

**CITY OF MILLBRAE**  
**PUBLIC WORKS DEPARTMENT**  
**GENERAL CONDITIONS OF APPROVAL**

**I. General Requirements**

The terms and conditions of all requirements in this document shall apply to the applicant, designer, contractor and any others doing work under the permit(s) issued by the Department of Public Works (DPW) regardless of the specific parties noted in any condition terms.

Prior to occupancy, all proposed improvements shall be completed and approved in accordance with City Standards and specifications and/or the approved plans.

**II. Plan Submittal**

Each set of plans submitted for review and approval, shall have attached an annotated copy of these Conditions of Approval. The notations shall clearly describe the procedures for compliance with the Conditions of Approval. Construction plans will not be accepted without the annotated conditions attached to each set of plans.

Provide copies of the street and/or utility improvement plans in electronic format such as PDF or AUTOCAD, if possible.

**Improvements**

The plans shall show the existing and proposed improvements along adjacent public street(s) and the property that relates to the proposed improvements including the size and location of all existing and proposed utilities such as water, sewer, electric, gas, drainage, etc. The plans shall also show the property lines, set back requirements, lot dimensions, easements, property line to street centerlines, street improvements, grading including cut/fill quantities, and structure walls or posts. Existing and proposed contours/spot elevations to indicate general site slope and drainage pattern(s) may be required upon request.

**Landscaping**

Landscaping shall be designed with efficient irrigation practices to promote conservation, reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides that contribute to runoff pollution as identified in Section 8.46 of the Municipal Code.

**Easements**

Easements shall be acquired, and/or rights-of-entry obtained from the adjacent property owners for improvements required outside of the project. The easements and/or rights-of-entry shall be in writing and copies shall be furnished to the DPW.

No buildings or other permanent structures, heavy landscape or large trees shall be constructed on any utility easement.

**Stormwater**

Note on the site plan: **“The discharge of pollutants to any storm drainage system is prohibited. No solid waste, petroleum byproducts, soil particulate, construction waste materials, or wastewater generated on construction sites or by construction activities shall be placed, conveyed or discharged into the street, gutter or storm drain system.”**

Stormwater collected from impervious surfaces, including but not limited to roofs, patios/decks and driveways, shall be retained on-site. No collected drainage shall be allowed to drain onto any adjoining property, unless an approved easement exists with an adequate drainage facility.

A stormwater pollution prevention plan (SWPPP) addressing construction activities, permanent and temporary erosion and sediment control shall be developed and approved by the City prior to start of construction. Refer to [www.flowstobay.org](http://www.flowstobay.org) for additional information.

## **Recycling and Reuse**

Building materials and components containing recycled material shall be incorporated and used in the design of the project to the maximum extent possible.

Trash enclosures with recycling area(s) must be provided and be completely covered; no other facilities shall drain onto this area. Drains in any wash or process area shall be discharged to the sanitary sewer system, not into the storm drain system. The plans shall include sufficient accessible space and signage for storage and collection of recyclables and shall include notations indicating use of the space (e.g. containers, balers). For additional information regarding appropriate sizing of space for recycling use, contact the City's Recycling and Waste Prevention Program staff at (650) 259-2444.

## **Water Conservation**

The applicant shall comply with all water conservation measures as identified in the Municipal Code. Obtain information about Best Management Practices (BMP's), water conservation audits, and the Municipal Code, including water use regulations and prohibitions from the DPW or on the City's website at [www.ci.millbrae.ca.us](http://www.ci.millbrae.ca.us).

## **Hydrology/Hydraulic Report**

A hydrology/hydraulic report is required for significant development projects. The report shall be prepared by an engineer licensed in the State of California and submitted to the DPW for review and approval.

## **Transportation Demand Management**

Develop and implement reasonable Transportation Demand Management (TDM) strategies to minimize off-site traffic impacts, such as assigning a transportation coordinator to promote transit use and providing employee transit and carpool incentives. TDM strategies and a written TDM plan shall be developed in conjunction with and coordinated with the Peninsula Traffic Congestion Relief Alliance.

## **Traffic Control**

A traffic control plan shall be submitted whenever improvements may impact the flow of vehicular traffic. Lane closures shall conform to the California Manual of Uniform Traffic Control Devices (MUTCD). Road closures will not be allowed unless approved in writing by the DPW.

## **Geotechnical/Soils Report**

A geotechnical/soils report is required for all structures requiring a building permit except in the following cases: residential room additions, carports, utility sheds, decks and detached garages accessory to single family dwellings. These exceptions do not apply if the improvements are located in an area of the City where soil or geological problems are known to exist such as steep slopes and areas of historic slope failure. No other exceptions will be granted without the approval of the DPW. Geotechnical/soils reports shall be prepared by a geotechnical engineer licensed in the State of California.

