



**AGENDA
REGULAR MEETING
CITY COUNCIL OF THE TOWN OF COLMA**

**Wednesday, July 22, 2020
7:00 PM**

On March 17, 2020, the Governor issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow for local legislative bodies to conduct their meetings completely telephonically or by other electronic means. Pursuant to the Shelter-in-Place Orders issued by the San Mateo County Health Officer on March 16, 2020 and March 31, 2020, the statewide Shelter-in-Place Order issued by the Governor in Executive Order N-33-20 on March 19, 2020, and the CDC's social distancing guidelines which discourage large public gatherings, the Council Chamber will not be open to the public for this Town of Colma City Council Meeting. The purpose of these orders was to provide the safest environment for Council Members, staff and the public while allowing for public participation.

Members of the public may view the meeting by attending, via telephone or computer, the Zoom Meeting listed below:

**Join Zoom Meeting: <https://us02web.zoom.us/j/88340462946>
Password: 438199**

**Meeting ID: 883 4046 2946
Password: 438199**

One tap mobile

+16699006833,,88340462946#,,,,0#,,438199# US (San Jose)

+12532158782,,88340462946#,,,,0#,,438199# US (Tacoma)

Dial by your location

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

Meeting ID: 883 4046 2946

Password: 438199

Find your local number: <https://us02web.zoom.us/u/kd2fGDQJKT>

Members of the public may provide written comments by email to the City Clerk at ccorley@colma.ca.gov before or during the meeting. Emailed comments should include the specific agenda item on which you are commenting or note that your comment concerns an item that is not on the agenda. The length of the emailed comment should be commensurate with the three minutes customarily allowed for verbal comments, which is approximately 250-300 words.

PLEDGE OF ALLEGIANCE AND ROLL CALL

ADOPTION OF AGENDA

PRESENTATION

- Tony Armada, President of Seton Hospital
- Proclamation in honor of Chialin Hsieh
- National Mayor's Water Challenge
- Colma Scholarship Recognition

PUBLIC COMMENTS

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

CONSENT CALENDAR

1. Motion to Accept the Minutes from the July 8, 2020 Regular Meeting.
2. Motion to Adopt an Ordinance Amending Colma Municipal Code Section 1.03.040 (A), Regarding the Appointment of the Chief of Police (second reading).

PUBLIC HEARING

3. ESTABLISHING UPPER COLLINS AVENUE UNDERGROUND DISTRICT

Consider: Motion to Adopt a Resolution Establishing the Upper Collins Avenue Utility Underground District.

4. AUTO DEALER INVENTORY STORAGE – CONDITIONAL USE PERMIT

Consider: Motion to Adopt a Resolution Approving a Conditional Use Permit for the Storage of Automobile Dealership Vehicles at the Upper and Lower Golf Driving Range Parking Lots at 2001 Hillside Boulevard, Along Sand Hill Road and on a Closed Landfill at 1 Sand Hill Road.

REPORTS

Mayor/City Council
City Manager

ADJOURNMENT

The City Council Meeting Agenda Packet and supporting documents are available for review on the Town's website www.colma.ca.gov or at Colma Town Hall, 1198 El Camino Real, Colma, CA. 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.

**MINUTES
REGULAR MEETING**

City Council of the Town of Colma
Meeting Held Remotely via Zoom.us
Wednesday, July 8, 2020
7:00 PM

CALL TO ORDER

Mayor John Irish Goodwin called the meeting to order at 7:00 p.m.

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

Staff Present – City Manager Brian Dossey, City Attorney Christopher Diaz, Interim Chief of Police Bob Lotti, Commander Sherwin Lum, Administrative Services Director Pak Lin, Director of Public Works Brad Donohue, and City Clerk Caitlin Corley were in attendance.

The Mayor announced, “Welcome to another of our completely remote Council Meeting. A few notes about tonight’s meeting: We are accepting public comments through email— please email ccorley@colma.ca.gov to submit a public comment. You can also use the chat function to chat directly to our city clerk and she will be able to let us know that you would like to make a comment when your item comes up in the agenda. Also, please note that the city clerk has control over everyone’s video and audio, so if you would like to use your video or audio, you will need to chat with her directly to request it. Thank you.”

ADOPTION OF THE AGENDA

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

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

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

PUBLIC COMMENTS

Mayor Goodwin opened the public comment period at 7:03 p.m. Kelly Traver of Moms Demand Action for Gun Sense in America made a comment. The Mayor closed the public comment period at 7:07p.m.

CONSENT CALENDAR

1. Motion to Accept the Minutes from the June 24, 2020 Regular Meeting.
2. Motion to Approve Report of Checks Paid for June 2020.
3. Motion to Accept Informational Report on the Recreation Department Programs, Activities, Events, and Trips for the Second Quarter of 2020.
4. Motion to Adopt a Resolution Ratifying the Salary Schedules Between July 1, 2016 and July 1, 2020.

Action: Council Member del Rosario moved to approve the Consent Calendar items #1 through 4; the motion was seconded by Vice Mayor Colvin and carried by the following vote:

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

NEW BUSINESS

5. **COMPENSATION AND CLASSIFICATION STUDY FOR THE CHIEF OF POLICE**

City Manager Brian Dossey presented the staff report. Mayor Goodwin opened the public comment period at 7:18 p.m. and seeing no one request to speak, he closed the public comment period. Council discussion followed.

Action: Council Member Fiscaro moved to Introduce and Waive a Further Reading of an Ordinance Amending Colma Municipal Code Section 1.03.040 (a), Regarding the Appointment of the Chief of Police; the motion was seconded by Vice Mayor Colvin and carried by the following vote:

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

Action: Council Member Fiscaro moved Adopt a Resolution to Adopt the Chief of Police Salary; the motion was seconded by Council Member del Rosario and carried by the following vote:

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

6. RESOLUTION CONDEMNING RACISM

In lieu of a staff presentation, the Mayor read the resolution in full. Mayor Goodwin opened the public comment period at 7:28 p.m. and seeing no one request to speak, he closed the public comment period. Council discussion followed.

Action: Mayor Goodwin moved to Adopt a Resolution Affirming the Town's Commitment to Stand in Solidarity with the Black Community and Condemn Racism; the motion was seconded by Council Member Fisicaro and carried by the following vote:

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

STUDY SESSION

7. POLICE USE OF FORCE

Interim Chief of Police Bob Lotti and Police Commander Sherwin Lum presented the staff report. Mayor Goodwin opened the public comment period at 8:04 p.m. and seeing no one request to speak, he closed the public comment period. Council discussion followed.

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

COUNCIL CALENDARING

The next Regular Meeting will be on Wednesday, July 22, 2020 at 7:00 p.m. and it will be conducted remotely.

REPORTS

The Mayor led the attendees in singing happy birthday to Council Members Gonzalez and del Rosario, who both celebrated birthdays the week of the meeting.

City Manager Brian Dossey gave an update on the following topics:

- Grant Applications are set to be sent out soon; staff is still waiting on several grant reports to be submitted.
- The Town is trying to increase its census response rate; staff will be sending out flyers, door hangers and including information in LiveWire.
- San Mateo County's COVID-19 hospitalization case numbers are increasing primarily because patients from San Quentin have been transferred to San Mateo County hospitals.
- The County has established an Immigrant Relief Fund to help support residents who were not eligible for federal relief funds.

ADJOURNMENT

Mayor Goodwin adjourned the meeting at 8:29 p.m. in memory of Bill Duplissea, former State Assembly Member and longtime lobbyist.

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

**ORDINANCE AMENDING COLMA MUNICIPAL CODE SECTION 1.03.040 (a),
REGARDING THE APPOINTMENT OF THE CHIEF OF POLICE**

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

ARTICLE 1. RECITALS.

(a) The hiring, evaluation, daily operation and supervision of the Chief of Police is the responsibility of the City Manager in accordance with Subchapter 3.02 of the Colma Municipal Code. The Chief of Police reports to and is supervised by the City Manager.

