

**RESOLUTION 11-27
CITY OF MILLBRAE, COUNTY OF SAN MATEO,
STATE OF CALIFORNIA**

**RESOLUTION OF THE CITY OF MILLBRAE TO APPROVE THE MODIFICATION OF A
PRECISE DEVELOPMENT PLAN WITHIN THE PLANNED DEVELOPMENT DISTRICT,
INCLUDING DESIGN REVIEW AND A MITIGATED NEGATIVE DECLARATION FOR THE
CONSTRUCTION OF A NEW APPROXIMATELY 59,000 SQ. FT. SUPERMARKET
(SAFEWAY) AT 525 EL CAMINO REAL.**

WHEREAS, on March 24, 2010 Safeway Inc. (“Applicant”) filed an application for a modification of a Precise Development Plan within the “PD” (Planned Development) District, including Design Review and environmental review for the construction of a new supermarket (“Project”) at 525 El Camino Real; and

WHEREAS, the Planning Commission has had four Study Sessions on this project on May 3, 2010, August 2, 2010, October 4, 2010 and December 13, 2010; and

WHEREAS, a Mitigated Negative Declaration was prepared, the public review period commenced on December 16, 2010 and expired on January 14, 2011, one letter was received by Caltrans and a Response to Comments document was prepared, and the final Mitigated Negative Declaration document was certified by the Millbrae Planning Commission (“Commission”) on February 7, 2011 and a Notice of Determination was filed with the San Mateo County Clerk on February 11, 2011; and

WHEREAS, on February 7, 2011, following notification in the prescribed manner, the Commission conducted a public hearing, at which hearing the it approved the application for a modification of a Precise Development Plan within the “PD” (Planned Development) District, including Design Review and a Mitigated Negative Declaration for the construction of a new approximately 59,000 square foot supermarket at 525 El Camino Real; and

WHEREAS, on February 10, 2011, the Commission’s approval of the Project was called up for review by the Millbrae City Council (“Council”) and was reviewed by the City Council at a public hearing on April 12, 2011, following notification in the prescribed manner; and

WHEREAS, the Council hereby finds and determines that the major changes proposed to a Precise Development Plan are in compliance with the findings set forth in Millbrae Municipal Code Section 10.05.1550 as follows:

- a. That the proposed development conforms to the overall intent of the development land, and will produce an environment of stable, desirable character and high-quality development with uses that contribute to the environmental quality of the stated area.***

The project site was rezoned to PD (Planned Development) in the early 1960’s when the plans for the original supermarket were presented. PD zoning allows a special design for larger scale

developments so that they have more flexibility than other zoning districts. The intent of the PD zone is to allow diversification in the location of structures and other site qualities, while ensuring adequate standard regulations to public health, safety, welfare, comfort and convenience.

The existing store was approved in 1961 for a one-story Safeway, with surface parking in front and opened for business on April 11, 1962. The new store conforms to the overall intent of the original PD designation and land use by replacing the existing land use, with the same land use (supermarket) that is modernized and more energy efficient. The new store's podium design is a different style than the existing store, but will be a high-quality design that will enhance the site and the overall shopping within the downtown area.

The General Plan land use designation for the Project site is Commercial, which allows general commercial uses including a full range of commercial uses. The Land Use Element (Map 3-3) shows the Project site as being located within a Millbrae Special Land Use Policy Area called the Millbrae Square Area. Land Use policy (LU) 3.5 declares the Millbrae Square Area as a major commercial node within the City of Millbrae that should be maintained and enhanced. Land Use Element Goal LU4 supports economic development and revitalizes and enhances the commercial area. The Project is consistent with Objective LU4.2 by supporting economic development by assuring availability and diversity of resident-serving goods and services; and Objective LU4.4 which encourages special commercial uses that provide sufficient and appropriately sited land for specialized commercial facilities which are needed by City residents. The Project is consistent with the General Plan's land use intent.

- b. That the proposed development provides overall standards of population densities, or open space, of circulation and off-street parking and other general conditions of use at least equivalent to those required by the development plan or by the terms of this chapter in districts where similar uses are permitted.***

The zoning code requires an amendment to the PD zoning entitlements that were originally granted for the supermarket for the square footage increase in the store, as well as for the overall height and parking proposed.

A supermarket use is also found in a C (Commercial) district. The C district requirements include a 40-foot height limit and a parking requirement of one-car stall to every 200 sq. ft. of gross floor area. The proposed store will be 48-feet tall, where 40-feet is the height limit in the C district. While the overall height is greater than that which is allowed in the nearby C district, the podium design of the store lends itself to an overall taller height. The proposed building will have the sales floor located on the second floor above the at-grade parking below the store. However, the proposed building is proportionate to other buildings in the area (Kohl's), and will not be out of scale with nearby development.

The proposed supermarket will have 181 on-site parking spaces, where the parking requirement in the C district is 1 space per 200 gross square feet, which would require 295 on-site spaces for the new store. The proposed parking amounts to about 1 space per 326 gross square feet. While the proposed parking is below the required parking, it is 89 more spaces than the existing store which has 92 on-site spaces. In addition, Safeway has a joint agreement with the neighboring retail center (Millbrae Square) that allows Safeway customers non-exclusive use of their parking immediately to the north if there are no parking spaces available on the Safeway site.

