



City of Millbrae

621 Magnolia Avenue, Millbrae, CA 94030

STANDARD ENVIRONMENTAL DEVELOPMENT PROJECT CONDITIONS OF APPROVAL

Effective: May 13, 2022

As Approved by the City of Millbrae Community Development Director on May 13, 2022

Approval Signature: Darcy Smith

**Darcy Smith
Community Development Director**

AESTHETICS

1. LANDSCAPE AND IRRIGATION PLANS

The applicant shall submit final landscape and irrigation plans for City review and approval prior to the issuance of the first building permit. The landscape and irrigation plans shall be included with the set of drawings submitted for the construction-related permit and shall comply with the landscape requirements of the Millbrae Municipal Code (Chapter 8.60 and Chapter 8.45). At least 50 percent of the proposed plantings shall be drought-tolerant and irrigation shall comply with the State's Model Water Efficient Landscape Requirements. Specification of any street trees shall comply with the approved plans, or subject to final determination by the City Engineer.

When Required: Addressed on the construction plans submitted for any new construction-related permit, and shall be satisfied prior to issuance of the permit for the project

Conformance Approval: Community Development Department (Planning Division)

Monitoring/Inspection Responsible Party: Community Development Department (Planning Division)

2. LIGHTING STANDARD AND PLAN

For all new projects, all exterior lighting shall be of a design and placement so as not to cause glare onto adjoining commercial properties and nearby residential properties, nor to motorists traveling on adjacent roads. A photometric plan shall be submitted to document that substantial spillover onto adjacent properties would not occur. Proposed new exterior lighting fixtures

shall be adequately shielded to a point below the light bulb and reflector to prevent unnecessary glare onto adjacent properties.

When Required: Addressed on the construction plans submitted for any building permit for construction of a building, including the permit for grading or foundation, and shall be satisfied prior to issuance of the first permit for the project

Conformance Approval: Community Development Department (Planning Division)

Monitoring/Inspection Responsible Party: Community Development Department (Planning Division)

3. SIGNAGE

For all new projects, approval of a sign permit or Master Sign Program (if required by the Sign Code) will be required for any signage on the property. The signage must be consistent with the location, number, size, scale, design, and lighting of the Millbrae Municipal Code Sign Regulations (Chapter 10.10); materials and colors must harmonize with their surroundings and be compatible with the architectural style of the building(s).

When Required: Addressed on the construction plans submitted for any building permit for construction of a building and shall be satisfied prior to issuance of the first permit for the project

Conformance Approval: Community Development Department (Planning Division)

Monitoring/Inspection Responsible Party: Community Development Department (Planning Division)

4. TRASH AND DEBRIS CLEARANCE

All projects shall be kept free and clear of trash and debris on a regular and continuous basis per the Millbrae Municipal Code (Chapter 6.25). It is considered a public nuisance for an applicant to maintain such property in a manner that maintenance or condition of property becomes defective or in a condition of deterioration or disrepair causing visual blight, reduces the aesthetic appearance of the neighborhood, offends the senses, is detrimental to nearby properties or is a danger to public safety. This includes junk, trash, debris, salvage material, abandoned, discarded or unused furniture, stoves, sinks, toilets, cabinets, or other household fixtures or equipment stored so as to be visible from a public street, alley or from adjoining properties.

When Required: At all times during construction and operation of the project

Conformance Approval: Any enforcement officer identified as the person authorized by the city to enforce any provisions of the Millbrae Municipal Code (Chapter 6.25)

Monitoring/Inspection Responsible Party: Community Development Department (Planning Division)

5. GRAFFITI

All projects shall be kept free and clear of graffiti vandalism on a regular and continuous basis. All graffiti shall be removed by the applicant within 24 hours of its appearance during construction, and by the property owner after completion of construction per the Millbrae Municipal Code (Chapter 6.25). The applicant shall incorporate best management practices reasonably related to the control of graffiti and/or the mitigation of the impacts of graffiti. Such best management practices may include:

- a. Installation and maintenance of landscaping to discourage defacement of and/or protect likely graffiti-attracting surfaces.
- b. Installation and maintenance of lighting to protect likely graffiti-attracting surfaces.
- c. Use of paint or sealant with anti-graffiti coating.

When Required: At all times during construction and operation of the project

Conformance Approval: Community Development Department (Code Enforcement)

Monitoring/Inspection Responsible Party: Community Development Department (Code Enforcement)

AIR QUALITY

6. CONSTRUCTION BEST MANAGEMENT AIR QUALITY PRACTICES

The following conditions of approval indicate best management practices to be implemented by the applicant during project construction.