## **III. Encroachment Permits**

An Encroachment Permit shall be obtained for all proposed work within the City's right-of-way or in any easement, including sidewalk, driveways, curb and gutter, and for City utilities including water (domestic, irrigation and fire), sewer, and storm drainage. No party other than the named applicant or the designated subcontractor listed on the permit is authorized to perform work under an Encroachment Permit. A copy of the approved permit shall be kept on the jobsite at all times and shall be made available upon request by any City official.

## **Permit Fee and Security Deposit**

The applicant will be required to pay all applicable permit fees and post a security deposit based on the improvements proposed. The security deposit will ensure the improvements are made in a timely manner and be used to repair any damage caused by construction to existing facilities in the City's right-of-way or easement. The security deposit will not be released until all improvements are completed and approved per the terms of the permit.

**Insurance**

All contractors working within the right-of-way shall procure and maintain for the duration of the work insurance against claims for injuries to persons or damages to property which may arise from the performance of the work. The Insurance Policy must name the City of Millbrae and its employees and agents as additional insured and provide for a thirty (30) day notice of cancellation. The insurance shall not be less than the minimum limits specified on the attached Attachment C.

**Existing Conditions**

Prior to the issuance of the Encroachment Permit, a video or photographic inspection of the existing conditions of the roadways and other public improvements adjoining the project within the City right-of-way shall be performed by the applicant and submitted to the City for review.

**Non-City Agency Compliance**

The applicant is responsible for obtaining the approval of all participating regulatory and non-City agencies prior to the issuance of a permit. The applicant shall obtain an Encroachment Permit from the State of California Department of Transportation (Caltrans) for all work within the state right-of-way. The party or parties to whom a permit is issued shall, whenever required by law, secure the written authorization for any work that must be approved by the Public Utilities Commission (PUC) of the State of California, CAL-OSHA, or any other public agency having jurisdiction.

**Existing Utilities and Conflicts**

This permit is non-exclusive. If a conflict with an existing facility or improvement is discovered during the course of work, the applicant must arrange with the owner of the facility or improvement for any necessary removal or relocation of the facility or improvement. Any and all associated costs for the removal or relocation will be the responsibility of the applicant. The improvements installed by the applicant will be subject to and subordinate to the City's use of the property.

**Claims**

Unless otherwise stated on the permit or other separate written agreement, all costs incurred for work pursuant to an approved encroachment permit shall be borne by the applicant, and applicant hereby waives all claims for indemnification or contribution from the City for such work.

**Maintenance Period**

The applicant agrees, by acceptance of a permit, to properly maintain, for a period of 1 year following a maintenance bond, any improvement constructed as a result of the permit. Inspection and repair of any damaged City and/or private facilities resulting from the work under the permit shall be at the expense of the applicant.

**Archaeology**

The applicant shall cease work in the vicinity of any archaeological resources that are revealed or discovered during the work. The City shall be notified immediately by the applicant. A qualified archaeologist, retained by the applicant, will evaluate the situation and make recommendations to the City concerning the continuation or stoppage of work.

**Grading and Hauling**

A Grading and Hauling Permit from the DPW is required for a project with a combined amount of cut and fill exceeding 50 cubic yards of material. Additionally, Planning Commission action is required for the combined amount of cut and fills material exceeding 500 cubic yards. Grading permits will not be issued for the period starting October 15th and ending April 15th, unless otherwise approved by the City. Earth haul and material delivery to and from the site will be restricted to weekdays between the specified working hours. Truck hauling routes must be submitted in writing and approved by the DPW prior to the commencement of work. The application for the Grading and Hauling Permit shall include, but not be limited to, a stormwater pollution prevention plan, site grading and drainage plan showing topographic contours prepared by a licensed civil engineer or landscape architect.

#### **IV. Construction**

##### **Working Hours**

With the exception of emergencies, construction activities shall be restricted to weekdays, Monday through Friday, between the hours of 7:30 a.m. and 7:00 p.m.; upon approval from the City. No work shall occur on weekends or holidays without obtaining approval from the DPW.

##### **Inspections**

The City shall be notified 2 working (excluding Saturdays, Sundays and Holidays) days in advance prior to the start of construction and for required inspections. When work has been interrupted for more than 5 working days, an additional 1 working day (excluding Saturdays, Sundays and Holidays) notification is required before restarting work unless a pre-arranged agreement has been made with the DPW. The applicant shall request a final inspection only after all improvements have been completed.

##### **Compaction Test**

The applicant is responsible for achieving the required compaction of all trench and surface sections. Compaction testing is required and proof of testing results shall be provided to the City. The applicant shall acquire and pay for all services needed to perform the required compaction test and retest until the desired compaction is achieved. Proper precautions shall be taken to protect all pavement, curb, and other concrete facilities from damage that are not in the scope of work. Any damaged portions shall be replaced in accordance with current City Standards at the applicant's expense.