- c. ***That the proposed development plan shall represent a development of sufficient harmony within itself and with adjacent areas to justify any exceptions to the normal regulations within this chapter; and itself and with adjacent areas to justify any exceptions to the normal regulations within this chapter.***

The proposed supermarket is a replacement of an existing use that has occupied the site for over 40 years. The new podium style store will replace the existing single-story store with a larger sales floor area that can meet the needs of today's shoppers by offering various products and services. The only exception needed to the normal regulations for the new store is a height exception to allow a 48 foot overall height, where 40 feet is the limit and a reduction in the parking requirement to allow 181 on-site spaces where 295 spaces are required.

The height of the proposed store is necessary due to the podium style with the sales floor located on the second level, with at-grade parking below the store. Although the new building will be approximately 20 feet taller than the existing store, the general massing and character will be in line with other buildings located in the shopping center and the immediate area. The Project will not have an impact on the scenic character of the area because the surrounding land uses are already commercial. El Camino Real is a highly developed transit corridor within the City of Millbrae, as it is through a large portion of San Mateo and Santa Clara County. The new store will aesthetically enhance not only the El Camino Real corridor but also the shopping center where it is located. The existing building is quite dated, and the new building design will present an updated podium style store. The new store design will focus the main entrance of the store on Broadway.

- d. ***That fire protection is adequate.***

The new supermarket will be designed and constructed in accordance with the requirements of the 2010 California Fire Code as adopted and amended by the Millbrae Fire Department. All building permits are reviewed by the Fire Department to assure that the minimum fire safety standards are met for new buildings. Since the new building will have a podium design, with the sales floor located over at-grade parking, the height of the finished floor of the sales floor will have to allow overhead clearance for the fire trucks, with a minimum clearance of 15 feet to allow for fire engines be able to access the covered parking area by directly pulling under the building. In addition, the new building will be designed with fire hose connections on each end of the building.

- e. ***That drainage is adequate.***

The Project site is currently almost entirely impervious surface, and with the Project the amount of impervious surface will be relatively unchanged, therefore the amount of surface runoff from the site will not increase. The existing supermarket covers approximately 35.6% of the site, with the remainder of the site used as paved parking for the store. The proposed supermarket will cover approximately 51.6% of the site, with the remaining portion having paved parking for customers; therefore the amount of impervious surface will not increase. The overall drainage within the property will remain substantially the same and there will be no change to drainage off-site. The existing storm water from the Project site is collected from rainwater leaders, storm water inlets and sheet flow. The requirements to obtain coverage under the NPDES General Construction Permit include submittal of a Notice of Intent (NOI) to the Water Board and

preparation of a storm water pollution prevention plan (SWPPP) covering the construction operations phase of the Project. The grading plan and SWPPP for the proposed project will, by regulation, comply with the applicable requirements for protection of water quality of the San Francisco Bay Regional Water Board, San Mateo Countywide Water Pollution Prevention Program and the City of Millbrae. Compliance with regulatory requirements in the design, approval, and implementation of the grading plan, SWPPP, and site Best Management Practices will ensure that the project does not violate water quality standards or waste discharge requirements.

- f. *That capacity of utilities and infrastructure, including size and location of streets and sidewalks, are adequate or will be installed/improved to an adequate level prior to the granting of a certificate of occupancy.***

The existing domestic water meter size will increase from a 1.5-inch meter to a 2-inch meter with a new 2-inch service line from the water meter to the building. With the overall sales floor increasing by approximately 44%, along with additional services and products being offered at the new supermarket, the waste water from the site will also be increasing. The Project will increase the amount of wastewater from the site from an average of 0.97 million gallons per year to approximately 2.61 million gallons per year. The existing sewer line that serves the Project site is a 4-inch lateral that ties into the City's 12-inch main sewer line on El Camino Real. While wastewater treatment plant capacity is not an issue with the wastewater increase from the Project, the wastewater line lateral leading to the 12-inch main that serves the site will need to be upsized to a 6-inch diameter line based on the proposed fixture plan and analysis by the project engineer. A sewer study will be needed to verify the proper sizing of the lateral and main service lines. If needed, upsizing the line can be accommodated by the capacity of the system and is not an issue. The existing fire water meter will remain at 8-inches and the landscape water meter will remain at ¾ inches, which are both adequate to service the new supermarket.

- g. *That recreation is adequately provided for in the area or adequate in lieu fees are paid.***

The City of Millbrae has a total of 12 parks, totaling approximately 44 acres of land. The Project is a replacement of an existing supermarket and will not have an impact of the City parks or recreation programs and therefore no in lieu fees are required.

In addition to the findings required under Section 10.05.1550, Millbrae Municipal Code Section 10.05.1560 states that in considering any Modification of a Precise Development Plan the following additional findings shall consider the following:

- h. *Changed conditions which have occurred since the original approval of the precise development plan.***

The original Planned Development for the Project site was in the early 1960's. Although the general area has become more populated with concentrated development along El Camino Real, the site conditions have not substantially changed since the approval of the original project.