- a. To mitigate fugitive dust emissions, the applicant shall ensure that all fugitive dust construction measures recommended by BAAQMD in their contemporaneous CEQA guidelines are implemented.
- b. To mitigate exhaust-related emissions, the applicant shall ensure that all construction equipment meets U.S. Environmental Protection Agency-Certified Tier 4 emissions standards, or better, for off-road diesel-powered construction equipment greater than 50 horsepower. If Tier 4 equipment is not available, equipment with lower emissions standards, such as Tier 2, can be used in combination with a verified diesel emissions control strategy, such as a diesel particulate filter, if the resulting emissions are equivalent to Tier 4 standards.

- c. If equipment that meets these conditions are not commercially available, the applicant shall submit evidence to the City for equipment that cannot be obtained with Tier 4 equivalent or better standards within 200 miles of the City's boundaries. This evidence shall document that the equipment that is not commercially available within 200 miles meets the U.S. Environmental Protection Agency-Certified Tier 3 emissions standards.
- d. Generators used during construction shall be powered by electricity from utility lines unless electricity cannot be provided at the project site. If electricity cannot be provided by utility lines at the project site, non-diesel fuels, such as propane or natural gas, shall be used to power generators, unless the energy demand needed cannot be met by propane or natural gas equipment.
 - i. The applicant shall submit evidence to the City if non-electric generators are required if (1) electricity cannot be provided by utility lines or (2) propane and/or natural gas equipment cannot meet the energy needs of the project. Diesel-fueled generators may be used if evidence is submitted to and approved by the City.

When Required: Addressed on the construction plans submitted for any building or demolition permit, for construction of a building, including the permit for grading or foundation, and shall be satisfied prior to issuance of the first permit for the project

Conformance Approval: Community Development Department (Building Division)

Monitoring/Inspection Responsible Party: Community Development Department (Building Division) for building construction or Department of Public Works for site development

7. PROJECT OPERATIONS – EMISSIONS MINIMIZATION

The following conditions of approval indicate best management practices to be implemented by the applicant during project operation.

- a. To reduce toxic air contaminant emissions during project operations, the following conditions of approval are required:
 - i. During project operations, the applicant shall ensure that sources of diesel particulate matter and other toxic air contaminants shall be in a location within the project site that is farthest from existing or approved locations of sensitive receptors. If this requirement cannot be met, the applicant shall provide evidence to the city documenting incompatibility with the project design, that the project design cannot be reasonably modified to accommodate this requirement, and an alternate location for the source that is the greatest distance away from sensitive receptors that can be reasonably accommodated by the project design. These sources of toxic air contaminants include but are not limited to emergency generators, fire pumps, boilers, truck loading docks, and fume hood vents.

- ii. During project operations, the applicant shall ensure that all diesel generators and fire pumps meet U.S. Environmental Protection Agency-Certified Tier 4 emissions standards, or better. If Tier 4 equipment is not available, equipment with lower emissions standards, such as Tier 2, can be used in combination with a verified diesel emissions control strategy, such as a diesel particulate filter, if the resulting emissions are equivalent to Tier 4 standards.

When Required: Prior to the final inspection or issuance of any Certificate of Occupancy

Conformance Approval: Community Development Department (Building Division)

Monitoring/Inspection Responsible Party: Community Development Department (Building Division)

BIOLOGICAL RESOURCES

8. AVOID DISTURBANCE OF NESTING BIRDS

Vegetation removal and initial ground-disturbance activities should be initiated during the non-nesting season for migratory nesting birds from September 1 to January 31. If work cannot be initiated during this period, a nesting bird survey should be performed by a qualified biologist for species protected by the Migratory Bird Treaty Act and California Fish and Game Code within a 250-foot radius of proposed construction activities for nesting birds, no more than 10 days prior to the start of construction activities. If active nests are found, a no-disturbance buffer should be placed around the nest until young birds have fledged or the nest is determined to be no longer active by the qualified biologist. The size of the buffer shall be determined by the biologist based on species and proximity to activities and may be reduced at the discretion of the qualified biologist. Active nests shall be monitored periodically to determine time of fledging.

When Required: Prior to the first permit to be issued and at all times during the construction phase of the project

Conformance Approval: Community Development Department (Planning Division)

Monitoring/Inspection Responsible Party: Community Development Department (Building Division)

CULTURAL RESOURCES

9. ARCHEOLOGICAL RESOURCES DISCOVERY

If a potentially significant subsurface cultural resource is encountered during ground disturbing activities, all construction activities within a 100-foot radius of the find shall cease until a

qualified archeologist determines whether the resource requires further study. All developers shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Any previously undiscovered resources found during construction activities shall be recorded on appropriate Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of CEQA criteria by a qualified archeologist. If the resource is determined significant under CEQA, the qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan that will capture those categories of data for which the site is significant. The archaeologist shall also perform appropriate technical analyses; prepare a comprehensive report complete with methods, results, and recommendations; and provide for the permanent curation of the recovered resources. The report shall be submitted to the City of Millbrae, Northwest Information Center (NWIC), and State Historic Preservation Office (SHPO), if required.

