance of all safety measures.

21. Records

(a) Duty to Render Reports.

(i) CSG shall keep accurate and complete daily records to support all items invoiced to Town under this Contract. All such records shall be clearly identifiable, and shall include, without limitation, an itemization of all Services performed by CSG and each employee of CSG, showing the name of the person performing the work, hours worked and total hours worked per fiscal year, type of work performed by each, wages paid to each, and materials used in the Services. CSG shall preserve those records for two (2) years after completion of the Services.

(ii) CSG shall allow a representative of Town during normal business hours to examine, audit, and make transcripts or copies of such records and any other documents created pursuant to this Contract. CSG shall allow inspection of all work, data, documents, proceedings, and activities related to the Contract for a period of three (3) years from the date of final payment under this Contract.

(b) Public Records Act

(i) If CSG claims or intends to claim that any document provided by CSG to the Town contains confidential information of any kind or nature, including, for example and without limitation, trade secret or proprietary information, CSG shall stamp "Confidential" on each such document that it delivers to the Town.

(ii) CSG understands that the Town is subject to the California Public Records Act ("CPRA") and that, although the CPRA recognizes that certain confidential information may

be protected from disclosure under certain circumstances, the Town of Colma may not be in a position to establish that any or all of purportedly confidential information is exempt from disclosure under the CPRA. If a third-party makes a request to inspect or copy any information claimed by CSG to be confidential, Town shall have no duty to oppose the request other than to provide CSG with reasonable notice to allow CSG to seek protection from disclosure by a court of competent jurisdiction, and shall in no event be liable to CSG for damages of any kind or nature arising from or in connection with Town's release of any information that CSG has provided to Town in connection with this Contract pursuant to a CPRA request or as otherwise required by law.

(c) Ownership of Records; Confidentiality

(i) All reports, information, data, or other material given to, prepared by or assembled by the CSG as part of the work or services under these specifications ("Documents and Data") shall be the property of the Town. CSG shall not disclose those Documents or Data to any other individual or organization without the prior written approval of the Town. CSG shall preserve the confidentiality of all information that it acquires from Town and shall not use such information except with the prior written permission of the Town. On the Town's written request, CSG will return to Town all tangible expressions (including copies and electronic media) of all such information and certify in writing as to any and all tangible expressions that have been lost or destroyed. The obligations stated in this paragraph will not apply to information that has been publicly disclosed or for which disclosure is required under applicable law.

(ii) CSG represents and warrants that CSG has the legal right to grant Town permission to use any and all Documents & Data. CSG makes no such representation and warranty in regard to Documents & Data that were prepared by design consultants other than CSG or provided to CSG by the Town. Town shall not be limited in any way in its use of the Documents and Data at any time, provided that any such use not within the purposes intended by this Contract shall be at Town's sole risk.

22. General Terms and Conditions

(a) *Termination of Prior Contract.* The Municipal Services Contract between the parties, dated September 13, 2012, as amended, is hereby terminated.

(b) *Prior Approval Required to Subcontract.* CSG shall not subcontract any portion of the work required by this Contract, except as expressly stated herein, without prior written approval of Town. CSG shall require each of its subcontractors to agree in writing to be bound by the provisions in the sections of this Contract entitled: Laws and Regulations, Safety, Financial Records, Public Records Act, Ownership of Records, and Confidentiality.

(c) *Cooperation; Further Acts.* The Parties shall fully cooperate with one another, and shall take any additional acts or sign any additional documents as may be necessary, appropriate or convenient to attain the purposes of this Contract.

(d) *Attorney's Fees.* If either party commences an action against the other party, either legal, administrative or otherwise, arising out of or in connection with this Contract, the prevailing party in such litigation shall be entitled to have and recover from the losing party reasonable attorney's fees and all other costs of such action.

(e) *Conflict-of-Interests Code.* CSG will require each of its employees who work on the Services to comply with all applicable requirements of the Town's Conflict-of-Interests Code. Each person serving in a designated position shall properly and timely file a Statement of Economic Interests (FPPC Form 700) with the City Clerk if required by the Town's Conflict-of-Interest Code, and shall not make, participate in, or influence any decision in which he or she has a financial interest, as required by the Political Reform Act and FPPC regulations thereunder, and by common law principles.

(f) *Equal Opportunity Employment.* CSG represents that it is an equal opportunity employer and it shall not discriminate against any subcontractor, employee or applicant for employment because of race, religion, color, national origin, handicap, ancestry, sex or age. Such non-discrimination shall include, but not be limited to, all activities related to initial employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination.

(g) *Labor Certification.* By its signature hereunder, CSG certifies that it is aware of the provisions of Section 3700 of the California Labor Code which require every employer to be insured against liability for Worker's Compensation or to undertake self-insurance in accordance with the provisions of that Code, and agrees to comply with such provisions before commencing the performance of the Services.

(h) *Authority to Enter Contract.* CSG has all requisite power and authority to conduct its business and to execute, deliver, and perform the Contract. Each Party warrants that the individuals who have signed this Contract have the legal power, right, and authority to make this Contract and bind each respective Party.

(i) *Entire Contract.* This Contract contains the entire Contract of the parties with respect to the subject matter hereof, and supersedes all prior negotiations, understandings or agreements. This Contract may only be modified by a writing signed by both parties.

(j) *Governing Law.* This Contract shall be governed by the laws of the State of California. Venue shall be in San Mateo County.

(k) *Town's Right to Employ Other Consultants.* Town reserves right to contract with other consultants in connection with any of the Services.

(l) *Successors and Assigns.* This Contract shall be binding on the successors and assigns of the parties.

(m) *Assignment or Transfer.* CSG shall not assign, hypothecate, or transfer, either directly or by operation of law, this Contract or any interest herein without the prior written

consent of the Town. Any attempt to do so shall be null and void, and any assignees, hypothecates or transferees shall acquire no right or interest by reason of such attempted assignment, hypothecation or transfer.

(n) *Construction; References; Captions.* Since the Parties or their agents have participated fully in the preparation of this Contract, the language of this Contract shall be construed simply, according to its fair meaning, and not strictly for or against any Party. Any term referencing time, days or period for performance shall be deemed calendar days and not work days. All references to CSG include all personnel, employees, agents, and subcontractors of CSG, except as otherwise specified in this Contract. All references to Town include its elected officials, officers, employees, agents, and volunteers except as otherwise specified in this Contract. The captions of the various articles and paragraphs are for convenience and ease of reference only, and do not define, limit, augment, or describe the scope, content, or intent of this Contract.

(o) *Amendment; Modification.* No supplement, modification, or amendment of this Contract shall be binding unless executed in writing and signed by both Parties.

(p) *Waiver.* No waiver of any default shall constitute a waiver of any other default or breach, whether of the same or other covenant or condition. No waiver, benefit, privilege, or service voluntarily given or performed by a Party shall give the other Party any contractual rights by custom, estoppel, or otherwise.

(q) *No Third Party Beneficiaries.* There are no intended third party beneficiaries of any right or obligation assumed by the Parties.

(r) *Invalidity; Severability.* If any portion of this Contract is declared invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

(s) *Counterparts.* This Contract may be signed in counterparts, each of which shall constitute an original.

(t) *Own Attorney.* CSG acknowledges that (i) Best Best & Krieger, LLP represented the Town of Colma in the negotiation and preparation of this contract and that CSG has not sought or obtained legal advice from Best Best & Krieger, LLP, and (ii) CSG had ample time and opportunity to seek the advice of its own attorney prior to signing this contract, and [did] [did not] do so.

_____ CSG Initials

(u) *Notices.* All notices permitted or required under this Contract shall be given to the respective parties at the following address, or at such other address as the respective parties may provide in writing for this purpose:

Town: City Manager

Town of Colma
1198 El Camino Real
Colma, CA 94014

CSG: Dave Gottlieb
CFO, CSG Consultants Inc.
550 Pilgrim Drive
Foster City, CA 94404

Such notice shall be deemed made when personally delivered or when mailed, forty-eight (48) hours after deposit in the U.S. Mail, first class postage prepaid and addressed to the party at its applicable address. Actual notice shall be deemed adequate notice on the date actual notice occurred, regardless of the method of service.

TOWN OF COLMA

Dated _____ By: _____
Joanne F. del Rosario, Mayor

CSG CONSULTANTS, INC.

Dated _____ By: _____
Cyrus Kianpour, President

EXHIBIT A: STAFF AUGMENTATION SERVICES,

DETAILED DESCRIPTION

1. Director of Department of Public Works and Planning

- (a) *Executive Duties.* The Director, or his or her representative, shall:
- (i) Attend meetings of the City Council, City staff, public officials, community leaders, developers, consultants, and the general public, and shall make recommendations or decisions on matters assigned to him or her for study or decision;
 - (ii) Analyze Town's needs and prepare, recommend, and administer long and short-range programs consistent with the economic capabilities of Town, including preparation of the annual Capital Improvement Plan and Annual Budget;
 - (iii) Supervise and manage all CSG employees providing public works/engineering, Building Code, planning and Code Enforcement services to or on behalf of the Town;
 - (iv) Supervise and manage the operations of each department or division under the Department.
- (b) *Specific Tasks.* Without limiting the foregoing, the Director shall:
- (i) Prepare a proposed budget for all services to be rendered by CSG, and manage all employees and services to stay within the budget; and
 - (ii) Provide information, support and documentation for projects submitted by other departments including City Attorney and Chief of Police.

2. Engineering Services

- (a) *Scope.* The Engineering Services Unit is responsible for the administration and implementation of the Capital Improvement Program (CIP), the federally mandated Stormwater Pollution Control Program, flood control, sewer services, compliance with the Subdivision Map Act, the Town's Geographic Information System (GIS) system, traffic engineering, civil engineering for the Town, and for the review and inspection of development projects, and other related duties and responsibilities assigned by CSG pursuant to the Contract.
- (b) *Executive Duties.* The person appointed as City Engineer, or his or her representative, will attend meetings of the City Council, City staff, public officials, community leaders, developers, consultants, and the general public; make recommendations or decisions on matters assigned to him or her for study or decision; and supervise and manage all personnel and operations performing engineering services as per the direction from the Public Works Director
- (c) *General Engineering Services.* Without limiting the foregoing, CSG shall:

- (i) Provide onsite personnel to accept and process documents relating to the City Engineer's duties and responsibilities, and to assist members of the public on the process for obtaining determinations or services from the City Engineer;
- (ii) Recommend regulations and ordinances pertaining to engineering matters, and assist with revising or implementing new regulations and ordinances;
- (iii) Advise the Town on engineering and construction financing available from other governmental agencies, and prepare and initiate application for such funding when directed;
- (iv) Establish and maintain working relationships and coordination with all other public agencies and private utilities associated with engineering matter affecting Town; and
- (v) Perform other engineering services as may be required to implement various city projects.
- (vi) Perform functions of City Engineer, including reviewing and processing tentative tract and parcel maps, site plans, and other submittal for developments and making or recommending actions and decisions regarding such matters;
- (vii) Check all improvement plans for facilities under the jurisdiction of Town and prepared by private developers;
- (viii) Establish performance and labor and material bond amounts when required and require posting of such securities and other development fees within the proper time sequence of such development review;
- (ix) Provide such necessary and related functions in the City Engineering review of private developments, including grading review and inspection;
- (x) Provide field inspection during construction of such improvements by private developers and at the proper time recommend notices of completion and acceptance of the work; and
- (xi) Provide staff to function in the Emergency Operations Center and perform emergency management services as required.
- (xii) City Surveyor services
- (d) *Capital Improvement Project Services (Special Services)*. Without limiting the foregoing, CSG shall coordinate and schedule all management aspects of all Capital Improvement Projects. The Director of Public Works will keep the City Manager informed of each projects' schedule, budget and any problems that occur. Reports at more frequent intervals will be provided when conditions, problems, or requests warrant., and the City Engineer shall make recommendations or decisions on matters assigned to him or her for study or decision. The specific tasks involved are as follows:

- (i) Provide estimates for engineering and construction costs;
- (ii) Prepare engineering plans and specifications;
- (iii) Perform architect's and engineer's land surveys;
- (iv) Recommend contractor and monitor construction;
- (v) Prepare bids and supervise bid procedures;
- (vi) Conduct preconstruction conferences;
- (vii) Prepare and administer construction contracts;
- (viii) Maintain project records of specifications and addenda, procurements of contractors, and construction monitoring;
- (ix) Resolve disputes over contract; and
- (x) Prepare progress payment reports to the Town.

3. Public Works

- (a) *Scope.* The Public Works Unit is responsible for the maintenance of the Town's parks, roadway medians and other open space; maintenance of Town facilities, vehicles and equipment; maintenance of drainage, catch basins and creeks; street sweeping; administration of the solid waste franchise agreement and recycling programs; administration of sewer services programs; and other related duties and responsibilities assigned by CSG pursuant to the Contract.
- (b) *Executive Duties.* The person appointed as Public Works Director, or his or her representative, shall attend meetings of the City Council, City staff, public officials, community leaders, developers, consultants, and the general public; make recommendations or decisions on matters assigned to him or her for study or decision; and supervise and manage all personnel and operations performing public works services, except Town employees.

(c) *As Needed Duties.* Without limiting the foregoing, CSG shall:

- (i) Manage contractors assigned to maintain the Town's properties, facilities and equipment;

4. Planning Services

- (a) *Scope.* The City Planner is responsible for all environmental and land use related services. The specific programs within the Planning Services division include: general administration, development processing, zoning administration, architectural review, subdivision processing, zoning enforcement, General Plan administration, environmental review, housing, and special planning studies.

(b) *Executive Duties.* The person appointed as City Planner, or his or her representative, shall attend meetings of the City Council, City staff, public officials, community leaders, developers, consultants, and the general public; make recommendations or decisions on matters assigned to him or her for study or decision; and supervise and manage all personnel and operations performing planning services. *Planning Services.* Without limiting the foregoing, CSG shall:

- (i) Provide onsite personnel to accept and process documents relating to the City Planner's duties and responsibilities, and to assist members of the public on the process for obtaining determinations or services from the City Planner;
- (ii) Prepare the Initial Study and the Notice of Determination or Notice of Exemption for each Town project, and when authorized, a Negative Declaration, Mitigated Negative Declaration or Environmental Impact Report for a public or private project;
- (iii) Review applications for land use entitlements such as use permits, variances, amendments to the General Plan, Specific Plans, and Design Development Plans, investigate and present evidence of the effect of the proposed applications, prepare proper findings in support of recommendations, and make recommendations to the City Council;
- (iv) Annually review the General Plan, prepare a report to the City Council on the status of the General Plan and progress in its implementation, and make recommendations from time to time on the General Plan;
- (v) Act as Zoning Administrator in hearing and determining applications for administrative permits;
- (vi) Prepare, recommend and administer both short term and long-range programs of service in the area of Community Development and Economic Development;
- (vii) Be reasonably available to meet with the public, outside agencies and Town staff designated by the City Manager;
- (viii) Effectively advise on matters relating to regional planning and housing compliance issues;
- (ix) Provide a planning liaison to San Mateo County and to cities adjoining the Town of Colma upon request by Town and agreed to by CSG; and
- (x) Provide other special studies that may be requested by agreement of the Parties from time to time.

5. Building Code Compliance Services

(a) *Scope.* The Building Official is responsible for promoting health and safety in the construction and maintenance of buildings and structures, and the maintenance of property through enforcement of uniform building codes, conservation standards, regulations, and ordinances.

- (b) *Turnaround Times.* CSG acknowledges that turnaround time for all plan review projects should be performed in a timely manner as follows:
- (i) Fifteen (15) working days for residential addition or small tenant improvement projects.
 - (ii) Fifteen (15) working days for other residential, tenant improvement, and light commercial projects.
 - (iii) Fifteen (15) to twenty (20) working days for complex and commercial projects.
 - (iv) Ten (10) working days for residential, tenant improvement, and light commercial project resubmittals.
 - (v) Ten (10) working days for complex project resubmittals.
 - (vi) This schedule may be modified by verbal agreement between the Town and CSG, for specific projects requiring additional time based upon size, scope, or complexity.
- (c) *Fee Schedule.* For the performance of building plan review services, CSG shall be compensated as follows:
- (i) CSG shall receive sixty-five percent (65%) of the plan review fee collected by the Town as pertaining to each individual project submittal. The 65% fee includes an initial plan check and two (2) subsequent rechecks. Additional plan checks, revisions, and deferred submittals shall be billed in accordance with the applicable hourly rate set forth in Exhibit B.
 - (ii) Expedited plan review may be made available to the Town upon request. The turnaround time will be negotiated on a project to project basis. For the performance of expedited plan review services, CSG shall receive eighty-five percent (85%) of the plan review collected by the Town as pertaining to each individual project submittal. The 85% fee includes an initial plan check and two (2) subsequent rechecks. Additional plan checks, revisions, and deferred submittals shall be billed at 1.5 times the applicable hourly rate set forth in Exhibit B.
 - (d) *Executive Duties.* Under the direction of the *Public Works Director*, the person appointed as Building Official, or his or her representative, shall attend meetings of the City Council, City staff, builders, developers, consultants, and the general public regarding compliance with or violations of Town ordinances and regulations; make recommendations or decisions on matters assigned to him or her for study or decision; and supervise and manage all personnel and operations performing building code services.
 - (e) *As Needed Duties.* Without limiting the foregoing, the Building Official shall:
 - (i) Provide onsite personnel to accept and process documents relating to the Building Official's duties and responsibilities, and to assist members of the public on the process for obtaining determinations or services from the Building Official;

(ii) Manage building plan review and inspection services for compliance with all applicable construction codes and ordinances; and

(iii) Provide an inspection record for each project inspected and shall maintain an inspection file for Town's record.

6. Code Enforcement Services:

(a) The Code Enforcement Officer is responsible for enforcing the Colma Municipal Code and applicable federal and state laws throughout the Town. Code Enforcement is vital to protection of the public's health, safety and quality of life and to the protection of the sizeable public investment that the Town has made and will continue to make throughout the community.

(b) *Executive Duties.* The person appointed as Code Enforcement Officer, or his or her representative, shall upon request, attend meetings of the City Council, City staff, and the general public regarding violations of Town ordinances and regulations; make recommendations or decisions on matters assigned to him or her for study or decision; and supervise and manage all personnel and operations performing code enforcement services.

(c) *Specific Duties.* Without limiting the foregoing, CSG shall:

(i) Conduct outreach programs for the general public as well as individual violators to encourage compliance with applicable laws, ordinances and regulations;

(ii) Conduct inspections of properties suspected to be in violation of any ordinance or regulation;

(iii) Write and issue notices of violations and administrative citations; and

(iv) Take such other actions as are reasonable to enforce the laws and regulations applicable to abating nuisances.

Exhibit B

**Town of Colma - Proposed Fee Schedule
Prepared by CSG Consultants, Inc.
Effective July 1, 2019**

Staff Augmentation Services	Proposed Rates as of July 2019 -
Director of Public Works	\$ 170.00
City Engineer	\$ 170.00
Deputy Director of Public Works	\$ 160.00
Senior Engineer	\$ 153.00
Associate Engineer	\$ 143.00
Assistant Engineer	\$ 108.00
City Planner	\$ 143.00
Deputy City Planner	\$ 143.00
Associate Planner	\$ 105.00
Assistant Planner	\$ 95.00
Building Official	\$ 135.00
Building Inspector	\$ 115.00
Sustainability Programs Manager	\$ 133.00
Code Enforcement Officer	\$ 107.00
Special Services	Proposed Rates as of July 2019
Senior Principal Engineer	\$ 240.00
Principal Engineer	\$ 220.00
Senior Engineer	\$ 190.00
Senior Structural Engineer	\$ 210.00
Associate Engineer	\$ 165.00
Assistant Engineer	\$ 145.00
Engineering Technician	\$ 125.00
Resident Engineer	\$ 200.00
Assistant Resident Engineer	\$ 165.00
Construction Inspector	\$ 140.00
Land Surveyors - 2 person Crew	\$ 320.00
Principal Planner	\$ 180.00
Senior Planner	\$ 160.00
Associate Planner	\$ 140.00
Inspector/Assistant Resident	\$ 135.00
CASp Inspection & Consultation	\$ 150.00
Admin support/Counter Technician	\$ 90.00



STAFF REPORT

TO: Mayor and Members of the City Council

FROM: Sherwin Lum, Police Commander

VIA: Brian Dossey, City Manager

MEETING DATE: May 22, 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 \$138.00 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. At the proposed rate increase of \$138.00, the recovered cost would have been \$15,042.

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.

On April 24, 2019 staff proposed the vehicle release fees to be increased to \$120.00. Following the proposal, Council requested staff to include research into the salary and benefit increases that were approved in the current Police Officer Memorandum of Understanding (MOU). The idea behind this was to have the fee inflation to reflect the yearly salary and benefit increases for all applicable job classifications. The following is a table of the increased yearly cost per job classification over the next 3 years.

Positions	Estimated Hours	Current Rate	7/1/2019	7/1/2020	7/1/2021	7/1/2022
Officer	0.50	51.83	54.11	55.73	57.41	59.13
Comm Srvc Officer	0.25	21.16	24.19	24.92	25.67	26.44
Sergeant	0.25	28.85	38.92	40.09	41.29	42.53
Dispatcher	0.25	19.20	21.41	22.05	22.71	23.39
Total Cost		121.04	138.64	142.79	147.08	151.49
Proposed Fees			138.00	142.00	147.00	151.00

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 ADMINISTRATIVE CODE,
SUBCHAPTER 1.10, 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 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 \$138.00 to offset the administrative costs related to the Police Department’s removal or tow of certain vehicles. This fee will increase based on costs to the Town in the form of salary and benefit increases for police and dispatchers pursuant to a previously adopted Memorandum of Understanding (MOU).
- (d) The City Council considered the proposed increased fee and held a duly noticed public hearing on May 22, 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. SUBCHAPTER 1.10 AMENDED

Subchapter 1.10 of Chapter One of the Colma Administrative Code is hereby amended as follows:

1.10.600	POLICE SERVICES. The following fees will be charged for rendering police services, as authorized by law. These fees are non-refundable. These fees are in addition to any other fees set forth in this schedule. The fees set forth herein do not exceed the estimated reasonable cost of providing the service.
1.10.614	Release of Impounded Vehicle (Investigation, traffic control, and reporting) \$138.00 (effective July 1, 2019) \$142.00 (effective July 1, 2020) \$ 147.00 (effective July 1, 2021) \$ 151.00 (effective July 1, 2022)

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 May 22, 2019, by the following vote:

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

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 J. Diaz, City Attorney

VIA: Brian Dossey, City Manager

MEETING DATE: May 22, 2019

SUBJECT: Regulation of Wireless Communication Facilities in the Public Right-of-Way

RECOMMENDATION

Staff recommends that the City Council take the following actions:

Introduce:

AN ORDINANCE AMENDING SECTIONS 5.17.020 AND 5.17.030 AND ADDING SUBCHAPTER 5.20 TO THE COLMA MUNICIPAL CODE RELATING TO SMALL CELL WIRELESS FACILITIES IN THE PUBLIC RIGHTS-OF- WAY

Adopt:

RESOLUTION ESTABLISHING DESIGN AND DEVELOPMENT STANDARDS FOR WIRELESS COMMUNICATION FACILITIES IN THE PUBLIC RIGHT-OF-WAY AS AUTHORIZED BY SUBCHAPTER 5.20 OF THE TOWN MUNICIPAL CODE

EXECUTIVE SUMMARY

Staff's recommendation is to introduce an ordinance and to adopt a resolution to provide the regulatory framework and standards for permitting the installation of wireless communication facilities within the City's public rights-of-way ("ROW") based on new requirements and orders issued by the Federal Communications Commission ("FCC").

FISCAL IMPACT

There are no fiscal impacts associated with this agenda item. The applicable FCC Orders allow the Town to impose reasonable costs on the wireless providers associated with staff time processing any wireless applications in the public right-of-way.

BACKGROUND

Traditionally, wireless antennas and equipment were primarily installed on large towers on private land and on the rooftops of buildings. These deployments are subject to land use review under the zoning code.

In recent years, companies increasingly seek to install wireless communication facilities in the ROW on utility poles, streetlights and new poles. Current predictions indicate that the next wave of wireless communication facility deployment—5G—will involve \$275 billion in investment over the next decade, with the vast majority of these new facilities anticipated to be placed in ROW. Historically, telecommunications installations in the ROW are typically addressed through encroachment permits. However, the City’s existing Municipal Code contains very minimal standards or regulations designed to address the unique aesthetic, safety, operational and locational issues in connection with the installation of wireless communication facilities in the ROW.

In addition, recent changes in federal law place shortened time frames or “shot clocks” and other requirements on local review of wireless communication facility installations in the ROW. A Federal Communications Commission (“FCC”) declaratory order and regulations¹ went into effect partly on January 14, 2019 and partly on April 15, 2019. For applications received after January 14th, if a city does not render a decision on a small wireless communication facility application within a specified time period (60 days for installations on existing structures, and 90 days for new structures), the failure to meet the deadline for action will be presumed to violate federal law (both a failure to act within a reasonable period of time and an effective prohibition of personal wireless services).

Further, the FCC rules that went into effect on April 15, 2019 address aesthetics standards, including undergrounding. The FCC declared that such requirements will not be preempted if they are reasonable, no more burdensome than those applied to other types of infrastructure deployments, and objective and published in advance so that applicants know what aesthetic requirements they must satisfy to be able to deploy facilities.

Another FCC order that was released in August 2018 prohibits cities from imposing a moratorium on wireless installations, which means that there can be no pause in accepting or processing applications to allow a city to study and address potential issues.²

While the legal validity of both of these FCC orders is being litigated, both the FCC and a federal court have denied requests to stay the effectiveness of the small cell order pending the resolution of the litigation.³ Staff therefore is taking steps discussed below to address wireless

¹ See *In re Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, Federal Communications Commission, FCC 18-133, WT Docket 17-79, WC Docket 17-84 (rel. Sept. 27, 2018).

² See *In re Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, FCC 18-111, WC Docket 17-84, WT Docket 17-79 (rel. Aug. 3, 2018).

³ See *In re Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, Federal Communications Commission, ORDER DENYING MOTION FOR STAY, FCC 18-133, WT Docket 17-79, WC Docket 17-84 (DA 18-1240, rel. Dec. 10, 2018). In January 2019, the Tenth Circuit Court of Appeals denied a stay request but granted a Motion to Transfer. The case is now in the Ninth Circuit as *Sprint v. FCC*, No. 19-70123.

deployments in the ROW consistent with the new federal regulations, and among them, recommends Council introduce and adopt an ordinance and adopt a resolution on design and development standards.

ENVIRONMENTAL

The Ordinance and Resolution are not a “project” within the meaning of Section 15378 of the State CEQA Guidelines, because they have no potential for resulting in direct or indirect physical change in the environment. Rather, it is only once an application is filed that CEQA would be implicated. Further, even if they were interpreted to permit a “project,” any applicable wireless communication facility installation would likely be exempt from CEQA review in accordance with State CEQA Guidelines section 15302 (replacement or reconstruction), State CEQA Guidelines section 15303 (new construction or conversion of small structures), and/or State CEQA Guidelines section 15304 (minor alterations to land).

ANALYSIS

The ordinance and resolution work in concert:

- *Ordinance.* The Ordinance would amend Chapter 5 of the Municipal Code to add Subchapter 5.20, Wireless Communication Facilities in the Public Rights-of-Way. For all wireless communication facility installations in the ROW, this Ordinance provides, among other regulations, the permit and review procedures as well as the operation and maintenance standards. The Ordinance treats wireless installations in the ROW similar to other installations in the ROW by requiring an encroachment permit. Specifically, the Ordinance sets additional standards and requirements for obtaining an encroachment permit to install wireless communication facilities.
- *Design and Development Resolution.* The Ordinance provides that design and development standards will be established by resolution of the City Council. The design and development resolution provides these standards. Given the frequent and often important changes to the law and technology of wireless installations, especially the pending litigation surrounding the FCC Order, design standards-by-resolution affords the Town flexibility to readily adapt and tailor its regulations to these changes and the concerns of the City.

In addition to the Ordinance and resolution for City Council approval, Once the ordinance is adopted, Staff will develop a standard application for wireless communication facility installations in the ROW and a master license agreement for use of Town infrastructure such as streetlights, all of which together will serve as the City’s framework for addressing applications for wireless communication facility installations in the ROW.

Council Adopted Values

The proposed ordinance and resolution are consistent with the City Council’s value of ***Vision*** because the action proactively establishes regulations consistent with federal law.

Sustainability Impact

Establishing wireless regulations for the public right-of-way has a neutral sustainability impact.

Alternatives

The City Council could choose not to introduce the ordinance and not adopt the resolution. Doing so is not recommended since adoption of the ordinance and resolution will allow the Town to better protect the public right-of-way in light of the new federal requirements.

CONCLUSION

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

ATTACHMENTS

- A. Ordinance
- B. Resolution

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

**AN ORDINANCE AMENDING SECTIONS 5.17.020 and 5.17.030 AND ADDING
SUBCHAPTER 5.20 TO THE COLMA MUNICIPAL CODE RELATING TO SMALL CELL
WIRELESS FACILITIES IN THE PUBLIC RIGHTS-OF- WAY**

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

ARTICLE 1. RECITALS.

- (a) In 2013, the City Council of the Town of Colma (“Town”) adopted Ordinance No. 728, adding Subchapter 5.17 (Wireless Communications Facilities) of the Colma Municipal Code (“Municipal Code”), to establish uniform standards for the location, design, placement, permitting, maintenance, and modification of Wireless Communication Facilities (WCFs); and
- (b) The Town desires to more specifically regulate WCFs in the Town’s public rights-of-way; and
- (c) The Town deems it to be necessary and appropriate to provide for certain standards and regulations relating to the location, placement, design, construction and maintenance of telecommunications towers, antennas and other structures within the Town’s public rights-of-way, and providing for the enforcement of said standards and regulations, consistent with federal and state law limitations on that authority.

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. CMC SECTION 5.17.020 AMENDED.

Section 5.17.020 of the Colma Municipal Code is amended by adding the following paragraph at the end:

“(j) WCFs in the Right-of-Way are exempt from the requirement for a Use Permit or an Administrative Permit and the development standards under this subchapter, and are subject instead to a requirement for a Wireless Encroachment Permit in accordance with Subchapter 5.20 of the Colma Municipal Code.”

ARTICLE 4. CMC SECTION 5.17.030 AMENDED.

Section 5.17.030 of the Colma Municipal Code is amended and restated to read as follows:

“5.17.030 Application of Subchapter.

Except for the exemptions outlined in Section 5.17.020, this subchapter shall apply to all types of WCFs in all zones.”

ARTICLE 5. CMC SECTION 5.17.080 AMENDED.

Section 5.17.080 of the Colma Municipal Code is amended by striking paragraph (b).

ARTICLE 6. CMC SECTION 5.17.090 AMENDED.

Section 5.17.090 of the Colma Municipal Code is amended by striking paragraph (k), and re-numbering paragraph (l) as paragraph (k).

ARTICLE 7. CMC SECTION 5.17.140 AMENDED.

Section 5.17.140, paragraph (f) of the Colma Municipal Code is amended and restated to read as follows:

“(f) The abandonment of facilities in the Right-of-Way shall be governed by Section 5.20.080 in lieu of this Section.”

ARTICLE 8. CMC SUBCHAPTER 5.20 ADDED.

Chapter 5 of the Colma Municipal Code, Planning, Zoning, Use & Development of Land & Improvements, is amended by adding new Subchapter 5.20, Wireless Facilities in Public Rights-of-Way, to read as follows:

“Subchapter 5.20: Wireless Communication Facilities in Public Rights-of-Way.

5.20.010. Purpose.

(a) The purpose of this Section is to establish a process for managing, and uniform standards for acting upon, requests for the placement of wireless communication facilities (“WCFs” or “wireless facilities”) within the public rights-of-way (“ROW”) of the Town consistent with the Town’s obligation to promote the public health, safety, and welfare, to manage the ROW, and to ensure that the public is not incomed by the use of the ROW for the placement of WCFs. The Town recognizes the importance of WCFs to provide high-quality communications service to the residents and businesses within the Town, and the Town also recognizes its obligation to comply with applicable Federal and State law regarding the placement of personal wireless services facilities in its ROW. This ordinance shall be interpreted consistent with those provisions.

5.20.020. Definitions. The terms used in this Section shall have the following meanings:

Application: A formal request, including all required and requested documentation and information, submitted by an applicant to the Town for a wireless encroachment permit.

Applicant: A person filing an application for placement or modification of a wireless facility in the ROW.

Base Station: shall have the meaning as set forth in 47 C.F.R. Section 1.6100(b)(1), or any successor provision.

City Engineer: shall mean the City Engineer of the Town of Colma, the Public Works Director of the Town of Colma, or his authorized agent.

C.F.R.: The Code of Federal Regulations.

Eligible Facilities Request: shall have the meaning as set forth in 47 C.F.R. Section 1.6100(b)(3), or any successor provision.

Encroach or Encroachment: shall have the same meaning as set forth in Section 5.08.010(b).

FCC: The Federal Communications Commission or its lawful successor.

Municipal Infrastructure: Town-owned or controlled property structures, objects, and equipment in the ROW, including, but not limited to, street lights, traffic control structures, banners, street furniture, bus stops, billboards, or other poles, lighting fixtures, or electroliers located within the ROW.

Permittee: any person or entity granted a wireless encroachment permit pursuant to this subchapter.

Personal Wireless Services: shall have the same meaning as set forth in 47 U.S.C. Section 332(c)(7)(C)(i).

Personal Wireless Services Facility: means a wireless facility used for the provision of personal wireless services.

Wireless Facility, or Facility: The transmitters, antenna structures and other types of installations used for the provision of wireless services at a fixed location, including, without limitation, any associated tower(s), support structure(s), and base station(s).

Public Right-of-Way, or ROW: means the full width of land, irrespective of the current use, which by deed, conveyance, agreement, easement, dedication, usage or process of law is reserved for or dedicated to the general public for street, highway, alley, drainage, flood control sanitary sewer, public utility, bicycle path or pedestrian walkway purposes and which the Town has the responsibility to maintain or manage.

Small Cell Facility: shall have the same meaning as “small wireless facility” in 47 C.F.R. 1.6002(l), or any successor provision (which is a personal wireless services facility that meets the following conditions that, solely for convenience, have been set forth below):

(1) The facility—

- (i) is mounted on a structure 50 feet or less in height, including antennas, as defined in 47 C.F.R. Section 1.1320(d), or
 - (ii) is mounted on a structure no more than 10 percent taller than other adjacent structures, or
 - (iii) does not extend an existing structure on which it are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;
- (2) Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in 47 C.F.R. Section 1.1320(d)), is no more than three cubic feet in volume;
- (3) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;
- (4) The facility does not require antenna structure registration under 47 C.F.R. Part 17;
- (5) The facility is not located on Tribal lands, as defined under 36 C.F.R. Section 800.16(x); and
- (6) The facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 C.F.R. Section 1.1307(b).

Support Structure: Any structure capable of supporting a base station.

Tower: Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for personal wireless services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. This definition does not include utility poles.

Underground areas: Those areas where there are no electrical facilities or facilities of the incumbent local exchange carrier in the ROW; or where the wires associated with the same are or are required to be located underground; or where the same are scheduled to be converted from overhead to underground. Electrical facilities are distribution facilities owned by an electric utility and do not include transmission facilities used or intended to be used to transmit electricity at nominal voltages in excess of 35,000 volts.

Utility Pole: A structure in the ROW designed to support electric, telephone and similar utility lines. A tower is not a utility pole.

Wireless Encroachment Permit: A permit issued pursuant to this subchapter authorizing the placement or modification of a wireless facility of a design specified in the permit at a

particular location within the ROW; and the modification of any existing support structure to which the wireless facility is proposed to be attached.

Wireless Service Provider: An entity that provides personal wireless services to end users.

Wireless Infrastructure Provider: A person that owns, controls, operates or manages a wireless facility or portion thereof within the ROW.

Wireless Regulations: Those regulations adopted pursuant to Section 5.20.050 and implementing the provisions of this subchapter.

5.20.030. Scope.

(a) **In general.** There shall be a type of encroachment permit entitled a "wireless encroachment permit," which shall be subject to all of the same requirements as an encroachment permit would under the encroachment permit procedures set forth in Section 5.08.120 in addition to all of the requirements of this Section. Unless exempted, every person who desires to place a wireless facility in the ROW or modify an existing wireless facility in the ROW must obtain a wireless encroachment permit authorizing the placement or modification in accordance with this Section. Except for small cell facilities, facilities qualifying as eligible facilities requests, or any other type of facility expressly allowed in the ROW by state or federal law, no other wireless facilities shall be permitted pursuant to this subchapter.

(b) **Exemptions.** This subchapter does not apply to:

- (1) The placement or modification of facilities by the Town or by any other agency of the state solely for public safety purposes.
- (2) Installation of a "cell on wheels," "cell on truck" or a similar structure for a temporary period in connection with an emergency or event, but no longer than required for the emergency or event, provided that installation does not involve excavation, movement, or removal of existing facilities.
- (3) The Wireless Communications Facilities set forth in Chapter 5.17 that are subject to a requirement for a Use Permit or an Administrative Permit.

(c) **Other applicable requirements.** In addition to the wireless encroachment permit required herein, the placement of a wireless facility in the ROW requires the persons who will own or control those facilities to obtain all permits required by applicable law, and to comply with applicable law, including, but not limited, applicable law governing radio frequency (RF) emissions.

(d) **Pre-existing Facilities in the ROW.** Any wireless facility already existing in the ROW as of the date of this subchapter's adoption shall remain subject to the provisions of the Town Code in effect prior to this subchapter, unless and until an extension of such facility's then-existing permit is granted, at which time the provisions of this subchapter shall apply in full force going forward as to such facility. The review of any request for a renewal of a permit for such pre-existing facilities shall be conducted pursuant to this subchapter, rather than the portion(s) of the Town Code that it was previously reviewed under.

(e) **Public use.** Except as otherwise provided by California law, any use of the ROW authorized pursuant to this Chapter will be subordinate to the Town's use and use by the public.

5.20.040. Administration.

(a) **Review.** The City Engineer or his or her designee is responsible for administering this subchapter. As part of the administration of this subchapter, the City Engineer may:

- (1) Interpret the provisions of this subchapter;
- (2) Develop and implement standards governing the placement and modification of wireless facilities consistent with the requirements of this subchapter, including regulations governing collocation and resolution of conflicting applications for placement of wireless facilities;
- (3) Develop and implement acceptable designs and development standards for wireless facilities in the ROW, taking into account the zoning districts bounding the ROW;
- (4) Develop forms and procedures for submission of applications for placement or modification of wireless facilities, and proposed changes to any support structure consistent with this subchapter;
- (5) Determine the amount of and collect, as a condition of the completeness of any application, any fee established by this subchapter;
- (6) Establish deadlines for submission of information related to an application, and extend or shorten deadlines where appropriate and consistent with state and federal laws and regulations;
- (7) Issue any notices of incompleteness, requests for information, or conduct or commission such studies as may be required to determine whether a permit should be issued;
- (8) Require, as part of, and as a condition of completeness of any application, notice to members of the public that may be affected by the placement or modification of the wireless facility and proposed changes to any support structure;
- (9) Subject to appeal as provided herein, determine whether to approve, approve subject to conditions, or deny an application; and
- (10) Take such other steps as may be required to timely act upon applications for placement of wireless facilities, including issuing written decisions and entering into agreements to mutually extend the time for action on an application.

(b) Appeal.

- (1) Any person adversely affected by the decision of the City Engineer pursuant to this subchapter may appeal the City Engineer's decision to the City Council in accordance with the procedures set forth in Section 1.02.270, which may decide the issues *de novo*, and whose written decision will be the final decision of the Town. Any appeal shall be conducted so that a timely written decision may be issued in compliance with any legally-required deadline.

- (2) All appeals must be filed within five (5) business days of the written decision of the City Engineer, unless the City Engineer extends the time therefore. An extension may not be granted where extension would result in approval of the application by operation of law.
- (3) An appeal by a wireless infrastructure provider must be taken jointly with the wireless service provider that intends to use the personal wireless services facility.
- (4) Where the City Engineer determines that an application must be approved because a denial would result in a prohibition or effective prohibition under applicable federal law, the City Engineer shall not render a decision on the application, but instead shall refer the application directly to the City Council for review and decision, whose review shall be conducted in accordance with paragraph (a) of this subsection.

5.20.050. General Standards for Wireless Facilities in the Public Rights-of-Way.

- (a) **Generally.** Wireless facilities in the ROW shall meet the minimum requirements set forth in this ordinance and the wireless regulations, in addition to the requirements of any other applicable law.
- (b) **Regulations.** The wireless regulations and decisions on applications for placement of wireless facilities in the ROW shall, at a minimum, ensure that the requirements of this section are satisfied, unless it is determined that applicant has established that denial of an application would, within the meaning of federal law, prohibit or effectively prohibit the provision of personal wireless services, or otherwise violate applicable laws or regulations. If that determination is made, the requirements of this subchapter may be waived, but only to the minimum extent required to avoid the prohibition or violation.
- (c) **Minimum Standards.** Wireless facilities shall be installed and modified in a manner that minimizes risks to public safety, avoids placement of aboveground facilities in underground areas, avoids installation of new support structures or equipment cabinets in the ROW, and otherwise maintains the integrity and character of the neighborhoods and corridors in which the facilities are located; ensures that installations are subject to periodic review to minimize the intrusion on the ROW; and ensures that the Town bears no risk or liability as a result of the installations, and that such use does not inconvenience the public, interfere with the primary uses of the ROW, or hinder the ability of the Town or other government agencies to improve, modify, relocate, abandon, or vacate the ROW or any portion thereof, or to cause the improvement, modification, relocation, vacation, or abandonment of facilities in the ROW.
- (d) **Design Standards and Location Preferences.** The City Council shall adopt by resolution detailed Location Preferences and Design Standards, which may be updated from time to time by the City Engineer, that require facilities to reasonably match the aesthetics and character of the immediate area. The Town shall consider these Design Standards when reviewing an application. Permits for personal wireless services facilities shall incorporate specific concealment elements to minimize visual impacts and design requirements ensuring compliance with all standards for noise emissions.

5.20.060. Applications.

- (a) **Other Approvals.** The permittee shall obtain all other applicable permits, approvals, and agreements necessary to install and operate the WCF in conformance with federal, state, and local laws, rules, and regulations.
- (b) **Submission.** Unless the wireless regulations provide otherwise, applicant shall submit a paper copy and an electronic copy of any application, amendments, or supplements to an application, or responses to requests for information regarding an application to: Department of Public Works at Town Hall, 1198 El Camino Real, Colma, California 94014.
- (c) **Pre-application meeting.** Prior to filing an application for a wireless encroachment permit, an applicant is encouraged to schedule a pre-application meeting with the City Engineer to discuss the proposed facility, the requirements of this subchapter, and any potential impacts of the proposed facility.
- (d) **Content.** An applicant shall submit an application on the form approved by the City Engineer, which may be updated from time-to-time, but in any event shall require the submission of all required fee(s), documents, information, and any other materials necessary to allow the City Engineer to make required findings and ensure that the proposed facility will comply with applicable federal and state law, the Town Code, and will not endanger the public health, safety, or welfare. If no form has been approved, applications must contain information necessary to show that the applicant is entitled to the permit requested and must specify whether the applicant believes state or federal law requires action on the application within a specified time period.
- (e) **Public Notice.** The Town shall provide notice at the applicant's expense to all property owners, and the resident manager for any multi-family dwelling unit that includes ten (10) or more units, within 300 feet of the proposed personal wireless services facility.
- (f) **Fees.** A fee in the form of a deposit shall be submitted with any application for a wireless encroachment permit. The amount of the fee deposit is based on the estimated work to complete the plan checking and field review of each of the sites where wireless facilities are planned. The City Council is hereby authorized to determine, or cause to be determined, the amount, type, and other terms of such fee(s) from time to time by means of resolution. Notwithstanding the foregoing, no application fee shall be refundable, in whole or in part, to an applicant for a wireless encroachment permit.
- (g) **Waivers.** Requests for waivers from any requirement of this section shall be made in writing to the City Engineer or his or her designee. The City Engineer may grant or deny a request for a waiver pursuant to this subsection. The City Engineer may grant a request for waiver if it is demonstrated that, notwithstanding the issuance of a waiver, the Town will be provided all information necessary to understand the nature of the construction or other activity to be conducted pursuant to the permit sought. All waivers approved pursuant to this subsection shall be (1) granted only on a case-by-case basis, and (2) narrowly-tailored to minimize deviation from the requirements of the Town Code.
- (h) **Incompleteness.** For personal wireless facilities and eligible facilities requests, applications will be processed, and notices of incompleteness provided, in conformity with state, local, and federal law. If such an application is incomplete, the City Engineer may notify the applicant in writing, and specifying the material omitted from the application.

5.20.070. Findings; Decisions; Consultants.

(a) Findings Required for Approval.

- (1) Except for eligible facilities requests, the City Engineer or the City Council, as the case may be, shall approve an application if, on the basis of the application and other materials or evidence provided in review thereof, it finds the following:
 - (i) The facility is not detrimental to the public health, safety, and welfare;
 - (ii) The facility complies with this subchapter and all applicable design and development standards; and
 - (iii) The facility meets applicable requirements and standards of state and federal law.
- (2) For eligible facilities requests, the City Engineer or the City Council, as the case may be, shall approve an application if, on the basis of the application and other materials or evidence provided in review thereof, it finds the following:
 - (i) That the application qualifies as an eligible facilities request; and
 - (ii) That the proposed facility will comply with all generally-applicable laws.

(b) Decisions. Decisions on an application by the City Engineer or the City Council shall be in writing and include the reasons for the decision.

(c) Independent Consultants. The City Engineer or the City Council, as the case may be, is authorized, in its discretion, to select and retain independent consultant(s) with expertise in telecommunications in connection with the review of any application under this subchapter, with the cost of this additional review borne by the applicant through a deposit submitted to the Town equal to the consultant cost plus a percentage cost for Town administration. Such independent consultant review may be retained on any issue that involves specialized or expert knowledge in connection with an application, including, but not limited to, application completeness or accuracy, structural engineering analysis, or compliance with FCC radio frequency emissions standards.

5.20.080. Conditions of Approval.

(a) Generally. In addition to any supplemental conditions imposed by the City Engineer or the City Council, as the case may be, all permits granted pursuant to this subchapter shall be subject to the following conditions, unless modified by the approving authority:

- (1) *Code Compliance.* The permittee shall at all times maintain compliance with all applicable federal, state and local laws, regulations and other rules, including, without limitation, those applying to use of ROW.
- (2) *Permit Duration.* A wireless encroachment permit shall be valid for a period of ten (10) years, unless pursuant to another provision of the Code or these conditions, it expires sooner or is terminated. At the end of ten (10) years from the date of issuance, such Permit shall automatically expire, unless an extension or renewal has been granted. A person holding a wireless encroachment permit must either (1) remove the facility within sixty (60) days following the permit's expiration (provided that removal of support structure owned by Town, a utility, or another

entity authorized to maintain a support structure in the right of way need not be removed, but must be restored to its prior condition, except as specifically permitted by the Town); or (2) at least thirty (30) days prior to expiration, submit an application to renew the permit, which application must, among all other requirements, demonstrate that the impact of the wireless facility cannot be reduced and that the installation remains structurally sound. The wireless facility must remain in place until it is acted upon by the Town and all appeals from the Town's decision exhausted.

- (3) *Timing of Installation.* The installation and construction authorized by a wireless encroachment permit shall begin within one (1) year after its approval, or it will expire without further action by the Town. The installation and construction authorized by a wireless encroachment permit shall conclude, including any necessary post-installation repairs and/or restoration to the ROW, within thirty (30) days following the day construction commenced.
- (4) *Commencement of Operations.* The operation of the approved facility shall commence no later than one (1) month after the completion of installation, or the wireless encroachment permit will expire without further action by the Town.
- (5) *As-Built Drawings.* The Permittee shall submit an as-built drawing and electronic copy of the drawing in a format acceptable to the Town within thirty (30) days after installation of the facility
- (6) *Inspections; Emergencies.* The Town or its designee may enter onto the facility area to inspect the facility upon 48 hours prior notice to the permittee. The permittee shall cooperate with all inspections and may be present for any inspection of its facility by the Town. The Town reserves the right to enter or direct its designee to enter the facility and support, repair, disable, or remove any elements of the facility in emergencies or when the facility threatens imminent harm to persons or property. The Town shall make an effort to contact the permittee prior to disabling or removing any facility elements, but in any case shall notify permittee within 24 hours of doing so.
- (7) *Contact.* The permittee shall at all times maintain accurate contact information for all parties responsible for the facility, which shall include a phone number, street mailing address and email address for at least one natural person.
- (8) *Insurance.* Permittee shall obtain and maintain throughout the term of the permit commercial general liability insurance with a limit of \$2,000,000.00 per occurrence for bodily injury and property damage and \$2,000,000.00 general aggregate including premises operations, contractual liability, personal injury, and products completed operations. The relevant policy(ies) shall name the Town, its elected/appointed officials, commission members, officers, representatives, agents, and employees as additional insureds. Permittee shall use its best efforts to provide thirty (30) days' prior notice to the Town of to the cancellation or material modification of any applicable insurance policy.
- (9) *Indemnities.* The permittee and, if applicable, the owner of the property upon which the wireless facility is installed shall defend, indemnify and hold harmless the Town, its agents, officers, officials, and employees (i) from any and all damages, liabilities, injuries, losses, costs, and expenses, and from any and all

claims, demands, law suits, writs of mandamus, and other actions or proceedings brought against the Town or its agents, officers, officials, or employees to challenge, attack, seek to modify, set aside, void or annul the Town's approval of the permit, and (ii) from any and all damages, liabilities, injuries, losses, costs, and expenses, and any and all claims, demands, law suits, or causes of action and other actions or proceedings of any kind or form, whether for personal injury, death or property damage, arising out of or in connection with the activities or performance of the permittee or, if applicable, the private property owner or any of each one's agents, employees, licensees, contractors, subcontractors, or independent contractors. . In the event the Town becomes aware of any such actions or claims the Town shall promptly notify the permittee and, if applicable, the private property owner and shall reasonably cooperate in the defense. The Town shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the Town's defense, and the property owner and/or permittee (as applicable) shall reimburse Town for any costs and expenses directly and necessarily incurred by the Town in the course of the defense.

(10) *Performance Bond.* Prior to issuance of a wireless encroachment permit, the permittee shall file with the Town, and shall maintain in good standing throughout the term of the approval, a performance bond or other surety or another form of security for the removal of the facility in the event that the use is abandoned or the permit expires, or is revoked, or is otherwise terminated. The security shall be in the amount equal to 150 percent (150%) of the cost of physically removing the facility and all related facilities and equipment on the site, based on the higher of two contractor's quotes for removal that are provided by the permittee. The permittee shall reimburse the Town for staff time associated with the processing and tracking of the bond, based on the hourly rate adopted by the City Council. Reimbursement shall be paid when the security is posted and during each administrative review.

(11) *Adverse Impacts on Adjacent Properties.* Permittee shall undertake all reasonable efforts to avoid undue adverse impacts to adjacent properties and/or uses that may arise from the construction, operation, maintenance, modification, and removal of the facility.

(12) *Noninterference.* Permittee shall not move, alter, temporarily relocate, change, or interfere with any existing structure, improvement, or property without the prior consent of the owner of that structure, improvement, or property. No structure, improvement, or property owned by the Town shall be moved to accommodate a permitted activity or encroachment, unless the Town determines that such movement will not adversely affect the Town or any surrounding businesses or residents, and the Permittee pays all costs and expenses related to the relocation of the Town's structure, improvement, or property. Prior to commencement of any work pursuant to a wireless encroachment permit, the Permittee shall provide the Town with documentation establishing to the Town's satisfaction that the Permittee has the legal right to use or interfere with any other structure, improvement, or property within the ROW or Town utility easement to be affected by Permittee's facilities.

- (13) *No Right, Title, or Interest.* The permission granted by a wireless encroachment permit shall not in any event constitute an easement on or an encumbrance against the ROW. No right, title, or interest (including franchise interest) in the ROW, or any part thereof, shall vest or accrue in Permittee by reason of a wireless encroachment permit or the issuance of any other permit or exercise of any privilege given thereby.
- (14) *No Possessory Interest.* No possessory interest is created by a wireless encroachment permit. However, to the extent that a possessory interest is deemed created by a governmental entity with taxation authority, Permittee acknowledges that Town has given to Permittee notice pursuant to California Revenue and Taxation Code Section 107.6 that the use or occupancy of any public property pursuant to a wireless encroachment permit may create a possessory interest which may be subject to the payment of property taxes levied upon such interest. Permittee shall be solely liable for, and shall pay and discharge prior to delinquency, any and all possessory interact taxes or other taxes, fees, and assessments levied against Permittee's right to possession, occupancy, or use of any public property pursuant to any right of possession, occupancy, or use created by this permit.
- (15) *General Maintenance.* The site and the facility, including, but not limited to, all landscaping, fencing, and related transmission equipment, must be maintained in a neat and clean manner and in accordance with all approved plans. All graffiti on facilities must be removed at the sole expense of the permittee within forty eight (48) hours after notification from the Town.
- (16) *RF Exposure Compliance.* All facilities must comply with all standards and regulations of the FCC and any other state or federal government agency with the authority to regulate RF exposure standards. After transmitter and antenna system optimization, but prior to unattended operations of the facility, and every three years thereafter, permittee or its representative must conduct on-site post-installation RF emissions testing to demonstrate actual compliance with the FCC OET Bulletin 65 RF emissions safety rules for general population/uncontrolled RF exposure in all sectors. For this testing, the transmitter shall be operating at maximum operating power, and the testing shall occur outwards to a distance where the RF emissions no longer exceed the uncontrolled/general population limit.
- (17) *Testing.* Testing of any equipment shall take place on weekdays only, and only between the hours of 8:30 a.m. and 4:30 p.m., except that testing is prohibited on holidays that fall on a weekday. In addition, testing is prohibited on weekend days.
- (18) *Modifications.* No changes shall be made to the approved plans without review and approval in accordance with this subchapter.
- (19) *Agreement with Town.* If not already completed, permittee shall enter into the appropriate agreement with the Town, as determined by the Town, prior to constructing, attaching, or operating a facility on Municipal Infrastructure. This permit is not a substitute for such agreement.
- (20) *Agreement(s) with Third Parties.* The permittee shall be responsible for obtaining consent from another local agency when needed to install or modify its wireless

facilities prior to submittal of its application for a wireless encroachment permit with the Town.

- (21) *Conflicts with Improvements.* For all facilities located within the ROW, the permittee shall remove or relocate, at its expense and without expense to the Town, any or all of its facilities when such removal or relocation is deemed necessary by the Town by reason of any change of grade, alignment, or width of any ROW, for installation of services, water pipes, drains, storm drains, power or signal lines, traffic control devices, ROW improvements, or for any other construction, repair, or improvement to the ROW.
- (22) *Abandonment.* If a facility is not operated for a continuous period of one month, the wireless encroachment permit and any other permit or approval therefor shall be deemed abandoned and terminated automatically, unless before the end of the one month period (i) the City Engineer has determined that the facility has resumed operations, or (ii) the Town has received an application to transfer the permit to another service provider. No later than ninety (90) days from the date the facility is determined to have ceased operation or the permittee has notified the City Engineer of its intent to vacate the site, the permittee shall remove all equipment and improvements associated with the use and shall restore the site to its original condition to the satisfaction of the City Attorney. The permittee shall provide written verification of the removal of the facilities within thirty (30) days of the date the removal is completed. If the facility is not removed within thirty (30) days after the permit has been discontinued pursuant to this subsection, the site shall be deemed to be a nuisance, and the Town may cause the facility to be removed at permittee's expense or by calling any bond or other financial assurance to pay for removal. If there are two (2) or more users of a single facility or support structure, then this provision shall apply to the specific elements or parts thereof that were abandoned but will not be effective for the entirety thereof until all users cease use thereof.
- (23) *Encourage Co-location.* Where the facility site is capable of accommodating a co-located facility upon the same site in a manner consistent with the permit conditions for the existing facility, the owner and operator of the existing facility shall allow co-location of third-party facilities, provided the parties can mutually agree upon reasonable terms and conditions.
- (24) *Records.* The permittee must maintain complete and accurate copies of all permits and other regulatory approvals issued in connection with the facility, which includes without limitation this approval, the approved plans and photo simulations incorporated into this approval, all conditions associated with this approval and any ministerial permits or approvals issued in connection with this approval. In the event that the permittee does not maintain such records as required in this condition or fails to produce true and complete copies of such records within a reasonable time after a written request from the Town, any ambiguities or uncertainties that would be resolved through an inspection of the missing records will be construed against the permittee.
- (25) *Identification Tag.* The permittee must maintain a permit tag, in a format acceptable to the Town, on the installation that will provide for visual identification of the equipment from the ground. This tag shall remain in place and remain

visible during the life of the installation and be replaced even when the equipment is upgraded.

(26) **Attorney's Fees.** In the event the Town determines that it is necessary to take legal action to enforce any of these conditions, or to revoke a permit, and such legal action is taken, the Permittee shall be required to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the Town, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the Town should otherwise agree with Permittee to waive said fees or any part thereof. The foregoing shall not apply if the Permittee prevails in the enforcement proceeding.

(b) **Eligible Facilities Requests.** In addition to the conditions provided in Section 9(a) of this subchapter and any supplemental conditions imposed by the City Engineer or the City Council, as the case may be, all permits for an eligible facility requests granted pursuant to this subchapter shall be subject to the following additional conditions, unless modified by the approving authority:

- (1) *Permit subject to conditions of underlying permit.* Any permit granted in response to an application qualifying as an eligible facilities request shall be subject to the terms and conditions of the underlying permit.
 - (2) *No permit term extension.* The Town's grant or grant by operation of law of an eligible facility request permit constitutes a federally-mandated modification to the underlying permit or approval for the subject tower or base station. Notwithstanding any permit duration established in another permit condition, the Town's grant or grant by operation of law of a eligible facilities request permit will not extend the permit term for the underlying permit or any other underlying regulatory approval, and its term shall be coterminous with the underlying permit or other regulatory approval for the subject tower or base station.
 - (3) *No waiver of standing.* The Town's grant or grant by operation of law of an eligible facilities request does not waive, and shall not be construed to waive, any standing by the Town to challenge Section 6409(a) of the Spectrum Act, any FCC rules that interpret Section 6409(a) of the Spectrum Act, or any modification to Section 6409(a) of the Spectrum Act.
- (c) **Small Cell Facilities Requests.** In addition to the conditions provided in Section 9(a) of this subchapter and any supplemental conditions imposed by the City Engineer or the City Council, as the case may be, all permits for a small cell facility granted pursuant to this subchapter shall be subject to the following condition, unless modified by the approving authority:
- (1) *No waiver of standing.* The Town's grant of a permit for a small cell facility request does not waive, and shall not be construed to waive, any standing by the Town to challenge any FCC orders or rules related to small cell facilities, or any modification to those FCC orders or rules.

5.20.090. Breach; Termination of Permit.

(a) **For breach.** A wireless encroachment permit may be revoked for failure to comply with the conditions of the permit or applicable law. Upon revocation, the wireless facility must

be removed; provided that removal of a support structure owned by Town, a utility, or another entity authorized to maintain a support structure in the ROW need not be removed, but must be restored to its prior condition, except as specifically permitted by the Town. All costs incurred by the Town in connection with the revocation and removal shall be paid by entities who own or control any part of the wireless facility.

(b) **For installation without a permit.** A wireless facility installed without a wireless encroachment permit (except for those exempted by this subchapter) must be removed; provided that removal of support structure owned by Town, a utility, or another entity authorized to maintain a support structure in the right of way need not be removed, but must be restored to its prior condition, except as specifically permitted by the Town. All costs incurred by the Town in connection with the revocation and removal shall be paid by entities who own or control any part of the wireless facility.

(c) **Municipal Infraction.** Any violation of this subchapter will be subject to the same penalties as a violation of Section 1.05.020.

5.20.100. Infrastructure Controlled By Town. The Town, as a matter of policy, will negotiate agreements for use of Municipal Infrastructure. The placement of wireless facilities on those structures shall be subject to the agreement. The agreement shall specify the compensation to the Town for use of the structures. The person seeking the agreement shall additionally reimburse the Town for all costs the Town incurs in connection with its review of, and action upon the person's request for, an agreement.

5.20.110. Nondiscrimination. In establishing the rights, obligations and conditions set forth in this subchapter, it is the intent of the Town to treat each applicant or ROW user in a competitively neutral and nondiscriminatory manner, to the extent required by law, and with considerations that may be unique to the technologies, situation and legal status of each particular applicant or request for use of the ROW.

ARTICLE 9. 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.

ARTICLE 10. NOT A CEQA PROJECT.

This Ordinance is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act ("CEQA") Guidelines, because it has no potential for resulting in physical change in the environment, directly or indirectly. The Ordinance does not authorize any specific development or installation on any specific piece of property within the Town's boundaries. Moreover, when and if an application for installation is submitted, the Town will at that time conduct preliminary review of the application in accordance with CEQA. Alternatively,

even if the Ordinance is a "project" within the meaning of State CEQA Guidelines section 15378, the Ordinance is exempt from CEQA on multiple grounds. First, the Ordinance is exempt CEQA because the City Council's adoption of the Ordinance is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. (State CEQA Guidelines, § 15061(b)(3)). That is, approval of the Ordinance will not result in the actual installation of any facilities in the Town. In order to install a facility in accordance with this Ordinance, the wireless provider would have to submit an application for installation of the wireless facility. At that time, the Town will have specific and definite information regarding the facility to review in accordance with CEQA. And, in fact, the Town will conduct preliminary review under CEQA at that time. Moreover, in the event that the Ordinance is interpreted so as to permit installation of wireless facilities on a particular site, the installation would be exempt from CEQA review in accordance with either State CEQA Guidelines section 15302 (replacement or reconstruction), State CEQA Guidelines section 15303 (new construction or conversion of small structures), and/or State CEQA Guidelines section 15304 (minor alterations to land). The City Council, therefore, directs that a Notice of Exemption be filed with the County Clerk of the County of San Mateo within five working days of the passage and adoption of the Ordinance.

ARTICLE 11. 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 May 22, 2019 and duly adopted at a regular meeting of said City Council held on _____, 2019 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					
<i>Voting Tally</i>					

Dated _____
Joanne F. del Rosario, Mayor

Attest: _____
Caitlin Corley, City Clerk



**RESOLUTION NO. 2019-___
OF THE CITY COUNCIL OF THE TOWN OF COLMA**

**RESOLUTION ESTABLISHING DESIGN AND DEVELOPMENT STANDARDS FOR
WIRELESS COMMUNICATION FACILITIES IN THE PUBLIC RIGHT-OF-WAY AS
AUTHORIZED BY SUBCHAPTER 5.20 OF THE TOWN MUNICIPAL CODE**

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

Section 1. Background.

- (a) Subchapter 5.20 of the Town’s Municipal Code governs the permitting, installation, and regulation of personal wireless services facilities in the Town’s public right-of-way (ROW);
- (b) Section 5.20.040(a)(3) provides that “the [Town] may develop and implement acceptable designs and development standards for wireless facilities in the ROW, taking into account the zoning districts bounding the ROW;”
- (c) The Town’s ROW are a uniquely valuable public resource, closely linked with the Town’s character, making the regulation of wireless installations in the public rights-of-way necessary to protect and preserve the aesthetics in the community;
- (d) The Town wishes to establish design and development standards applicable to wireless communication facility installations in the ROW;
- (e) The City Council has conducted a duly noticed public meeting and received testimony from Town staff and all interested parties regarding the design and development standards.

Section 2. Order.

- (a) **Incorporation Of Recitals.** The recitals above are each incorporated by reference and adopted as findings of the City Council.
- (b) **Definitions.** The definitions set forth in Chapter 5, Subchapter 20 of the Town’s Municipal Code are incorporated by reference into this Resolution.
- (c) **Design And Development Standards For All Facilities.** The following Design and Development Standards shall apply to all wireless communication facilities (“WCFs” or “facilities”) in the public right-of-way (“ROW”):

A. Visual Criteria.

- 1. Generally, WCFs in the ROW shall be located and designed to aesthetically blend the facility into the immediate surroundings, utilizing all feasible mitigation measures consistent with the technological requirements of the proposed facility.
- 2. Coloring. Textures and colors of equipment shall be selected to blend the equipment with the textures and colors of support structure and the immediate surroundings.

3. Materials. The materials used shall be non-reflective and non-flammable.

4. Concealment. The WCF and pole-mounted equipment shall be camouflaged or concealed to blend the facility with surrounding materials and colors of the support structure on which the facility is installed. Concealment elements include, but are not limited to, the following:

- a. Radio frequency (RF) transparent screening or shrouds;
- b. Matching the color of the existing support structure by painting, coating, or otherwise coloring the WCF, equipment, mounting brackets, and cabling;
- c. Placing cables and wires inside the pole or beneath conduit of the smallest size possible;
- d. Minimizing the size of the site;
- e. Installing new infrastructure that matches existing infrastructure in the area surrounding the proposed site; and
- f. Using paint of durable quality.

B. Location.

1. A WCF and pole-mounted equipment placed on a historic, historically or architecturally significant, decorative, or specially designed street light pole shall not significantly degrade the aesthetic attributes that distinguish the street light pole as historic, historically significant, architecturally significant, decorative, or specially designed.

2. A WCF and pole-mounted equipment installed in a ROW that is adjacent to a historical resource eligible for the National Register as identified in the Town of Colima Historical Resources Element shall not significantly degrade the aesthetic attributes that are the basis for the special designation of the district.

3. A WCF and pole-mounted equipment installed in a ROW that the General Plan has designated as local scenic corridors (El Camino Real and Hillside Boulevard) or any of the Town's six gateways shall not significantly impair or degrade the views of any of the important buildings, landmarks, open spaces, or parks that were the basis for the designation.

C. The Town has a preference for use of existing infrastructure.

- D. Spacing. The proposed placement of a WCF shall be no less than
- E. 500 feet from the nearest small cell facility. If proposed to be less than 1,500 feet from the nearest installation, the applicant may submit information supporting the need for an exception pursuant to Section 5.20.060(g) of the Colma Municipal Code.
- F. Undergrounding.
 - 1. The Town prefers undergrounding of equipment. Equipment other than the antenna, antenna supports, ancillary wires, cables and any electric meter shall be placed underground in any area in which the existing utilities are not primarily located above ground. In all other areas, undergrounding equipment, including RRUs that cannot be placed with the antenna in the shroud, is preferred. Vaults and pull boxes shall be installed flush to grade. Ground-mounted equipment is prohibited unless required for technical reasons. If required, ground-mounted equipment shall incorporate camouflaging and shrouding to match the colors, appearance, and materials of existing facilities and screen facilities from public view as much as is technically feasible. Further, if ground-mounted equipment is required, it must be enclosed in cabinets, sized only for the needed equipment and camouflaged using paint that matches the surrounding environment.
- G. Strand-Mounted Facilities. Strand-mounted facilities are prohibited.
- H. Generators. Generators are prohibited in the ROW.
- I. Electric Service. The Town strongly encourages site operators to use flat-rate electric service when it would eliminate the need for a meter. Where meters are required, use the narrowest electric meter and disconnect available.
- J. Security. All equipment and facilities shall be installed in a manner to avoid being an attractive nuisance and to prevent unauthorized access, climbing, and graffiti.
- K. Safety. All WCFs in the ROW, including each piece of equipment, shall be located and placed in a manner so as to not interfere with the use of the ROW; impede the flow of vehicular or pedestrian traffic; impair the primary use and purpose of poles/signs/traffic signals or other infrastructure; interfere with outdoor dining areas or emergency facilities; or otherwise obstruct the accessibility of the ROW. Further, all wireless facilities and associated equipment in the ROW shall comply with Americans with Disabilities Act (ADA) requirements.

- L. Noise. WCFs and all accessory equipment and transmission equipment must comply with all noise regulations and shall not exceed, either individually or cumulatively, 65 dBA.
- M. Lighting. No facility shall be illuminated unless specially required by the Federal Aviation Administration (FAA) or other government agency. Any required lighting shall be shielded to eliminate, to the maximum extent possible, impacts on the surrounding area property.
- N. Signs. No facility may display any signage or advertisement unless it is expressly allowed by the Town in a written approval, recommended under FCC regulations, or required by law or permit condition. Every facility shall at all times display signage that accurately identifies the facility owner and provides the owner's unique site number and a local or toll-free telephone number to contact the facility owner's operations center.
- O. Landscaping. In addition to any landscaping used for concealment or screening purposes, the applicant shall propose and install additional landscaping to replace any existing landscaping displaced during construction or installation of the applicant's facility in the right-of-way. The applicant's landscaping plan shall be subject to the Town's review and approval but shall, at a minimum, match the existing landscaping and foliage surrounding the installation site.
- P. Modifications. Any modifications to existing facilities or equipment or collocations shall not defeat the concealment elements of the existing structure/facility.

(d) **Design And Development Standards For Pole-Mounted Facilities.** In addition to the generally applicable standards set forth in Section 2(c) of this Resolution, the design and development standards for pole-mounted facilities in the ROW are as follows:

- A. Definition of Pole-Mounted Facility. For the purposes of this Resolution, the term "pole-mounted facility" means a WCF that is, or is proposed to be, attached to, contained in or on, or otherwise mounted to, in, or on a pole
- B. Poles, Generally. For facilities installed on any pole:
 - 1. Antennas. Antennas and radio relay units (RRUs) shall be top-mounted in a shroud. RRUs attached to the side of the pole are discouraged, but if they are required due to technical reasons, should use the smallest RRU volume possible and be stacked vertically and close together with minimal distance from the pole.
 - 2. Dimensions. Antennas shall be of the smallest possible size, but in no case more than three cubic feet in volume. Pole-top wireless facilities, including shroud, shall be no more than 72 inches in height and 14.5 inches in diameter.

3. Cables and Wiring. All cables and wiring must be within the structure, or if not feasible, within conduit on the exterior of the structure. The conduit must be a color that matches the pole and of the smallest size technically feasible.

4. General Orders. All installations shall fully comply with the California Public Utilities Commission ("CPUC") General Orders, including, but not limited to General Order 95 ("GO 95"). None of the design standards are meant to conflict with or cause a violation of GO 95, including, but not limited to, its standards for a safe installation on a utility pole. Accordingly, the Standards can be adjusted at the Town's discretion to ensure compliance with CPUC rules on safety.

5. Pole Owner Authorization. Proof of authorization from the pole owner is required. If the Town owns the pole, then the applicant must enter into an agreement with Town to install the pole-mounted facility.

C. Replacement Poles. If an application proposes a replacement pole to accommodate the facility:

1. Placement. The base of the replacement pole shall be a minimum of 18 inches away from the face of the curb. Further, a replacement pole must be in the same location as the pole that it is replacing or as close to the original location as possible, taking into account pole owner safety-related requirements and all applicable location and placement standards herein.

2. Design. Replacement poles should match the design (e.g., color, dimensions, height, style, and materials) of the existing pole that is being replaced to the greatest extent feasible. The maximum pole height is 35 feet, excluding wireless equipment.

D. New Poles.

1. Waiver Required. New poles are prohibited, unless a waiver is approved by the Town to prevent a prohibition of service.

2. Design. New poles shall have a maximum height of 35 feet and a maximum diameter of 14 inches. If existing poles are present in the surrounding area, then the new pole shall be designed to resemble the existing poles in appearance, color, materials, and distribution pattern/spacing.

3. Installations on New Poles. Antennas shall be pole top-mounted in a shroud, and cables and wiring shall be contained within the new pole. Equipment that cannot fit in the shroud with the antenna shall be undergrounded, but if undergrounding is not technically feasible,

then equipment shall be enclosed in cabinets, sized only for the needed equipment and camouflaged using paint that matches the surrounding environment.

Section 3. 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.

Section 4. 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.

Section 5. Effective Date. This resolution shall become effective upon the effective date of Ordinance No. ____.