##### **Standards and Specifications**

All work shall be performed in accordance with the current applicable City of Millbrae and CalTrans standards and specifications unless otherwise with the approved plans in the permit. In addition, all work shall be subject to monitoring, inspection for compliance, and approval by the City.

##### **Traffic and Pedestrian Control**

Adequate provisions shall be made for the protection of the traveling public.

Obstruction of any road travel lane shall be controlled with appropriate temporary traffic control measures including delineation, warning signs, lights, flag persons and other safety devices required for the public safety. These safety measures shall conform to the requirements of the California MUTCD. The applicant shall request and obtain written approval from the City before any lane closures are implemented. Road closures shall not be permitted unless approved in writing by the City.

Pedestrian traffic may be diverted around a construction site back to the nearest intersection if circumstances indicate this is the only feasible option and approved by the City. If pedestrian traffic is diverted, such diversion shall be adequate for safety but in no case less than 10 feet from the nearest feature of the building, scaffolding or facility being worked on. Diverted walkways shall be clearly delineated with barriers approved by the City that will prevent easy straying into or out off the walkway on both sides. Diverted pathways shall not enter a travel lane of a street and shall be at least 4 feet wide and clear of any hazards. At locations where a 4 foot walkway cannot be provided, appropriate signs and barricades shall be installed at the limits of construction and in advance of the closure at the nearest crosswalk or intersection to divert pedestrians across the street. Diverted pathways shall be clear and provided with safe steps and/or ramps with hand rails if required. Pedestrian areas that are affected by construction, diverted or obstructed shall be adequately lighted for safe night time passage.

##### **Existing Utilities and Conflicts**

Any relocation or construction of improvements on public facilities shall be accomplished at the expense of the applicant, in accordance with City standards and specifications. Attention is directed to the possible existence of underground facilities within the area of construction. The applicant shall ascertain the exact location of all underground facilities prior to doing work that may be damaged during construction. The applicant is responsible for verifying that all utilities and City facilities are clear, protected, or relocated from the area of work prior to construction. The applicant shall contact

Underground Service Alert (USA) 48 hours before commencing work to verify elevations and locations of all existing utilities. After completion of all work under the permit, the applicant shall remove all USA markings prior to project acceptance.

### **Site Maintenance**

At all times, the area surrounding the job site shall be maintained free from dust, mud, excess earth and debris which constitute a nuisance and damage. All excess material, trash, dust and other debris shall be cleaned up and disposed of to the satisfaction of the DPW.

### **Construction Management**

The applicant shall provide a Construction Management Plan to DPW. The Plan shall include, at a minimum, the schedule of construction, and staging area for materials and equipment. Provide a contained and covered area to store materials such as cement, paints, flammable, oils, fertilizers, pesticides or any other materials used on the project site that have the potential of contaminating the soil and/or being discharged to the storm drain system. Machinery, tools, brushes, etc., shall be cleaned or rinsed in containers and disposed of properly to prevent paints, solvents and adhesives from contaminating the soil and entering the storm drain system.

For public parking spaces used during construction, the applicant shall place temporary "No Parking" signs in accordance with the City's timing requirements. These signs are available for purchase at the DPW at City Hall. No other "No Parking" signs shall be posted, unless approved in writing by the DPW.

### **Restoration**

The applicant shall be responsible for restoring any existing improvements within the City right-of-way and/or easement which has been excavated or otherwise disturbed by the applicant to its former condition as nearly as possible. The applicant shall maintain the surface over any easement where the facilities or improvements are placed under the permit. If the right-of-way and/or private property above an easement are not restored in accordance to these conditions, and if the City and/or private party make the necessary repairs, the applicant agrees by acceptance of the permit to reimburse the City and/or private party for all costs incurred for the restoration work.

## **V. Stormwater Requirements**

### **Stormwater Permit**

The applicant's work shall conform to Provision C.3 of the Countywide Municipal Stormwater Permit and the National Pollutant Discharge Elimination System (NPDES) permit. The applicant shall implement all San Mateo Countywide Water Pollution Prevention Program (SMCWPPP) measures and Best Management Practices (BMP's). Failure to comply with the approved construction BMP's will result in the issuance of correction notices, citations and/or a stop work order.

To reduce runoff pollution, Integrated Pest Management (IPM) shall be integrated into the project that emphasizes non-pesticide alternatives, and, when necessary, employs the least toxic chemicals. The IPM techniques shall follow the SMCWPPP standards. Refer to [www.flowstobay.org](http://www.flowstobay.org) for additional information.