If indigenous or historic-era archaeological resources are encountered during construction activities, all activity within 50 feet of the find shall cease and the find shall be flagged for avoidance. Work may proceed on other parts of the project site while measures for the archaeological resources are implemented. The City and a qualified archaeologist, defined as one meeting the U.S. Secretary of the Interior's Professional Qualifications Standards for Archeology, shall be immediately informed of the discovery. The qualified archaeologist shall inspect the find within 24 hours of discovery and notify the City's Planning Division by phone of their initial assessment.

If the City determines, based on recommendations from the qualified archaeologist, that the resource may qualify as a historical resource or unique archaeological resource (as defined in CEQA Guidelines Section 15064.5), the resource shall be avoided if feasible. Avoidance means that no activities associated with the project that may affect cultural resources shall occur within the boundaries of the resource or any defined buffer zones, as determined by the qualified archeologist. Feasibility of avoidance shall be determined by the qualified archaeologist in collaboration with the City with consideration of factors such as the nature of the find, the potential to redesign of project to avoid the resource, and cost of avoidance. If avoidance is infeasible, the archaeologist shall develop and institute a treatment plan describing other appropriate measures (e.g., data recovery, excavation) with the aim to target the recovery of important scientific data contained in the portion(s) of the significant resource.

Treatment for most resources would consist of (but would not be limited to) sample excavation, artifact collection, site documentation, and historical research. The resource and treatment method shall be documented in a professional-level technical report to be filed with the California Historical Resources Information System. Work in the area may commence upon completion of approved treatment and under the direction of the qualified archaeologist.

When Required: At all times during the construction phase of the project

Conformance Approval: Community Development Department (Building and Planning Divisions)

Monitoring/Inspection Responsible Party: Community Development Department (Building Division)

10. HUMAN REMAINS DISCOVERY

In the event of the discovery of human remains during construction or demolition, there shall be no further excavation or disturbance of the site within a 50-foot radius of the location of such discovery, or any nearby area reasonably suspected to overlie adjacent remains. Work may proceed on other parts of the project site while measures for the human remains are implemented. The San Mateo County Coroner shall be notified and shall make a determination as to whether the remains are Native American. In the event that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC) which shall, in turn, notify the person the NAHC identifies as the most likely descendent (MLD), pursuant to subdivision (c) of section 7050.5 of the California Health and Safety Code. Further actions shall be determined, in part, by the desires of the MLD.

If the City determines that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and a timeframe required to resume construction activities. Monitoring, data recovery, determination of significance, and avoidance measures (if applicable) shall be completed expeditiously and at the expense of the applicant. A final report shall be submitted to the City prior to release of a Certificate of Occupancy. This report shall contain a description of the alternative plan and its results, including a description of the monitoring and testing resources analysis methodology and conclusions, and a description of the disposition/curation of the resources. The report shall verify completion of the plan to the satisfaction of the City.

When Required: At all times during the construction phase of the project

Conformance Approval: Community Development Department (Building Division)

Monitoring/Inspection Responsible Party: Community Development Department (Building Division)

GEOLOGY, SOILS, AND PALEONTOLOGY

11. GEOTECHNICAL REPORT PREPARATION AND REPORTING REQUIREMENTS

Prior to the approval of any grading or building permits, the applicant shall submit a site-specific geotechnical report, prepared by a registered geotechnical engineer, to the City for review and approval. The geotechnical report shall identify any seismic hazards and provide recommendations in accordance with the specifications of California Geological Survey (CGS) Special Publication 117, *Guidelines for Evaluating and Mitigating Seismic Hazards* (as amended), and the requirements of the Seismic Hazards Mapping Act. The geotechnical report

shall certify the project complies with the requirements of the Seismic Hazards Mapping Act and shall contain at a minimum:

- a. A description of the existing geological and geotechnical conditions at the site;
- b. An evaluation of site-specific seismic hazards based on geological and geotechnical conditions, including
 - i. A site-specific fault description containing the locations of active faults on or adjacent to the project site, along with recommended setback distances for any proposed structures and any measures to accommodate warping and distributive deformation associated with faulting (such as foundation, design, and utility connection recommendations);
 - ii. A description of potential for seismic ground shaking capacity at the project site, based on proximity to active faults, the maximum credible magnitude of these faults, and soil conditions at the project site; and,
 - iii. an evaluation of potential impacts related to slope stability.
- c. Formal recommendations for project design and construction, including but not limited to recommendations related to grading, soil preparation, and foundation design.

The city may require a peer review of the geotechnical study. If the city requires a peer review, the applicant shall be responsible for the cost of the peer review and any other cost associated with the peer review. Following City approval of the geotechnical report, the applicant shall implement the recommendations contained in the approved geotechnical report during project design and construction, including incorporating recommendations into building permit drawings and/or civil drawings as necessary.