- i. *Changes in the basic premises used in arriving at the original approval including, but not limited to, engineering data, economic circumstances, and actions of other public bodies including eminent domain proceedings.***

There have been no changes in engineering data, economic circumstances or other public proceedings that result in decision making for the Project site. The proposed reconstruction of the existing supermarket is a reasonable use of the site. The new store will provide an updated, modern shopping experience as well as basic necessities for residents as well as regional shoppers.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Millbrae that:

1. The City Council hereby upholds the Planning Commission decision to approve the application filed by Safeway Inc. on March 24, 2010 for modification of a Precise Development Plan within the "PD" (Planned Development) District, including Design Review and a Mitigated Negative Declaration for the construction of a new approximately 59,000 square foot supermarket at 525 El Camino Real.
2. The City Council has independently reviewed and considered the Initial Study as well as the full contents of the record of proceedings relating to the Initial Study/Mitigated Negative Declaration and the project, and hereby adopts the Mitigated Negative Declaration as well as a Mitigation Monitoring & Reporting Program ("MMRP") reflecting those measures adopted in order to avoid potentially significant adverse impacts from the project.
3. The mitigation measures identified in the Mitigated Negative Declaration and included in the MMRP are made fully enforceable through their imposition as Conditions of Approval imposed upon the Precise Development Plan. With the mitigation measures identified in the MMRP, the City Council finds that there is no substantial evidence that the project, as mitigated, will have a significant effect on the environment. This conclusion, as well as the conclusions reached in the Initial Study and Mitigated Negative Declaration for the Project reflect the independent judgment of the Council.
4. The City Council hereby approves the modification of a Precise Development Plan within the "PD" (Planned Development) District, including design review and a Mitigated Negative Declaration for the construction of a new approximately 59,000 square foot supermarket ("Project") at 525 El Camino Real with the following conditions of approval:

GENERAL REQUIREMENTS:

1. This approval and all rights hereunder shall be effective for a period of one (1) year from the date of approval. The Planning Commission may extend this approval period if a written request is made and submitted by the property owner prior to the expiration of the approval period and a notice of a public hearing has been made pursuant to Section 10.05.2550 of the Millbrae Municipal Code.
2. Violation of any of the conditions of this permit shall be cause for the issuance of an infraction or citation, prosecution, and/or revocation and termination of all rights under the permit, by the City of Millbrae.
3. In the event of transfer of ownership of the property involved in this application, the new owner shall be fully informed of the use and development of said property as set forth by this permit

together with all conditions, which are a part thereof. These specific requirements must be recorded with all title conveyance documents at time of closing escrow.

4. Site development, including landscaping, shall conform to the approved plans, date stamped February 7, 2011, not including the Master Sign Program, on file in the City of Millbrae Community Development Department. No significant changes shall be made to the approved plans without prior review and approval by the Planning Commission.
5. All landscaped areas must be maintained in a neat, healthy, and growing condition, including public parkways and street trees.
6. The property shall be developed and maintained in a neat, quiet, and orderly condition and in a manner so as not to be detrimental to adjacent properties and occupants. This shall encompass the maintenance of the exterior facades of the building and all landscaping surrounding the building.
7. All structures shall conform to California Building Code requirements and all required permits from the City of Millbrae Building Division must be secured prior to initiating development under the terms of this permit.
8. Any off-site improvements found to be damaged shall be repaired and/or replaced as required by the City of Millbrae Director of Public Works.
9. All required utility easements shall be provided as indicated by the department or agency having jurisdiction.
10. The project shall comply with all applicable "City of Millbrae Public Works General Conditions of Approval" (copy provided to applicant). This condition includes project compliance with the Public Works Construction and Demolition Reuse and Recycling Requirements, including submittal of planning forms to the City's Recycling Coordinator prior to issuance of a Building Permit.
11. As a condition of this approval, and to the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Safeway Supermarket Project including, but not limited to, the approval of the modification of the Precise Development Plan within the Planned Development District and/or the City's related California Environmental Quality Act determinations, including the approval of a Mitigated Negative Declaration. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's

costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition. If the applicant is required to defend the City as set forth above, the City shall retain the right to select the counsel who shall defend the City.

SPECIAL CONDITIONS:

Mitigation Measures Identified in Mitigated Negative Declaration

1. The exterior glazing shall be treated/coated to limit the amount of exterior light spillage from the store onto adjacent properties.
2. All outdoor lighting installed shall be mounted and/or shielded properly so that the cone of light is directed onto the subject property to avoid significant light spillage off of the property.
3. Prior to demolition of the existing store the BAAQMD shall be contacted to determine the measures needed to address the demolition of a building that may contain asbestos. Demolition of the building shall comply with District Regulation 11, Rule 2: Hazardous Materials; Asbestos Demolition, Renovation and Manufacturing.
4. The following construction practices shall be implemented at the Project site during the construction and pre-construction phases of the Project:
 - a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - d. All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

