



DEPARTMENT OF PUBLIC WORKS
 50 PARK PLACE
 BRISBANE, CA 94005
 PHONE: 415.508.2130
 FAX: 415.467.5547
INSPECTOR: 415.760.3053
www.brisbaneca.org

DATE: _____
 PROJECT ADDRESS: _____
 PERMIT NO. GP- _____

GRADING PERMIT APPLICATION

APPLICANT/PERMITEE NAME	CONTRACTOR NAME
COMPANY	COMPANY
ADDRESS	ADDRESS
TELEPHONE	TELEPHONE
OWNER NAME AND ADDRESS	CONTRACTOR'S LICENSE NO: BRISBANE CITY LICENSE NO:
TELEPHONE	24 HOUR TELEPHONE
SOILS ENGINEER OF RECORD NAME	CIVIL ENGINEER/ARCHITECT OF RECORD NAME
TELEPHONE	TELEPHONE

Project related to current Building Permit: YES NO If YES, Building Permit No.: _____
 Planning Application No. (required if ≥250 cubic yards total or ≥ 50 cubic yards of export) _____

Property within Habitat Conservation Plan Boundaries? Yes ___ No ___ Site Activity Permit attached if Yes? Yes ___ No ___ N/A ___

APPLICATION IS MADE TO PERFORM GRADING AT THE LOCATIONS STATED ABOVE AND AS STATED BELOW:

PER PLANS DIAGRAM

START DATE:	COMPLETION DATE:
ESTIMATED COST:	BASED ON ATTACHED <input type="checkbox"/> BID <input type="checkbox"/> CONTRACT <input type="checkbox"/> ENGINEER'S ESTIMATE

CUBIC YARDS: CUT	FILL	IMPORT	EXPORT
Average % of slope on property:	Square footage of land to be disturbed:	Convert SF to acres:	

SUBMITTED:

- SITE MAP and GRADING PLAN
- SOILS REPORT
- NOTICE OF INTENT (COPY) - required if disturbing >= 1 acre of land
- INTERIM EROSION AND SEDIMENT CONTROL PLAN
- DRAINAGE PLAN & HYDRAULICS CALCULATIONS
- GEOLOGY REPORT
- Worksheet A - Construction Stormwater BMP Checklist
- PERMANENT EROSION CONTROL PLAN
- HAUL ROUTE
- WORK SCHEDULE
- SOILS ENGINEER'S INSTRUCTION LETTER

Project creates or replaces > 2500 SF impervious surface: YES (PCD Clearance Required) NO
 PLANNING & COMMUNITY DEVELOPEMNT (PCD) CLEARANCE FOR STORMWATER CONTROLS APPROVED DENIED
 DATE: _____ BY: _____

INSURANCE: GENERAL LIABILITY AUTOMOBILE LIABILITY WORKERS COMPENSATION

I HEREBY AGREE TO ACCEPT AND ABIDE BY THE PROVISIONS OF THIS PERMIT, AND CHAPTER 15.01 OF THE BRISBANE MUNICIPAL CODE.

THIS PERMIT IS NOT VALID UNTIL SIGNED BY THE CITY OF BRISBANE

PERMITEE	DATE
TITLE _____	COMPANY _____
CONTRACTOR	DATE
TITLE _____	COMPANY _____

FIELDS BELOW FOR CITY USE ONLY

DATE GRANTED: _____ BY: _____

DATE EXPIRES: _____ DATE EXTENDED/BY: _____ DATE EXTENDED/BY: _____

Expires within 90 days of "Date Granted" if work has not commenced by that time.