When Required: Addressed on the construction plans submitted for any building or demolition permit, for construction of a building, including the permit for grading or foundation, and shall be satisfied prior to issuance of the first permit for the project

Conformance Approval: Public Works Department and Community Development Department (Building Division)

Monitoring/Inspection Responsible Party: Community Development Department (Building Division)

12. SOILS REPORT PREPARATION AND REPORTING REQUIREMENTS

Prior to the approval of any grading or building permits, the applicant shall submit a site-specific soils report, prepared by a registered geotechnical engineer and based upon adequate test borings or excavations. The soils report shall be submitted to the City for review and

approval, unless, due to City knowledge of the soil qualities of a project site, the City decides to waive the requirement. The soils report shall contain at a minimum:

- a. Results of field tests and observation regarding strength, distribution, and nature of soils
- b. Recommendations for project grading and design based on observations; Recommendations for soil improvement (such as compaction, surcharging, or reinforcing) if applicable;
- c. A quantitative evaluation of liquefaction susceptibility;
- d. An evaluation of soil shrink-swell potential; and,
- e. An investigation of compressible soils that may be prone to settlement/subsidence;

Following City approval of the soils report, the applicant shall implement the recommendations contained in the approved soils report during project design and construction.

When Required: Addressed on the construction plans submitted for any building or demolition permit for construction of a building, including the permit for grading or foundation, and shall be satisfied prior to issuance of the first permit for the project

Conformance Approval: Public Works Department and Community Development Department (Building Division)

Monitoring/Inspection Responsible Party: Community Development Department (Building Division)

13. PALEONTOLOGICAL RESOURCES DISCOVERY

Requirements for Excavation in Geologic Units with High Sensitivity

For ground disturbing construction in the City located on surficial geologic units with a record of containing unique paleontological resources (i.e., with high potential to contain paleontological resources as defined by Society of Vertebrate Paleontology), the City shall require the applicant to develop and implement a Paleontological Resources Monitoring Plan by a qualified paleontologist, defined as one who has, to the satisfaction of the Director of the Community Development Department, (1) a Ph.D. or M.S. or equivalent in paleontology or closely related field (e.g., sedimentary or stratigraphic geology, evolutionary biology, etc.), (2) demonstrated knowledge of San Francisco Bay Area paleontology and geology, and (3) documented experience in professional paleontological procedures and techniques, to minimize potential impacts on paleontological resources. The geologic unit with potential to contain unique paleontological resources in the City of Millbrae is the Merced Formation, as mapped by Wagner et al. 1991.

The applicant shall engage a qualified paleontologist to develop the site-specific Paleontological Resources Monitoring Plan prior to commencing soil-disturbing activities at the project site. The Paleontological Resources Monitoring Plan would describe which project construction activities would require monitoring, based on extent and depth of ground disturbance and paleontological potential of the geologic unit. Prior to issuance of the grading permit, the applicant shall submit the Paleontological Resources Monitoring Plan to the City for approval. After approval, paleontological resources monitoring shall proceed in accordance with the Paleontological Resources Monitoring Plan. The applicant shall document the monitoring conducted according to the Paleontological Resources Monitoring Plan and any data recovery completed for significant paleontological resources that may be discovered during construction. This documentation shall be presented to the Director of the Community Development Department within 90 days following the collection of the fossil at the site.

Requirements for Excavation in Geologic Units with Undetermined Sensitivity

For ground-disturbing construction in the City located on surficial geologic units with undetermined potential to contain paleontological resources, as defined by Society of Vertebrate Paleontology (i.e., early Holocene continental and marine deposits, as mapped by Wagner et al. 1991), or that involve deep excavation through surficial artificial fill into a geologic unit with high or undetermined potential for paleontological resources, the City shall require worker awareness training and stop work procedures to minimize potential impacts on paleontological resources.

Worker awareness training shall be provided to construction workers prior to commencement of construction. The applicant and/or their designee shall ensure that all project construction workers are trained by a qualified paleontologist on recognition of vertebrate paleontological resources. In addition, the applicant shall inform the contractor and construction personnel of immediate stop-work and other procedures to be followed in case potential fossils are unearthed at the project site.

Stop Work Requirement

For all ground disturbing construction in the City, the following procedures shall be implemented. If paleontological resources are encountered during construction activities, all activity within 50 feet of the find shall cease and shall be flagged for avoidance. The City and a qualified paleontologist shall be immediately informed of the discovery. The qualified paleontologist shall inspect the find within 24 hours of discovery and notify the City of their initial assessment. The assessment shall be done in accordance with the Society of Vertebrate Paleontology standards.