(b) However, pursuant to Colma Municipal Code Section 1.03.040(a), the City Manager requires approval from the City Council in order to hire the Chief of Police or approve changes in compensation. This has historically been done through City Council approval of or amendment to the employment agreement of the Chief of Police.

(c) Due to the retirement of the Town's current Chief of Police in June 2020, staff conducted a compensation and position structure survey of the Chief of Police position in cities within San Mateo County. All agencies surveyed with a Police Chief/Police Department, except one, reported that their Chief of Police is hired by and reports to the City Manager rather than the City Council, and does not have an employment agreement.

(d) Based on the survey findings and to provide consistency within the Town's code on the appointment of the Police Chief, staff's recommendation is for the City Council to establish the Chief of Police without an individual employment contract by amending Colma Municipal Code Section 1.03.040(a) to remove the need for City Council approval for hiring and adjustments to salary of the Chief of Police.

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 1.03.040 AMENDED.

Subsection (a) of Section 1.03.040 of the Colma Municipal Code is hereby amended to remove the language of "subject to confirmation by the City Council" from the existing subsection to read as follows:

1.03.040 Chief of Police

(a) The Chief of Police shall be appointed by the City Manager, ~~subject to confirmation by the City Council~~, and shall serve at the will of the City Manager.

ARTICLE 4. SEVERABILITY

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

ARTICLE 5. CEQA EXEMPTION

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 City Council further finds, under Title 14 of the California Code of Regulations, Section 15061(b)(3), that this Ordinance is nonetheless exempt from the requirements of CEQA in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The City Council, therefore, directs that a Notice of Exemption be filed with the County Clerk of the County of San Mateo in accordance with CEQA Guidelines.

ARTICLE 6. EFFECTIVE DATE.

This Ordinance shall be posted on the three (3) official bulletin boards of the Town of Colma and within fifteen (15) days of its passage and is to take effect thirty (30) days after its passage.

Certificate of Adoption

I certify that the foregoing Ordinance No. XX was introduced at a regular meeting of the City Council of the Town of Colma held on July 8, 2020, and duly adopted at a regular meeting of said City Council held on July 22, 2020 by the following vote:

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

Dated _____

John Irish Goodwin, Mayor

Caitlin Corley, City Clerk





STAFF REPORT

TO: Mayor and Members of the City Council
 FROM: Brad Donohue, Public Works Director
 VIA: Brian Dossey, City Manager
 MEETING DATE: July 22, 2020
 SUBJECT: Establishing Upper Collins Avenue Underground District

RECOMMENDATION

Staff recommends that the City Council adopt the following:

RESOLUTION ESTABLISHING THE UPPER COLLINS AVENUE UTILITY UNDERGROUND DISTRICT

EXECUTIVE SUMMARY

To approve the creation of an Underground Utility District (UUGD) so that the Town can be re-classified as active in the California Public Utility Commission (CPUC) Rule 20 program. By doing so, the Town can preserve their Rule 20A PG&E work credits by creating an UUGD. Staff is requesting that City Council approve the upper portion of Collins Avenue to be a UUGD.

FISCAL IMPACT

There is not a fiscal impact on the Town's operations budget to create the District. If the Town is to move forward in creating the Upper Collins UUGD, the Town will keep their existing work credits that are currently banked with PG&E, and would be able to accumulate annual work credits through PG&E's Rule 20A allocation. By taking this action, the Town will be considered active and no longer subject to the reallocation of work credits as directed by the CPUC.

BACKGROUND

From the mid to late 1960's overhead utilities being converted to underground utilities have been performed under the California Public Utility Commission (CPUC) Tariff Rule 20 program. Rule 20 has three parts, Parts A, B and C. Under Part A, Pacific Gas & Electric (PG&E) is

required to set aside funds (work credits) for the relocation of overhead distribution facilities to underground facilities.

The last time the Town utilized its work credits was when it undergrounded the overhead utilities on El Camino Real (the border of Daly City down to the 300 block of F street). At that time, the Town exhausted all its work credits plus it borrowed additional work credits to complete the undergrounding projects. Just recently, after crediting back to PG&E our annual work credits, the Town has now built up a modest amount of work credits with PG&E, approximately 10,000 plus credits.

Under new orders from the CPUC, jurisdictions who have banked work credits over the years and do not have an active UUGD, would be required to surrender and reallocate the bank of Rule 20A work credits per CPUC Resolution E-4971. Even though the Town's bank of work credits is small, it still has some amount of value to the Town of Colma and the future development of Collins Avenue.

ANALYSIS

The City Council approved an UUGD for a portion of Collins Avenue in 1991 called "Underground Utility District NO. 1991-1" (Resolution 91-17). Underground Utility District NO. 1991-1 was extended approximately 228 feet West to include what was then called the land of Verducci, (See attachment B, Map of Colma Utility Underground District NO. 1991-1)

In the recent Serramonte Boulevard/Collins Avenue Master Plan, a portion of Collins Avenue was going to be expanded to incorporate new sidewalks and parking areas for vehicle transport truck and business parking. To accommodate the above improvements on Collins Avenue the existing overhead utility poles and power and communication lines would have to be relocated to underground facilities.

Staff's intent is to extend the 1991-1 UUGD on Collins Avenue continuing West from the eastern boundary line of the UUGD on Collins Avenue to a point where Collins Avenue joins with Serramonte Boulevard. (See attachment C - proposed Collins Avenue Utility Underground District Map).

Creating a Utility Underground District:

CPUC Rules allow municipalities/districts to create the legislation authorizing or approving a UUGD where existing overhead electrical, and telecommunication systems along with any other overhead service facilities will be converted to underground facilities.

To comply with the CPUC Rule 20, UUGD projects are to be constructed in areas of a community that are used most often by the public. Rule 20A projects are nominated by the city or county and are paid for by the electric utility ratepayers. Under Rule 20A, the CPUC requires the utility to allocate a certain amount of work credits each year to the cities and unincorporated counties for conversion projects. Because ratepayers contribute the bulk of the costs of Rule 20A programs through utility rates, the projects must be in the public interest by meeting one or more of the following public interest criteria:

1. Eliminate an unusually heavy concentration of overhead lines.

2. Involve a street or road with a high volume of public traffic.
3. Benefit a civic or public recreation area or area of unusual scenic interest.
4. Be listed as an arterial street or major collector as defined in the Governor's Office of Planning and Research (OPR) Guidelines.

The determination of "general public interest" under these criteria is made by the local government, after holding public hearings, in consultation with the utility.

The Upper Collins Avenue proposed Utility Underground project qualifies, meeting the CPUC's criteria for establishing an UUGD. (Items 1, 2, and 4).

The Town of Colma has also adopted an ordinance in Chapter 5.09 of the Municipal Code "Regulations and Procedures for the Removal of Overhead Utility Facilities and Installation of Underground Facilities in Underground Districts." This code allows City Council to designate areas where existing poles, overhead wires, and all associated overhead equipment with the distribution of those utilities are to be removed and relocated to underground systems.

Prior to the public hearing and per the Town's Ordinance for establishing an underground District, the City Clerk notified all effective property owners and effected utility companies of the proposed establishment of the Upper Collins Avenue UUGD.

Work Credits

The CPUC oversees the progress of the Rule 20A with the Utilities for Performance. It has been revealed that several jurisdictions have not completed or have active UUGD. Those jurisdictions will have their Rule 20 A Work Credits reallocated to other agencies for their active Rule 20 projects.

To preserve the current work credits along with the annual accumulation additional work credits annually, the Town needs to establish an "Active" UUGD. As stated above, staff is recommending that City Council approve the upper portion of Collins Avenue, (see attachment B, Upper Collins Utility Underground District).

The intent of the establishing the Upper Collins UUGD can be summarized by the following:

1. By establishing the UUGD, the Town will have the ability to preserve their existing work credits and accumulate future years credits.
2. By setting up an UUGD for the upper portion of Collins Avenue, the City Council will be making the first step in creating the vision that was set forth in the Serramonte Boulevard/Collins Avenue Beautification Master Plan.