- h. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
5. If any of the construction activity occurs between February 1 and August 31, the applicant shall hire a qualified biologist (approved by the City Planner) to conduct a survey of the trees to establish that no nesting birds are present per the Migratory Bird Treaty Act (MBTA) and to submit a written report to the City Planner. The survey shall be conducted no more than 30 days before the start of construction and no less than 14 days before the start of construction. If nesting birds covered under the Migratory Bird Treaty Act are present the tree removal shall be suspended until the biologist determines that the birds have fledged. Construction activity may proceed outside of a buffer area established by the biologist that would ensure that the nesting birds would not be disturbed by construction activities.
6. The new store shall include a replacement of the existing bench located on the west side of the store along Broadway which serves as a congregation area for local residents and business owners.
7. Prior to demolition of the existing supermarket each of the mosaic tile murals located on the north side of the building shall be photographed in their entirety and in smaller pieces, with each photo numbered in order to provide a failsafe method to reassemble the murals should they be damaged during the removal, storage or reassembly phase of the project.
8. A structural engineer shall generate a detail for bracing and shoring the existing building prior to removal of the two mosaic tile murals (created by John Garth) located along the north side elevation. The details on the lifting of the murals shall be prepared by a structural engineer and submitted to the City prior to removal. The concrete panels to which the mosaic murals are located shall be cut loose and lifted according to pick point steel locations and lifted by a crane to a determined location on-site, as dictated by a structural engineer. Each mosaic mural shall be protected and stored on-site under the direction of a structural engineer. The reinstallation of the mosaic tile murals on the east elevation of the new store shall be done using the same method as was done for the removal, and shall be done under the direction of a structural engineer.
9. In the event that suspected archaeological materials are uncovered during site preparation or construction, project development activity shall cease in the immediate vicinity of the find, the discovery shall be evaluated by an archeologist (selection to be approved by the City Planner), and appropriate treatment options developed. All work within at least 25 feet of the discovery shall cease until the archeologist can evaluate the finds and make recommendations. If the finds are not significant, no further mitigation is required. If the finds are determined to be significant, mitigation shall be identified generally along the following sequence.
 - a. Adverse effects to archaeological discoveries shall be avoided by project activities.
 - b. If such deposits cannot be avoided, the adverse effects shall be mitigated in accordance with the recommendations of the archeologist. If data recovery excavation is appropriate, the excavation must be guided by a data recovery plan prepared by a qualified

archaeologist and approved by the City of Millbrae prior to beginning the data recovery work. A report of findings shall be submitted to the Project sponsor, the City of Millbrae, and the Northwest Information Center (CCR Title 14(3) Section 15126.4(b)(3)(C)).

- c. If paleontological resources are encountered during site preparation or grading activities, all work within 25 feet of the discovery shall be redirected until a qualified paleontologist has assessed the discoveries and made recommendations. If the paleontological resources are found to be significant, adverse effects to such resources shall be avoided by Project activities. If Project activities cannot avoid the resources, the adverse effects shall be mitigated. Mitigation shall include data recovery and analysis, preparation of a final report, and the formal transmission or delivery of any fossil material recovered to a paleontological repository, such as the University of California Museum of Paleontology. Upon completion of Project activities, a final report documenting methods and findings of the mitigation shall be prepared and submitted to the Project applicant, the City of Millbrae, and a suitable paleontological repository.
 - d. If human remains are encountered, work within 25 feet of the discovery shall be redirected and the San Mateo County Coroner notified immediately. At the same time, an archaeologist shall be contacted to assess the situation and consult with the appropriate agencies. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission would identify a Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results, and provide recommendations for the treatment of the human remains and any associated cultural materials, as appropriate and in coordination with the recommendations of the MLD. The report shall be submitted to the Project applicant, the City of Millbrae, and the Northwest Information Center.
10. As part of the building permit application, the applicant shall submit a specific soils report that identifies any potentially unsuitable soil conditions (such as expansive, liquefiable, or compressive soils) and contains appropriate recommendations for foundation type and design criteria, including provisions to reduce the effects of these soils. The recommendations made in the soils report for ground preparation and earthwork is required to be incorporated in the construction design. The soils evaluations must be conducted by registered soil professionals, and measures to eliminate inappropriate soil conditions must be applied to the foundation design. All building plans shall meet the minimum standards of the Uniform Building Code for seismic safety prior to the issuance of building permits.
 11. Contract specifications for this project shall require the preparation and implementation of an erosion control plan for all portions of the project that would involve trenching excavation or stockpiling of dirt. The plan shall be prepared by a registered civil engineer and be consistent with City of Millbrae and Regional Water Quality Control Board guidelines and standards.
 12. The requirements to obtain coverage under the NPDES General Construction Permit include submittal of a Notice of Intent (NOI) to the Water Board and preparation of a stormwater

pollution prevention plan (SWPPP) covering the construction operations phase of the Project. The grading plan and SWPPP for the project would, by regulation, comply with the applicable requirements for protection of water quality of the San Francisco Bay Regional Water Board, San Mateo Countywide Water Pollution Prevention Program and the City of Millbrae. Compliance with regulatory requirements in the design, approval, and implementation of the grading plan, SWPPP, and site BMPs would ensure that the project does not violate water quality standards or waste discharge requirements. Project impacts to water quality standards or discharge requirements after implementation of this mitigation measure would be less than significant.