If the City determines, based on the recommendations from the qualified paleontologist, that the resources may be significant (as defined in CEQA Guidelines section 15064.5[f]), the resource shall be avoided if feasible. Avoidance means that no activities associated with the

project that may affect paleontological resources shall occur within the boundaries of the resource or any defined buffer zones, as determined by the qualified paleontologist. Feasibility of avoidance shall be determined by the qualified paleontologist in collaboration with the City with consideration of factors such as the nature of the find, project design, costs, feasibility of redesigning the project to avoid the resource, and other considerations. If avoidance is unnecessary or infeasible, the qualified paleontologist shall develop and institute other appropriate measures (e.g., data recovery, excavation). Work may proceed on other parts of the project site while measures for the paleontological resources are implemented.

When Required: At all times during the construction phase of the project

Conformance Approval: Community Development Department (Building and Planning Divisions)

Monitoring/Inspection Responsible Party: Community Development Department (Building and Planning Divisions)

GREENHOUSE GAS EMISSIONS

14. CONSTRUCTION AND OPERATION EMISSIONS MINIMIZATION

To minimize emissions from project construction, the applicant shall ensure that all applicable best management practices recommended by the BAAQMD in their contemporaneous CEQA guidelines are implemented during construction. These best management practices may include but are not limited to using alternative fueled construction vehicles or equipment of at least 15 percent of the fleet (e.g., biodiesel, electric); using local building materials of at least 10 percent; and recycling or reusing at least 50 percent of construction waste or demolition materials.

To avoid a net loss in carbon sequestration from trees, the applicant shall ensure that trees needing to be removed for project construction are replaced on a 1-for-1 basis with newly planted trees that are a minimum size of 24-inch box. The applicant shall ensure that the number of planted trees at the project site is equal to or greater than the number of trees removed.

When Required: Addressed on the construction plans submitted for any building permit for construction of a building, including the permit for grading or foundation, and shall be satisfied prior to issuance of the first permit for the project

Conformance Approval: Community Development Department (Building and Planning Divisions)

Monitoring/Inspection Responsible Party: Community Development Department (Building and Planning Divisions)

15. CLIMATE ACTION PLAN CONSISTENCY AND SUSTAINABLE BUILDING AND SITE DESIGN

To document consistency with the City's Climate Action Plan (CAP), the applicant shall submit evidence to the City of the project's compliance with the applicable measures from the CAP through submittal of the City's Climate Action Plan Checklist. For measures that require on-going implementation action, the applicant shall submit evidence of continued measure implementation.

When Required: Prior to the final inspection or issuance of any Certificate of Occupancy, and at all times that the building or use authorized by the planning approval occupies the subject property

Conformance Approval: Community Development Department (Building and Planning Divisions)

Monitoring/Inspection Responsible Party: Community Development Department (Building and Planning Divisions)

NOISE

16. AIRPORT NOISE AND LAND USE COMPATIBILITY

All projects located within the Airport Influence Area (AIA) of the San Francisco International Airport shall comply with the requirements of the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport (November 2012, or updated version), including, but not limited to, the following:

- a. Land uses located within the AIA shall meet the land use compatibility criteria for maximum acceptable airport noise levels, described in terms of Community Noise Equivalent Level (CNEL).
- b. For any residential building located within the 65 CNEL Zone, (as determined by the 2012 Noise Contour Map (or updated version), as published in the Comprehensive Airport Land Use Compatibility Plan) which is either newly constructed or renovated at a cost equal to or greater than 25% of the valuation (as assessed by the County Assessor) the building shall meet a Sound Transmission Class¹ (STC) Rating of 35.

When Required: Addressed on the construction plans submitted for any building permit for construction of a building, including the permit for grading or foundation, and shall be satisfied prior to issuance of the first permit for the project

¹ STC is a rating of how well a building partition attenuates airborne sound. The STC rating roughly reflects the dB reduction that the building partition provides

Conformance Approval: Community Development Department (Building Division)

Monitoring/Inspection Responsible Party: Community Development Department (Building Division)

17. CONSTRUCTION DAYS/HOURS

For all projects involving construction, the applicant shall comply with the following restrictions concerning construction days and hours:

- a. Construction activities are limited to between 7:30 a.m. and 7:00 p.m. Monday through Friday.
- b. Construction activities are limited to between 8:00 a.m. and 6:00 p.m. on Saturdays.
- c. Construction activities are limited to between 9:00 a.m. and 6:00 p.m. on Sundays and federal holidays.

Construction activities include, but are not limited to, truck idling, moving equipment or materials, deliveries, and construction meetings held on-site in a non-enclosed area.

In order to proceed with instances of nighttime construction activities for projects, the Project Sponsor must obtain approval from the City Building Official to conduct work outside of the standard daytime hours noted above. Work outside of these hours may be approved by the Building Official when requested, in writing, a minimum of 48 hours in advance. If approval is not received, nighttime construction shall not occur.