Environmental Impact

The Town of Colma as the lead agency regarding the California Environmental Quality Act (CEQA), has determined that the proposed Upper Collins Avenue Utility Underground District is categorically exempt under Section 15302 (d) from environmental review under CEQA as the project fits squarely within the exemption as the conversion of overhead electricity to undergrounding with the surface restored to the condition existing prior to undergrounding.

Council Values

Approval of the proposed resolution is consistent with the City Council's value of being **Visionary**, approving a resolution will preserve the Town's accumulated work credits for a future project and by establishing and UUGD, the City Council has also demonstrated that they are making the first step in promoting the various improvements to Collins Avenue to assist in revitalizing that portion of the business community.

ALTERNATIVES

Though not recommended, City Council can reject the establishing an UUGD in that portion of Collins Avenue, by doing so the Town would lose current and future work credits until a future UUGD is established.

CONCLUSION

Staff recommends that the City Council Conduct a Public Hearing and adopt the resolution.

ATTACHMENTS

- A. Resolution
- B. Map of amended 1991-1 Utility Under Ground District
- C. Proposed Boundary and Area Map of the Upper Collins Underground Utility District

**RESOLUTION NO. 2020-##
OF THE CITY COUNCIL OF THE TOWN OF COLMA**

**RESOLUTION ESTABLISHING THE UPPER
COLLINS AVENUE UTILITY UNDERGROUND DISTRICT**

The City Council of the Town of Colma hereby resolves:

1. Background.

(a) The California Public Utilities Commission (CPUC) has authorized electric and telecommunication utilities to convert overhead utility lines and facilities to underground pursuant to Electric Rule 20 and Telecommunication Rule 32, and

(b) Pursuant to certain criteria, CPUC rules allow participating cities and counties to establish legislation authorizing the creation of underground utility districts within which existing overhead electric distribution and telecommunication distribution and service facilities will be converted to underground, and

(c) The Town of Colma, has adopted Colma Municipal Code, Subchapter 5.09, which is an ordinance authorizing the City Council to designate areas within which all existing overhead poles, overhead wires and overhead equipment associated with the distribution of electric power, telecommunication services and cable television should be removed and replaced with underground wires and facilities; and

(d) The Director of Public Works for the Town of Colma has consulted with the affected public utilities and such utilities have agreed that the proposed underground conversion district, designated the Upper Collins Avenue Utility Underground District and more particularly described in Exhibit 1 attached hereto and incorporated herein by reference, meets the criteria established by the rules of the CPUC regarding public welfare and Colma Municipal Code 5.09.020, to wit,

1. that such undergrounding will avoid or eliminate an unusually heavy concentration of overhead electric facilities, AND
2. that the street or road or right-of-way is extensively used by the general public and carries a heavy volume of pedestrian or vehicular traffic, AND
3. that the street or road or right-of-way is considered an arterial street or major collector as defined in the Governor's Office of Planning and Research General Plan Guidelines, and

(e) Each year the Town of Colma is notified by PG&E regarding the allocation of work credits for conversion of overhead electric distribution lines and facilities to underground, known as Rule 20A allocations, and

(f) The Director of Public Works for the Town of Colma has consulted with PG&E and determined that the Town has accumulated Rule 20A work credits or PG&E has agreed that the City may borrow against future credits sufficient to complete the proposed overhead to underground conversion project.

2. Findings.

(a) The City Council of the Town of Colma has now received the report from the Director of Public Works recommending that the area identified in Exhibit 1 should be designated as an underground utility district within which all existing overhead poles, overhead wires and overhead equipment associated with the distribution of electric power, telecommunication services and cable television should be removed and replaced with underground wires and facilities; and

(b) Upon the recommendation of the Director of Public Works, the City Council of the Town of Colma has determined that the proposed Upper Collins Avenue Utility Underground District is categorically exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines, Section 15302(d), and

(c) The City Council of the Town of Colma held public hearings at which time the Council did receive and consider the recommendation of the City Engineer and did hear any and all objections or protests that were raised by the owners of property within the above described district pertaining to designating this area an underground utility district;

3. Order.

Now, therefore, the City Council does hereby order that:

(a) Pursuant to Colma Municipal Code, Section 5.09.030, the City Council hereby finds that the public necessity, health, safety, and welfare requires the removal of all existing utility poles [excepting those poles supporting streetlights or traffic signals] , overhead wires and associated overhead structures and installation of underground wires and facilities for supplying electric power, communication, or similar associated services within the areas as shown in Exhibit 1, attached hereto, with such area being designated as the Upper Collins Avenue Underground Utility District (the "District"), and

(b) That the utility companies, cable television services and other affected services shall commence work on installation of underground facility installation in Upper Collins Avenue Underground Utility District and that as each phase of the project is complete and ready for conversion from overhead to underground utility facilities, all fronting property owners shall be notified by first class letter, postage pre-paid, of the schedule for conversion of all utility service lines, and

(c) The electric utility shall not use the underground conversion allocation computed pursuant to decisions of the California Public Utilities Commission for the purpose of providing to each premises requiring it in Upper Collins Avenue Underground Utility District a maximum of one hundred feet of individual electric service trenching and conductor (as well as backfill, paving and conduit, if required) and each other serving utility shall provide service trenching and conductor in accordance with its rules and tariffs on file with the California Public Utilities Commission or as required by its Franchise Agreement with the Town of Colma, and

(d) The electric utility shall not use said underground conversion allowance allocation, up to a maximum amount of \$1500 per service entrance excluding permit fees, for the conversion of electric service panels to accept underground service in the Upper Collins Avenue Utility Underground District, and the Town of Colma shall be financially responsible for any and all costs not covered by the electric utility for the installation and maintenance of the conduit and termination box located on, under or within any structure on the premises served, and

(e) That upon notification as specified in Section (b), all property owners in Upper Collins Avenue Utility Underground District shall have underground electrical entrance facilities installed and inspected pursuant to the Town of Colma Electrical Code within sixty (60) days. Should any property owner fail to install satisfactory underground electrical entrance facilities by the date specified in the notice, the City Engineer may provide the required underground facilities and assess the cost against the property in accordance with Colma Municipal Code, Section 5.09.090, or the electric utility may discontinue electrical service to the property pursuant to Rule 11 until electrical entrance facilities are ready to accept underground electrical conductors and have passed the necessary inspection requirements, and

(f) That once all services have been converted from overhead to underground, the utility companies, cable television services and other affected services shall remove all poles (except as specified above) and associated overhead facilities in Upper Collins Avenue Utility Underground District, by December 1, 2022, unless that date is extended in writing back by the City Manager.

(g) Within ten (10) days after adoption of this resolution, the City Clerk shall mail a copy hereof and a copy of Colma Municipal Code, Subchapter 5.09, to affected property owners and to the affected utilities in the manner required by Colma Municipal Code Section 5.09.070.

(h) The City Manager may take all actions necessary and reasonable to effectuate the establishment and administration of the District.

(i) This resolution shall become effective upon its adoption.