13. All demolition and construction at the Project site shall be performed within City of Millbrae's Construction Hours Ordinance which restricts construction activities to the hours of 7:30 AM to 7:00 PM on weekdays and 8:00 AM to 6:00 PM on Saturday, and 9:00 AM to 6:00 PM on Sunday and holidays.
14. All gasoline or diesel-powered equipment used in the demolition and construction of the Project shall be equipped with a muffler, where feasible. Idling times of gasoline and/or diesel-powered equipment shall be kept to a minimum.
15. A haul route for trucks accessing the Project site during construction shall be submitted to the Public Works-Engineering Department for review and approval prior to issuance of demolition and grading permits. The route shall provide the most direct route from the regional highway system to the Project site and avoid to the extent possible, streets with residential uses along them.
16. When possible, impact equipment such as jack hammers, shall be hydraulically or electrically powered to avoid noise associated with compressed air exhaust from pneumatically-powered tools. Prior to issuance of a grading permit, the Project developer shall prepare and submit a Construction Management Plan, with a point of contact to address any complaints regarding noise that may arise during construction.
17. Add curb extension to the crosswalk located on Broadway, just north of the Silva/Broadway main driveway, to improve pedestrian visibility and slow vehicles turning right from this driveway. This improvement shall be made at the end of the construction project to minimize negative impacts to adjacent merchants on Broadway.
18. Realign the mid-block crosswalk on Broadway in between the northern main driveway at Silva/Broadway and the new secondary driveway at the south end of the Project site. Realignment of the crosswalk should be adjacent to the new store entrance to limit pedestrians that may cross outside of the marked crosswalk to have a direct path of travel to the new store entrance. This improvement shall be made at the end of the construction project to minimize negative impacts to adjacent merchants on Broadway.
19. Curb extensions should be added to the mid-block crosswalk on Broadway in between the northern main driveway at Silva/Broadway and the new secondary driveway at the south end of the Project site to improve sight distance for pedestrians and drivers. This improvement shall be

made at the end of the construction project to minimize negative impacts to adjacent merchants on Broadway.

20. One on-street angled parking space, directly south of the southern driveway along Broadway, shall be removed in order to improve sight distance for cars exiting the new southern driveway.
21. Applicant shall prepare and submit to the Department of Public Works, Recycling & Waste Prevention Program for approval of a Solid Waste Management Plan that details the anticipated reuse, recycling, and disposal of materials from the project. 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.
22. 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 of why salvaging cannot take place.
23. 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.
24. 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. 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.

Planning Department Conditions

25. This approval applies specifically to the application filed by Safeway Inc., date stamped March 24, 2010, and is limited to the approval of a Modification of a Precise Development Plan within the PD District, including Design Review and a Mitigated Negative Declaration for the construction of a new 59,000 square foot supermarket at 525 El Camino Real as depicted on the plans dated July 15, 2010 and on file in the Planning Department; this approval does not include

the Master Sign Program, which was not approved and was deferred to a later hearing at an unspecified date after further modifications are made to the Master Sign program and reviewed by Staff.

26. No outdoor display of merchandise shall be permitted on the ground, in the parking garage, or in the outdoor seating area on the second floor.
27. The permittee shall install and maintain landscaping and irrigation in accordance with a Landscape and Irrigation Plan approved by the City Planner prior to the issuance of building permits. The approved Landscape and Irrigation shall be in substantial conformance with the plans date stamped July 15, 2010. The Plan shall include the following:
 - a. Identify Replacement Trees. The Plan shall distinguish all replacement trees from existing trees to remain.
 - b. Irrigation System. An automatic irrigation system shall be installed and maintained. The Irrigation component of the Plan shall detail the whole irrigation system and shall include information such as: the location of water source, point-of-connection, emergency shut-off valve(s), backflow device(s), pipelines, quick coupler valves, sprinkler heads, drip emitters, irrigation controller(s), electrical power source, moisture sensor, system drain valves, and turf, shrub and drip valve(s).
 - c. Design Landscape to Minimize Irrigation. Landscaping shall be designed to minimize irrigation. Drought-tolerant plants shall be utilized.
 - d. Integrated Pest Management. Integrated pest management (IPM) principles and techniques shall be encouraged as part of the landscaping design to the maximum extent practicable. Examples of IPM principles and techniques include:
 - Select plants that are well adapted to sun and shade conditions at the site. In making these selections, consider future conditions when plants reach maturity, as well as seasonal changes.
 - Select plants that are well adapted to soil conditions at the site.
 - Install and maintain irrigation appropriate to the water requirements of the selected plants.
 - Select pest-resistant and disease-resistant plants.
 - Plant a diversity of species to prevent a potential pest infestation from affecting the entire landscaping plan.
 - Use “insectary” plants in the landscaping to attract and keep beneficial insects.

28. The applicant shall report back to the Planning Commission for a review of the project's vehicular access and circulation patterns approximately 90 days after the store opening to determine if additional traffic analysis of the Broadway driveways is needed, particularly if left turns from either or both of these driveways should be prohibited. Should the store opening coincide with or overlap the Thanksgiving through New Year's holiday period (the last 2 weeks of November through the first week of January), that holiday period shall be excluded from the review and the review period shall be extended as needed to equal at least 90 consecutive days.
29. Delivery trucks shall be prohibited from making left turns out of the southern driveway into southbound Broadway between the hours of 7:00 AM and 10:00 PM. All delivery trucks must exit the loading docks out of the southern driveway into northbound Broadway and then into eastbound Meadow Glen between 7:00 AM and 10:00 PM. Signage shall be installed at the exit to this driveway that indicates the hours of limitation on left turns for delivery trucks. The sidewalk crossing the driveway entrance shall be marked as a crosswalk. All other vehicles, except delivery trucks, shall be allowed to make left and right turns out of the southern driveway for 90 days after the store opening, as detailed in condition 28 above, after which time the Planning Commission will review.