When Required: At all times during the construction phase of the project. Approval for nighttime construction shall be submitted to the Building Official with a minimum of 48 hours in advance

Conformance Approval: Community Development Department (Building Division)

Monitoring/Inspection Responsible Party: Community Development Department (Building Division)

18. CONSTRUCTION BEST MANAGEMENT NOISE PRACTICES

For all projects involving construction, the following conditions of approval indicate best management practices to be implemented by the applicant during project construction:

- a. All construction equipment and vehicles shall utilize the best available noise control techniques (e.g., manufacturer-approved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and noise-attenuating shields or shrouds), wherever feasible.

- b. All mobile or fixed construction equipment that is regulated for noise output by a governmental agency shall comply with such regulation.
- c. Prohibit unnecessary idling of internal combustion engines.
- d. All construction equipment shall be operated only when necessary and shall be switched off when not in use.
- e. Locate stationary noise-generating equipment as far as possible from sensitive receptors that adjoin construction sites.
- f. Construction employees shall be trained in the proper operation and use of the equipment to avoid careless or improper operation of equipment that could increase noise levels.
- g. Construction site speed limits of 20 mph or less shall be established, posted as necessary, and enforced during the construction period.
- h. To the maximum extent feasible, route construction-related traffic along major roadways and away from sensitive receptors.
- i. The use of noise-producing signals, including horns, whistles, alarms, and bells, shall be for safety warning purposes only.

When Required: At all times during the construction phase of the project

Conformance Approval: Community Development Department (Building Division)

Monitoring/Inspection Responsible Party: Community Development Department (Building Division)

19. NOISE LAND USE COMPATIBILITY

The applicant shall ensure that new development meets acceptable exterior noise level standards. The “normally acceptable” noise standards for new land uses are established in the land use compatibility standards in the City of Millbrae General Plan.

New residential or other noise sensitive development or activities shall not be allowed where the noise level due to commercial or industrial noise sources shall exceed the exterior noise compatibility standards set forth in the contemporaneous City of Millbrae General Plan.

When Required: Addressed on the construction plans submitted for any demolition permit, and shall be satisfied prior to issuance of the first permit for the project

Conformance Approval: Community Development Department (Building Division)

Monitoring/Inspection Responsible Party: Community Development Department (Building Division)

20. COMMERCIAL AND INDUSTRIAL STATIONARY NOISE

Noise created by commercial or industrial sources associated with new projects shall be controlled by the applicant so as not to exceed the exterior noise compatibility standards set forth in the contemporaneous City of Millbrae General Plan, as measured at any affected residential land use. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the City.

When Required: At all times that the building or use authorized by the planning approval occupies the subject property

Conformance Approval: Community Development Department (Building Division)

Monitoring/Inspection Responsible Party: Community Development Department (Building Division)

POPULATION AND HOUSING

21. AFFORDABLE HOUSING ON-SITE REQUIREMENTS AND AFFORDABLE HOUSING AGREEMENT

Pursuant to Municipal Code Article XXXIII Affordable Housing On-Site and In-Lieu Fee Requirements and City Council Resolution 21-49 the applicant shall provide on-site affordable units in compliance with the requirements, and shall enter into an Affordable Housing Agreement with the City. The Affordable Housing Agreement shall be recorded prior to the issuance of the first building permit for the project.

When Required: Addressed on the construction plans submitted for any building permit for construction of a building, including the permit for grading or foundation, and shall be satisfied prior to issuance of the first permit for the project

Conformance Approval: Community Development Department (Housing Division)

Monitoring/Inspection Responsible Party: Community Development Department (Housing Division)

22. AFFORDABLE HOUSING IN-LIEU FEE FOR RESIDENTIAL DEVELOPMENT PROJECTS

Applicant shall pay any applicable Affordable Housing In-Lieu Fee pursuant to Municipal Code Article XXXIII Affordable Housing On-Site and In-Lieu Fee Requirements and City Council Resolution 21-50. All such fees shall be paid prior to issuance of the first building permit for the project. The fees shall be calculated based on the fee in effect at the time the fee is paid, as established by City Council Resolution, unless otherwise required by state law. A developer may pay all or a portion of the fee owed at any time prior to issuance of the building permit, at the rate in effect at the time payment is made.

When Required: Addressed on the construction plans submitted for any building permit for construction of a building, including the permit for grading or foundation, and shall be satisfied prior to the issuance of the first permit for the project

Conformance Approval: Community Development Department (Housing Division)

Monitoring/Inspection Responsible Party: Community Development Department (Housing Division)

23. AFFORDABLE HOUSING COMMERCIAL LINKAGE IMPACT FEE FOR COMMERCIAL DEVELOPMENT PROJECTS

Applicant agrees to pay the Affordable Housing Commercial Linkage Fee pursuant to Municipal Code Article XXXIV Affordable Housing Commercial Linkage Impact Fee and City Council Resolution No. 787. All fees shall be paid prior to issuance of the first building permit for the project, at the rate in effect at the time payment is made. The fees shall be calculated based on the fee in effect as established by Resolution adopted by the City Council at the time the fee is paid.