DATE WORK COMPLETED _____ AS-BUILTS RECEIVED MAINTENANCE BOND REQUIRED, AMOUNT _____

FINAL SOILS REPORT RECEIVED

DATE BONDS RELEASED: _____ PERFORMANCE _____ MAINTENANCE _____

FINAL INSPECTION: _____ DATE: _____ INSPECTOR: _____

cc: DPW Inspector, NPDES Coordinator

Encl: CA Civil Code Section 832, Current Stormwater Quality Control Requirements Construction Best Management Practices

**C.6 – Construction Stormwater BMPs
Worksheet**

Identify Plan sheet showing the appropriate construction Best Management Practices (BMPs) used on this project:
(Applies to all projects with earthwork)

Yes	Plan Sheet	Best Management Practice (BMP)
<input type="checkbox"/>		Control and prevent the discharge of all potential pollutants, including pavement cutting wastes, paints, concrete, petroleum products, chemicals, wash water or sediments, rinse water from architectural copper, and non-stormwater discharges to storm drains and watercourses.
<input type="checkbox"/>		Store, handle, and dispose of construction materials/wastes properly to prevent contact with stormwater.
<input type="checkbox"/>		Do not clean, fuel, or maintain vehicles on-site, except in a designated area where wash water is contained and treated.
<input type="checkbox"/>		Train and provide instruction to all employees/subcontractors re: construction BMPs.
<input type="checkbox"/>		Protect all storm drain inlets in vicinity of site using sediment controls such as berms, fiber rolls, or filters.
<input type="checkbox"/>		Limit construction access routes and stabilize designated access points.
<input type="checkbox"/>		Attach the San Mateo Countywide Water Pollution Prevention Program's construction BMP plan sheet to project plans and require contractor to implement the applicable BMPs on the plan sheet.
<input type="checkbox"/>		Use temporary erosion controls to stabilize all denuded areas until permanent erosion controls are established.
<input type="checkbox"/>		Delineate with field markers clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses.
<input type="checkbox"/>		Provide notes, specifications, or attachments describing the following: <ul style="list-style-type: none"> ■ Construction, operation and maintenance of erosion and sediment controls, include inspection frequency; ■ Methods and schedule for grading, excavation, filling, clearing of vegetation, and storage and disposal of excavated or cleared material; ■ Specifications for vegetative cover & mulch, include methods and schedules for planting and fertilization; ■ Provisions for temporary and/or permanent irrigation.
<input type="checkbox"/>		Perform clearing and earth moving activities only during dry weather.
<input type="checkbox"/>		Use sediment controls or filtration to remove sediment when dewatering and obtain all necessary permits.
<input type="checkbox"/>		Trap sediment on-site, using BMPs such as sediment basins or traps, earthen dikes or berms, silt fences, check dams, soil blankets or mats, covers for soil stock piles, etc.
<input type="checkbox"/>		Divert on-site runoff around exposed areas; divert off-site runoff around the site (e.g., swales and dikes).
<input type="checkbox"/>		Protect adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.

GENERAL GRADING PROVISIONS

1. All work shall be done strictly in conformance with the approved plans.
2. This permit shall be kept on the premises at all times.
3. Permittee shall notify Public Works Department at least 24 hours in advance of any required inspections.
4. No work shall be performed during hours other than normal working hours which are Monday through Friday 8:00 a.m. to 5:00 p.m. For working hours other than specified, a special request in writing must be submitted for approval and the appropriate fees will be collected.
5. No work shall be done on the weekend without a special weekend permit issued by the Director of Public Works/City Engineer.
6. Construction noise limitations shall be as specified in Brisbane Municipal Code 8.28.60 A and 8.28.60 B.
7. All Contractors and subcontractors shall obtain a City of Brisbane business license prior to performing any work within the City.
8. All projects with 1 acre or more of disturbed area must file a Notice of Intent (NOI) with the State Water Resources Control Board to obtain coverage under the State General Construction Activity NPDES Permit and a Storm Water Pollution Prevention Plan (SWPPP) must be prepared and implemented. A copy of the project's NOI and SWPPP shall be submitted to City prior to issuance of a grading permit.
9. Erosion and sediment control measures shall be in place, operational and continuously maintained during the rainy season, defined by the Municipal Code as October 15 through April 15. An effective erosion and sediment control plan shall be prepared, submitted to the City for review and approval, and implemented prior to start of the rainy season. Temporary erosion and sedimentation controls shall remain in place until permanent post construction controls have been established.
10. All construction sites shall have site specific, and seasonally and phase appropriate, effective Best Management Practices (BMPs) in the following six categories:
 - Erosion Control
 - Run-on and Run-Off Control
 - Sediment Control
 - Active Treatment Systems (as necessary)
 - Good Site Management
 - Non Stormwater Management
11. Site specific BMPs for the six categories in paragraph 10 may be a combination of BMPs from:
 - California BMP Handbook, Construction, January 2003.
 - Caltrans Stormwater Quality Handbooks, Construction Site Best Management Practices Manual, March 2003, and addenda.