//

//

//

//

//

//

//

//

//

//

Certification of Adoption

I certify that the foregoing Resolution No. 2020-__ was duly adopted at a regular meeting of the City Council of the Town of Colma held on July 22, 2020, by the following vote:

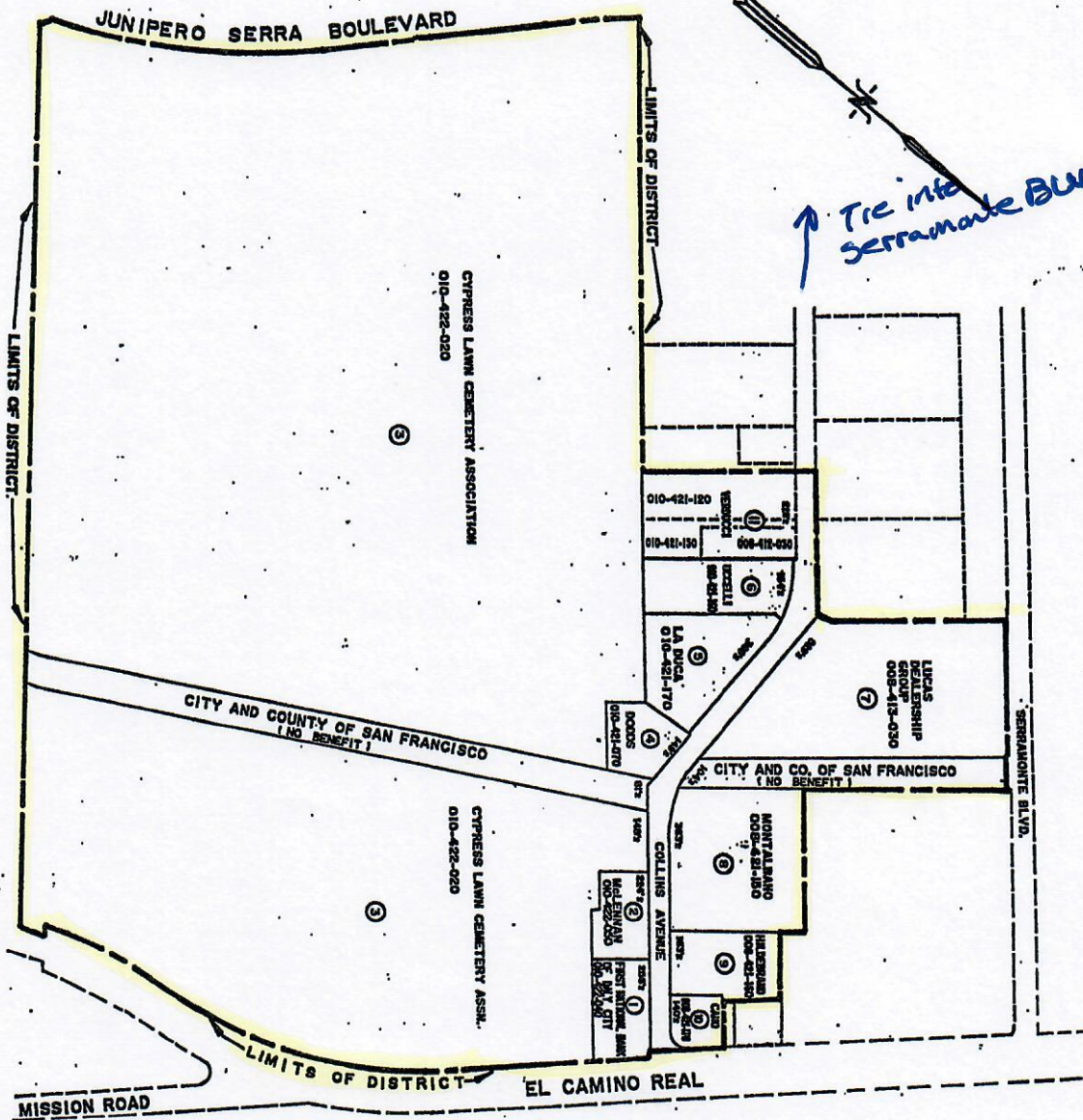
Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
John Irish Goodwin, Mayor					
Diana Colvin					
Helen Fisicaro					
Raquel "Rae" Gonzalez					
Joanne F. del Rosario					
<i>Voting Tally</i>					

Dated _____

 John Irish Goodwin, Mayor

Attest: _____
 Caitlin Corley, City Clerk

Planning 021 423.4



REVISED 6-20-91 ADDED PARCEL 11

EXHIBIT "B"

**MAP OF COLMA UTILITY UNDERGROUND DISTRICT-NO. 1991-1
 BEING THE EASTERLY 1400S FEET OF COLLINS AVENUE
 TOWN OF COLMA, CALIFORNIA**

SALIM KANDILETT, FOUEN & SIOGREN, INC.
 CIVIL ENGINEERS AND LAND SURVEYORS
 1000 COLMA AVENUE, COLMA, CALIFORNIA 94015

SCALE: 1" = 200'	DATE: JANUARY 1991	TOWN OF COLMA	PROJECT NO. 91003-C2
------------------	--------------------	---------------	----------------------



J:\DESIGN\20.XXX - Colma Utility Underground District\EXHIBIT\2020-07-01_EXHIBIT.dwg 07/10/20 12:16:55 PM

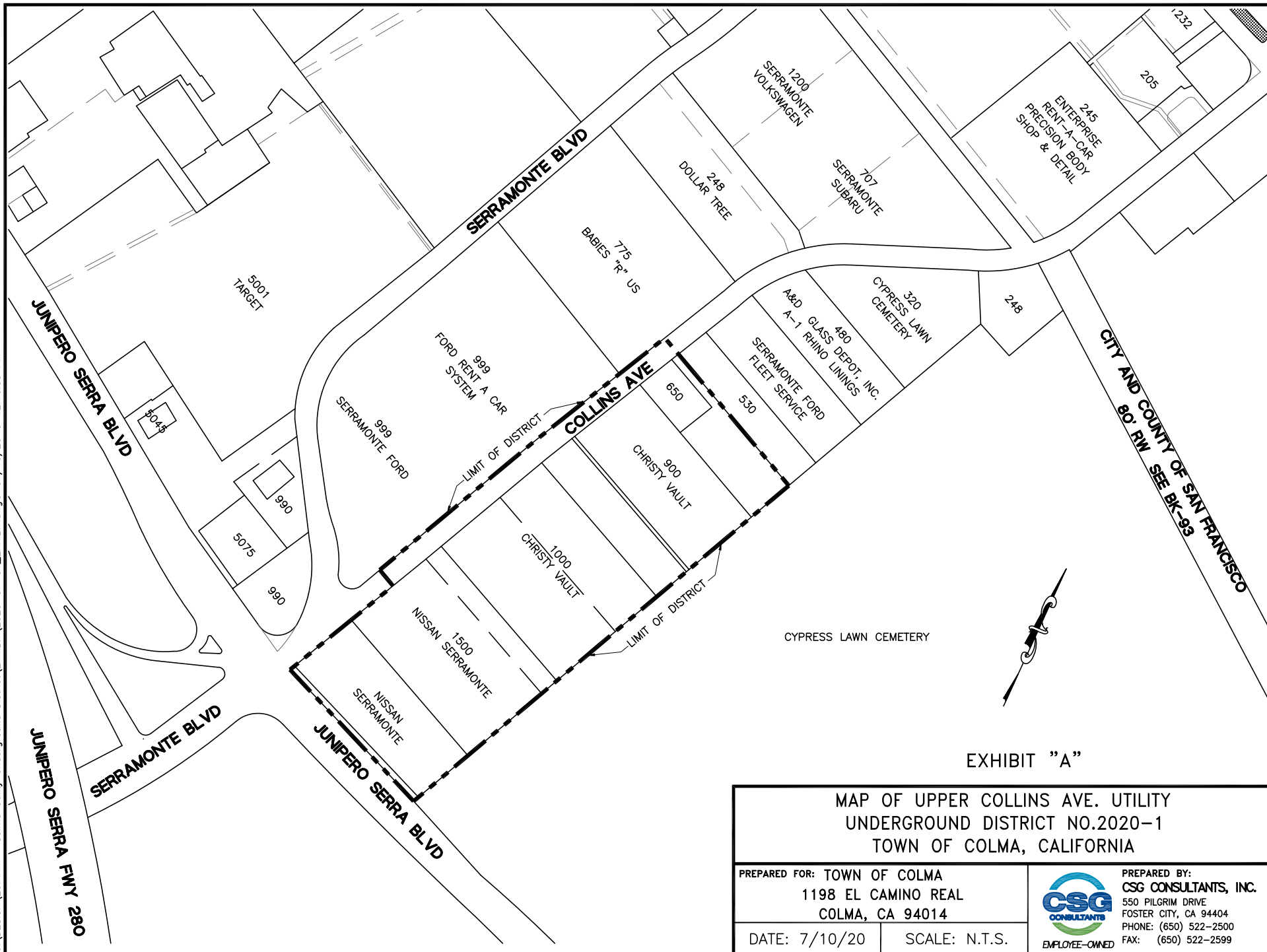


EXHIBIT "A"