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Certification of Adoption

I certify that the foregoing Resolution No. 2019-__ was duly adopted at a regular meeting of said City Council held on May 22, 2019 by the following vote:

Name	Counted toward Quorum			Not Counted toward Quorum		
	Aye	No	Abstain	Present, Recused	Absent	
Joanne F. del Rosario, Mayor						
Helen Fisicaro						
Raquel Gonzalez						
Diana Colvin						
John Irish Goodwin						
Voting Tally	0	0				

Dated _____

 Joanne F. del Rosario, Mayor

Attest: _____
 Caitlin Corley, City Clerk





STAFF REPORT

TO: Mayor and Members of the City Council

FROM: Michael P. Laughlin, AICP, City Planner
Jonathan Kwan, Associate Planner

VIA: Brian Dossey, City Manager

MEETING DATE: May 22, 2018

SUBJECT: 1171 El Camino Real – Wireless Facility

RECOMMENDATION

Staff recommends that the City Council adopt:

RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO INSTALL A SPRINT WIRELESS COMMUNICATIONS FACILITY AT AN UNDEVELOPED PORTION OF SALEM MEMORIAL PARK AT 1171 EL CAMINO REAL PURSUANT TO CEQA GUIDELINE 15303, CLASS 3

EXECUTIVE SUMMARY

Sprint is requesting approval to install and operate a wireless facility at Salem Memorial Park located near the Lucky Chance parking lot. The facility includes a 48’ high mono pole with 6 panel antennas and ground equipment.

The installation and operation of the Wireless Communications Facility (WCF) requires a Use Permit subject to the findings in the Town’s Wireless Ordinance. Staff has worked with the applicant to minimize visual impacts of the installation to the extent feasible. Staff recommends the approval of the project subject to the conditions in the attached resolution.

FISCAL IMPACT

None

BACKGROUND

Prior to August 2016, Sprint operated a fixed rooftop wireless facility near the project site, at 455 Serramonte Boulevard. The facility was then removed due to the demolition of the building for the CarMax project. The Planning Department issued a Temporary Use Permit to the Applicant to allow a temporary Cellular on Wheels facility (COW facility) to be located on a vacant portion of land at the southeast corner of Salem Memorial Park to temporarily replace the former rooftop facility. The COW facility was brought to the site and installed on August 16, 2016.

Since then, the Applicant and Sprint have diligently pursued a new site to locate a fixed ground or roof mounted facility. After considering several locations, including the top of the new CarMax building, the applicant is proposing a permanent facility near the temporary location at 1171 El Camino Real. The Lucky Chance parking lot property extends approximately 60 feet west of the concrete wall on the west side of the parking lot. Therefore, although the proposed location of the monopole is at the rear of Salem Memorial Park, the proposed location is on the same property as the Lucky Chances parking lot.

ANALYSIS

Findings Relating to the California Environmental Quality Act (CEQA)

Pursuant to Section 15303 of the State CEQA Guidelines, Class 3, new construction of small structures, the project is categorically exempt. The proposed project replaces a temporary wireless facility with a permanent monopole and equipment box located in a 21’ x 12’ area (approximately 252 square feet) at the east side of Salem Memorial Park. Therefore, the project is Categorically Exempt from further environmental review.

Findings Related to the Conditional Use Permit

Section 5.17.050 of the Colma Municipal Code establishes the development standards for WCFs. Section 5.17.050(a) allows for communications structures on properties in the “C” Zone upon issuance of a Use Permit. The City Council may grant a Use Permit if the findings in Section 5.17.080(a) can be made:

- a) The proposed facility will be consistent with the provisions of the Colma General Plan and Colma Municipal Code and will not adversely affect the policies and goals set forth therein.**

The property is designated as Commercial in the General Plan and is within the C Zoning District. The Colma Zoning Ordinance allows for WCFs within this zoning designation, with approval of a Use Permit. Since the proposed facility exceeds the 40’ height limit, an evidence of needs report was submitted with the application details that the proposed 48’ monopole is necessary to meet coverage objectives for the area. According to the report, the increase in height improves the service capacity and signal strength as detailed in the table below:

	Existing Temporary Facility 39’ Cellular on Wheels (COW)	Proposed Facility 48’ Monopole
Voice Call Capacity	4,000 Calls	5,000 Calls
Voice Call Minutes	8,000 Minutes	10,000 Minutes
Data Call Capacity	600,000 Calls	800,000 Calls
Data Usage	350 GB	500 GB

In addition, the increased height allows for more effective penetration inside buildings with a lower height, therefore improving signal strength inside buildings. Provided that the proposed WCF complies with conditions of Use Permit approval, the use would be consistent with the goals and objectives of the Colma General Plan and the Zoning Ordinance.

- b) The proposed facility strictly adheres to the development standards and other applicable regulations within this Chapter or, if applicable, an exception is granted.**

The proposed facility adheres to the applicable development standards listed within the Colma Wireless Ordinance.

Per Section 5.17.050(a), all WCFs are required to be located no closer than 1,000 feet from any Residential District. The proposed project is more than 1,000 feet from the R-S residential district located approximately 3,000 feet north of the project site.

Per Section 5.17.050(d), WCFs in the "C" Zone, shall be located so as not to be highly visible from any public street and shall be no higher than 40 feet from the ground if freestanding and no higher than 15 feet above the roof top if placed on a building. However, this height is permitted to be exceeded with an evidence of need report, which was submitted with the application.

Per Section 5.17.050(e), all WCFs are required to utilize techniques to make the installation, operation and appearance of a WCF as visually inconspicuous as possible and to hide the installation from predominant views from surrounding properties. To make the WCF comply with this requirement, the pole is setback from the right-of-way shielded from predominant views by existing trees along the perimeter of the property (on Serramonte Boulevard), and new landscaping is proposed around the perimeter to provide additional screening. Stealth design options, such as an artificial tree, were not selected due to the discoloration of materials, increasing the noticeability of the structure. Instead, the monopole is proposed to maintain the original galvanized steel color that becomes a muted grey color over time to reduce noticeability.

Per Section 5.17.050(f), all components of new WCFs must comply with the setback requirements for the applicable zoning district. The C Zoning district requires a minimum setback of 5 feet from the front, side and rear property lines. The proposed monopole and associated equipment are located over 80 feet away from the side property line along Serramonte Boulevard, and approximately 35 feet away from the rear, well beyond the required 5 feet.

Per Section 5.17.050(g), every new support structure shall be a monopole, unless otherwise authorized. The proposed project is a monopole.

Per Section 5.17.050(j), any equipment that is not installed underground shall be screened by structures, topography, or vegetation to the maximum extent feasible. Per Section 5.17.050(k), all coaxial cables, conduit lines and electrical boxes shall be placed underground or within approved structures. Proposed above ground utility structures are shown on the plans and will be screened from view due to the proposed perimeter landscaping.

Per Section 5.17.050(m), applicants are encouraged to design WCFs to serve as public art, flagpoles or artificial natural features such as trees or rocks. Staff explored numerous design options with the applicant, and it was found that attempting to disguise the installation by creating an artificial tree was problematic due to the anticipated rapid degradation and discoloration of the materials, increasing the noticeability of the structure. Instead, the concealment and stealthing will be achieved through colors, placement and screening vegetation.

Per Section 5.17.050(n) unless otherwise required by Town, County, State or Federal rules or regulations, WCFs shall have a non-reflective finish and shall be painted a neutral color

consistent with the predominant background color. The monopole is intended to remain galvanized steel, without paint. The pole may be reflective when it is new but, as it ages and weathers, the pole becomes a muted grey color and blends in with the environment.

Per Section 5.17.050(r), disturbance of existing topography and on-site vegetation shall be minimized, unless such disturbance would substantially reduce the visual impacts of the facility. The proposed project includes additional landscaping to minimize visual impacts.

- c) The proposed facility is in compliance with all FCC (Federal Communications Commission) and CPUC (California Public Utilities Commission) requirements, and is not otherwise detrimental to public safety, community welfare, and health, considering aspects over which the Town has purview.**

Radio frequency ("RF") exposure levels associated with the WCF are measured at 2.4% of the FCC public exposure limit. The RF report submitted with the project application is attached as Attachment D. These levels are significantly lower than peak levels near cell phones or other radio equipment used for communication purposes. Operation of the WCF will be well below the federal standards for limiting public exposure to RF energy; therefore, it will not result in effects detrimental to public safety, community welfare, and health.

- d) The proposed facility will not create a nuisance or enforcement problem within the neighborhood.**

The proposed facility is a monopole located near the existing temporary wireless facility. The property is zoned for commercial use and is close to cemeteries and commercial uses. The lot is currently used as an overflow parking lot for Lucky Chances. Aesthetically, there are existing trees along the perimeter of the property (on Serramonte Boulevard). Given that the proposed permanent facility is located further into the property than the temporary installation, additional landscaping is proposed along the shared fence line, and that surrounding uses are not residential, the proposed facility will not create a nuisance or enforcement problem.

- e) The proposed facility incorporates general site considerations, including site layout, open space and topography, orientation and location of buildings, vehicular access, circulation and parking, setbacks, height, walls, fences, public safety and similar elements that provide a desirable environment for the development.**

The proposed WCF is sited properly within a 21' x 12' area at the east side of Salem Memorial Park. As a condition of approval, the site would be accessed from the cemetery side and would not impact the existing Lucky Chance parking lot to the east. The WCFs operation and appearance will have minimal impact on existing site layout, open space and topography, orientation and location of buildings, vehicular access, circulation and parking, setbacks, height, walls, fences, or public safety.

- f) The proposed design incorporates general architectural considerations, including the character, scale and quality of the design, the architectural relationship with the site and other buildings, building materials, colors, screening of exterior appurtenances, exterior lighting and similar elements that ensure the compatibility of this development with other buildings and structures on the subject property and adjacent properties, as well as each**

element being consistent with the architectural style of the building or structure.

The proposed facility is a 48' high monopole with equipment cabinets on the ground. The pole blends with the design and character of other buildings in Salem Memorial Park, because the appearance of the pole is simple and does not stand out. Further, large trees and shrubs are proposed around the facility to provide screening. Staff explored numerous design options with the applicant, and it was found that attempting to disguise the installation by creating an artificial tree was problematic due to the anticipated rapid degradation and discoloration of the materials, increasing the noticeability of the structure.

g) The proposed design incorporates general landscape considerations, including the location, type, size, color, texture and coverage of plant materials, provisions for irrigation, maintenance and protection of landscaped areas and similar elements that ensure visual relief, including appropriate visual screening.

The project plans include a 11 Toyon trees and 15 Bottle brush shrubs to provide screening along the property line. Toyon trees typically grow to about 15' high with a canopy that extends about 15' in diameter. The proposed landscaping would improve the aesthetics and concealment of the site and is appropriate for screening.

h) The proposed facility is designed to blend with the surrounding environment, with minimal visual impact.

The proposed wireless facility is setback approximately 90' feet and is surrounded by landscaping. With the foreground landscape screening, neutral color of the pole and setback from Serramonte and Hillside Boulevards being the maximum permissible, the pole will visually blend with the surroundings.

i) The proposed facility is designed, sited, and will be operated in a manner that does not adversely impact adjacent properties by noise, traffic, aesthetic, or other impacts over which the Town has purview.

Provided that the proposed WCF complies with conditions of Use Permit approval, the WCFs operation will be inconspicuous and its presence will not be noticeable and will have no impacts on adjacent properties.

Conditions of Approval

Based on a review of the application and a meeting with the applicant, staff is recommending several conditions of approval (see Section 3 of the attached Resolution) including:

- Operators and maintenance staff shall access the 12' x 21' area wireless facility area from the Salem memorial Park driveway. No wireless maintenance vehicles shall be parked in the parking lot to the east.

Council Adopted Values

The recommendation is consistent with the Council value of ***fairness*** because the recommended decisions are consistent with how similar requests have been handled, and the Council value of ***responsibility*** because the proposed application has been carefully reviewed and conditioned so that it will be consistent with adopted development policies, and compatible within its setting.

Sustainability Impact

The proposed use within Colma will have no impact to the Town's sustainability activities.

Alternatives

The following courses of action are available to the City Council:

1. Adopt the resolution and approve the Conditional Use Permit with modified or additional conditions of approval which would allow a Sprint Wireless Communications Facility at Salem Memorial Park. This alternative may increase or reduce restrictions on the project to satisfy specific City Council concerns.
2. Direct staff to bring back a resolution to deny the project. This alternative is not recommended since the project provides wireless service to the Town.

CONCLUSION

Staff recommends that the City Council adopt the resolution approving the Conditional Use Permit with findings and recommended conditions of approval.

ATTACHMENTS

- A. Resolution
- B. Plans
- C. Vicinity Map
- D. RF Report

**RESOLUTION NO. 2019-____
OF THE CITY COUNCIL OF THE TOWN OF COLMA**

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO INSTALL A SPRINT
WIRELESS COMMUNICATIONS FACILITY AT AN UNDEVELOPED PORTION OF SALEM
MEMORIAL PARK AT 1171 EL CAMINO REAL (APN 011-341-720) PURSUANT TO
CEQA GUIDELINE 15303, CLASS 3**

*Property Owner: Congregation Sherith Israel
Location: 1171 El Camino Real
Assessor's Parcel Number: 011-341-650*

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

1. Background

This resolution was adopted after the following proceedings had occurred:

- (a) The Town received an application to install and operate a wireless communications facility (WCF) located at a 21' by 12', undeveloped portion of Salem Memorial Park located adjacent to the Lucky Chance surface parking lot. The facility includes a 48' high mono pole with 6 panel antennas and associated ground equipment. The area will be accessed from Salem Memorial Park and surrounded by new landscaping along the perimeter.
- (b) Pursuant to Section 15303 of State CEQA Guidelines, Class 3, new construction of small structures, the project is categorically exempt from California Environmental Quality Act (CEQA) review.
- (c) A Notice of Public Hearing was duly posted on the three official bulletin boards of the Town and in a conspicuous place on or near the subject property and was duly mailed to the persons to whom given, as required by law, on May 10, 2019.
- (d) A public hearing was held on this matter on May 22, 2019 and evidence was taken at the public hearing.
- (e) The City Council has duly considered said application, the staff report and public comments thereon.

2. Findings

The City Council finds that:

Findings Related to the California Environmental Quality Act (CEQA)

Pursuant to Section 15303 of the State CEQA Guidelines, Class 3, new construction of small structures, the project is categorically exempt. The proposed project replaces a temporary wireless facility with a permanent monopole and equipment box located in a 21' x 12' area (approximately 252 square feet) at the east side of Salem Memorial Park. Therefore, the project

is Categorically Exempt from further environmental review

Findings Related to the Conditional Use Permit

Section 5.17.050 of the Colma Municipal Code establishes the development standards for WCFs. Section 5.17.050(a) allows for WCFs on properties in the "P" Zone upon issuance of a Use Permit. The City Council may grant a Use Permit if the findings in Section 5.17.080(a) can be made:

- (a) The proposed facility will be consistent with the provisions of the Colma General Plan and Colma Municipal Code and will not adversely affect the policies and goals set forth therein.**

The property is designated as Commercial in the General Plan and is within the C Zoning District. The Colma Zoning Ordinance allows for WCFs within this zoning designation, with approval of a Use Permit. Since the proposed facility exceeds the 40' height limit, an evidence of needs report was submitted with the application details that the proposed 48' monopole is necessary to meet coverage objectives for the area. According to the report, the increase in height improves the service capacity and signal strength as detailed in the table below:

	Existing Temporary Facility	Proposed Facility
	39' Cellular on Wheels (COW)	48' Monopole
Voice Call Capacity	4,000 Calls	5,000 Calls
Voice Call Minutes	8,000 Minutes	10,000 Minutes
Data Call Capacity	600,000 Calls	800,000 Calls
Data Usage	350 GB	500 GB

In addition, the increased height allows for more effective penetration inside buildings with a lower height, therefore improving signal strength inside buildings. Provided that the proposed WCF complies with conditions of Use Permit approval, the use would be consistent with the goals and objectives of the Colma General Plan and the Zoning Ordinance.

- (b) The proposed facility strictly adheres to the development standards and other applicable regulations within this Chapter or, if applicable, an exception is granted.**

The proposed facility adheres to the applicable development standards listed within the Colma Wireless Ordinance.

Per Section 5.17.050(a), all WCFs are required to be located no closer than 1,000 feet from any Residential District. The proposed project is more than 1,000 feet from the R-S residential district located approximately 3,000 feet north of the project site.

Per Section 5.17.050(d), WCFs in the "C" Zone, shall be located so as not to be highly visible from any public street and shall be no higher than 40 feet from the ground if freestanding and no higher than 15 feet above the roof top if placed on a building. However, this height is permitted to be exceeded with an evidence of need report, which was submitted with the application.

Per Section 5.17.050(e), all WCFs are required to utilize techniques to make the installation, operation and appearance of a WCF as visually inconspicuous as possible and to hide the installation from predominant views from surrounding properties. To make the WCF comply with this requirement, the pole is setback from the right-of-way shielded from predominant views by existing trees along the perimeter of the property (on Serramonte Boulevard), and new landscaping is proposed around the perimeter to provide additional screening. Stealth design options, such as an artificial tree, were not selected due to the discoloration of materials, increasing the noticeability of the structure. Instead, the monopole is proposed to maintain the original galvanized steel color that becomes a muted grey color over time to reduce noticeability.

Per Section 5.17.050(f), all components of new WCFs must comply with the setback requirements for the applicable zoning district. The C Zoning district requires a minimum setback of 5 feet from the front, side and rear property lines. The proposed monopole and associated equipment are located over 80 feet away from the side property line along Serramonte Boulevard, and approximately 35 feet away from the rear, well beyond the required 5 feet.

Per Section 5.17.050(g), every new support structure shall be a monopole, unless otherwise authorized. The proposed project is a monopole.

Per Section 5.17.050(j), any equipment that is not installed underground shall be screened by structures, topography, or vegetation to the maximum extent feasible. Per Section 5.17.050(k), all coaxial cables, conduit lines and electrical boxes shall be placed underground or within approved structures. Proposed above ground utility structures are shown on the plans and will be screened from view due to the proposed perimeter landscaping.

Per Section 5.17.050(m), applicants are encouraged to design WCFs to serve as public art, flagpoles or artificial natural features such as trees or rocks. Staff explored numerous design options with the applicant, and it was found that attempting to disguise the installation by creating an artificial tree was problematic due to the anticipated rapid degradation and discoloration of the materials, increasing the noticeability of the structure. Instead, the concealment and stealthing will be achieved through colors, placement and screening vegetation.

Per Section 5.17.050(n) unless otherwise required by Town, County, State or Federal rules or regulations, WCFs shall have a non-reflective finish and shall be painted a neutral color consistent with the predominant background color. The monopole is intended to remain galvanized steel, without paint. The pole may be reflective when it is new but, as it ages and weathers, the pole becomes a muted grey color and blends in with the environment.

Per Section 5.17.050(r), disturbance of existing topography and on-site vegetation shall be minimized, unless such disturbance would substantially reduce the visual impacts of the facility. The proposed project includes additional landscaping to minimize visual impacts.

(c) The proposed facility is in compliance with all FCC (Federal Communications Commission) and CPUC (California Public Utilities Commission) requirements, and is not otherwise detrimental to public safety, community welfare, and health, considering aspects over which the Town has purview.

Radio frequency (“RF”) exposure levels associated with the WCF are measured at 2.4% of the FCC public exposure limit. The RF report submitted with the project application is attached as Attachment D. These levels are significantly lower than peak levels near cell phones or other radio equipment used for communication purposes. Operation of the WCF will be well below the federal standards for limiting public exposure to RF energy; therefore, it will not result in effects detrimental to public safety, community welfare, and health.

(d) The proposed facility will not create a nuisance or enforcement problem within the neighborhood.

The proposed facility is a monopole located near the existing temporary wireless facility. The property is zoned for commercial use and is close to cemeteries and commercial uses. The lot is currently used as an overflow parking lot for Lucky Chances. Aesthetically, there are existing trees along the perimeter of the property (on Serramonte Boulevard). Given that the proposed permanent facility is located further into the property than the temporary installation, additional landscaping is proposed along the shared fence line, and that surrounding uses are not residential, the proposed facility will not create a nuisance or enforcement problem.

(e) The proposed facility incorporates general site considerations, including site layout, open space and topography, orientation and location of buildings, vehicular access, circulation and parking, setbacks, height, walls, fences, public safety and similar elements that provide a desirable environment for the development.

The proposed WCF is sited properly within a 21’ x 12’ area at the east side of Salem Memorial Park. As a condition of approval, the site would be accessed from the cemetery side and would not impact the existing Lucky Chance parking lot to the east. The WCFs operation and appearance will have minimal impact on existing site layout, open space and topography, orientation and location of buildings, vehicular access, circulation and parking, setbacks, height, walls, fences, or public safety.

(f) The proposed design incorporates general architectural considerations, including the character, scale and quality of the design, the architectural relationship with the site and other buildings, building materials, colors, screening of exterior appurtenances, exterior lighting and similar elements that ensure the compatibility of this development with other buildings and structures on the subject property and adjacent properties, as well as each element being consistent with the architectural style of the building or structure.

The proposed facility is a 48’ high monopole with equipment cabinets on the ground. The pole blends with the design and character of other buildings in Salem Memorial Park, because the appearance of the pole is simple and does not stand out. Further, large trees and shrubs are proposed around the facility to provide screening. Staff explored numerous design options with the applicant, and it was found that attempting to disguise the installation by creating an artificial tree was problematic due to the anticipated rapid degradation and discoloration of the materials, increasing the noticeability of the structure.

- (g) The proposed design incorporates general landscape considerations, including the location, type, size, color, texture and coverage of plant materials, provisions for irrigation, maintenance and protection of landscaped areas and similar elements that ensure visual relief, including appropriate visual screening.**

The project plans include a 11 Toyon trees and 15 Bottle brush shrubs to provide screening along the property line. Toyon trees typically grow to about 15' high with a canopy that extends about 15' in diameter. The proposed landscaping would improve the aesthetics and concealment of the site and is appropriate for screening.

- (h) The proposed facility is designed to blend with the surrounding environment, with minimal visual impact.**

The proposed wireless facility is setback approximately 90' feet and is surrounded by landscaping. With the foreground landscape screening, neutral color of the pole and setback from Serramonte and Hillside Boulevards being the maximum permissible, the pole will visually blend with the surroundings.

- (i) The proposed facility is designed, sited, and will be operated in a manner that does not adversely impact adjacent properties by noise, traffic, aesthetic, or other impacts over which the Town has purview.**

Provided that the proposed WCF complies with conditions of Use Permit approval, the WCFs operation will be inconspicuous and its presence will not be noticeable and will have no impacts on adjacent properties.

3. Conditions of Approval

The City Council approves the Conditional Use Permit to install a sprint wireless communications facility at an undeveloped portion of Salem Memorial Park at 1171 El Camino Real (APN 011-341-720), subject to the full and faithful performance of each of the general terms and conditions set forth in this Resolution and the following project-specific conditions:

Conditional Use Permit

- (a) *Allowed Uses.* This Conditional Use Permit shall specifically allow the operations of the Sprint wireless communications facility and associated equipment at the 21' x 12' area at Salem Memorial Park as specified in application materials date stamped March 22, 2019 and on file with the Planning Department. Any additional proposed uses shall require review by the Town of Colma as an amendment to this Conditional Use Permit.
- (b) *Screening.* Prior to operation of the facility, the Permittee shall install the proposed landscaping found on Sheet L-1 to screen the proposed use from the public right-of-way and surrounding properties.
- (c) *Colma Fire Protection District Requirements.* The requirements of the Colma Fire Protection District, including the installation of a Knox lock box, shall be met prior to operation of the wireless facility. For further information on the requirements of the

District, the applicant may contact the Deputy Fire Marshal, Bill Pardini at bpardini@colmafcd.org or (650)740-2073.

- (d) Nuisances. The Permittee shall not allow any nuisance to be maintained at the premises.
- (e) Permits. The Permittee shall obtain all necessary permits, including Building Permits, prior to construction.
- (f) Minor Changes. Minor changes to the approved plans may be approved administratively by the City Planner or designee.
- (g) Access. Operators and maintenance staff shall access the 12' x 21' area wireless facility area from the Salem memorial Park driveway. No wireless maintenance vehicles shall be parked in the parking lot to the east.
- (h) Conduit. All cables, conduits and electrical boxes for the proposed project will be placed underground or be concealed within the building.
- (i) USA North. The applicant should contact USA North to assure that there are no utilities that conflict with the proposed improvements (USA North: 811/1-800-227-2600).
- (j) Expiration. The Use Permit for a WCF shall expire ten years from the date of approval, unless the Use Permit is renewed by the Town. An application for renewal shall be submitted at least six months prior to the expiration of the Use Permit.
- (k) Other Approvals. The permittee shall obtain all other applicable permits, approvals, and agreements necessary to install and operate the WCF in conformance with federal, state, and local laws, rules, and regulations.
- (l) Facility Maintenance. All WCFs and related equipment, including but not limited to fences, cabinets, poles, and landscaping, shall be maintained in good working condition over the life of the Use Permit. This shall include keeping the structures maintained to the visual standards established at the time of approval. The facility shall remain free from trash, debris, litter, graffiti, and other forms of vandalism. Any damage shall be repaired as soon as is practicable, and in no instance more than ten (10) calendar days from the time of notification by the Town or after discovery by the permittee. All of the wireless communications facility equipment must be removed upon the expiration of the permit approval and/or when no longer in operation, whichever occurs first.
- (m) Performance Bond. Prior to issuance of a building or electrical permit, the permittee shall file with the Town, and shall maintain in good standing throughout the term of the approval, a performance bond or other surety or another form of security for the removal of the facility in the event that the use is abandoned or the permit expires, or is revoked, or is otherwise terminated. The security shall be in the amount equal to 150 percent of the cost of physically removing the wireless communications facility and all related facilities and equipment on the site. The permittee shall reimburse the Town for staff time associated with the processing and tracking of the bond, based on established hourly rates. Reimbursement shall be paid when the security is posted.

- (n) Construction & Maintenance House. The permittee shall make a good faith effort to minimize project-related disruptions to adjacent properties. Site improvement and construction work, including setup, loading or unloading of materials or equipment, performed as a part of this project is restricted to the hours between 8:00 a.m. and 6:00 p.m., Monday through Saturday. No noise-generating construction work shall be performed on Sundays or national holidays. Non-emergency maintenance is restricted to the hours between 8:00 a.m. and 6:00 p.m., Monday through Friday. No noise-generating maintenance work shall be performed on Saturdays, Sundays, or national holidays. Emergency maintenance and repairs are exempt from the restricted hours. Violation of this condition may result in issuance of a Stop Work Order and administrative Citations
- (o) Height Verification. The property owner(s) or permittee shall submit a certification letter from a California certified land surveyor or registered civil engineer, which verifies that structure height complies with the approved construction drawings.
- (p) Encourage Collocation. Where the wireless communication facility site is capable of accommodating a collocated facility upon the same site, the owner and operator of the existing facility shall allow another carrier to collocate its facilities and equipment thereon, provided the parties can mutually agree upon reasonable terms and conditions.
- (q) Town Access. The Town reserves the right of its employee, agents, and designated representatives to inspect permitted facilities and property upon reasonable notice to the permittee. In case of an emergency or risk of imminent harm to persons or property within the vicinity of permitted facilities, the Town reserves the right to enter upon the site of such facilities and to support, disable, or remove those elements of the facilities posing an immediate threat to public health and safety. The Town shall make an effort to contact the permittee, prior to disabling or removing wireless communications facility elements.
- (r) Contact Information. The permittee shall maintain on file with the Town and onsite at the wireless communications facility contact information of all parties responsible for the maintenance of the facility.
- (s) RF Emission Monitoring. WCFs, whether operating alone or in conjunction with other facilities, shall not generate radio frequency emissions in excess of the standards established by the Federal Communications Commission. Within one (1) month after construction of the wireless communications facility and once every three (3) years thereafter, the property owner(s) or permittee shall submit a current RF exposure report, prepared by a professional engineer to the Planning Services Division, to ensure that no modifications to the site, surrounding environment, or equipment wear and tear have caused an increase in RF exposure. In the event of an increase over accepted levels is detected, the permittee shall be responsible for immediately making the necessary adjustments to comply with FCC standards.
- (t) Abandonment
- (i) Each permittee who intends to abandon or terminate the use of any WCF shall notify the Town of such intentions no less than sixty (60) days prior to the final

- day of use. Said notification shall be in writing, shall specify the date of termination, the date the WCF will be removed, and the method of removal.
- (ii) Non-operation, disuse (including, but not limited to, cessation of wireless services) or disrepair for ninety (90) days or more shall constitute abandonment by the permittee under this subchapter. The City Planner shall send a written notice of abandonment to the permittee.
 - (iii) Upon abandonment, the Use Permit shall become null and void. Absent a timely request for a hearing pursuant to subdivision (e) of this section, the permittee must, at the permittee's expense, physically remove the WCF within ninety (90) days from the date of the abandonment notice. The WCF shall be removed in accordance with applicable health and safety requirements, and the site upon which the WCF was located shall be restored to the condition that existed prior to the installation of the WCF, or as required by the community City Planner. The permittee shall be responsible for obtaining all necessary permits for the removal of the WCF and site restoration.
 - (iv) At any time after ninety (90) days following abandonment, the City Planner may have the WCF removed and restore the premises as he/she deems appropriate. The Town may, but shall not be required to, store the removed WCF (or any part thereof). The WCF permittee shall be liable for the entire cost of such removal, repair, restoration, and storage. The Town may, in lieu of storing the removed WCF, convert it to the Town's use, sell it, or dispose of it in any manner deemed appropriate by the Town.
 - (v) The permittee may request a hearing before a hearing officer appointed by the Town Manager regarding the notice of abandonment, provided a written hearing request is received by the City Planner within 10 days of the date of the notice of abandonment. The appeal hearing shall be conducted pursuant to Subchapter 1.12 of the Colma Municipal Code. The hearing officer shall issue a written decision. The decision of the hearing officer regarding abandonment of the WCF shall constitute the final administrative decision of the Town and shall not be appealable to the City Council. Failure to file a timely hearing request means the notice of abandonment is final and the WCF shall be removed within 90 days from the date of the abandonment notice. A Use Permit for a WCF may be revoked pursuant to Section 5.03.430.

4. General Conditions

- (u) This Conditional Use Permit shall run with the land and be freely and automatically transferred to each user of the property described herein, subject to each of the specific and general conditions herein. As used in this Conditional Use Permit, the word "Permittee" shall mean each person using the property pursuant to the permit granted herein, including successors to the person first obtaining the permit.
- (v) The Permittee must comply with all applicable federal, state and municipal laws, codes and regulations, including the California Building and Fire Codes. Nothing herein shall be construed as authorizing any approvals under, or any exceptions to any other law, code

or regulation, or as authorizing any change to the occupancy classification of the premises or any buildings thereon as defined on the California Building Code. Without limiting the generality of the foregoing:

- (i) The Permittee shall maintain an annual Colma Business Registration;
- (ii) Prior to issuance of a Business Registration, the Permittee shall arrange for the project site to be inspected for Fire and Life Safety requirements of California Fire Code by the Colma Fire Protection District; and

(w) *Indemnification.* The permittee and property owner shall defend, indemnify and hold harmless the Town of Colma, its agents, officers, officials, and employees (i) from all claims, demands, law suits, writs of mandamus, and other actions or proceedings (collectively "Actions") brought against the Town or its agents, officers officials, or employees to challenge, attack seek to modify, set aside, void or annul this approval, and (ii) from any damages, liabilities, claims, suites, or causes of action of any kind or form, whether for personal injury, death or property damage, arising out of or in connection with the activities or performance of the permittee or the land owner or any of each one's agents, employees, licensees, contractors, subcontractors, or independent contractors, pursuant to the approval issued by the Town. Further, permittees shall be strictly liable for interference caused by their WCFs with the Town's communications systems. The permittee shall be responsible for costs of determining the source of the interference, all costs associated with eliminating the interference, and all costs arising from third party claims against the Town attributable to the interference. In the event the Town becomes aware of any such actions or claims the Town shall promptly notify the property owner and shall reasonably cooperate in the defense. It is expressly agreed that the Town shall have the right to approve, which approval shall not be unreasonable withheld, the legal counsel providing the Town's defense, and the property owner and/or permittee (as applicable) shall reimburse Town for any costs and expenses directly and necessarily incurred by the Town in the course of the defense.

(x) The Conditional Use Permit may be modified or revoked should it be determined that:

- (i) The property is being operated or maintained in a manner that is detrimental to the public health or welfare, is materially injurious to property or improvements in the vicinity, constitutes a public nuisance, or is contrary to any law, code or regulation, or;
- (ii) If the Permittee fails to comply with and satisfy the conditions herein.

(y) The Permittee must agree to comply with each and every term and condition herein by countersigning a copy of this Resolution and returning the counter-signed copy to the City Clerk no more than 45 days following City Council approval of the permit. If Permittee is not the property owner, then the property owner must consent to use of the property on the terms and conditions herein by counter-signing a copy of this resolution and returning the counter-signed copy to the City Clerk no later than 45 days following City Council approval of the permit. Failure to return the counter-signed copy as specified shall render this permit null and void.

* * * * *

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 May 22, 2019, 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 "Rae" Gonzalez					
<i>Voting Tally</i>					

Dated _____

Joanne F. del Rosario, Mayor

Attest:

Caitlin Corley, City Clerk

NOTICE OF RIGHT TO PROTEST

The Conditions of Project Approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the 90-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), began on date of adoption of this resolution. If you fail to file a protest within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exactions.

AGREEMENT

Property Owner/Permittee

The undersigned agrees to comply with each and every condition set forth in this permit.

Signature, Property Owner

Date

Printed Name and Title

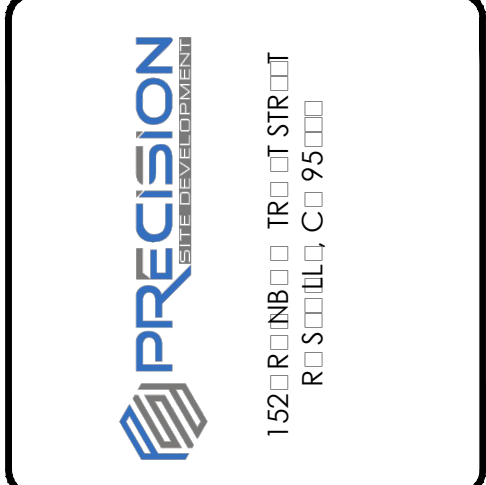
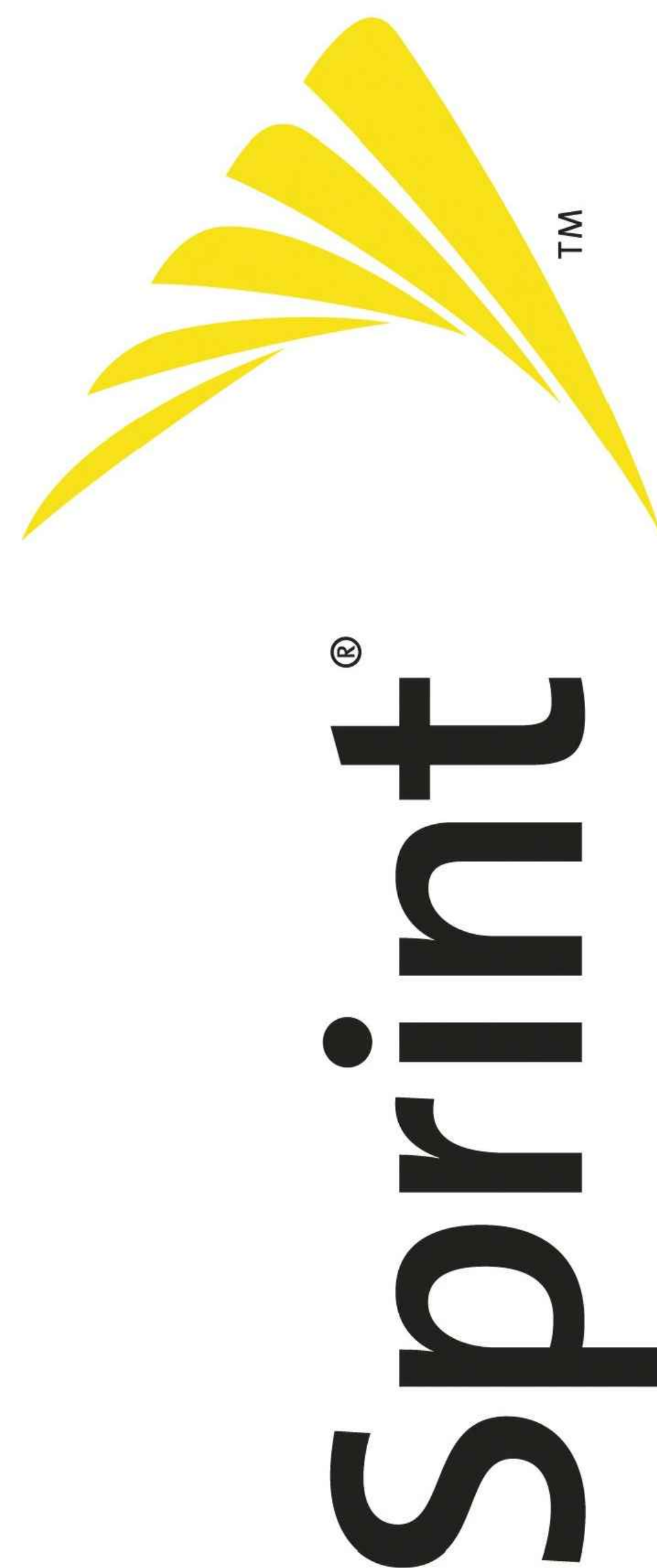
Signature, Permittee

Date

Printed Name and Title



PROJECT NAME: NEW SITE BUILD
SITE NAME: COLMA RELO
CASCADE #: FS25XC047
SITE ADDRESS: 1171 EL CAMINO REAL
 COLMA, CA 94014
SITE TYPE: MONOPOLE



PROJECT NO:	T-16503-59
DRAWN BY:	APE
CHECKED BY:	MTD

REV	DATE	DESCRIPTION
4	03/12/19	100% ZD REV 3
3	11/16/18	100% ZD REV 2
2	10/24/18	100% ZD REV 1
1	06/14/18	100% ZD SUBMITTAL
0	05/03/18	90% ZD SUBMITTAL

IT IS YOUR RESPONSIBILITY AS A LICENSED PROFESSIONAL ENGINEER TO ALTER THIS DOCUMENT UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER TO ALTER THIS DOCUMENT.

FS25XC047
 Colma Relo
 1171 EL CAMINO REAL
 COLMA, CA 94014

SHEET TITLE
TITLE SHEET & PROJECT DATA

SHEET NUMBER
T-1

SHEET NO:	TITLE SHEET & PROJECT DATA	DRAWING INDEX
T-1	TITLE SHEET & PROJECT DATA	
C-1	OVERALL PROJECT AREA	
C-2	PROJECT AREA ENLARGEMENT	
A-1	OVERALL SITE PLAN	
A-2	ENLARGED EQUIPMENT PLANS	
A-3	ELEVATIONS	
A-4	EQUIPMENT DETAILS	
L1	IRRIGATION PLAN	
L2	PLANTING PLAN	
L3	SOIL TEST & LANDSCAPE DETAILS	
L4	LANDSCAPE SPECIFICATIONS	
L5	LANDSCAPE SPECIFICATIONS	

APPLICABLE CODES
ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES.
1) 2016 CALIFORNIA ADMINISTRATIVE CODE, CHAPTER 10, PART 1, TITLE 24 CODE OF REGULATIONS
2) 2016 CALIFORNIA BUILDING CODE (CBC) WITH CALIFORNIA AMENDMENTS, BASED ON THE 2015 IBC (PART 2, VOL 1-2)
3) 2016 CALIFORNIA RESIDENTIAL CODE (CRC) WITH APPENDIX H, PATIO COVERS, BASED ON THE 2015 IRC (PART 2.5)
4) 2016 CALIFORNIA GREEN BUILDINGS STANDARDS CODE (CALGREEN) (PART 11)
5) 2016 CALIFORNIA FIRE CODE (CFC), BASED ON THE 2015 IFC, WITH CALIFORNIA AMENDMENTS (PART 9)
6) 2016 CALIFORNIA MECHANICAL CODE (CMC), BASED ON THE 2015 UMC (PART 4)
7) 2016 CALIFORNIA PLUMBING CODE (CPC), BASED ON THE 2015 UPC (PART 5)
8) 2016 CALIFORNIA ELECTRICAL CODE (CEC) WITH CALIFORNIA AMENDMENTS, BASED ON THE 2015 NEC (PART 3)
9) 2016 CALIFORNIA ENERGY CODE (CEC)
10) ANSI/ EIA-TIA-222-H
11) 2015 NFPA 101, LIFE SAFETY CODE
12) 2016 NFPA 72, NATIONAL FIRE ALARM CODE
13) 2016 NFPA 13, FIRE SPRINKLER CODE

AREA MAP
DRIVING DIRECTIONS: 12657 ALCOSTA BLVD. SAN RAMON, CA, 94583 1. HEAD SOUTHEAST ON ALCOSTA BLVD TOWARD OVERLOOK DR 2. TURN RIGHT ONTO BOLLINGER CANYON RD 3. USE THE RIGHT 2 LANES TO MERGE ONTO I-680 N VIA THE RAMP TO SACRAMENTO 4. USE THE RIGHT 2 LANES TO TAKE EXIT 46A FOR STATE ROUTE 24 TOWARD OAKLAND/LAFAYETTE 5. CONTINUE ONTO CA-24 W 6. USE THE RIGHT 2 LANES TO TAKE EXIT 2B FOR INTERSTATE 580 W 7. USE THE LEFT LANE TO MERGE ONTO I-580 W 8. USE THE LEFT 3 LANES TO TAKE EXIT 19A TO MERGE ONTO I-80 W TOWARD SAN FRANCISCO 9. MERGE ONTO US-101 S 10. USE THE RIGHT 2 LANES TO TAKE EXIT 431 FOR INTERSTATE 280 S TOWARD DAILY CITY 11. MERGE ONTO I-280 S 12. TAKE EXIT 47A FOR SERRAMONTE BLVD 13. USE THE LEFT 2 LANES TO TURN LEFT ONTO SERRAMONTE BLVD 14. TURN LEFT ONTO EL CAMINO REAL (WILL BE ON RIGHT)

SITE INFORMATION
ARCHITECT: BORGES ARCHITECTURAL GROUP, INC. 1478 STONE POINT DRIVE, SUITE 350 ROSEVILLE, CA 95661 contact: MATTHEW DOUGHERTY ph: (916) 782-7200 email: telecomgroup@borgesarch.com STRUCTURAL ENGINEER: NORM SCHEEL STRUCTURAL ENGINEER 5022 SUNRISE BLVD. FAIR OAKS, CA 95628 contact: NORMAN SCHEEL, S.E., F.ASCE, F. SEAOC, LEED AP BD+C, LEED AP HOMIES ph: (916) 536-9686 POWER COMPANY: PG&E CORPORATION 1 MARKET STREET, SPEAR TOWER SAN FRANCISCO, CA 94105-1126 ph: (800) 743-5000 APPLICANT: SPRINT 12657 ALCOSTA BLVD, SUITE 300 SAN RAMON, CA 94583 COUNTY: SAN MATEO COUNTY ZONING JURISDICTION: TOWN OF COLMA ZONING DISTRICT: G (CEMETERY) / DR (DESIGN REVIEW) APN: 011-341-650
SITE ADDRESS: 1171 EL CAMINO REAL COLMA, CA 94014 PROPERTY OWNER: CONGREGATION SHERITH ISRAEL 2266 CALIFORNIA STREET SAN FRANCISCO, CA 94115 contact: James Carlson ph: (650) 755-4700 SITE ACQUISITION: PRECISION SITE DEVELOPMENT LLC 1524 RAINBOW TROUT STREET ROSEVILLE, CA 95747 contact: JEREMY JORDAN ph: (916) 918-9322 email: jeremy@precisionSD.com ZONING MANAGER: PRECISION SITE DEVELOPMENT LLC 1524 RAINBOW TROUT STREET ROSEVILLE, CA 95747 contact: JEREMY JORDAN ph: (916) 918-9322 email: jeremy@precisionSD.com
CONSTRUCTION MANAGER: SPRINT 12657 ALCOSTA BLVD, SUITE 300 SAN RAMON, CA 94583 contact: MOISES PALACIOS
NOTE: NO PLUMBING ON SITE

PROJECT DESCRIPTION
NEW SITE UNMANNED TELECOMMUNICATIONS FACILITY.
1. INSTALLATION OF 21' x 12' EQUIPMENT SPACE WITH (2) (P) AND (2) (F) EQUIPMENT CABINETS
2. INSTALL (P) 48 MONOPOLE WITH (6) PANEL ANTENNAS, (1) MICROWAVE ANTENNA, (9) RRRHs, AND ASSOCIATED CABLES.
3. INSTALLATION OF (P) UNDERGROUND POWER AND FIBER SERVICE.
4. INSTALLATION OF (P) LANDSCAPE ON NE AND SE PERIMETER OF SITE AREA.

SPECIAL INSPECTIONS
CONCRETE, ANCHOR BOLTS, HILT BOLTS

DISABLED ACCESS REQUIREMENTS
FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. ACCESSIBILITY REQUIREMENTS ARE NOT REQUIRED. IN ACCORDANCE WITH CALIFORNIA BUILDING CODE, CODE OF REGULATIONS, TITLE 24, PART 2, VOLUME 1, CHAPTER 11B, DIVISION 2, SECTION 11B-203.5

Latitude (NAD83): 37° 40' XX.XX" N (38.018427)
 Longitude (NAD83): 122° 27' XX.XX" W (-122.537770)
 Ground Elevation: +/- 218'

DATE OF SURVEY: 04-04-18
 SURVEYED BY OR UNDER DIRECTION OF: KENNETH D. GEIL, R.C.E.
 14803
 LOCATED IN THE COUNTY OF SAN MATEO, STATE OF CALIFORNIA
 BEARINGS SHOWN ARE BASED UPON MONUMENTS FOUND AND
 RECORD INFORMATION. THIS IS NOT A BOUNDARY SURVEY.
 ELEVATIONS SHOWN ON THIS PLAN ARE BASED UPON U.S.G.S.
 N.A.V.D. 88 DATUM. ABOVE MEAN SEA LEVEL UNLESS OTHERWISE
 NOTED.

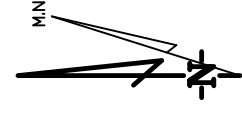
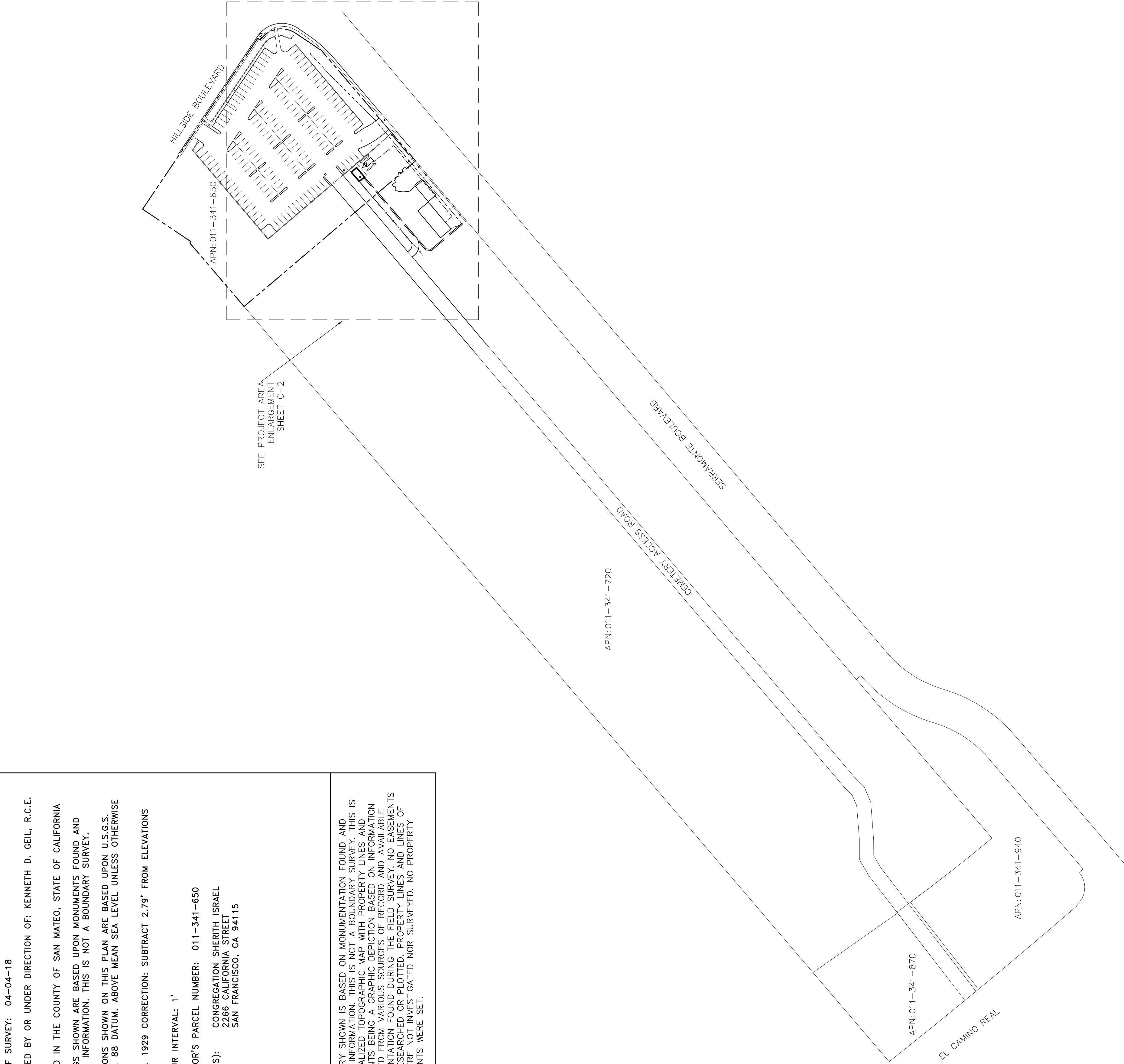
N.G.V.D. 1929 CORRECTION: SUBTRACT 2.79' FROM ELEVATIONS
 SHOWN.

CONTOUR INTERVAL: 1'

ASSESSOR'S PARCEL NUMBER: 011-341-650

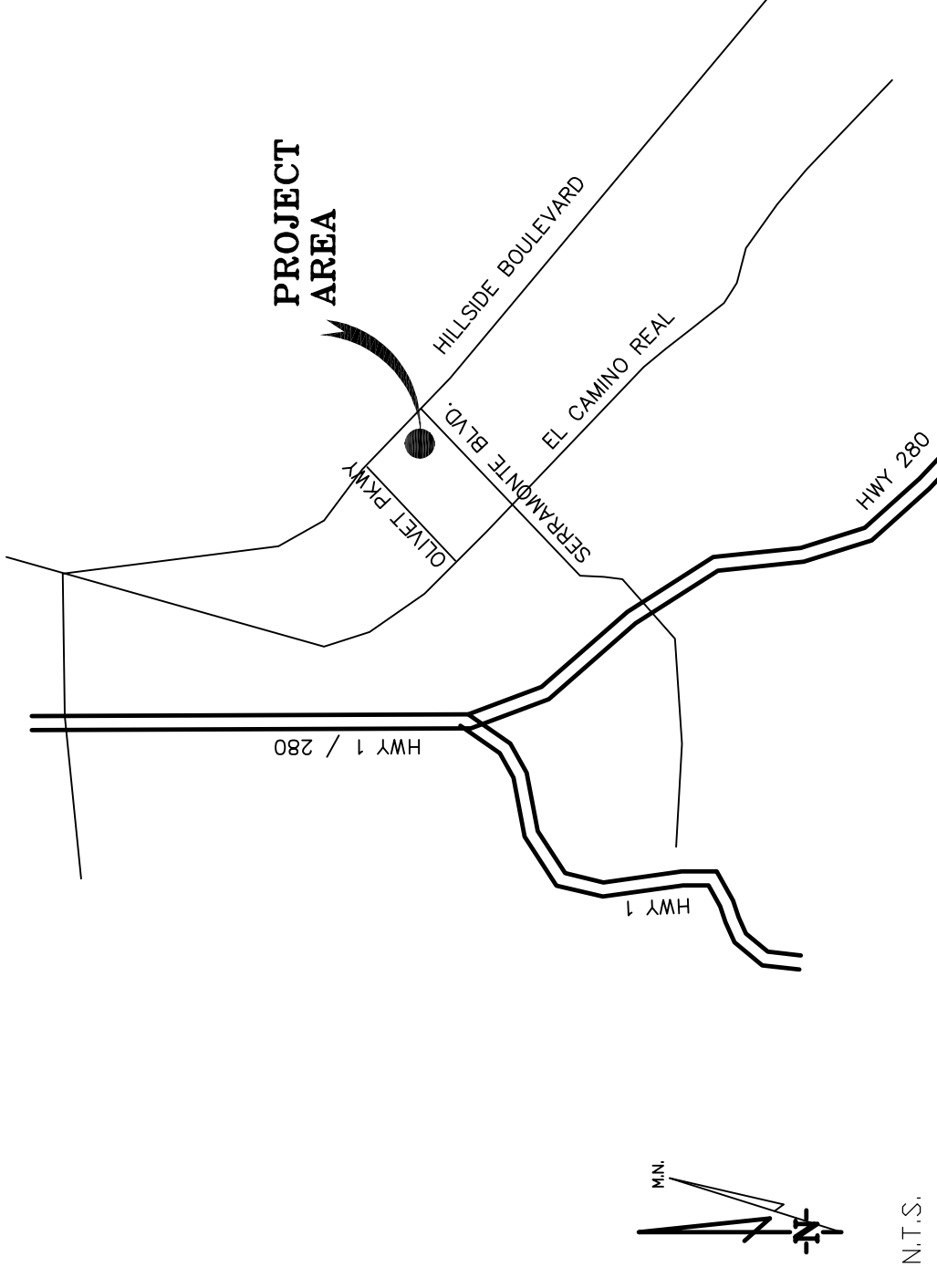
OWNER(S): CONGREGATION SHERITH ISRAEL
 2265 CALIFORNIA STREET
 SAN FRANCISCO, CA 94115

BOUNDARY SHOWN IS BASED ON MONUMENTATION FOUND AND
 RECORD INFORMATION. THIS IS NOT A BOUNDARY SURVEY. THIS IS
 A SPECIALIZED TOPOGRAPHIC MAP WITH PROPERTY LINES AND
 EASEMENTS BEING A GRAPHIC DEPICTION BASED ON INFORMATION
 GATHERED FROM VARIOUS SOURCES OF RECORD AND AVAILABLE
 MONUMENTATION FOUND DURING THE FIELD SURVEY. NO EASEMENTS
 WERE IDENTIFIED OR NOTED. PROPERTY LINES, ADJACENT LOTS OF
 THIS WERE NOT INVESTIGATED NOR SURVEYED. NO PROPERTY
 MONUMENTS WERE SET.



SCALE 1" = 100'

OVERALL PROJECT AREA



N.T.S.
 COLMA, CA

VICINITY MAP

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Lease Area Description

All that certain lease area being a portion of that certain Parcel 1 as is described in that certain deed filed for record as Document #2004-222184, San Mateo County Records, being located in the City of Colma, County of San Mateo, State of California, being more particularly described as follows:

Commencing at a standard monument in box set at the Northerly terminus of that certain monument line tangent of Serranito Boulevard labeled "S 49°30'00"W 1396.13'", as is shown on that certain Parcel Map filed for record at Volume 82 of Parcel Maps at Page 22, San Mateo County Records, from which similar monument in box bears South 49°30'00" West 1396.13 feet; thence from said point of commencement South 85°44'14" West 206.39 feet to the True Point of Beginning; thence from said point of beginning North 40°33'28" West 12.00 feet; thence South 49°26'32" West 21.00 feet; thence South 40°33'28" East 12.00 feet; thence North 49°26'32" East 21.00 feet to the point of beginning.

Together with a non-exclusive pathway for access purposes twelve feet in width from the above described lease area and running thence Southwesterly to the existing access road, thence over and across said access road to the public right of way more commonly known as El Camino Real.

Also together with a non-exclusive pathway for utility purposes two feet in width the centerline of which is described as follows: beginning at a point which bears North 40°33'28" West 1.00 feet from the most Southerly corner of the above described lease area and running thence South 49°25'20" West 136.25 feet; thence South 04°35'06" West 9.34 feet; thence South 40°14'34" East 69 feet more or less to the existing utility pole.

Geil Engineering
 Engineering * Surveying * Planning
 1226 High Street
 Auburn, California 95603-5015
 Phone: (530) 885-0426 * Fax: (530) 823-1309

SPRINT

Project Name: FS25XC047 COLMA

Project Site Location: 1171 El Camino Real
 Colma, CA 94014
 San Mateo County

Date of Observation: 04-06-18

Equipment/Procedure Used to Obtain Coordinates: Trimble Pathfinder Pro XL post
 processed with Pathfinder Office software.

Type of Antenna Mount: Proposed Monopole
 Coordinates
 Latitude: N 37° 40' 49.13" (NAD83) N 37° 40' 49.37" (NAD27)
 Longitude: W 122° 27' 14.37" (NAD83) W 122° 27' 10.47" (NAD27)

ELEVATION of Ground at Structure (NAVD88) 216' AMSL
 CERTIFICATION: I, the undersigned, do hereby certify elevation listed above is based on field measurements taken in accordance with the standards defined in the FAIMSAC information sheet 91.003, and that they are true and accurate to the best of my knowledge and belief.

Kenneth D. Geil California RCE 14803

DEPT	APPROVED DATE
A&C	
RF	
INT	
EC/N	
OPS	
EE\OUT	

Surveyor
 GEIL ENGINEERING
 ENGINEERING * SURVEYING * PLANNING
 1226 HIGH STREET
 AUBURN, CALIFORNIA 95603
 Phone: (530) 885-0426
 Fax: (530) 823-1309



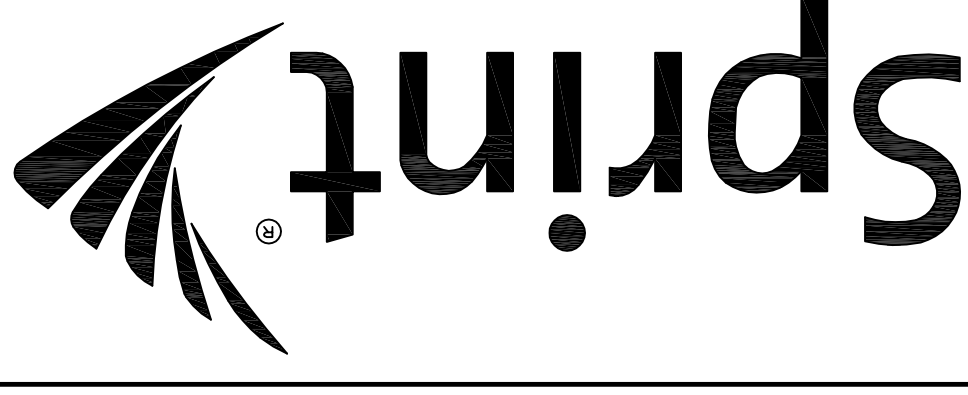
FS25XC047
 COLMA
 COLMA, CA 94014
 PLOT PLAN AND
 SITE TOPOGRAPHY

REV	DATE	DESCRIPTION
04-05-18	N. RÖHDE	DRAWING SUBMITTAL
06-11-18	N. RÖHDE	LEASE AREA MOD.
11-20-18	N. RÖHDE	LEASE AREA MOD.
02-12-19	N. RÖHDE	EASEMENT TO PATHWAY

Sheet
 C-1

DEPT	APPROVED	DATE
A&C		
RE		
RF		
INT		
EC\IN		
OPS		
EE\OUT		

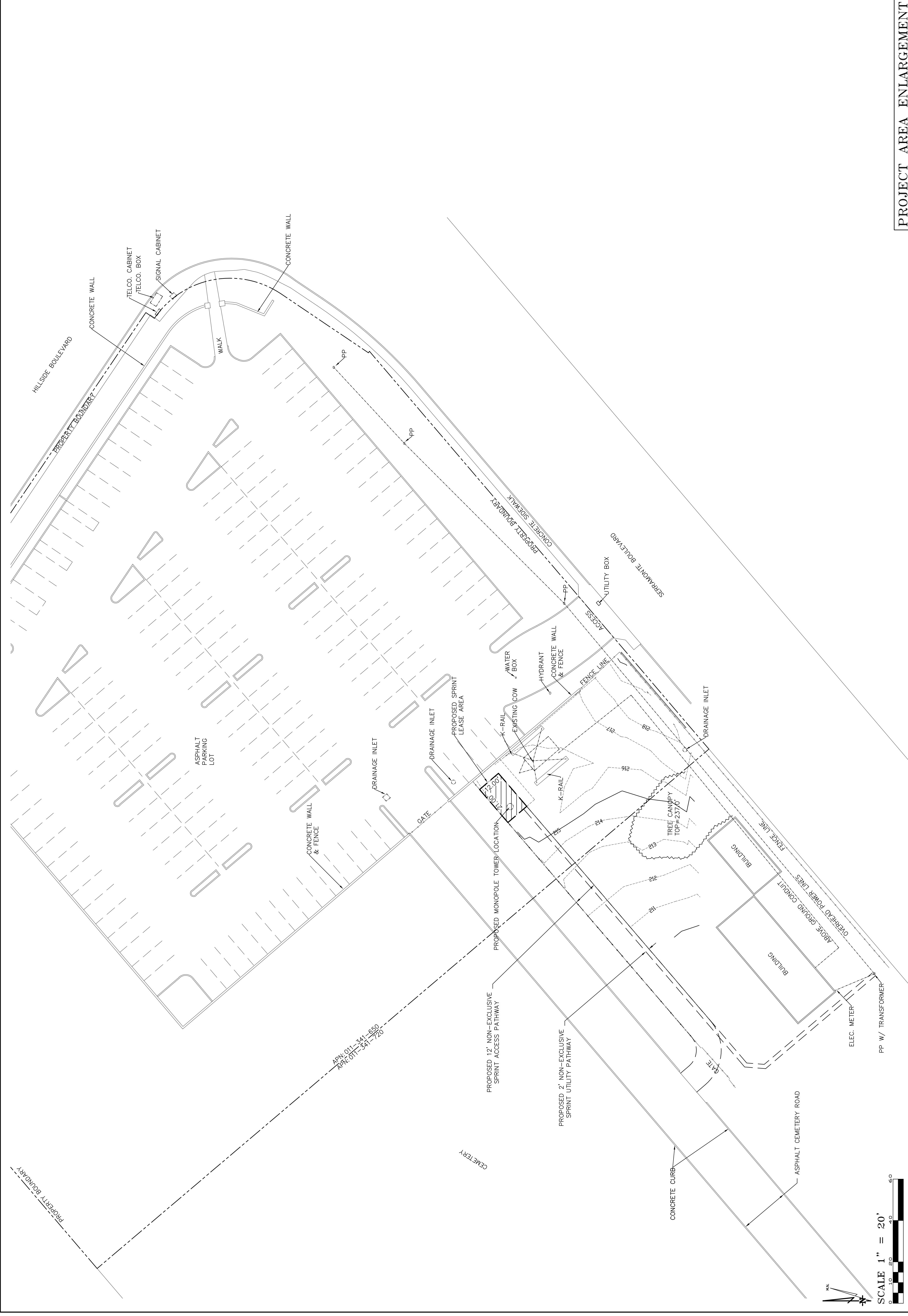
Surveyor
GELL ENGINEERING
 ENGINEERING • SURVEYING • PLANNING
 1226 HIGH STREET
 AUBURN, CALIFORNIA 95603
 Phone: (530) 886-0426
 Fax: (530) 883-1308



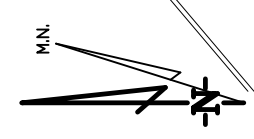
FS25XC047
COLMA
 1171 EL CAMINO REAL
 COLMA, CA 94014
 PLOT PLAN AND
 SITE TOPOGRAPHY

C-2
 Sheet

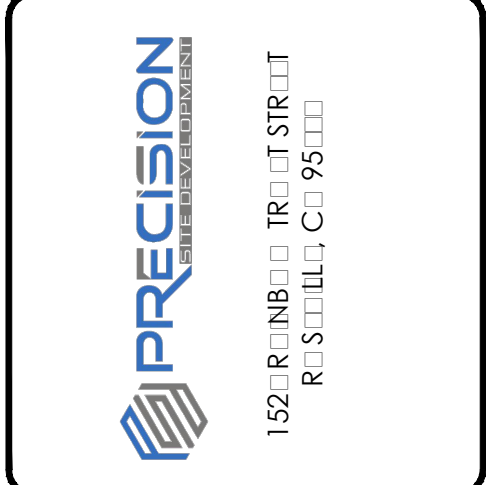
PROJECT AREA ENLARGEMENT



APR-01-241-650
 APR-01-341-720



SCALE 1" = 20'
 0 10 20 30 40 50 60



PROJECT NO: T-16503-59
 DRAWN BY: APE
 CHECKED BY: MTD

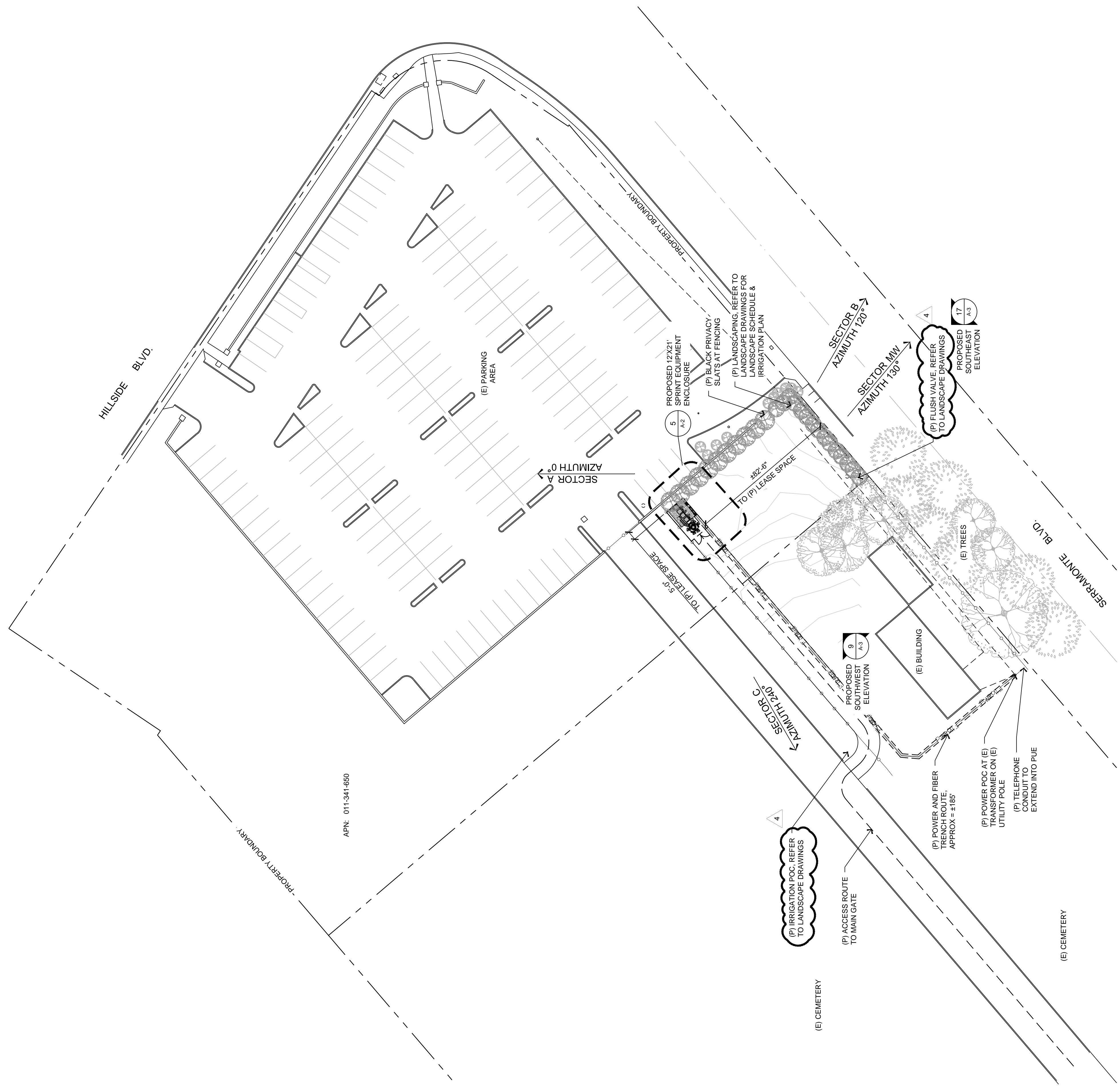
REV	DATE	DESCRIPTION
4	03/12/19	100% ZD REV 3
3	11/16/18	100% ZD REV 2
2	10/24/18	100% ZD REV 1
1	06/14/18	100% ZD SUBMITTAL
0	05/03/18	90% ZD SUBMITTAL

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FS25XC047
 Colma Relo
 1171 EL CAMINO REAL
 COLMA, CA 94014

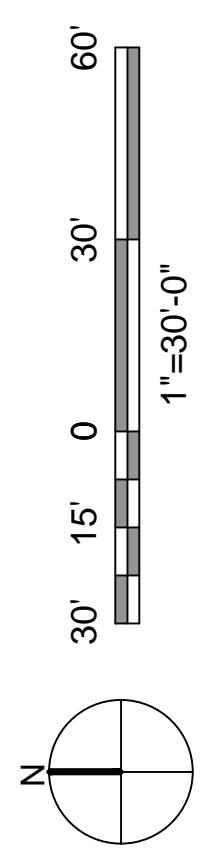
SHEET TITLE
 OVERALL SITE PLAN

SHEET NUMBER
 A-1



4

1. (P) EQUIPMENT COMPLIES WITH FCC EXPOSURE LIMITS.
 2. MAXIMUM EFFECTIVE RADIATED POWER (WATTS)
 4.310 WATTS FOR BRS
 2.670 WATTS FOR SRS
 820 WATTS FOR SMS
 7.830 WATTS TOTAL
 (REFER TO ATTACHED RF EXPOSURE STUDY FROM HAMMET & EDSON FOR CALCULATIONS)



ACRONYM LEGEND

- BBU: BATTERY BACKUP UNIT
- CAB: CABINET
- CDMA: CODE DIVISION MULTIPLE ACCESS
- CMU: CONCRETE MASONRY UNIT
- (E): EXISTING
- GND: GROUND
- GPS: GLOBAL POSITIONING SYSTEM
- HVAC: HEATING VENTILATION AIR CONDITIONING
- HYB: HYBRID LINE
- MMBS: MULTI MODAL BASE STATION
- (N): NEW
- (P): PROPOSED
- PPC: POWER PROTECTION UNIT
- PRI: LEGACY PRIMARY CABINET
- PWR: POWER
- RAD: RADIATION CENTER
- RET: REMOTE ELECTRICAL TILT
- RF: RADIO FREQUENCY
- RFF: REINFORCED FIBERGLASS PANEL
- RRU: REMOTE RADIO UNIT
- TEL: TELCO
- HFC: HYDROGEN FUEL CELL
- HSM: HYDROGEN STORAGE MODULE

GRAPHICS LEGEND

- ICE BRIDGE:
- CABLE TRAY:
- WALL/PARTITION:
- FENCE:
- WOOD/IRON FENCE:
- LEASE AREA:
- POWER: Pwr
- TELCO: Tel
- HYBRID: Hyb

NOTES

1. CONDUIT ROUTING IS DIAGRAMMATICALLY SHOWN ON PLANS AND ARE ONLY APPROXIMATIONS. THE EXACT LOCATION AND ROUTING SHALL BE FIELD VERIFIED.
2. ALL ELECTRICAL EQUIPMENT AND CONTROLLING DEVICES SHALL BE PROVIDED WITH LAMI COLD NAMEPLATES, INDICATING THE CIRCUITS ORIGIN AND ALL EQUIPMENT TERMINATIONS.
3. CONTRACTOR SHALL SUPPLY BREAKERS, CONDUITS AND CIRCUIT CONDUCTORS, AS REQUIRED FOR A COMPLETED SYSTEM AND SHALL BE IN COMPLIANCE WITH MANUFACTURER SPECIFICATIONS.