Building Department Conditions

30. Prior to submittal of construction documents for Building Permit, the applicant shall design (and subsequently build) the building to structurally and electrically accommodate roof-mounted solar panels at some point in the near future.
31. Prior to submittal of construction documents for Building Permit, the applicant shall design (and subsequently install) conduit for an electric vehicle charging station within the on-site parking area in order to facilitate construction of such a charging station at some point in the near future.
32. The new building shall have illuminated address numbers, a minimum of 10-inches in height, on the north and south ends the building, visible from El Camino Real.
33. The project must meet the City's Indoor Water Use Efficiency Ordinance, Millbrae Municipal Code Chapter 9.60:
34. The project shall include the installation of 18 bicycle parking spaces along the west (Broadway) elevation.
35. The new supermarket shall be designed to the new 2010 California Building Codes, including all new Green Building Code standards.

Police Department Conditions

36. The new supermarket shall utilize only locking shopping carts, such as cartronics, that utilizes a system that equips each cart with a locking mechanism that will engage when the carts are

transported beyond their allowable range. The permittee shall work together with adjacent property owners to determine boundary limit installations for the cartronics system with the goal of allowing free cart movement to the west side of Broadway for the convenience of shoppers.

37. The new supermarket shall have video surveillance cameras installed inside of the store and outside of the store, including within the covered parking area.
 - a. The cameras shall all have adequate resolution and color renditions for a minimum viewing distance of 50 feet; each camera shall have zoom-in capability. The video surveillance system shall have both play back ability and copy ability.
 - b. The digital data from the camera surveillance shall be retained for a minimum of one (1) year.

Fire Department Conditions

38. The new building entrance to the at-grade parking beneath the store shall have a minimum clearance of 15 feet to allow for fire engines to be able to access the covered parking area by directly pulling under the building.
39. The new building shall have fire hose connections on each end of the building.
40. The permittee shall install and maintain fire lanes, automatic fire sprinkler systems, hydrants, emergency vehicle access and appurtenant structures, in accordance with plans approved by the Fire Marshall prior to issuance of a building permit. The plan shall meet all applicable provisions of the California Fire Code and the California Vehicle Code, including but not limited to the following:
 - a. All design and work shall be in accordance with the requirements of the 2010 California Fire Code as adopted and amended by the Millbrae Fire Department.
 - b. The building shall be protected by an Automatic Fire Extinguishing System throughout, in accordance with NFPA 13, 2010 Ed.
 - c. The building shall be provided with a manual and automatic Fire Alarm System, in accordance with NFPA 72, 2010 Ed.
 - d. At any time Fire Protection Appliances (Fire Sprinklers or Fire Alarm) are placed out of service the Millbrae Fire Department shall be notified a minimum of 24 hours in advance.
 - e. At any time Fire Protection Appliances (Fire Sprinklers or Fire Alarm) are placed out of service, the property owner shall maintain a Fire Watch, to the satisfaction of the Millbrae Fire Department.
 - f. An exterior horn/strobe shall be provided on the building located in the vicinity of the sprinkler system FDC.

Public Works Conditions

41. The permittee shall be responsible for the cost of repairs to any improvements within the public right-of-way that are damaged during construction. The permittee shall submit documentation of the existing condition of the approved haul route and the public improvements along the project's frontage, including but not limited to trees, tree grates, signs, light poles, drainage inlets, curbs, gutters, etc. to the satisfaction of the City Engineer prior to issuance of a grading or building permit. This survey shall be submitted to the City Engineer for review and approval. All damage shall be repaired to the satisfaction of the City Engineer at no cost to the City prior to final inspection on project. Notwithstanding for the foregoing, all damage that is a threat to public health or safety, as determined by the City Engineer, shall be repaired immediately.
42. The applicant shall prepare a sewer study to verify the proper capacity of the system and existing service line is sufficient to accommodate wastewater from the new supermarket. If necessary the applicant shall update grade the sanitary sewer line to accommodate the new supermarket.
43. The terms and conditions of all requirements in this document shall apply to the permittee, designers, Contractors and any others doing work under the permit(s) issued by the Public Works Department or Building Department regardless of the specific parties noted in any condition terms.
44. 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.
45. Completed improvement plans, specifications, and calculations shall be submitted to, and be approved by, the Public Works Director or his/her designee and other affected agencies having jurisdiction over public improvements. Improvement plans shall show the existing and proposed improvements along adjacent public street(s) and the property that relates to the proposed improvements.
46. All 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 Public Works Director.
47. Develop, implement, and maintain a comprehensive waste prevention and recycling program into the project. The program should include, but not be limited to, implementing waste prevention activities, providing adequate containers for recyclable materials, and purchasing recycled content materials. The program should be coordinated and reviewed by the City's Recycling Coordinator.
48. Solid waste and recycling services in the City of Millbrae are under an exclusive franchise contract to South San Francisco Scavenger Company. Thus, all such services must be obtained from the South San Francisco Company. There are only two exceptions to this exclusive

franchise contract: a) 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 b) 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.