<p>MAP OF UPPER COLLINS AVE. UTILITY UNDERGROUND DISTRICT NO.2020-1 TOWN OF COLMA, CALIFORNIA</p>	
<p>PREPARED FOR: TOWN OF COLMA 1198 EL CAMINO REAL COLMA, CA 94014</p>	<p>PREPARED BY: CSG CONSULTANTS, INC. 550 PILGRIM DRIVE FOSTER CITY, CA 94404 PHONE: (650) 522-2500 FAX: (650) 522-2599</p>
<p>DATE: 7/10/20</p>	<p>SCALE: N.T.S.</p>
<p><small>EMPLOYEE-OWNED</small></p>	





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: July 22, 2020

SUBJECT: Auto Dealer Inventory Storage – Conditional Use Permit

RECOMMENDATION

Staff recommends that the City Council adopt the following resolution:

RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR THE STORAGE OF AUTOMOBILE DEALERSHIP VEHICLES AT THE UPPER AND LOWER GOLF DRIVING RANGE PARKING LOTS AT 2001 HILLSIDE BOULEVARD, ALONG SAND HILL ROAD AND ON A CLOSED LANDFILL AT 1 SAND HILL ROAD

EXECUTIVE SUMMARY

Cypress Abbey Company is requesting a Conditional Use Permit for a parking lot to store vehicles for auto dealers in Colma on the closed landfill at 1 Sandhill Road. This use has been approved on a temporary basis and has been in operation since August 2019. With the conditions of approval, the continuation of use is appropriate in the "G" zone.

FISCAL IMPACT

Approving this project would allow for an additional storage area for the Town's auto dealers' inventory. The project may increase the amount of auto sales and therefore increase the amount of sales tax revenue from auto businesses.

BACKGROUND

Many of the auto dealerships in the Town do not have the capacity to store the inventory needed to meet their needs. Given the Town's built-out nature and the high costs of constructing parking structures, there are limited options for the auto dealers in Colma.

In 2016, Cypress Abbey Company received two Temporary Use Permits (five-year term limit) from the City Council to use two (2) separate portions of the property, located at 2001 Hillside

Boulevard, as vehicle inventory storage areas. Vehicles are currently parked in portions of the upper and lower golf driving range parking lots and along the driveway leading to the landfill (San Hill Road).

Permanent Use Permits could not be issued at the time since the Municipal Code did not list automobile storage as a conditionally permitted use. To support the auto businesses in Town, in 2017 the Town amended the Municipal Code and General Plan to conditionally allow vehicle storage for auto dealership inventory on lots zoned "G" given that the area meets specific visibility, safety, and access requirements.

In addition to the two Temporary Use Permits issued by the City Council in 2016, an additional Temporary Use Permit was granted at a staff level for vehicle storage along paved road leading up to the top of the landfill site. It is the applicant's intention to receive one Conditional Use Permit for all vehicle storage on the property.

ANALYSIS

The proposed project is comprised of the following parking areas:

- Parking of approximately 200 vehicles in the upper and lower driving range parking lot at 2001 Hillside Boulevard;
- Parking of approximately 700 vehicles along Sandhill Road leading up to the top of the landfill and the closed landfill at 1 Sandhill Road.

Proposed storage areas are attached as Attachment B. Per Colma Municipal Code Section 5.03.240(e), the following restrictions apply for auto dealer inventory storage:

- The vehicle inventory proposed to be stored shall be limited to vehicles less than 5 years old and in operable condition;
- The location is not in active cemetery use;
- The area proposed for vehicle storage shall not be readily visible from any public street in the Town of Colma, either due to existing physical barriers or through screening proposed to be installed;
- The vehicle storage site shall maintain, and shall not impair, full emergency vehicle access to the site and surrounding areas;
- The area proposed for vehicle storage shall be paved or improved with a minimum three inch gravel surface;
- Off-loading of vehicles from vehicle carriers shall not occur at the vehicle storage site and may only occur where vehicles are normally delivered to the auto dealership;
- The vehicle storage site shall prepare and implement a security plan; and
- The proposed off-site vehicle storage shall not generate significant traffic impacts.

The area proposed for auto dealer inventory storage is at the golf driving range and at a closed landfill and the access road that will not be used for active cemetery use in the future. The sites are existing paved areas that can accommodate a maximum of 900 vehicles. However, no vehicle loading and unloading is proposed at the site. The paved areas are painted to designate vehicle parking areas and 20' drive aisles to meet Colma Fire Protection District requirements.

To secure the premises, the applicant is in the process of constructing a security gate near Hillside Boulevard at 1 Sandhill Road. This gate will only permit authorized persons to enter and leave the premises. In addition the applicant is proposing a security camera that will capture images of the persons, vehicles, and license plates of those entering the premises. As a condition of approval, the applicant shall work with the Fire District to grant access to emergency vehicles. Vehicles stored at the golf driving range parking lots with access from 2001 Hillside Boulevard would be secured by a locked gate at the golf driving range access road.

While the upper landfill storage area is visible from some public streets in Town, primarily upper Serramonte Boulevard traveling eastbound, the vehicle storage areas are sited to preserve the greenbelt aesthetic along Hillside Boulevard and is not considered readily visible. The applicant has explored the addition of screening but it is not feasible because the use is located on top of a closed landfill. The other storage areas by the golf driving range and most of the storage along Sand Hill Road are completely screened by vegetation. In addition, the vehicle storage use on the upper portion of the landfill has been occurring for approximately 1 year under a Temporary Use Permit approval (Attachment C) and the Town has not received any comments regarding the use from the public.

The auto dealers have estimated that an average of 2-5 vehicles would be moved on any given day. It is anticipated that 4-5 auto dealers may use the storage area, which could equate to about 25 vehicle trips per day. This reflects the average number of vehicles moved to the temporary autodealer inventory storage lot and is not expected to generate significant traffic impacts.

As a condition of approval, the vehicles stored at the lot shall be new, operable vehicles, ready for sale and vehicles will not be off loaded at the storage area. With the conditions, the proposed area meets the restrictions for off-site vehicle storage of automobile dealership inventory.

Findings Relating to the California Environmental Quality Act (CEQA)

On July 26, 2017, the City Council adopted Ordinance No. 772 amending the Municipal Code to allow the storage of auto dealer inventory in the "G" Zone with the approval of a Conditional Use Permit. Accordingly, the environmental impacts of allowing storage of auto dealer inventory in the "G" Zone east of Hillside Boulevard were analyzed through an Initial Study and resulted in a Negative Declaration that was adopted through Resolution No. 2017-37 on July 12, 2017 (Attachment D). The Initial Study and Negative Declaration (ND) outlined that the storage of auto dealer inventory in the "G" Zone would not result in a significant environmental impact.

The project is within the scope of the project covered by the previously adopted Negative Declaration. Specifically, the proposed project is to use existing paved areas within the "G" Zone as a parking lot for the storage of auto dealership inventory. Provided that the project complies with the zoning ordinance and the conditions for this Use Permit are met as set forth in Colma Municipal Code Section 5.03.240(e), the project would be within the scope of the ND adopted on July 12, 2017.

Under Public Resources Code section 21166 and CEQA Guidelines section 15162, once an ND has been adopted the City may not require supplemental CEQA review unless certain findings can be made. Here, as detailed below, the City cannot make those findings and thus can rely on the ND to approve the conditional use permit without conducting supplemental CEQA review. Specifically, no substantial changes are proposed in the project that will require major revisions of the ND, no substantial changes have occurred in the circumstances under which storage of auto dealer inventory in the "G" Zone is being undertaken that will require major revisions in the ND and no new information of substantial importance to the project that was not known and could not have been known at the time the ND was adopted has become available.