PROJECT NO:	T-16503-59
DRAWN BY:	APE
CHECKED BY:	MTD

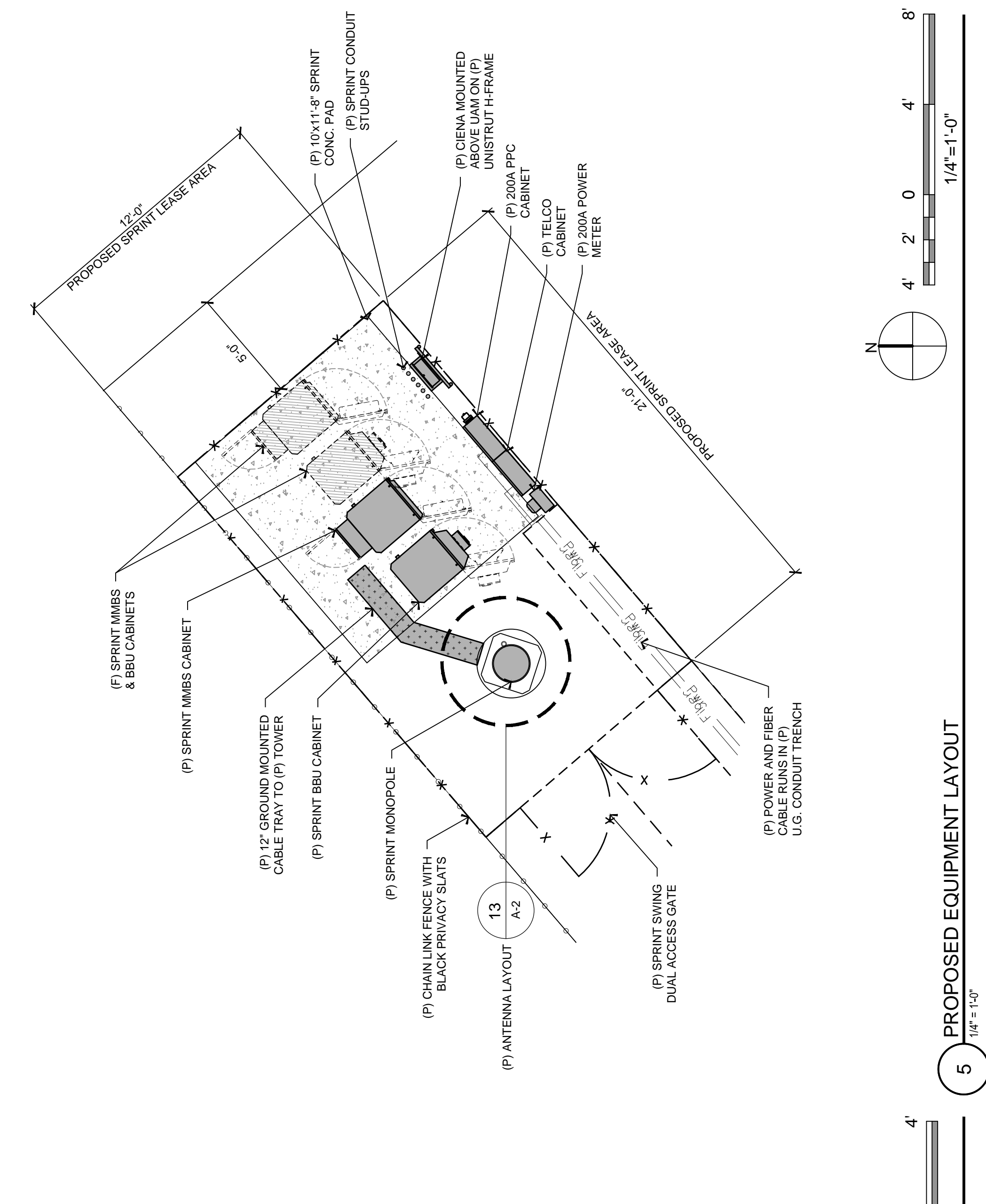
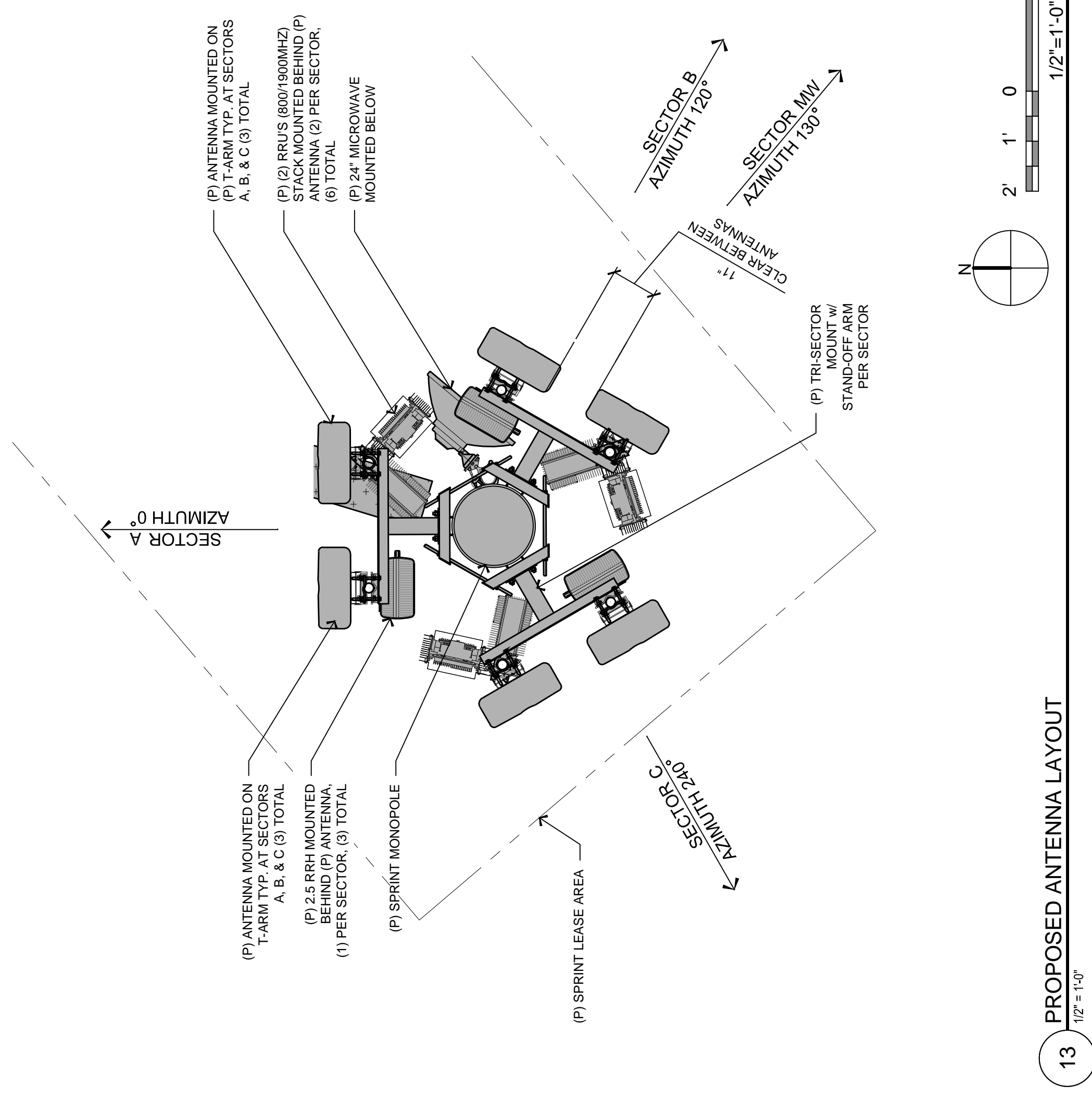
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3	11/16/18	100% ZD REV 2
2	10/24/18	100% ZD REV 1
1	06/14/18	100% ZD SUBMITTAL
0	05/03/18	90% ZD SUBMITTAL

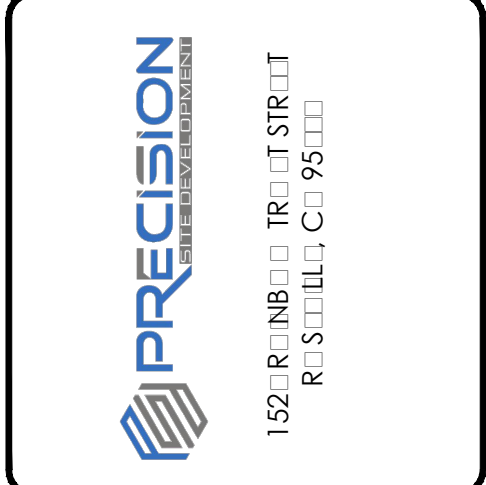
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FS25XC047
Colma Relo
1171 EL CAMINO REAL
COLMA, CA 94014

SHEET TITLE
**ENLARGED
EQUIPMENT PLANS**

SHEET NUMBER
A-2





PROJECT NO: T-16503-59
 DRAWN BY: APE
 CHECKED BY: MTD

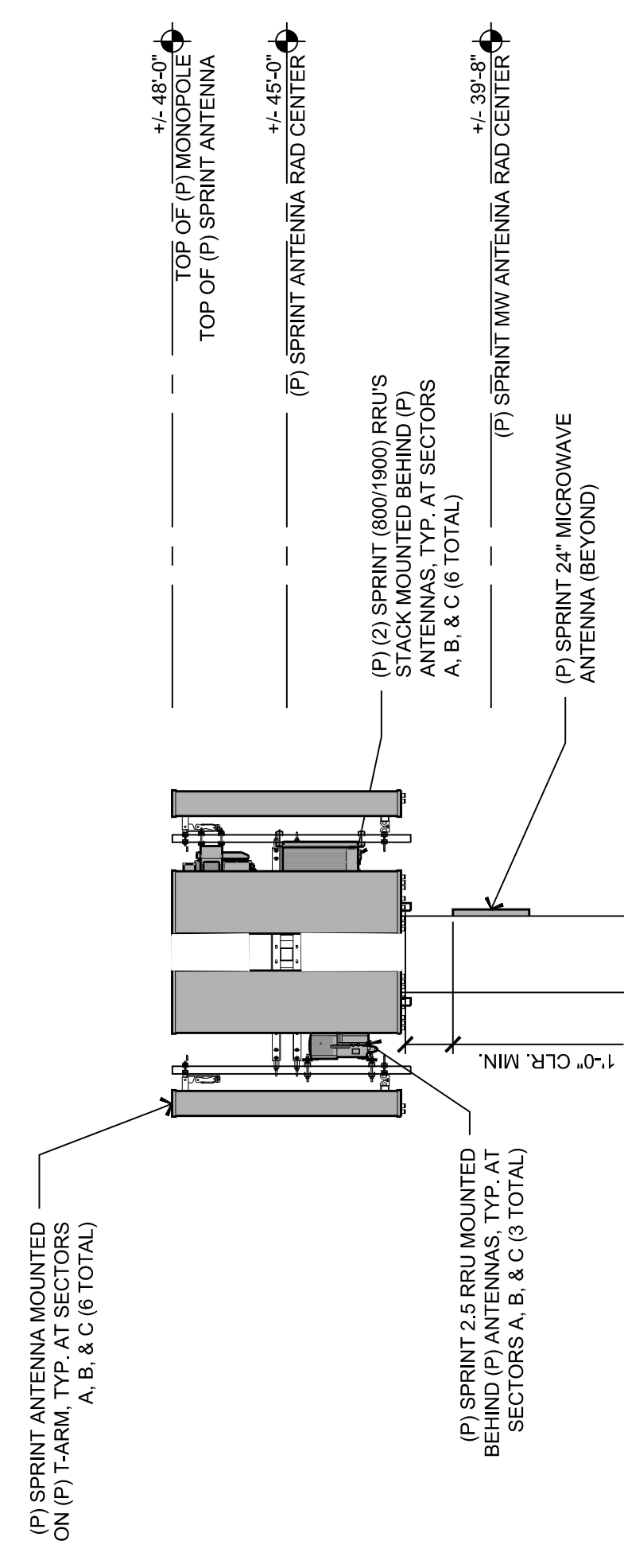
REV	DATE	DESCRIPTION
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3	11/16/18	100% ZD REV 2
2	10/24/18	100% ZD REV 1
1	06/14/18	100% ZD SUBMITTAL
0	05/03/18	90% ZD SUBMITTAL

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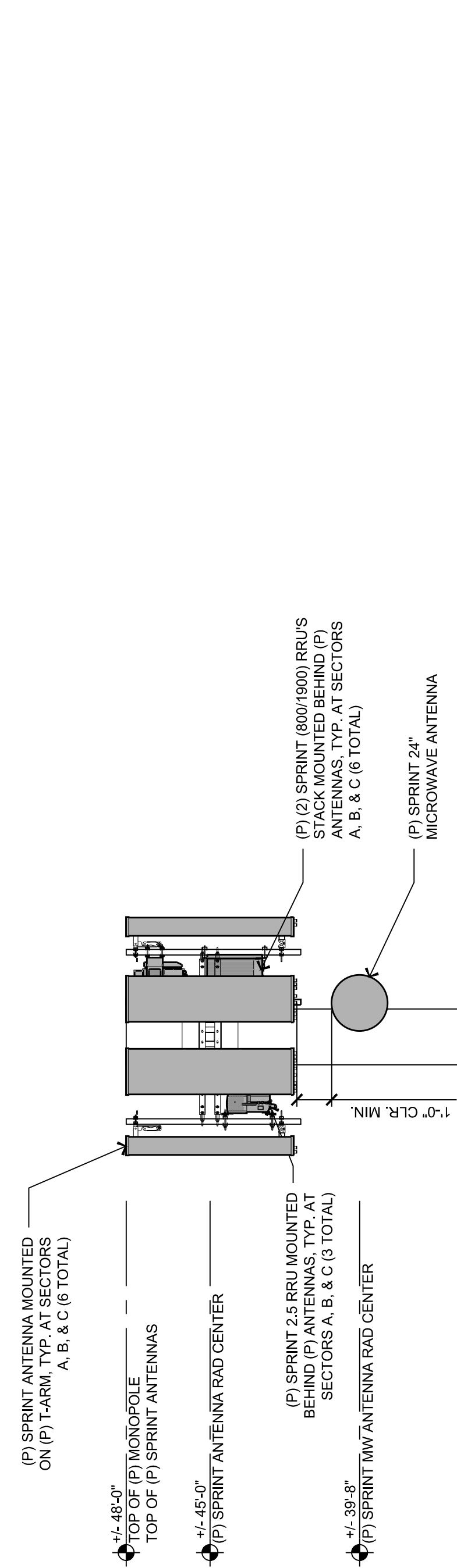
FS25XC047
 Colma Relo
 1171 EL CAMINO REAL
 COLMA, CA 94014

SHEET TITLE
ELEVATIONS

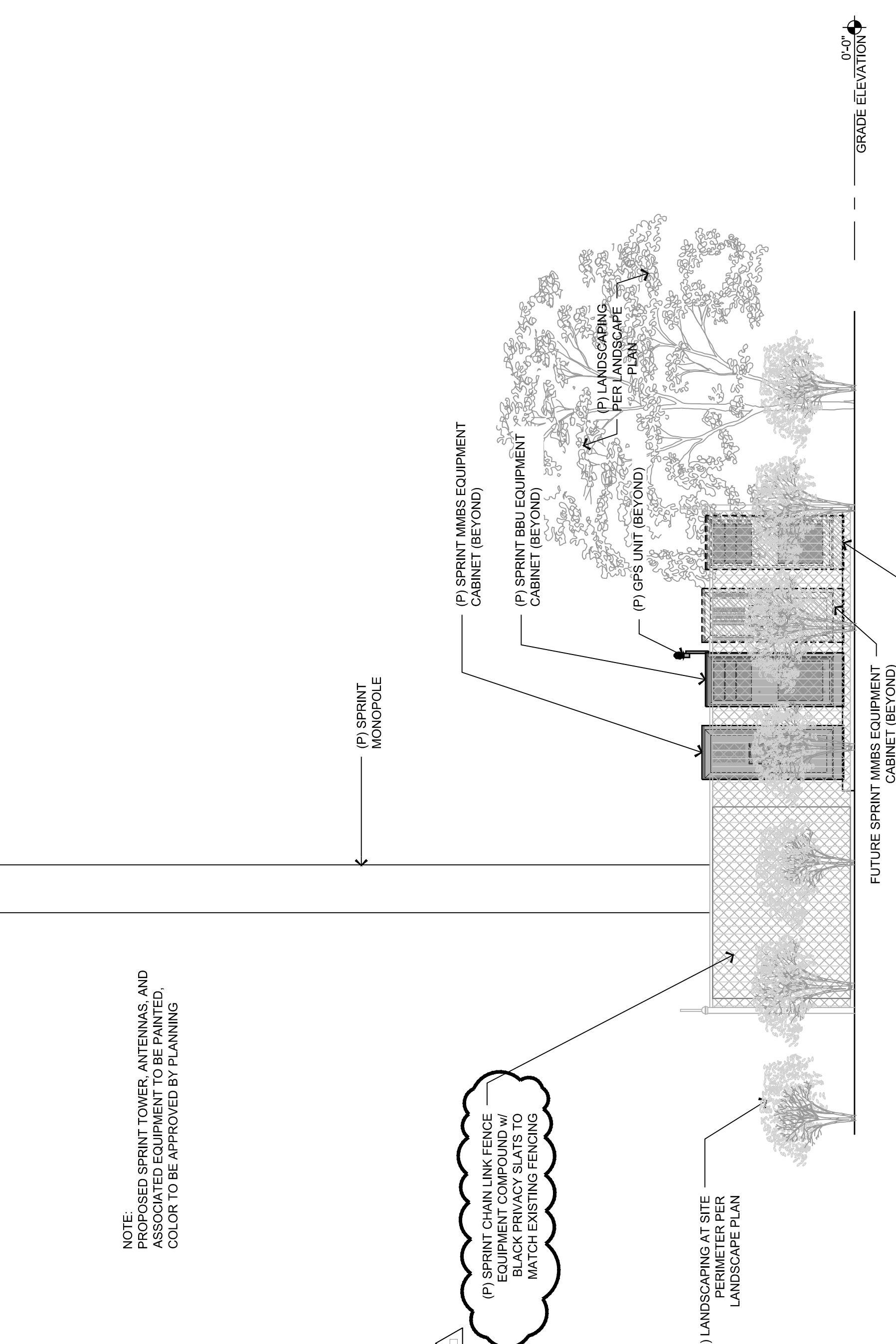
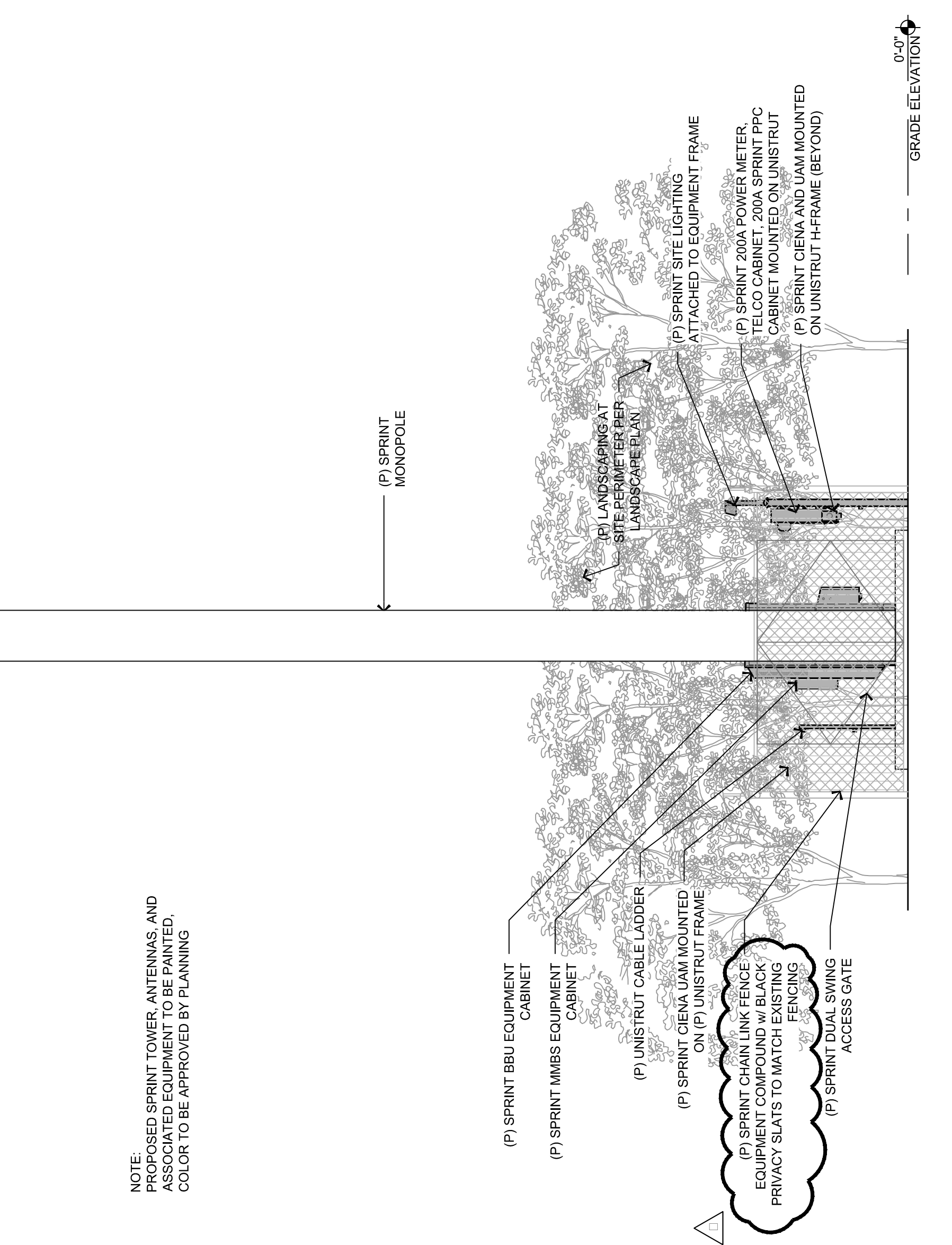
SHEET NUMBER
A-3



NOTE:
 PROPOSED SPRINT TOWER, ANTENNAS, AND EQUIPMENT CABINETS TO BE FINISHED. COLOR TO BE APPROVED BY PLANNING.



NOTE:
 PROPOSED SPRINT TOWER, ANTENNAS, AND EQUIPMENT CABINETS TO BE FINISHED. COLOR TO BE APPROVED BY PLANNING.



9 PROPOSED SOUTHWEST ELEVATION
 1/4" = 1'-0"

17 PROPOSED SOUTHEAST ELEVATION
 1/4" = 1'-0"

Product Specifications

COMMSCOPE

VHP2.11 0.6 m (2 ft) ValueLine® High Performance Low Profile Antenna, single-polarized, 10,700-11,700 GHz



CHARACTERISTICS

Table with columns: General Specifications, Electrical Specifications, Mechanical Specifications. Includes details like Bandwidth, Gain, and Mechanical Adjustments.

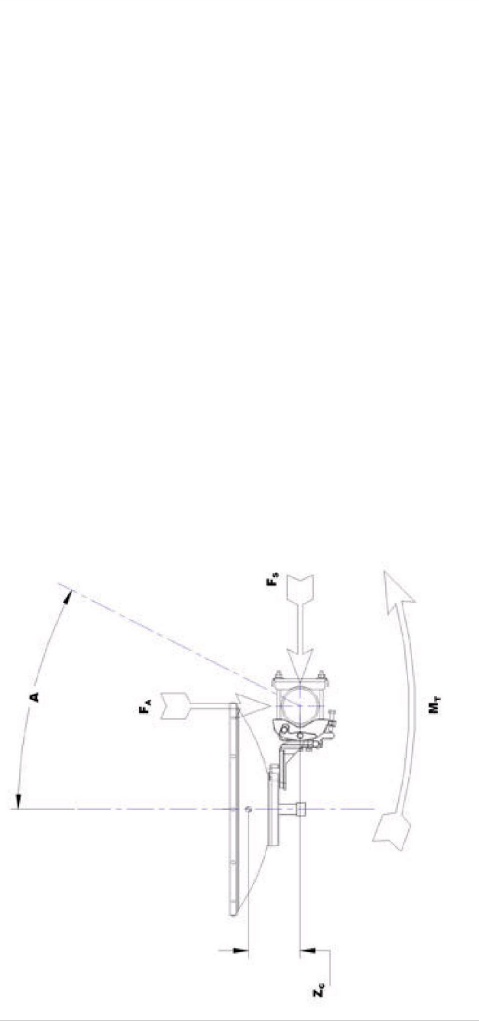
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Product Specifications

COMMSCOPE

VHP2.11

Antenna Dimensions And Mounting Information



Wind Force At Wind Velocity Survival Testing Angles

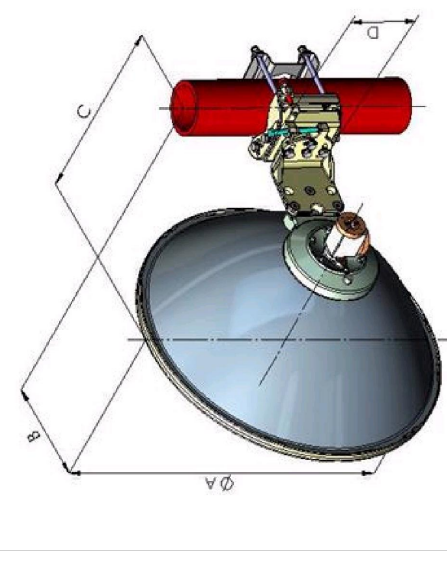


Table with columns: Antenna Size (in), A, B, C, D. Dimensions in inches and millimeters.

* Footnotes

- Antenna Force (FA)
Cross Polarization Discrimination (XPD)
Front-to-Back Ratio
Gain, Mid Band
Operating Frequency Band
Radiation Pattern Envelope Reference (RPE)

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Product Specifications

COMMSCOPE

VHP2.11

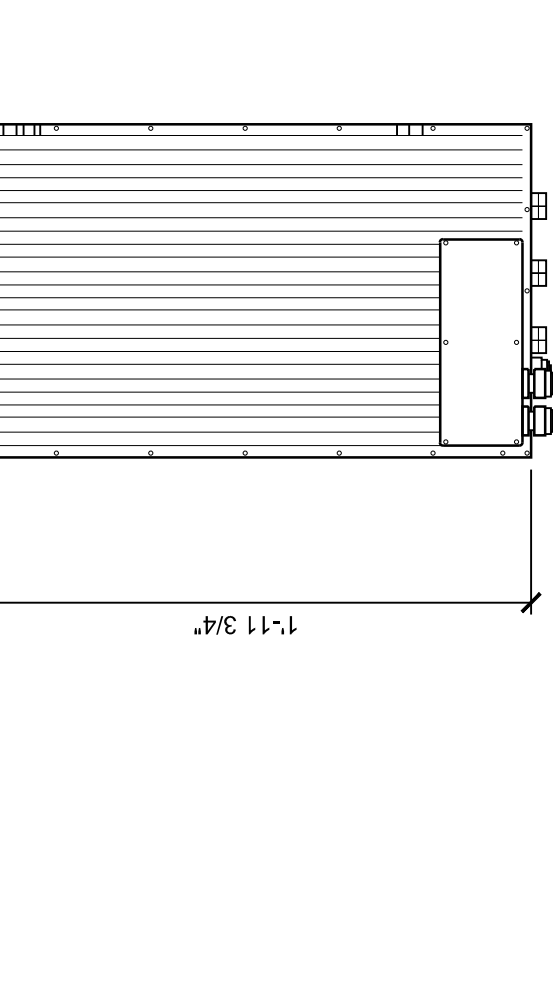
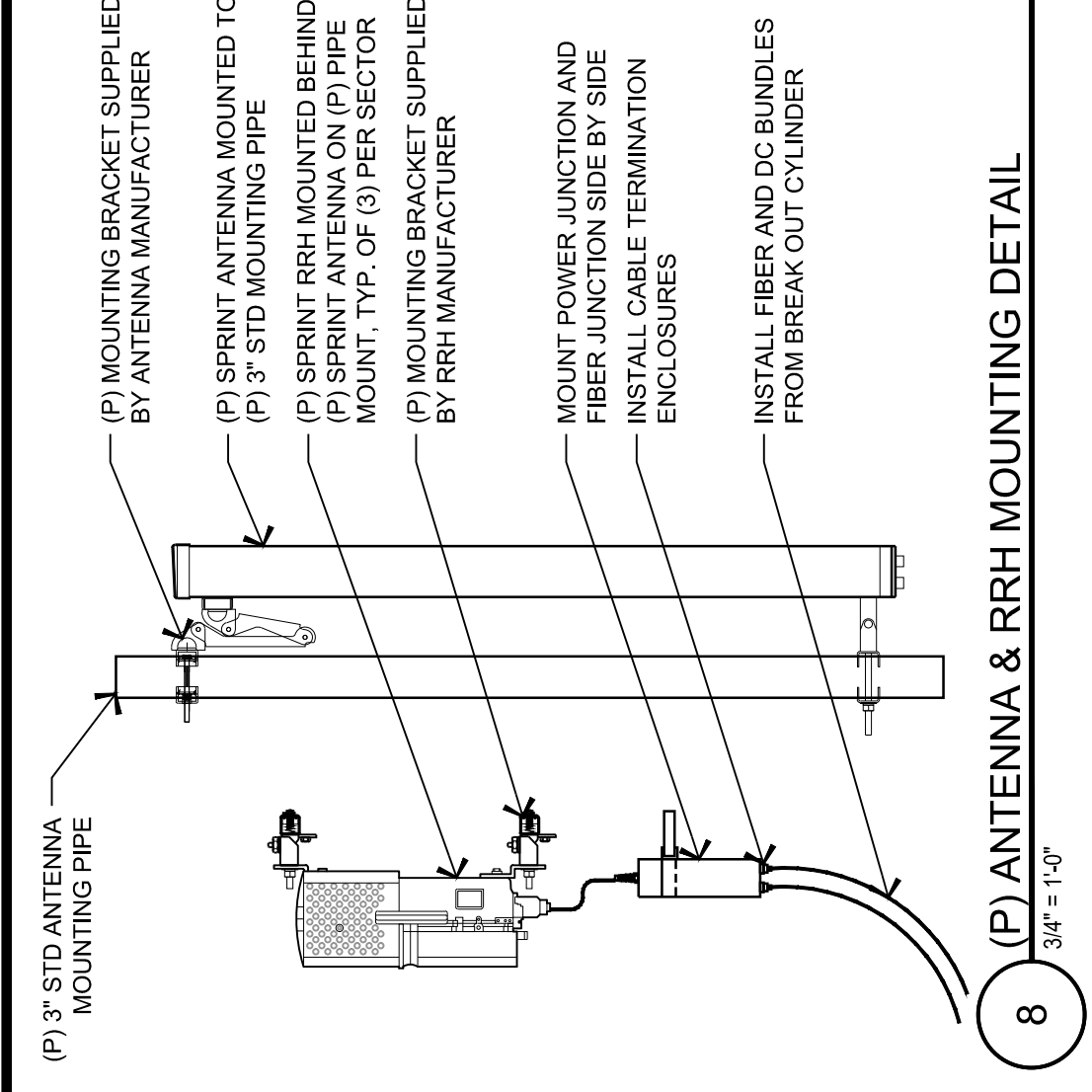


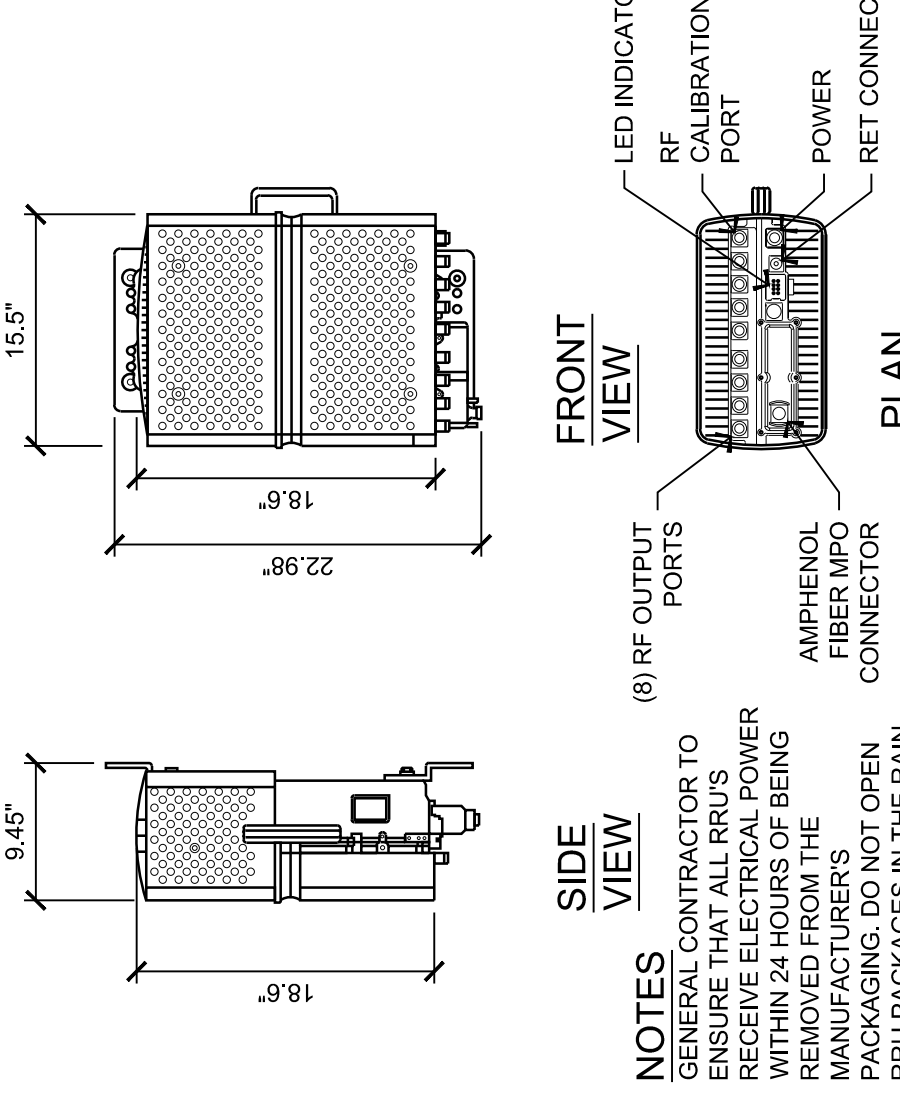
Table with columns: DIMENSIONS, HEIGHT, WIDTH, DEPTH, WEIGHT. Values: 350mm (13.8\"/>

1.9GHz RRU Mechanical Specifications

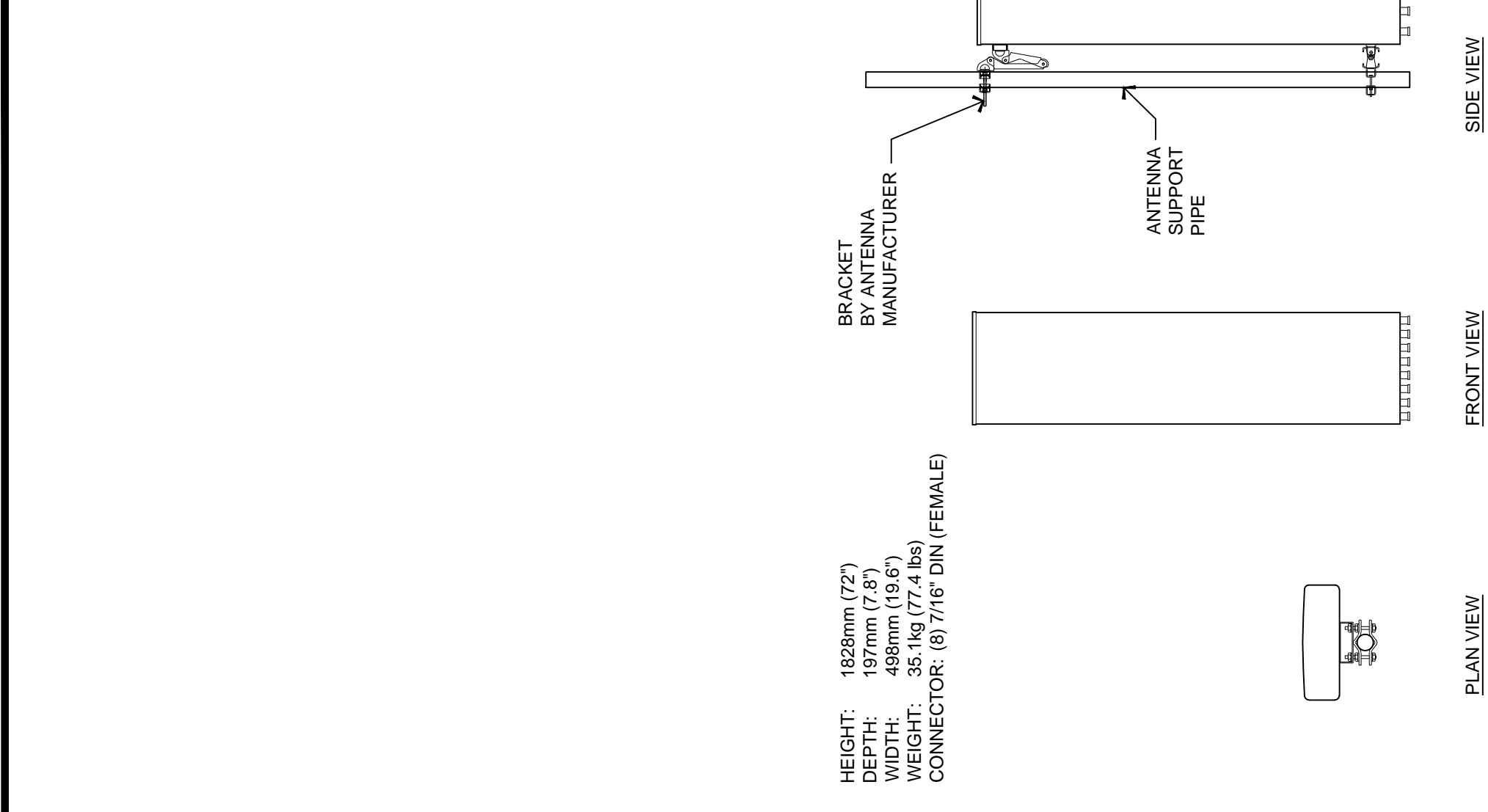
NOT TO SCALE



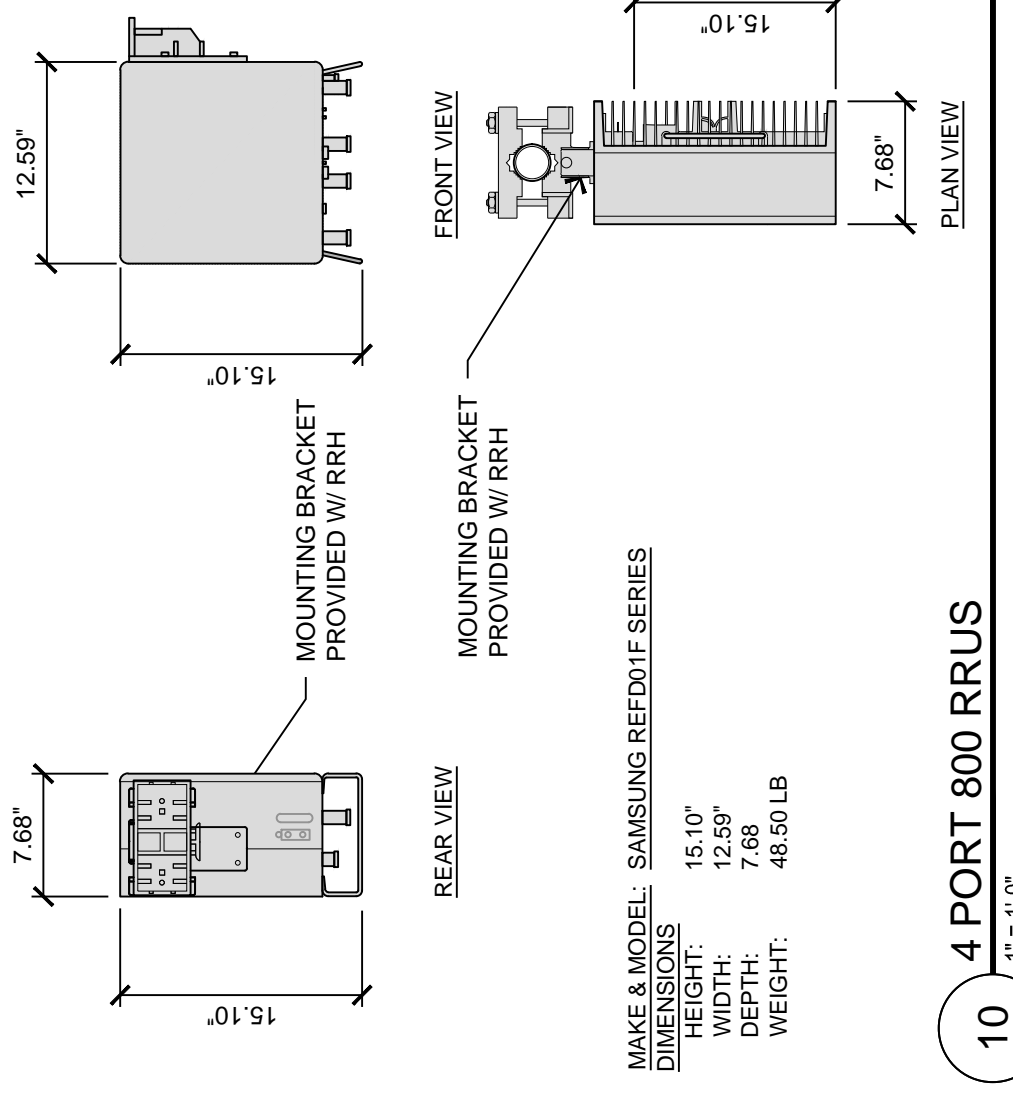
8 (P) ANTENNA & RRH MOUNTING DETAIL 3/4\"/>



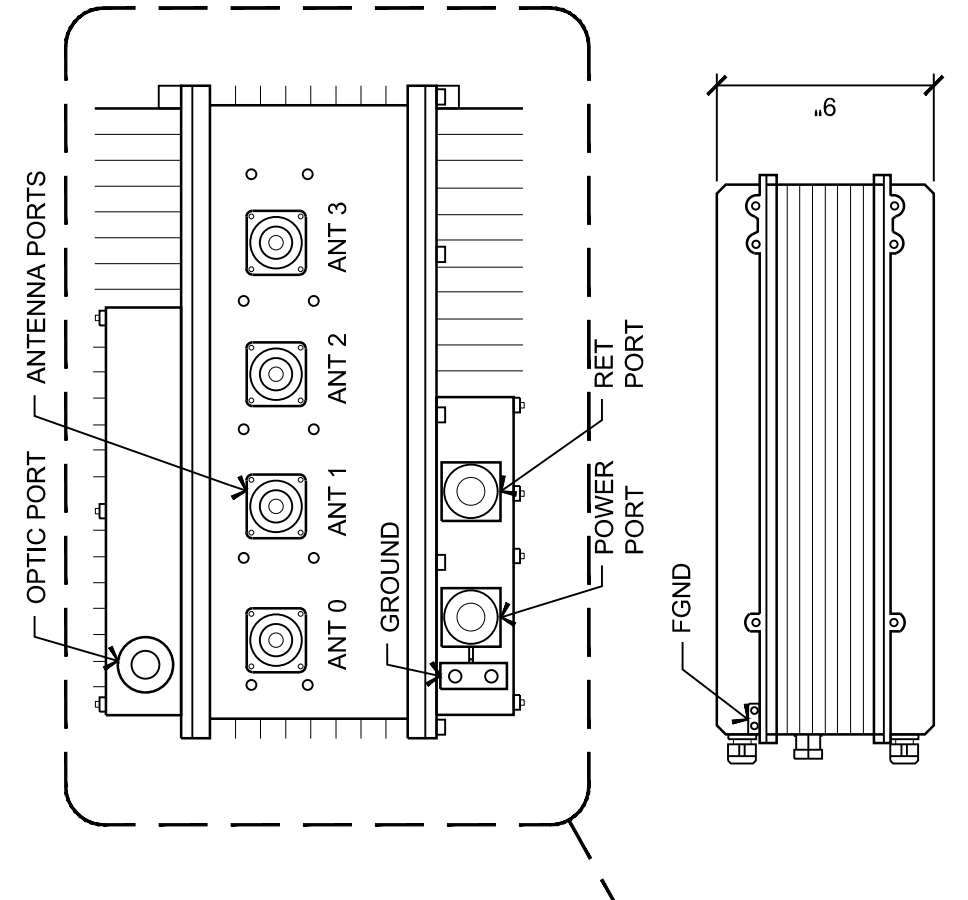
7 SAMSUNG 2.5 RRU 1/2\"/>



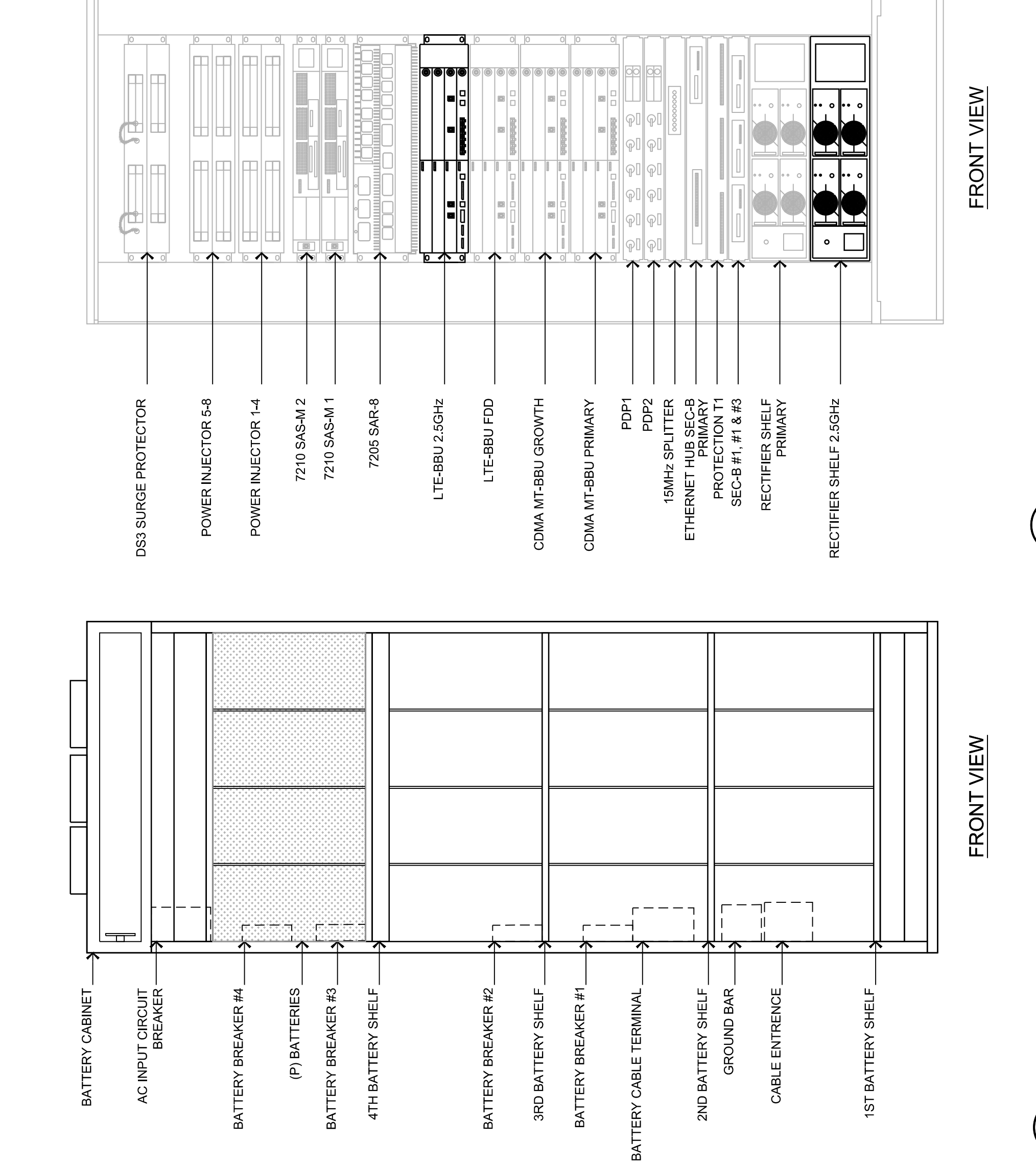
3 TYPICAL ANTENNA DETAIL 1/2\"/>



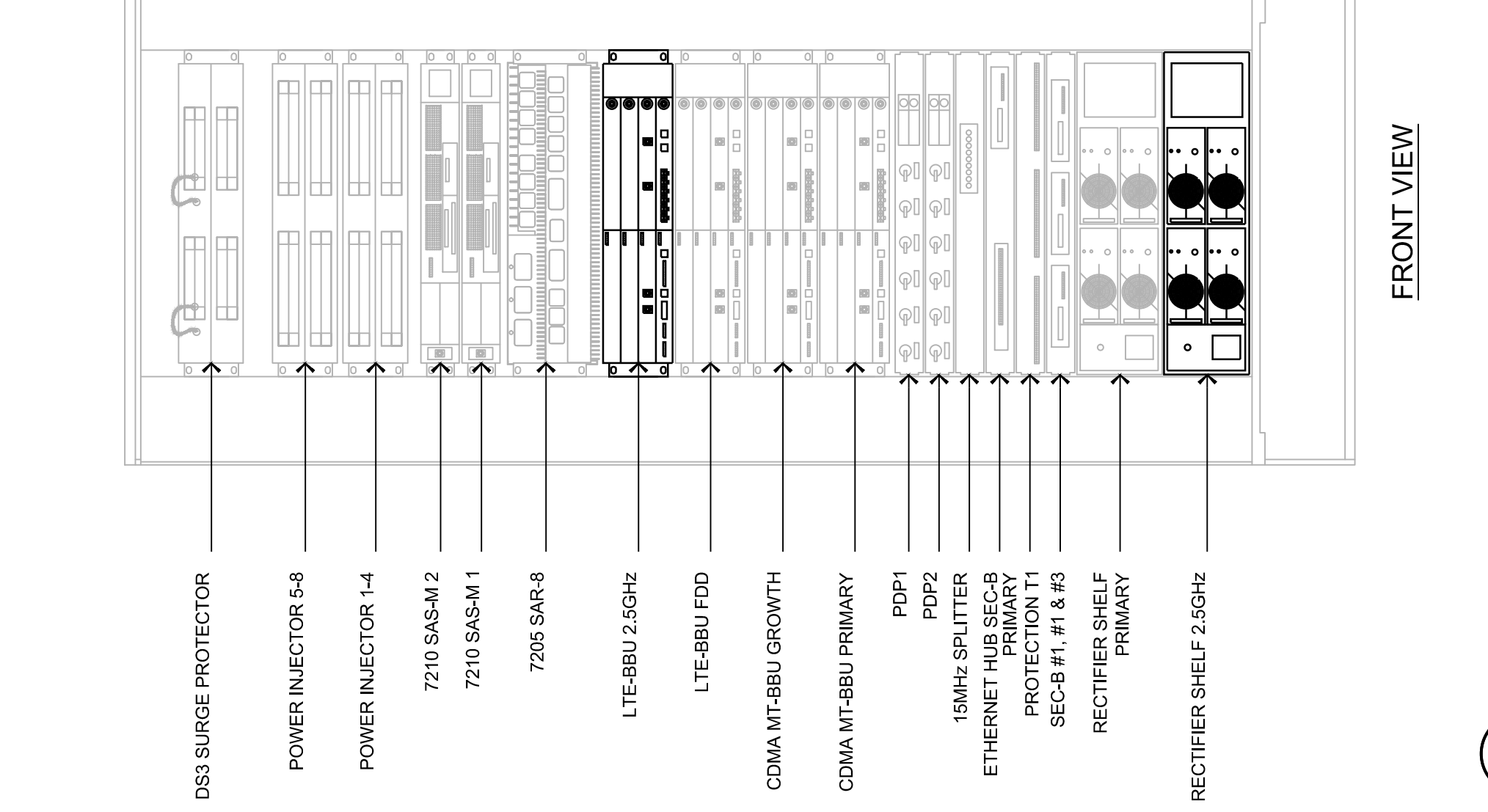
11 HYBRID BREAK OUT 1/2\"/>



10 4 PORT 800 RRU 1\"/>



5 BATTERY BACKUP CABINET 1/2\"/>



1 MMBS WITH 2.5 EQUIPMENT 1/2\"/>



Table with columns: PROJECT NO., DRAWN BY, CHECKED BY. Values: T-16503-59, APE, MTD.

Table with columns: REV, DATE, DESCRIPTION. Revision history table.

IT IS THE POLICY OF COMSCOPE, INC. TO PROVIDE THE BEST QUALITY PRODUCTS AND SERVICES UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER. TO ALTER THIS DOCUMENT.

FS25XC047 Colma Relo 1171 EL CAMINO REAL, COLMA, CA 94014

SHEET TITLE EQUIPMENT DETAILS

SHEET NUMBER A-4



Precision Site Development
 5098 Foothills Blvd. STE 3-119
 Roseville, CA 95747
 916-918-9322

Sprint: FS25XC047
 1171 El Camino Real, Colma, CA
 Vicinity Map - Zoning in Town of Colma



Radius from Site
 1000 Feet

Existing & Proposed
 Wireless Tower Site

- Zoning Key:
- Commercial
 - Public
 - Residential
 - Cemetery

Commentary: The proposed facility is not located within 1000' of existing residentially designated/zoned areas, existing residences, schools and there does not appear to be any other telecommunications site within this radius.

**Sprint • Base Station No. FS25xc047
1171 El Camino Real • Colma, California**

Statement of Hammett & Edison, Inc., Consulting Engineers

The firm of Hammett & Edison, Inc., Consulting Engineers, has been retained by Sprint, a personal wireless telecommunications carrier, to evaluate proposed modifications to its existing base station (Site No. FS25xc047) located at 1171 El Camino Real in Colma, California, for compliance with appropriate guidelines limiting human exposure to radio frequency (“RF”) electromagnetic fields.

Executive Summary

Sprint proposes to replace its directional panel antennas and the existing pole with a new steel pole to be sited near the northeast corner of the Salem Memorial Park cemetery, located at 1171 El Camino Real in Colma. The proposed operation will comply with the FCC guidelines limiting public exposure to RF energy.

Prevailing Exposure Standards

The U.S. Congress requires that the Federal Communications Commission (“FCC”) evaluate its actions for possible significant impact on the environment. A summary of the FCC’s exposure limits is shown in Figure 1. These limits apply for continuous exposures and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health. The most restrictive FCC limit for exposures of unlimited duration to radio frequency energy for several personal wireless services are as follows:

Wireless Service	Frequency Band	Occupational Limit	Public Limit
Microwave (Point-to-Point)	5–80 GHz	5.00 mW/cm ²	1.00 mW/cm ²
WiFi (and unlicensed uses)	2–6	5.00	1.00
BRS (Broadband Radio)	2,600 MHz	5.00	1.00
WCS (Wireless Communication)	2,300	5.00	1.00
AWS (Advanced Wireless)	2,100	5.00	1.00
PCS (Personal Communication)	1,950	5.00	1.00
Cellular	870	2.90	0.58
SMR (Specialized Mobile Radio)	855	2.85	0.57
700 MHz	700	2.40	0.48
[most restrictive frequency range]	30–300	1.00	0.20

General Facility Requirements

Base stations typically consist of two distinct parts: the electronic transceivers (also called “radios” or “channels”) that are connected to the traditional wired telephone lines, and the passive antennas that send the wireless signals created by the radios out to be received by individual subscriber units. The transceivers are often located at ground level and are connected to the antennas by coaxial cables. A small antenna for reception of GPS signals is also required, mounted with a clear view of the sky.

**Sprint • Base Station No. FS25xc047
1171 El Camino Real • Colma, California**

Because of the short wavelength of the frequencies assigned by the FCC for wireless services, the antennas require line-of-sight paths for their signals to propagate well and so are installed at some height above ground. The antennas are designed to concentrate their energy toward the horizon, with very little energy wasted toward the sky or the ground. This means that it is generally not possible for exposure conditions to approach the maximum permissible exposure limits without being physically very near the antennas.

Computer Modeling Method

The FCC provides direction for determining compliance in its Office of Engineering and Technology Bulletin No. 65, ‘Evaluating Compliance with FCC-Specified Guidelines for Human Exposure to Radio Frequency Radiation,’ dated August 1997. Figure 2 describes the calculation methodologies, reflecting the facts that a directional antenna’s radiation pattern is not fully formed at locations very close by (the “near-field” effect) and that at greater distances the power level from an energy source decreases with the square of the distance from it (the “inverse square law”). The conservative nature of this method for evaluating exposure conditions has been verified by numerous field tests.

Site and Facility Description

Based upon information provided by Sprint, including zoning drawings by Borges Architectural Group, Inc., dated November 16, 2018, that carrier presently has six directional panel antennas installed on a temporary cell-on-wheels (“COW”) pole parked at the southwest side of the parking lot for the Salem Memorial Park cemetery, located at 1171 El Camino Real in Colma. Sprint proposes to replace that temporary facility with a permanent, 48-foot steel pole in the same area, replacing the antennas with six CommScope directional panel antennas: three each Models TTTT65AP-1XR and NNVV-65B. The antennas would employ up to 4° downtilt, would be mounted at an effective height of about 45 feet above ground, and would be oriented in identical pairs toward 0°T, 120°T, and 240°T, to provide service in all directions. The maximum effective radiated power in any direction would be 7,830 watts, representing simultaneous operation at 4,310 watts for BRS, 2,850 watts for PCS, and 670 watts for SMR service. Also proposed to be located on the pole is a 2-foot microwave “dish” antenna, for interconnection of this site with others in the Sprint network. There are reported no other wireless telecommunications base stations at the site or nearby.

Study Results

For a person anywhere at ground, the maximum RF exposure level due to the proposed Sprint operation, including the contribution of the microwave antenna, is calculated to be 0.023 mW/cm², which is 2.4% of the applicable public exposure limit. The maximum calculated level at the second-

**Sprint • Base Station No. FS25xc047
1171 El Camino Real • Colma, California**

floor elevation of any nearby building* is 2.0% of the public exposure limit. The maximum calculated level at the second-floor elevation of any nearby residence† is 0.20% of the public exposure limit. It should be noted that these results include several “worst-case” assumptions and therefore are expected to overstate actual power density levels from the proposed operation.

No Recommended Mitigation Measures

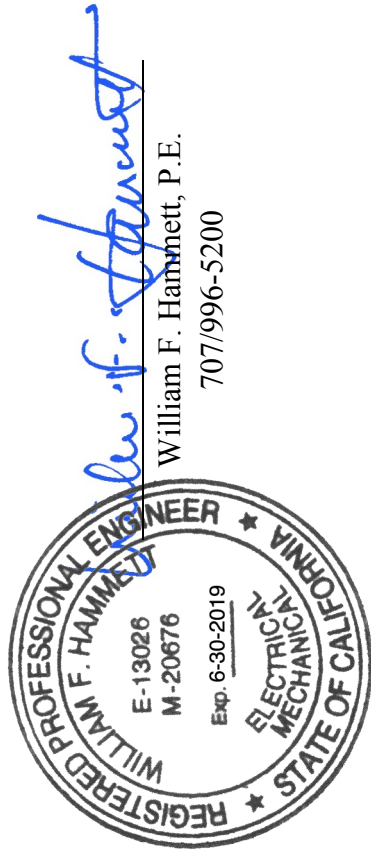
Due to their mounting location and height, the Sprint antennas would not be accessible to unauthorized persons, and so no mitigation measures are necessary to comply with the FCC public exposure guidelines. It is presumed that Sprint will, as an FCC licensee, take adequate steps to ensure that its employees or contractors receive appropriate training and comply with FCC occupational exposure guidelines whenever work is required near the antennas themselves.

Conclusion

Based on the information and analysis above, it is the undersigned’s professional opinion that the proposed operation of the Sprint base station located at 1171 El Camino Real in Colma, California, will comply with the prevailing standards for limiting public exposure to radio frequency energy and, therefore, will not for this reason cause a significant impact on the environment. The highest calculated level in publicly accessible areas is much less than the prevailing standards allow for exposures of unlimited duration. This finding is consistent with measurements of actual exposure conditions taken at other operating base stations.

Authorship

The undersigned author of this statement is a qualified Professional Engineer, holding California Registration Nos. E-13026 and M-20676, which expire on June 30, 2019. This work has been carried out under his direction, and all statements are true and correct of his own knowledge except, where noted, when data has been supplied by others, which data he believes to be correct.



William F. Hammett, P.E.
707/996-5200

December 13, 2018

* Located at least 230 feet away, based on photographs from Google Maps.

† Located at least 1,200 feet away, based on photographs from Google Maps.

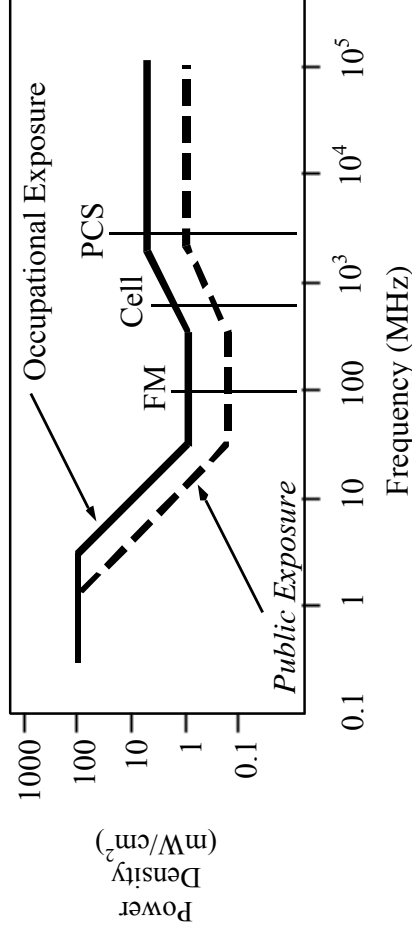
FCC Radio Frequency Protection Guide

The U.S. Congress required (1996 Telecom Act) the Federal Communications Commission (“FCC”) to adopt a nationwide human exposure standard to ensure that its licensees do not, cumulatively, have a significant impact on the environment. The FCC adopted the limits from Report No. 86, “Biological Effects and Exposure Criteria for Radiofrequency Electromagnetic Fields,” published in 1986 by the Congressionally chartered National Council on Radiation Protection and Measurements (“NCRP”). Separate limits apply for occupational and public exposure conditions, with the latter limits generally five times more restrictive. The more recent standard, developed by the Institute of Electrical and Electronics Engineers and approved as American National Standard ANSI/IEEE C95.1-2006, “Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 kHz to 300 GHz,” includes similar limits. These limits apply for continuous exposures from all sources and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health.

As shown in the table and chart below, separate limits apply for occupational and public exposure conditions, with the latter limits (in *italics* and/or dashed) up to five times more restrictive:

Electromagnetic Fields (f is frequency of emission in MHz)

Frequency Applicable Range (MHz)	Electric Field Strength (V/m)	Magnetic Field Strength (A/m)	Equivalent Far-Field Power Density (mW/cm ²)
0.3 – 1.34	614	1.63	100
1.34 – 3.0	614	$2.19/f$	$100/f^2$
3.0 – 30	$1842/f$	$2.19/f$	$900/f^2$
30 – 300	61.4	0.163	1.0
300 – 1,500	$3.54\sqrt{f}$	$\sqrt{f}/106$	$f/300$
1,500 – 100,000	137	0.364	5.0



Higher levels are allowed for short periods of time, such that total exposure levels averaged over six or thirty minutes, for occupational or public settings, respectively, do not exceed the limits, and higher levels also are allowed for exposures to small areas, such that the spatially averaged levels do not exceed the limits. However, neither of these allowances is incorporated in the conservative calculation formulas in the FCC Office of Engineering and Technology Bulletin No. 65 (August 1997) for projecting field levels. Hammett & Edison has built those formulas into a proprietary program that calculates, at each location on an arbitrary rectangular grid, the total expected power density from any number of individual radio sources. The program allows for the description of buildings and uneven terrain, if required to obtain more accurate projections.

RFR.CALC™ Calculation Methodology

Assessment by Calculation of Compliance with FCC Exposure Guidelines

The U.S. Congress required (1996 Telecom Act) the Federal Communications Commission (“FCC”) to adopt a nationwide human exposure standard to ensure that its licensees do not, cumulatively, have a significant impact on the environment. The maximum permissible exposure limits adopted by the FCC (see Figure 1) apply for continuous exposures from all sources and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health. Higher levels are allowed for short periods of time, such that total exposure levels averaged over six or thirty minutes, for occupational or public settings, respectively, do not exceed the limits.

Near Field.

Prediction methods have been developed for the near field zone of panel (directional) and whip (omnidirectional) antennas, typical at wireless telecommunications base stations, as well as dish (aperture) antennas, typically used for microwave links. The antenna patterns are not fully formed in the near field at these antennas, and the FCC Office of Engineering and Technology Bulletin No. 65 (August 1997) gives suitable formulas for calculating power density within such zones.

For a panel or whip antenna, power density $S = \frac{180}{\theta_{BW}} \times \frac{0.1 \times P_{net}}{\pi \times D} \times h$, in mW/cm²,

and for an aperture antenna, maximum power density $S_{max} = \frac{0.1 \times 16 \times \eta \times P_{net}}{\pi \times h^2}$, in mW/cm²,

where θ_{BW} = half-power beamwidth of the antenna, in degrees, and

P_{net} = net power input to the antenna, in watts,

D = distance from antenna, in meters,

h = aperture height of the antenna, in meters, and

η = aperture efficiency (unitless, typically 0.5-0.8).

The factor of 0.1 in the numerators converts to the desired units of power density.

Far Field.

OET-65 gives this formula for calculating power density in the far field of an individual RF source:

$$\text{power density } S = \frac{2.56 \times 1.64 \times 100 \times RFF^2 \times ERP}{4 \times \pi \times D^2}, \text{ in mW/cm}^2,$$

where ERP = total ERP (all polarizations), in kilowatts,

RFF = relative field factor at the direction to the actual point of calculation, and

D = distance from the center of radiation to the point of calculation, in meters.

The factor of 2.56 accounts for the increase in power density due to ground reflection, assuming a reflection coefficient of 1.6 (1.6 x 1.6 = 2.56). The factor of 1.64 is the gain of a half-wave dipole relative to an isotropic radiator. The factor of 100 in the numerator converts to the desired units of power density. This formula has been built into a proprietary program that calculates, at each location on an arbitrary rectangular grid, the total expected power density from any number of individual radiation sources. The program also allows for the description of uneven terrain in the vicinity, to obtain more accurate projections.





STAFF REPORT

TO: Mayor and Members of the City Council

FROM: Michael P. Laughlin, AICP, City Planner
Brandon H DeLucas, Assistant Planner

VIA: Brian Dossey, City Manager

MEETING DATE: May 22, 2019

SUBJECT: 1850 El Camino Real Office Building Project

RECOMMENDATION

Staff recommends that the City Council adopt:

RESOLUTION APPROVING CONDITIONAL USE PERMIT, PROJECT DESIGN REVIEW, AND TREE PERMIT FOR AN OFFICE BUILDING AT 1850 EL CAMINO REAL. A MITIGATED NEGATIVE DECLARATION WAS PREVIOUSLY ADOPTED FOR THE PROJECT PURSUANT TO CEQA.

EXECUTIVE SUMMARY

The project sponsor is seeking to reinstate previously approved entitlements to construct a new 9,592 square foot three-story, office building built over a one-level at-grade parking podium, on the 0.27-acre project site located at 1850 El Camino Real. The project was approved July 11, 2013 with Resolution 2013-27 and is a small, infill project which is consistent with the General Plan and Zoning use of the property for Executive and Administrative Office.

FISCAL IMPACT

The Town will experience a slight fiscal benefit from increased property tax revenue; from the businesses that locate in the building; and possibly from employees who will patronize other local businesses.

BACKGROUND AND PROJECT DESCRIPTION

The City Council approved the project on July 11, 2013. Ordinance 725 rezoned the property to Planned Development (PD). The development standards for the PD zoning are specific to the site and match the proposed development plans for the property. The zoning remains in place and does not expire. Resolution #2013-27 includes the project approval and conditions for the project development, and this approval would expire within one year unless extensions are requested. Two staff level extensions of the approval were granted, however, the last expired

on July 11, 2018. The Town has received an application from 1850 El Camino Real Associates LLC to reinstate the expired approval to allow for the construction of the building.

The 1850 El Camino Real project site is located on California State highway 82 (El Camino Real) just south of where Mission Road and El Camino Real converge, near the southern edge of Colma. The site is was previously zoned Executive/Administrative/Design Review – E/DR, and is currently zoned PD to accommodate the proposed project. Surrounding uses include multi-tenant commercial public storage facilities to the north and to the east, residential to the west (Winston Manor in South San Francisco), and vacant land to the south.

Currently, the site is a dirt and gravel/asphalt lot. There are no existing structures on site, only a concrete pad where a building once stood, and no existing driveway ingress/egress. The fenced project site has been vacant for many years, and the last tenant was a roofing contractor's office and storage. The existing site is irregularly shaped and located in terrain with slopes exceeding 10%. The site measures 198+/- feet in width and has an average depth of 56+/- feet from the front property line along El Camino Real.

As shown on the plans, the applicant is proposing a three-story office building. The plans are very similar to the plans previously approved, with the exception of the emergency access stairs which now terminate on the north side of the building to meet building code requirements (they previously terminated on the south side of the building). The project will have 23 parking spaces which will be located along the driveway and under the building. Access to the site will be right-turn in and right-turn out due to the configuration of El Camino Real in front of the project site. CalTrans has approved the driveway configuration. Because on-site parking is limited by the small size of the property, the Use Permit restricts the types of uses for the property and the total number of employees that may be on the property. The building will be appropriate for lower intensity office uses, or office uses that also require inventory storage. The building would not be appropriate for higher intensity office or medical office uses due to the limited on-site parking, no street parking, and so as not to impact parking in the Winston Manor neighborhood.

Since the project site is down-sloping, retaining walls and grading are required to create the driveway and a parking pad. The front portion of the site along El Camino Real will be graded down, and a retaining wall of approximately 10 feet in height will extend parallel to El Camino Real (the retaining wall will not be visible since it will be below El Camino Real). The lower half of the site will include a retaining wall that will raise the height of the site at the rear property line by approximately 10 feet. Grading is estimated at 1,131 cubic yards of cut material and about 888 cubic yards of fill material. Approximately 275 cubic yards of material will be exported from the site.

There are three redwood trees next to the Public Storage building, just north of the project site. Construction of the retaining walls will be within the root zones of the trees. An arborist report was prepared making recommendations on working within the root zone of the trees. Conditions are recommended that will require arborist monitoring and reporting during construction.

The project includes a landscape strip in front of the building, along with a walkway that will extend from the existing sidewalk to the south to the edge of the driveway. There is no sidewalk from the project site south into South San Francisco. Trash and recycling containers

will be located in a covered area next to the entrance driveway retaining wall and will not be visible from El Camino Real.

ANALYSIS

Mitigated Negative Declaration

The original application was reviewed pursuant to the requirements of the California Environmental Quality Act (CEQA), and pursuant to Section 15070 of the State CEQA Guidelines. Staff prepared and circulated for a 20-day comment period a proposed Mitigated Negative Declaration (MND) for the project. City council adopted a Mitigated Negative Declaration which found that the proposed project will not have a significant effect on the environment, provided that mitigation measures are implemented. The reinstatement of the proposed Conditional Use Permit, Design Review, and Tree Permit does not require a subsequent Mitigated Negative Declaration (or an addendum) since the proposed project is within the scope of work which was analyzed in the original MND. There have been no substantial changes which have occurred with respect to the circumstances under which the previous environmental document was adopted. No new significant effects would occur, and no new mitigation measures would be required. The following is a list of Mitigation Measures adopted for the project:

Mitigation Measure AES-1: The applicant shall submit a lighting plan for review and approval of the Planning Department.

Mitigation Measure AIR-1: The following construction practices shall be implemented during grading operations:

- a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- d. All vehicle speeds on unpaved roads shall be limited to 15 mph.
- e. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage reminding workers to shut off equipment shall be provided at all access points.
- f. All construction equipment shall be maintained and properly tuned, in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- g. Post a publicly visible sign with the telephone number and person to contact at the Town of Colma regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Mitigation Measure BIO-1: The following shall be implemented during excavation operations for the retaining wall to be constructed along the northern edge of the property site:

- a. A tree permit from the Town for tree protection mitigation shall be obtained prior to beginning excavation.
- b. A licensed Arborist shall oversee the site excavation for the retaining wall, to ensure no damage to the trees occurs, and a subsequent report shall be submitted to the Town by the arborist detailing the excavation for the retaining wall and documenting measures that were taken to ensure the health and protection of the trees during the construction.
- c. Pier holes for the retaining wall shall not be closer than 6 feet to any of the trees.
- d. Roots larger than two (2) inches in diameter shall be cut cleanly to prevent root dieback to the main trunk.