When Required: Prior to the issuance of the first permit for the project

Conformance Approval: Community Development Department (Housing Division)

Monitoring/Inspection Responsible Party: Community Development Department (Housing Division)

SEA LEVEL RISE

24. FLOOD DAMAGE PROTECTION

The applicant shall comply with the provisions of the Millbrae Municipal Code (Chapter 8.50). Standards of construction in all areas of special flood hazards include provisions for construction materials including materials and utility equipment resistant to flood damage, construction methods and practices to minimize flood damage, standards for utilities to

minimize or eliminate infiltration of floodwaters into water supply or sanitary sewage systems or discharge from systems into floodwaters, and other relevant policies and procedures.

When Required: Addressed on the construction plans submitted for any building permit for construction of a building, including the permit for grading or foundation, and shall be satisfied prior to issuance of the first permit for the project

Conformance Approval: Community Development Department (Building Division)

Monitoring/Inspection Responsible Party: Community Development Department (Building Division)

TRANSPORTATION AND CIRCULATION

25. SITE DESIGN AND PUBLIC RIGHT OF WAY RESPONSIBILITIES

Prior to the issuance of the first building permit, the applicant shall ensure that site improvement plans for all on-site and off-site improvements shall be prepared by a registered civil engineer and approved by the City Engineer. All improvements shall be designed and constructed in accordance with the City's Encroachment Permit requirements, unless otherwise specifically approved by the City. On-site and off-site improvements include, but are not limited to: storm drainage, street improvements, intersection modifications, utilities, and landscaping; water mains and fire hydrants; sanitary sewer; utility undergrounding; and any other improvements identified in a project's traffic analysis or listed as necessary for a complete and acceptable public improvement project.

The applicant shall be responsible for implementation, funding, and acquisition of all permits and approvals prior to the installation of improvements for all of the following recommended on- and off-site transportation-related improvements:

- a. All projects shall include an entrance with a direct path of pedestrian travel to the nearest sidewalk or nearest street corresponding to the project address, as determined by the City Engineer.
- b. Ensure that sidewalks and accessible curb ramps are present, meet a state of good repair, and meet both City and Americans with Disabilities Act (ADA) standards. Sidewalks and curb ramps shall be replaced based on the determination of the City Engineer.
- c. If project frontage includes a bus stop, ensure the bus stop is ADA-accessible and consistent with SamTrans bus stop design guidance per the SamTrans Planning and Development Division.
- d. The applicant shall ensure pavement is in a state of good quality, restripe lane markings, provide bike lanes (if applicable), and restripe crosswalks with high-visibility longitudinal

striping (if applicable) prior to the completion of site improvements. The improvements shall be replaced based on the determination of the City Engineer.

The applicant shall comply with the requirements of the City's Development Impact Fee Ordinance Numbers 765 and No. 777, specifically the City's Mobility Fee and MSASP Transportation Fee. The applicant shall be responsible for the current Development Impact Fees in effect at the time of the payment of any Development Impact Fees.

When Required: Addressed on the construction plans submitted for any Public Works site development and/or encroachment permit, and shall be satisfied prior to issuance of the first permit for the project

Conformance Approval: Department of Public Works

Monitoring/Inspection Responsible Party: Department of Public Works

26. TRANSPORTATION DEMAND MANAGEMENT

For any project that meets City/County Association of Governments (C/CAG) of San Mateo County requirements, the applicant shall prepare a transportation demand management program that complies with C/CAG of San Mateo requirements. The purpose of the transportation demand management program is to encourage use of public transit, bicycling, walking, carpooling, and other alternatives to single-occupancy vehicle trips within the City to reduce congestion, and to aid residents, employees, and/or visitors in getting to and from key destinations within the City. The measures in the transportation demand management program may include, but not be limited to, the following C/CAG measures such as: secure bicycle storage; bicycle sharing; showers and changing rooms; shuttle services and programs; charging employees for parking; subsidizing transit tickets for employees; subsidizing pedestrians/bicyclists who commute to work; preferential parking for carpoolers and vanpoolers; vanpool programs, operation of a commute assistance center; a parking cash out program; incentives to promote home telecommuting, compressed work week, flextime, and assistance to live close to work; onsite childcare; and paid parking at carpool or transit sites. Any modification to this transportation demand management program requires review and approval by the Community Development Director.