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 proposed location for the use meets the criteria set forth in Colma Municipal Code Section 5.03.240(e) for the storage of auto dealership inventory. The proposed use is consistent with the applicable policies in the General Plan, specifically the Land Use Element. Land Use Policy 5.02.311 requires that proposed developments in the Town balance visual effects and potential impacts of proposed developments and Land Use Policy 5.02.312 states that the Town should take action to improve civic beauty. With this Use Permit, a vacant paved area can be used to store new vehicles rather than within new parking structures constructed within the limited commercial areas in the Town.

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.

The proposed use is a vehicle storage lot for automobile dealerships on a closed, underutilized landfill and golf driving range parking lots that is located near the San Bruno Mountains. The use has been in operation under multiple temporary use permits that were approved in 2016 and August 2019. The use has not resulted in any impacts that are detrimental or materially injurious to the properties in the vicinity. Project conditions to maintain fire access and create a security plan minimize impacts to safety. In addition, the proposed use is in the public interest as it supports the economic strength and vitality of Colma's leading business sector. As conditioned, the granting of 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.

c) Existing property uses, large or small, will not be detrimentally affected by the proposed Use Permit.

The existing property is a closed landfill and is underutilized. The proposed use will benefit the property and other businesses in Town, namely the auto dealerships. The temporary approval of this use has not impacted existing uses and the proposed use permit is not expected to detrimentally affect existing property uses, large or small. As a condition of approval, the

Permittee shall obtain all necessary approvals from State and Local regulatory agencies to ensure that the proposed vehicle storage use will not disrupt the operations of the closed landfill.

- 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 proposed use is allowed by the Zoning Ordinance at the proposed location. Previously, a similar auto dealership inventory storage use was approved near the project area in the "G" Zone. The granting of the Use Permit will not constitute the grant of a special privilege since the proposed use is allowed with the approval of a Use Permit.

- 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 a new structure or building.

- f) The use will not constitute a nuisance to neighboring persons or properties.**

Vehicle storage at the proposed location will not be readily visible. With the recommended conditions of approval, the Permittee will be required to obtain all necessary approvals from State and Local regulatory agencies to ensure that the proposed vehicle storage use will not disrupt the operations of the closed landfill, and no service, repairs, washing, or painting of vehicles will be conducted on the subject property. Therefore, the proposed use will not constitute a nuisance to neighboring persons or properties.

Recommended Conditions of Approval

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

- The Permittee shall obtain all necessary approvals from State and Local regulatory agencies to ensure that the proposed vehicle storage use will not disrupt the operations of the closed landfill.
- The vehicles stored at the lot shall be operable vehicles that are less than 5 years old and ready for sale.
- No service/repairs to vehicles, washing/painting of vehicles, shall be conducted on the subject property.
- Vehicles loading and unloading shall not occur at the vehicle storage site.
- Prior to grading permit final inspection, the applicant shall prepare and submit a security plan to the City Planner.
- All vehicles shall be parked in designated areas. Ingress/egress and fire lanes shall not be blocked at any time. Ongoing violations of this provision will be cause for revocation of this Use Permit.

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 project will allow for additional vehicle inventory storage for automobile dealerships in Town, resulting in less greenhouse gas emissions due to less vehicle miles traveled when transporting the vehicles.

Alternatives

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

1. Adopt the resolution approving the Conditional Use Permit with modified or additional conditions of approval, which would allow the storage of auto dealership inventory at 2001 Hillside Boulevard and 1 Sand Hill Road. This alternative may increase or reduce restrictions on the project to address specific City Council concerns.
2. Direct staff to bring back a resolution to deny the Conditional Use Permit. This alternative is not recommended since the proposed project provides benefits to the auto dealers and cemeteries in an underutilized area.

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. Proposed Storage Areas
- C. 2019 Temporary Use Permit for Auto Dealer Inventory Storage at 1 Sandhill Road
- D. 2017 Resolution Adopting Negative Declaration for G Zone Amendment

**RESOLUTION NO. 2020-__
OF THE CITY COUNCIL OF THE TOWN OF COLMA**

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR THE STORAGE OF
AUTOMOBILE DEALERSHIP VEHICLES AT THE UPPER AND LOWER GOLF DRIVING
RANGE PARKING LOTS AT 2001 HILLSIDE BOULEVARD, ALONG SAND HILL ROAD
AND ON A CLOSED LANDFILL AT 1 SANDHILL ROAD**

*Property Owner: Cypress Abbey Company
Applicant: Cypress Abbey Company
Location: 2001 Hillside Boulevard and 1 Sandhill Road
Assessor's Parcel Number: 011-440-130*

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

1. Background

- (a) The Town has received an application from Cypress Abbey Company for a Conditional Use Permit to store auto dealership inventory at 1 Sandhill Road, Colma (Assessor's Parcel Number: 011-440-130).
- (b) On July 26, 2017, the City Council adopted Ordinance No. 772 amending the Municipal Code to allow the storage of auto dealer inventory in the "G" Zone with the approval of a Conditional Use Permit.
- (c) The environmental impacts of allowing the use east of Hillside Boulevard were analyzed through an Initial Study and resulted in a Negative Declaration adopted through Resolution No. 2017-37 on July 12, 2017. The Initial Study and Negative Declaration outlined that the proposed use would not result in a significant environmental impact. Staff has determined that the Negative Declaration adopted on July 12, 2017 may be reaffirmed based on the findings below.
- (d) A public hearing was held on this matter on July 22, 2020 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

On July 26, 2017, the City Council adopted Ordinance No. 772 amending the Municipal Code to allow the storage of auto dealer inventory in the "G" Zone with the approval of a Conditional Use Permit. Accordingly, the environmental impacts of allowing storage of auto dealer inventory in the "G" Zone east of Hillside Boulevard were analyzed through an Initial Study and resulted in

a Negative Declaration that was adopted through Resolution No. 2017-37 on July 12, 2017 (Attachment D). The Initial Study and Negative Declaration (ND) outlined that the storage of auto dealer inventory in the "G" Zone would not result in a significant environmental impact.

The project is within the scope of the project covered by the previously adopted Negative Declaration. Specifically, the proposed project is to use existing paved areas within the "G" Zone as a parking lot for the storage of auto dealership inventory. Provided that the project complies with the zoning ordinance and the conditions for this Use Permit are met as set forth in Colma Municipal Code Section 5.03.240(e), the project would be within the scope of the ND adopted on July 12, 2017.

Under Public Resources Code section 21166 and CEQA Guidelines section 15162, once an ND has been adopted the City may not require supplemental CEQA review unless certain findings can be made. Here, as detailed below, the City cannot make those findings and thus can rely on the ND to approve the conditional use permit without conducting supplemental CEQA review. Specifically, no substantial changes are proposed in the project that will require major revisions of the ND, no substantial changes have occurred in the circumstances under which storage of auto dealer inventory in the "G" Zone is being undertaken that will require major revisions in the ND and no new information of substantial importance to the project that was not known and could not have been known at the time the ND was adopted has become available.

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 proposed location for the use meets the criteria set forth in Colma Municipal Code Section 5.03.240(e) for the storage of auto dealership inventory. The proposed use is consistent with the applicable policies in the General Plan, specifically the Land Use Element. Land Use Policy 5.02.311 requires that proposed developments in the Town balance visual effects and potential impacts of proposed developments and Land Use Policy 5.02.312 states that the Town should take action to improve civic beauty. With this Use Permit, a vacant paved area can be used to store new vehicles rather than within new parking structures constructed within the limited commercial areas in the Town.

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.**

The proposed use is a vehicle storage lot for automobile dealerships on a closed, underutilized landfill and golf driving range parking lots that is located near the San Bruno Mountains. The use has been in operation under multiple temporary use permits that were approved in 2016 and August 2019. The use has not resulted in any impacts that are detrimental or materially injurious to the properties in the vicinity. Project conditions to maintain fire access and create a

security plan minimize impacts to safety. In addition, the proposed use is in the public interest as it supports the economic strength and vitality of Colma's leading business sector. As conditioned, the granting of 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.

c) **Existing property uses, large or small, will not be detrimentally affected by the proposed Use Permit.**

The existing property is a closed landfill and is underutilized. The proposed use will benefit the property and other businesses in Town, namely the auto dealerships. The temporary approval of this use has not impacted existing uses and the proposed use permit is not expected to detrimentally affect existing property uses, large or small. As a condition of approval, the Permittee shall obtain all necessary approvals from State and Local regulatory agencies to ensure that the proposed vehicle storage use will not disrupt the operations of the closed landfill.