Mitigation Measure GEO-1: Retaining walls located on the site will be designed to resist lateral earth pressures plus additional lateral pressures that may be caused by surcharge loads applied at the ground surface behind the walls. The walls will also be designed to resist an additional uniform pressure. The Geotechnical Engineer shall review and certify the civil and structural plans for the retaining walls and the building.

Mitigation Measure HWQ-1: As part of the building permit plan review, the plans shall include a design for an alternative drainage system should the primary percolation system become overburdened or fail during a rain event. Alternatives may include either a gravity drainage system or redundant pumping system with backup power.

Mitigation Measure NOI-1: Construction and material deliveries shall be limited to the hours of 7:00 AM -8:00 PM, Monday through Friday, with weekend and holiday hours from 10:00 AM and 6:00 PM. Due to potential traffic and noise considerations, grading activities shall occur only between 9:00 AM and 4:00 PM, Monday through Friday only (no weekend grading). Modifications to construction hours for interior work (but not for exterior construction or grading activity) may be approved by the Building Official.

There is no substantial evidence in support of a fair argument that the proposed project will have a significant, adverse impact on the environment with mitigation measures proposed.

Conditional Use Permit

As stated in the attached resolution, the Conditional Use Permit sets the parameters and conditions for new office uses and specifies the types of offices that will be permitted and the types that would require an Administrative Use Permit or amended Conditional Use Permit. As stated above, office types will need to be limited those that do not generate frequent customer visits.

The Conditional Use Permit would specify that future occupancy of the proposed office building would be restricted to specified types of professional offices where professional or technical

business services are offered, or where only the administrative or management functions of a business are performed. The former category would include offices used for the practice of law, architecture, engineering, accounting, consulting, escrow/title/notary public, and real estate, or for performing only the administrative or management functions of another business. The resolution authorizes the Zoning Administrator to grant an Administrative Use Permit for any use that is substantially similar to the above list.

Surrounding uses include multi-tenant commercial public storage facilities to the north and to the east, residential to the west, and vacant land to the south. The existing uses will not be affected by the proposed project which allows for various types of professional offices. Each application for a new office use at 1850 El Camino Real would be evaluated on an individual basis and subject to conditions of approval found in the Master Conditional Use Permit and additional conditions of approval, as necessary. Therefore, existing property uses, large or small, would not be detrimentally affected by the proposed Conditional Use Permit.

Granting of a Conditional Use Permit will not constitute a grant of special privilege inconsistent with the limitations imposed by the Zoning Ordinance. Allowing a new office use at 1850 El Camino Real is consistent with the Zoning Ordinance and General Plan.

Approval of the proposed Conditional Use Permit would not constitute a nuisance, because each application for a new office tenant at 1850 El Camino Real would be evaluated to assure that will not constitute a nuisance. Parameters and conditions for new office uses set by the Conditional Use Permit would ensure no office use on site would constitute a nuisance to neighboring persons or properties.

Parking for employees and customers for this project is limited. The number of on-site parking spaces, 23, is the minimum number required by the Colma Municipal Code for this project. Parking is not allowed on El Camino Real near the project site, and across the street is a residential neighborhood with limited parking for residents and guests. To ensure that the supply of on-site parking spaces are adequate to accommodate the demand for parking, uses shall be limited to those which typically do not generate frequent visits by customers or visits by multiple customers at or about the same time, and do not require for there to be more than three (3) employees onsite at any given time. Use of the property shall be limited to professional and technical support offices. Use of the property for medical and dental offices shall be prohibited because those uses generate visits by many patients at the same time, as well as frequent visits by patients.

For the same reason, the total number of employees working in the building at any given time shall be limited to twenty (20).

The conditions of approval also include that the Permittee shall maintain a true and accurate record of the total number of employees working for all tenants on the property, shall update that record once every three months during the first year of operation and then annually thereafter, and shall provide those records to the Town.

Design Review

The proposed building plans comply with the design criteria set out in Colma Municipal Code section 5.03.300 (b), which requires a Spanish/Mediterranean style. Elevations submitted to the

Town by the project sponsor show building architecture for the proposed project includes Spanish-Mediterranean elements, including arched openings, low-pitched tile roofs, stucco details, an entry trellis structure and balconies which help to minimize flat walls. The exterior treatment of the building is a combination of stucco and brick. Trees, shrubs, flowers, and foundation plantings along the front façade of the building, along El Camino Real, complement the building architecture. Final details, materials and colors will require approval by staff prior to the issuance of a building permit.

The architectural, site, and landscape design of the proposed project is similar to that of additional sites along El Camino Real containing buildings and landscapes which incorporate Spanish/Mediterranean elements. Together, these sites achieve a consistent site, landscape, and building design theme for the Town of Colma. The proposed project will further extend a Spanish/Mediterranean theme to the Town's southern border.

An encroachment permit from the California Department of Transportation is required for construction of the driveway ingress/egress on El Camino Real. The project sponsor was granted an encroachment permit for the ingress/egress design on April 11, 2012 that expired on December 30, 2012 and will need to be renewed. There is currently a line of pylons in the center of El Camino Real that prevent crossing over the center median. These pylons will remain. The driveway will be a "Y" configuration that will only allow for right turns in and right turns out of the property. Once onto the site, the driveway leads down a 5% grade ramp to parking below the building podium.

The Design Review portion of the attached resolution includes numerous conditions that will ensure compliance with local and state requirements to ensure that the project will be constructed and maintained in a safe and attractive manner. For example, standard parking spaces shall be no smaller than 9' wide and 18' long and compact spaces shall be no longer 8' by 16'. Disabled parking spaces shall meet ADA width and overhead clearance requirements. All parking spaces shall be served by an access aisle no smaller than 24' wide. One parking space shall be designated for 20-minute parking. Also, adequate space for storage of standard containers for depositing trash and recyclable items awaiting pickup is provided. The Permittee must subscribe to a regular refuse and recyclable items collection service (minimum pick-up of once per week).

Tree Permit

Alteration of three Coast Redwood trees' root zones is required to allow for the construction of a proposed retaining wall to be located along the northern boundary of the project site, perpendicular to El Camino Real. The trees' root zones will be altered by the earth excavation necessary for construction of the retaining wall. The retaining wall is essential to the project in order to provide necessary parking for the building.

A tree protection plan, prepared by a licensed arborist, was submitted to the Town by the project sponsor. The plan analyzed potential impacts to the trees and provided mitigation measures to minimize any impacts to the trees' root zones during excavation and construction. The report determined pier holes for the retaining wall must not be closer than 6 feet to any of the trees. The report also determined that roots larger than two (2) inches in diameter must be cut cleanly to prevent root dieback to the main trunk.

The Town will require the arborist to oversee the site excavation for the retaining wall, to ensure no damage to the trees occurs. A subsequent report will be submitted to the Town by the arborist documenting that all necessary precautions and actions were taken during work within the root zone of the trees.

Council Adopted Values

The recommendation is consistent with the Council value of *fairness* because the recommended decisions are consistent with how similar requests have been handled, and with the Council value of *responsibility* because the proposed application has been carefully reviewed and conditioned so that it will be consistent with adopted development policies and regulations, and compatible within its setting.

Sustainability Impact

The project will be consistent with the Climate Action Plan. The project is an infill project which will reuse a previously developed site. The building design will meet current building and energy code requirements. The project includes a state-of-the-art storm water system that will allow stormwater to percolate into the ground to recharge the local aquifer, improving existing site drainage. The project is also accessible by existing transit service (SamTrans ECR).

Alternatives

The following courses of action are available to the City Council:

1. Approve the project with modified or additional conditions of approval. This Alternative may increase or reduce restrictions on the project to satisfy specific City Council concerns.
2. Deny the application. This alternative is not recommended since the proposed use is consistent with the zoning and General Plan. This alternative would require new finding to articulate the reasons for denial.

CONCLUSION

Staff recommends that the City Council adopt a Resolution approving a Conditional Use Permit, Design Review, and Tree Permit for an office building at 1850 El Camino Real.

ATTACHMENTS

- A. Resolution Reinstating a Conditional Use Permit, Design Review, and Tree Permit for an Office Building at 1850 El Camino Real
- B. Ordinance No. 725 Adopting an Amended Zoning Map and Approving a Planned Development Zone for 1850 El Camino Real.
- C. Resolution 2013-17, Approving a Mitigated Negative Declaration for an Office Building Project at 1850 El Camino Real.
- D. Resolution 2013-27, Approving a request for a conditional use permit, project design, and tree permit for an office building at 1850 El Camino Real
- E. Project Plan Set (11"x17" set)

- F. Adopted Mitigated Negative Declaration
- G. Project Mitigation Measures

**RESOLUTION NO. 2019-____
OF THE CITY COUNCIL OF THE TOWN OF COLMA**

**RESOLUTION APPROVING CONDITIONAL USE PERMIT, PROJECT DESIGN REVIEW,
AND TREE PERMIT FOR AN OFFICE BUILDING AT 1850 EL CAMINO REAL. A
MITIGATED NEGATIVE DECLARATION WAS PREVIOUSLY ADOPTED FOR THE
PROJECT PURSUANT TO CEQA**

1. Background

This following proceedings occurred at the time of original project approval:

- (a) The Town has received an application from 1850 El Camino Real Associates LLC for approval of a Conditional Use Permit, Design Review, and Tree Permit for a Planned Development office building at 1850 El Camino Real (Assessor's Parcel Number: 010-142-130).
- (b) A proposed Notice of Intent to Adopt a Mitigated Negative Declaration was posted with the San Mateo County Clerk in a timely manner and was made available to the public;
- (c) Public hearings were held on this matter on June 12 and July 11, 2013, and evidence was taken at the public hearing;
- (d) The City Council had considered the staff report and evidence presented at the public hearing.
- (e) The City Council adopted Ordinance No. 725 adopting an amended Zoning Map and Approving a Planned Development Zone for an office building at El Camino Real.
- (f) The City Council adopted Resolution #2013-17 "Approving a Mitigated Negative Declaration for an Office Building at 1850 El Camino Real".
- (g) The City Council adopted Resolution #2013-27 Approved the request for a conditional use permit, project design, and tree permit for an office building at 1850 El Camino Real
- (h) The Approval of Resolution #2013-27 has expired, and the Town has received an application from 1850 El Camino Real Associates LLC to reinstate the expired approval.
- (i) A public hearing was held on this matter on May 22, 2019, and evidence was taken at the public hearing
- (j) The City Council has considered the Mitigated Negative Declaration previously approved for the project, the project plans, staff report and evidence presented at the public hearing.

2. Findings

The City Council finds that:

Findings Related to CEQA

The original application was reviewed pursuant to the requirements of the California Environmental Quality Act (CEQA), and pursuant to Section 15070 of the State CEQA Guidelines. Staff prepared and circulated for a 20-day comment period a proposed Mitigated Negative Declaration (MND) for the project. City council adopted a Mitigated Negative Declaration which found that the proposed project will not have a significant effect on the environment, provided that mitigation measures are implemented (Resolution #2013-17). The approval of the proposed Conditional Use Permit, Design Review, and Tree Permit does not require a subsequent Mitigated Negative Declaration (or an addendum) since the proposed project is within the scope of work which was analyzed in the original MND. There have been no substantial changes which have occurred with respect to the circumstances under which the previous environmental document was adopted. No new significant effects would occur, and no new mitigation measures would be required.

There is no substantial evidence in support of a fair argument that the proposed project will have a significant, adverse impact on the environment with mitigation measures proposed.

The City Council has reviewed the proposed project, the Mitigated Negative Declaration and the Mitigation Measures for the project and affirms that there have been no substantial changes which have occurred with respect to the circumstances under which the previous environmental document was adopted; no new significant effects would occur, and no new mitigation measures would be required.

Findings Related to the Conditional Use Permit

- (a) The proposed Conditional Use Permit will be consistent with the provisions of the Colma General Plan and Zoning Ordinance.

Discussion: Under the Town's General Plan, the subject property is designated for Executive/Administrative use, and a Land Use Element policy (Colma Administrative Code section 5.02.342) encourages the development of professional offices in the Executive/Administrative land use area along El Camino Real. The property has a zoning of Planned Development (Administrative Office)/Design Review – PD/DR that was rezoned to accommodate the proposed development. The project will be consistent with the General Plan and zoning.

Under this Use Permit, future occupancy of the proposed office building would be restricted to specified types of professional offices where professional or technical business services are offered or where only the administrative or management functions of another business were performed.

- (b) Granting the Conditional Use Permit will not be detrimental to the public health, safety or public welfare, or materially injurious to properties or improvements in the vicinity.

Discussion: The Conditional Use Permit would set the parameters and conditions for new

office uses and specify the types of offices that will be permitted and the types that would require an Administrative Use Permit or amended Conditional Use Permit review process. None of the types of office uses permitted or for which an Administrative Permit may be granted, as limited by the conditions of approval, would be detrimental to the public health, safety, or welfare.

- (c) Existing property uses, large or small, would not be detrimentally affected by the proposed Conditional Use Permit.

Discussion: Surrounding uses include multi-tenant commercial public storage facilities to the north and to the east, residential to the west, and vacant land to the south. The existing uses will not be affected by the proposed project which allows for various types of professional offices. Each application for an office use at 1850 El Camino Real not explicitly permitted by the Conditional Use Permit (see (3)(b)) would be evaluated on an individual basis and subject to conditions of approval found in the Conditional Use Permit and additional conditions of approval, as necessary. Therefore, existing property uses, large or small, would not be detrimentally affected by the proposed Conditional Use Permit.

- (d) The granting of a Conditional Use Permit will not constitute a grant of special privilege inconsistent with the limitations imposed by the Zoning Ordinance on the existing use of properties, large or small, within the Town of Colma.

Discussion: Granting of a Conditional Use Permit will not constitute a grant of special privilege inconsistent with the limitations imposed by the Zoning Ordinance. Allowing a new office use at 1850 El Camino Real is consistent with the Zoning Ordinance and General Plan.

- (e) The Conditional Use Permit would not constitute a nuisance to neighboring persons or properties.

Discussion: Approval of the proposed Conditional Use Permit would not constitute a nuisance, because each application for a new office use at 1850 El Camino Real not explicitly permitted by the Conditional Use Permit (see (3)(b)) would be evaluated to assure that it will not constitute a nuisance. Parameters and conditions for new office uses set by the Conditional Use Permit would ensure no office use on site would constitute a nuisance to neighboring persons or properties.

- (f) The Use Permit limits the types of uses for the property and the number of employees allowed on site because there are a limited number of on-site parking spaces and no adequate off-site parking.

Discussion. Parking for employees and customers for this project is extremely limited. The number of on-site parking spaces, 23, is the minimum number required by the Colma Municipal Code for this project. Parking is not allowed on El Camino Real near the project site, and across the street is a residential neighborhood with limited parking for residents and guests. To ensure that the supply of on-site parking spaces is adequate to accommodate the demand for parking, conditions on the types of uses and the number of employees working in the building are needed.

Uses must be limited to those which typically do not generate frequent visits by customers or visits by multiple customers at or about the same time, and do not require for there to be more than three (3) employees onsite at any given time. Thus, a condition limiting the use of the property to professional and technical support offices is needed. Such a condition would, for example, prohibit the use of the property for medical and dental offices because those uses generate visits by many patients at the same time, as well as frequent visits by patients.

For the same reason, the total number of employees working in the building at any given time would be limited to twenty (20).

Findings Related to Tree Permit

- (g) It is necessary to alter trees to improve the property.

Discussion. Alteration of three Coast Redwood trees' root zones is required to allow for the construction of a proposed retaining wall to be located along the northern boundary of the project site, perpendicular to El Camino Real. The trees' root zones will be altered by the earth excavation necessary for construction of the retaining wall. The retaining wall is essential to the project in order to provide necessary parking for the building.

Findings Related to Design Review

- (h) The architectural, site and landscape design of the proposed project incorporates design elements adopted for the DR Zone.

Discussion: The standards adopted for the DR Zone generally address the use of Spanish/Mediterranean design elements for the construction of new buildings and structures, and for comprehensive site and landscape design. Building architecture for the proposed project includes Spanish-Mediterranean elements, including arched openings, a tile roof, stucco details, an entry trellis structure and balconies which help to minimize flat walls. The exterior treatment of the building is a combination of stucco and brick. Trees, shrubs, flowers, and foundation plantings along the front façade of the building, along El Camino Real, complement the building architecture.

- (i) The architectural, site and landscape design of the proposed project substantially reflects the intent of the DR zone to achieve a consistent site, landscape, and building design theme for the Town of Colma.

Discussion: The architectural, site and landscape design of the proposed project is similar to that of additional sites along El Camino Real containing buildings and landscapes which incorporate Spanish/Mediterranean elements. Together, these sites achieve a consistent site, landscape, and building design theme for the Town of Colma. The proposed project will further extend a Spanish/Mediterranean theme to the Town's southern border.

- (j) To assure that there is continuous public access to and across the subject property to the north or south, a condition should be included requiring the Permittee to dedicate a public access easement property to either the Town of Colma or Caltrans.

Discussion: The subject property, and the adjacent properties to the north and south, are within the jurisdictional limits of the Town of Colma; however, the right of way in front of these properties belongs to and is within the jurisdiction of the City of South San Francisco.

The property owner should not be required to dedicate a sidewalk at this time because there is no need for a public sidewalk on the subject property. There is no sidewalk to the south of the project site because the adjacent property to the south is not developed at this time, and the property to the south of that is being used as a mobile home park without a sidewalk.

There is a sidewalk on the adjacent property to the north, where there is also a bus stop. The applicant is providing a walkway on the project site that will allow for individuals who may wish to access the site by foot from the existing sidewalk and bus stop directly north of the site.

Rather than require a public sidewalk on the site which may never be utilized or connected to sidewalk improvements further south, the permit has been 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.

3. Conditional Use Permit Granted

The City Council grants a Conditional Use Permit to use the property at 1850 El Camino Real, Colma, California (APN 010-142-130) for an office building, and approves the exterior design of the project, subject to the full and faithful performance of each of the general terms and conditions set forth in this Resolution and the following project-specific conditions:

Conditions Relating to Use of the Land

- (a) The site at 1850 El Camino Real may be developed and used for a three-story office building having a total square footage not greater than 9,952 square feet, with off-street parking for twenty-three (23) vehicles, including one space for disabled parking. Any other use is prohibited.
- (b) Only offices where professional or technical support services are offered, or where only the administrative or management functions of a business are performed are permitted by this Use Permit. Professional or technical support services include the practice of law, architecture, engineering, accounting, consulting, escrow services, title insurance, real estate brokerage services, funeral planning, computer support, records storage, and similar services.
- (c) Pursuant to section 5.03.520 of the Colma Municipal Code and any successor ordinance, the Zoning Administrator is authorized to issue an Administrative Use Permit to allow any office use that is substantially similar to those listed in the preceding paragraph.

- (d) No more than twenty (20) employees shall be allowed onsite at any given time, with documentation by the building owner prior to the Town approving a new business in the building.
- (e) The Permittee shall maintain a true and accurate record of the total number of employees working for all tenants on the property, shall update that record once every three months during the first year of operation after the building is fully leased and then annually thereafter, and shall provide those records to the Town on an annual basis.
- (f) All work of the tenant's business, except for loading and unloading of delivery vehicles, shall be conducted inside the building.
- (g) No hazardous materials shall be permitted or used onsite.

Conditions Relating to Design

- (h) This approval is for the project presented in the Resubmittal of Project Plans entitled "1850 El Camino Real Associates LLC " to the Planning Department date stamped March 22, 2019, consisting of eighteen (13) sheets (A-0 through A-12), prepared by P. Whitehead and Associates, and on file in the office of the City Planner. All plans submitted for required permits and subsequent development, construction, operation and use on the site shall be in substantial compliance with these documents, subject to the changes and conditions set out herein.
- (i) No area designated as storage or break room space on the Project Plans shall be converted to office space.
- (j) Standard spaces shall be no smaller than 9' wide and 18' long and compact spaces shall be no longer 8' by 16'. Disabled parking spaces shall meet ADA width and overhead clearance requirements. All parking spaces shall be served by an access aisle no smaller than 24' wide. One parking space shall be designated for 20-minute parking.
- (k) Exterior colors and materials for the building must be consistent with plans submitted to and approved by the City Planner prior to the issuance of a building permit.
- (l) The building shall be provided with an address that is clearly visible from the roadway.
- (m) Only paved walks, paved driveways, lawns, and landscaping shall be installed and maintained within the required setback area from El Camino Real. Paved walkways on the subject property shall be ADA compliant to point of entry into the building. The applicant shall be required to record a covenant against the property requiring that the property owner shall dedicate a pedestrian access easement to either the Town of Colma or Caltrans in the event that an easement is required to provide continuous public access to and across the subject property to the property to the north or south.
- (n) Minor changes to the approved plans may be approved administratively by the City Planner or designee.

(o) Adequate space for storage of standard containers for depositing trash and recyclable items awaiting pickup shall be provided. The Permittee must subscribe to a regular refuse and recyclable items collection service (minimum pick-up of once per week).

Conditions Applicable to Grading, Drainage, and Storm Water Pollution Prevention

(p) *Hydrology.* The Permittee shall submit a hydrology study prepared by a California-registered, qualified engineer for the City Engineer's review and approval. The hydrology study shall include hydraulic calculations for pipe sizing of all drainage, sanitary sewer, and water facilities and shall identify the type of pipe to be used. The plans submitted for building permits shall incorporate all recommendations from the approved Hydrology Study and all construction shall comply with its recommendations. The developer/applicant shall confirm the water table level in the aquifer by installing a temporary piezometer and submit this data as part of the plan review submittal.

(q) *Stormwater Drainage Analysis.* Because the preliminary drainage plan dated 10/09/2012 submitted by the Permittee is relying on percolation into the subgrade as the primary method for handling stormwater runoff from impervious areas of the site, the Permittee shall develop a backup plan to handle stormwater flooding or ponding caused by storm events or an emergency. This should include either a gravity drainage system or redundant pumping system with backup power. Measures to limit the discharge rates to predevelopment conditions shall be incorporated into the design of the backup plan.

(r) *Stormwater Treatment.* The project shall comply with Provision C.3.i of the Municipal Regional Stormwater Permit (MRP) for stormwater treatment and Low Impact Development. Appropriate Site Design measures, Source Control measures and Construction Best Management Practices (BMP's) shall be designed and shown on the project plans in accordance with the Stormwater Requirements Checklist for Small Projects. The checklist shall be submitted along with the project plans. The checklist can be found on the following website. (http://www.flowstobay.org/bs_new_development.php)

(s) *Sewer System Analysis.* The Permittee shall submit for the City Engineer's review and approval an analysis of the location and adequacy of the lateral sewer connection. If using an existing lateral connection, the Permittee shall video inspect, clean, and repair (if needed) the lateral prior to any connection to the sewer main. Inspection reports shall be provided to the City Engineer for review and approval. The plans submitted for building permits shall incorporate all recommendations from the approved Hydrology Study and all construction shall comply with its recommendations.

(t) *Geotechnical Exploration.* Because the geotechnical report dated Jan 20, 2012, indicates that the site rests on Colma sand and all site water collected will be percolated into the sub-grade, the Permittee shall perform percolation test at the level of the basement to confirm that percolation rate is sufficient to meet the 100-year design storm. The plans submitted for building permits shall incorporate all recommendations from the approved Geotechnical Study and all construction shall comply with its recommendations.

(u) *Markings.* On-site storm drain inlets shall be marked with the words "No Dumping! Flows to Bay" or equivalent.

(v) *Erosion Control.* Project plans shall include a site-specific erosion and sediment control plan (ESC) and Construction Best Management Practices (BMP) plan sheet into the plan set. Erosion & Sediment Control Measures and Best Management Practices shall be implemented and maintained throughout the duration of construction.

(w) *Maintenance Agreement for Stormwater Treatment Measures.* The property owner shall enter into a Stormwater Treatment Measures Maintenance Agreement for the installation, construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures being incorporated into the project until the responsibility is legally transferred to another entity. The maintenance agreement shall be drafted to the satisfaction of the City Engineer and the agreement shall be recorded at the County Recorder's Office at the permittee's expense.

(x) *Runoff Across Property Lines Prohibited.* Runoff shall not be allowed to flow across lot lines or across property boundaries onto adjacent private property without an easement being recorded by the permittee at no cost to the Town.

(y) *Grading and Drainage Plan.* The permittee shall submit a site Grading and Drainage Plan to the City Engineer for review and approval and obtain permit(s) prior to commencing any work on the project, including demolition or grading work. The Plan shall include all recommendations contained in the Final Soils and Geotechnical Report(s). The Plan shall be prepared by a licensed civil engineer and shall be approved by the project Soils Engineer.

Other On-Site Improvements

(z) *Improvement Plans.* The permittee shall submit complete Improvement Plans for all on-site and off-site improvements, designed, signed, and stamped by a registered Civil Engineer, to the City Engineer for review and approval prior to the issuance of engineering permits. The improvement plans shall incorporate the recommendations from applicable studies, including but not limited to a geotechnical exploration, hydrology study and/or soils report.

(aa) *Required Landscaping.* The Permittee shall install and maintain landscaping that is consistent with landscaping in the surrounding area, and screens parking areas. Low water use trees, shrubs, and ground coverings shall be incorporated into the site's landscaping. Exterior project lighting shall be designed to be the minimum required for security. Project lighting shall be directed downward so as to not impact motorists along El Camino Real or adjoining properties. Landscaping shall be primarily as shown in the Resubmittal of Project Plans entitled "1850 El Camino Real Associates LLC" to the Planning Department date stamped February 15, 2013, and May 30, 2013, consisting of eighteen (18) sheets (A-1.1 through A-11, F-1, and T-1), prepared by Gustavo Rojas and P. Whitehead and Associates, and on file in the office of the City Planner.

(bb) *Trash Enclosure:* Trash enclosure shall be roofed, enclosed, and connected to a sanitary sewer system. The developer shall confirm the elevation of the drain for the trash enclosure and the Town's sewer main to ensure that the discharges from the drain will gravity flow to the main. If gravity flow is to be not feasible a sewer ejector system shall be submitted for review and approval.

(cc) *Final Site Circulation and Parking Plan*. The permittee shall submit a Final Circulation and Parking Plan for review and approval by the City Planner prior to the issuance of building permits. The Plan shall detail the following:

(i) *Circulation Signage*. The Plan shall include design, text, and location for all signs including main entry sign, street signs, parking limitations, emergency access, fire lanes, and unit addresses. On-site signs shall include all signs necessary to minimize traffic back-ups onto public streets and to provide for the safe operation of vehicles within the site. Off-site signs shall be provided where needed for a safe transition from existing off-site conditions to new on-site conditions. Subject to the approval of the City Engineer.

(ii) *Fire Lanes and Accessible Parking*. The Plan shall identify signage, red curbs, and striping for all fire lanes and parking accessible to the disabled. The permittee shall post signs per 22658(a) CVC to allow removal of inappropriately parked vehicles.

(iii) *Parking Lot Lighting*. The Plan shall include details for parking lot lighting, including the location and design of pull boxes, vaults, conduits, wiring, fixtures, foundations, and connections to the PG&E primary system. The Plan shall include a photometric plan showing the location of lighting fixtures and resulting intensity at all parts of the site. The parking lot lighting shall provide an illumination level of one-foot candle minimum maintained at ground level with photocell control. Fixtures must be shielded so they do not cause glare on adjacent properties nor conflict with motorist visibility on public rights-of-way. All Exterior Lighting Systems shall comply with the requirements of the California Code of Regulations Title 24, Part 6 – Energy Conservation.

(iv) *Bollards, Protective Devices*. The permittee shall install and maintain bollards or other devices approved by the City Engineer at [identify location/ site or building feature] that are exposed to moving vehicles in order to protect the [location/ site or building feature] against collision damage. The location of bollards shall not reduce the minimum required width of driving aisles (24') and fire lanes (20').

(v) *Employee Parking*. The Plan shall detail the steps that tenants will be required to take to ensure that employees will utilize the employee parking and not use on-street parking.

(dd) *Conversion of Parking Spaces Prohibited*. The parking spaces required by the approved building shall not be converted to any other use without the approval of the City Planner.

Infrastructure, Utilities, and Dedications

(ee) *Sanitary Sewer*. The permittee shall install the sanitary sewer connection in accordance with the Department of Public Works approved standards and pay the applicable sewer connection fee.

(ff) *Utility Undergrounding.* All utility lines serving the project site shall be placed underground. Existing power poles and overhead lines along the project frontage shall be removed and all utility lines placed underground.

(gg) *Design of Public Improvements.* All public improvements including [grading/ drainage/ driveways/ curbs/ gutters/ sidewalks/ lighting/ planting/ street resurfacing] shall be designed in accordance with the Town of Colma standard details and specifications, to the satisfaction of the City Engineer. Since the Town's jurisdictional boundary ends at the front property line, all required approvals and plans are also required to be reviewed and approved by the City of South San Francisco and CalTrans prior to Town of Colma permit issuance.

Financial Guarantees

(hh) The Permittee must post a security bond, cash deposit or letter of credit in an amount not less than 100% of the estimated cost of all off-site and/or on-site public improvements to guarantee to the Town the faithful performance of all work and all conditions contained or described in the Permit. The financial guarantee shall also include a two-year maintenance provision that provides for 10% of the bond to be held for two years to make any repairs or corrections to the public improvements identified within two years of the improvements being accepted as complete by the City. The estimated cost of the off-site public improvements shall be determined by the City Engineer, and the security must be in a form reasonably satisfactory to the City Attorney.

Conditions Applicable to Construction Activities

(ii) *Traffic Control Plan and Encroachment Permit.* The permittee shall submit a copy of the Caltrans Encroachment Permit for construction of the driveway ingress/egress on El Camino Real and a Caltrans approved Traffic Control Plan to the City Engineer for review prior to commencing any work on the project, including demolition or grading work. No more than one driveway may be built providing access from El Camino Real. The driveway shall only allow for right turns in and out of the property. The plan shall include feasible Caltrans approved traffic calming measures and devices to address traffic hazards in the vicinity of the project site.

(jj) *Construction Plans.* The conditions of approval shall be reproduced on the first page of the plans submitted for demolition, grading or building permits. Additional pages may be used if necessary. At least one copy of the stamped approved plans, along with the Approval Letter and Conditions of Approval and/or mitigations, shall be available for review at the job site at all times.

(kk) *Use of Temporary Power Poles.* Applicant shall use temporary power poles instead of generators where feasible.

(ll) *Posting of Construction Information.* Prior to commencing any work on the project, including demolition or grading work, the permittee shall post on the project site in clear view of the public right-of-way, a sign indicating the hours of construction and a phone number of the permittee to call for noise complaints.

(mm) *Staking of Property Boundaries and Building Corners.* Prior to commencing any work on the project, the permittee shall have the property boundaries staked by a California-licensed land surveyor or a California-registered qualified engineer. For new buildings, the written verification that the placement of the retaining walls and building comply with the approved site plan, prepared by a California-licensed surveyor or civil engineer licensed to practice surveying, shall be submitted and found acceptable by the Building Official prior to pouring of any foundation.

(nn) *Permitted Grading Season.* Grading work shall be limited to the period between April 15 and October 1 unless an alternative schedule is approved in writing by the City Engineer in conjunction with the approval of an Erosion and Sediment Control Plan.

(oo) *Approved Haul Route.* The permittee shall submit proposed haul route from Highway 280 to the project site, which route shall be subject to review and approval by the City Engineer. All contractors and suppliers shall be advised to use the approved haul route in moving materials and equipment to and from the project site.

(pp) *Repairs to Public Improvements.* The permittee shall be responsible for the cost of repairs to any improvements within the public right-of-way that are damaged during construction. The permittee shall submit documentation of the existing condition of the approved haul route and the public improvements along the project's frontage, including but not limited to trees, tree grates, signs, light poles, drainage inlets, curbs, gutters, etc. to the satisfaction of the City Engineer prior to issuance of a grading or building permit. This survey shall be submitted to the City Engineer for review and approval. All damage shall be repaired to the satisfaction of the City Engineer at no cost to the Town prior to approval of final occupancy. Notwithstanding for the foregoing, all damage that is a threat to public health or safety, as determined by the City Engineer, shall be repaired immediately.

(qq) *Storage of Materials in Public Roadway.* No materials or equipment shall be stored on the improved portion of any public roadway at any time.

(rr) *Litter Control.* Prior to the end of each work day during construction, the contractor or contractors shall pick up and properly dispose of all litter resulting from or related to the project, whether located on the property, within the public rights-of-way, or properties of adjacent or nearby neighbors.

(ss) *Reduce Particulate Emissions.* To reduce particulate matter emissions during project demolition and construction phases, the permittee shall require the construction contractors to comply with the dust control strategies developed by the Bay Area Air Quality Management District (BAAQMD) and shall include in construction contracts the following requirements:

- (i) Cover the load area of all trucks hauling construction and demolition debris from the site;
- (ii) Water all exposed or disturbed soil surfaces at least twice daily;

- (iii) Use watering to control dust generation during demolition of structures or break-up of pavement;
- (iv) Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved parking areas, staging areas, and areas used for vehicle access within the site;
- (v) Sweep daily (with water sweepers) all paved parking areas and staging areas during the earthwork phases of construction;
- (vi) Provide daily clean-up of mud and dirt carried onto paved streets from the site;
- (vii) Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.);
- (viii) Limit traffic speeds on unpaved roads to 15 mph;
- (ix) Install and maintain sandbags or other erosion control measures to prevent silt runoff to public roadways; and
- (x) Replant vegetation in disturbed areas as quickly as possible.
- (xi) Reduce Air Pollutants Related to Vehicle Operation
- (tt) The Permittee shall ensure that the contractors shall implement measures to reduce the emissions of pollutants generated by heavy-duty diesel-powered equipment operating at the Project Site during project demolition, excavation and construction phases. The permittee shall include in construction contracts the following requirements or measures shown to be equally effective:
 - (i) Keep all construction equipment in proper tune in accordance with manufacturer's specifications;
 - (ii) Use late model heavy-duty diesel-powered equipment at the Project Site to the extent that it is readily available in the San Francisco Bay Area;
 - (iii) Use diesel-powered equipment that has been retrofitted with after-treatment products (e.g., engine catalysts) to the extent that it is readily available in the San Francisco Bay Area;
 - (iv) Use low-emission diesel fuel for all heavy-duty diesel-powered equipment operating and refueling at the Project Site to the extent that it is readily available and cost effective in the San Francisco Bay Area (this does not apply to diesel-powered trucks traveling to and from the site);
 - (v) Utilize alternative fuel construction equipment (i.e., compressed natural gas, liquid petroleum gas, and unleaded gasoline) to the extent that the equipment is readily available and cost effective in the San Francisco Bay Area;
 - (vi) Limit truck and equipment idling time to five minutes or less;

(vii) Rely on the electricity infrastructure surrounding the construction sites rather than electrical generators powered by internal combustion engines to the extent feasible.

(uu) *Air Quality Provisions in Contractor Agreements.* The permittee shall incorporate the following practices into the construction documents to be implemented by the project contractor, and submit evidence of compliance to the City Planner for approval prior to the issuance of any construction permit, including a grading permit. The physical separation between noise generators and noise receptors shall be maximized. Such practices include, but are not limited to, the following measures:

(i) Use heavy-duty mufflers for stationary equipment and barriers around particularly noisy areas of the site or around the entire site;

(ii) Use shields, impervious fences, or other physical sound barriers to inhibit transmission of noise to sensitive receptors;

(iii) Locate stationary equipment on portions of the project site distant from nearby residential areas to minimize noise impacts on the community;

(iv) Minimize backing movements of equipment;

(v) Select and use the quieter from among available construction equipment whenever possible;

(vi) Use noise-reducing pile driving techniques, such as pre-drilling pile holes (if feasible, based on soils) to the maximum feasible depth, installing intake and exhaust mufflers on pile driving equipment, vibrating piles into place when feasible, and installing shrouds around the pile driving hammer where feasible; and

(vii) Prohibit pile driving on weekends and restrict pile driving during the weekdays to between 7:00 a.m. and 6:00 p.m.

(vv) *Will-Serve Letters.* The permittee shall provide copies to the City Engineer of "will-serve" letters from all utility companies that will provide utilities to the project.

(ww) *Temporary Construction Easement(s).* On the preliminary plans, the retaining walls for the building are shown to be constructed directly adjacent to the property line. The Permittee shall obtain a Temporary Construction Easement from adjacent/affected property owners for construction of the site retaining walls.

Maintenance Agreement

(xx) *Landscape and Property Maintenance Agreement.* The permittee shall enter into a Landscape and Property Maintenance Agreement binding on heirs and successors for an ongoing program of property maintenance in accordance with the Town of Colma's property maintenance standards. The agreement shall include remedies exercisable by the Town in the event of default. The agreement must be in recordable form and approved by the City Planner and City Attorney prior to final inspection.

Colma Fire District Conditions

(yy) *Fire Prevention.* The permittee must comply with all Colma Fire District requirements including,

- (i) All second emergency exits must be direct from the office space to the exit door on all floors. You cannot go thru a storage to make access to an exit
- (ii) A fire sprinkler system and fire standpipe system are required. This will require a separate permit from the Colma Fire District
- (iii) A fire alarm monitoring system for the building will be required. This will require a separate permit from the Colma Fire District
- (iv) An underground piping needs to be installed for the fire sprinkler system and a fire hydrant. This will require a separate permit from the Colma Fire District
- (v) Fire extinguishers are required on all floors with tri-angled fire extinguisher signage. Additional fire extinguishers and locations are subject to change pending final building layout
- (vi) Locations of exit signs and emergency lighting fixtures shall be shown on building plans. Additional signs and fixtures may be required pending final building layout.
- (vii) A Knox Box Lock box is required to be placed on the building. Keys for access to all areas shall in the Knox Box Lock Box. This will require a separate permit from the Colma Fire District.
- (viii) Location and dimensions of address shall be shown on the Building Plans. The address numbers shall be located at the front of the building, visible from the road way and be a min of 6 inches in height by ½ inch in with. Color of the numbers shall contrast the color of the building
- (ix) Location of fire lane signage, stripping or curbs shall be shown on building plans.

4. Tree Permit Granted.

The City Council grants a Permit to work in the root zone of three Coast Redwood trees that are located off-site along the northern boundary of the project site, perpendicular to El Camino Real, subject to the general terms and conditions set forth in this Resolution and the following project-specific conditions:

- (a) A licensed Arborist shall oversee the site excavation for the retaining wall and foundation to ensure no damage to the trees occurs, and a subsequent report shall be submitted to the Town by the arborist detailing the excavation for the retaining wall and remedial actions taken to prevent damage to any of the trees.
- (b) Pier holes for the retaining wall shall not be closer than 6 feet to any of the trees.

(c) Roots larger than two (2) inches in diameter shall be cut cleanly to prevent root dieback to the main trunk.

5. General Conditions

(a) This Conditional Use Permit shall run with the land and be freely and automatically transferred to each user of the property described herein, subject to each of the specific and general conditions herein. As used in this Conditional Use Permit, the word "Permittee" shall mean each person using the property pursuant to the permit granted herein, including successors to the person first obtaining the permit.

(b) The Permittee and each user granted an Administrative Use Permit or Conditional Use Permit to use the property must comply with all applicable federal, state and municipal laws, codes and regulations, including the California Building and Fire Codes. Nothing herein shall be construed as authorizing any approvals under, or any exceptions to any other law, code or regulation, or as authorizing any change to the occupancy classification of the premises or any buildings thereon as defined on the California Building Code. Without limiting the generality of the foregoing:

(i) The Permittee shall maintain an annual Colma Business Registration;

(ii) Prior to issuance of a Business Registration, the Permittee shall arrange for the project site to be inspected for Fire and Life Safety requirements of California Fire Code by the Colma Fire Protection District; and

(iii) Approved signage shall be as shown in the Project Plans entitled "1850 El Camino Real Associates LLC" to the Planning Department date stamped February 15, 2013, , and on file in the office of the City Planner. Additional signage shall require a Sign Permit.

(c) The Permittee shall pay and hold the Town of Colma Harmless from all costs and expenses, including attorney's fees, incurred by the Town or held to be the liability of the Town in connection with the Town's defense of its actions in any proceeding brought in any state or federal court challenging the Town's actions with respect to the Permittee's project.

(d) The Conditional Use Permit may be modified or revoked should it be determined that (a) the property is being operated or maintained in a manner that is detrimental to the public health or welfare, is materially injurious to property or improvements in the vicinity, constitutes a public nuisance, or is contrary to any law, code or regulation, or (b) if the Permittee fails to comply with and satisfy the conditions herein.

(e) The Permittee must agree to comply with each and every term and condition herein by countersigning a copy of this Resolution and returning the counter-signed copy to the City Clerk no more than forty-five (45) days following City Council approval of the permit. If Permittee is not the property owner, then the property owner must consent to use of the property on the terms and conditions herein by counter-signing a copy of this resolution and returning the counter-signed copy to the City Clerk no later than forty-five (45) days following City Council approval of the permit. Failure to return the counter-signed copy as specified shall render this permit null and void.

Certification of Adoption

I certify that the foregoing Resolution No. _____ was adopted at a regular meeting of the City Council of the Town of Colma held on May 22, 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 Fisicaro					
Raquel Gonzalez					
Voting Tally					

Dated _____

 Joanne F. del Rosario, Mayor

Attest: _____
 Caitlin Corley, City Clerk

NOTICE OF RIGHT TO PROTEST

The Conditions of Project Approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the 90-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), began on date of adoption of this resolution. If you fail to file a protest within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exactions.

AGREEMENT

Property Owner/Permittee

The undersigned agrees to use the property on the terms and conditions set forth in this resolution.

Dated: _____

1850 El Camino Real Associates LLC, Property Owner

[Notarization of Property Owner's signature required]



ORDINANCE NO. 725

**ORDINANCE ADOPTING AN AMENDED ZONING MAP AND
APPROVING A PLANNED DEVELOPMENT ZONE
FOR 1850 EL CAMINO REAL**

Applicant: 1850 El Camino Real Associates LLC
Location: 1850 El Camino Real, Colma
Assessor's Parcel Number: 010-142-130

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

1. BACKGROUND

- (a) The Town received an application from 1850 El Camino Real Associates LLC for approval of a Planned Development for the property at 1850 El Camino Real, Colma (Assessor's Parcel Number: 010-142-130) to allow a 9,592 square foot office building. Approval of the request would rezone the project site from E/DR (Administrative Office/Design Review) to Planned Development (Administrative Office)/Design Review – PD/DR.
- (b) A proposed Mitigated Negative Declaration was posted in a timely manner made available to responsible agencies and the general public for inspection and copying.
- (c) A public hearing was held on this matter on June 12, 2013, and evidence was taken at the public hearing.
- (d) On June 12, 2013, the City Council adopted Resolution 2013-17, "Resolution Approving a Mitigated Negative Declaration for an Office Building Project at 1850 El Camino Real".
- (e) The City Council has duly considered said application, the staff report and public comments thereon.

2. FINDINGS

The City Council finds that:

- (a) The proposed use of the subject property as an office building is, in substantial part, generally or conditionally permitted under the zoning classification for the proposed district in existence at the time of the application. The subject property is General Planned and Zoned for Executive/Administrative use, and the Colma General Plan contains a special Land Use Element Policy (Colma Administrative Code Section 5.02.342) encouraging the development of professional offices in the Executive/Administrative land use area along El Camino Real. PD Districts may be established in an E Zone upon application of a property owner or owners, or upon the initiative of the City Council, and professional offices are permitted within the "PD" Zone upon issuance of a Conditional Use Permit.

Attachment B

- (b) The uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under other zoning districts. There is little, if any, vacant office space in Colma and no stock of vacant office space available for larger tenants. The proposed 9,592 square foot office would provide office space along El Camino Real. The new office building and landscaping will develop a vacant site and result in a visual improvement to the community.
- (c) The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic and the density will not generate traffic in such amounts as to overload the street network outside the PD District. El Camino Real is suitable and adequate to carry anticipated traffic and the project will not generate traffic in such amounts as to overload the street network surrounding of the project site. There is sufficient off-street parking proposed and the office building is relatively small and only expected to generate approximately 125 +/- daily trips and 15 +/- peak hour vehicle trips in the A.M. and P.M. peak hours to and from the site most weekdays, with less than 10 +/- A.M. and P.M. peak hour vehicle trips expected on weekends and holidays.
- (d) The proposed development can be economically justified at the location proposed. The proposed development is economically justified since there is a need for office space. The owner will be making a substantial investment to improve the property.
- (e) The impact created by the development can be absorbed and serviced by the Town. The impact created by the proposed office development can be serviced by Town services and utility providers. The proposed project is for a 9,592 +/- square foot office building with only 6,708 +/- square feet of usable office space. The project is not large enough to require construction of new water or wastewater treatment facilities or from existing sources so no new expanded entitlements are needed. Non-recyclable or non-compostable waste is disposed at Ox Mountain landfill near Half Moon Bay. There is sufficient capacity to accommodate the project's solid waste disposal needs.
- (f) The proposed office building complies with the design criteria set out in Colma Municipal Code section 5.03.300 (b), which requires a Spanish/Mediterranean style. The building incorporates Spanish/Mediterranean design elements, including arched openings, window boxes, balconies, and tile roofs. Appropriate landscaping is incorporated along the front of the building along El Camino Real.
- (g) Approval of the Planned Development will allow the development of a new office building at the southern entry to the Town. Section 5.320 of the Colma Zoning Ordinance permits the establishment of a Planned Development Zone allowing flexibility in the mix of land uses, building setbacks and other design aspects to reflect unique situations. The office building is proposed on a constrained site, consequently, custom standards are established through the planned development process. Therefore, the granting of the Planned Development Use Permit will not constitute a grant of special privilege inconsistent with the limitations imposed by the Zoning Ordinance on the existing use of properties, large or small, within the Town of Colma.

3. PLANNED DEVELOPMENT ZONE

This City Council hereby approves and applies the Planned Development (PD) overlay zone to the property identified as Assessor's Parcel Number 010-142-130, as shown on the Amended Zoning Map attached hereto and incorporated by reference herein, subject to the standards set forth in the next section.

4. STANDARDS

Development of the site will be subject to the following standards:

- (a) *Land Use.* The site may be developed and used for a three story office building having a net building area not exceeding 9,592 square feet and a net office area not exceeding 6,708 square feet.
- (b) *Design Review.* The design of the Site Plan and all structures on the site are subject to review and prior approval by the City Council in accordance with the Town's Design Review Standards.
- (c) *Maximum Building Height.* The office building shall not exceed 47 feet and 2 inches in height, as measured from the finished grade parking lot surface to the top roof peak.
- (d) *El Camino Real Frontage.* Within the required setback area from El Camino Real there shall be maintained only paved walks, paved driveways, lawns, and landscaping.
- (e) *Off-Street Parking.* The property shall have a minimum of twenty-three (23) off-street parking spaces, including a minimum of one (1) disabled parking space for the office use. Standard spaces shall be no smaller than 9' wide and 18' long and compact spaces shall be no smaller than 8' by 16'. Disabled parking spaces shall meet ADA width and overhead clearance requirements. All parking spaces shall be served by an access aisle no smaller than 24' wide. One parking space shall be designated for 20 minute parking.
- (f) *Open space features.* Landscaping shall be consistent with landscaping in the surrounding area, and shall screen parking areas. Low water use trees, shrubs, and ground coverings shall be incorporated into the site's landscaping. Exterior project lighting shall be designed to be the minimum required for security. Project lighting shall be directed downward so as to not impact motorists along El Camino Real or adjoining properties.
- (g) *Access.* Ingress and egress shall be provided from El Camino Real to all off-street parking spaces. An encroachment permit from the California Department of Transportation is required for construction of the driveway ingress/egress on El Camino Real. The driveway will be a "Y" configuration that will only allow for right turns in and right turns out of the property. No more than one driveway may be built providing access from El Camino Real.
- (h) *Minimum Building Setbacks.* The office building shall be set back from the perimeter property boundary of the site. Setbacks shall be varied along the north and east property boundaries. The following distances shall apply:

- (i) From the north side: 18'-6" to 20'-9";
- (ii) From the east side: 5'-0" to 10'-3"
- (iii) From the west side (El Camino Real): 11'-3"
- (iv) From the south side: 70'

(i) *Refuse Disposal and Recycling.* Adequate space for storage of standard containers and recycling for depositing trash and recyclable items awaiting pickup shall be provided. The Permittee must subscribe to a regular refuse and recyclable items collection service.

(j) *Utilities Undergrounding.* All utilities shall be constructed underground from the utility pole at the northeast corner of the property to the building.

5. EFFECTIVE DATE

This ordinance shall be posted as required by law, to wit, upon the three (3) official bulletin boards of the Town of Colma and is to take force and effect thirty (30) days after its passage.

Certification of Adoption

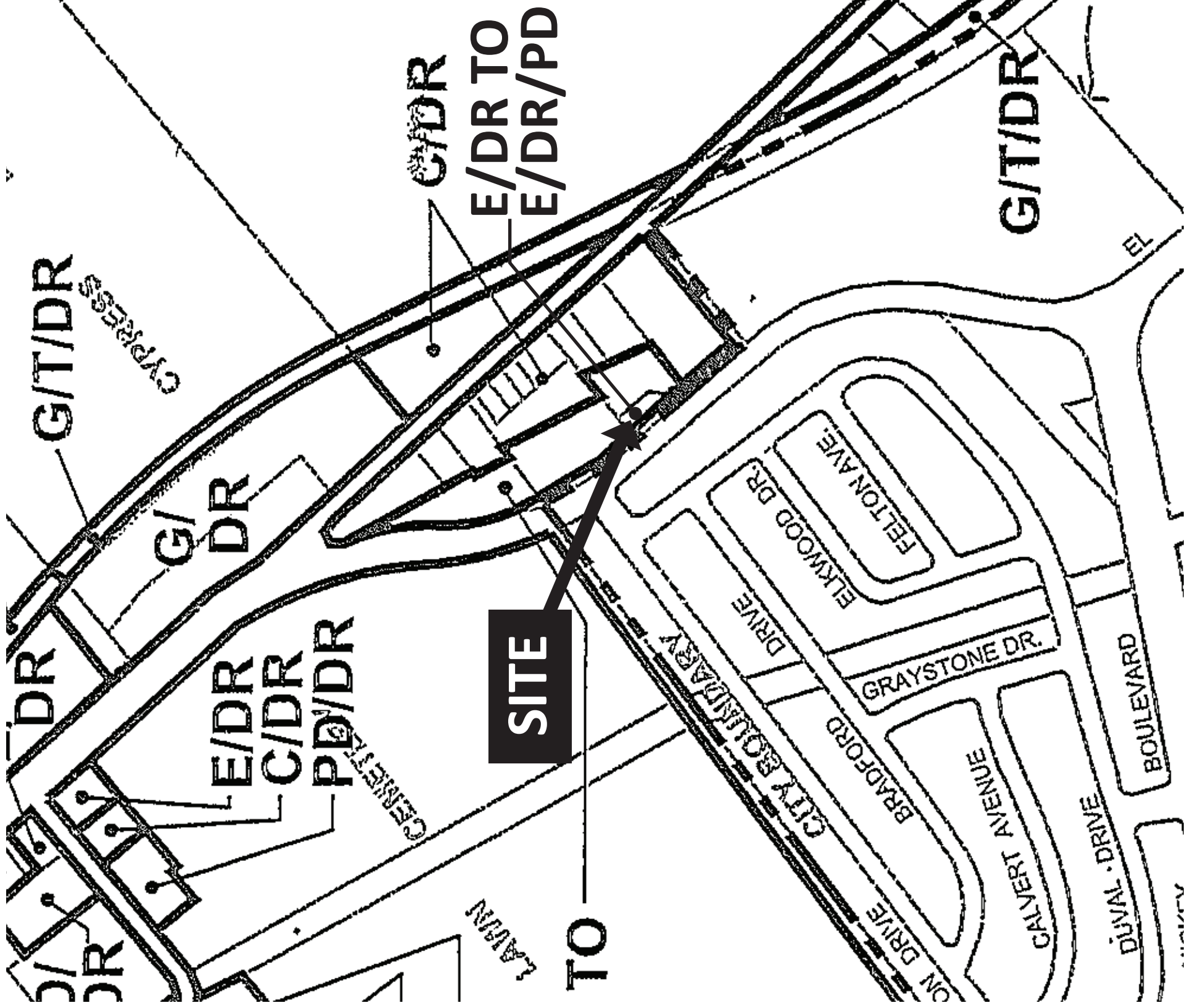
I certify that the foregoing Ordinance No. 725 was introduced at a regular meeting of the City Council of the Town of Colma held on June 12, 2013, and duly adopted at a regular meeting of said City Council held on July 11, 2013 by the following vote:

Name	Counted toward Quorum		Not Counted toward Quorum	
	Aye	No	Present, Recused	Absent
Joanne F. del Rosario, Mayor	x			
Joseph Silva	x			
Diana Colvin	x			
Helen Fisicaro	x			
Raquel Gonzalez				x
<i>Voting Tally</i>	4	0		

Dated 8/21/13 Joanne F. del Rosario
 Joanne F. del Rosario, Mayor

Attest: William C. Norton
 William C. Norton, City Clerk

Attachment B
EXHIBIT A





**RESOLUTION NO. 2013-17
OF THE CITY COUNCIL OF THE TOWN OF COLMA**

**RESOLUTION APPROVING A MITIGATED NEGATIVE DECLARATION FOR
AN OFFICE BUILDING PROJECT AT 1850 EL CAMINO REAL**

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

1. Background

- (a) Staff completed an Initial Study of the proposed office building project for 1850 El Camino Real, and determined that the potential for environmental impacts can be mitigated to a less than significant level through mitigation measures included in the document.
- (b) Staff posted a Notice of Intent to Adopt a Mitigated Negative Declaration with the San Mateo County Clerk on April 25, 2013.
- (c) On April 29, 2013, staff mailed the Notice of Intent to Adopt a Mitigated Negative Declaration to responsible agencies, interested parties and organizations. One comment letter was received from San Mateo County Public Works Department prior to the May 20, 2013 close of the public comment period. Its comments regarding drainage system design are addressed in the Mitigated Negative Declaration and conditions of approval.
- (d) On April 26, 2013, staff posted on its three official bulletin boards the Notice of Intent to Adopt a Mitigated Negative Declaration and posted the Initial Study and Draft Mitigated Negative Declaration on the Town's website for public comment.
- (e) A public hearing on this matter was held on June 12, 2013 and evidence was taken.
- (f) The City Council has considered the Initial Study, the proposed Mitigated Negative Declaration, the staff report, and evidence presented during the review process.

2. Findings

Based on the entirety of the record, the City Council of the Town of Colma hereby finds as follows:

- (a) The foregoing Recitals are true and correct, and incorporated herein by reference.
- (b) The Mitigated Negative Declaration, which consists of the Initial Study, the draft Mitigated Negative Declaration, and this Resolution, has been prepared in accordance with state and local environmental laws, guidelines, and regulations.

Discussion: The proposed project includes grading, a tree permit, a conditional use permit, a planned development, and design review for the construction of an office building. The Mitigated Negative Declaration fully analyzed every aspect of the project and includes appropriate mitigation measures to address potential impacts.

As described in items 1(a-f), above, the Mitigated Negative Declaration, including the Initial Study, the draft Mitigated Negative Declaration and this Resolution have all been prepared, circulated, and made available for public review in accordance with state and local laws, guidelines and regulations.

(c) There is no substantial evidence in support of a fair argument that the proposed project will have a significant, adverse impact on the environment with mitigation measures proposed.

Discussion: Based on the grading, Tree Permit, Conditional Use Permit, Planned Development, Design Review Approval, and other aspects of the project, the document addresses potential impacts and includes mitigation measures in the following areas:

- Aesthetics

Due to the limited amount of street lighting, the proposed project will include exterior security lighting and walkway lighting which remains on during evening hours. To assure that project lighting will not impact surrounding properties, the applicant shall submit a lighting plan for review and approval of the Planning Department. Exterior project lighting shall be designed to be the minimum required for security. Project lighting shall be directed downward so as not to impact motorists along El Camino Real or adjoining properties.

- Air Quality

The project involves grading and construction, which includes the use of construction vehicles to transport and move soil and building materials. Grading and construction activities would temporarily affect local air quality causing a temporary increase in particulate dust and other pollutants. The following construction practices shall be implemented during grading operations:

- a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- d. All vehicle speeds on unpaved roads shall be limited to 15 mph.
- e. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage reminding workers to shut off equipment shall be provided at all access points.
- f. All construction equipment shall be maintained and properly tuned, in

accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

g. Post a publicly visible sign with the telephone number and person to contact at the Town of Colima regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

- Biological Resources

A Tree Permit from the Town for tree protection mitigation is required for working in the root zone of three Coast Redwood trees located off-site along the northern boundary of the project site, perpendicular to El Camino Real. The trees are located in proximity to a proposed retaining wall to be constructed along the northern edge of the project site. The following shall be implemented during excavation operations for the retaining wall to be constructed along the northern edge of the property site:

- a. A tree permit from the Town for tree protection mitigation shall be obtained prior to beginning excavation.
 - b. A licensed Arborist shall oversee the site excavation for the retaining wall, to ensure no damage to the trees occurs, and a subsequent report shall be submitted to the Town by the arborist detailing the excavation for the retaining wall and any damage occurring to any of the trees.
 - c. Pier holes for the retaining wall shall not be closer than 6 feet to any of the trees.
 - d. Roots larger than two (2) inches in diameter shall be cut cleanly to prevent root dieback to the main trunk. The use of grading equipment will create short-term impacts.
- Geology and Soils

Grading activity has the potential to create conditions resulting in soil erosion. The applicant will comply with the recommendations of the Soils and Geotechnical Engineer provided in the soils report submitted to the Town. Retaining walls located on the site will be designed to resist lateral earth pressures plus additional lateral pressures that may be caused by surcharge loads applied at the ground surface behind the walls. The walls will also be designed to resist an additional uniform pressure. The Geotechnical Engineer shall review and certify the civil and structural plans for the retaining walls and the building.

- Hydrology & Water Quality

Due to the fact that the drainage plan is relying entirely on percolation into the subgrade as the primary method for handling stormwater runoff from pervious and impervious areas of the site, the Town of Colima requires a backup plan to be developed in case of

emergency. This should include either a gravity drainage system or redundant pumping system with backup power.

- Noise

Restricting the hours of construction will assure that residents in the area will not be impacted by noise in the early morning or evening hours. Construction and material deliveries shall be limited to the hours of 7:00 AM -8:00 PM, Monday through Friday, with weekend and holiday hours from 10:00 AM and 6:00 PM. Due to potential traffic and noise considerations, grading activities shall occur only between 9:00 AM and 4:00 PM, Monday through Friday only (no weekend grading). Modifications to construction hours for interior work (but not for exterior construction or grading activity) may be approved by the Building Official.

(d) This Mitigated Negative Declaration reflects the independent judgment and analysis of the City Council of the Town of Colma.

Discussion: The City Council has reviewed and considered the information contained in the Mitigated Negative Declaration and provided the opportunity for comment during the public review period; and the mitigation measures agreed to by the applicant would avoid or mitigate the effects to a point where clearly no significant effects would occur. On the basis of the whole record before the City Council (including this Mitigated Negative Declaration), there is no substantial evidence that the project will have a significant effect on the environment.

(e) Without limiting the generality of the foregoing, the City Council specifically adopts and incorporates herein the findings of the City Planner set forth in the Mitigated Draft Negative Declaration.

3. Mitigated Negative Declaration

(a) The City Council, having reviewed the proposed project and the proposed Mitigated Negative Declaration, hereby approves a Mitigated Negative Declaration for the proposed project and instructs the City Planner to post a Notice of Determination in accordance with law.

(b) The administrative record of proceedings upon which the City Council has based its decision to grant this Mitigated Negative Declaration shall be located in the office of the City Planner, and the City Planner shall be the custodian of such records.

* * * * *

Certification of Adoption

I certify that the foregoing Resolution No. 2013-17 was duly adopted at a regular meeting of the City Council of the Town of Colma held on June 12, 2013, by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Joanne F. del Rosario, Mayor	X				
Joseph Silva, Vice Mayor	X				
Helen Fisicaro	X				
Raquel "Rae" Gonzalez	X				
Diana Colvin	X				
<i>Voting Tally</i>	5	0			

Dated 7/22/13 Joanne F. del Rosario
Joanne F. del Rosario, Mayor

Attest: Laura Allen
Laura Allen, City Clerk



**RESOLUTION NO. 2013-27
OF THE CITY COUNCIL OF THE TOWN OF COLMA**

**RESOLUTION APPROVING CONDITIONAL USE PERMIT,
PROJECT DESIGN, AND TREE PERMIT
FOR AN OFFICE BUILDING AT 1850 EL CAMINO REAL**

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

1. Background

This resolution was adopted after the following proceedings had occurred:

- (a) The Town has received an application from 1850 El Camino Real Associates LLC for approval of a Conditional Use Permit, Design Review, and Tree Permit for a Planned Development office building at 1850 El Camino Real (Assessor's Parcel Number: 010-142-130).
- (b) A proposed Notice of Intent to Adopt a Mitigated Negative Declaration was posted with the San Mateo County Clerk in a timely manner and was made available to the public;
- (c) A public hearing was held on this matter on June 12 and July 11, 2013 and evidence was taken at the public hearing;
- (d) The City Council has considered the staff report and evidence presented at the public hearing.

2. Findings

The City Council finds that:

Findings Related to the Conditional Use Permit

- (a) The proposed Conditional Use Permit will be consistent with the provisions of the Colma General Plan and Zoning Ordinance.

Discussion: Under the Town's General Plan, the subject property is designated for Executive/Administrative use, and a Land Use Element policy (Colma Administrative Code section 5.02.342) encourages the development of professional offices in the Executive/Administrative land use area along El Camino Real. Upon adoption of an ordinance re-zoning the subject property to Planned Development (Administrative Office)/Design Review – PD/DR, the property will be consistent with the General Plan.

Under this Use Permit, future occupancy of the proposed office building would be restricted to specified types of professional offices where professional or technical business services are offered or where only the administrative or management functions of another business were performed.
- (b) Granting the Conditional Use Permit will not be detrimental to the public health, safety or public welfare, or materially injurious to properties or improvements in the vicinity.

Attachment D

Discussion: The Conditional Use Permit would set the parameters and conditions for new office uses and specify the types of offices that will be permitted and the types that would require an Administrative Use Permit or amended Conditional Use Permit review process. None of the types of office uses permitted or for which an Administrative Permit may be granted, as limited by the conditions of approval, would be detrimental to the public health, safety, or welfare.

- (c) Existing property uses, large or small, would not be detrimentally affected by the proposed Conditional Use Permit.

Discussion: Surrounding uses include multi-tenant commercial public storage facilities to the north and to the east, residential to the west, and vacant land to the south. The existing uses will not be affected by the proposed project which allows for various types of professional offices. Each application for an office use at 1850 El Camino Real not explicitly permitted by the Conditional Use Permit (see (3)(b)) would be evaluated on an individual basis and subject to conditions of approval found in the Conditional Use Permit and additional conditions of approval, as necessary. Therefore, existing property uses, large or small, would not be detrimentally affected by the proposed Conditional Use Permit.

- (d) The granting of a Conditional Use Permit will not constitute a grant of special privilege inconsistent with the limitations imposed by the Zoning Ordinance on the existing use of properties, large or small, within the Town of Colma.

Discussion: Granting of a Conditional Use Permit will not constitute a grant of special privilege inconsistent with the limitations imposed by the Zoning Ordinance. Allowing a new office use at 1850 El Camino Real is consistent with the Zoning Ordinance and General Plan.

- (e) The Conditional Use Permit would not constitute a nuisance to neighboring persons or properties.

Discussion: Approval of the proposed Conditional Use Permit would not constitute a nuisance, because each application for a new office use at 1850 El Camino Real not explicitly permitted by the Conditional Use Permit (see (3)(b)) would be evaluated to assure that will not constitute a nuisance. Parameters and conditions for new office uses set by the Conditional Use Permit would ensure no office use on site would constitute a nuisance to neighboring persons or properties.

- (f) The Use Permit limits the types of uses for the property and the number of employees allowed on site because there are a limited number of on-site parking spaces and no adequate off-site parking.

Discussion. Parking for employees and customers for this project is extremely limited. The number of on-site parking spaces, 23, is the minimum number required by the Colma Municipal Code for this project. Parking is not allowed on El Camino Real near the project site, and across the street is a residential neighborhood with limited parking for residents and guests. To ensure that the supply of on-site parking spaces are adequate to accommodate the demand for parking, conditions on the types of uses and

the number of employees working in the building are needed.

Uses must be limited to those which typically do not generate frequent visits by customers or visits by multiple customers at or about the same time, and do not require for there to be more than three (3) employees onsite at any given time. Thus, a condition limiting use of the property to professional and technical support offices is needed. Such a condition would, for example, prohibit the use of the property for medical and dental offices because those uses generate visits by many patients at the same time, as well as frequent visits by patients.

For the same reason, the total number of employees working in the building at any given time would be limited to twenty (20).

Findings Related to Tree Permit

- (g) It is necessary to alter trees to improve the property.

Discussion. Alteration of three Coast Redwood trees' root zones is required to allow for the construction of a proposed retaining wall to be located along the northern boundary of the project site, perpendicular to El Camino Real. The trees' root zones will be altered by the earth excavation necessary for construction of the retaining wall. The retaining wall is essential to the project in order to provide necessary parking for the building.

Findings Related to Design Review

- (h) The architectural, site, and landscape design of the proposed project incorporates design elements adopted for the DR Zone.

Discussion: The standards adopted for the DR Zone generally address the use of Spanish/Mediterranean design elements for the construction of new buildings and structures, and for comprehensive site and landscape design. Building architecture for the proposed project includes Spanish-Mediterranean elements, including arched openings, a tile roof, stucco details, an entry trellis structure and balconies which help to minimize flat walls. The exterior treatment of the building is a combination of stucco and brick. Trees, shrubs, flowers, and foundation plantings along the front façade of the building, along El Camino Real, complement the building architecture.

- (i) The architectural, site, and landscape design of the proposed project substantially reflects the intent of the DR zone to achieve a consistent site, landscape, and building design theme for the Town of Colma.

Discussion: The architectural, site, and landscape design of the proposed project is similar to that of additional sites along El Camino Real containing buildings and landscapes which incorporate Spanish/Mediterranean elements. Together, these sites achieve a consistent site, landscape, and building design theme for the Town of Colma. The proposed project will further extend a Spanish/Mediterranean theme to the Town's southern border.

(j) To assure that there is continuous public access to and across the subject property to the north or south, a condition should be included requiring the Permittee to dedicate a public access easement property to either the Town of Colma or Caltrans.

Discussion: The subject property, and the adjacent properties to the north and south, are within the jurisdictional limits of the Town of Colma; however, the right of way in front of these properties belongs to and is within the jurisdiction of the City of South San Francisco.

The property owner should not be required to dedicate a sidewalk at this time because there is no need for a public sidewalk on the subject property. There is no sidewalk to the south of the project site because the adjacent property to the south is not developed at this time, and the property to the south of that is being used as a mobile home park without a sidewalk.

There is a sidewalk on the adjacent property to the north, where there is also a bus stop. The applicant is providing a walkway on the project site that will allow for individuals who may wish to access the site by foot from the existing sidewalk and bus stop directly north of the site.

Rather than require a public sidewalk on the site which may never be utilized or connected to sidewalk improvements further south, the permit has been 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.

3. Conditional Use Permit Granted

The City Council grants a Conditional Use Permit to use the property at 1850 El Camino Real, Colma, California (APN 010-142-130) for an office building, and approves the exterior design of the project, subject to the full and faithful performance of each of the general terms and conditions set forth in this Resolution and the following project-specific conditions:

Conditions Relating to Use of the Land

- (a) The site at 1850 El Camino Real may be developed and used for a three-story office building having a total square footage not greater than 9,952 square feet, with off-street parking for twenty-three (23) vehicles, including one space for disabled parking. Any other use is prohibited.
- (b) Only offices where professional or technical support services are offered, or where only the administrative or management functions of a business are performed are permitted by this Use Permit. Professional or technical support services include the practice of law, architecture, engineering, accounting, consulting, escrow services, title insurance, real estate brokerage services, funeral planning, computer support, records storage, and similar services.
- (c) Pursuant to section 5.03.520 of the Colma Municipal Code and any successor ordinance, the Zoning Administrator is authorized to issue an Administrative Use Permit to allow any office use that is substantially similar to those listed in the preceding paragraph.

Attachment D

- (d) No more than twenty (20) employees shall be allowed onsite at any given time, with documentation by the building owner prior to the Town approving a new business in the building.
- (e) The Permittee shall maintain a true and accurate record of the total number of employees working for all tenants on the property, shall update that record once every three months during the first year of operation after the building is fully leased and then annually thereafter, and shall provide those records to the Town's Code Enforcement Officer on demand.
- (f) All work of the tenant's business, except for loading and unloading of delivery vehicles, shall be conducted inside the building.
- (g) No hazardous materials shall be permitted or used onsite.

Conditions Relating to Design

- (h) This approval is for the project presented in the Resubmittal of Project Plans entitled "1850 El Camino Real Associates LLC " to the Planning Department date stamped February 15, 2013 (with pages A-5 to A-11 date stamped May 30, 2013), consisting of eighteen (18) sheets (A-1.1 through A-11, F-1, and T-1), prepared by Gustavo Rojas and P. Whitehead and Associates, and on file in the office of the City Planner. All plans submitted for required permits and subsequent development, construction, operation and use on the site shall be in substantial compliance with these documents, subject to the changes and conditions set out herein.
- (i) No area designated as storage or break room space on the Project Plans shall be converted to office space.
- (j) Standard spaces shall be no smaller than 9' wide and 18' long and compact spaces shall be no longer 8' by 16'. Disabled parking spaces shall meet ADA width and overhead clearance requirements. All parking spaces shall be served by an access aisle no smaller than 24' wide. One parking space shall be designated for 20 minute parking.
- (k) Exterior colors and materials for the building must be consistent with plans submitted to and approved by the City Planner prior to the issuance of a building permit.
- (l) The building shall be provided with an address that is clearly visible from the roadway.
- (m) Only paved walks, paved driveways, lawns and landscaping shall be installed and maintained within the required setback area from El Camino Real. Paved walkways on the subject property shall be ADA compliant to point of entry into the building. The applicant shall be required to record a covenant against the property requiring that the property owner shall dedicate a pedestrian access easement to either the Town of Colma or Caltrans in the event that an easement is required to provide continuous public access to and across the subject property to the property to the north or south.
- (n) Minor changes to the approved plans may be approved administratively by the City Planner or designee.

(o) Adequate space for storage of standard containers for depositing trash and recyclable items awaiting pickup shall be provided. The Permittee must subscribe to a regular refuse and recyclable items collection service (minimum pick-up of once per week).

Conditions Applicable to Grading, Drainage and Storm Water Pollution Prevention

(p) *Hydrology.* The Permittee shall submit a hydrology study prepared by a California-registered, qualified engineer for the City Engineer's review and approval. The hydrology study shall include hydraulic calculations for pipe sizing of all drainage, sanitary sewer and water facilities and shall identify the type of pipe to be used. The plans submitted for building permits shall incorporate all recommendations from the approved Hydrology Study and all construction shall comply with its recommendations. The developer/applicant shall confirm the water table level in the aquifer by installing a temporary piezometer and submit this data as part of the plan review submittal.

(q) *Stormwater Drainage Analysis.* Because the preliminary drainage plan dated 10/09/2012 submitted by the Permittee is relying on percolation into the sub grade as the primary method for handling stormwater runoff from impervious areas of the site, the Permittee shall develop a backup plan to handle stormwater flooding or ponding caused by storm events or an emergency. This should include either a gravity drainage system or redundant pumping system with backup power. Measures to limit the discharge rates to predevelopment conditions shall be incorporated into the design of the backup plan.