Based on C/CAG's requirements, the transportation demand management program shall reduce project single-occupancy vehicle trips by 25 to 35 percent, based on completion of the applicable required checklist available at the C/CAG website (<https://ccagtdm.org/tdm-checklist/>). The transportation demand management program shall indicate the estimated vehicle trip reduction for each strategy, based on published research or guidelines where feasible. The applicant shall maintain data, available to the City for monitoring, that supports the on-going compliance with the approved and agreed to trip reduction measures.

When Required: Prior to issuance of the first permit for the project. Implementation to be completed prior to the final inspection or issuance of any Certificate of Occupancy

Conformance Approval: Department of Public Works

Monitoring/Inspection Responsible Party Department of Public Works and Community Development Department (Planning Division)

TRIBAL CULTURAL RESOURCES

27. PROCEDURE FOR NATIVE AMERICAN CONSULTATION

According to Public Resources Code Section 21074, tribal cultural resources (TCRs) are defined as:

1. Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - a. Included or determined to be eligible for inclusion in the California Register of Historical Resources.
 - b. Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.
3. A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.
4. A historical resource described in Public Resources Code Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Public Resources Code Section 21083.2, or a “nonunique archaeological resource” as defined in subdivision (h) of Public Resources Code Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

Under Assembly Bill (AB) 52 (Chapter 532, Statutes of 2014), tribal governments shall be consulted early in the project planning process to identify and address potential adverse impacts to TCRs. The procedure for tribal consultation, which would be conducted by the City (with input from the project applicant, as needed) with the tribes, is:

- a. The City shall contact the NAHC to request a list of the affiliated tribes in the project area.

- b. Tribes that are traditionally and culturally affiliated with the geographic area must submit written requests to the City for consultation on projects in that area.
- c. Within 14 days of completion of a project application, the City must provide tribes with formal notification of the project, including a description and location of the project, allowing 30 days for the tribe to request consultation.
- d. Within 30 days of receipt of the City's notification the tribe may respond to the City requesting consultation.
- e. Within 30 days of receipt of the tribe's response the City must begin the consultation process. Native American tribes may request consultation on project alternatives, mitigation measures, or significant effects (Public Resources Code Section 21080.3.2.).
- f. Consultation concludes with either:
 - i. The parties agree to measures or mitigations to avoid significant effects on TCRs; or
 - ii. After a good faith, reasonable effort, a mutual agreement cannot be reached.

When Required: Prior to issuance of the first permit for the project

Conformance Approval: Community Development Department (Planning Division)

Monitoring/Inspection Responsible Party: Community Development Department (Building Division)

28. TRIBAL CULTURAL RESOURCES DISCOVERY

If tribal cultural resources (TCRs) or indigenous archaeological resources are encountered during construction activities, all activity within 50 feet of the find shall cease and the find shall be flagged for avoidance. The City and a qualified archaeologist, defined as one meeting the U.S. Secretary of the Interior's Professional Qualifications Standards for Archeology, shall be immediately informed of the discovery. The qualified archaeologist shall inspect the find within 24 hours of discovery and notify the City of their initial assessment. If the City determines, based on recommendations from the qualified archaeologist, that the resource may qualify as a tribal cultural resource (as defined in Public Resources Code Section 21074), the City shall consult with any Native American tribes who have expressed interest in consulting on projects under AB-52. The City would need to solicit information from the tribe to determine its eligibility as a TCR. If the TCR is eligible, the agency would then work with the tribe to identify specific mitigation measures as needed.

Tribal cultural resources (as defined in Public Resources Code Section 21074) shall be avoided if feasible (Pub. Resources Code §21084.3 (a)). Avoidance means that no activities associated

with the project that may affect cultural resources shall occur within the boundaries of the resource or any defined buffer zones. If avoidance is not feasible, the City shall consult with appropriate Native American tribes, and other appropriate interested parties to determine treatment measures to minimize potential impacts to the resource pursuant to Public Resources Code Section 21083.2, 21084.3 and CEQA Guidelines Section 15126.4. The following measures may be used to avoid or minimize significant adverse impacts (Public Resources Code Section 21084.3 (a)):

- a. Avoidance and preservation of the resources in place, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context; or planning greenspace, parks, or other open space to incorporate the resources with culturally appropriate protection and management criteria.
- b. Treating the resource with culturally appropriate dignity and taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
- c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or using the resources or places.
- d. Protecting the resource.

Treatment for most archaeological tribal cultural resources would consist of (but would not be limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim to target the recovery of important scientific data contained in the portion(s) of the significant resource. The resource and treatment method shall be documented in a professional-level technical report to be filed with the California Historical Resources Information System. Work in the area may commence upon completion of approved treatment and under the direction of the qualified archaeologist.

When Required: At all times during the construction phase of the project

Conformance Approval: Department of Public Works or Community Development Department (Building Division)

Monitoring/Inspection Responsible Party: Department of Public Works or Community Development Department (Building Division)