49. 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 needs to be filled out and submitted prior to obtaining Public Works or Building Department permits.
50. If the work performed as part of the encroachment permit interferes with established drainage patterns, ample provisions shall be made by the permittee to correct the interference. The City may also direct the permittee to take additional measures, which shall be performed at no cost to the City. No dumping or discharge of construction materials, debris, and hazardous materials will be permitted into the City's Storm Drainage System. Permittee shall implement the San Mateo Countywide Water Pollution Prevention Program (SMCWPPP) Best Management Practice (BMPs) guidelines.
51. No party other than the named permittee or its subcontractor listed on the permit is authorized to work under this permit.
52. It is understood and agreed by the permittee that commencement of work authorized by the issuance of this permit shall constitute acceptance of the provisions of this permit and all of its attachments.
53. Before starting any work under an approved encroachment permit, the permittee shall notify the City two (2) working days (excluding Saturdays, Sundays and Holidays) prior to initial start of work. When work has been interrupted for more than five (5) working days, an additional one (1) working day (excluding Saturdays, Sundays and Holidays) notification is required before restarting work unless a pre-arranged agreement has been made with the City.
54. All work shall be performed in accordance with the current applicable City of Millbrae and CalTrans specifications and drawings unless otherwise with the approved plans in the permit.
55. The permittee shall work together with the City of Millbrae's Public Works Department and CalTrans on extending the signal timing at the intersection of El Camino Real and Silva Avenue as part of the Project improvements.
56. The permittee shall work together with the City of Millbrae's Public Works Department and Caltrans on options for the installation of pedestrian improvements at the unsignalized crosswalk at the intersection of El Camino Real and Taylor Boulevard.

57. All work shall be subject to monitoring, inspection, and approval by the City. All concrete form work must be inspected and approved by the City prior to the placing of concrete. The permittee shall request a final inspection and acceptance of the work.
58. The approved encroachment permit, or a copy thereof, shall be kept at the job site and made available upon request by any City representative or any law enforcement officer. Work may be suspended if the approved permit is not kept or made available at the job site.
59. This permit is non-exclusive. If a conflict with an existing facility or improvement is discovered during the course of work, the permittee 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 permittee. The improvements installed by the permittee will be subject to and subordinate to the City's use of the property.
60. All work shall be planned and carried out with the least possible inconvenience to the traveling public. The permittee shall select and assign properly trained flaggers, wearing high visibility clothing and hardhat, to direct traffic. Traffic shall not be unreasonably delayed. Flagging procedures shall be in conformance with the Instruction to Flaggers pamphlet, WATCH (Work Area Traffic Control Handbook), and/or Traffic Manual. Construction and traffic operations shall be conducted in such a manner as to cause as little inconvenience as possible to the abutting property owners.
61. In every case, the permittee shall be responsible for restoring to its former condition as nearly as may be possible any existing improvement within the City right-of-way and/or private property which has been excavated or otherwise disturbed by the permittee. The permittee shall maintain the surface over where the facilities or improvements are placed under the permit. If the right-of-way and/or private property are not restored as herein provided, and if the City and/or private party elect to make repairs, permittee agrees by acceptance of the permit to reimburse the City and/or private party all costs incurred for the restoration work.
62. Upon completion of the work, all brush, timber, scraps, material, etc., shall be entirely removed and the right-of-way and/or private property shall be left in as presentable a condition as existed before work started. All USA markings placed in the right-of-way and/or private property shall be removed by the applicant prior to acceptance of the work.
63. 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 permittee, and permittee hereby waives all claims for indemnification or contribution from the City for such work.
64. The permittee agrees, by acceptance of a permit, to properly maintain, for a period of one year, any improvement constructed as a result of the encroachment permit. Inspection and repair of any damaged City and/or private facilities resulting from the work under the encroachment permit shall be at the expense of the permittee. No open excavation shall be left unattended at any time.

65. 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 including water, cable TV, electrical, gas, telephone, sewer, and City facilities are clear, protected, or relocated from the area of work prior to construction. Forty-eight (48) hours before commencing work, the applicant shall contact Underground Service Alert (U.S.A.) at 1-800-227-2600 to verify elevations and locations of all existing utilities. After completion of all work under the permit, the contractor/applicant shall remove all U.S.A. markings prior to project acceptance.
66. For public parking spaces used during construction, the applicant shall place temporary "No Parking" signs in accordance with City's timing requirements. These signs are available for purchase at the Public Works Department at City Hall. No other "No Parking" signs are allowed to be posted, unless approved in writing by the Public Works Department.
67. No construction parking shall be allowed on City streets; streets immediately surrounding the construction site shall be posted accordingly to prohibit construction parking for the duration of the construction. The permittee shall secure a parking agreement for off-street parking for all construction workers; the permittee shall be responsible for notifying all construction workers that on-street parking is prohibited and direct them to the designated off-street parking area.
68. In the event of any discharge, leakage, spill or emission of hazardous materials, permittee shall promptly notify the City and shall clean all affected property. Permittee shall indemnify, hold harmless and defend 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.
69. Permittee shall restore trenches and street surfaces in accordance with the City requirements, including 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. Permittee shall acquire and pay for all services needed to perform the required compaction test and retest until the desired compaction is achieved.
70. Any relocation or construction of improvements on public facilities shall be accomplished at the expense of the developer, in accordance with City standards and specifications.
71. Prior to project acceptance and signing of the Certificate of Occupancy by the Public Works Director or his/her designee, the applicant shall ensure that all improvements have been made to the approved plans and specifications.
72. All proposed improvements are installed per the approved improvement plans and specifications, unless otherwise approved by the Public Works Director or his/her designee.