(r) *Stormwater Treatment.* The project shall comply with Provision C.3.i of the Municipal Regional Stormwater Permit (MRP) for stormwater treatment and Low Impact Development. Appropriate Site Design measures, Source Control measures, and Construction Best Management Practices (BMP's) shall be designed and shown on the project plans in accordance with the Stormwater Requirements Checklist for Small Projects. The checklist shall be submitted along with the project plans. The checklist can be found on the following website. (http://www.flowstobay.org/bs_new_development.php)

(s) *Sewer System Analysis.* The Permittee shall submit for the City Engineer's review and approval an analysis of the location and adequacy of the lateral sewer connection. If using an existing lateral connection, the Permittee shall video inspect, clean, and repair (if needed) the lateral prior to any connection to the sewer main. Inspection reports shall be provided to the City Engineer for review and approval. The plans submitted for building permits shall incorporate all recommendations from the approved Hydrology Study and all construction shall comply with its recommendations.

(t) *Geotechnical Exploration.* Because the geotechnical report dated Jan 20, 2012 indicates that the site rests on Colma sand and all site water collected will be percolated into the sub-grade, the Permittee shall perform percolation test at the level of the basement to confirm that percolation rate is sufficient to meet the 100 year design storm. The plans submitted for building permits shall incorporate all recommendations from the approved Geotechnical Study and all construction shall comply with its recommendations.

(u) *Markings.* On-site storm drain inlets shall be marked with the words "No Dumping! Flows to Bay" or equivalent.

Attachment D

- (v) *Erosion Control.* Project plans shall include a site specific erosion and sediment control plan (ESC) and Construction Best Management Practices (BMP) plan sheet into the plan set. Erosion & Sediment Control Measures and Best Management Practices shall be implemented and maintained throughout the duration of construction.
- (w) *Maintenance Agreement for Stormwater Treatment Measures.* The property owner shall enter into a Stormwater Treatment Measures Maintenance Agreement for the installation, construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures being incorporated into the project until the responsibility is legally transferred to another entity. The maintenance agreement shall be drafted to the satisfaction of the City Engineer and the agreement shall be recorded at the County Recorder's Office at the permittee's expense.
- (x) *Runoff Across Property Lines Prohibited.* Runoff shall not be allowed to flow across lot lines or across property boundaries onto adjacent private property without an easement being recorded by the permittee at no cost to the Town.
- (y) *Grading and Drainage Plan.* The permittee shall submit a site Grading and Drainage Plan to the City Engineer for review and approval and obtain permit(s) prior to commencing any work on the project, including demolition or grading work. The Plan shall include all recommendations contained in the Final Soils and Geotechnical Report(s). The Plan shall be prepared by a licensed civil engineer and shall be approved by the project Soils Engineer.
- Other On-Site Improvements*
- (z) *Improvement Plans.* The permittee shall submit complete Improvement Plans for all on-site and off-site improvements, designed, signed, and stamped by a registered Civil Engineer, to the City Engineer for review and approval prior to the issuance of engineering permits. The improvement plans shall incorporate the recommendations from applicable studies, including but not limited to a geotechnical exploration, hydrology study and/or soils report.
- (aa) *Required Landscaping.* The Permittee shall install and maintain landscaping that is consistent with landscaping in the surrounding area, and screens parking areas. Low water use trees, shrubs, and ground coverings shall be incorporated into the site's landscaping. Exterior project lighting shall be designed to be the minimum required for security. Project lighting shall be directed downward so as to not impact motorists along El Camino Real or adjoining properties. Landscaping shall be primarily as shown in the Resubmittal of Project Plans entitled "1850 El Camino Real Associates LLC " to the Planning Department date stamped February 15, 2013 and May 30, 2013, consisting of eighteen (18) sheets (A-1.1 through A-11, F-1, and T-1), prepared by Gustavo Rojas and P. Whitehead and Associates, and on file in the office of the City Planner.

(bb) *Trash Enclosure:* Trash enclosure shall be roofed, enclosed, and connected to a sanitary sewer system. The developer shall confirm the elevation of the drain for the trash enclosure and the Town's sewer main to ensure that the discharges from the drain will gravity flow to the main. If gravity flow is to be not feasible a sewer ejector system shall be submitted for review and approval.

(cc) *Final Site Circulation and Parking Plan*. The permittee shall submit a Final Circulation and Parking Plan for review and approval by the City Planner prior to the issuance of building permits. The Plan shall detail the following:

(i) *Circulation Signage*. The Plan shall include design, text and location for all signs including main entry sign, street signs, parking limitations, emergency access, fire lanes, and unit addresses. On-site signs shall include all signs necessary to minimize traffic back-ups onto public streets, and to provide for the safe operation of vehicles within the site. Off-site signs shall be provided where needed for safe transition from existing off-site conditions to new on-site conditions. Subject to the approval of the City Engineer.

(ii) *Fire Lanes and Accessible Parking*. The Plan shall identify signage, red curbs, and striping for all fire lanes and parking accessible to the disabled. The permittee shall post signs per 22658(a) CVC to allow removal of inappropriately parked vehicles.

(iii) *Parking Lot Lighting*. The Plan shall include details for parking lot lighting, including the location and design of pull boxes, vaults, conduits, wiring, fixtures, foundations and connections to the PG&E primary system. The Plan shall include a photometric plan showing the location of lighting fixtures and resulting intensity at all parts of the site. The parking lot lighting shall provide an illumination level of one-foot candle minimum maintained at ground level with photocell control. Fixtures must be shielded so they do not cause glare on adjacent properties nor conflict with motorist visibility on public rights-of-way. All Exterior Lighting Systems shall comply with the requirements of the California Code of Regulations Title 24, Part 6 – Energy Conservation.

(iv) *Bollards, Protective Devices*. The permittee shall install and maintain bollards or other devices approved by the City Engineer at [identify location/ site or building feature] that are exposed to moving vehicles in order to protect the [location/ site or building feature] against collision damage. The location of bollards shall not reduce the minimum required width of driving aisles (24') and fire lanes (20').

(v) *Employee Parking*. The Plan shall detail the steps that tenants will be required to take to ensure that employees will utilize the employee parking and not use on-street parking.

(dd) *Conversion of Parking Spaces Prohibited*. The parking spaces required by the approved building shall not be converted to any other use without the approval of the City Planner.

Infrastructure, Utilities and Dedications

(ee) *Sanitary Sewer*. The permittee shall install the sanitary sewer connection in accordance with Department of Public Works approved standards and pay the applicable sewer connection fee.

(ff) *Utility Undergrounding*. All utility lines serving the project site shall be placed underground. Existing power poles and overhead lines along the project frontage shall be removed and all utility lines placed underground.

(gg) *Design of Public Improvements.* All public improvements including [grading/ drainage/ driveways/ curbs/ gutters/ sidewalks/ lighting/ planting/ street resurfacing] shall be designed in accordance with the Town of Colma standard details and specifications, to the satisfaction of the City Engineer. Since the Town's jurisdictional boundary ends at the front property line, all required approvals and plans are also required to be reviewed and approved by the City of South San Francisco and CalTrans prior to Town of Colma permit issuance.

Financial Guarantees

(hh) The Permittee must post a security bond, cash deposit or letter of credit in an amount not less than 100% of the estimated cost of all off-site and/or on-site public improvements to guarantee to the Town the faithful performance of all work and all conditions contained or described in the Permit. The financial guarantee shall also include a two-year maintenance provision that provides for 10% of the bond to be held for two years to make any repairs or corrections to the public improvements identified within two years of the improvements being accepted as complete by the City. The estimated cost of the off-site public improvements shall be determined by the City Engineer, and the security must be in a form reasonably satisfactory to the City Attorney.

Conditions Applicable to Construction Activities

(ii) *Traffic Control Plan and Encroachment Permit.* The permittee shall submit a copy of the Caltrans Encroachment Permit for construction of the driveway ingress/egress on El Camino Real and a Caltrans approved Traffic Control Plan to the City Engineer for review prior to commencing any work on the project, including demolition or grading work. No more than one driveway may be built providing access from El Camino Real. The driveway shall only allow for right turns in and out of the property. The plan shall include feasible Caltrans approved traffic calming measures and devices to address traffic hazards in the vicinity of the project site.

(jj) *Construction Plans.* The conditions of approval shall be reproduced on the first page of the plans submitted for demolition, grading or building permits. Additional pages may be used if necessary. At least one copy of the stamped approved plans, along with the Approval Letter and Conditions of Approval and/or mitigations, shall be available for review at the job site at all times.

(kk) *Use of Temporary Power Poles.* Applicant shall use temporary power poles instead of generators where feasible.

(ll) *Posting of Construction Information.* Prior to commencing any work on the project, including demolition or grading work, the permittee shall post on the project site in clear view of the public right-of-way, a sign indicating the hours of construction and a phone number of the permittee to call for noise complaints.

(mm) *Staking of Property Boundaries and Building Corners.* Prior to commencing any work on the project, the permittee shall have the property boundaries staked by a California-licensed land surveyor or a California-registered qualified engineer. For new buildings, the written verification that the placement of the retaining walls and building comply with the approved site plan, prepared by a California-licensed surveyor or civil engineer licensed to practice surveying,

shall be submitted and found acceptable by the Building Official prior to pouring of any foundation.

(nn) *Permitted Grading Season.* Grading work shall be limited to the period between April 15 and October 1 unless an alternative schedule is approved in writing by the City Engineer in conjunction with the approval of an Erosion and Sediment Control Plan.

(oo) *Approved Haul Route.* The permittee shall submit proposed haul route from Highway 280 to the project site, which route shall be subject to review and approval by the City Engineer. All contractors and suppliers shall be advised to use the approved haul route in moving materials and equipment to and from the project site.

(pp) *Repairs to Public Improvements.* The permittee shall be responsible for the cost of repairs to any improvements within the public right-of-way that are damaged during construction. The permittee shall submit documentation of the existing condition of the approved haul route and the public improvements along the project's frontage, including but not limited to trees, tree grates, signs, light poles, drainage inlets, curbs, gutters, etc. to the satisfaction of the City Engineer prior to issuance of a grading or building permit. This survey shall be submitted to the City Engineer for review and approval. All damage shall be repaired to the satisfaction of the City Engineer at no cost to the Town prior to approval of final occupancy. Notwithstanding for the foregoing, all damage that is a threat to public health or safety, as determined by the City Engineer, shall be repaired immediately.

(qq) *Storage of Materials in Public Roadway.* No materials or equipment shall be stored on the improved portion of any public roadway at any time.

(rr) *Litter Control.* Prior to the end of each work day during construction, the contractor or contractors shall pick up and properly dispose of all litter resulting from or related to the project, whether located on the property, within the public rights-of-way, or properties of adjacent or nearby neighbors.

(ss) *Reduce Particulate Emissions.* To reduce particulate matter emissions during project demolition and construction phases, the permittee shall require the construction contractors to comply with the dust control strategies developed by the Bay Area Air Quality Management District (BAAQMD) and shall include in construction contracts the following requirements:

- (i) Cover the load area of all trucks hauling construction and demolition debris from the site;
- (ii) Water all exposed or disturbed soil surfaces at least twice daily;
- (iii) Use watering to control dust generation during demolition of structures or break-up of pavement;
- (iv) Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved parking areas, staging areas, and areas used for vehicle access within the site;
- (v) Sweep daily (with water sweepers) all paved parking areas and staging areas during the earthwork phases of construction;

Attachment D

- (vi) Provide daily clean-up of mud and dirt carried onto paved streets from the site;
 - (vii) Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.);
 - (viii) Limit traffic speeds on unpaved roads to 15 mph;
 - (ix) Install and maintain sandbags or other erosion control measures to prevent silt runoff to public roadways; and
 - (x) Replant vegetation in disturbed areas as quickly as possible.
 - (xi) Reduce Air Pollutants Related to Vehicle Operation
- (tt) The Permittee shall ensure that the contractors shall implement measures to reduce the emissions of pollutants generated by heavy-duty diesel-powered equipment operating at the Project Site during project demolition, excavation and construction phases. The permittee shall include in construction contracts the following requirements or measures shown to be equally effective:
- (i) Keep all construction equipment in proper tune in accordance with manufacturer's specifications;
 - (ii) Use late model heavy-duty diesel-powered equipment at the Project Site to the extent that it is readily available in the San Francisco Bay Area;
 - (iii) Use diesel-powered equipment that has been retrofitted with after-treatment products (e.g., engine catalysts) to the extent that it is readily available in the San Francisco Bay Area;
 - (iv) Use low-emission diesel fuel for all heavy-duty diesel-powered equipment operating and refueling at the Project Site to the extent that it is readily available and cost effective in the San Francisco Bay Area (this does not apply to diesel-powered trucks traveling to and from the site);
 - (v) Utilize alternative fuel construction equipment (i.e., compressed natural gas, liquid petroleum gas, and unleaded gasoline) to the extent that the equipment is readily available and cost effective in the San Francisco Bay Area;
 - (vi) Limit truck and equipment idling time to five minutes or less;
 - (vii) Rely on the electricity infrastructure surrounding the construction sites rather than electrical generators powered by internal combustion engines to the extent feasible.
- (uu) *Air Quality Provisions in Contractor Agreements.* The permittee shall incorporate the following practices into the construction documents to be implemented by the project contractor, and submit evidence of compliance to the City Planner for approval prior to the issuance of any construction permit, including a grading permit. The physical separation

between noise generators and noise receptors shall be maximized. Such practices include, but are not limited to, the following measures:

- (i) Use heavy-duty mufflers for stationary equipment and barriers around particularly noisy areas of the site or around the entire site;
 - (ii) Use shields, impervious fences, or other physical sound barriers to inhibit transmission of noise to sensitive receptors;
 - (iii) Locate stationary equipment on portions of the project site distant from nearby residential areas to minimize noise impacts on the community;
 - (iv) Minimize backing movements of equipment;
 - (v) Select and use the quieter from among available construction equipment whenever possible;
 - (vi) Use noise-reducing pile driving techniques, such as pre-drilling pile holes (if feasible, based on soils) to the maximum feasible depth, installing intake and exhaust mufflers on pile driving equipment, vibrating piles into place when feasible, and installing shrouds around the pile driving hammer where feasible; and
 - (vii) Prohibit pile driving on weekends and restrict pile driving during the weekdays to between 7:00 a.m. and 6:00 p.m.
- (vv) *Will-Serve Letters.* The permittee shall provide copies to the City Engineer of "will-serve" letters from all utility companies that will provide utilities to the project.
- (ww) *Temporary Construction Easement(s).* On the preliminary plans, the retaining walls for the building are shown to be constructed directly adjacent to the property line. The Permittee shall obtain a Temporary Construction Easement from adjacent/affected property owners for construction of the site retaining walls.

Maintenance Agreement

(xx) *Landscape and Property Maintenance Agreement.* The permittee shall enter into a Landscape and Property Maintenance Agreement binding on heirs and successors for an ongoing program of property maintenance in accordance with the Town of Colima's property maintenance standards. The agreement shall include remedies exercisable by the Town in the event of default. The agreement must be in recordable form and approved by the City Planner and City Attorney prior to final inspection.

4. Tree Permit Granted.

The City Council grants a Permit to work in the root zone of three Coast Redwood trees that are located off-site along the northern boundary of the project site, perpendicular to El Camino Real, subject to the general terms and conditions set forth in this Resolution and the following project-specific conditions:

Attachment D

- (a) A licensed Arborist shall oversee the site excavation for the retaining wall and foundation to ensure no damage to the trees occurs, and a subsequent report shall be submitted to the Town by the arborist detailing the excavation for the retaining wall and remedial actions taken to prevent damage to any of the trees.
- (b) Pier holes for the retaining wall shall not be closer than 6 feet to any of the trees.
- (c) Roots larger than two (2) inches in diameter shall be cut cleanly to prevent root dieback to the main trunk.

5. General Conditions

- (a) This Conditional Use Permit shall run with the land and be freely and automatically transferred to each user of the property described herein, subject to each of the specific and general conditions herein. As used in this Conditional Use Permit, the word "Permittee" shall mean each person using the property pursuant to the permit granted herein, including successors to the person first obtaining the permit.
- (b) The Permittee and each user granted an Administrative Use Permit or Conditional Use Permit to use the property must comply with all applicable federal, state and municipal laws, codes and regulations, including the California Building and Fire Codes. Nothing herein shall be construed as authorizing any approvals under, or any exceptions to any other law, code or regulation, or as authorizing any change to the occupancy classification of the premises or any buildings thereon as defined on the California Building Code. Without limiting the generality of the foregoing:
 - (i) The Permittee shall maintain an annual Colma Business Registration;
 - (ii) Prior to issuance of a Business Registration, the Permittee shall arrange for the project site to be inspected for Fire and Life Safety requirements of California Fire Code by the Colma Fire Protection District; and
 - (iii) Approved signage shall be as shown in the Project Plans entitled "1850 El Camino Real Associates LLC" to the Planning Department date stamped February 15, 2013, , and on file in the office of the City Planner. Additional signage shall require a Sign Permit.
- (c) The Permittee shall pay and hold the Town of Colma Harmless from all costs and expenses, including attorney's fees, incurred by the Town or held to be the liability of the Town in connection with the Town's defense of its actions in any proceeding brought in any state or federal court challenging the Town's actions with respect to the Permittee's project.
- (d) The Conditional Use Permit may be modified or revoked should it be determined that (a) the property is being operated or maintained in a manner that is detrimental to the public health or welfare, is materially injurious to property or improvements in the vicinity, constitutes a public nuisance, or is contrary to any law, code or regulation, or (b) if the Permittee fails to comply with and satisfy the conditions herein.

(e) The Permittee must agree to comply with each and every term and condition herein by countersigning a copy of this Resolution and returning the counter-signed copy to the City Clerk no more than forty-five (45) days following City Council approval of the permit. If Permittee is not the property owner, then the property owner must consent to use of the property on the terms and conditions herein by counter-signing a copy of this resolution and returning the counter-signed copy to the City Clerk no later than forty-five (45) days following City Council approval of the permit. Failure to return the counter-signed copy as specified shall render this permit null and void.

Certification of Adoption

I certify that the foregoing Resolution No. 2013-27 was duly adopted at a regular meeting of the City Council of the Town of Colma held on July 11, 2013, by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Joanne F. del Rosario, Mayor	X				
Joseph Silva, Vice Mayor	X				
Helen Fisicaro	X				
Raquel "Rae" Gonzalez					X
Diana Colvin	X				
<i>Voting Tally</i>	4	0			

Dated _____

Joanne F. del Rosario
 Joanne F. del Rosario, Mayor

Attest: *William C. Norton*
 William C. Norton, City Clerk

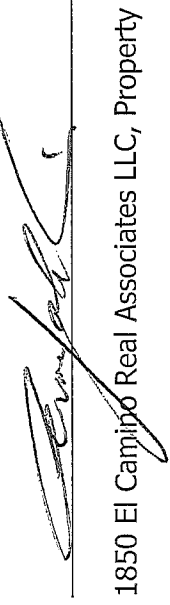
NOTICE OF RIGHT TO PROTEST

The Conditions of Project Approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the 90-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), began on date of adoption of this resolution. If you fail to file a protest within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exactions.

AGREEMENT

Property Owner/Permittee

The undersigned agrees to use the property on the terms and conditions set forth in this resolution.

Dated: 8/30/2013 
1850 El Camino Real Associates LLC, Property Owner

[Notarization of Property Owner's signature required]



COLMA SHOWCASE

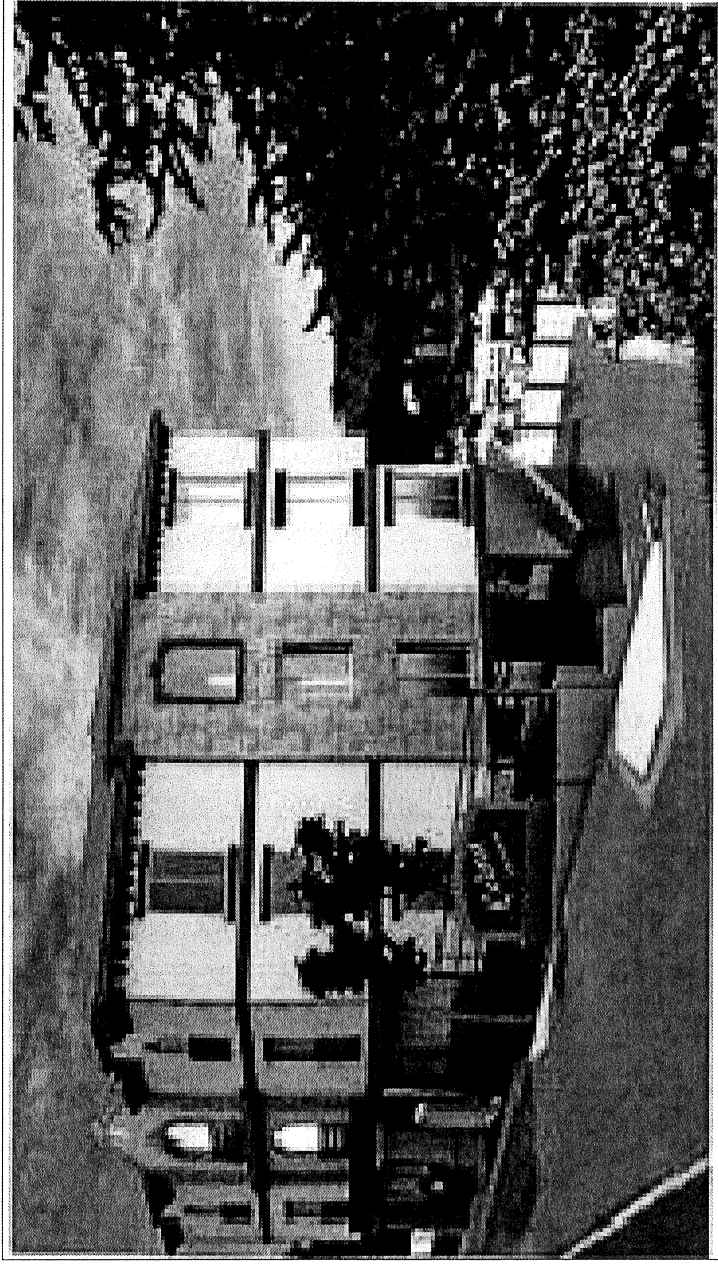
1850 El Camino Real, Colma, CA94014

BUILDING APPLICATION

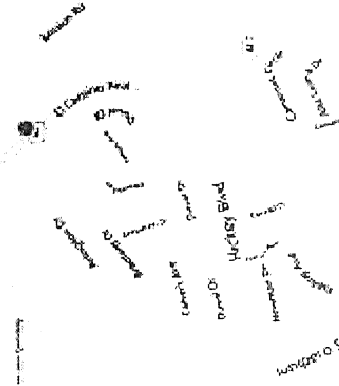
MAY 4, 2019

SCOPE OF WORK

NEW CONSTRUCTION OF 3 STORY COMMERCIAL BUILDING OVER GARAGE PARKING.



VICINITY MAP



APPLICABLE CODES

- 2016 INTERNATIONAL BUILDING CODE
- 2016 CALIFORNIA BUILDING CODE (CBC)
- 2016 CALIFORNIA ELECTRICAL CODE (CEC)
- 2016 CALIFORNIA PLUMBING CODE (CPC)
- 2016 CALIFORNIA MECHANICAL CODE (CMC)
- 2016 CALIFORNIA ENERGY STANDARDS (TITLE 24)
- AMERICAN SOCIETY OF CIVIL ENGINEERS
- AMERICAN CONCRETE INSTITUTE
- 2013 COLMA MUNICIPAL CODE
- ALONG WITH ANY OTHER APPLICABLE LOCAL AND STATE LAWS AND REGULATIONS

INDEX

- A-0 TITLE PAGE AND INFORMATION
- A-1 SITE PLAN BUILDING INFORMATION
- A1-P SITE PLAN PARKING INFORMATION
- A-2 BASEMENT PLAN
- A-3 FIRST FLOOR PLAN
- A-4 SECOND FLOOR PLAN
- A-5 THIRD FLOOR PLAN
- A-6 ROOF PLAN
- A-7 FRONT VIEW ELEVATION
- A-8 LEFT VIEW ELEVATION
- A-9 REAR VIEW ELEVATION
- A-10 RIGHT VIEW ELEVATION
- A-11 CROSS SECTION - A
- A-12 CROSS SECTION - B

RECEIVED

MAR 22 2019

OWNER: 1850 EL CAMINO ASSOCIATES LLC
 MANAGING MEMBER: ARMEN JALALIAN
 1850 EL CAMINO REAL, COLMA, CA 94022 3542
 armenjalalian@sbccglobal.net

CIVIL ENGINEER: P. WHITEHEAD AND ASSOCIATE
 GEOTECHNICAL ENGINEER: P. WHITEHEAD P.E.
 671 ROCKDALE DRIVE, SAN FRANCISCO, CA 94127
 415 584 0537
 dugganti@msh.com

PROJECT NAME: OFFICE BUILDING
 COLMA SHOWCASE
 1850 EL CAMINO REAL
 COLMA, CALIFORNIA

REVISION:	BY

DRAWN:	LA
CHECKED:	PW
DATE:	3/15/2019
SCALE:	AS SHOWN
JOB NO.:	2011-41
SHEET NO.:	A - 0

Attachment E

P. WHITEHEAD AND ASSOC
 SAN FRANCISCO, VA 94127

PROJECT NAME:
 OFFICE BUILDING
 COLMA SHOWCASE
 1850 EL CAMINO REAL
 COLMA, CALIFORNIA

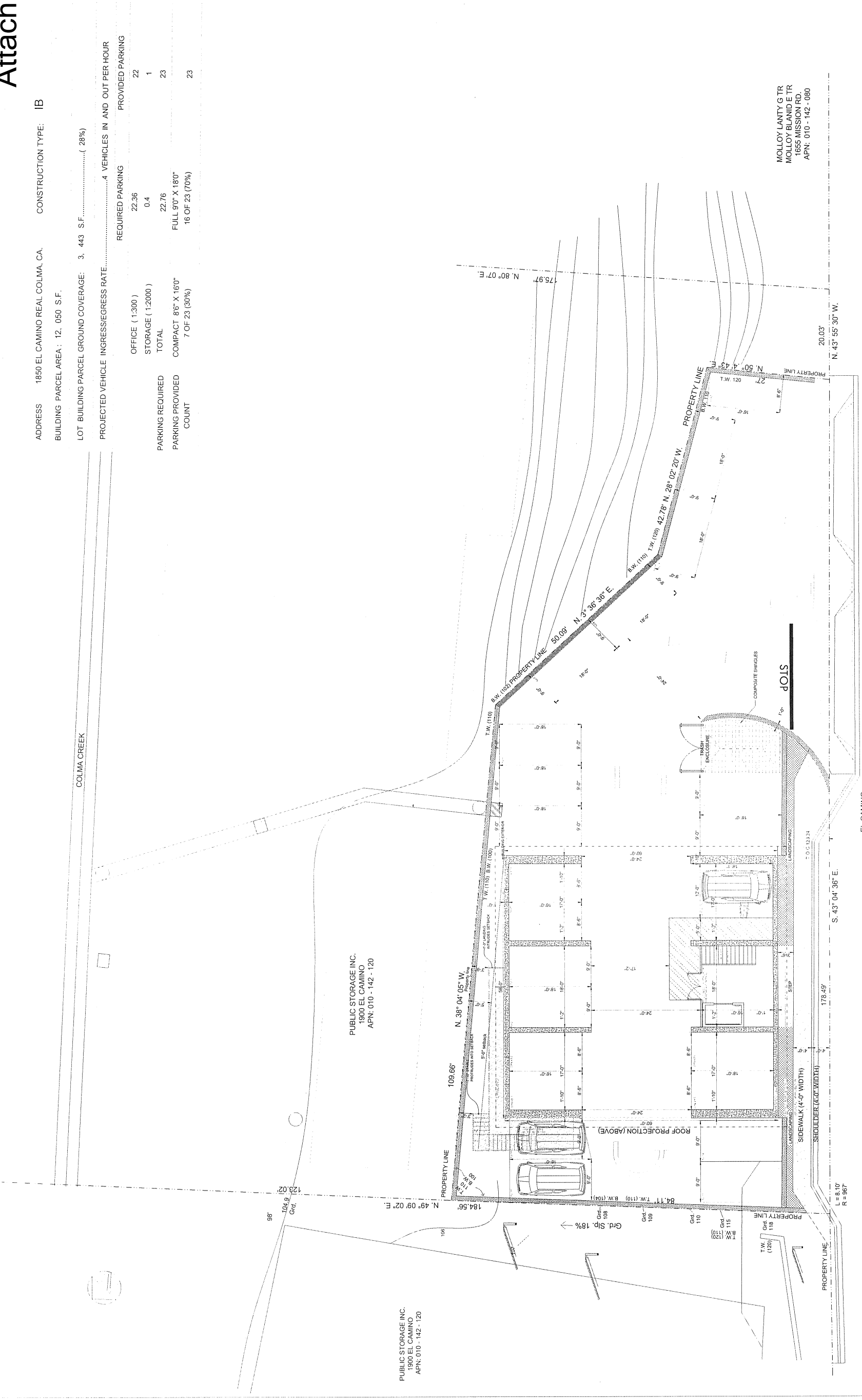
REVISION:	BY

DRAWN:	LA
CHECKED:	PW
DATE:	03/15/2019
SCALE:	1/8" = 1' - 0"
JOB NO.:	2011-41
SHEET NO.:	

A-1P

ADDRESS 1850 EL CAMINO REAL COLMA, CA CONSTRUCTION TYPE: IB
 BUILDING PARCEL AREA: 12,050 S.F.
 LOT BUILDING PARCEL GROUND COVERAGE: 3,443 S.F. (28%)
 PROJECTED VEHICLE INGRESS/EGRESS RATE: 4 VEHICLES IN AND OUT PER HOUR

OFFICE (1:300)	22.36	22
STORAGE (1:2000)	0.4	1
TOTAL	22.76	23
PARKING REQUIRED	FULL 90' X 180'	
PARKING PROVIDED	7 OF 23 (30%)	
COUNT	16 OF 23 (70%)	23



EL CAMINO REAL (40 MPH)
 66' WIDTH STATE RIGHT OF WAY

⊕

⊕

⊕

CENTERLINE DIVIDERS

SITE PLAN AND
 PARKING INFORMATION

SHEET NAME:

SHEET NO.

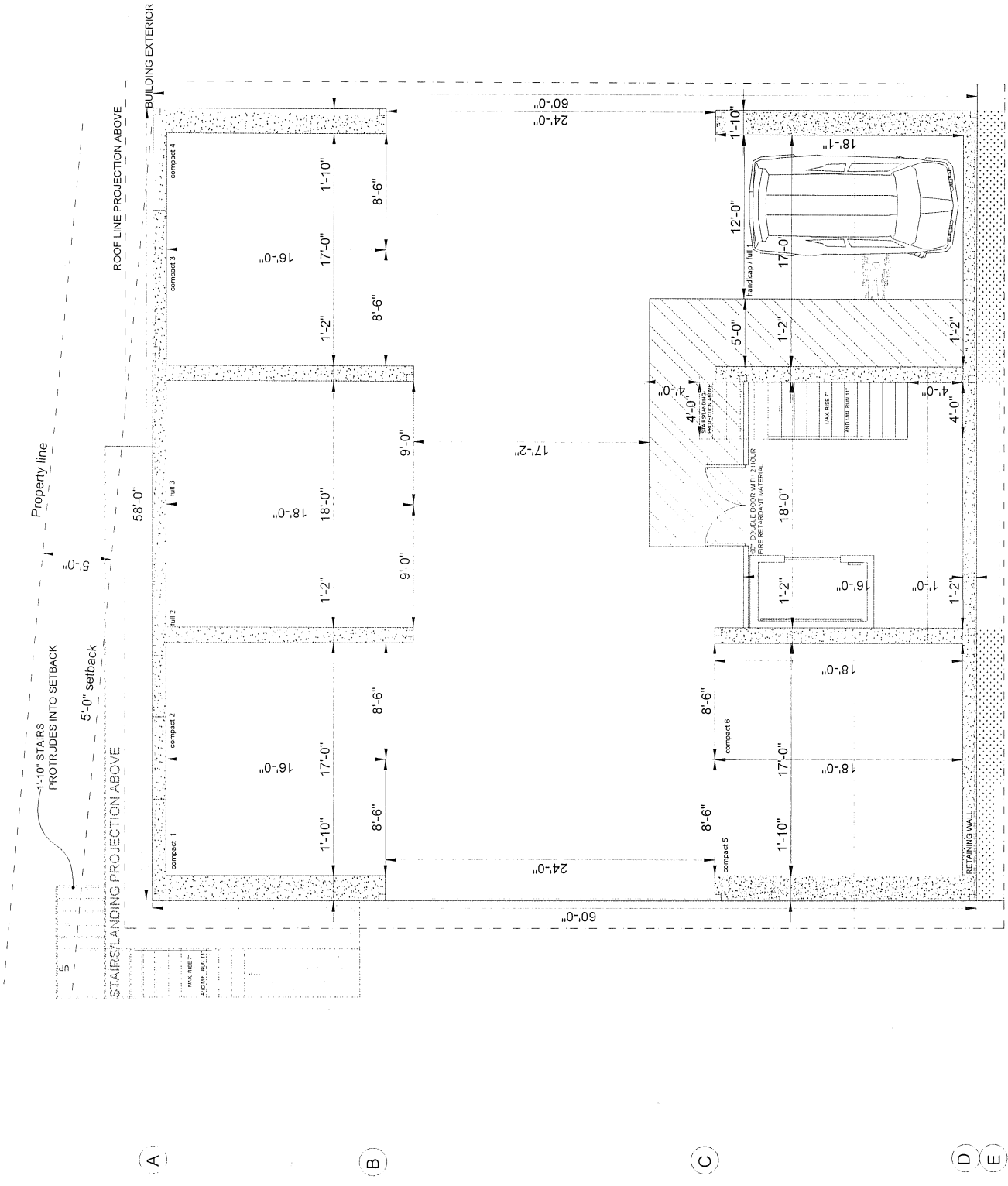
FIRM NAME:
P. WHITEHEAD AND ASSOC
671 ROCKDALE DRIVE
SAN FRANCISCO, VA 94127

PROJECT NAME:
OFFICE BUILDING
COLMA SHOWCASE
1850 EL CAMINO REAL
COLMA, CALIFORNIA

REVISION:	BY

DRAWN:	LA
CHECKED:	PW
DATE:	03/15/2019
SCALE:	AS SHOWN
JOB NO.:	2011-41
SHEET NO.:	

① ② ③ ④ ⑤



BASEMENT PLAN
SCALE: 1/8" = 1'-0"

SHEET NAME:

BASEMENT PLAN

A-2

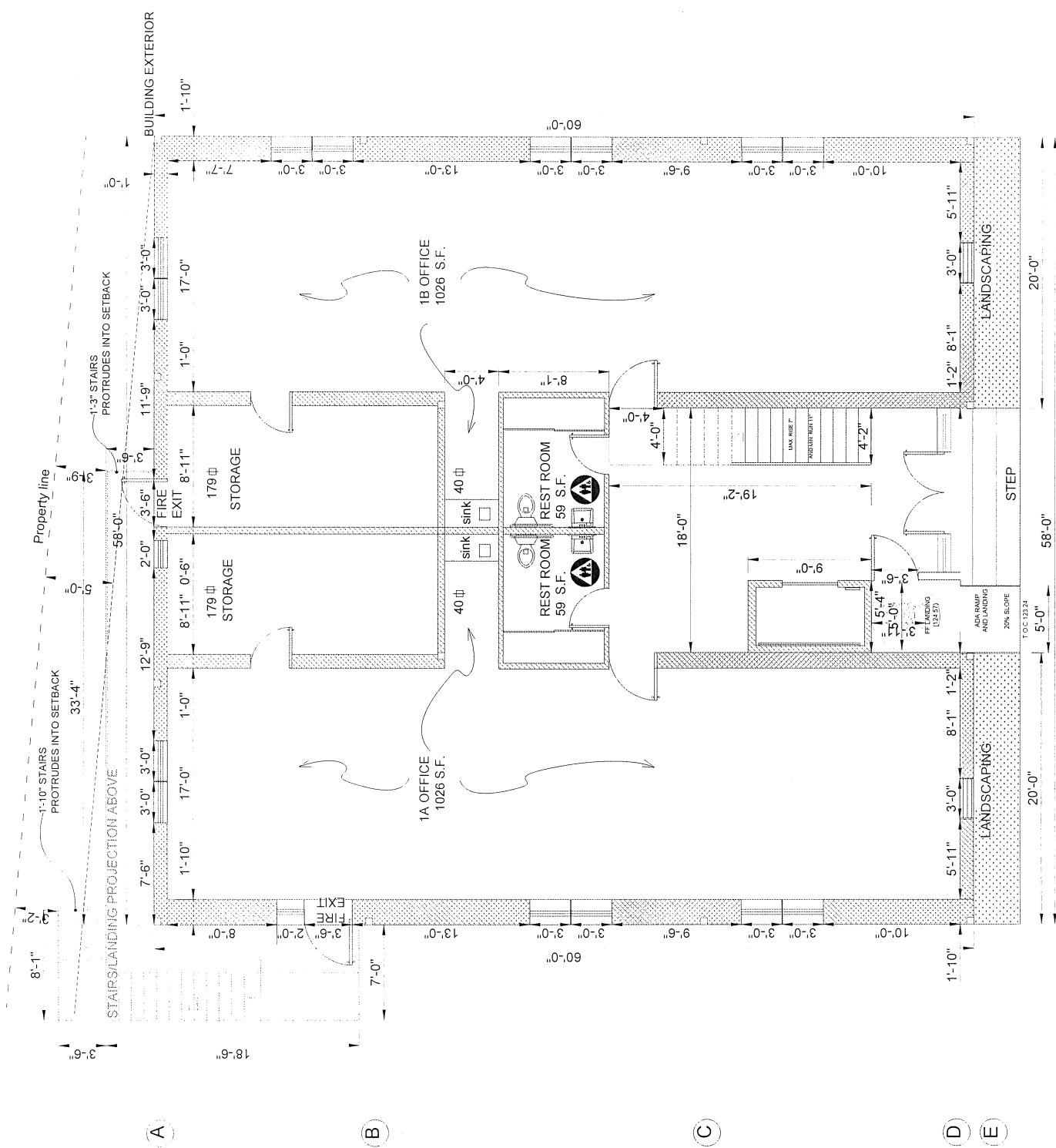
FIRM NAME:
P. WHITEHEAD AND ASSOC
671 ROCKDALE DRIVE
SAN FRANCISCO, VA 94127

PROJECT NAME:
OFFICE BUILDING
COLMA SHOWCASE
1850 EL CAMINO REAL
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REVISION:	BY

DRAWN:	LA
CHECKED:	PW
DATE:	03/15/2019
SCALE:	AS SHOWN
JOB NO.:	2011-41
SHEET NO.:	

SHEET NAME



PROPOSED FIRST FLOOR PLAN
SCALE 1/4" = 1'-0"

FIRM NAME: P. WHITEHEAD AND ASSOC
 671 ROCKDALE DRIVE
 SAN FRANCISCO, VA 94127

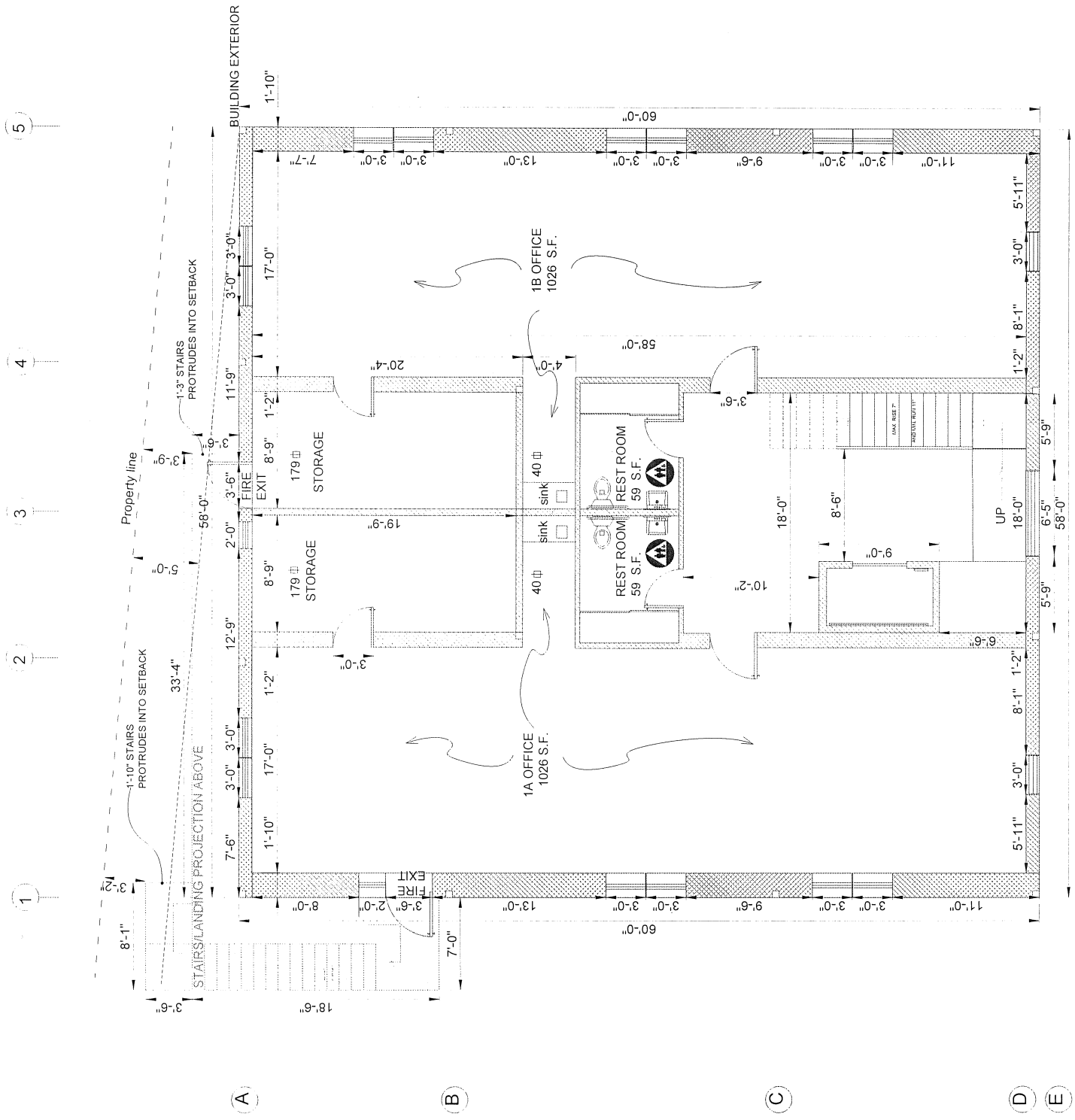
PROJECT NAME: OFFICE BUILDING
 COLMA SHOWCASE
 1850 EL CAMINO REAL
 COLMA, CALIFORNIA

REVISION:	BY

DRAWN:	LA
CHECKED:	PW
DATE:	03/15/2019
SCALE:	AS SHOWN
JOB NO.:	2011-41

SHEET NO.

SHEET NAME



PROPOSED SECOND FLOOR PLAN
 SCALE: 1/8" = 1'-0"

FIRM NAME: P. WHITEHEAD AND ASSOC
671 ROCKDALE DRIVE
SAN FRANCISCO, VA 94127

PROJECT NAME: OFFICE BUILDING
COLMA SHOWCASE
1850 EL CAMINO REAL
COLMA, CALIFORNIA

REVISION:	BY:

DRAWN: LA

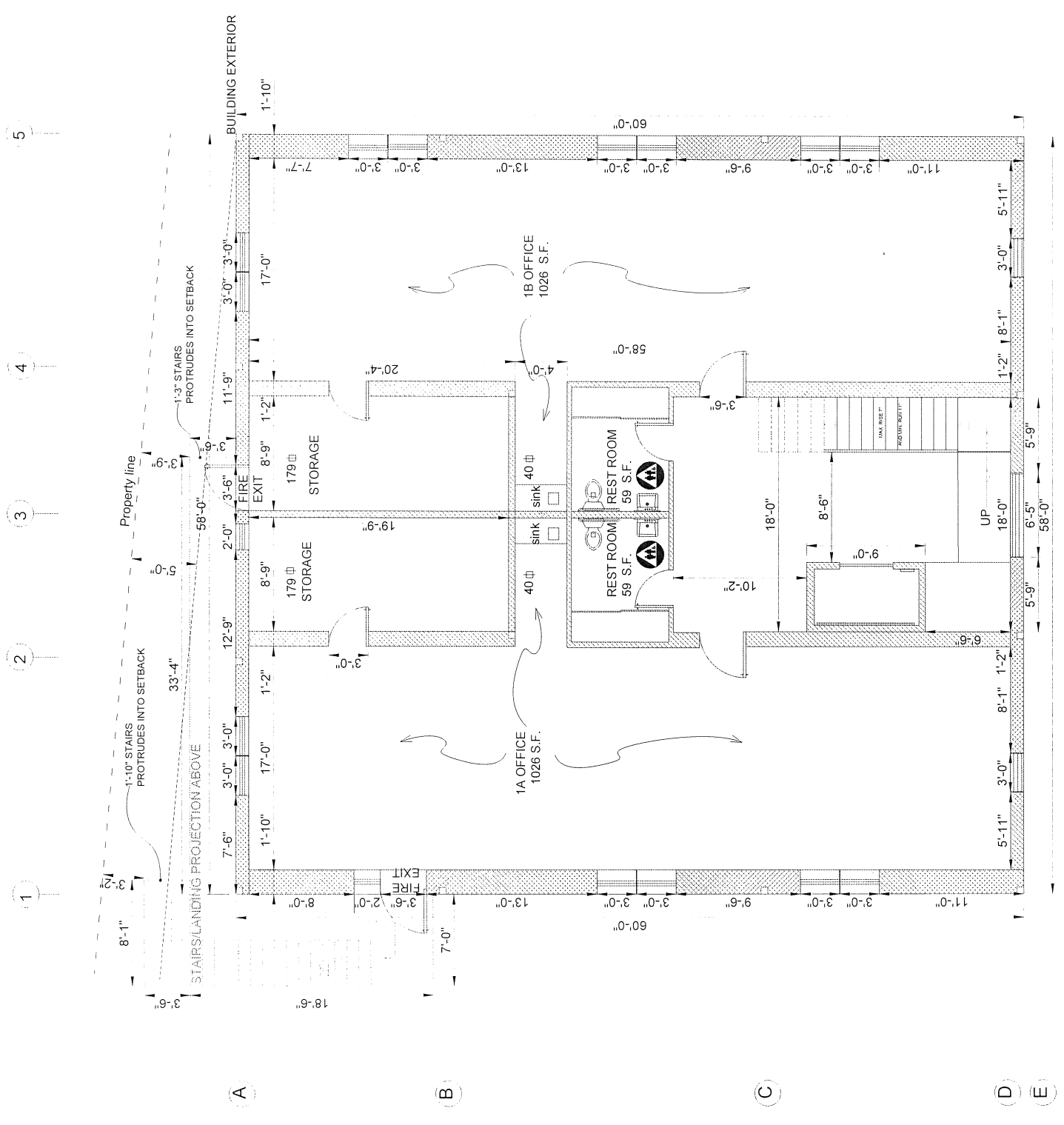
CHECKED: PW

DATE: 03/15/2019

SCALE: AS SHOWN

JOB NO: 2011-41

SHEET NO:



PROPOSED THIRD FLOOR PLAN
SCALE: 1/4" = 1'-0"

P. WHITEHEAD AND ASSOC.
671 ROCKDALE DRIVE
SAN FRANCISCO, VA 94127

FIRM NAME:

OFFICE BUILDING
COLMA SHOWCASE
1850 EL CAMINO REAL
COLMA, CALIFORNIA

PROJECT NAME:

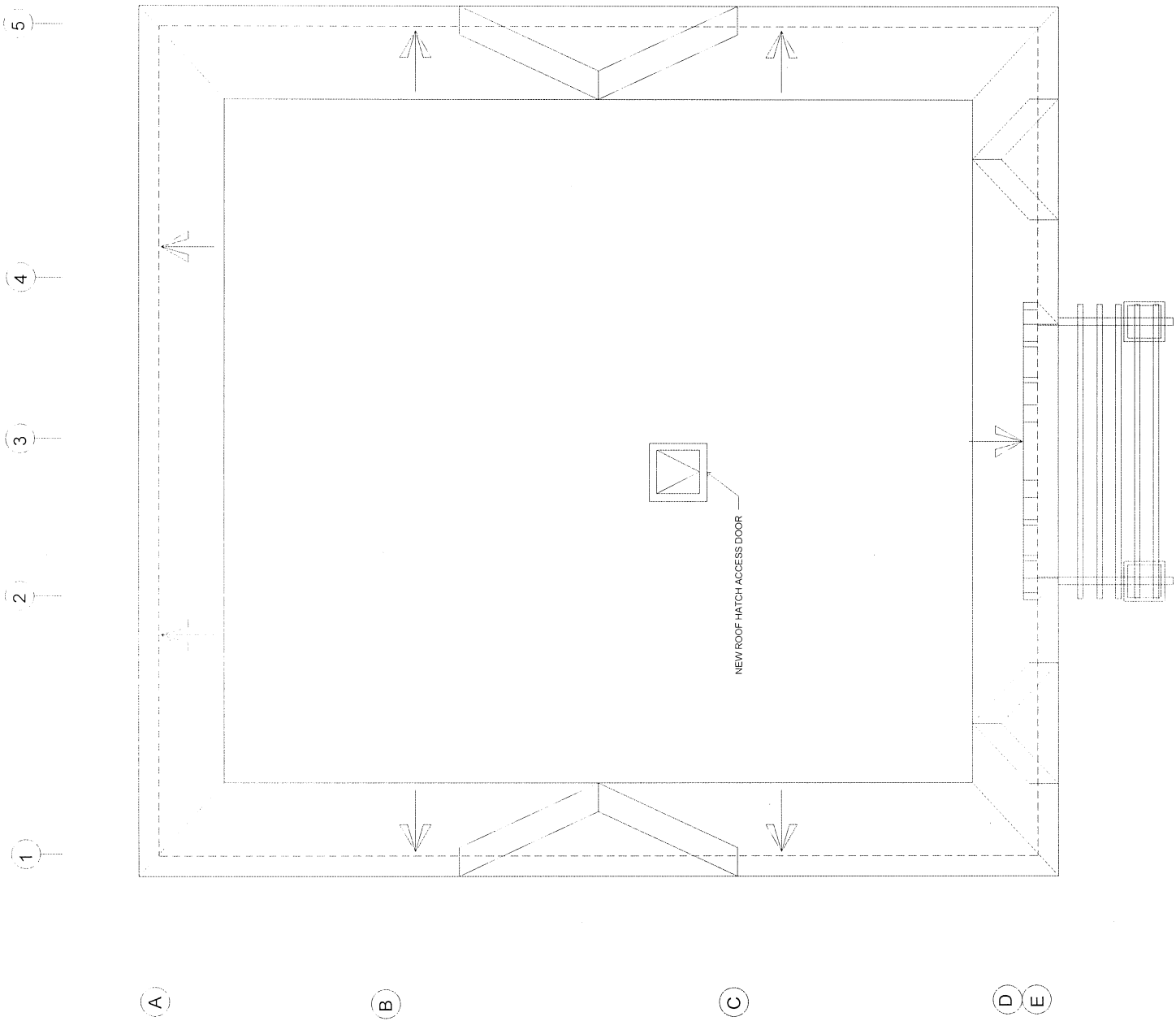
REVISION:	BY

DRAWN:	LA
CHECKED:	PW
DATE:	03/15/2019
SCALE:	AS SHOWN
JOB NO.:	2011-41

SHEET NO.:

ROOF PLAN

A-6



PROPOSED ROOF PLAN
SCALE: AS SHOWN

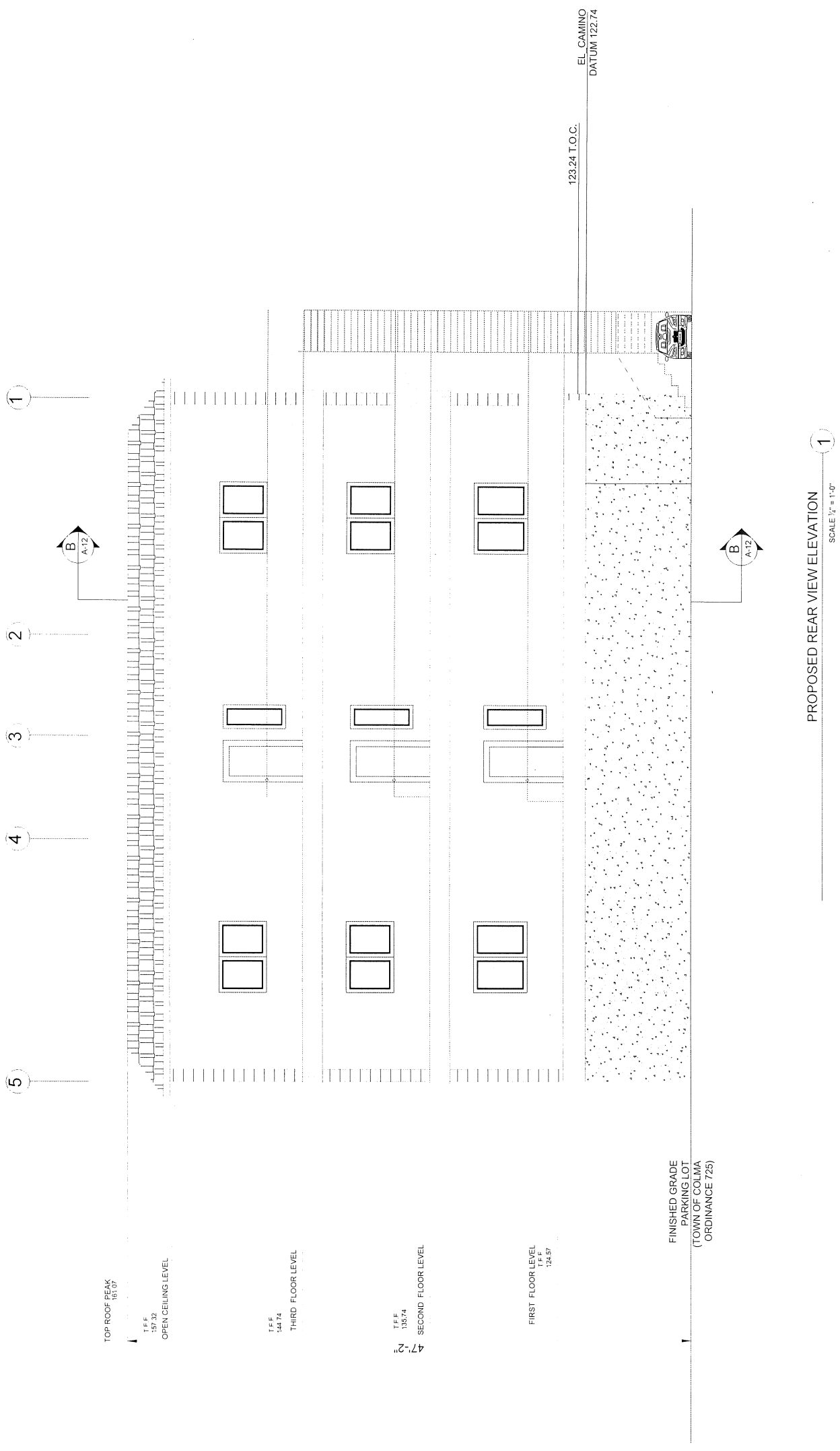
FIRM NAME:
 P. WHITEHEAD AND ASSOC
 671 ROCKDALE DRIVE
 SAN FRANCISCO, VA 94127

PROJECT NAME:
 OFFICE BUILDING
 COLMA SHOWCASE
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 COLMA, CALIFORNIA

REVISION:	BY

DRAWN: LA
 CHECKED: PW
 DATE: 03/15/2019
 SCAL: AS SHOWN
 JOB NO: 2011-41

SHEET NO.



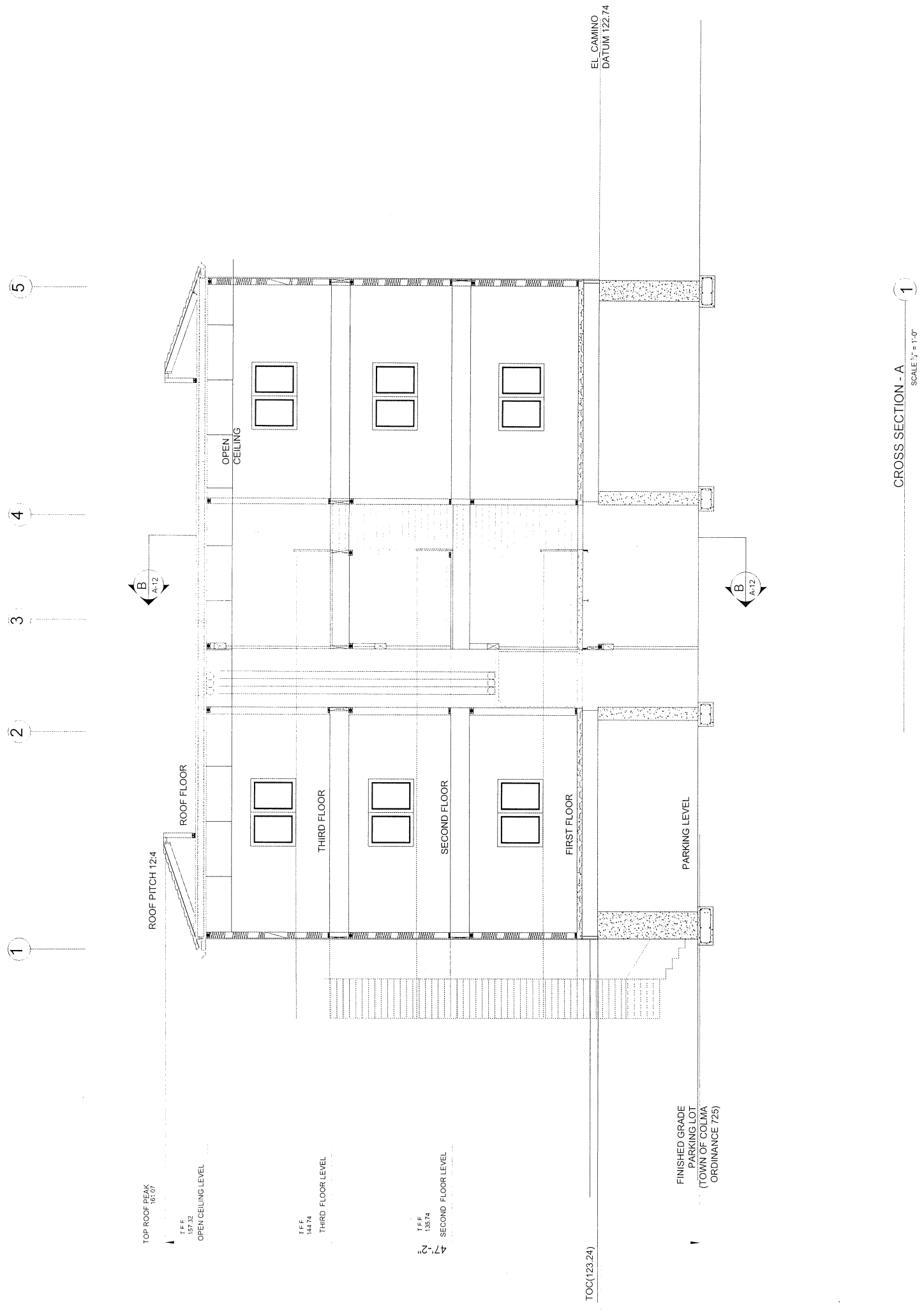
SHEET NAME

FIRM NAME:
 P. WHITEHEAD AND ASSOC.
 671 ROCKDALE DRIVE
 SAN FRANCISCO, VA 94127

PROJECT NAME:
 OFFICE BUILDING
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 COLMA, CALIFORNIA

REVISION:	BY

DRAWN:	LA
CHECKED:	PW
DATE:	03/15/2019
SCALE:	AS SHOWN
JOB NO.:	2011-41
SHEET NO.:	



CROSS SECTION - A
 SCALE: 1/4" = 1'-0"

SHEET NAME:

CROSS SECTION - A

A-11



TOWN OF COLMA Environmental Checklist Form

Project Title:

1850 El Camino Real 9,592 Sq. Ft. Office

1. **Lead Agency Name and Address:**
Town of Colma Planning Department
1190 El Camino Real
Colma, CA 94014
2. **Contact Person and Phone Number:**
Turhan Sonmez, Assistant Planner
650-757-8898
3. **Project Location:**
1850 El Camino Real. The 0.27 acre project site is located between Mission Road and California State Highway 82 (El Camino Real) just south of where Mission Road and El Camino Real converge, near the southern edge of Colma. Please see attached location map. Uses surrounding the project site include multi-tenant commercial public storage facilities to the north and to the east, residential to the west, and vacant land to the south.

4. **Project Sponsor's Name and Address:**
1850 El Camino Real Associates LLC
88 41st Avenue
San Mateo, CA 94403
5. **General Plan Designation:**
Executive/Administrative
6. **Zoning:**
Executive/Administrative/Design Review – E/DR

7. Description of Project:

Overview

This Initial Study identifies the potential environmental impacts associated with grading, construction and future occupancy of the project which includes any reasonably foreseeable impacts associated with the project in its entirety. The project sponsor is seeking entitlements to construct a new three-story, 9,592+/- square foot office building built over one-level of at-grade parking, on the 0.27 acre project site. The proposed building would have a 35' tall front façade along El Camino Real. The existing site is a partially paved dirt and gravel lot. There are no existing structures on site, only a concrete pad where a building once stood, and no existing driveway ingress/egress. The project site has been vacant for many years, and the last tenant was a roof contractor's office.

ATTACHMENT D

Surrounding uses include multi-tenant commercial public storage facilities to the north and to the east, residential to the west, and vacant land to the south. The project is a small, infill project that would normally be exempt from CEQA review, if it were located on a level site, and if it were not fronting on a state highway.

The proposed project includes several components. A description of each of these components is described below.

Zoning Reclassification, Planned Development and

A Zoning Reclassification and Planned Development is requested to rezone the project site from E/DR (Administrative Office/Design Review) to Planned Development (Administrative Office)/Design Review – PD/DR. The subject property is General Planned for executive/administrative use. The Colma General Plan contains a special Land Use Element Policy (Colma Administrative Code Section 5.02.342) encouraging the development of professional offices in the Executive/Administrative land use area along El Camino Real.

Conditional Use Permit

A Conditional Use Permit has been requested which will set the parameters and conditions for new businesses prior to occupancy of the building. A Master Conditional Use Permit would be established which would specify the types of businesses that will be permitted through an Administrative Use Permit process and the types that would require review by the City Council through an amended Conditional Use Permit process.

Parking and Access

The parking plan submitted to the Town by the project sponsor indicates a total of 22 off-street parking spaces are proposed. This number includes surface parking spaces, as well as parking spaces under the building. The E Zone requires one (1) parking space for every 300 square feet of office space. Since only 6,708+/- square feet of the proposed building's total square footage is office space, the proposed 22 parking spaces is adequate. The parking requirement for medical offices is higher than the requirement for general office, and medical offices will not be permitted. New businesses would be reviewed through an Administrative Use Permit process to assure that required parking will not exceed available on-site parking.

An encroachment permit from the California Department of Transportation is required for construction of the driveway ingress/egress on El Camino Real. The project sponsor was granted an encroachment permit for the ingress/egress design on April 11, 2012 that expired on December 30, 2012 and will need to be renewed. There is currently a line of pylons in the center of El Camino Real that prevent crossing over the center median. These pylons will remain. The driveway will be a "Y" configuration that will only allow for right turns in and right turns out of the property. Once onto the site, the driveway leads down a 5% grade ramp to parking below the building podium.

Preliminary Landscape Plan

A landscape plan, prepared by a licensed Landscape Architect will be required prior to obtaining a building permit. Plans will need to include low water use trees and shrubs and water use calculations as required by the Town. Within the required setback area from El Camino Real there shall be maintained only paved walks, paved driveways, lawns and landscaping. The landscaping shall be consistent with landscaping in the surrounding area, and shall screen parking areas from passersby on the adjacent street.

The preliminary landscape plan submitted to the Town by the project sponsor is consistent with the above. Site landscaping includes plants, signage, lighting and a small lawn area along El Camino Real.

Tree Permit for Tree Protection Plan

A tree permit from the Town for tree protection mitigation is required for working in the root zone of three Coast Redwood trees located off-site along the northern boundary of the project site, perpendicular to El Camino Real. The trees are located on the adjoining property in proximity to a proposed retaining wall to be constructed along the northern boundary of the property site.

A tree protection plan, prepared by a licensed arborist, was submitted to the Town by the project sponsor. The plan analyzed potential impacts to the trees and provided mitigation measures to minimize any impacts to the trees' root zones during excavation and construction. The report determined pier holes for the retaining wall must not be closer than 6 feet to any of the trees. The report also determined that roots larger than two (2) inches in diameter must be cut cleanly to prevent root dieback to the main trunk.

The Town will require the arborist to oversee the site excavation for the retaining wall to ensure no damage to the trees occurs. A subsequent report will be submitted to the Town by the arborist documenting that all necessary precautions and actions were taken during work within the root zone of the trees.

Design Review

Design Review is required for the proposed office building. All plans for development in the DR zone shall incorporate building, site and landscape design elements representing the Spanish/Mediterranean style.

Elevations submitted to the Town by the project sponsor show building architecture for the proposed project includes Spanish-Mediterranean elements, including arched openings, window boxes, balconies, and tile roofs. Appropriate landscaping will be incorporated along the front of the building, parallel to El Camino Real.

The proposed office building is designed to accommodate administrative offices in a logical manner. The new office building and projected landscaping will develop a vacant site and result in a visual improvement to the community.

Soils Geotechnical Report

A soils report is required for the proposed project. The soils report submitted to the Town by the project sponsor indicates the project site is underlain by fine grained sand stratum that extends approximately 8 feet below the surface. Below this first layer is fine grained and medium grained sand and clay sand to a depth of 22 feet.

The soils encountered are characteristic of the area, and are of a low liquefaction potential. Expansive soils were not encountered. Also, ground water was not encountered in the two borings drilled at the site to a depth of 22 feet. Per the recommendation provided in the soils report submitted to the Town, building foundations will consist primarily of a drilled pier and grade beam system. The San Francisco Bay Area is considered to be one of the most seismically active regions in the United States. The nearest active faults are the northwest trending San Andreas Faults, mapping approximately 14 miles northeast of the site. It is expected that the site will be subjected to at least one moderate to severe earthquake. Strong shaking of the site and structures is to be expected. The building will be designed to meet current building code and seismic standards.

Grading Plan

Site preparation for the proposed office building will result in site grading and off-hauling of excess soil. A Grading Plan is required for the proposed site preparation.

The existing site is irregularly shaped and located in terrain with slopes exceeding 10%. The site measures 198+/- feet in width and has an average depth of 56+/- feet from the front property line along El Camino Real. The lot is level for a distance of approximately 30+/- feet from the property line. The lot then slopes downward from south to north at a slope averaging two horizontal to one vertical, until reaching a level bench 20+/- wide. After the bench, the lot continues to slope down at two horizontal to one vertical to the rear property line.

The grading plan submitted to the Town by the project sponsor indicates there will be approximately 1,131+/- cubic yards of cut and approximately 888+/- cubic yards of fill. There will also be approximately 32+/- cubic yards of site spoils from the drilling of pier holes. As a result, the quantity of material to be removed from the site is estimated to be 275+/- cubic yards.

The grading plan submitted to the Town by the project sponsor indicates the average depth of cut is 5+/- feet and the average depth of fill is 6.5+/- feet. The average depth of pier holes drilled is 16+/- feet.

The potential for erosion caused by grading on slopes greater than 10% will be mitigated by new pier designed retaining walls proposed along most of the perimeter boundaries of the project site and engineered drainage. Per the recommendation provided in the soils report submitted to the Town, retaining walls located on the site will be designed to resist lateral earth pressures plus additional lateral pressures that may be caused by surcharge loads applied at the ground surface behind the walls. The walls will also be designed to resist additional uniform pressure applied at the surface behind the walls.

Preliminary Drainage Plan

A drainage plan is required for the proposed project. The preliminary drainage plan submitted to the Town by the project sponsor proposes various mitigation measures for the treatment of stormwater. The plan proposes landscaped area and permeable joint pavers where stormwater is expected to percolate into the underlying native sandy soil. This accounts for approximately 65% of the project site. The remaining project site area will include impervious surfaces.

The preliminary drainage plan indicates stormwater containment will be achieved with a proposed 6” curb along the perimeter of the site. The curb along the north, east, and south boundaries of the site will allow storm water containment on-site allowing time for stormwater infiltration and permeation. In addition, a 6” curb along the west boundary of the site, along El Camino Real, shall serve as a stormwater repulsion measure keeping stormwater on El Camino Real from entering the site.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

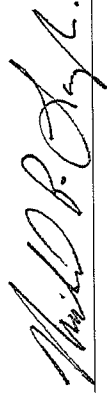
- Aesthetics
- Agricultural and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology/Soils
- Greenhouse Gas Emissions
- Hazards & Hazardous Materials
- Hydrology/Water Quality
- Land Use/Planning
- Mineral Resources
- Noise
- Population/Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities/Service Systems
- Mandatory Findings of Significance

ATTACHMENT F

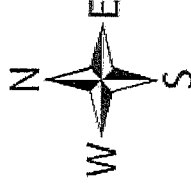
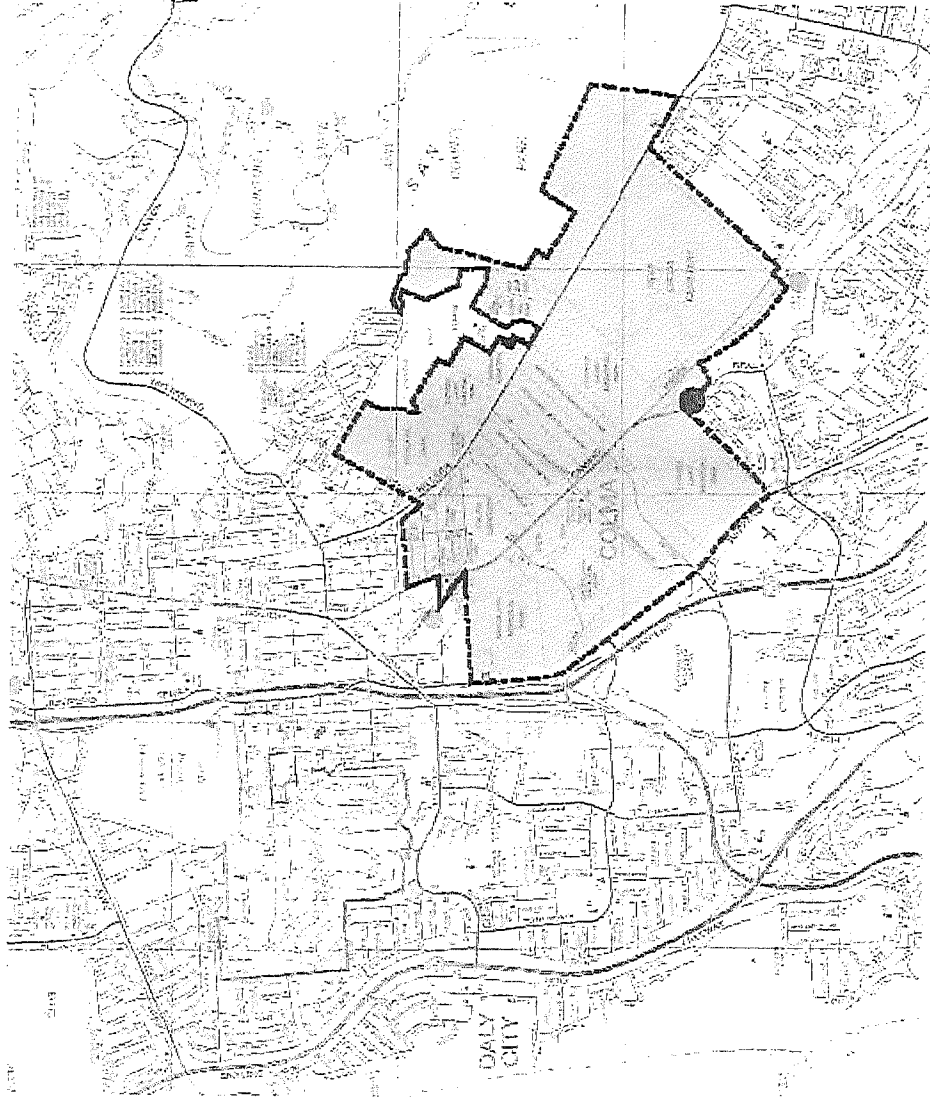
DETERMINATION (To be completed by the Lead Agency):

On the basis of this initial evaluation:



- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

	April 24, 2013 Date
Signature	
Michael Laughlin, AICP, City Planner	Town of Colma
Printed Name	

Location Map



Legend

-  Town of Colma Boundary
-  Project Site

EXISTING ENVIRONMENTAL SETTING

Description of the environmental setting is a key aspect of evaluating potential environmental impacts because a “*significant effect on the environment*” is the result of a substantial or potentially substantial adverse **change** in any of the physical conditions within the area affected by the project (CEQA Guidelines Section 15382). The existing environmental setting will be discussed in the analysis of the project for each environmental factor in the Initial Study.