### **Existing Drainage Conditions**

If the work performed interferes with established drainage patterns, ample provisions shall be made by the applicant to correct the interference. The City may also direct the applicant to take additional measures, which shall be performed at the applicant's expense.

### **Illicit Discharge**

No dumping or discharge of construction materials, debris, and hazardous materials will be permitted into the City's storm drainage system. In the event of any discharge, leakage, spill or emission of hazardous materials, applicant shall promptly notify the DPW and shall clean all affected property. The applicant shall indemnify, hold harmless and defend the City against all liability incurred as a result of any such discharge, leakage, spill or emission, regardless of whether such liability, cost or expense arises during or after the term of the permit.

## **VI. Construction and/or Demolition Reuse and Recycling Requirements**

The City conducts recycling programs in compliance with State law AB939, which requires all California cities to reduce the amount of garbage placed in landfills. Therefore the applicant and contractor(s), including subcontractor(s), shall maximize the reuse and recycling of construction and demolition materials to the greatest extent possible.

The City has literature, including the "Construction Site Recycling Guide," and offers technical assistance to aid in the reuse and recycling of materials from construction and demolition projects, including information on recycling service companies.

Specifically, the following measures shall be implemented:

- a. Applicant shall prepare and submit for approval a Solid Waste Management Plan that details the anticipated reuse, recycling, and disposal of materials from the project (See Attachment B). The Plan shall be in accordance with guidelines and forms provided by the City, and shall be submitted to and approved by Millbrae's Recycling & Waste Prevention Program staff prior to the approval of a building permit. At a minimum, the Plan shall estimate the total waste to be generated by the project and shall describe the methods and facilities to be used for reuse, recycling, and disposal of these materials. **Applicant shall achieve and document a recycling rate of at least 50% of all waste generated for the project by weight, with at least 25% achieved through reuse and recycling of materials other than source separated dirt, concrete and asphalt.**
- b. Applicant and contractor(s), including subcontractor(s), shall specifically investigate opportunities to salvage materials for reuse prior to the start of demolition or remodeling activities, and will provide a minimum of two (2) weeks lead time in the demolition or remodeling schedule for the salvage activities to take place. A listing of salvage companies is attached. Demolition permits will be issued upon proof of salvage activities or submittal of written documentation included in the Solid Waste Management Plan (See Attachment B) of why salvaging cannot take place.
- c. All written bids for construction and/or demolition services for the project (including subcontractors) shall indicate the City's goal to maximize the reuse and recycling of construction and demolition waste materials from the project. Note: You must use a Debris Box from South San Francisco Scavenger Company unless you are self-hauling the materials; see the details in the notes below.
- d. Applicant shall submit a Recycling and Reuse Final Report on disposal and reuse and recycling activities in a format and schedule provided by the City (See Attachment C). For larger projects, monthly or interim reports may be required. The reports shall detail recycling rates and activities and summarize all tonnages disposed, reused, and recycled, and shall include receipt documentation from disposal, reuse and recycling facilities. If a facility is used that sorts mixed C&D (Construction and Demolition) loads for recycling, the receipt must identify the load as construction and demolition debris and that the load will be sorted for recycling, and include the total weight of the load. These reports shall be submitted to and reviewed and approved by Millbrae's Recycling & Waste Prevention Program staff prior to deposit reimbursement.

### **Notes:**

Solid waste and recycling services in the City are under an exclusive franchise contract to South San Francisco Scavenger Company. Thus, all such services must be obtained from the South San Francisco Scavenger Company. There are only two exceptions to this exclusive franchise contract: 1. If reuse and recycling collection services are offered for free or if customers are paid for recyclables then any company may be used for the collection of reusable and recyclable materials; and 2. California State licensed demolition or construction contractors are allowed to self-haul their own garbage and recyclables only if such contractors use their own vehicles, equipment and employees to perform the self-hauling, and as long as such hauling is incidental to their primary business function, e.g., roofer, plumber, etc.

The Millbrae Municipal Code includes enforcement actions on debris boxes, dumpsters or roll-off bins that are outside of the allowable exceptions to the City's Exclusive Franchise. Debris boxes, dumpsters

or roll-off bins deemed illegal by the City will be subject to confiscation and fines pursuant to the provisions in the Code.

A Dumpster/Roll-off Acknowledgement and Information Verification Form (See Attachment D) needs to be filled out and submitted prior to obtaining DPW or Building Department permits.

South San Francisco Scavenger Company recycles mixed construction and demolition loads from their debris boxes.

**Attachments:**

- Attachment A: C&D Reuse and Recycling Planning and Reporting Process/Checklist
- Attachment B: C&D Solid Waste Management Plan Form
- Attachment C: C&D Recycling and Reuse Final Report Form
- Attachment D: Dumpster or Roll-Off Bin Acknowledgement Form
- Attachment E: Insurance Requirements