73. Adequate provisions shall be made for the protection of the traveling public. Warning signs, lights and safety devices and other measures required for the public safety, shall conform to the requirements of the California Manual on Uniform Traffic Control Devices published by CalTrans (Traffic Manual). Traffic control for day or nighttime lane closures shall be in conformance with CalTrans Standard Plans for Traffic Control. Nothing in the permit is intended, as to third parties, to impose on permittee any duty, or standard of care, greater than or different than the duty or standard of care imposed by law. Contractor shall request and obtain written approval from the City Engineer before any lane closures are implemented. Road closure shall not be permitted unless approved in writing by the City Engineer.
74. No items shall be stored in the street or sidewalk area.
75. Pedestrian traffic may be diverted by appropriate barriers and signs back to the nearest intersection if circumstances indicate this is the only feasible plan 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. Diverted pathways shall be at least 4 feet wide and clear of any hazards. Diverted pathways shall be clear and smooth 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. Damaged sidewalk shall be safely plated, covered or otherwise protected to prevent trip and fall hazards. All sidewalks shall be maintained free of trip and fall hazards such as cords and hoses. Such items crossing a sidewalk must be marked and safely covered with ramped covers with slopes no greater than 1 inch vertical for each 10 inches horizontal. Obstruction of any road travel lane shall be controlled with appropriate delineation and flag persons shall be used if needed. The traffic control plan submitted for approval shall address these.
76. An Encroachment Permit shall be obtained for all proposed work within the City's right of way, including sidewalk, driveways, curb and gutter, and for City utilities including water (domestic, irrigation and fire), sewer, and stormwater piping. Prior to occupancy, all proposed improvements shall be completed and approved in accordance with approved City Standards and/or Plans.
77. The applicant will be required to post security or a damage deposit to ensure repair of damage caused by construction to roadways, landscaping and other public improvements in the City's right of way. The security deposit will not be released until all improvements are completed and all required repairs have been made. Prior to the issuance of the Building 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. The inspection results shall be submitted to Public Works.
78. A Grading and Hauling Permit from Public Works 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 fill 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 Director of Public Works. Earth haul and material delivery to and from the site will be restricted to weekdays between the hours of 8:30 a.m. and 4:00 p.m. Truck hauling routes must be submitted in writing and approved by the City Engineer prior to the commencement of work.

79. Prior to issuance of a Grading Permit, the project shall be submitted for review by San Mateo County Environmental Health Department's Ground Water Protection Program pursuant to government code section 65850.2 so that it can determine if the proposed construction work will require mitigation measures to be implemented, should hydrocarbons be encountered during the construction phase due to prior underground storage tank contamination and removal on the adjacent property. Evidence of completion of the County review shall be provided to the Department of Public Works.
80. The applicant is responsible for obtaining the approval of all participating regulatory and non-City agencies prior to the issuance of building permits. Applicant shall obtain a 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. Failure to comply with the law, as noted above, will invalidate the City's Encroachment Permit.
81. 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. Policy must name the City of Millbrae, its Council members, officers, boards, commissions, 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 by the Department of Public Works.
82. All stormwater collected from impervious surfaces, including but not limited to roofs, patios/decks and driveways, shall drain to an approved drainage system. No collected water shall be allowed to drain onto any adjoining property, unless an approved easement exists. Proof of an existing easement must be provided.
83. Under-sidewalk drains (curb drains) shall be installed for all new construction or major reconstruction. No sheet flow shall be allowed over the sidewalk or driveway.
84. 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 not be discharged to the storm drain system. Drains should connect to the sanitary sewer.
85. All utilities to and within the project shall be placed underground. All public utilities shall be located and provided within public utility easements and sized to meet utility company standards.
86. No buildings or other permanent structures or heavy landscape or heavy trees shall be constructed on any utility easement.

87. 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 Public Works Director.
88. Applicant shall provide a Construction Management Plan to Public Works. 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.
89. Applicant is required to submit a Construction Parking Plan to Public Works. The Plan shall include, at a minimum, the parking area for construction vehicles and equipment, a system to minimize the effect of construction worker parking in the neighborhood, and sufficient off-street parking.
90. Applicant shall provide sidewalk sanitary sewer clean-outs in accordance with the applicable requirement and regulations in Chapter 8.20, Article IV, of the Municipal Code. Clean-outs shall be installed on all new construction; on remodels where plumbing fixtures are added to the property and/or more than twenty five percent of the building area is being remodeled; and under any of the conditions listed on the Municipal Code.

This resolution shall take effect immediately upon adoption.

REGULARLY PASSED AND ADOPTED this 26th day of July, 2011.



Mayor/Chair

ATTEST:



City Clerk/Secretary

I do hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of Millbrae this 26th day of July 2011, by the following vote:

| | | |
|----------|-----------------|---|
| AYES: | COUNCILMEMBERS: | Quigg, Colapietro, Papan, Holober, and Seto |
| NOES: | COUNCILMEMBERS: | None |
| ABSENT: | COUNCILMEMBERS: | None |
| ABSTAIN: | COUNCILMEMBERS: | None |
| EXCUSED: | COUNCILMEMBERS: | None |



ACTING CITY CLERK