The following sections of the Initial Study focus on evaluating the potential impacts of grading, construction and future occupancy of the project.

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista? (5, 15)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway? (5, 13, 15)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings? (5, 13, 15)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (15)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(The numbers identify the references from the Reference List used in evaluating each potential environmental factor)

a) Have a substantial adverse effect on a scenic vista? (No Impact)

The 1999 Colma General Plan identifies either side of El Camino Real, from the BART crossing in the northern part of Colma to the southern municipal boundary, as a scenic corridor. Although the project site is within this corridor, there are no scenic vistas in the vicinity of the project site, and the proposed building’s visual impact along El Camino Real would be minimal (especially given the presence of existing nearby structures and heavy vegetation south of the site). The proposed building and landscaping would be an improvement over the existing chain link fence and concrete/asphalt on the site. Therefore, there would be no impact on a scenic vista.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway? (No Impact)

The project site is located along California State Highway 82, which is not a State scenic highway, and the project site has no buildings, trees, rock outcroppings or other potentially scenic resources onsite; therefore, there would be no impact to scenic resources.

c) Substantially degrade the existing visual character or quality of the site and its surroundings? (Less than Significant Impact)

The existing site is a dirt and gravel lot. There are no existing structures on site, only a concrete pad where a building once stood. The new office building and projected landscaping will develop a vacant site and result in improvements to the appearance of the existing site and community. The proposed improvements will change the appearance of the site and create a visual change as viewed from El Camino Real and other vantage points. The construction will not block or affect any known significant views. The proposed project is seen as a positive visual change. There would be a less than significant impact with respect to visual character of the site and its surroundings.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Less Than Significant With Mitigation Incorporated)

Due to the limited amount of street lighting, the proposed project will include exterior security lighting and walkway lighting which remains on during evening hours. The lighting proposed is minimal, as it is only for illuminating walkways and providing security lighting and will not constitute a source of substantial light or glare. The lighting proposed is consistent with that of surrounding uses in the direct vicinity. To assure that project lighting will not impact surrounding properties, the following mitigation measure is recommended. Once implemented, potential for light and glare impacts will be mitigated to a less than significant level.

Mitigation Measure AES-1: The applicant shall submit a lighting plan for review and approval of the Planning Department. Exterior project lighting shall be designed to be the minimum required for security. Project lighting shall be directed downward so as not to impact motorists along El Camino Real or adjoining properties.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Issues:

II. AGRICULTURE AND FOREST RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the State's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

ATTACHMENT F

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (1, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? (1, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (1, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use? (1, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use? (1, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

(The numbers identify the references from the Reference List used in evaluating each potential environmental factor)

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to a non-agricultural use? (No Impact)

There are no sites within Colma that are identified as prime farmland, unique farmland or farmland of statewide importance. There would be no impact.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? (No Impact)

There are no sites subject to a Williamson Act contract in or immediately adjacent to Colma. There would be no impact.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (No Impact)

There are no forest lands or timberland in or immediately adjacent to Colma. There would be no impact.

d) Result in the loss of forest land or conversion of forest land to non-forest use? (No Impact)

There are no forest lands in or immediately adjacent to Colma. There would be no impact.

- e) **Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use? (No Impact)**

The project site is zoned Executive/Administrative/Design Review-E/DR and will be rezoned to Planned Development/Design Review – PD/DR. Surrounding properties are zoned Executive/Administrative Design Review-E/DR, Commercial/Design Review-C/DR, and G/DR-Cemetery/Design Review. Agricultural uses are not permitted within any of the above mentioned zones, with the exception of the cemetery “G” zone. Within the cemetery “G” zone, agricultural uses (primarily open field) are permitted but not required. The existing site is a dirt and gravel lot. The project site and surrounding properties have no agriculture or forest resource use. Therefore, the project would not result in any conversion of farmland to non-agricultural use or conversion of forest land to non-forest use. There would be no impact.

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan? (1, 5, 10, 18)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standards? (1, 5, 10, 18)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable air pollutants? (1, 5, 10, 18)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations? (1, 5, 10, 18)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people? (1, 5, 10, 18)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

(The numbers identify the references from the Reference List used in evaluating each potential environmental factor)

OVERVIEW

The project is a small, infill project that would normally be exempt from CEQA review, if it were located on a level site, and if it were not fronting on a state highway. There should be no operational air quality impacts since the site will be used for office uses. Since the proposed office project is less than 53,000 square feet in area, the project is below the GHG screening level identified in table 3-1 of the BAAQMD CEQA Guidelines (May 2011) for potential operational impacts. Construction related GHG impacts can be mitigated by application of standard construction mitigation measures to reduce air quality impacts to a less than significant level.

Meteorology and Climatology

Atmospheric conditions such as wind speed, wind direction, and air temperature gradients interact with the physical features of the landscape to determine the movement and dispersal of air pollutants. The

climate of the San Francisco Bay Area is classified as Mediterranean, and has mild, wet winters and warm, dry summers. The regional climate is controlled primarily by the Pacific high-pressure system over the eastern Pacific Ocean and by local topography. Local climate is strongly influenced by topography and proximity to the Pacific Ocean and San Francisco Bay. Cool, onshore winds blowing from the Pacific have a moderating effect, especially west of the Diablo Mountain Range where Colma is located. These mountains act as a barrier to onshore winds, resulting in the channeling of airflow along canyons, valleys, and through straits in the Bay, as well as strong west-to-east temperature differences. The resulting overall air flow patterns are complex, exhibiting much local variation. Large-scale winds, which are the wind patterns influenced by general geographical and topographical features of the San Francisco Bay Area on a roughly 50-mile scale, are predominantly from the west of the Golden Gate toward the Delta.

While air quality is largely a regional issue, the protection of air quality is vital to the overall health of the environment and the attractiveness of any locality. Colma enjoys generally good air quality due largely to the presence of the San Bruno Gap, a break in the Santa Cruz Mountains that allows onshore winds to flow easily into San Francisco Bay and quickly disperse air pollutants.

Within Colma, certain areas of the city are more likely to result in pollutant exposure for residents and workers. These areas include the Junipero Serra Boulevard, Hillside Boulevard, Serramonte Boulevard, El Camino Real, and Highway 280 corridors, which experience relatively high pollutant concentrations due to heavy traffic volumes, particularly during peak traffic periods. In addition, wind blowing out of the south and southeast exposes Colma to emissions from operation of the San Francisco International Airport, including aircraft takeoffs and landings.

Regulatory Setting

Colma is located within the San Francisco Bay Area Air Basin. Air quality in the basin is monitored by the Bay Area Air Quality Management District (BAAQMD), which is primarily responsible for regulating air pollution emissions from stationary sources (e.g., factories) and indirect sources (e.g., traffic associated with new development), as well as for monitoring ambient pollutant concentrations. The BAAQMD's jurisdiction encompasses seven counties – Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara and Napa – and portions of Solano and Sonoma counties. The Air Resources Board (ARB) and the U.S. Environmental Protection Agency (U.S. EPA) regulate direct emissions from motor vehicles.

United States Environmental Protection Agency. At the federal level, the U.S. EPA has been charged with implementing national air quality programs. U.S. EPA's air quality mandates are drawn primarily from the Federal Clean Air Act (FCAA), which was enacted in 1963. The FCAA was amended in 1970, 1977, and 1990.

The FCAA required U.S. EPA to establish primary and secondary National Ambient Air Quality Standards (NAAQS) and required each state to prepare an air quality control plan referred to as a State Implementation Plan (SIP). The Federal Clean Air Act Amendments of 1990 (FCAAA) added requirements for states with nonattainment areas to revise their SIP's to incorporate additional control measures to reduce air pollution. The SIP is periodically modified to reflect the latest emissions inventories, planning documents, and rules and regulations of the air basins as reported by their jurisdictional agencies. U.S. EPA has responsibility to review all state SIP's to determine conformity with the mandates of the FCAAA and determine if implementation would achieve air quality goals. If the U.S. EPA determines a SIP to be inadequate, a Federal Implementation Plan (FIP) may be prepared for the nonattainment area which imposes additional control measures. Failure to submit an approvable SIP or to implement the plan within the mandated timeframe may result in sanctions on transportation funding and stationary air pollution sources in the air basin.

California Air Resources Board. In 1992 and 1993, the Air Resources Board (ARB) requested delegation of authority for the implementation and enforcement of specified New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants to the BAAQMD. The U.S. EPA review of the State of California's laws, rules, and regulations showed them to be adequate for the implementation and enforcement of federal standards, and the U.S. EPA granted the delegations as requested.

The ARB is the agency responsible for the coordination and oversight of State and local air pollution control programs in California and for implementing the California Clean Air Act (CCAA), adopted in 1988. The CCAA requires that all air districts in the State achieve and maintain the California Ambient Air Quality Standards (CAAQS) by the earliest practical date. The CCAA specifies that districts should focus on reducing the emissions from transportation and air-wide emission sources, and provides districts with the authority to regulate indirect sources.

The ARB is also primarily responsible for developing and implementing air pollution control plans to achieve and maintain the NAAQS. The ARB is primarily responsible for Statewide pollution sources and produces a major part of the SIP. Local air districts provide additional strategies for sources under their jurisdiction. The ARB combines this data and submits the completed SIP to the U.S. EPA.

Other ARB duties include monitoring air quality (in conjunction with air monitoring networks maintained by air pollution control and air quality management districts), establishing CAAQS (which in many cases are more stringent than the NAAQS), determining and updating area designations and maps, and setting emissions standards for new mobile sources, consumer products, small utility engines, and off-road vehicles.

National and State Ambient Air Quality Standards. Pursuant to the FCAA of 1970, the U.S. EPA established NAAQS. The NAAQS were established for major pollutants, termed "criteria" pollutants. "Criteria" pollutants are defined as those pollutants for which the federal and State governments have established ambient air quality standards, or criteria, for outdoor concentrations in order to protect public health.

Both the U.S. EPA and the ARB have established ambient air quality standards for common pollutants: CO, O₃, NO₂, SO₂, Pb, and PM. In addition, the State has set standards for sulfates, hydrogen sulfide, vinyl chloride, and visibility-reducing particles. These standards are designed to protect the health and welfare of the populace with a reasonable margin of safety. These ambient air quality standards are levels of contaminants that avoid specific adverse health effects associated with each pollutant. The ambient air quality standards cover what are called "criteria" pollutants.

Federal standards include both primary and secondary standards. Primary standards set limits to protect public health, including the health of sensitive populations such as asthmatics, children, and the elderly. Secondary standards set limits to protect public welfare, including protection against decreased visibility, damage to animals, crops, vegetation, and buildings.¹ State and Federal standards for the criteria air pollutants are listed in Table 7.

Bay Area Air Quality Management District (BAAQMD). The BAAQMD seeks to attain and maintain air quality conditions in the San Francisco Bay Area Air Basin through a comprehensive program of planning, regulation, enforcement, technical innovation, and education. The clean air strategy includes the preparation of plans for the attainment of ambient air quality standards, adoption and enforcement of rules

¹ U.S. Environmental Protection Agency, 2007. Website: www.epa.gov/air/criteria.html.

and regulations, and issuance of permits for stationary sources. The BAAQMD also inspects stationary sources and responds to citizen complaints, monitors ambient air quality and meteorological conditions, and implements programs and regulations required by law.

The BAAQMD is responsible for developing a Clean Air Plan which guides the region's air quality planning efforts to attain the CAAQS. The BAAQMD's 2010 Clean Air Plan is the latest Clean Air Plan which contains district-wide control measures to reduce ozone precursor emissions (i.e., ROG and NOx), particulate matter and greenhouse gas emissions. The Bay Area 2010 Clean Air Plan, which was adopted on September 15, 2010 by the BAAQMD's board of directors:

- Updates the Bay Area 2005 Ozone Strategy in accordance with the requirements of the California Clean Air Act to implement “all feasible measures” to reduce ozone;
- Provides a control strategy to reduce ozone, PM, TACs, and greenhouse gases in a single, integrated plan;
- Reviews progress in improving air quality in recent years; and
- Establishes emission control measures to be adopted or implemented in the 2010 to 2012 timeframe.

The BAAQMD CEQA Air Quality Guidelines were prepared to assist in the evaluation of air quality impacts of projects and plans proposed within the Bay Area. The guidelines provide recommended procedures for evaluating potential air impacts during the environmental review process, consistent with CEQA requirements, and include thresholds of significance, mitigation measures, and background air quality information. They also include assessment methodologies for air toxics, odors, and greenhouse gas emissions. In June 2010, the BAAQMD's Board of Directors adopted CEQA thresholds of significance and an update of the CEQA Guidelines. In May 2011, the updated BAAQMD CEQA Air Quality Guidelines were amended to include a risk and hazards threshold for new receptors and modified procedures for assessing impacts related to risk and hazard impacts.

Criteria Air Pollutants

Ambient air quality standards have been established by State and Federal environmental agencies for specific air pollutants most pervasive in urban environments. These pollutants are referred to as criteria air pollutants because the standards established for them were developed to meet specific health and welfare criteria set forth in the enabling legislation. The criteria air pollutants that could be emitted by the development of the proposed project include ozone (O₃) precursors (NOx and ROG), carbon monoxide (CO), nitrogen dioxide (NO₂), and suspended particulate matter (PM₁₀ and PM_{2.5}). Other criteria pollutants, such as lead (Pb) and sulfur dioxide (SO₂), would not be substantially emitted by the proposed project or from related traffic, and air quality standards for them are being met throughout the Bay Area.

Ozone (O₃). While ozone serves a beneficial purpose in the upper atmosphere (stratosphere) by reducing ultraviolet radiation potentially harmful to humans, when it reaches elevated concentrations in the lower atmosphere it can be harmful to the human respiratory system and to sensitive species of plants. Ozone concentrations build to peak levels during periods of light winds, bright sunshine, and high temperatures. Short-term ozone exposure can reduce lung function in children, make persons susceptible to respiratory infection, and produce symptoms that cause people to seek medical treatment for respiratory distress. Long-term exposure can impair lung defense mechanisms and lead to emphysema and chronic bronchitis. Sensitivity to ozone varies among individuals, but about 20 percent of the population is sensitive to ozone, with exercising children being particularly vulnerable. Ozone is formed in the atmosphere by a complex series of photochemical reactions that involve “ozone precursors” that are two large families of pollutants: oxides of nitrogen (NOx) and reactive organic gases (ROG). NOx and ROG are emitted from a

variety of stationary and mobile sources. While NO₂, an oxide of nitrogen, is another criteria pollutant itself, ROG's are not in that category, but are included in this discussion as ozone precursors.

Carbon Monoxide (CO). Exposure to high concentrations of CO reduces the oxygen-carrying capacity of the blood and can cause dizziness and fatigue, impair central nervous system function, and induce angina in persons with serious heart disease. Primary sources of CO in ambient air are passenger cars, light-duty trucks, and residential wood burning.

Nitrogen Dioxide (NO₂). The major health effect from exposure to high levels of NO₂ is the risk of acute and chronic respiratory disease. NO₂ is a combustion by-product, but it can also form in the atmosphere by chemical reaction. NO₂ is a reddish-brown colored gas often observed during the same conditions that produce high levels of ozone and can affect regional visibility. NO₂ is one compound in a group of compounds consisting of oxides of nitrogen (NOx). As described above, NOx is an ozone precursor compound.

Particulate Matter (PM). Particulate matter consists of particles of various sizes which can be inhaled into the lungs and cause adverse health effects. Particulate matter is regulated by the fraction of coarse particulates 10 microns (a micron is one one-millionth of a meter) or less in diameter (PM₁₀) and by the fraction of fine particulates 2.5 microns or less in diameter (PM_{2.5}). The health effects from long-term exposure to high concentrations of particulate matter are increased risk of chronic respiratory disease like asthma, and altered lung function in children. Short-term exposure to high levels of particulate matter has been shown to increase the number of people seeking medical treatment for respiratory distress, and to increase mortality among those with severe respiratory problems. Particulate matter also results in reduced visibility. Ambient particulate matter has many sources. It is emitted directly by combustion sources like motor vehicles, industrial facilities, and residential wood burning, and in the form of dust from ground-disturbing activities such as construction and farming. It also forms in the atmosphere from the chemical reaction of precursor gases.

Standards of Significance. BAAQMD CEQA Guidelines provide the following definitions of a significant air quality impact:

Table 6. BAAQMD Significance Threshold Levels

Project-Level	Construction-Related	Operational-Related
ROG	54 lbs/day	54 lbs/day or 10 tons/year
NOx	54 lbs/day	54 lbs/day or 10 tons/year
PM ₁₀	82 lbs/day (exhaust)	82 lbs/day or 15 tons/year
PM ₁₀ /PM _{2.5} (fugitive dust)	Best Management Practices	None
Local CO	None	9.0 ppm (8-hour average) 20.0 ppm (1-hour average)
Risks and Hazards Single Source Impacts (New Source / Receptor)		
Cancer Risk	>10 in one million	
Acute / Chronic Hazard Indices	>1.0	
PM _{2.5}	>0.3 ug/m ³	
Risks and Hazards Cumulative Impact (New Source / Receptor)		
Cancer Risk	>100 in one million	
Acute / Chronic Hazard Indices	>10.0	
PM _{2.5}	>0.8 ug/m ³	

ug/m³ = micrograms per cubic meter of air. ppm = parts per million

Source: BAAQMD, 2011

Existing Air Quality

In general, the upwind parts of the Bay Area experience low concentrations of most pollutants when compared to Federal and State standards, which are set out in Table 7. The Bay Area is classified a non-attainment area for National ozone and PM_{2.5} standards. The BAAQMD monitors air quality at about two dozen locations within the San Francisco Air Basin, although none are located in Colima. The monitoring sites closest to Colima are located in San Francisco and Redwood City. Table 8 summarizes exceedances of the State and Federal standards at these two sites. The table shows that most of the ambient air quality standards are met in the project area with the exception of the State standards for PM₁₀ and Federal standards for PM_{2.5}.

Table 7. Federal and State Ambient Air Quality Standards

Pollutant	Averaging Time	Federal Primary Standard	State Standard
Ozone	1-Hour	--	0.09 ppm
	8-Hour	0.075 ppm	0.070 ppm
Carbon Monoxide	1-Hour	9.0 ppm	9.0 ppm
	8-Hour	35.0 ppm	20.0 ppm
Nitrogen Dioxide	1-Hour	0.100 ppm	0.18 ppm
	Annual	0.053 ppm	0.030 ppm
Sulfur Dioxide	1-Hour	0.075 ppm	0.25 ppm
	24-hour	--	0.04 ppm
PM ₁₀	24-Hour	150 ug/m ³	50 ug/m ³
	Annual		20 ug/m ³
PM _{2.5}	24-Hour	35 ug/m ³	--
	Annual	15 ug/m ³	12 ug/m ³
Lead	30-Day Avg.	--	1.5 ug/m ³
	Calendar Quarter	1.5 ug/m ³	--
	Rolling 3-Month Avg.	0.15 ug/m ³	--

ppm = parts per million. ug/m³ = Micrograms per Cubic Meter
 Source: BAAQMD, 2010.

Table 8. Air Quality Data Summary for San Francisco and Redwood City, 2007-2009

Pollutant	Standard	Monitoring Site	Days Standard Exceeded		
			2007	2008	2009
Ozone	Federal 8-Hour	San Francisco	0	0	0
		Redwood City	0	0	0
Ozone	State 8-Hour	San Francisco	0	0	0
		Redwood City	0	0	0
PM ₁₀	Federal 24-Hour	San Francisco	0	0	0
		Redwood City	0	0	0
PM ₁₀	State 24-Hour	San Francisco	2	0	0
		Redwood City	1	0	0
PM _{2.5}	Federal 24-Hour	San Francisco	5	0	1
		Redwood City	1	0	0
Carbon Monoxide	Federal/State 8-Hour	San Francisco	0	0	0
		Redwood City	0	0	0
Nitrogen Dioxide	Federal/State 1-Hour	San Francisco	0	0	0
		Redwood City	0	0	0

Source: Air Resources Board, 2010

a) Would the project conflict or obstruct implementation of an air quality plan? (No Impact)

As noted above, the BAAQMD's 2010 Clean Air Plan contains district-wide control measures to reduce ozone precursor emissions (i.e., ROG and NOx) and particulate matter. The BAAQMD uses the Clean Air Plan to evaluate a project's potential cumulative air quality impacts. The latest air quality plan, the *Bay Area 2010 Clean Air Plan*,¹ was developed in order to bring the region into compliance with State and Federal air quality standards. The project would not conflict with any of the control measures identified in the Clean Air Plan. Therefore, the project would not conflict with the *Bay Area 2010 Clean Air Plan*.

b) Would the project violate any air quality standards? (Less Than Significant With Mitigation Incorporated)

The project involves grading and construction, which includes the use of construction vehicles to transport and move soil and building materials. Grading and construction activities would temporarily affect local air quality causing a temporary increase in particulate dust and other pollutants.

The BAAQMD considers projects that implement all Basic Construction Mitigation Measures to have a less than significant impact on fugitive dust emissions. Implementation of the Mitigation Measure AIR-1, which implements the BAAQMD recommendations, would reduce air quality construction impacts to a less than significant level. Also, there should be no operational air quality impacts since the site will be used for office uses. Therefore, the proposed grading would not violate any air quality standard or contribute substantially to an existing or projected air quality violation.

Mitigation Measure AIR-1: The following construction practices shall be implemented during grading operations:

- a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.

¹ BAAQMD, 2010. *Bay Area 2010 Clean Air Plan*. September.

- b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- d. All vehicle speeds on unpaved roads shall be limited to 15 mph.
- e. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage reminding workers to shut off equipment shall be provided at all access points.
- f. All construction equipment shall be maintained and properly tuned, in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- g. Post a publicly visible sign with the telephone number and person to contact at the Town of Colma regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

c) Would the project result in cumulatively considerable air pollutants? (Less Than Significant Impact)

Past, present and future development projects contribute to the region's adverse air quality impacts on a cumulative basis. According to the BAAQMD, no single project is sufficient in size to, by itself, result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. If a project's contribution to the cumulative impact is considerable, then the project's impact on air quality would be considered significant. As indicated in the analysis in III (a,b) above, the grading and construction would not have a significant impact provided that truck trips do not exceed 60 incoming per day and provided that Mitigation Measure AIR-1 is implemented. Therefore, the project would not result in cumulatively considerable air pollutants.

d) Expose sensitive receptors to substantial pollutant concentrations? (Less Than Significant Impact with Mitigation Incorporated)

As discussed in III (b), there would be potentially significant air quality impacts related to grading and construction impacts which would be reduced to a less than significant level by Mitigation Measure AIR-1. There would be construction related impacts to sensitive receptors in the vicinity of the project site, namely the Winston Manor neighborhood. However, these impacts are mitigated to a less than significant level by Mitigation Measure AIR-1.

e) Create objectionable odors affecting a substantial number or people? (Less Than Significant Impact)

During grading and construction, the various vehicles and equipment in use on the site may create odors. These odors are temporary and not likely to be noticeable much beyond the site boundaries. There should be no operational odors since the site will be used for office uses. Therefore, the potential for odor impacts is less than significant.

Issues:

IV. BIOLOGICAL RESOURCES. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (1, 2, 3, 6, 15, 22)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (1, 2, 3, 6, 15, 22)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (1, 2, 3, 6, 15, 22)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (1, 2, 3, 6, 15, 22)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (1, 2, 3, 6, 15, 22)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (1, 2, 3, 6, 15, 22)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

(The numbers identify the references from the Reference List used in evaluating each potential environmental factor)

OVERVIEW

Colma abuts San Bruno Mountain State and County Park which provides habitat for federally-listed endangered butterflies and two subspecies of Manzanita which are listed by the State of California as threatened. Colma's tall trees and tree groves are potential nesting sites for birds protected by the Migratory Bird Treaty Act. The ornamental ponds within the cemeteries may provide habitat for the federally-listed threatened Red-legged frog (1999 Colma General Plan, 5.04.219). No Habitat Conservation Plan has been established for any area within Colma.

The existing site is a dirt and gravel lot with some paving. There are no existing structures on site, only a concrete pad where a building once stood. The existing site is irregularly shaped and located in terrain with slopes exceeding 10%. The site measures 198+/- feet in width and has an average depth of 56+/- feet from the front property line along El Camino Real. The lot is level for a distance of approximately 30+/- feet from the property line. The lot then slopes downward from south to north at a slope averaging two

ATTACHMENT F

horizontal to one vertical, until reaching a level bench 20+/- wide. After the bench, the lot continues to slope down at two horizontal to one vertical to the rear property line. There are no trees or any other significant vegetation on the site.

- a) **Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (No Impact)**

The site has not been identified as providing habitat for candidate, sensitive, or special status species, therefore there would be no impact.

- b) **Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (No Impact)**

The project site is not in a riparian habitat area or other sensitive natural community. Therefore, there would be no impact.

- c) **Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) Through direct removal, filling, hydrological interruption, or other means? (No Impact)**

The project site does not contain federally protected wetlands. Therefore, there would be no impact.

- d) **Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (No Impact)**

The project site has been disturbed by past use of the area. The area does not provide migratory wildlife corridor access or serve as wildlife nursery sites. Therefore, there would be no impact.

- e) **Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Less than Significant with Mitigation Incorporated)**

The General Plan of the Town of Colma recognizes the contribution of both trees and views to the character and beauty of the Town. Removal of trees without reasonable care would destroy the natural beauty of certain areas, contribute to erosion and increase cost of drainage systems, reduce protection against wind, and impair residential privacy and quiet. Guidelines are needed to protect both trees and views and to ensure that access to public property and public rights of-way, including sidewalks, by persons with disabilities is not constrained or inhibited. For such reasons, the City Council enacts these regulations to promote the public health, safety and welfare.

A Tree Permit from the Town for tree protection mitigation is required for working in the root zone of three Coast Redwood trees located off-site along the northern boundary of the project site, perpendicular to El Camino Real. The trees are located in proximity to a proposed retaining wall to be constructed along the northern edge of the property site.

An arborist report submitted to the Town by the project sponsor analyzes potential impacts to the trees and provides mitigation measures to minimize any impacts to the trees' root zones. The report determines pier holes for the retaining wall must not be closer than 6 feet to any of the trees. The report also

determines that roots larger than two (2) inches in diameter must be cut cleanly to prevent root dieback to the main trunk.

The Town will require the arborist to oversee the site excavation for the retaining wall to ensure no long-term damage to the trees occurs. A subsequent report will be submitted to the Town by the arborist detailing care of the trees for the excavation of the retaining wall to ensure the trees incurred no damage during grading.

Mitigation Measure BIO-1: The following shall be implemented during excavation operations for the retaining wall to be constructed along the northern edge of the property site:

- a. A tree permit from the Town for tree protection mitigation shall be obtained prior to beginning excavation.
- b. A licensed Arborist shall oversee the site excavation for the retaining wall, to ensure no damage to the trees occurs, and a subsequent report shall be submitted to the Town by the arborist detailing the excavation for the retaining wall and documenting measures that were taken to ensure the health and protection of the trees during the construction.
- c. Pier holes for the retaining wall shall not be closer than 6 feet to any of the trees.
- d. Roots larger than two (2) inches in diameter shall be cut cleanly to prevent root dieback to the main trunk.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or State habitat conservation plan? (No Impact)

There is no adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or State habitat conservation plan that applies to land within Colma. Therefore, there would be no impact.

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5? (1, 2, 5, 13, 15)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5? (1, 2, 5, 13, 15)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature (1, 2, 5, 13, 15)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries? (1, 2, 5, 13, 15)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

(The numbers identify the references from the Reference List used in evaluating each potential environmental factor)

- a) **Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5? (No Impact)**

Incorporated in 1924, the Town of Colma's history is exemplified by its Spanish-Mediterranean architecture and historic cemeteries. During the 1999 General Plan update, the Town of Colma was comprehensively surveyed for historic resources, and private and public potentially historic resources were identified, and documented in the Historic Resources Element of the 1999 General Plan. The project site is not the site of a significant historical resource. The site has been significantly altered over the years by grading and filling. Therefore, there would be no impact to a significant historical resource.

- b) **Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5? (No Impact)**

There are no known archeological resources within the Town of Colma. However, research conducted by the California Historical Resources Information System (CHRIS) staff suggests that Native American activity and possibly settlement occurred in Colma. Since the site has been significantly altered over the years by grading and filling, the likelihood of archaeological resources is remote. Therefore, there would be no impact to a significant archaeological resource.

- c) **Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (No Impact)**

There are no known paleontological resources or sites or unique geologic features within the Town of Colma. Since the site has been significantly altered over the years by grading and filling, the likelihood of finding paleontological resources is remote. Therefore, there would be no impact to a unique paleontological resource.

- d) **Disturb any human remains, including those interred outside of formal cemeteries? (No Impact)**

Since the site has been significantly altered over the years by grading and filling, the likelihood of finding human remains is remote. Therefore, there would be no impact to human remains.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Issues:

VI. GEOLOGY AND SOILS. Would the project:

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:
- i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. (I, 5, 10, 11, 15)

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
ii) Strong seismic ground shaking (1, 5, 10, 11, 15)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction? (1, 5, 10, 11, 15)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides? (1, 5, 10, 11, 15)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil? (1, 5, 10, 11, 15)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (1, 5, 10, 11, 15)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18.1 B of the Uniform Building Code (1994), creating substantial risks to life or property? (1, 5, 10, 11, 15)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? (1, 5, 10, 11, 15)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

(The numbers identify the references from the Reference List used in evaluating each potential environmental factor)

OVERVIEW

Colma is located within the seismically active San Francisco Bay region, one of the most seismically active zones in the United States. The faults in the region are capable of generating earthquakes of at least 8.0 in magnitude on the Richter Scale, producing very strong ground shaking in Colma. The closest fault line to Colma is the San Andreas Fault, which runs along the Crystal Springs Reservoir and extends into the Pacific Ocean at Mussel Rock, west of Colma. Earthquake hazards also include secondary effects, such as earthquake induced land sliding, subsidence, liquefaction, tsunami and seiche. There are no fault lines identified within Colma’s boundaries, nor is Colma within an Alquist-Priolo designated zone, so the risk of seismically induced ground rupture is low. Additionally, because Colma is situated inland, and not adjacent to any large body of water, there is a low potential for tsunamis or seiches that affect Colma.

- a) **Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42; ii) Strong seismic ground shaking; iii) Seismic-related ground failure, including liquefaction; iv) Landslides? (Less Than Significant Impact)**

The project area is not in an Alquist-Priolo Earthquake fault zone, however the entire Bay Area is a seismically active region. Users of the proposed building are expected to experience a significant seismic event during the life of the building. There is a low potential for liquefaction at the site. Retaining walls located on the site will be designed to resist lateral earth pressures plus additional lateral pressures that

may be caused by surcharge loads applied at the ground surface behind the walls, so there would be no risk of landslides. The proposed improvements and all future improvements on the property would be subject to environmental review and would be required to conform with the Town's administrative and discretionary review procedures, the Municipal Code, and the California Building Code and Fire Codes. The building will be designed to meet all current code requirements. Therefore, there will be a less than significant impact when building codes are applied.

b) Result in substantial soil erosion or the loss of topsoil? (Less than Significant With Mitigation Incorporated)

Grading activity has the potential to create conditions resulting in soil erosion. Colma Municipal Code (CMC) Section 5.07.010 et. seq. requires a grading permit for projects involving more than minor grading activity. The regulations for a grading permit require an erosion and sedimentation control plan as part of a grading permit unless the site is less than one-quarter acre in size and is the grading is limited to less than 50 cubic yards of cut or fill (CMC 5.07.130). The grading plan submitted to the Town by the project sponsor indicates there will be approximately 1,131+/- cubic yards of cut and 888+/- cubic yards of fill for the project. There will also be 32+/- cubic yards of site spoils from the drilling of pier holes. As a result, the quantity of material to be removed from the site is estimated to be approximately 275+/- cubic yards. The potential for erosion caused by grading on slopes greater than 10% will be mitigated by new pier designed retaining walls proposed all along the southern, eastern, and northern boundaries of the project site. A large portion of the site's western boundary along El Camino Real will also be supported by a new retaining wall. The following mitigation measure will be applied to the project to mitigate against soil erosion:

Mitigation Measure GEO-1: Retaining walls located on the site will be designed to resist lateral earth pressures plus additional lateral pressures that may be caused by surcharge loads applied at the ground surface behind the walls. The walls will also be designed to resist an additional uniform pressure. The Geotechnical Engineer shall review and certify the civil and structural plans for the retaining walls and the building.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (Less than Significant With Mitigation Incorporated)

The soils report submitted to the Town by the project sponsor indicates the project site is underlain by fine grained sand stratum that extends approximately 8 feet below the surface. Below this first layer is fine grained and medium grained sand and clay sand to a depth of 22 feet.

The soils encountered are characteristic of the area, and are of a low liquefaction potential. Also, ground water was not encountered in the two borings drilled at the site to a depth of 22 feet. Given that the site is moderately sloped and contains some overburden material, the potential for local creep exists. Impacts related to soil stability will be mitigated to a less than significant level through the implementation of Mitigation Measure GEO-1.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (No Impact)

The soils report submitted to the Town by the project sponsor indicates the project site is underlain by fine grained sand stratum that extends approximately 8 feet below the surface. Below this first layer is fine grained and medium grained sand and clay sand to a depth of 22 feet.

The project involves engineered grading in an area that is stable. Expansive soils were not encountered. Therefore, there would be no impact.

- e) **Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? (No Impact)**

All of Colima is served by sanitary sewers, so there would be no need for the installation of septic systems. There would be no impact.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Issues:

VII. GREENHOUSE GAS EMISSIONS. Would the project:

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (1, 2, 9, 19)
- b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (1, 2, 9, 19)

(The numbers identify the references from the Reference List used in evaluating each potential environmental factor)

OVERVIEW

The project is a small, infill project that would normally be exempt from CEQA review, if it were located on a level site, and if it were not fronting on a state highway. Operational air quality impacts would be minimal, since the site would be used for office uses. Since the proposed office project is less than 53,000 square feet in area, the project is below the GHG screening level identified in table 3-1 of the BAAQMD CEQA Guidelines (May 2011) for potential operational impacts.

- a) **Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (Less Than Significant Impact)**

Under the recently adopted BAAQMD Air Quality CEQA Guidelines, a greenhouse gas (GHG) threshold was established at 1,100 metric tons of carbon dioxide equivalents (CO₂e) a year or more. If a project would generate GHG at a rate above this threshold, then it would make a cumulatively considerable contribution to greenhouse gas emissions and result in a cumulatively significant impact to global climate change. Estimates of future GHG emissions do not account for all changes in technology that may reduce such emissions; therefore, the estimates are based on past performance and represent a scenario that is believed to be worse than that which is likely to be encountered (i.e., after energy-efficient technologies have been implemented).

GHG emissions associated with grading and construction of the office building would occur over the short term from construction activities, consisting primarily of emissions from equipment exhaust. Due to

the small size of the project site and the proposed building, grading and construction GHG emissions will be well below the threshold of creating significant impacts. There would not be substantial long-term regional emissions since the proposed use for the project site is professional offices.

Construction activities, such as site grading, utility engines, on-site heavy-duty construction vehicles, equipment hauling materials to and from the site, asphalt paving, and motor vehicles transporting the construction crew would produce combustion emissions from various sources. During construction of the proposed office building, GHG's would be emitted through the operation of construction equipment and from worker and builder supply vendor vehicles, each of which typically use fossil-based fuels to operate. The combustion of fossil-based fuels creates GHG's such as CO₂, methane (CH₄), and nitrous oxide (N₂O). Exhaust emissions from on-site construction activities would vary daily as construction activity levels change.

The BAAQMD does not have an adopted threshold of significance for construction-related GHG emissions. However, the project falls well below the 277,000 square feet of building area that is recommended to be screened for possible construction related impact related to Reactive Organic Gases (ROG), and well below the 53,000 square feet of building area for operational GHG screening. With the implementation of **Mitigation Measure AIR-1**, there would clearly be a less than significant impact with respect to construction related greenhouse gas emissions.

b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases? (No Impact)

Federal Regulations. The United States has historically had a voluntary approach to reducing GHG emissions. However, on April 2, 2007, the United States Supreme Court ruled that the U.S. EPA has the authority to regulate CO₂ emissions under the Federal Clean Air Act (CAA). While there currently are no adopted Federal regulations for the control or reduction of GHG emissions, the U.S. EPA commenced several actions in 2009 that are required to implement a regulatory approach to global climate change.

On September 30, 2009, the U.S. EPA announced a proposal that focuses on large facilities emitting over 25,000 tons of GHG emissions per year. These facilities would be required to obtain permits that would demonstrate they are using the best practices and technologies to minimize GHG emissions.

On December 7, 2009, the U.S. EPA Administrator signed a final action under the CAA, finding that six greenhouse gases (CO₂, CH₄, N₂O, HFCs, PFCs, SF₆) constitute a threat to public health and welfare, and that the combined emissions from motor vehicles cause and contribute to global climate change. This U.S. EPA action does not impose any requirements on industry or other entities. However, the findings are a prerequisite to finalizing the GHG emission standards for light-duty vehicles mentioned below.

On April 1, 2010, the U.S. EPA and the Department of Transportation's National Highway Traffic Safety Administration (NHTSA) announced a final joint rule to establish a National program consisting of new standards for model year 2012 through 2016 light-duty vehicles that will reduce GHG emissions and improve fuel economy. The U.S. EPA GHG standards require that these vehicles must meet an estimated combined average emissions level of 250 grams of carbon dioxide (CO₂) per mile in model year 2016, equivalent to 35.5 miles per gallon (mpg).

State Regulations. In June 2005, Governor Schwarzenegger established California's GHG emissions reduction targets in Executive Order S-3-05. The Executive Order established the following goals for the State of California: GHG emissions should be reduced to 2000 levels by 2010; GHG emissions should be reduced to 1990 levels by 2020; and GHG emissions should be reduced to 80 percent below 1990 levels by 2050.

California's major initiative for reducing GHG emissions is outlined in Assembly Bill 32 (AB 32), the "Global Warming Solutions Act," passed by the California State legislature on August 31, 2006. This effort aims at reducing GHG emissions to 1990 levels by 2020. The ARB has established 1990 baseline at 427 million metric tons (MMT) of CO₂eq. The 2020 emissions target requires the reduction of 169 MMT from the State's projected business-as-usual emissions by about 30 percent. AB 32 requires ARB to prepare a Scoping Plan that outlines the main State strategies for meeting the 2020 deadline and to reduce GHG's that contribute to global climate change. The Scoping Plan was approved by ARB on December 11, 2008, and includes GHG emission reduction strategies for energy efficiency, water use, and recycling and solid waste, among other measures. The Scoping Plan includes a range of GHG reduction actions including direct regulations, alternative compliance mechanisms, monetary and non-monetary incentives, voluntary actions, and market-based mechanisms. As of September 2010, the ARB has adopted rules achieving 40 percent of total expected emission reductions.

Senate Bill 375, the "Sustainable Communities and Climate Protection Act of 2008," (SB 375) explicitly encourages regional planning agencies to focus new housing in areas that are already built and well served by transit and avoiding sprawl. The law requires the Metropolitan Transportation Commission to prepare a sustainable communities strategy that demonstrates how the region will meet its GHG reduction target through integrated land use, housing and transportation planning. These community strategies direct new housing to areas well served by transit and local services, and thus to minimize motor vehicle GHG emissions.

Project Impacts. As discussed earlier, the proposed grading and construction activities are short-term, and will not exceed the BAAQMD threshold of significance for annual emissions of 1,100 tons CO₂eq (since there will be no annual operational emissions). Therefore, the proposed project would not conflict with any applicable plan, policy or regulation that reduces future GHG emissions.

Issues:

	Potentially Significant Impact	Less Than Significant		No Impact
		With Mitigation Incorporated	Less Than Significant Impact	
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (1, 2, 23)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (1, 2, 15)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (1, 2, 23)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VIII. HAZARDS AND HAZARDOUS MATERIALS. Would

the project:

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
	e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (1, 2, 15, 24)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? (1, 2, 15, 24)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (1, 2, 5, 15)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (1, 2, 5, 15)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

(The numbers identify the references from the Reference List used in evaluating each potential environmental factor)

OVERVIEW

Colma has few sources of hazardous materials and does not experience higher than normal transportation of hazardous materials on its circulation system since there are few cross-town routes. Use of pesticides and fertilizer in the Town’s cemeteries are the most common occurrence of hazardous materials within the community. The California Environmental Protection Agency, Department of Toxic Substances Control (DTSC) is authorized by the U.S. EPA to enforce and implement federal hazardous materials laws and regulations, including disposal and transportation of hazardous materials. There are four identified sites with existing or removed underground storage tanks (UST’s) within Colma, and a former landfill is currently in the process of closing. Since there are limited potential hazardous materials generators in Colma, hazardous materials are regulated by the San Mateo County Health Department, the U.S. EPA and the DTSC.

The project site is not listed on the State of California DTSC Cortese List as a contaminated site. A Phase 1 Site Assessment was submitted with the application which concludes that the site is currently free of hazardous materials.

No portion of Colma is within the State-designated ‘Fire Hazard Severity Zones’ as determined by the California Department of Forestry and Fire Protection (Cal Fire).

a) Create a significant hazard to the public or the environment through the routine transport use or disposal of hazardous materials? (No Impact)

There would be no routine transport, use, or disposal of amounts of hazardous materials in Colma that would be a significant hazard to the public or to the environment, and the proposed grading and construction will not involve the use of hazardous materials. It is not anticipated that any of the office tenants will use, transport or dispose of significant amounts of hazardous materials. Use or storage of any materials beyond those available for use by the general public (i.e. cleaning products) are not anticipated, and would be exempt from filing a Hazardous Materials Business Plan to San Mateo County. If any

business does require use of hazardous materials beyond those available for use by the public, a Conditional Use Permit from the Town of Colma would be required and approval from the San Mateo County Environmental Health Department would be required. In addition, further environmental review under CEQA may be required.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (No Impact)

The proposed grading and construction of the office building would not involve the transport or use of any hazardous materials. See the discussion under “Overview” at the beginning of this section, and in the discussion under VIII(a).

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (No Impact)

The proposed grading, construction and operation of the office building would not involve the emission or handling of acutely hazardous materials or waste, and there is no existing or proposed school within one-quarter mile of the site. The closest school is El Camino High School located at 1320 Mission Road in South San Francisco. El Camino High School is located approximately half a mile away from 1850 El Camino Real.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (No Impact)

The project site is not included on the most recent Cortese List of identified hazardous waste and substances sites as of October 4, 2012 as compiled and maintained by the Department of Toxics Substances Control. There is, therefore, no impact.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (No Impact)

Colma is not located within an airport referral area as part of an Airport Land Use Plan, and is not located within two miles of a public airport or public use airport. The nearest airport is San Francisco International Airport located roughly 7.3 miles from Colma. Therefore, there would be no impact.

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? (No Impact)

There is no private airstrip in Colma’s vicinity. There would be no impact.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (No Impact)

The proposed project does not involve major change to existing roads or development patterns that would block emergency evacuation plans. Therefore, there would be no impact with regard to interference with emergency evacuation plans.

- h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (No Impact)**

The project site is located within an area with minimal risk of wildland fires. There would be no impact.

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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IX. HYDROLOGY AND WATER QUALITY. Would the project:

a) Violate any water quality standards or waste discharge requirements? (1, 2, 4, 5, 6, 11,12,15)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (1, 2, 4, 5, 6, 11, 12, 15, 20)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? (1, 2, 4, 5, 6, 12,15)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? (1, 2, 4, 5, 6, 12,15)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (1, 2, 4, 5, 6, 12, 15)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality? (1, 2, 4, 5, 6, 12, 15, 20)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (1, 2, 4, 5, 6, 11, 13, 15)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (1, 2, 4, 5, 6, 11, 12, 15)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding of a result of the failure of a levee or dam? (1, 2, 4, 5, 6, 11, 12, 15)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Issues:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow? (1, 2, 4, 5, 6, 10, 11, 12, 15)				

(The numbers identify the references from the Reference List used in evaluating each potential environmental factor)

OVERVIEW

Colma Creek runs through Colma, generally to the west of El Camino Real. This creek is culverted in sections and open in others. Water quality in the Colma Creek watershed is potentially affected by common urban pollutants in stormwater runoff. To manage run-off, Colma uses a stormwater collection system, in conjunction with the natural creek drainage system. In addition to this natural creek, there are man-made ornamental ponds, which may also serve as stormwater detention basins, located within some of the cemeteries.

New construction projects are required to comply with National Pollutant Discharge Elimination System (NPDES) requirements. Storm water quality standards and discharge requirements are regulated by the State Water Resources Control Board (SWRCB) in compliance with NPDES as established by the U.S. EPA. Statewide NPDES permits, such as the Industrial Stormwater and the General Construction Permits (for projects over one acre) are overseen by the SWRCB. The Federal Clean Water Act and the California Porter-Cologne Water Quality Control Act require that large urban areas discharging stormwater into the San Francisco Bay or the Pacific Ocean have an NPDES stormwater discharge permit. Locally, the San Francisco Regional Water Quality Control Board (Water Board) is the permitting and implementation agency for the Phase I Stormwater Program as it is in effect in San Mateo County. The San Mateo Countywide Water Pollution Prevention Program (SMCWPPP) is the stormwater program of the NPDES permit issued to the City/County Association of Governments (C/CAG) which includes each incorporated city and town in San Mateo County, and the County of San Mateo.

SMCWPPP's goal is to prevent polluted storm water from entering creeks, wetlands, and the San Francisco Bay. The Town requires the implementation of Best Management Practices (BMP's) and Low Impact Development (LID) measures for new development and construction as part of its storm water management program, as levied through standard City conditions of project approval.

The Town requires the implementation of BMP's and LID measures to ensure the protection of water quality in storm runoff from the Project site. In brief, the measures presented in the BMP handbook address pollution control and management mechanisms for contractor activities, e.g. structure construction, material delivery and storage, solid waste management, employee and subcontractor training, etc. The handbook also provides direction for the control of erosion and sedimentation as well as the establishment of monitoring programs to ensure effectiveness of the measures.

The project site is located just west of Colma Creek, buffered by the multi-tenant commercial public storage facility to the east. The project incorporates design features which will make it comply with Low Impact Development Standards (LID). Specifically, the project will utilize pervious paving where feasible. The project has been designed to allow for runoff generated by the project to infiltrate back into the ground.

a) Violate any water quality standards or waste discharge requirements? (Less Than Significant Impact)

The proposed grading and excavation activities could result in exposure of soil runoff, potentially causing erosion and entrainment of sediment and contaminants in the runoff. Soil stockpiles and excavated areas may be exposed to runoff and, if not managed properly, the runoff could cause erosion and increased sedimentation and pollutants in stormwater. The grading permit will require the preparation and submittal of a Storm Water Pollution Prevention Plan (SWPPP) to provide for stormwater management and erosion control during grading.

Colma's regulatory requirements in the design, approval, and implementation of the grading plan, SWPPP, and site Best Management Practices (BMP's) would ensure that grading activity would not violate water quality standards or waste discharge requirements. Therefore, there would be a less than significant impact with respect to water quality standards or waste discharge requirements.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level ? (No Impact)

The preliminary drainage plan submitted to the Town by the project sponsor proposes various measures for the treatment of stormwater. Also, the proposed project is not large enough to deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. The proposed project is designed to accommodate approximately 20+/- employees onsite. Therefore, there is no impact.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? (Less Than Significant Impact)

There would be no alteration of Colma Creek, and the creek is buffered from the project site by an existing multi-tenant commercial public storage facility site. The site currently contains unprotected slopes that can erode toward the creek and into the nearest stormdrain inlet located just downhill from the site. After construction, the site will have engineered drainage that will largely flow through pervious pavers into underground water storage and percolation. Stormwater quality and drainage requirements would ensure that there would be a less than significant impact (see the discussion under IX (a) and (b)).

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? (Less Than Significant With Mitigation Incorporated)

See the discussion under IX (a), (b), and (c).

Due to the fact that the drainage plan is relying entirely on percolation into the subgrade as the primary method for handling stormwater runoff from pervious and impervious areas of the site, the Town of Colma requires a backup plan to be developed in case of emergency. This should include either a gravity drainage system or redundant pumping system with backup power.

Mitigation Measure HWQ-1: As part of the building permit plan review, the plans shall include a design for an alternative drainage system should the primary percolation system become

overburdened or fail during a rain event. Alternatives may include either a gravity drainage system or redundant pumping system with backup power..

Mitigation Measure HWQ-1 would ensure a less than significant impact.

e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff? (Less Than Significant Impact)

See the discussion under IX (a), (b), (c), and (d).

Because the project incorporates LID measures, post project run-off to the storm drain will be equal to or less than the existing site runoff. Therefore, there will be a less than significant impact to the capacity of the existing stormwater drainage system.

f) Otherwise substantially degrade water quality? (Less Than Significant Impact)

See the discussion under IX (a), (b), (c), and (d).

g) Place housing within a 100-year flood hazard area as mapped by a Flood Insurance Rate Map? (No Impact)

Colma has been determined by the Federal Emergency Management Agency (FEMA) to be only minimally flood-prone and therefore it is not included on FEMA's official Flood Zone Maps. Also, the project proposes no housing. There would be no impact.

h) Place within a 100-year flood hazard boundary structures that impeded or redirect floor flow, including dam failures? (No Impact)

Colma has been determined by FEMA to be only minimally flood-prone and therefore it is not included on FEMA's official Flood Zone Maps. There would be no impact.

i) Expose people or structures to a significant risk of loss, injury or death involving flooding including flowing as a result of the failure of a levee or dam? (No Impact)

Colma has been determined by FEMA to be only minimally flood-prone and therefore it is not included on FEMA's official Flood Zone Maps (1999 General Plan 5.07.3.10). Colma is not in an area that would be affected by the failure of a levee or dam. There would be no impact.

j) Result in inundation by seiche, tsunami or mudflows? (No Impact)

Colma is located inland from both the Pacific Ocean and San Francisco Bay and, therefore, is not at risk of being affected by a seiche or tsunami. There are no bodies of water in the vicinity that could cause inundation by seiche. Impacts from mudflows or landslides is minimal since the area will be an engineered slope, less prone to mudslides than the existing slope it will replace. Therefore, there would be no impact with respect to any of these factors.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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X. LAND USE AND PLANNING. Would the project:

- a) Physically divide an established community? (2, 5, 6, 7)
- b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (2, 5, 6, 7, 18)
- c) Conflict with any applicable habitat conservation plan or natural community conservation plan? (2, 3, 5, 6, 7, 17, 18)

(The numbers identify the references from the Reference List used in evaluating each potential environmental factor)

a) Physically divide an established community? (No Impact)

There is no construction associated with the project that has the potential to divide the community. The proposed construction will serve to link potential development sites. Therefore, there is no impact.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (No Impact)

The Colma General Plan contains a special Land Use Element Policy (Colma Administrative Code Section 5.02.342) encouraging the development of professional offices in the Executive/Administrative land use area along El Camino Real. The site is proposed to be rezoned from E/DR (Administrative Office/Design Review) to Planned Development (Administrative Office)/Design Review – PD/DR. Since the proposed project is consistent with the General Plan and would be a PD Zone, there would be no impact.

c) Conflict with any applicable habitat conservation plan or natural community conservation plan? (No Impact)

There is no adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or State habitat conservation plan that applies to land within Colma. There would be no impact.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Issues:

XI. MINERAL RESOURCES. Would the project:

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (1, 5, 26)

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Issues:

- b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (1, 5, 26)

(The numbers identify the references from the Reference List used in evaluating each potential environmental factor)

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State? (No Impact)

There are no known mineral resources within Colma. Underlying soils in Colma may provide common building materials such as sand and crushed gravel which are plentiful in the state. There are no active extraction activities occurring or proposed within Colma.

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (No Impact)

There are no mineral resource recovery sites within Colma. There would be no impact.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Issues:

XII. NOISE. Would the project result in:

- a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (1, 2, 5, 6)

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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- b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? (1, 2, 5, 6)

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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- c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (1, 2, 5, 6)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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- d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (1, 2, 5, 6)

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------
- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (1, 2, 5, 6, 24)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Issues:

- f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (1, 2, 5, 6)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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(The numbers identify the references from the Reference List used in evaluating each potential environmental factor)

OVERVIEW

Colma defines noise as a sound or series of sounds that are intrusive, irritating, objectionable, and disruptive to daily life. Noise is primarily a concern with regard to noise sensitive land uses such as residences, schools, churches and hospitals. The Noise Element of the 1999 Colma General Plan identifies the primary source of noise in Colma as traffic noise from Highway 280 and arterial roadways in the community, specifically El Camino Real, Serramonte Boulevard, and Junipero Serra Boulevard.

The potential impacts evaluated in this section relate to noise created by the operation of equipment used for site grading and construction since operational noise of the office building after construction will not exceed ambient noise levels of El Camino Real traffic. Construction and grading noise will largely blend with existing traffic noise along El Camino Real, but may

- a) **Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Less Than Significant With Mitigation Incorporated)**

No significant new noise sources would be developed once the project site is developed and occupied for office uses. Temporary noise increase will be experienced locally while grading and construction activities are occurring. Any generated noise would likely blend with the traffic noise of El Camino Real. Restricting the hours of construction will assure that residents in the area will not be impacted by noise in the early morning or evening hours.

Mitigation Measure NOI-1: Construction and material deliveries shall be limited to the hours of 7:00 AM -8:00 PM, Monday through Friday, with weekend and holiday hours from 10:00 AM and 6:00 PM. Due to potential traffic and noise considerations, grading activities shall occur only between 9:00 AM and 4:00 PM, Monday through Friday only (no weekend grading). Modifications to construction hours for interior work (but not for exterior construction or grading activity) may be approved by the Building Official.

- b) **Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels? (Less Than Significant Impact)**

As noted in discussion under XII (a), above, temporary construction noise (including ground borne vibration) will occur. However, given the small size of the project and limited duration of the project construction, these impacts would be less than significant. Also, please see **Mitigation Measure NOI-1.**

- c) **A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (No Impact)**

There would be no permanent increase in ambient noise levels since the proposed grading and construction is temporary and the proposed land use for the site is professional office, which does not create significant ambient noise.

- d) **A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (Less Than Significant Impact)**

See the discussion under XII (a).

- e) **For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (No Impact)**

Colma is not located within an airport referral area as part of an Airport Land Use Plan, and is not located within an impacted noise over flight area. Therefore, there would be no impact.

- f) **For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (No Impact)**

Colma is not located within an airport referral area as part of an Airport Land Use Plan, and is not located within an impacted noise over flight area. There is no private airstrip in Colma's vicinity. Therefore, there would be no impact.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Significant Impact
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Issues:

XIII. POPULATION AND HOUSING. Would the project:

- a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of road or other infrastructure)? (1, 5, 6, 15)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------
- b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (1, 5, 6, 15)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------
- c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (1, 5, 6, 15)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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(The numbers identify the references from the Reference List used in evaluating each potential environmental factor)

- a) **Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (No Impact)**

The proposed project would not induce population growth since the small number of additional employees will likely come from existing employment resources in the vicinity. Therefore, there would be no impact.

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (No Impact)

The project site has been vacant for many years, and the last tenant was a roof contractor's office. The site is a vacant lot with a large asphalt area taking up a substantial portion of the site. There are no existing structures on site and no existing driveway ingress/egress. Since the project only involves the development of a vacant lot, there would be no impact.

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (No Impact)

The project site has been vacant for many years, and the last tenant was a roof contractor's office. The project will not displace any people. Since the project only involves the development of a vacant lot, there would be no impact.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Issues:				
XIV. PUBLIC SERVICES. Would the project:				
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: (1, 2, 3, 5, 15)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v. Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

(The numbers identify the references from the Reference List used in evaluating each potential environmental factor)

OVERVIEW

The proposed project would have a significant environmental impact if it were to result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection, police protection, schools, parks and recreational facilities, or other government facilities.

As described in XIII(a), the project is not expected to induce substantial population growth. The project would be developed in an area planned, used and zoned for office use and within the development density

envisioned by the General Plan. With no increase in population, no significant increase in the demand for public services would be expected.

The project would not exceed the development and growth assumptions contained in the Colma General Plan. Redevelopment of the project site would not increase the demand for public services individually or cumulatively.

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

i. Fire protection? (No Impact)

Fire protection is provided by the Colma Fire Protection District. There would be no expansion of the geographic area served by the District. There would be no impact.

ii. Police protection? (No Impact)

Police services are provided by the Colma Police Department. Much of the demand for police services is related to the retail businesses and the Cardroom. There would be no impact.

iii. Schools? (No Impact)

Since the project is not expected to induce population growth, there would be no impact.

iv. Parks? (No Impact)

Since the project is not expected to induce population growth, there would be no impact.

v. Other public facilities? (No Impact)

Since the project is not expected to induce population growth, there would be no impact.

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XV. RECREATION. Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (1, 2, 5, 15)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which have an adverse physical effect on the environment? (1, 2, 5 15)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

(The numbers identify the references from the Reference List used in evaluating each potential environmental factor)

OVERVIEW

Colma's recreational areas include:

ATTACHMENT F

1. The Sterling Park Community Center and Park located at 427 F Street, which includes a multi-purpose event space, basketball half-court, bocci ball court, and children's play area. In addition, there is an open grass park area for general play, passive recreation and events.
2. The Colma Community Center located at 1520 Hillside Boulevard, which includes large event spaces, a kitchen and the Recreation Department offices.
3. Bark Park, a dog exercise park located at 427 D Street.

Colma offers a number of recreation programs to its residents.

a) **Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (No Impact)**

Since the project does not involve the creation of new residences, there would be no impact.

b) **Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (No Impact)**

Since the project does not involve the creation of new residences, there would be no impact.

Issues:

XVI. TRANSPORTATION / TRAFFIC. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? (1, 2, 5, 15, 19)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? (1, 2, 5, 15, 19)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (1, 2, 5, 15, 19)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Issues:	Potentially Significant Impact	Less Than Significant		No Impact
		With Mitigation Incorporated	Less Than Significant Impact	
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (1, 2, 5,15,19)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access? (1, 2, 5,15,19)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted polices, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? (1, 2, 5,15,19)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

(The numbers identify the references from the Reference List used in evaluating each potential environmental factor)

OVERVIEW

Colma is bounded on the west by Highway 280, and State Route 82 (El Camino Real) runs through the middle of Colma from its northern to southern boundaries. Hillside Boulevard provides another major north-south roadway on the eastern side of the community. Serramonte Boulevard provides a major east-west route across Colma. Other major east-west routes include Colma Boulevard and Lawndale Boulevard which extends into South San Francisco as McLellan Drive.

The project site is located between Mission Road and California State Highway 82 just south of where Mission Road and California State Highway 82 converge and become El Camino Real, near the southern edge of Colma.

On April 11, 2012 the California Department of Transportation granted the project sponsor an encroachment permit to construct driveway ingress/egress for the project site on California State Highway 82.

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? (Less Than Significant Impact)

The proposed office building is relatively small, and once occupied is only expected to generate approximately 125+/- A.M. and P.M. peak hour vehicle trips to and from the site most weekdays, with less than 10+/- vehicle trips expected on weekends and holidays. El Camino Real is a four-lane highway, with two north-bound and two south-bound lanes; therefore, 125+/- vehicle trips per day would result in a less than significant impact along El Camino Real. In addition, the intersection at Arlington Drive and El Camino Real, just north of the site, is controlled by a traffic signal which mitigates potential traffic impacts. Vehicle trips generated by construction are expected to be less than 60+/- per day and these trips would not result in significant traffic impacts. The proposed project would not significantly conflict with any plan, ordinance or policy regarding the performance of Colma’s transportation system. There would be a less than significant impact.

- b) **Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? (No Impact)**

The San Mateo County congestion management program has been developed, based on the adopted General Plans of the communities within San Mateo County. Since the proposed project is consistent with the Colma General Plan, and generates so few vehicle trips, it will not conflict with the congestion management program. Therefore, there will be no impact.

- c) **Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (No impact)**

The proposed grading would not change air traffic patterns because Colma is not adjacent to any airport. There would be no impact.

- d) **Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Less Than Significant Impact)**

The proposed project would not result in the development of any new public roads, only the development of ingress/egress for the project site off of California State Highway 82. On April 11, 2012 the California Department of Transportation granted the project sponsor an encroachment permit to construct driveway ingress/egress for the project site off of California State Highway 82. Access to the site is to be restricted to a right turn in and a right turn out only. This will mitigate for unsafe left turn movements that otherwise might occur.. Therefore, there would be a less than significant impact.

- e) **Result in inadequate emergency access? (No Impact)**

The ingress/egress driveway off of California State Highway 82 (and street frontage along El Camino Real) will permit Fire Department access to all portions of the building; therefore, there would be no impact.

- f) **Conflict with adopted polices, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? (Less Than Significant Impact)**

Construction of the ingress/egress driveway off of California State Highway 82 will require the project sponsor to provide traffic control along California State Highway 82 while construction is being performed. California State Highway 82 has two south-bound lanes and two north-bound lanes. The right northbound lane, and adjacent bike lane and sidewalk, will likely be closed during construction of the ingress/egress driveway. This would impact pedestrians and bicyclists headed north on California State Highway 82, but due to the fact the lane closure would only be temporary while the ingress/egress driveway is being constructed, there would be less than significant impact.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Issues:

XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:

- | | | | | | |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) | Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (4, 5, 15, 21) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) | Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (2, 4, 5, 12, 20) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) | Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (2, 4, 5, 12, 20) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) | Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? In making this determination, the City shall consider whether the project is subject to the water supply assessment requirements of Water Code Section 10910, et. seq. (SB 610), and the requirements of Government Code Section 664737 (SB 221). (2, 4, 5, 12, 20) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) | Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (2, 4, 5, 12, 20) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) | Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? (2, 4, 5, 12, 20) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) | Comply with federal, state, and local statutes and regulations related to solid waste? (2, 4, 5, 12, 20, 21) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

(The numbers identify the references from the Reference List used in evaluating each potential environmental factor.)

OVERVIEW

- a) **Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (No Impact)**

Colma's regulatory requirements in the design, approval, and implementation of the project, SWPPP, and site Best Management Practices (BMP's) would ensure that the project would not violate water quality standards or waste discharge requirements. The project has been designed to incorporate Low Impact Development (LID) standards.

- b) **Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (No Impact)**

There is no need to expand existing water or wastewater treatment facilities for this project. The proposed project is for a 9,592+/- square foot office building with only 6,708+/- square feet of usable office space. The project is not large enough to require construction of new water or wastewater treatment facilities or expansion of existing facilities. There would be no impact.

- c) **Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (No Impact)**

Landscape and permeable joint pavers constitute 65% of the planned project site where stormwater is expected to drain into the underlying native sandy soil. In addition, the preliminary drainage plan indicates stormwater containment will be achieved with a proposed 6" curb along the perimeter of the site. The curb along the north, east, and south boundaries of the site will allow storm water containment on-site allowing time for stormwater infiltration and permeation. Due to the fact that the drainage plan is relying on percolation into the subgrade as the primary method for handling stormwater runoff from impervious areas of the site, the Town of Colma requires a backup plan to be developed in case of emergency. This should include either a gravity drainage system or redundant pumping system with backup power.

The above described measures for addressing storm water drainage eliminate the need for the construction of new storm water drainage facilities or expansion of existing facilities; therefore, there would be no impact.

- d) **Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (No Impact)**

The last tenant to occupy the site was a roof contractor's office. While that office building was smaller than the proposed building, sufficient water supplies are available to serve the project from existing sources so no new expanded entitlements are needed; therefore, there would be no impact.

- e) **Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (No Impact)**

Wastewater treatment facilities have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. There would be no impact.

- f) **Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? (No Impact)**

The California Integrated Waste Management Board (CIWMB) manages the waste generation and disposal data for South San Francisco. Non-recyclable or non-compostable waste is disposed at Ox Mountain landfill near Half Moon Bay. There is sufficient capacity to accommodate the project's solid waste disposal needs. The project site will be served by South San Francisco Scavengers. There will be no impact with respect to solid waste disposal.

- g) **Comply with federal, State, and local statutes and regulations related to solid waste? (No Impact)**

The project is within the development assumptions contained in the General Plan and adequate waste capacity has been planned for and acquired. Therefore, there is no impact.

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; substantially reduce the number or restrict the range of an endangered, rare or threatened species; or eliminate important examples of the major periods of California history or prehistory? (5,13,15)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.) (5,13,15)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (5,13,15)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

(The numbers identify the references from the Reference List used in evaluating each potential environmental factor)

- b) **Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory? (No Impact)**

The new office building and projected landscaping will develop a vacant dirt lot previously used for as a contractor's office and yard. The project will result in improvements to the appearance of the community. Therefore, there would be no impact.

- b) **Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.) (No Impact)**

The new office building and projected landscaping will develop a vacant vacant lot previously used as a contractor's office and yard. Due to limited anticipated development in the area and within the Town, there are no cumulatively considerable impacts associated with the project. There would be no impact.

- c) **Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (No Impact)**

All environmental impacts associated with the proposed project, and discussed in this document, have been found to be less than significant or have been mitigated. Therefore, there would be no impact.

PREPARER

Turhan Sonmez, Town of Colma Planning Department

REFERENCES

The following sources are referenced in the Initial Study Checklist, and are hereby incorporated by reference into this document: The State CEQA Guidelines Section 15150 is the authority permitting incorporation by reference. All referenced documents are available for review either at the Town of Colma Planning Department or online.

1. California Environmental Quality Act (CEQA) Statutes and Guidelines
2. State Planning and Zoning Law
3. Subdivision Map Act
4. National Pollution Discharge Elimination System (NPDES) Permit
5. Town of Colma General Plan: Provides information, policies, objectives and programs relating to land use, circulation, noise, safety, air quality, and open space.
6. Town of Colma Municipal Code: Regulations that include building codes and zoning development standards.
7. California Building Code: Regulates construction
8. Uniform Fire Code: Regulates construction, specifically as it is pertains to public safety.
9. Bay Area Air Quality Management District CEQA Guidelines, April 1999: Provides guidance regulations, survey data and thresholds for new development and its potential impacts on air quality.
10. Association of Bay Area Governments (ABAG) Earthquakes and Hazard program website (<http://quake.abag.ca.gov/>) Provides information on the location of faults and the likelihood of seismic events and other natural hazards.
11. FEMA Flood Insurance Rate Map October 10, 2012.
12. San Mateo Countywide Stormwater Pollution Prevention Program's Section C.3 Stormwater Technical Guidance Document, updated December 2012: Regulates new development and construction to ensure the reduction of stormwater runoff and maximum infiltration during construction or after construction of new development. Includes applicant submitted compliance checklists.
13. Town of Colma Historic Resources Inventory: Provides guidance on location and vulnerability of historic resources
15. Site Analysis , review of project plans and site inspection
16. ABAG's *Projections 2009*
17. Census 2000
18. Bay Area Air Quality Management District, 2010. Bay Area 2010 Clean Air Plan, September.
19. Baseline Traffic Conditions for the Town of Colma, California, prepared by RKH Civil and Transportation Engineering, June 14, 2005.
20. California Water Service Company 2010 Urban Water Management Plan, South San Francisco District, adopted June 2011, Table 4.1-1 Available Water Supplies.
21. San Mateo County, Five Year Countywide Integrated Waste Management Plan Review Report dated December 2009, page 25.
22. Hort Sciences Evaluation of Tree Conditions Report, August 8, 2012

23. Department of Toxic Substances Control, Cortese List (DTSC website, October 2012)
 24. Comprehensive Airport Land Use Compatibility Plan for the environs of the San Francisco International Airport, July 2012
 25. Phase 1 Site Assessment Dated August 30, 2011
 26. California Geological Survey Mineral Resource Map, 2008

GLOSSARY OF ABBREVIATIONS

AB 32	Assembly Bill 32
ARB	Air Resources Board
BAAQMD	Bay Area Air Quality Management District
BART	Bay Area Rapid Transit District
BMP	Best Management Practices
C/CAG	City/County Association of Governments
CAAQS	California Ambient Air Quality Standards
Cal Fire	California Department of Forestry and Fire Protection
Cal Water	California Water Service Company
CCAA	California Clean Air Act
CEQA	California Environmental Quality Act
CH ₄	Methane
CMC	Colma Municipal Code
CNEL	Community Noise Equivalent Level
CO	Carbon Monoxide
CO ₂	Carbon Dioxide
CO ₂ e	Carbon Dioxide Equivalents
DTSC	Department of Toxic Substances Control
FCAA	Federal Clean Air Act
FEMA	Federal Emergency Management Agency
FIP	Federal Implementation Plan
GHG	Greenhouse Gas
GPD	Gallons Per Day
HFCs	Hydrofluorocarbon
ITE	Institute of Transportation Engineers
LOS	Level of Service
MBTA	Migratory Bird Treaty Act
MGD	Million Gallons Per Day
MLD	Most Likely Descendant
MMT	Million Metric Tons
MPG	Miles Per Gallon
N ₂ O	Nitrous Oxide
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage commission
NHTSA	National Highway Traffic Safety Administration3
NO ₂	Nitrogen Dioxide

NOI	Notice of Intent
NOx	Oxides of Nitrogen
NPDES	National Pollution Discharge Elimination System
O ₃	Ozone
Pb	Lead
PFCs	Perfluorocarbons
PM ₁₀	Particulate Matter
PM _{2.5}	Particulate Matter
RHN Allocation	Regional Housing Needs Allocation
ROG	Reactive Organic Gases
SB 2	Senate Bill 2
SB 375	Senate Bill 375
SF ₆	Sulfur Hexafluoride
SFPUC	San Francisco Public Utilities Commission
SIP	State Implementation Plan
SMCWPPP	San Mateo Countywide Water Pollution Prevention Program
SO ₂	Sulfur Dioxide
SWPPP	Storm Water Pollution Prevention Program
SWRCB	State Water Resources Control Board
U.S. EPA	U.S. Environmental Protection Agency
UST	Underground Storage Tanks
Water Board	San Francisco Regional Water Quality Control Board

COUNTY OF SAN MATEO



BOARD OF SUPERVISORS
DAVE PINE
CAROLE GROOM
DON HORSLEY
WARREN SLOCUM
ADRIENNE J. TISSIER

Department of Public Works

JAMES C. PORTER
DIRECTOR

555 COUNTY CENTER, 5TH FLOOR • REDWOOD CITY • CALIFORNIA 94063-1665 • PHONE (650) 363-4100 • FAX (650) 361-8220

May 16, 2013

RECEIVED

CITY OF COLMA

PLANNING DEPT

Mr. Turhan Sonmez, Assistant Planner
Town of Colma
Planning Department
1190 El Camino Real
Colma, CA 94014-3212

Re: Notice of Intent to Adopt a Mitigated Negative Declaration for an Office Building Project at 1850 El Camino Real, Colma

Dear Mr. Sonmez:

The San Mateo County Department of Public Works, in its capacity as the Administrator of the San Mateo County Flood Control District (District), which includes the Colma Creek Flood Control Zone (Zone), has reviewed the Mitigated Negative Declaration (MND) for the subject project and offers the following comments:

- Our records confirm that the proposed project site is located within the Zone. The MND, on Pages 32 and 33, states that post project runoff will be equal to or less than the existing site runoff because the proposed project is relying entirely on percolation into the subgrade as the primary method for handling stormwater runoff from the site. Due to the fact that the Town requires a backup plan to be developed which should include either a gravity drainage system or redundant pumping system with backup power, measures to limit the discharge rates to predevelopment conditions shall be incorporated into the design of the backup plan.
- The District advocates that trash management measures be incorporated into the design elements of the storm drainage system and appurtenances. Please ensure that trash collecting devices are installed at storm drain inlets and maintained by the owner.

If you have any questions, please contact me at (650) 599-1489.

Very truly yours,

Mark Chow, P.E.
Principal Civil Engineer
Utilities-Flood Control-Watershed Protection

MC:EVG:cda

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cc: Ann M. Stillman, P.E., Deputy Director, Engineering and Resource Protection



TOWN OF COLMA Mitigation Measures

1850 El Camino Real 9,592 Sq. Ft. Office

Mitigation Measure AES-1: The applicant shall submit a lighting plan for review and approval of the Planning Department. Exterior project lighting shall be designed to be the minimum required for security. Project lighting shall be directed downward so as not to impact motorists along El Camino Real or adjoining properties.