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 proposed use is allowed by the Zoning Ordinance at the proposed location. Previously, a similar auto dealership inventory storage use was approved near the project area in the "G" Zone. The granting of the Use Permit will not constitute the grant of a special privilege since the proposed use is allowed with the approval of a Use Permit.

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 a new structure or building.

f) **The use will not constitute a nuisance to neighboring persons or properties.**

Vehicle storage at the proposed location will not be readily visible. With the recommended conditions of approval, the Permittee will be required to obtain all necessary approvals from State and Local regulatory agencies to ensure that the proposed vehicle storage use will not disrupt the operations of the closed landfill, and no service, repairs, washing, or painting of vehicles will be conducted on the subject property. 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 automobile dealership inventory storage at 2001 Hillside Boulevard and 1 Sandhill Road, 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 permit specifically authorizes the use of the paved areas designated on the approved site plan, dated May 20, 2020 and on file in the office of the City Planner, as vehicle inventory storage areas for auto dealers in Colma. Proof of use by a Colma auto dealer shall be provided to the City Planner by providing a copy of a lease (or leases), with the lease amount crossed out. Violation of the provisions below will be cause for revocation of this Use Permit.
- (b) Lease Agreement. The permittee shall ensure that these conditions are imposed on any lessee and included in any lease agreement.
- (c) Minor Changes. Minor changes to the approved project plans may be approved administratively by the City Planner or designee.
- (d) Regulatory Agencies. The Permittee shall obtain all necessary approvals from State and Local regulatory agencies to ensure that the proposed use will not disrupt operations of the closed landfill and that the existing paving can support the use.
- (e) Maximum Capacity. A maximum vehicle inventory of 700 vehicles may be parked along Sand Hill Road and at the top of the landfill (1 Sand Hill Road) at the site at any given time, and only in locations designated for parking on the site plan submitted with the application. A maximum of 200 vehicles are permitted to be stored in the upper and lower golf driving range parking lots. If the vehicles stored on site are readily visible from public roads in Colma, the storage areas shall be modified to minimize visibility of the vehicles.
- (f) Vehicle Transfer. Vehicle parking or staging related to this use permit is not permitted on site or on Hillside Boulevard. All vehicle inventory shall be moved individually between the auto dealerships and the storage area. The permittee is responsible to comply with and follow traffic safety rules for car-carrier ingress and egress to/from the site.
- (g) Hours of Operation. The automobile dealerships shall only access the site to move vehicles in and out from Sandhill Road during normal business hours (Monday – Sunday, 9am-7pm).
- (h) Stormwater Best Management Practices. The Permittee shall prepare, maintain, and implement standard operating procedures (SoP's) to address any accidental fluid or oil discharges. Best Management Practices and supplies to contain and remove any oil or fluid spills shall be readily available at the site.
- (i) Tracking. Any dirt/gravel/material tracking on the frontage roadway shall be cleaned up immediately using dry sweeping methods.
- (j) Dust Control. The access road and storage area shall be maintained to control dust and prevent tracking, to the satisfaction of the Public Works Department and Fire District.

- (k) Vehicle Condition. The vehicles stored at the lot shall be less than 5 years old. No inoperable vehicles or vehicles requiring repair shall be stored at the site. Vehicle repairs and maintenance shall be conducted off site.
- (l) Fire Lanes. The Permittee shall delineate vehicle storage areas onsite with a redline painted on the concrete surface to the satisfaction of the Fire Marshal. The Fire Marshal has determined that a 20' free and clear travel lane is required throughout the storage area to provide adequate access for fire safety. No vehicles shall block the travel lane or required driveways for access. Ongoing violations of this provision will be cause for revocation of this permit.
- (m) Prohibited Vehicles. No inoperable vehicles, vehicles with body damage, or vehicles requiring repair shall be stored on the Subject Property.
- (n) Vehicle Maintenance Prohibited. No service, repairs, washing, or painting of vehicles shall be conducted on the Subject Property.
- (o) Colma Fire Protection District Requirements. The requirements of the Colma Fire Protection District shall be met prior to issuance of any 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.
- (p) Colma Police Department Requirements. The requirements of the Colma Police Department for access and security shall be met.
- (q) Cemetery Use. In the event that the subject area converts to a cemetery use, the vehicle storage use shall cease.
- (r) Cease of Use. When the vehicle storage use ceases, any vehicles still stored on the Subject property shall be removed and the site shall be cleaned by the property owner and/or automobile dealership to the satisfaction of the Public Works Director.
- (s) Nuisances. The Permittee shall not allow any nuisance to be maintained at the premises.
- (t) Signage. All signs to be used for identification shall be subject to required sign approvals from the Town. All signs shall be non-illuminated or indirectly illuminated.

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 in the California Building Code; and

- (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:
 - (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.
- (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 2020-__ was duly adopted at a regular meeting of said City Council held on July 22, 2020 by the following vote:

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

Dated _____

John Irish Goodwin, 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: Cypress Abbey Company, Property Owner

Proposed Vehicle Storage Areas



1

2

Holds a maximum of approximately 200 vehicles.



Serramonte Blvd

Golf Course Access Rd

Hillside Boulevard

© 2020

760 ft

Holds a maximum of approximately 700 vehicles.



Hillside Boulevard

© 2020 Google

Golf-Course Access Rd

Magnolia Ave

Linden Ave

1333 ft

Acacia Ave





TOWN OF COLMA
PLANNING DEPARTMENT

1198 El Camino Real • Colma, California 94014
Phone: (650) 757-8888 • FAX: (650) 757-8890

August 26, 2019

Ron Barels
Cypress Abbey Company
P.O. Box 1516
Colma, CA 94014

Re: Temporary Use Permit – Temporary Automobile Dealership Vehicle Inventory Storage at 1 Sandhill Road (APN: 011-440-130)

Dear Mr. Barels -

Your request for a Temporary Use Permit to store a maximum of 650 vehicles for auto dealers in Colma on an existing paved surface on the closed landfill at 1 Sandhill Road (APN: 011-440-130) for a period of one year is approved subject to conditions listed below. Please note Condition 15 of the design approval requires that a project representative and property owner representative both countersign and return a copy of this permit letter.

CONDITIONS OF TEMPORARY USE PERMIT APPROVAL

Approval of the Minor Design Review will be subject to the findings in the staff report and the following conditions:

1. This permit specifically authorizes the use of the concrete surface areas designated on the approved site plan, date stamped 6/28/2019 and on file in the office of the City Planner, as vehicle inventory storage areas for an automobile dealership in Colma. Proof of use by a Colma auto dealer shall be provided to the City Planner by providing a copy of a lease (or leases), with the lease amount crossed out.
2. This permit is valid for a one-year period, until August 31, 2020. Upon expiration, parking of vehicles shall cease unless an application has been made for a full Conditional Use Permit and approved by the City Council for a longer storage period.
3. The Permittee shall obtain all necessary approvals from State and Local regulatory agencies to ensure that the proposed temporary use will not disrupt the operations of the closed landfill and that the existing paving can support the proposed use.
4. A maximum vehicle inventory of 650 vehicles may be parked on the Subject Property at any given time and only in the locations shown on the site plan submitted with the application. If the vehicles stored on site are readily visible from public roads in Colma, the storage area shall be modified to minimize visibility of the vehicles.
5. The access road and storage area shall be maintained to control dust and prevent tracking, to the satisfaction of the Public Works Department and Fire District.