Mitigation Measure AIR-1: The following construction practices shall be implemented during grading operations:

- a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- d. All vehicle speeds on unpaved roads shall be limited to 15 mph.
- e. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage reminding workers to shut off equipment shall be provided at all access points.
- f. All construction equipment shall be maintained and properly tuned, in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- g. Post a publicly visible sign with the telephone number and person to contact at the Town of Colma regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Mitigation Measure BIO-1: The following shall be implemented during excavation operations for the retaining wall to be constructed along the northern edge of the property site:

- a. A tree permit from the Town for tree protection mitigation shall be obtained prior to beginning excavation.
- b. A licensed Arborist shall oversee the site excavation for the retaining wall, to ensure no damage to the trees occurs, and a subsequent report shall be submitted to the Town by the arborist detailing the excavation for the retaining wall and documenting measures that were taken to ensure the health and protection of the trees during the construction.

Attachment G

- c. Pier holes for the retaining wall shall not be closer than 6 feet to any of the trees.
- d. Roots larger than two (2) inches in diameter shall be cut cleanly to prevent root dieback to the main trunk.

Mitigation Measure GEO-1: Retaining walls located on the site will be designed to resist lateral earth pressures plus additional lateral pressures that may be caused by surcharge loads applied at the ground surface behind the walls. The walls will also be designed to resist an additional uniform pressure. The Geotechnical Engineer shall review and certify the civil and structural plans for the retaining walls and the building.

Mitigation Measure HWQ-1: As part of the building permit plan review, the plans shall include a design for an alternative drainage system should the primary percolation system become overburdened or fail during a rain event. Alternatives may include either a gravity drainage system or redundant pumping system with backup power.

Mitigation Measure NOI-1: Construction and material deliveries shall be limited to the hours of 7:00 AM -8:00 PM, Monday through Friday, with weekend and holiday hours from 10:00 AM and 6:00 PM. Due to potential traffic and noise considerations, grading activities shall occur only between 9:00 AM and 4:00 PM, Monday through Friday only (no weekend grading). Modifications to construction hours for interior work (but not for exterior construction or grading activity) may be approved by the Building Official. .



STAFF REPORT

TO: Mayor and Members of the City Council

FROM: Michael P. Laughlin, AICP, City Planner, CSG Consultants
 Brandon H DeLucas, Assistant Planner, CSG Consultants

VIA: Brian Dossey, City Manager

MEETING DATE: May 22, 2019

SUBJECT: Pawradise BnB - Conditional Use Permit

RECOMMENDATION

Staff recommends that the City Council adopt:

RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW A 3,890 SQUARE FOOT DOG BOARDING, DAYCARE AND BASIC GROOMING SERVICES WITH AN APPROXIMATELY 54 SQUARE FEET OF RETAIL SPACE LOCATED AT 1475 MISSION ROAD (APN: 010-182-090) PURSUANT TO CEQA GUIDELINE 15301, CLASS 1(A)

EXECUTIVE SUMMARY

The applicant is proposing to open a dog boarding, daycare and grooming facility at 1475 Mission Road. A Conditional Use Permit is required. The use is appropriate for the location and complies with zoning and General Plan policies. Conditions of approval are recommended to address parking, noise and to assure the business will not impact uses in the neighborhood.

FISCAL IMPACT

The Town will likely experience a small fiscal benefit (in the form of sales tax revenue) from auxiliary retail sales of pet merchandise.

BACKGROUND

The Project site is located along the southern portion of Mission Rd which has a General Plan land use designation of Commercial and is zoned Commercial ("C"). No exterior modifications have been proposed at this time, and the Applicant will be required to apply for all applicable building permits for interior modifications. The tenant space was previously used for auto repair (Auto

Exotics). The intensity of use for the proposed business with respect to parking demand is anticipated to be lower than the auto repair business that previously occupied the tenant space.

ANALYSIS

The applicant, Ariel Ng, is requesting a Conditional Use Permit to allow a 3,890 square foot facility catering to dogs and their owners, at 1475 Mission Road. Pawradise BnB would provide dog daycare, overnight boarding, and professional or self-serve pet grooming services. In addition, about 54 square feet would be devoted to dog accessories and supplies. The applicant is proposing operating hours seven days a week, Monday – Friday 7:00 am -7:00 pm, Saturday and Sunday 9:00 am – 5:00 pm. The Applicant anticipates drop off hours to be between 7:00 am - 10:00 am and pick up hours 4:00 pm – 7:00 pm. The facility is proposed to have six regular parking spaces in the back of the building and one ADA compliant parking space would be provided in front of the main entrance. In addition to the parking spaces provided, a loading and unloading area will be provided onsite to mitigate the possibility of vehicles stopping along Mission Road to drop off their dogs. This requirement is proposed as a condition of approval. It is anticipated that there will be 7 full-time staff, including overnight staff, however, no more than 3 employees will be present at the facility at any given time. A full project description provided by the applicant can be found in Attachment B.

As shown on the site plan, Attachment C, the facility will have:

- A main entry/reception area with a display area;
- A dog grooming area for the grooming of up to 2 dogs;
- A large dog play area;
- A small dog play area;
- Dog shower;
- Dog Relief area;
- Two Office areas

All activities and care for the animals will occur in the enclosed building. Dogs will not be walked in the neighborhood. If outdoor activities are desired for the dogs, a professional dog walker will need to transport the dogs from the site to a park or appropriate outdoor area.

Findings Relating to CEQA Review

Pursuant to Section 15301 of the State CEQA Guidelines, Class 1(a), Existing Facilities, the project is Categorically Exempt. The project is Categorically Exempt from further environmental review because the proposal will entail only minor interior alterations to an existing private structure involving no expansion of use beyond that conducted in the structure. The proposed use is allowed with a Use Permit.

Findings Related to Granting a Conditional Use Permit

Section 5.03.230(b) of the Colma Municipal Code requires that certain findings be made for approval of a Conditional Use Permit as follows:

- a) The proposed Conditional Use Permit will be consistent with the provisions of the Colma General Plan and Zoning Ordinance.**

The use is consistent with Colma General Plan vision for Mission Road as described in Section 5.02.134 of the General Plan. Specifically, the southern portion of Mission Road is anticipated to have residential and a variety of commercial uses, including locally serving uses. Within the General Plan text, a list of appropriate ground floor retail and service uses are listed to serve the community. One of the uses listed includes a pet store. This use, although not primarily retail, provides a needed service to the community and surrounding communities.

The Colma Zoning Ordinance Commercial Zoning is specifically broad to encourage a wide range of commercial uses. The Town's definition of a "Commercial Establishment" includes either retail sales, light industrial uses such as car repair, and service uses.

b) Granting the Conditional Use Permit will not be detrimental to the public health, safety or public welfare, or materially injurious to the properties or improvements in the vicinity.

Based on the few employees on site at any given time and the drop-off nature of the business, staff finds that the parking on site is adequate for the proposed use. No exterior modifications have been proposed that may impact public health, safety or public welfare, or be materially injurious to properties or improvements in the vicinity. The proposed use will generate noise that may affect abutting tenants or neighboring properties. Staff recommends a condition of approval to require the Applicant to include noise control improvements, such as insulated walls or interior acoustical treatment, to the tenant improvement plans. With the recommended condition, the proposed use will not be detrimental to the public health, safety or public welfare, or materially injurious to the properties or improvements in the vicinity.

The applicant and their staff will keep dog play areas clean and properly dispose of dog waste as described in the business description. Republic Services has reviewed the proposal and finds that the applicant's proposed waste management proposal of double bagging dog waste is appropriate. Republic Services will coordinate with the applicant to maintain appropriate container sizes and an appropriate collection schedule. Hosing-down play areas to floor drains connected to the sanitary sewer is the appropriate way to maintain the facility.

c) Existing property uses, large or small, will not be detrimentally affected by the proposed Use Permit.

As noted above, the proposed use is contained within the tenant space in an existing commercial building. As conditioned, the proposed use and associated parking and noise generation will not detrimentally impact existing property uses, large or small.

d) The granting of the Use Permit will not constitute a grant of special privilege inconsistent with the limitations imposed by the Zoning Ordinance on the existing use of properties, large or small, within the Town of Colma.

The granting of the Use Permit will not constitute the grant of a special privilege since, as noted above, the proposed use will not create a parking impact and is allowed with a Conditional Use Permit in the Commercial zone. The proposed use is a commercial use located within an existing commercial building that will be compatible with other uses in the surrounding units. The proposed use is new to the Town of Colma, as there are no other similar dog daycare, boarding and grooming services in the Town.

e) The City Council is satisfied that the proposed structure or building conforms to the purpose and intent of the General Plan and Zoning Ordinance.

The proposed project does not include the construction of any new structures or buildings. No exterior improvements, including signage, have been proposed with this Use Permit request. Any proposed signage shall be reviewed by the Planning Department through the Sign Review process. The interior is proposed to be remodeled to accommodate the proposed use. The Building Department, Public Works Department, and Colma Fire Protection District have reviewed the application. The Colma Fire Protection District is recommending standard conditions and requirements to accommodate the use. The Public Works Department is requiring that floor drains be required to connect to the sanitary sewer.

f) The use will not constitute a nuisance to neighboring persons or properties.

The subject tenant space is located along Mission Road, with commercial to the northwest and southeast of the space. Holy Cross Catholic Cemetery is located to the northeast just across Mission Road and Treasure Island RV Park is located Southwest behind Colma Creek. It is unlikely that the cemetery or RV Park will be impacted by the proposed use. With the recommended conditions of approval, the parking, traffic and noise impacts will be reduced, and will not affect neighboring tenants or property owners. Therefore, the proposed use will not constitute a nuisance to neighboring persons or properties.

Conditions of Approval

Based on a review of the application and a meeting with the applicant, staff is recommending several conditions of approval (see Section 3 of the attached Resolution) including:

- The applicant shall maintain a short-term loading and unloading space for use by consumers while dropping off and picking up their dogs.
- All activities for the business shall be conducted within the building. No outdoor use by employees or dogs is permitted.
- The applicant is prohibited from providing dog walking services leaving from the business, and dog walking of dogs boarded at the business in the surrounding neighborhood is prohibited. Dogs may be taken by vehicle by a professional dog walker to appropriate parks or outdoor areas.
- If the Town receives verifiable noise complaints from adjacent building tenants or property owners, the Applicant shall modify business practices and/or install further noise control features, such as noise insulation, to the satisfaction of the City Planner and Building Official.
- The Applicant shall apply for all applicable permits including, but not limited to, Sign Review for proposed Signage, and building permits for interior improvements and signage.
- The Applicant shall comply with all requirements of the Colma Fire Protection District,

Council Adopted Values

The recommendation is consistent with the Council value of *responsibility* because the proposed use has been carefully reviewed and conditioned so that it will be consistent with adopted development policies and regulations, and compatible within its setting.

Sustainability Impact

The proposed use within Colma will have no impact on the Town's sustainability activities.

Alternatives

The following courses of action are available to the City Council:

1. Adopt the resolution and approve the Conditional Use Permit with modified or additional conditions of approval which would allow the proposed dog boarding, daycare and basic grooming services with an approximately 54 square feet of retail space located at 1475 Mission Road. This alternative may increase or reduce restrictions on the Conditional Use Permit to satisfy specific City Council concerns.
2. Direct staff to bring back a resolution to deny the Conditional Use Permit. If this alternative is selected, staff recommends that the City Council articulate concerns and the reasons for selecting this alternative.

CONCLUSION

Staff recommends that the City Council adopt the resolution approving the Conditional Use Permit with findings and recommended conditions of approval.

ATTACHMENTS

- A. Resolution
- B. Business Description
- C. Site Plan and Floor Plan
- D. Signage



**RESOLUTION NO. 2019-____
OF THE CITY COUNCIL OF THE TOWN OF COLMA**

RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW A 3,890 SQUARE FOOT DOG BOARDING, DAYCARE AND BASIC GROOMING SERVICES WITH AN APPROXIMATELY 54 SQUARE FEET RETAIL SPACE LOCATED AT 1475 MISSION ROAD (APN: 010-182-090) PURSUANT TO CEQA GUIDELINE 15301, CLASS 1(A)

Property Owner: Donohoe Family Partnership

Applicant: Ariel Ng

Location: 1475 Mission Road.

Assessor's Parcel Number: 010-182-090

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

1. Background

- (a) The Town has received an application from Ariel Ng of Pawradise BnB for a Conditional Use Permit to allow a 3,890 square foot dog boarding, Daycare and basic grooming services with an approximately 54 square foot retail space located at 1475 Mission Road, Colma (Assessor's Parcel Number: 010-182-090).
- (b) Pursuant to Section 15301 of State CEQA Guidelines, Class 1(a) Interior alterations to existing structures, the application is categorically exempt from California Environmental Quality Act (CEQA) review.
- (c) A Notice of Public Hearing was duly posted on the three official bulletin boards of the Town and in a conspicuous place on or near the subject property and was duly mailed to the persons to whom given, as required by law, on May 10, 2019.
- (d) A public hearing was held on this matter on May 22, 2019 and evidence was taken at the public hearing.
- (e) The City Council has duly considered said application, the staff report and public comments thereon.

2. Findings

The City Council finds that:

Findings Related to CEQA

Pursuant to the Section 15301 of the State CEQA Guidelines, Class 1(a), Existing Facilities, the project is categorically exempt. The project is Categorically Exempt from further environmental review because the proposal will entail minor interior alterations to an existing private structure involving no expansion of use beyond that conducted in the structure. The proposed use is allowed with a Use Permit.

Findings Related to the Conditional Use Permit

Section 5.03.410(a) of the Colma Municipal Code requires that certain findings be made for approval of a Conditional Use Permit. These findings are also required for an amended Conditional Use Permit. These findings apply to the project as follows:

a) **The proposed Conditional Use Permit will be consistent with the provisions of the Colma General Plan and Zoning Ordinance.**

The use is consistent with Colma General Plan vision for Mission Road as described in Section 5.02.134 of the General Plan. Specifically, the southern portion of Mission Road is anticipated to have residential and a variety of commercial uses, including locally serving uses. Within the General Plan text, a list of appropriate ground floor retail and service uses are listed to serve the community. One of the uses listed includes a pet store. This use, although not primarily retail, provides a needed service to the community and surrounding communities.

The Colma Zoning Ordinance Commercial Zoning is specifically broad to encourage a wide range of commercial uses. The Town's definition of a "Commercial Establishment" includes either retail sales, light industrial uses such as car repair, and service uses.

b) **Granting the Conditional Use Permit will not be detrimental to the public health, safety or public welfare, or materially injurious to the properties or improvements in the vicinity.**

Based on the few employees on site at any given time and the drop-off nature of the business, staff finds that the parking on site is adequate for the proposed use. No exterior modifications have been proposed that may impact public health, safety or public welfare, or be materially injurious to properties or improvements in the vicinity. The proposed use will generate noise that may affect abutting tenants or neighboring properties. Staff recommends a condition of approval to require the Applicant to include noise control improvements, such as insulated walls or interior acoustical treatment, to the tenant improvement plans. With the recommended condition, the proposed use will not be detrimental to the public health, safety or public welfare, or materially injurious to the properties or improvements in the vicinity.

The applicant and their staff will keep dog play areas clean and properly dispose of dog waste as described in the business description. Republic Services has reviewed the proposal and finds that the applicant's proposed waste management proposal of double bagging dog waste is appropriate. Republic Services will coordinate with the applicant to maintain appropriate container sizes and an appropriate collection schedule. Hosing-down play areas to floor drains connected to the sanitary sewer is the appropriate way to maintain the facility.

c) **Existing property uses, large or small, will not be detrimentally affected by the proposed Use Permit.**

As noted above, the proposed use is contained within the tenant space in an existing commercial building. As conditioned, the proposed use and associated parking and noise generation will not detrimentally impact existing property uses, large or small.

d) **The granting of the Use Permit will not constitute a grant of special privilege inconsistent with the limitations imposed by the Zoning Ordinance on the existing use of properties, large or small, within the Town of Colma.**

The granting of the Use Permit will not constitute the grant of a special privilege since, as noted above, the proposed use will not create a parking impact and is allowed with a Conditional Use Permit in the Commercial zone. The proposed use is a commercial use located within an existing commercial building that will be compatible with other uses in the surrounding units. The proposed use is new to the Town of Colma, as there are no other similar dog daycare, boarding and grooming services in the Town.

- e) **The City Council is satisfied that the proposed structure or building conforms to the purpose and intent of the General Plan and Zoning Ordinance.**

The proposed project does not include the construction of any new structures or buildings. No exterior improvements, including signage, have been proposed with this Use Permit request. Any proposed signage shall be reviewed by the Planning Department through the Sign Review process. The interior is proposed to be remodeled to accommodate the proposed use. The Building Department, Public Works Department, and Colma Fire Protection District have reviewed the application. The Colma Fire Protection District is recommending standard conditions and requirements to accommodate the use. The Public Works Department is requiring that floor drains be required to connect to the sanitary sewer.

- f) **The use will not constitute a nuisance to neighboring persons or properties.**

The subject tenant space is located along Mission Road, with commercial to the northwest and southeast of the space. Holy Cross Catholic Cemetery is located to the northeast just across Mission Road and Treasure Island RV Park is located Southwest behind Colma Creek. It is unlikely that the cemetery or RV Park will be impacted by the proposed use. With the recommended conditions of approval, the parking, traffic and noise impacts will be reduced, and will not affect neighboring tenants or property owners. Therefore, the proposed use will not constitute a nuisance to neighboring persons or properties.

3. Conditions of Approval

The City Council approves the Conditional Use Permit to allow a 3,890 square foot dog boarding, daycare and basic grooming services with an approximately 54 square feet of retail space, addressed as 1475 Mission Road, Colma, subject to the full and faithful performance of each of the general terms and conditions set forth in this Resolution and the following project-specific conditions:

Conditions Relating to the Use Permit

- (a) *Allowed Uses.* This Use Permit shall specifically allow the operations of a 3,890 square foot dog boarding, daycare and basic grooming services with an approximately 54 square feet of retail space at 1475 Mission Road, Colma as shown on plans date stamped April 03, 2019 and on file with the Planning Department.
- (b) *Conditions of Approval with Plan Sets.* A copy of these conditions of approval shall be included in the building permit plan set. At least one copy of the stamped approved plans, along with the Approval Letter and Conditions of Approval and/or mitigations, shall be available for review at the job site at all times.

- (c) Loading and Unloading Space. The applicant shall maintain a short-term loading and unloading space for use by consumers while dropping off and picking up their dogs, as shown on plans date stamped April 03, 2019 and on file with the Planning Department
- (d) Outdoor Use. All activities for the business shall be conducted within the building. No outdoor use by employees or dogs is permitted.
- (e) Outdoor activities. The applicant is prohibited from providing dog walking services leaving from the business, and dog walking of dogs boarded at the business in the surrounding neighborhood is prohibited. Dogs may be taken by vehicle by a professional dog walker to appropriate parks or outdoor recreation areas.
- (f) Noise. If the Town receives verified noise complaints from adjacent building tenants, the Applicant shall modify business practices and/or install further noise control features, such as noise insulation, to the satisfaction of the City Planner and Building Official.
- (g) Permits. The Applicant shall apply for all applicable permits including, but not limited to, Sign Review for proposed Signage, and building permits for interior improvements and signage.
- (h) Sewer. Plumbing and Utility plans for construction permits should include pre-treatment measures (e.g.: traps, interceptors, etc.) specific to this business type and as required by the Sewer District. The applicant may be required to obtain approval from the sewer district. A CCTV inspection of the sewer lateral may be required.
- (i) Colma Fire Protection District Requirements. The requirements of the Colma Fire Protection District shall be met prior to issuance of the building permit(s) for the project. For further information on the requirements of the District, the applicant may contact the Deputy Fire Marshal, Bill Pardini at bpardini@colmafd.org or (650)740-2023. A separate review fee is required as part of the building permit plan check process. These comments include:
- i. Prior to occupancy of the unit a 5-year test of the whole fire sprinkler system shall be conducted.
 - ii. Building Permit Plans shall include a fire alarm monitoring system, meeting the fire district's requirements, which shall cover the adjacent units.
 - iii. Building Permit Plans shall include the location of a Knox Box.
 - iv. No vehicles shall block any required fire lane or driveways for access.
- (j) Minor Changes. Minor changes to the approved project plans may be approved administratively by the City Planner or designee.
- (k) Trash and Hauling Service. The Permittee shall be required to subscribe to a regular refuse and recyclable items collection service for the tenant space (minimum pick-up of once per week) from Republic Waste Services. Pursuant to the Town's Franchise

Agreement, dumpsters can only be obtained from Republic Services. Violation of this condition will constitute cause for the Town to revoke this permit.

4. General Conditions

- (a) This Conditional Use Permit shall run with the land and be freely and automatically transferred to each user of the property described herein, subject to each of the specific and general conditions herein. As used in this Conditional Use Permit, the word “Permittee” shall mean each person using the property pursuant to the permit granted herein, including successors to the person first obtaining the permit.
- (b) The Permittee must comply with all applicable federal, state and municipal laws, codes and regulations, including the California Building and Fire Codes. Nothing herein shall be construed as authorizing any approvals under, or any exceptions to any other law, code or regulation, or as authorizing any change to the occupancy classification of the premises or any buildings thereon as defined on the California Building Code. In addition, the Permittee shall maintain an annual Colma Business Registration.
- (c) The Permittee shall indemnify, pay and hold the Town of Colma harmless from all costs and expenses, including attorney’s fees, incurred by the Town or held to be the liability of the Town in connection with this application, or the Town’s defense of its actions in any proceeding brought in any state or federal court challenging the Town’s actions with respect to this Project.
- (d) The Conditional Use Permit may be modified or revoked should it be determined that:

The property is being operated or maintained in a manner that is detrimental to the public health or welfare, is materially injurious to property or improvements in the vicinity, constitutes a public nuisance, or is contrary to any law, code or regulation, or;

If the Permittee fails to comply with and satisfy the conditions herein.

- (e) The Permittee must agree to comply with each and every term and condition herein by countersigning a copy of this Resolution and returning the counter-signed copy to the City Clerk no more than forty-five (45) days following City Council approval of the permit. If Permittee is not the property owner, then the property owner must consent to use of the property on the terms and conditions herein by counter-signing a copy of this resolution and returning the counter-signed copy to the City Clerk no later than forty-five (45) days following City Council approval of the permit. Failure to return the counter-signed copy as specified shall render this permit null and void.

* * * * *

Certification of Adoption

I certify that the foregoing Resolution No. ____ was adopted at a regular meeting of the City Council of the Town of Colma held on May 22, 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 Fisicaro					
Raquel Gonzalez					
Voting Tally					

Dated _____
Joanne F. del Rosario, Mayor

Attest: _____
Caitlin Corley, City Clerk

NOTICE OF RIGHT TO PROTEST

The Conditions of Project Approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the 90-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), began on date of adoption of this resolution. If you fail to file a protest within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exactions.

AGREEMENT

Property Owner/Permittee

The undersigned agrees to use the property on the terms and conditions set forth in this resolution.

Dated: _____

Name (printed) _____

For: Donohoe Family Partnership, Property Owner



Business Plan

Pawradise BnB

**Presented by Ariel Ng, Founder
March 2019**

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APR 03 2019

Town of Colma
Planning Dept

Pawradise BnB, LLC is a new dog boarding and daycare business that will be located at 1475 Mission Road, Colma, CA 94080. Ariel Ng, the founder, has had experience in caring for dogs since she was young. She has always looked for ways to stay connected in the dog community whether it was fostering dogs for local rescues or volunteering at the Peninsula Humane Society. Ariel's dream is to provide a fun place for dogs to come together and play because a happy dog is a happy home.

We believe in the importance of giving dogs their very best life which means having the right exercise and socialization with us. Pawradise BnB will give dog owners peace of mind that their dog will be cared for in a safe, clean and fun environment 100% of the time they spend with us.

Mission

To not only give your dog their home away from home but to give them their very own Pawradise.

With the growing number of dog owners, especially in the full-time working profession, the need for dog care services is at its highest ever. People today are willing to pay top dollar for their pet's happiness and health. Pawradise BnB will provide the services to help clients care for their dogs when they need most, whether it's for a day trip or a week long getaway.

2. Company Description

Pawradise BnB's main goal is to deliver the highest level of client satisfaction and a clean and safe environment for dogs to play and socialize. There is a large population of career driven working professionals today, especially in the Bay Area, who have yet to start their families so they turn to dogs in search of companionship. But because of their hectic work schedules from a day to day basis, dogs are often left at home alone for a majority of the day. Not only does this cause guilt in the pet owners for leaving their dog behind but will also develop unwanted dog behavior at home and cause separation anxiety for both dog and owner. Daily physical exercise is vital to a dog's normal routine for a healthy life.

Pawradise BnB will offer services such as daycare or overnight boarding to help dog owners strike a balance between work, personal life, and keeping their dogs healthy and happy. Pawradise BnB will make it easy for owners to bring their dogs in for the day while they're at work or even for the week if they're going out of town. We will provide

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Town of Colma
Planning Dept

Ariel took her passion for dogs to a new level and started caring for dogs as a business from her home through a platform called Rover. Just in the first few months of business, she started to see the huge demand of services in this industry. It is time to take the high demand in the area for dog care from a small in-home operation to a successful thriving business.

Board of Advisors

Daisy Li | CEO of Moonstar

Jack Tang | Director of Strategic Development & Marketing

Alan Tse & Charles Chan | Architectural Studio Inc

Ross Sit | Realtor of Sit Group

Caleb Chen | Sales & Distribution

5. Service Description

Pawradise BnB will provide high-level dog care in the following categories:

- Overnight Care: Choice of Private Room or Shared Open Space
- Daycare: Half or Full Day (6 hours or 12 hours)
- Day Stays: Private Room Stay
- Basic Pet Grooming ie. Baths and Nail Trimming
- Self-Service Dog Bathing (maximum two dogs at a time)
- Dog Products Available for Purchase
- Special Dog Events with Local Recreational Center, Local Parks, or Animal Rescues

*Capacity Maximum: 25 dogs at facility

Hours of Operation

Monday to Friday 7:00 am - 7:00 pm

Saturday 9:00 pm - 5:00 pm

Sunday 9:00 pm - 5:00 pm

Drop-Off Hours 7:00 am - 10:00 am

Pick-Up Hours 4:00 pm - 7:00 pm

*Early/Late Drop-offs or Pick-ups must be scheduled in advance

Daily Schedule

Individual Care/Drop-Offs 6:00 am - 10:00 am

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Town of Colma
Planning Dept

dogs rooms or play areas at all times. This will help noise control from leaving the building as well as protecting our workers hearing inside the building.

6. Marketing & Sales

Pawradise BnB's marketing will focus on advertising and media to be easily discovered by those who primarily use internet as a source of information. A user friendly website will be created and well maintained hosting all the important content in one place. The site will include Pawradise BnB's goals and mission, updated photo gallery, well described services and rates, a path to access our live webcams for clients, contact information, and an online booking tool that shows availability.

Social Media is also an up and coming form of advertising. 79% of the United States has one or more social media profiles to not only stay connected but to also use it as a main source of their news and advice. Pawradise BnB plans to spread the message and reach out to potential clients on all these popular platforms such as Google, Yelp, Facebook, Instagram and more.

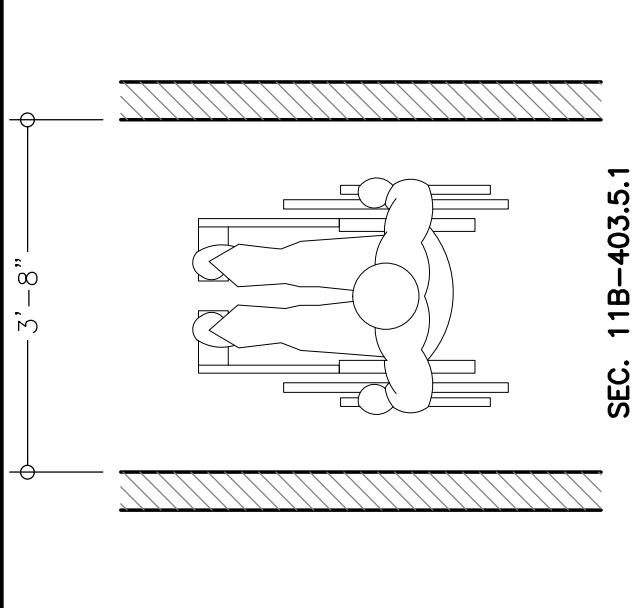
Pawradise BnB will stay connected in the Daly City - Colma community by being a part of the Chamber and attending events and helping out with fundraisers. We plan on setting up lively events for the community and locals for both dogs and dog owners/enthusiasts off-site at dog parks or at the local recreational center. Pawradise BnB is charity motivated and believe in giving back so fundraisers will be set up to help local animal rescues and possible foster programs will be organized.

Partnerships will be arranged with local dog care businesses such as dog walkers and groomers to be able to provide more services conveniently to our clients and help local businesses grow at the same time.

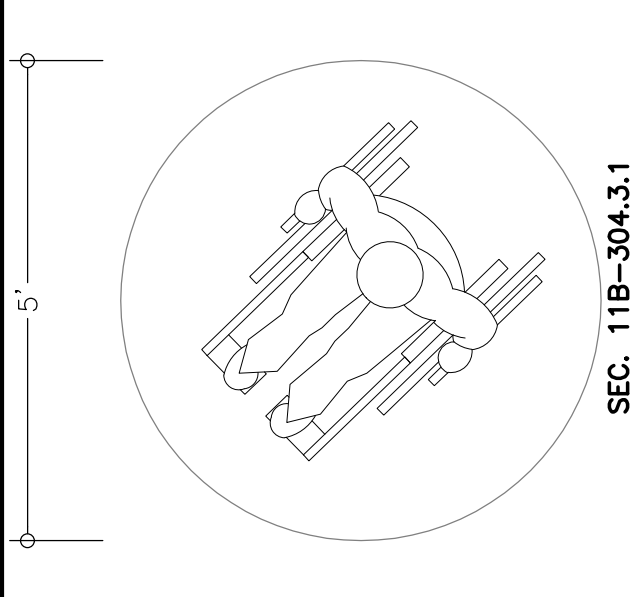
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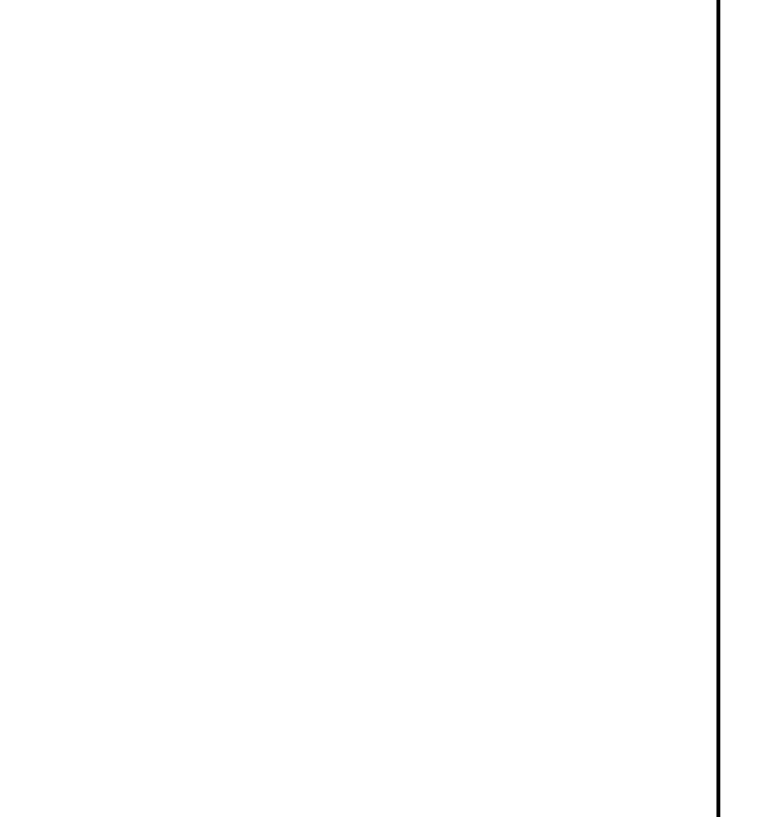
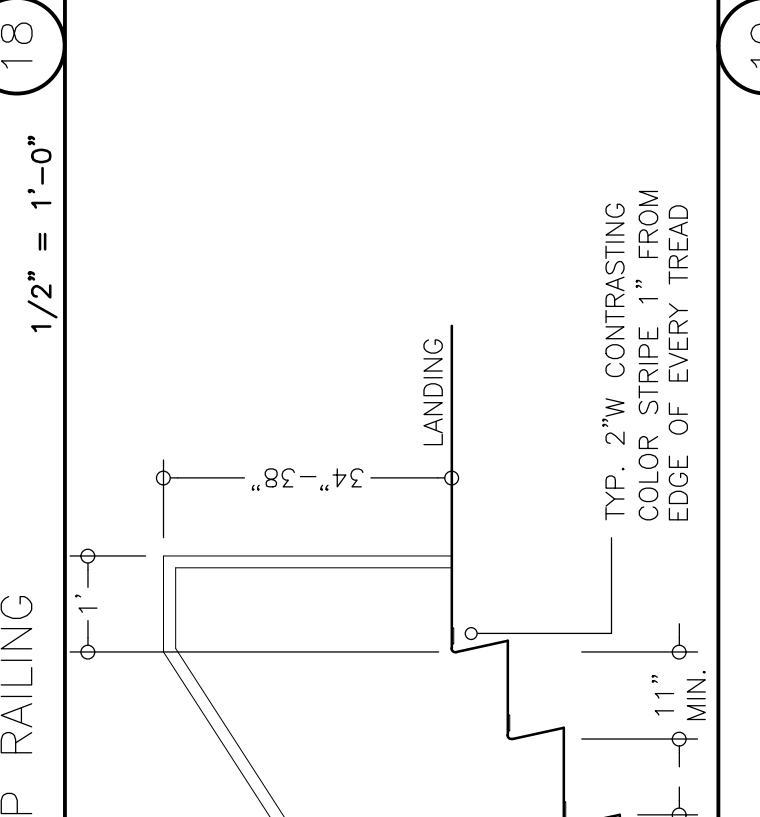
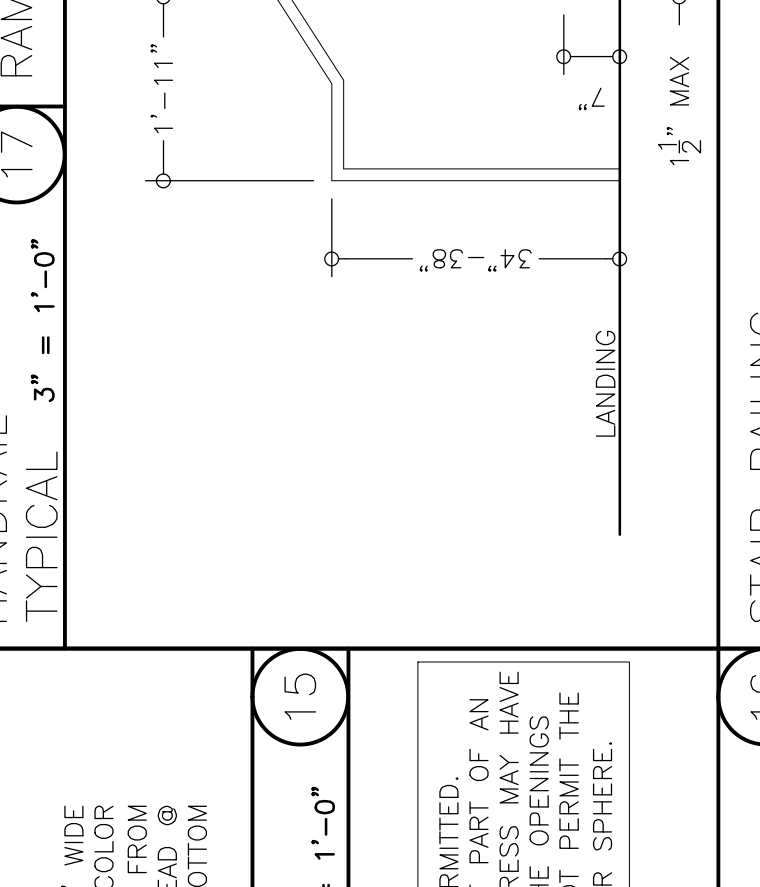
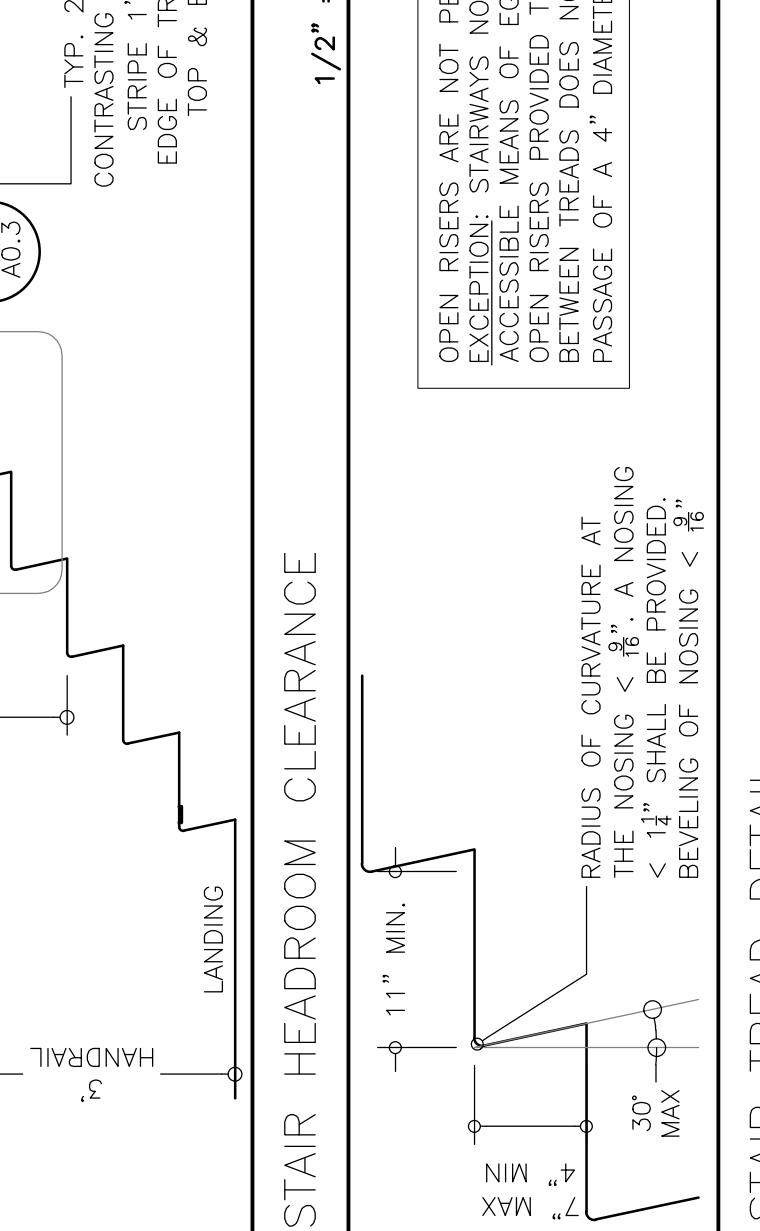
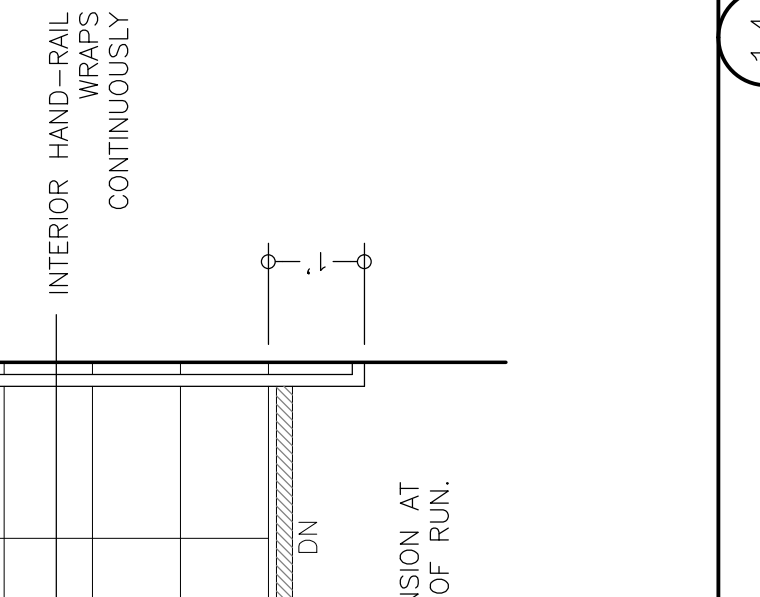
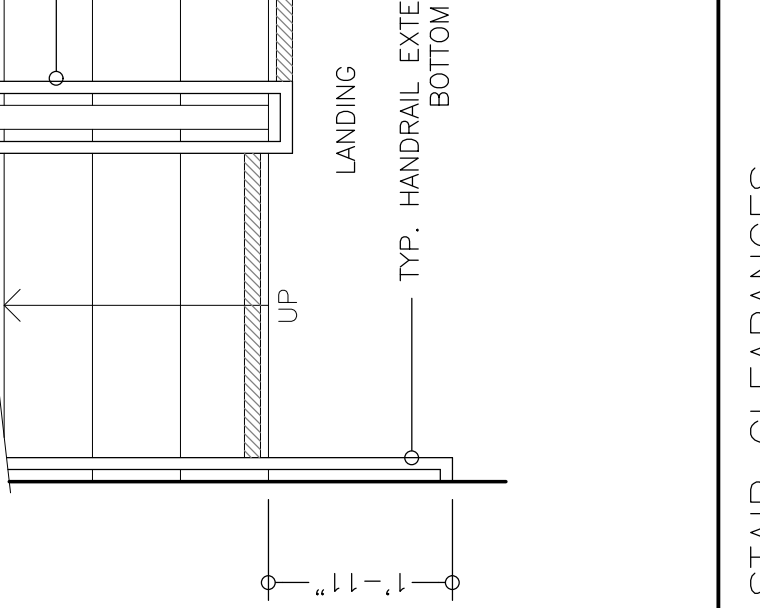
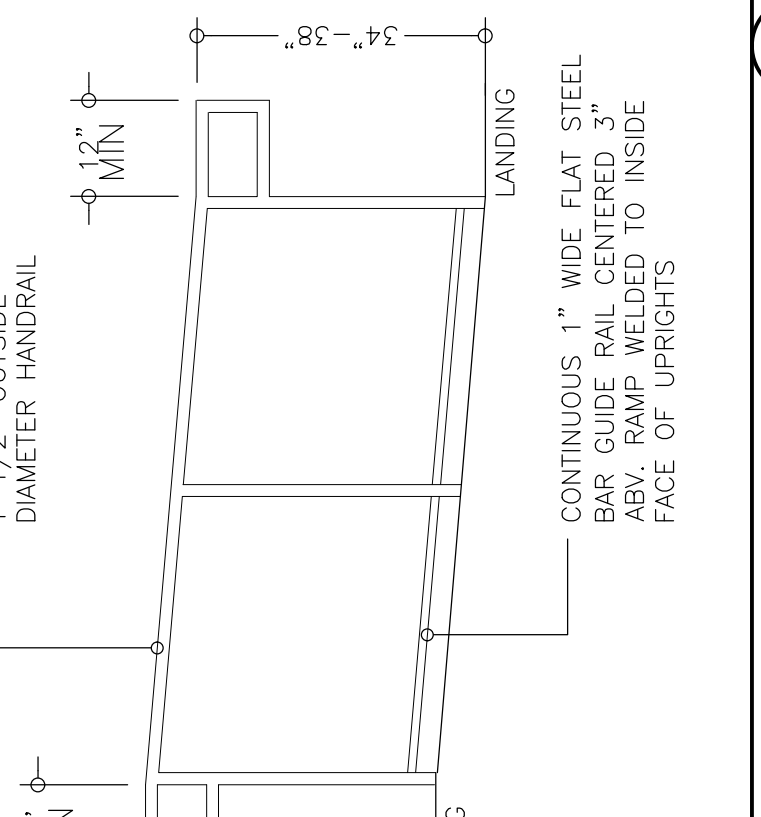
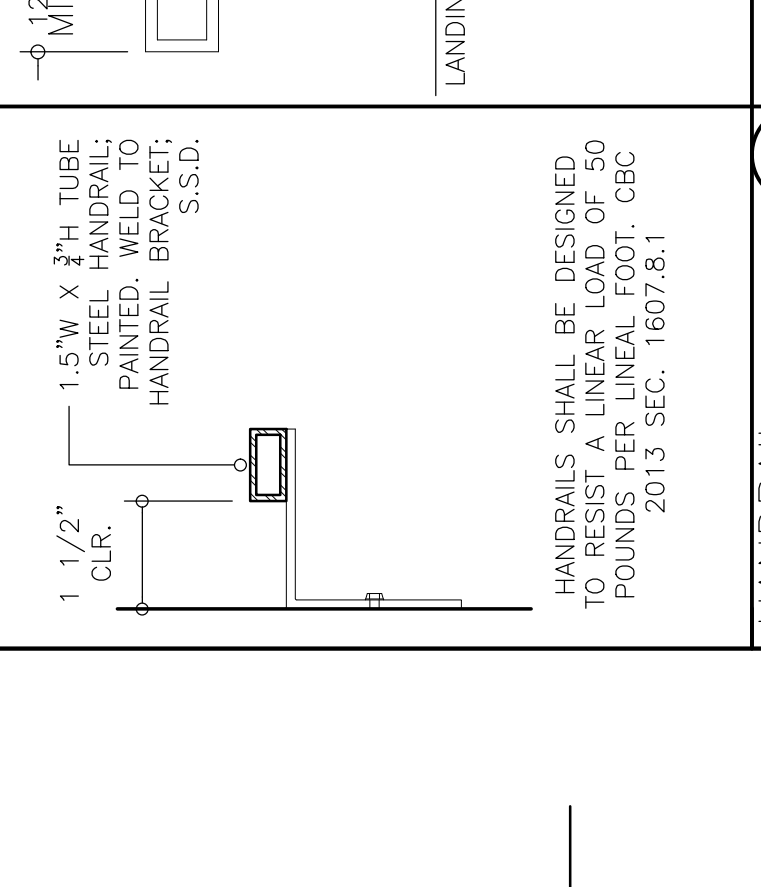
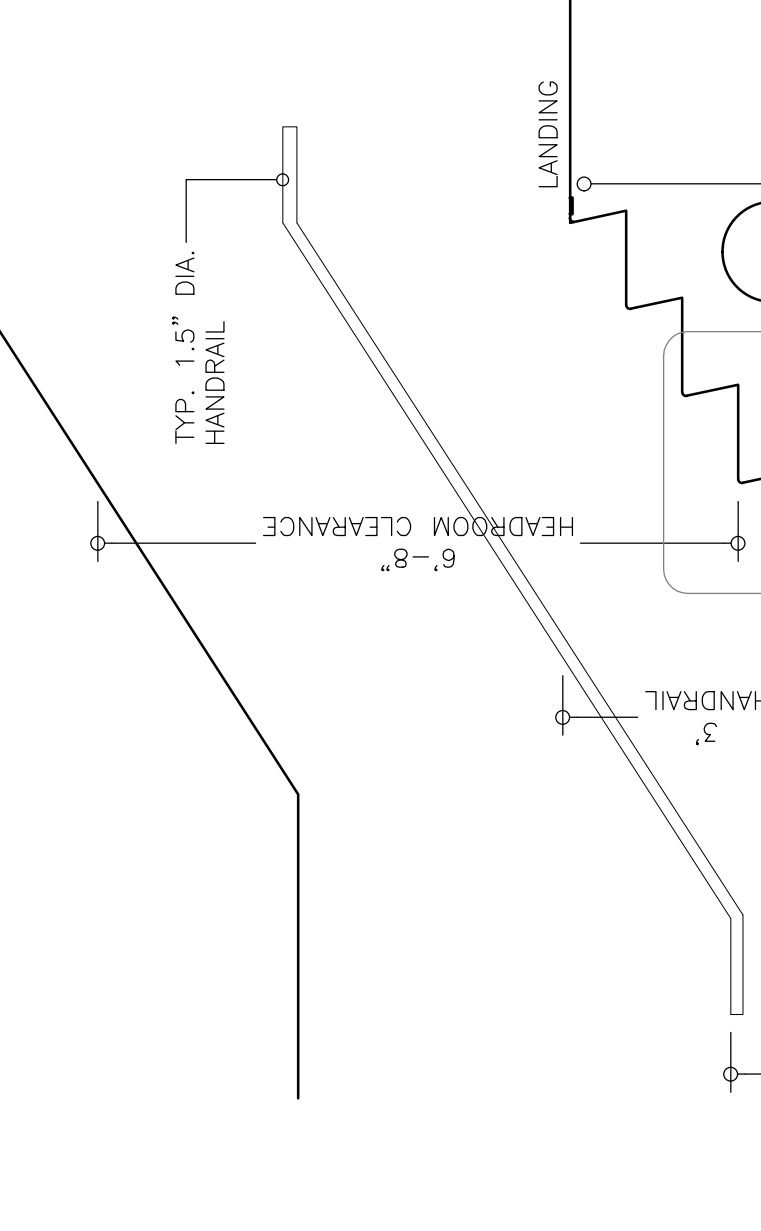
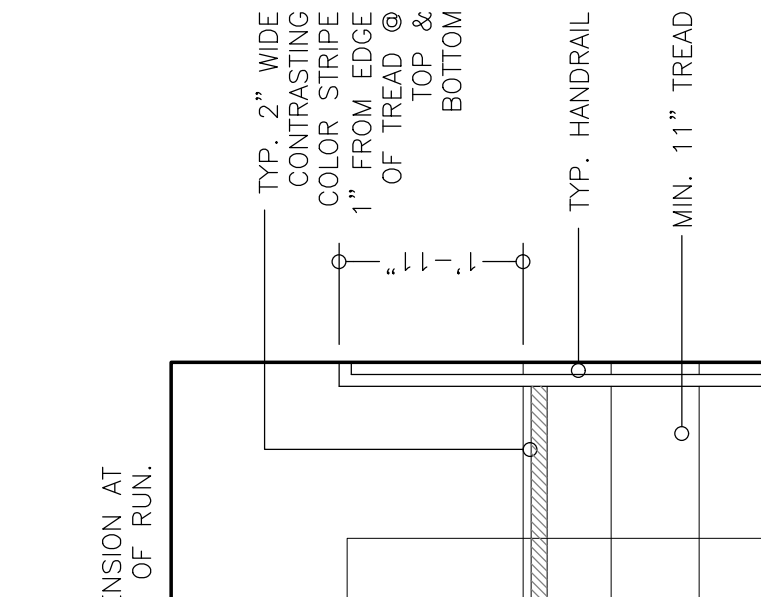
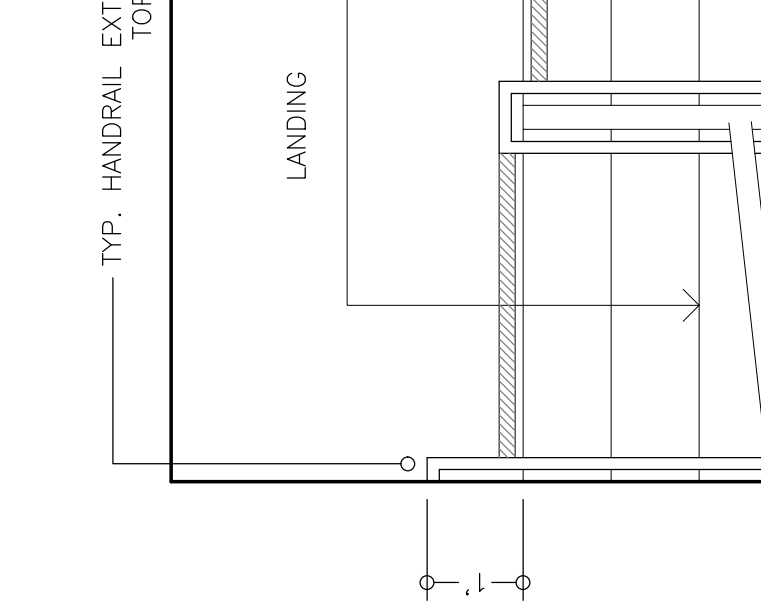
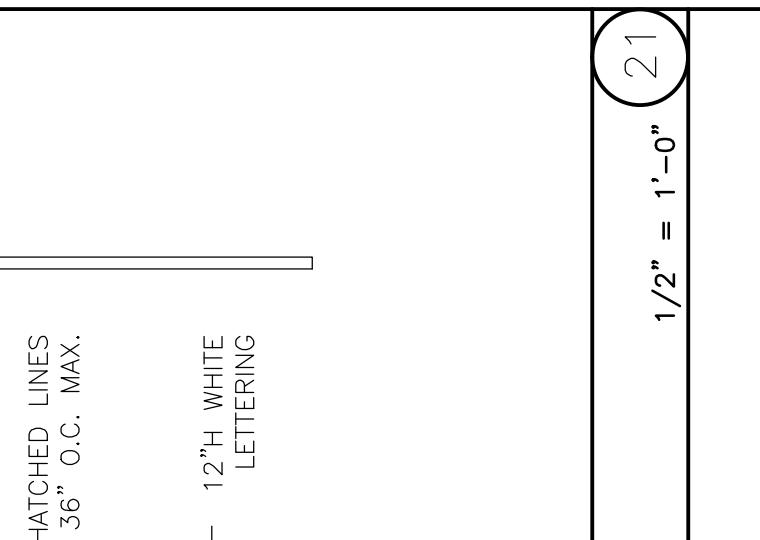
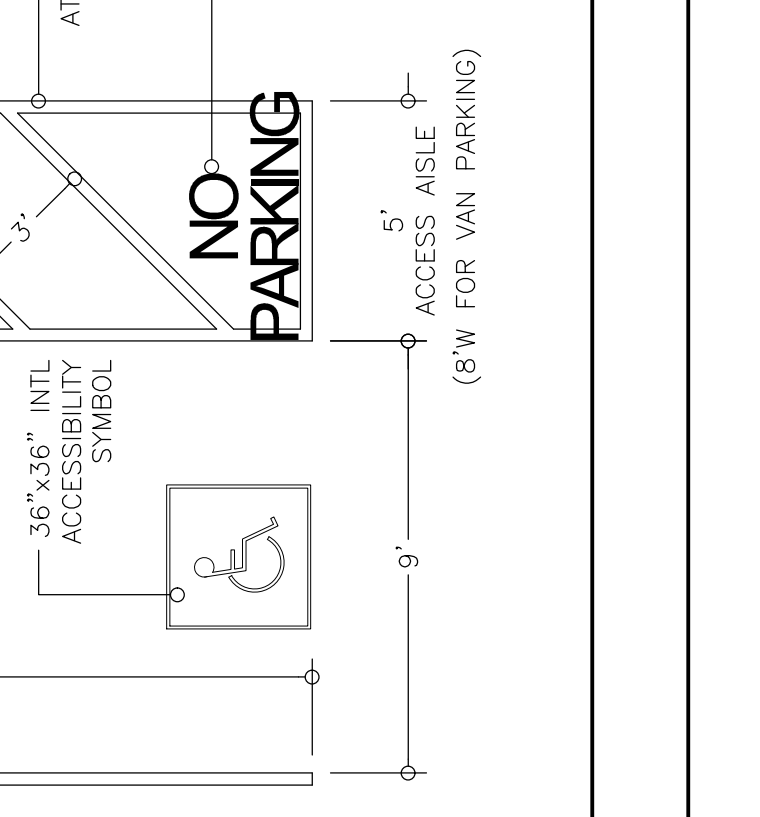
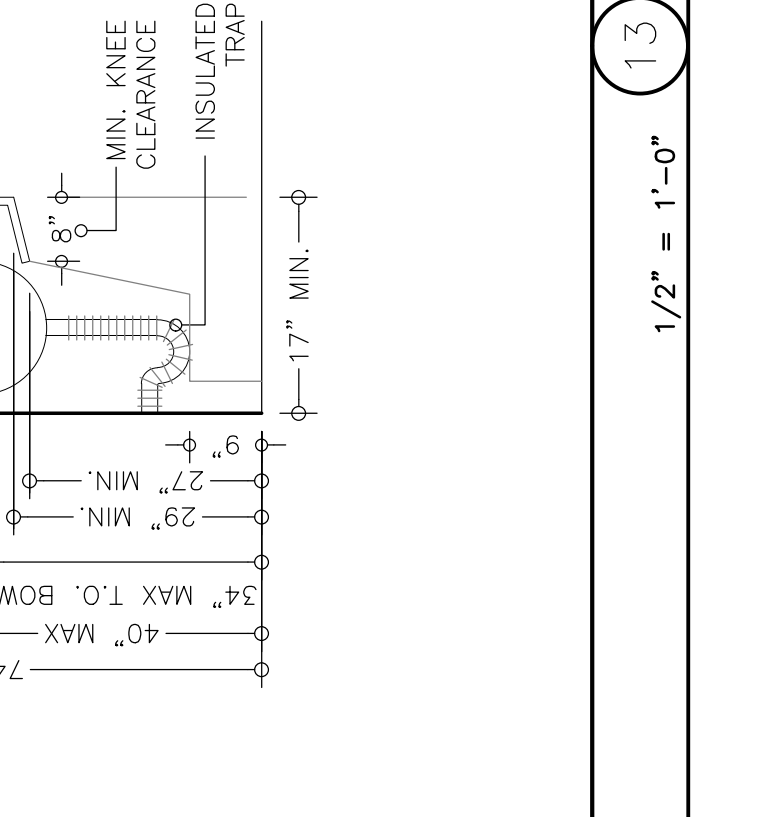
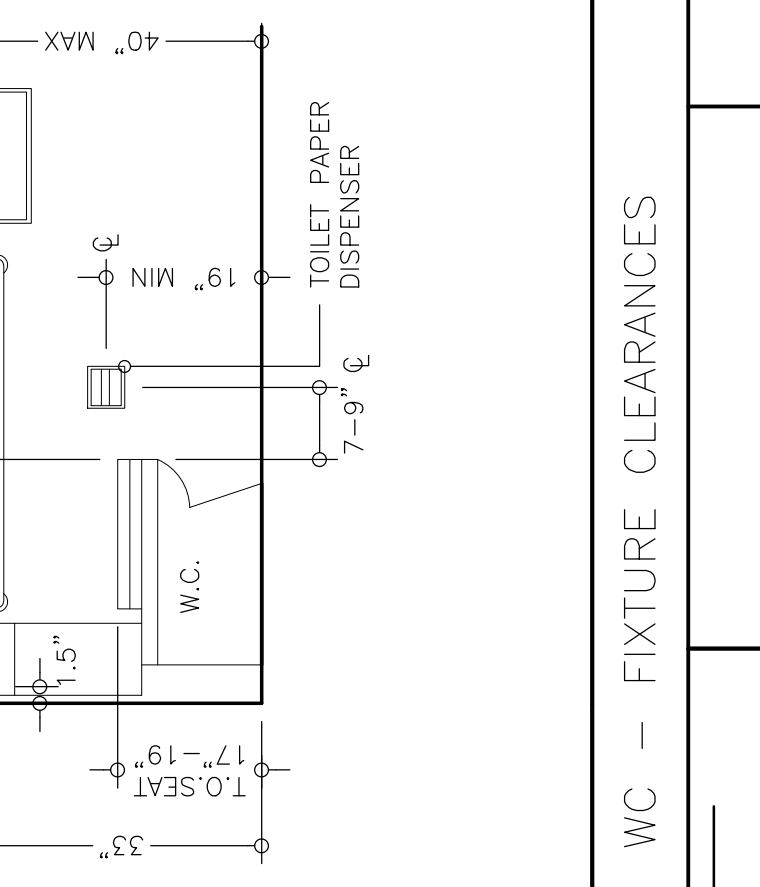
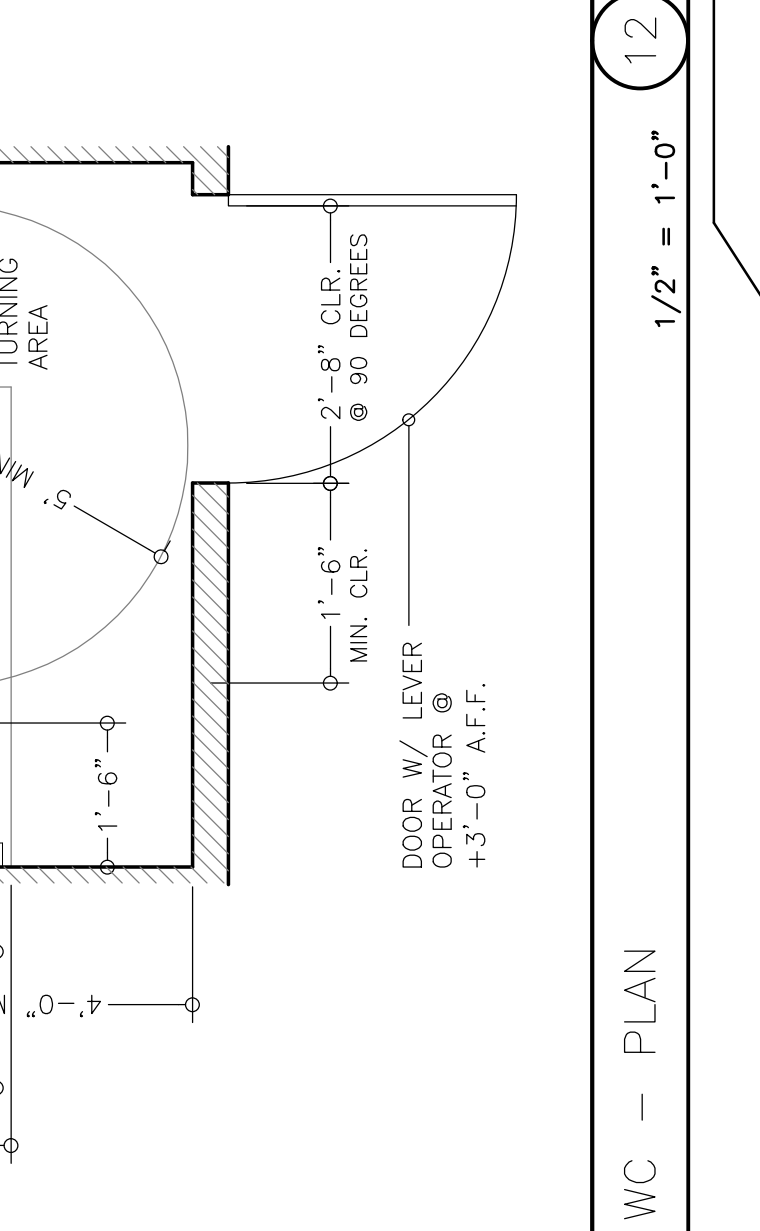
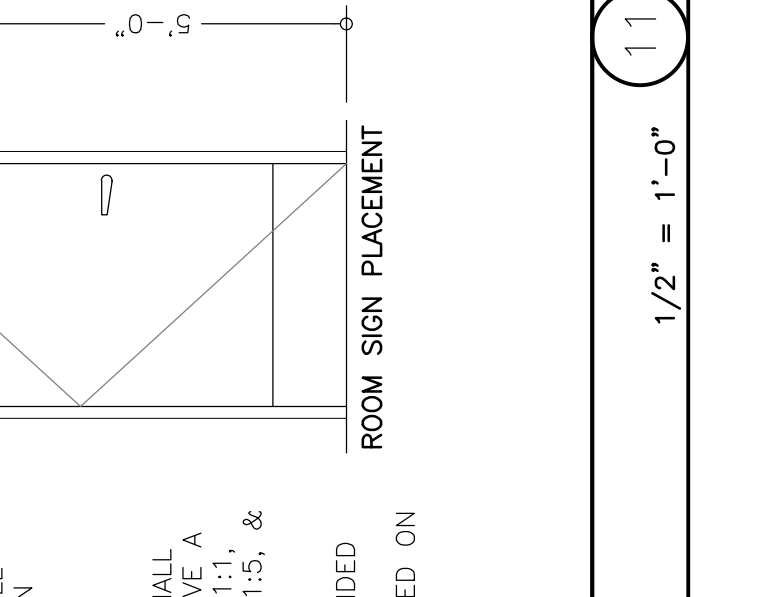
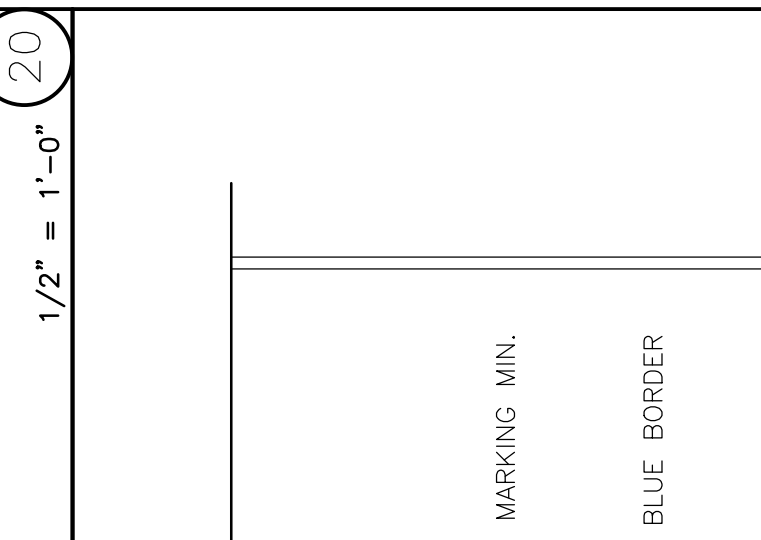
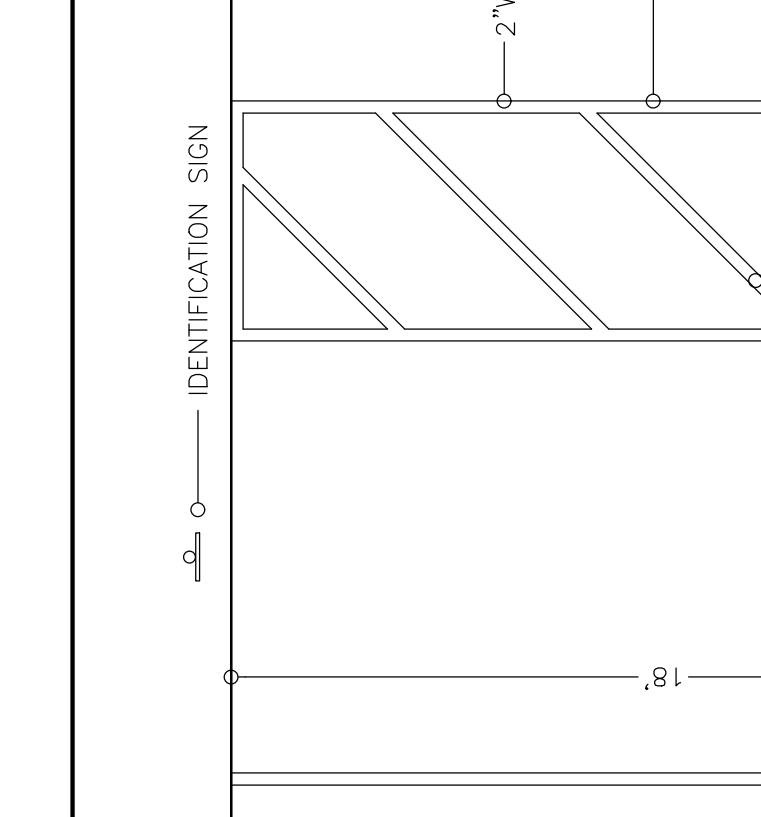
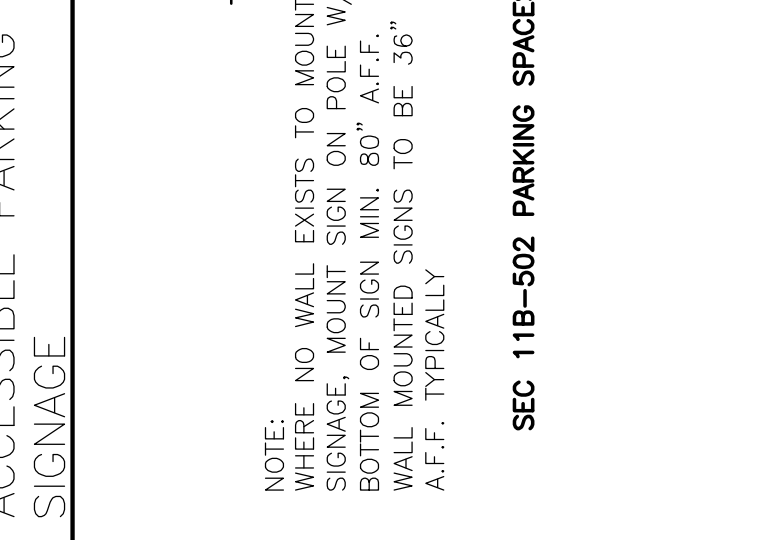
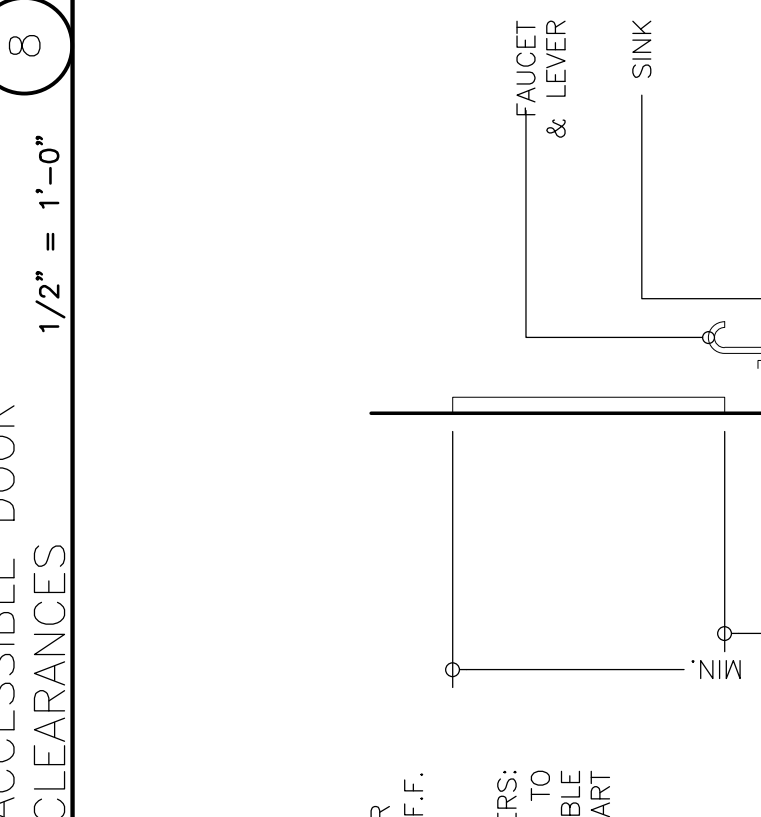
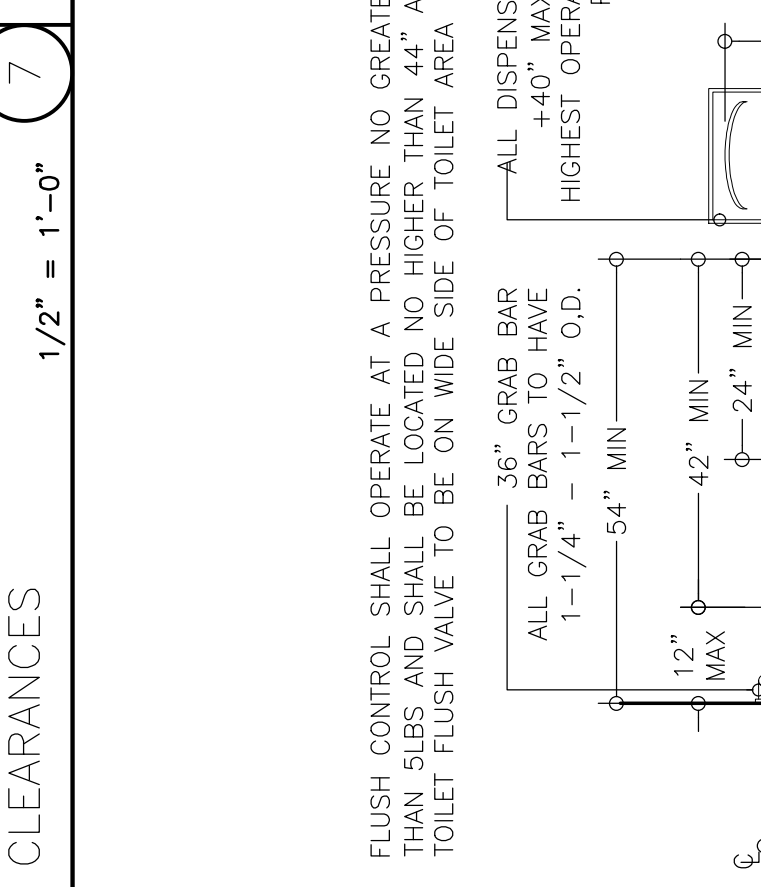
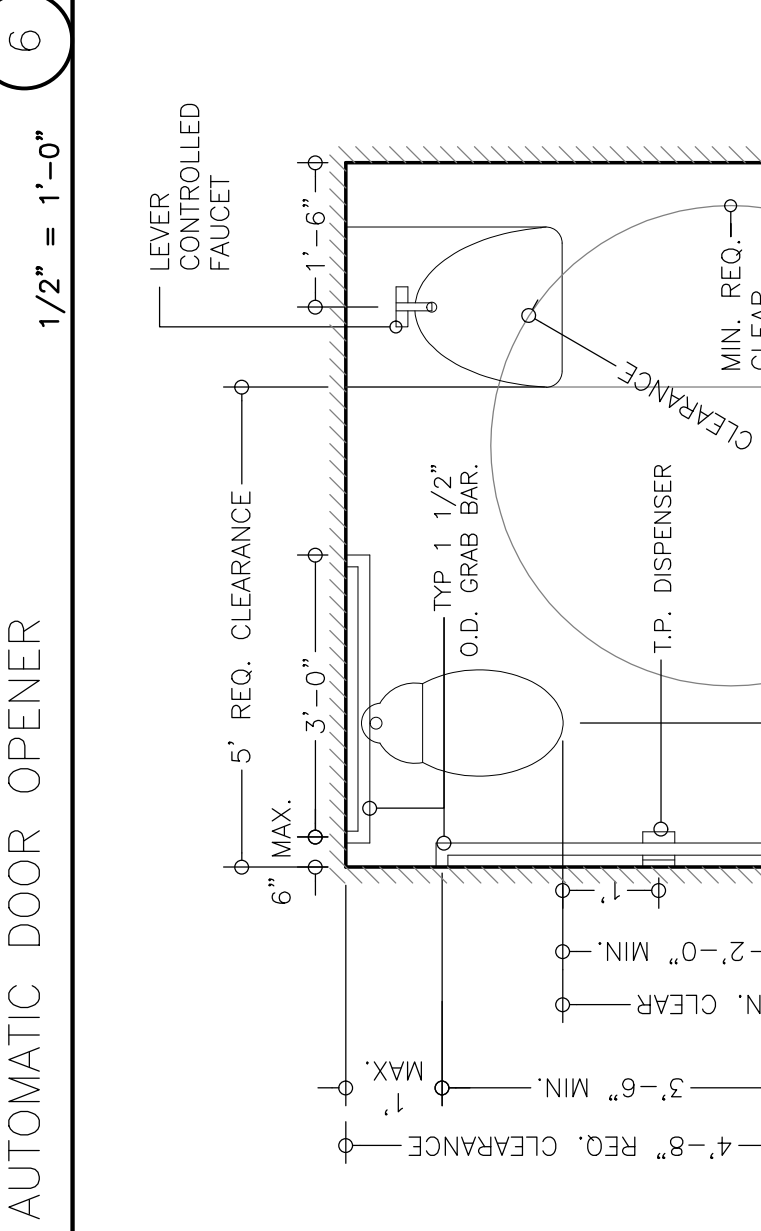
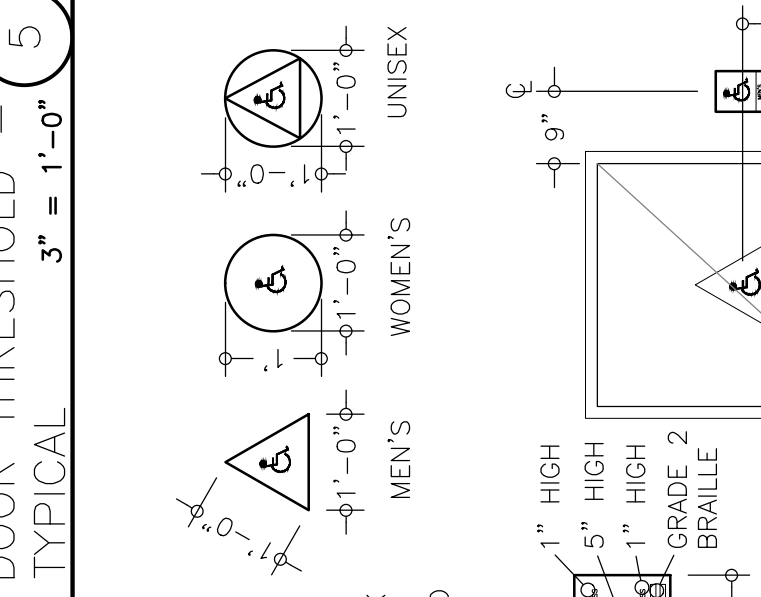
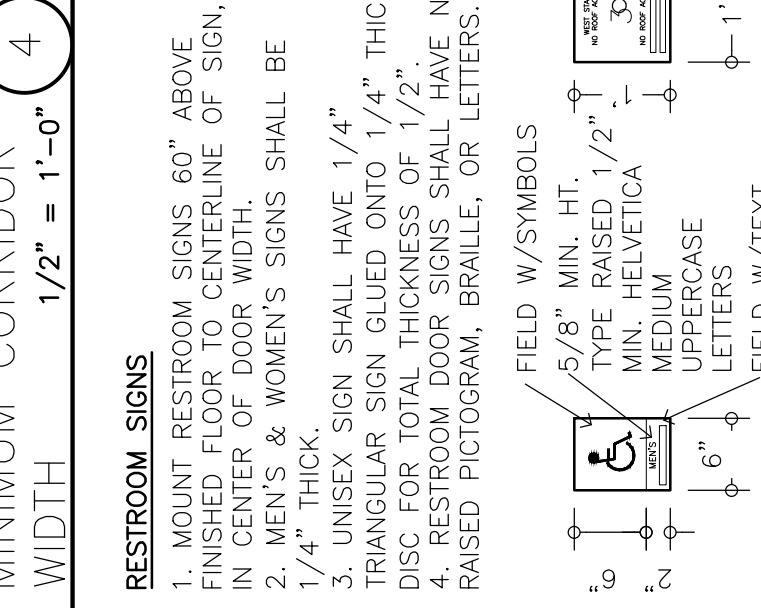
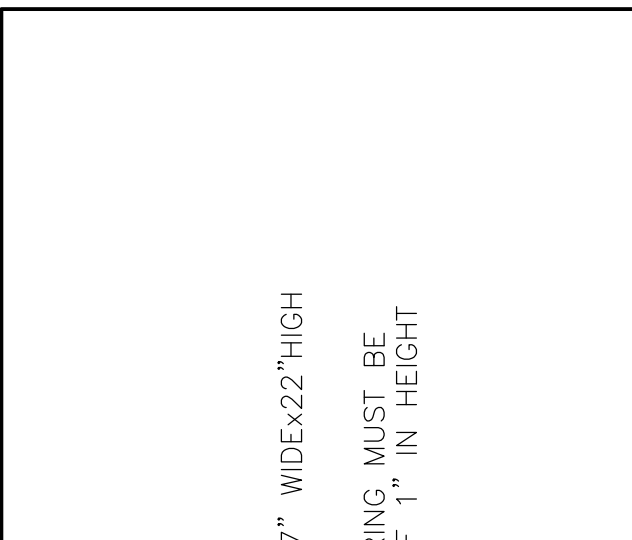
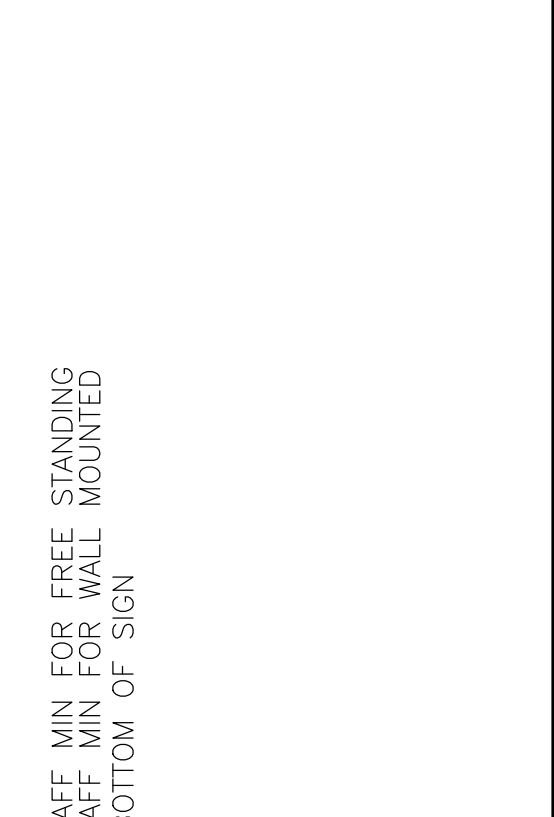
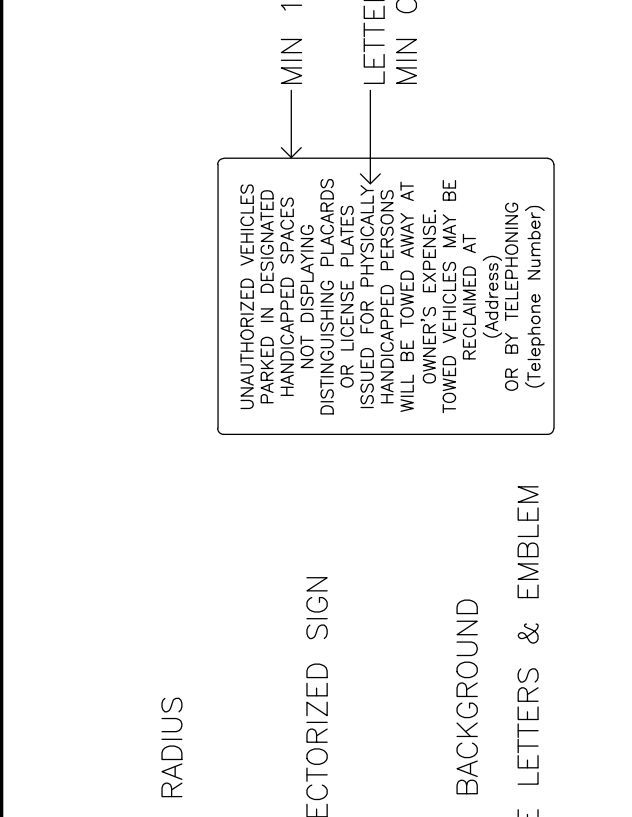
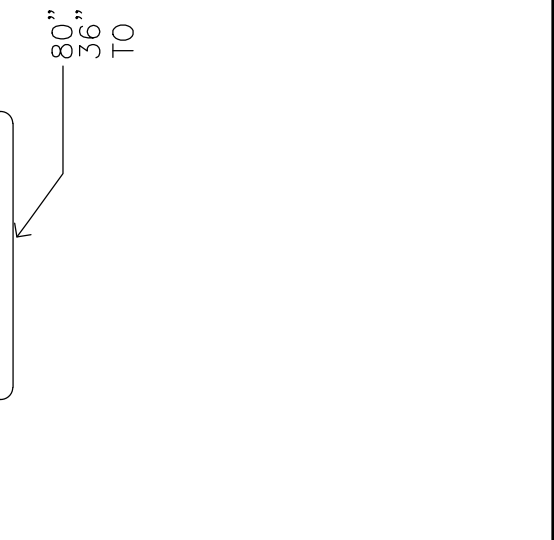
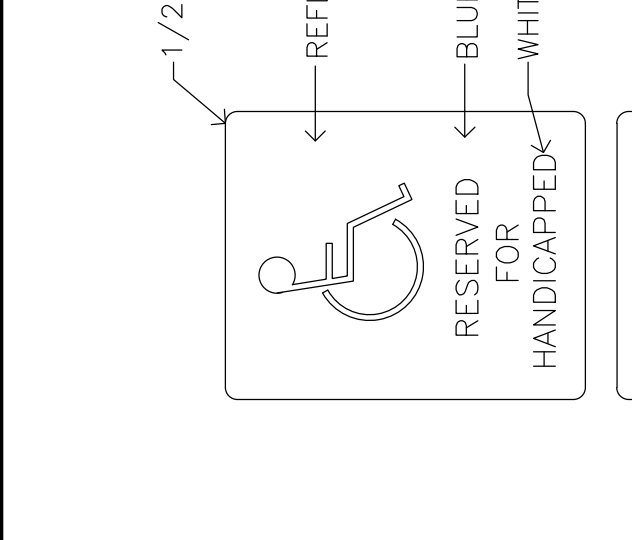
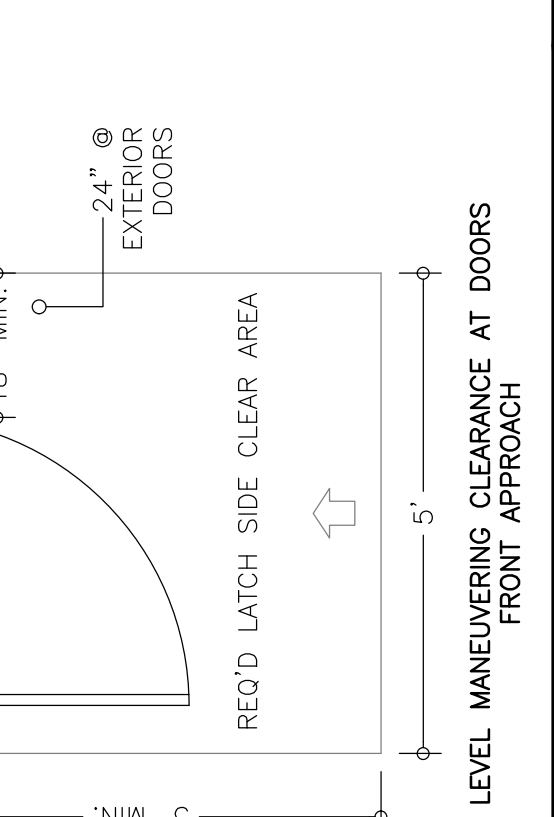
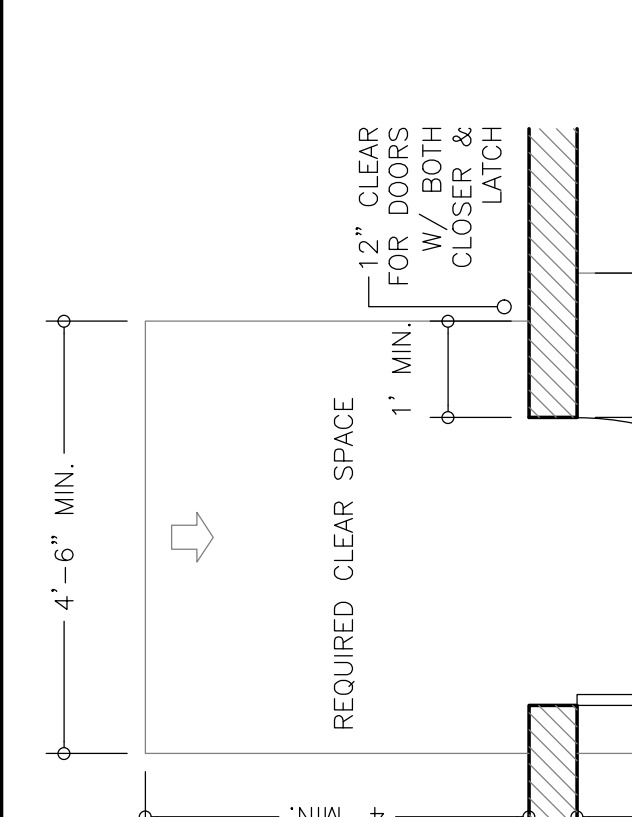
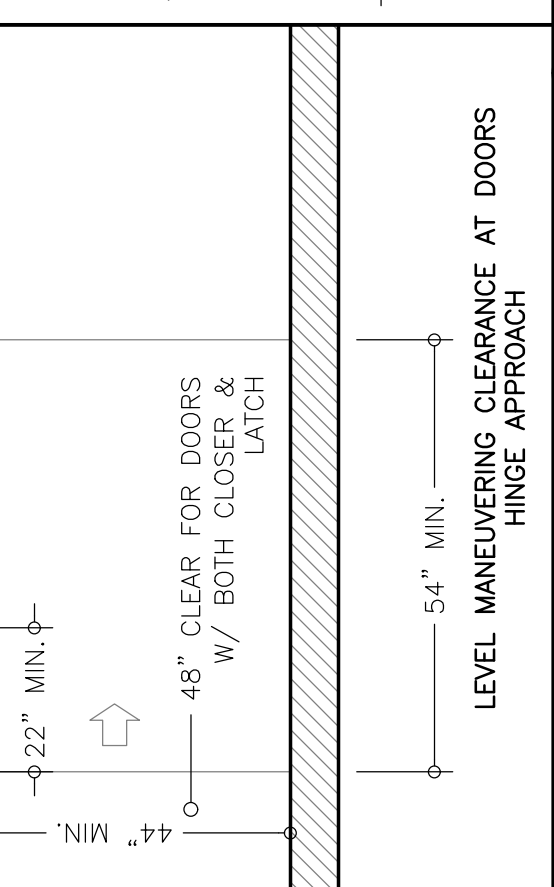
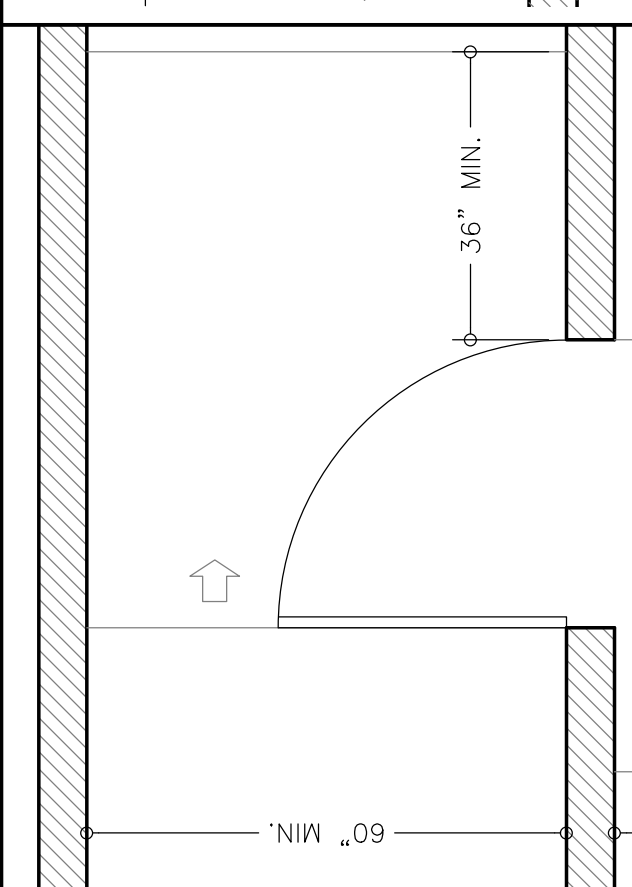
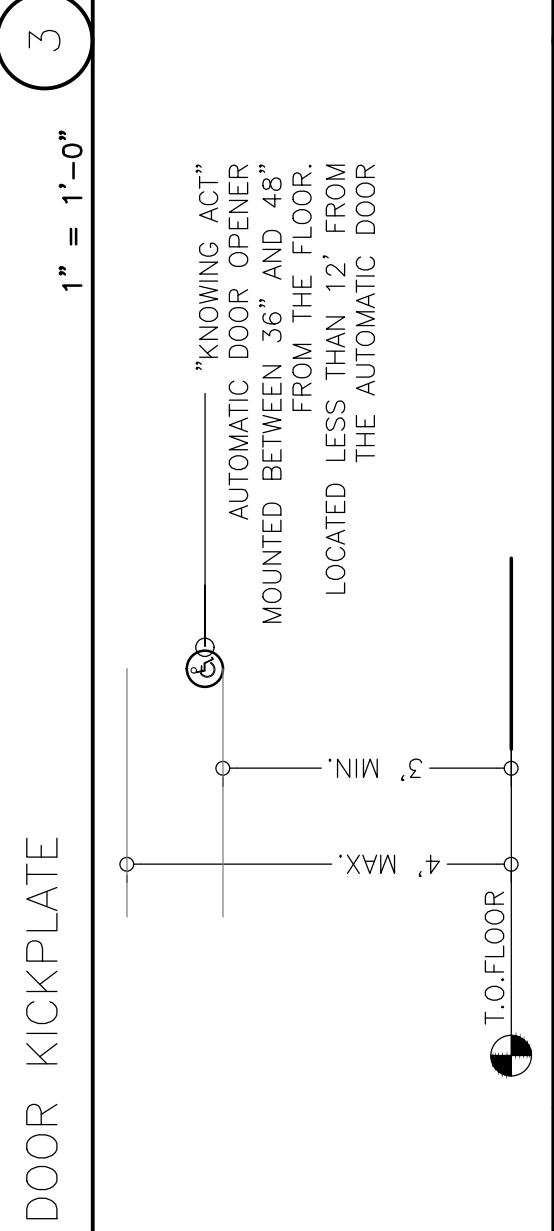
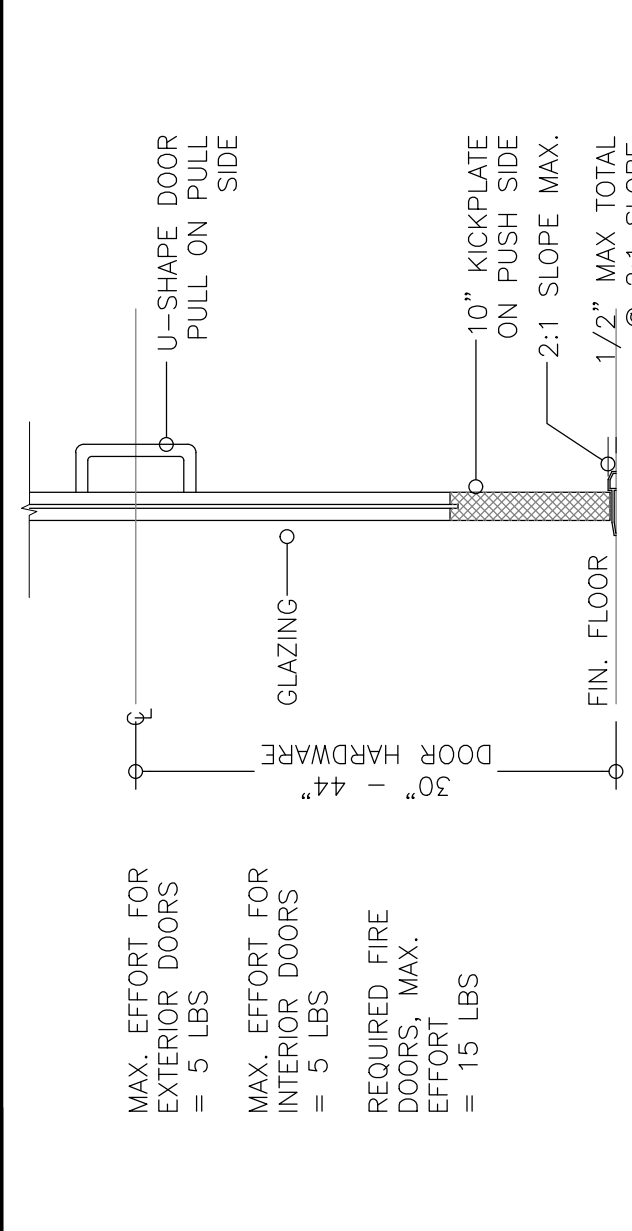
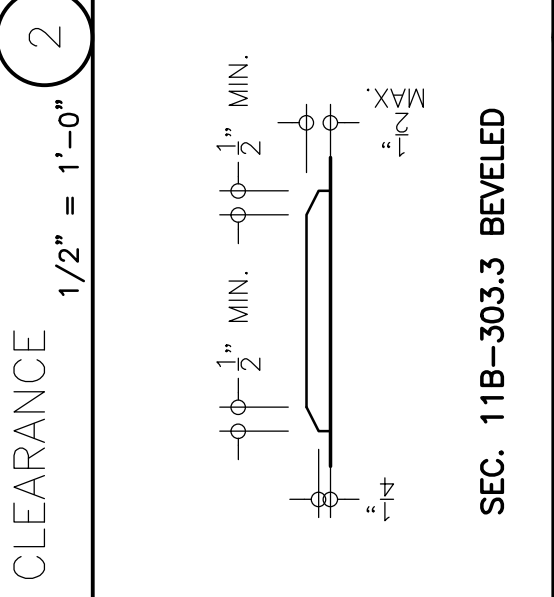
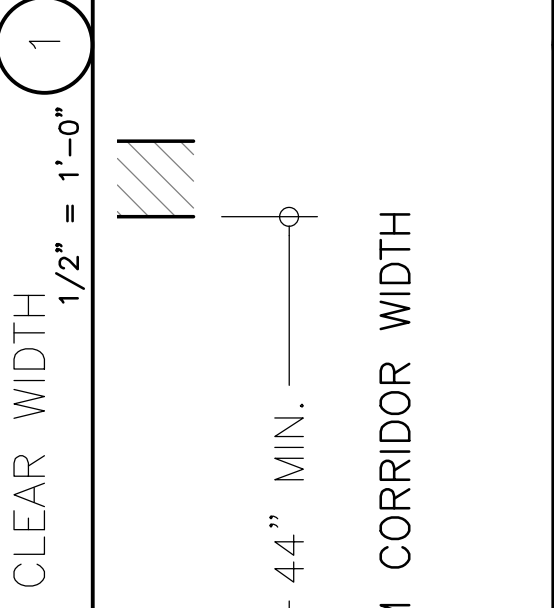
Town of Colma
Planning Dept



SEC. 11B-403.5.1 CLEAR WIDTH

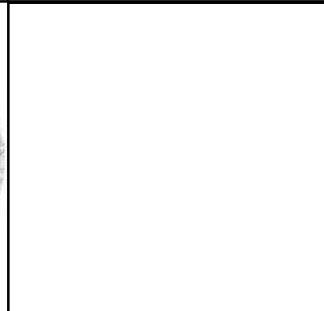


SEC. 11B-304.3.1 CIRCULAR SPACE



REVISIONS	COMMENT #1	DATE
05.02.19		

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PAWRADISE B&B
1475 MISSION ROAD
COLMA, CA 94080

Date	03.12.19
Scale	AS NOTED
Drawn	CC
Job	1475 MISSION
File	1475 MISSION
Sheet	A0.3
Of	Sheets

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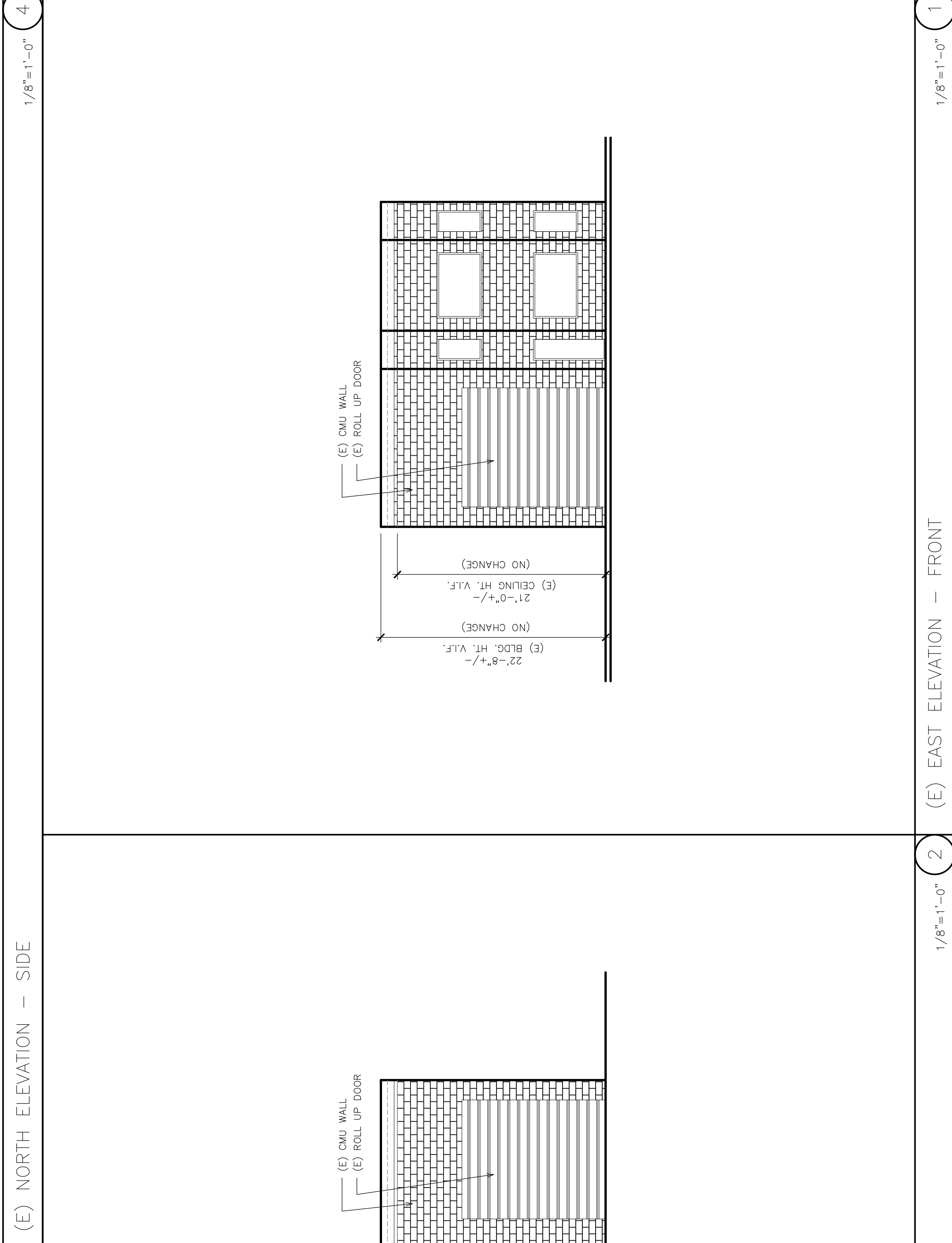
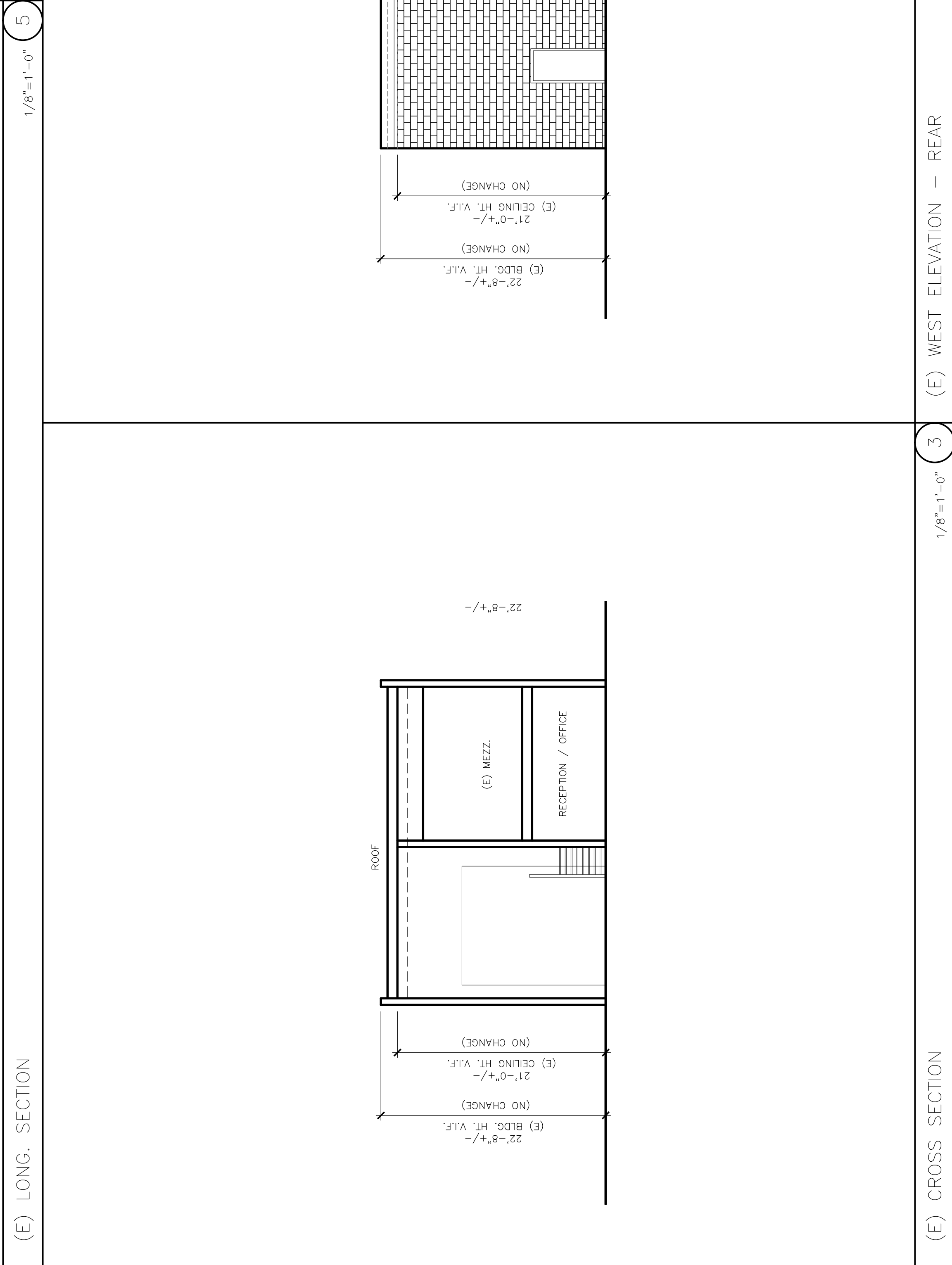
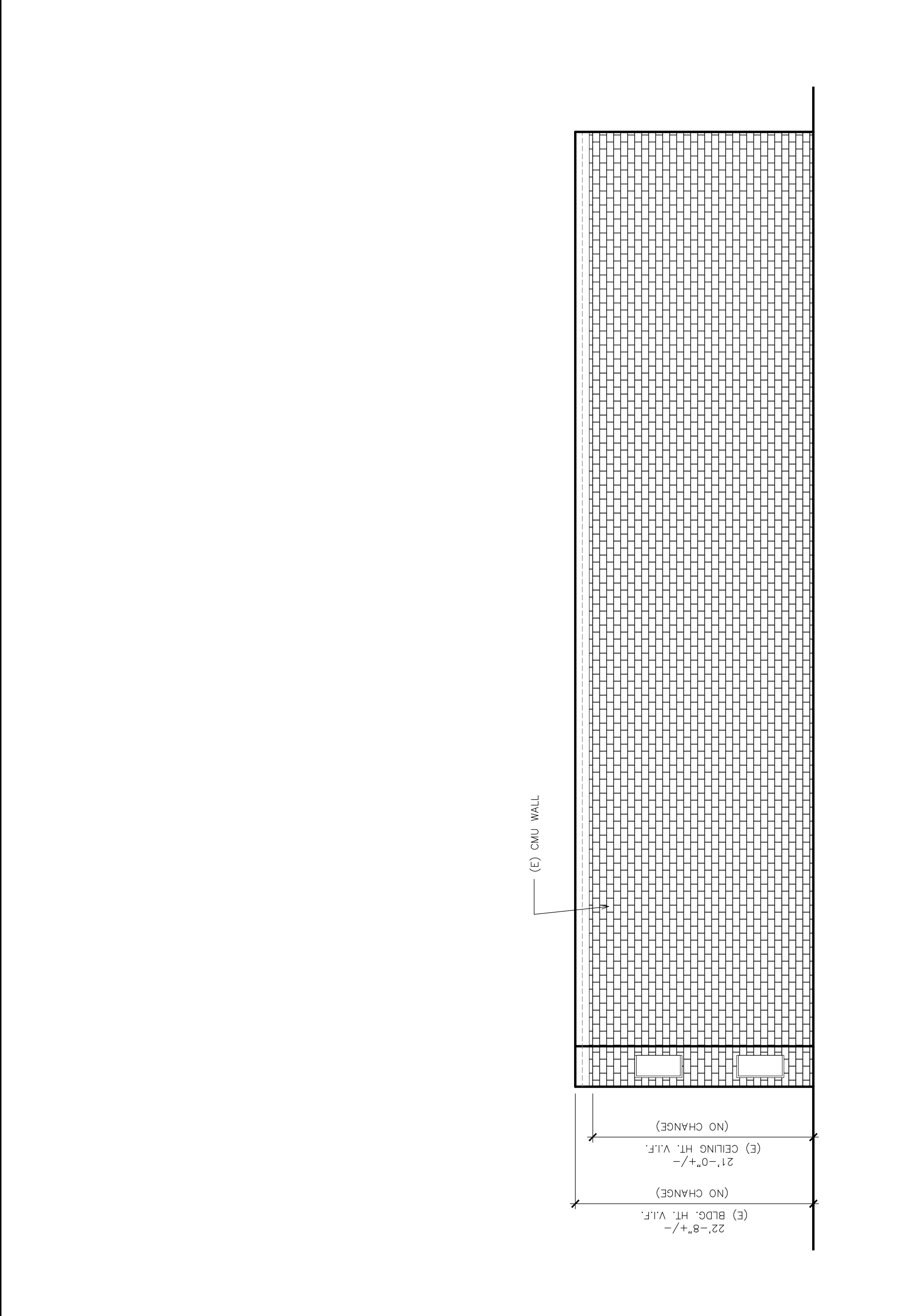
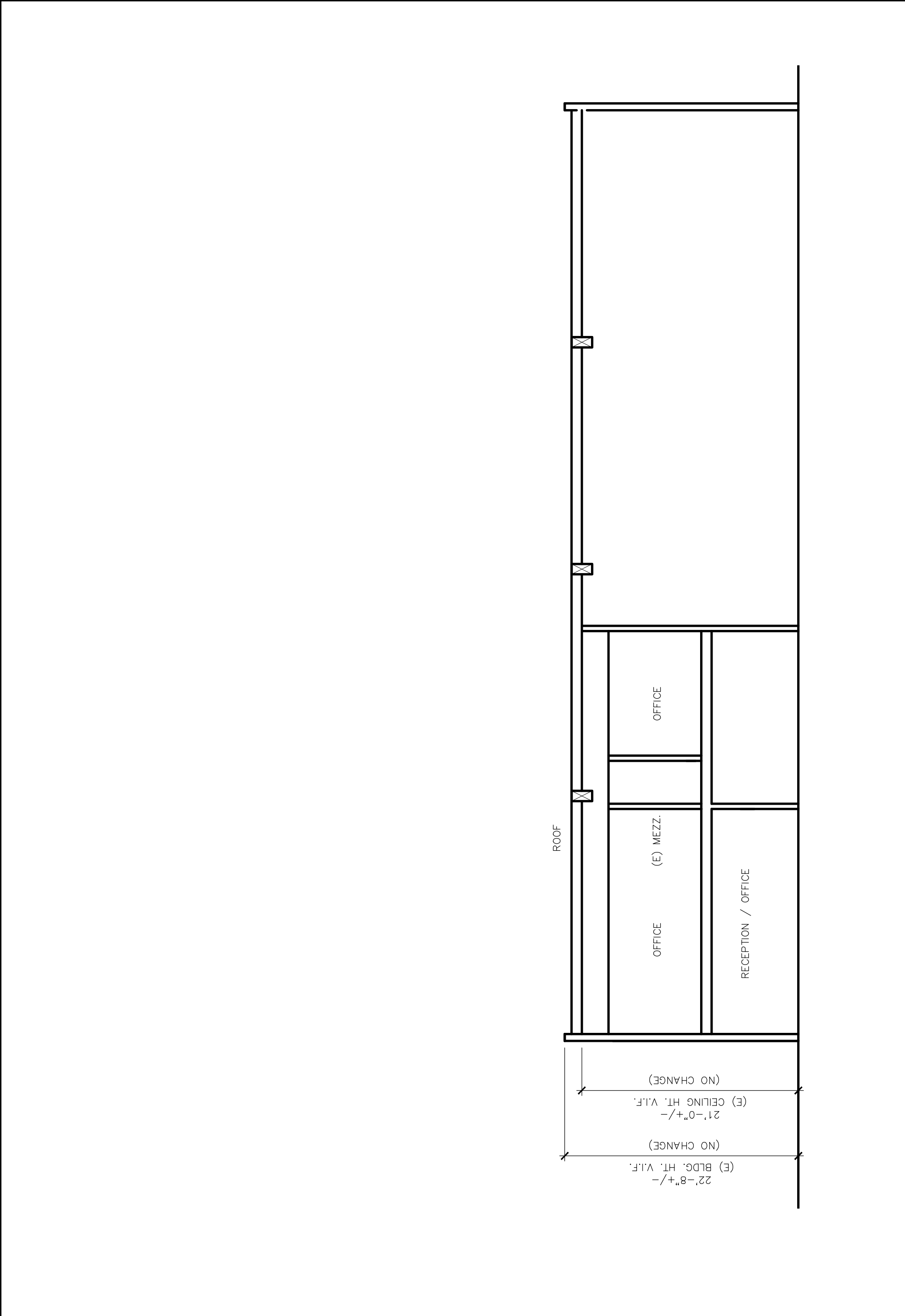
REVISIONS
COMMENT #1 05.02.19

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PAWRADISE B&B
1475 MISSION ROAD
COLMA, CA94080

(E) BLDG. ELEV. & SECTIONS
Date 03.12.19
Scale AS NOTED
Drawn CC
Job 1475 MISSION
File 1475 MISSION
Sheet
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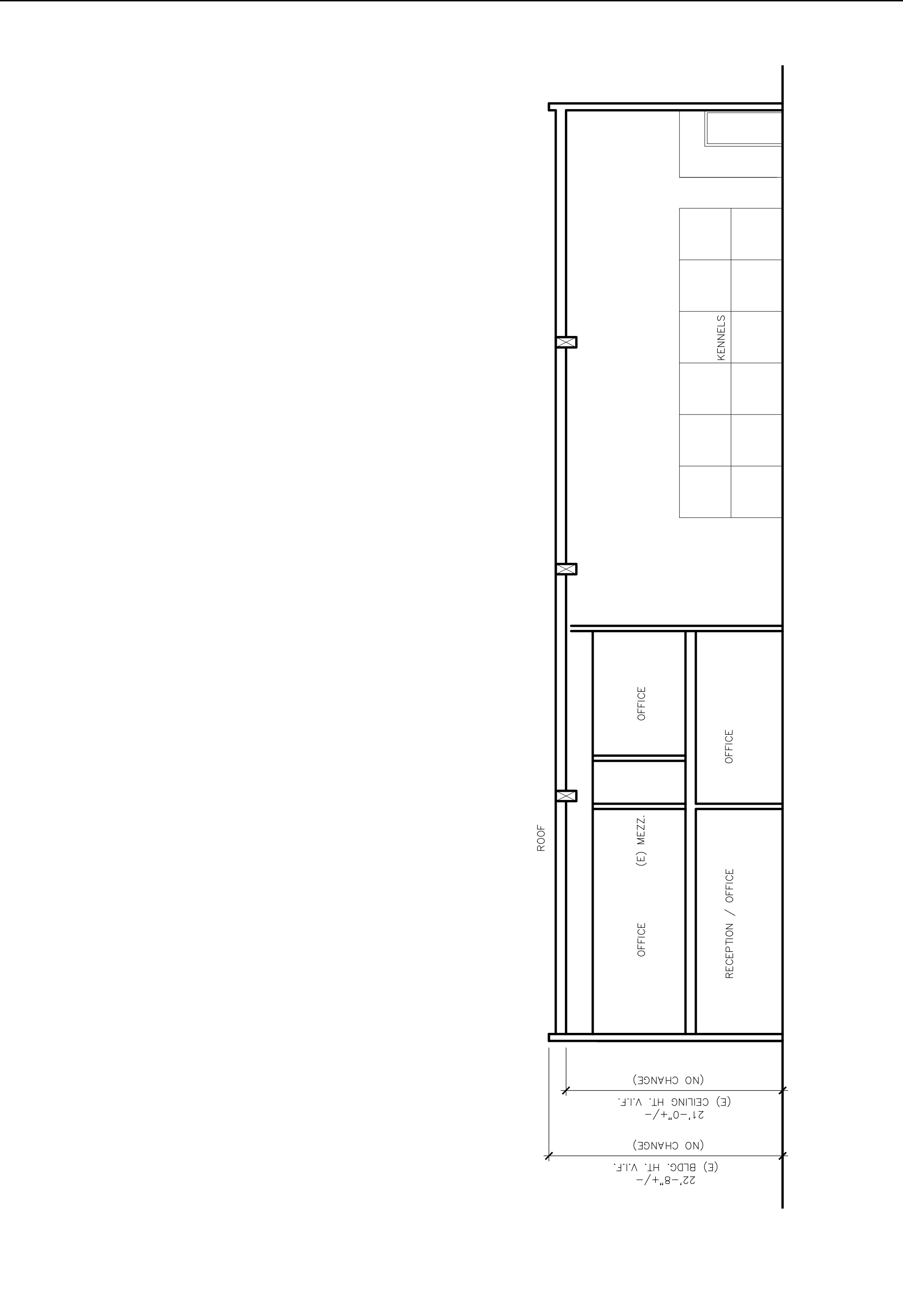
REVISIONS
COMMENT #1 05.02.19

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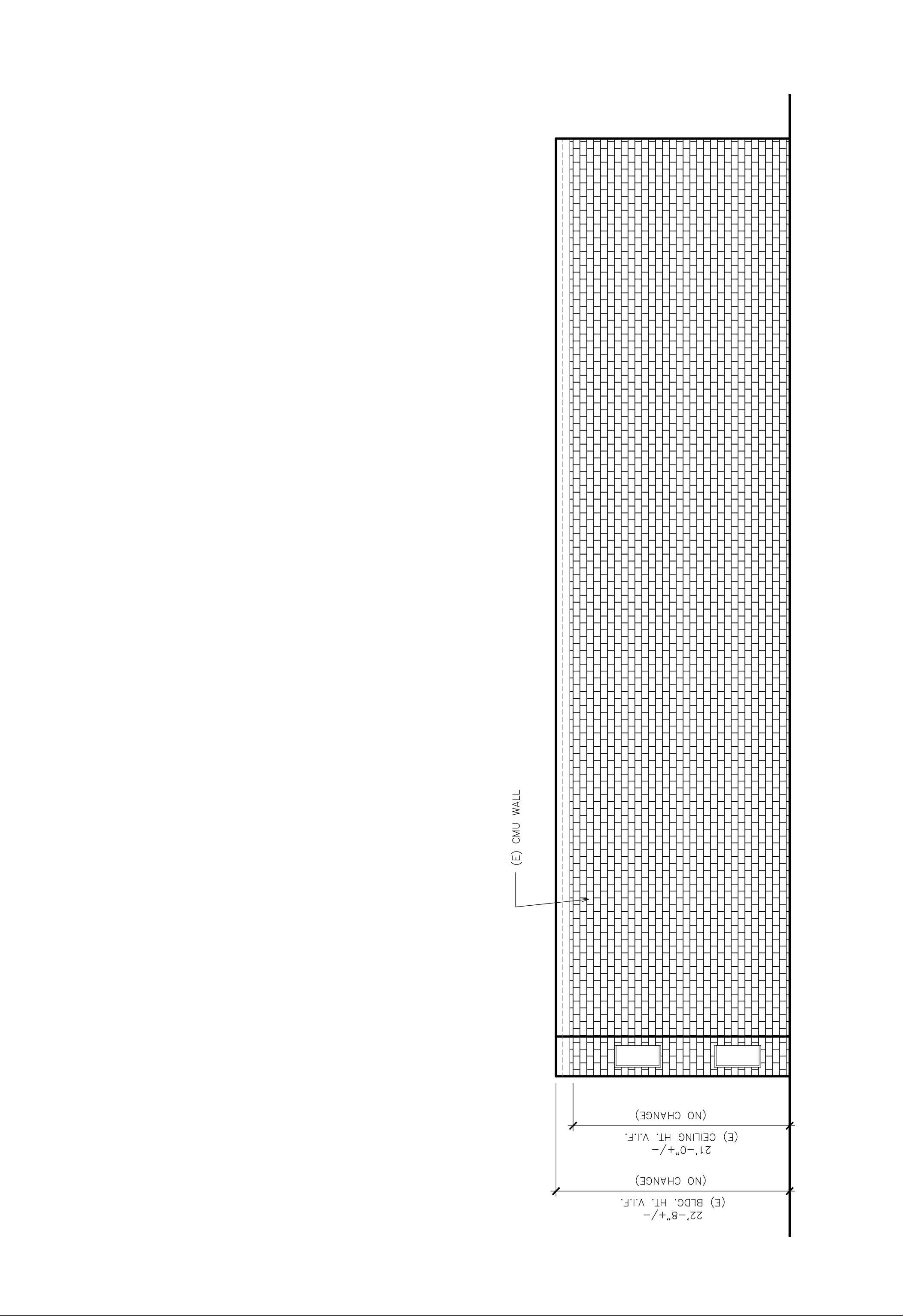


PAWRADISE B&B
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 COLMA, CA94080

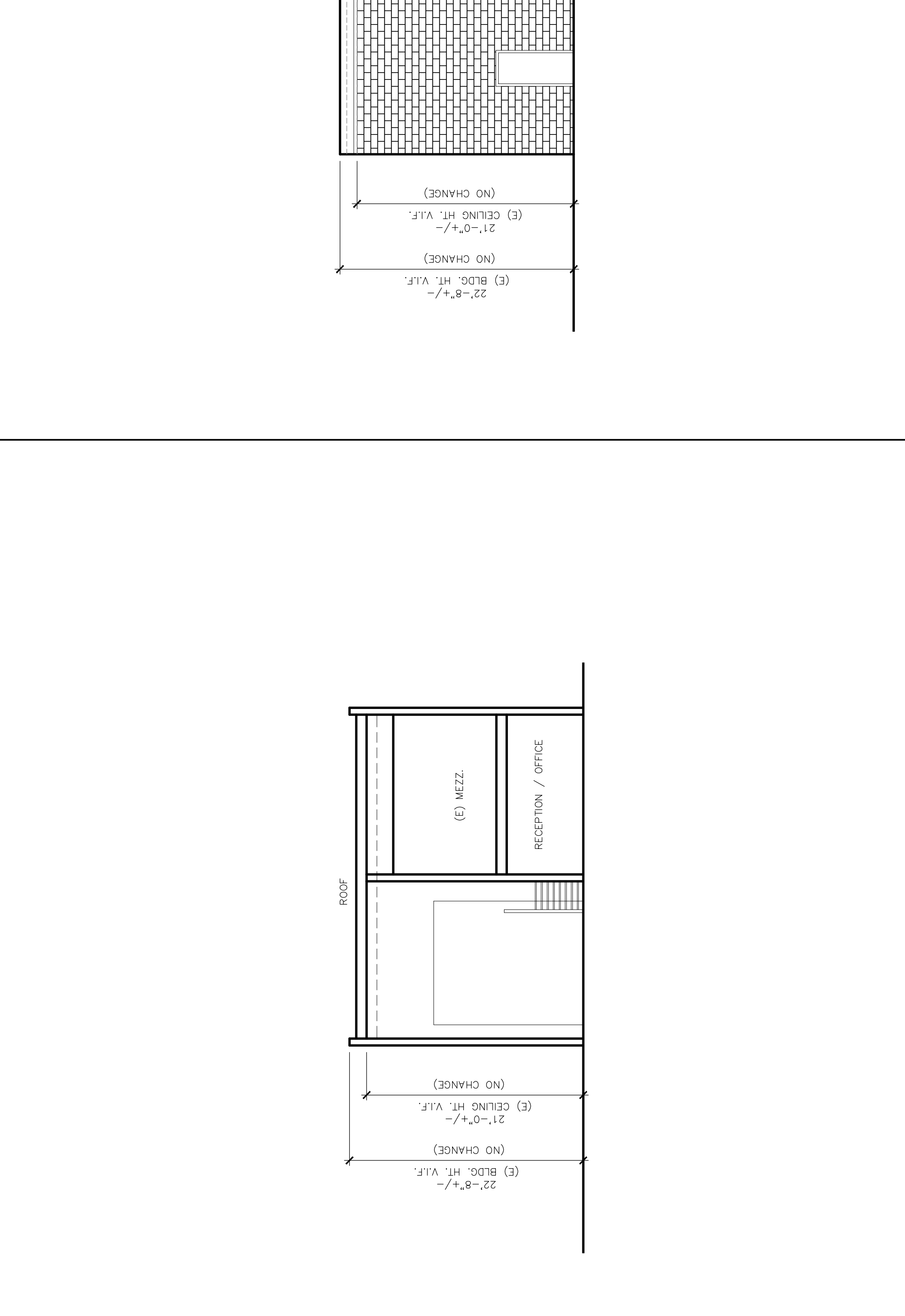
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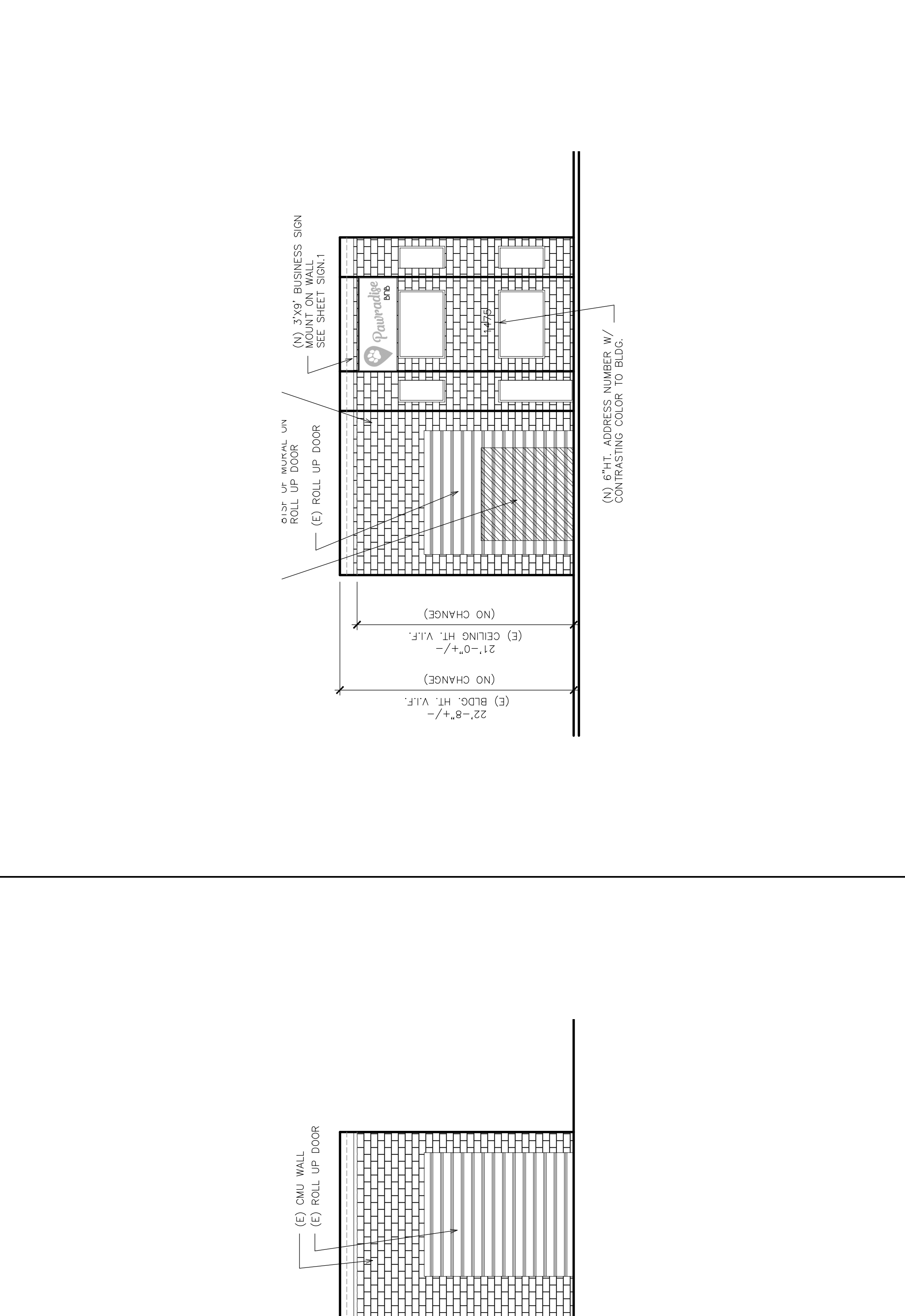
(N) LONG. SECTION 1/8"=1'-0" 5



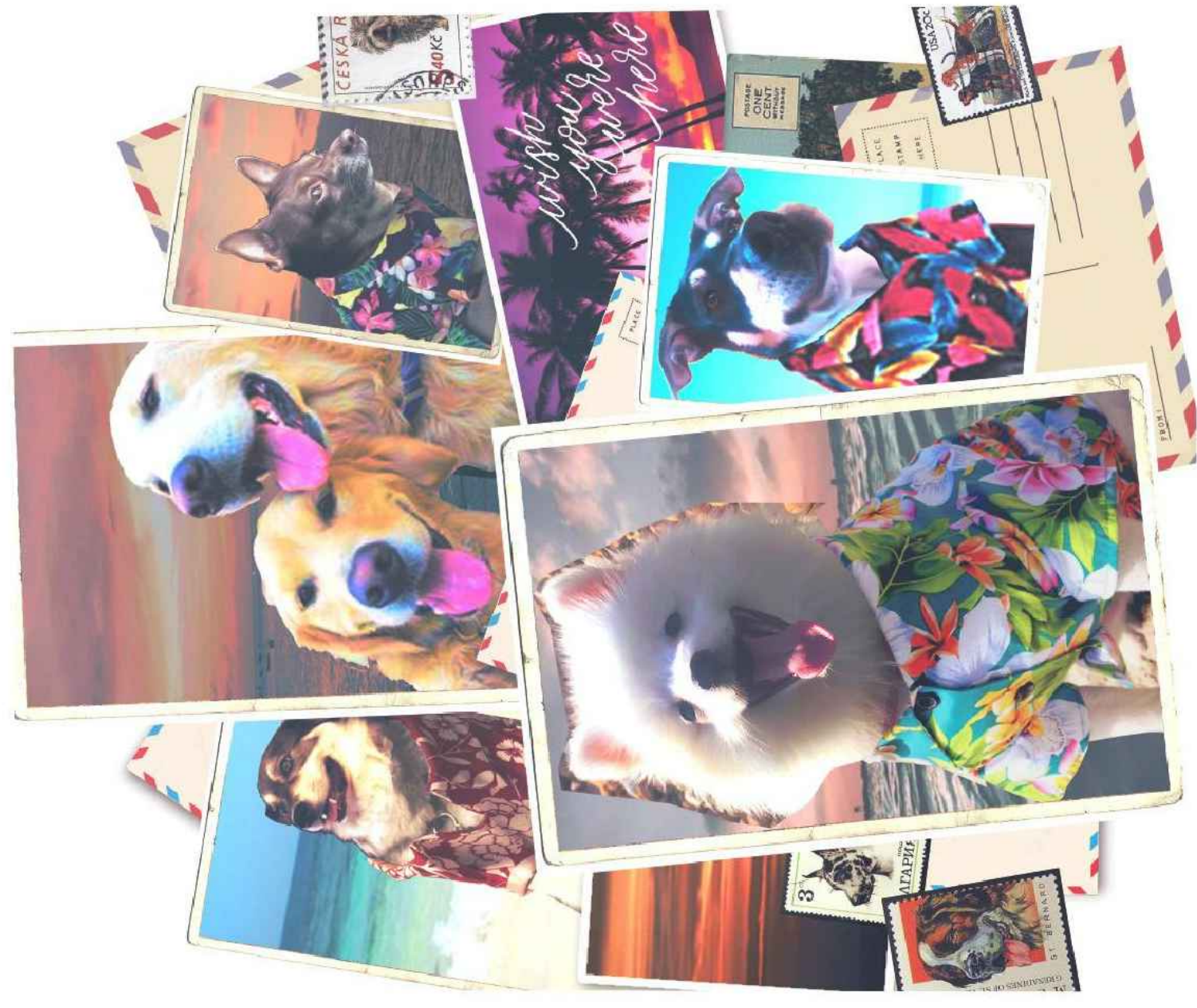
(N) NORTH ELEVATION - SIDE 1/8"=1'-0" 4



(N) CROSS SECTION 1/8"=1'-0" 3

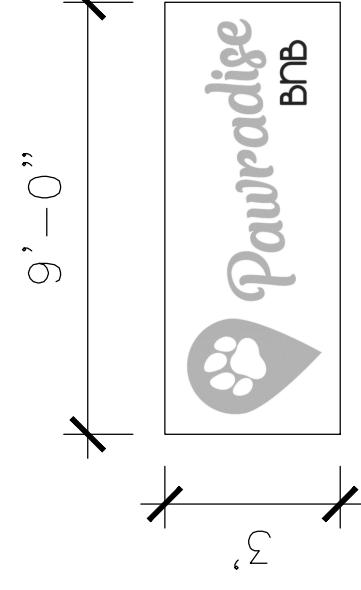


(N) EAST ELEVATION - FRONT 1/8"=1'-0" 2

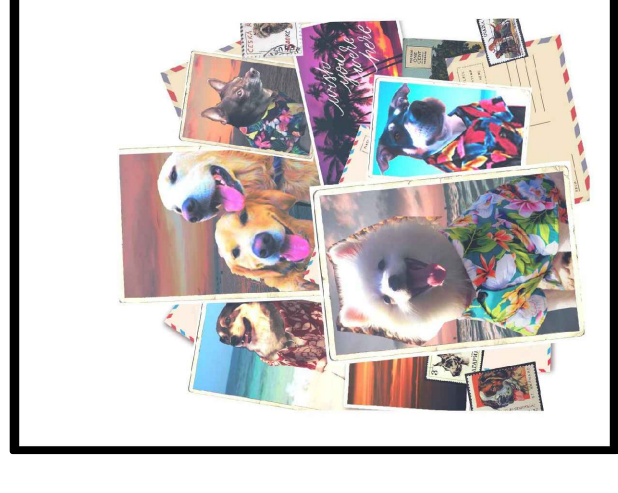


SIGNAGE SIZE CALCULATION:
 2SF SIGN PER LINER FT FRONTAGE
 54FT WIDE X 2SF = 108SF OF ALLOWABLE AREA FOR SIGNAGE

PROPOSED:
 BUSINESS SIGN: 27SF
 MURAL SIZE ON ROLL UP DOOR: 81SF
 27SF+81SF=108SF



SIGNAGE SIZE
 3'X9' = 27SF



MURAL SIZE
 9'X9' = 81SF MAX

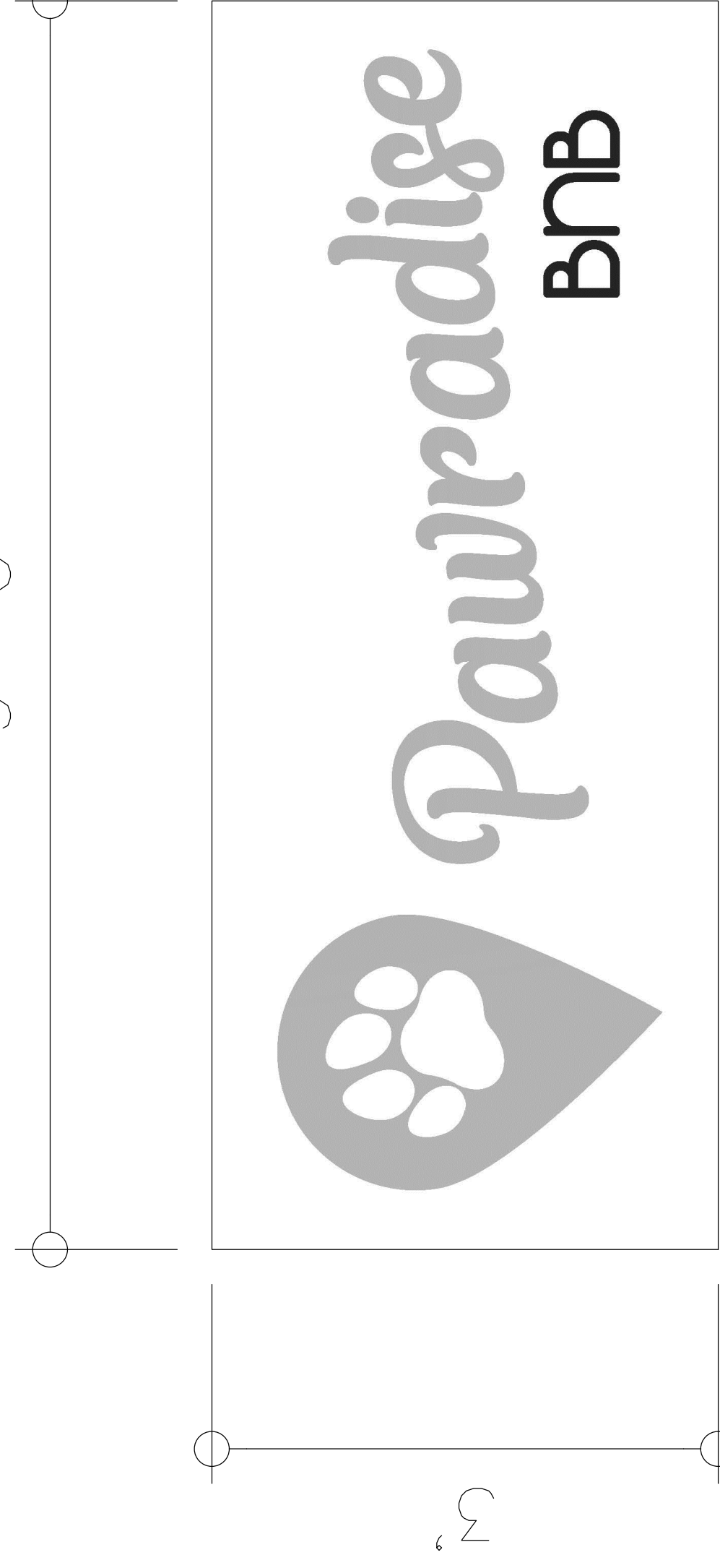
(N) 9FTX9FT MURAL ON ROLL UP DOOR

N.T.S.

4 SIGNAGE CALC.

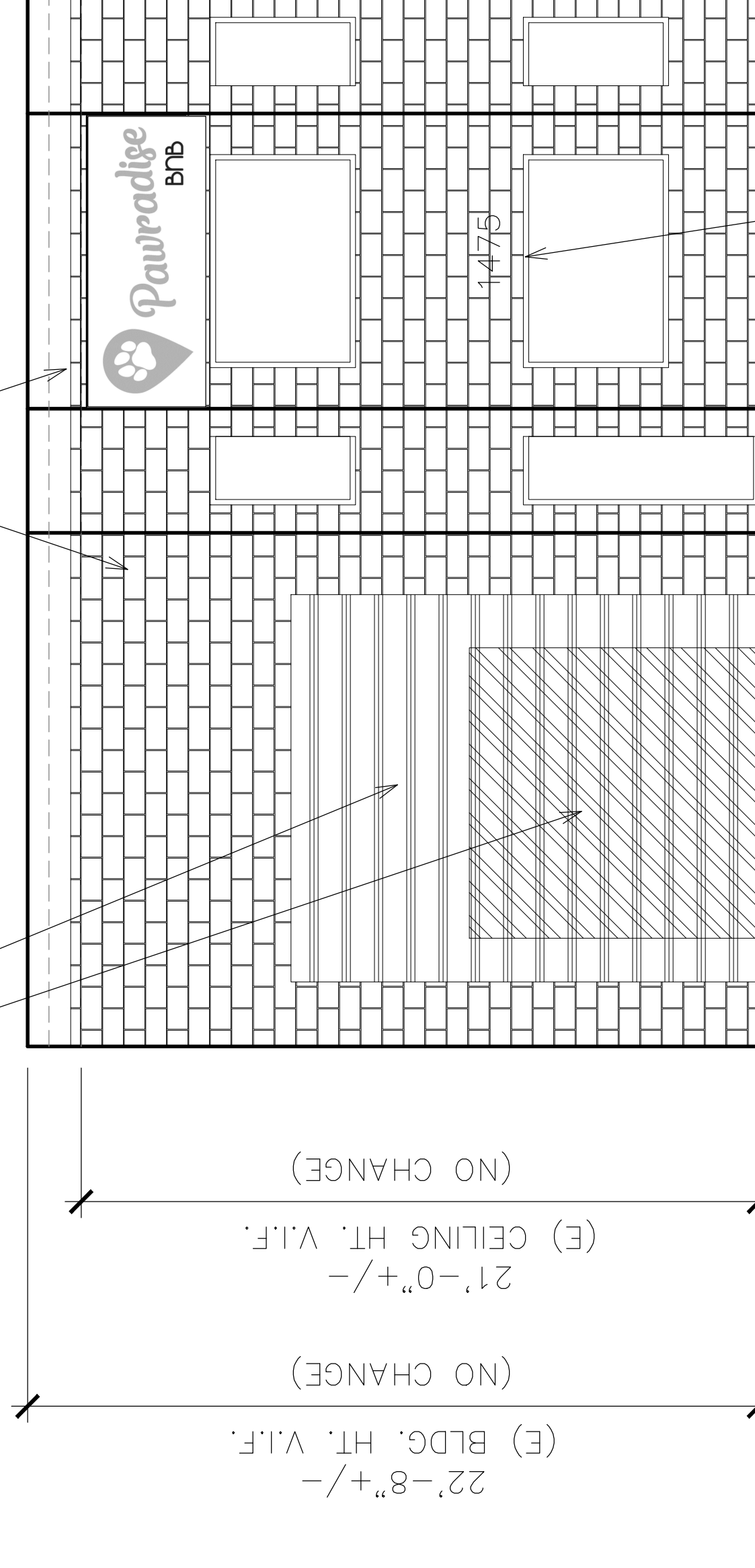
3

9'-0"



3'-0"

(N) 9'X9' TOTAL
 81SF OF MURAL ON
 ROLL UP DOOR
 (E) ROLL UP DOOR
 (E) CMU WALL
 (N) 3'X9' BUSINESS SIGN
 MOUNT ON WALL
 SEE SHEET SIGN.1



(N) 6"HT. ADDRESS NUMBER W/
 CONTRASTING COLOR TO BLDG.

(N) BUSINESS SIGN

N.T.S.

2 (N) EAST ELEVATION - FRONT

1

1/8"=1'-0"

SIGN.1
 Of
 Sheets

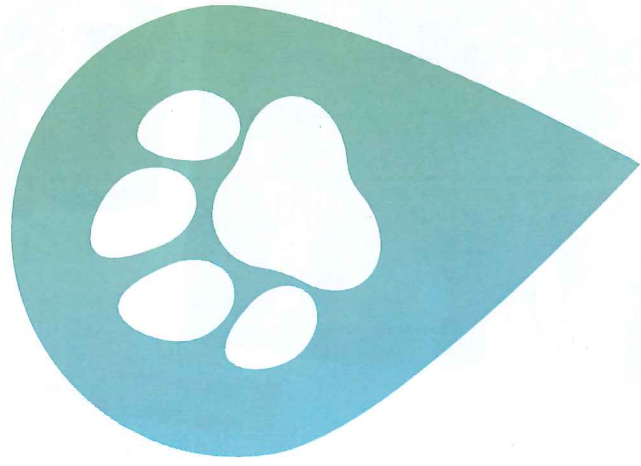
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REVISIONS	COMMENT #1





Paradise
BRB