6. The automobile dealership shall only access the site to move vehicles in and out from Sandhill Road during normal business hours (Monday – Sunday, 9am-7pm).
7. Vehicle carrying trucks are prohibited on the Subject Property. All vehicle inventory shall be moved individually between the Subject Property and the automobile dealership.
8. The Permittee shall delineate vehicle storage areas onsite with a red line painted on the concrete surface to the satisfaction of the Fire Marshal. The Fire Marshal has determined that a 20' free and clear travel lane is required from throughout the storage area to provide adequate access for fire safety.
9. 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 Permittee may contact the Deputy Fire Marshal, Bill Pardini at bpardini@colmafd.org or (650)740-2073. A separate review fee is required as part of the building permit plan check process.
10. No vehicles shall block fire lane or required driveways/access. Ongoing violations of this provision will be cause for revocation of this Temporary Use Permit
11. No inoperable vehicles, vehicles with body damage, or vehicles requiring repair shall be stored on the Subject Property
12. No service/repairs to vehicles, or washing/painting of vehicles, shall be conducted on the Subject Property
13. When the vehicle storage use ceases, any vehicles still stored on the Subject Property shall be removed and the site shall be cleaned by the property owner and/or automobile dealership to the satisfaction of the Public Works Director.
14. The Permittee shall ensure that these conditions are imposed on any lessee and included in any lease agreement.
15. The permit shall only be in effect and valid if the Permittee agrees to comply with each and every permit condition. Agreement shall be evidenced when the official permit letter has been countersigned by the Permittee and returned to the office of the Colma City Planner.

Sincerely,

Jonathan Kwan
Associate Planner

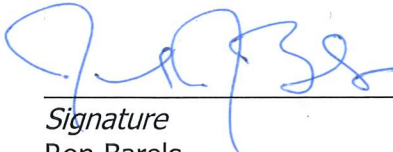


TOWN OF COLMA
PLANNING DEPARTMENT

1198 El Camino Real • Colma, California 94014
Phone: (650) 757-8888 • FAX: (650) 757-8890

#####

PERMITEE/PROPERTY OWNER:



Signature
Ron Barels
for Cypress Abbey Company

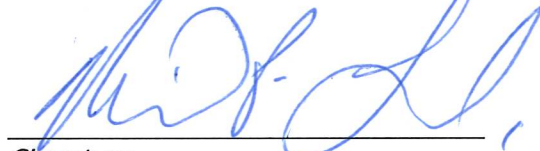
*Vice Pres
Cypress Abbey*

8/26/19

Date

#####

TOWN OF COLMA AUTHORIZATION:



Signature
Michael Laughlin, AICP
City Planner
Town of Colma

8/26/19

Date



**RESOLUTION NO. 2017-37
OF THE CITY COUNCIL OF THE TOWN OF COLMA**

**RESOLUTION MAKING FINDINGS AND ADOPTING A NEGATIVE
DECLARATION IN COMPLIANCE WITH THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT FOR AN AMENDMENT TO THE COLMA
MUNICIPAL CODE TO ALLOW FOR VEHICLE STORAGE IN THE "G"
(CEMETERY) ZONE**

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

1. Recitals

(a) Pursuant the California Environmental Quality Act (Public Resources Code, § 21000 et seq.), the State CEQA Guidelines (California Code of Regulations, title 14, § 15000 et seq.)(collectively, "CEQA"), the Town of Colma (Town) is the lead agency for the proposed project to amend the Colma Municipal Code (CMC) to allow for vehicle storage in the "G" (Cemetery) zone (Project).

(b) In accordance with State CEQA Guidelines section 15063, Town staff prepared an Initial Study CEQA for the proposed amendment to the CMC to analyze whether the Project may cause a potentially significant effect on the environment.

(c) Based on the information contained in the Initial Study, the Town determined that a Negative Declaration should be prepared for the Project, and a Negative Declaration was prepared pursuant to CEQA, a copy of which is attached hereto as Exhibit "A".

(d) Staff posted a Notice of Intent to Adopt a Negative Declaration with the San Mateo County Clerk on June 7, 2017, pursuant to State CEQA Guidelines section 15072.

(e) On June 9, 2017, staff mailed the Notice of Intent to Adopt a Negative Declaration to responsible agencies and interested parties and organizations, posted it on the Town's three official bulletin boards, and posted the Initial Study and Draft Negative Declaration on the Town's website for public comment pursuant to CEQA Guideline 15072.

(f) The Negative Declaration was available for a public review and comment period for 20 days from June 9, 2017 to June 30, 2017, consistent with State CEQA Guidelines section 15073. No comments were received during the comment period.

(g) The City Council of the Town of Colma held a duly-noticed public hearing on this matter on July 12, 2017, as prescribed by law and considered public testimony and evidence and recommendations presented by staff related to the proposed Project and the Negative Declaration for the Project.

(h) All requirements of the Public Resources Code and the State CEQA Guidelines have been satisfied by the Town in connection with the preparation of the Negative Declaration, which is sufficiently detailed so that all of the potentially significant environmental effects of the Project have been adequately evaluated.

(i) The findings and conclusions made by the City Council in this Resolution are based upon the oral and written evidence presented as well as the entirety of the administrative record for the Project, which is incorporated herein by this reference. The findings are not based solely on information provided in this Resolution.

(j) Prior to taking action, the City Council has heard, been presented with, reviewed, and considered all of the information and data in the administrative record, including but not limited to the Initial Study, Negative Declaration, the Staff Report, all comments received to date, and evidence presented during all meetings and hearings in the review process.

(k) The Negative Declaration reflects the independent judgment of the Town and is deemed adequate for purposes of making decisions on the merits of the Project.

(l) No comments made in the public hearing conducted by the City Council, and no additional information submitted to the City Council have produced substantial new information requiring substantial revisions that would trigger recirculation of the Negative Declaration or additional environmental review of the project under State CEQA Guidelines section 15073.5.

(m) The Initial Study, the Negative Declaration, the Staff Report, comment letters, and all other documents that constitute the record of this matter can be reviewed at the Town of Colma, Town Hall, Planning Department, 1190 El Camino Real, Colma, CA 94014. The Custodian of Record is Michael P. Laughlin, City Planner.

(n) All other legal prerequisites to the adoption of this Resolution have occurred.

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) Compliance with the California Environmental Quality Act. As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the Negative Declaration, Initial Study, administrative record, and all other written and oral evidence presented to the Town for the Project, on file with the Town and available for review at Town of Colma, Town Hall, Planning Department, 1190 El Camino Real, Colma, CA 94014. Based on the City Council's independent review and analysis, the City Council finds that the Negative Declaration, Initial Study, and administrative record contain a complete and accurate reporting of the environmental impacts associated with the Project, and that the Negative Declaration has been completed in compliance with the California Environmental Quality Act (Public Resources Code, § 21000 et seq.; "CEQA") and the State CEQA Guidelines (California Code of Regulations, title 14, § 15000 et seq.).

(c) Findings on Environmental Impacts. Based on the whole record before it, including the Negative Declaration, Initial Study, the administrative record, and all other written and oral evidence presented to the City Council, the City Council finds that all environmental impacts of the Project are either less than significant or no impact as outlined in the Negative

Declaration, and the Initial Study. The City Council further finds that there is no substantial evidence in the administrative record supporting a fair argument that the Project may result in any significant environmental impacts. The City Council finds that the Negative Declaration, contains a complete, objective, and accurate reporting of the environmental impacts associated with the Project and reflects the independent judgment and analysis of the City.

3. Negative Declaration Adopted.

(a) The City Council, having reviewed the proposed Project and the proposed Negative Declaration, hereby adopts the Negative Declaration and instructs the City Planner to prepare and file a Notice of Determination with the San Mateo County Clerk within five (5) working days of the approval of the proposed Project.

* * * * *

Certification of Adoption

I certify that the foregoing Resolution No. 2017-37 was duly adopted at a regular meeting of the City Council of the Town of Colma held on July 12, 2017, by the following vote:

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

Dated 7/21/17

Helen Fisicaro
Helen Fisicaro, Mayor

Attest: Caitlin Corley
Caitlin Corley, City Clerk