- California Regional Water Quality Control Board, San Francisco Bay Region, Erosion and Sediment Control Field Manual, 2002.
- New BMPs available since the release of these Handbooks.

City reserves the right to require immediate additional measures if in the City Engineer’s sole judgment such additional measures are necessary.

12. Discharge of all potential pollutants, including but not limited to, petroleum products, solid wastes, and construction materials and pumped groundwater that occur on-site during construction shall be controlled and prevented from discharging into the storm drain system and watercourses. Appropriate construction site BMPs shall be continuously employed.
13. Dust created by the grading operation shall be controlled per Section 15.01.330 of the Brisbane Municipal Code , and per the Bay Area Air Quality Management District’s standard dust control measures for all construction sites (BAAQMD CEQA Guidelines, Table 2), and to the satisfaction of the City Engineer.

14. TRAFFIC CONTROL PLANS

Placement of temporary traffic control signs and devices shall not fully obstruct pedestrian or bicycles paths unless a closure and temporary access route or detour is approved by the City Engineer.

All City Highways

No work will be performed during other than normal work hours of 8:00 a.m. to 5:00 p.m. Monday through Friday. For work hours other than specified, a special request in writing must be submitted for approval and the appropriate fees will be collected.

No work will be done on the weekend without a special weekend permit issued by the Director of Public Works/City Engineer.

Contractor’s traffic control plan shall provide two-way traffic on all two-way streets at all times. If required to maintain two-way traffic, contractor shall provide flaggers with radios at each end of construction detour.

“Standard” plans may be used when the activity site is consistent with typical work zone layouts shown in the latest edition of the Work Area Traffic Control Handbook or with typical applications shown in the latest edition of the California Manual for Uniform Traffic Control Devices. Dependent on the location of the work, the City may require the submittal of typical plans with site-specific details including street names, existing traffic control signals/devices, intersections, driveways, etc. Advance warning signs for parking restrictions and lane closures/detours shall be placed 72 hours in advance of implementing traffic control.

Highways with Restricted Work Hours (work is permitted only between 9 AM and 4 PM)

No work, traffic control, lane closures, or traffic detours will be allowed within traffic lanes of the following highways before 9:00 a.m. or after 4:00 p.m.:

Bayshore Boulevard
 Guadalupe Canyon Parkway
 Valley Drive
 North Hill Drive

Tunnel Avenue
 Lagoon Way
 Sierra Point Parkway

Highways with Designated Class I, II, or IV Bike Lanes

Traffic control plans that propose closing all or a portion of the above bike lanes may not utilize W16-1 (Share the Road) and W11-1 (bicycle graphic) at speeds > 35 MPH.

When the total available travelway outside the road closure is $\geq 15'$ in width, then the TCP may implement a speed reduction to 35 MPH and utilize the W16-1 and W11-1.

When the total available travelway outside the road closure is $\geq 13'$ in width, then the TCP may implement a speed reduction to 25 MPH and utilize the W16-1 and W11-1.

When the total available travelway outside the road closure is $< 13'$ in width, the TCP shall implement a bicycle detour plan.

Where the existing bike lanes include a rumble strip section, the width of that section may not be counted towards "total available travelway".

Restricted Conditions (TCP must be prepared by a licensed professional)

Traffic control plans for the following highways and for the listed conditions shall be signed and stamped plans prepared by a California licensed civil engineer or traffic engineer:

Bayshore Boulevard
Guadalupe Canyon Parkway
Valley Drive
Lagoon Way
Sierra Point Parkway

Night Work
Full Road Closure

14. Staging, including the storage of equipment and stock piling of materials, shall not be allowed within the public right-of-way. Upon demand of City, Permittee shall provide written proof of permission to utilize private property within City limits for staging.

15. Construction equipment will be allowed to transit the public right-of-way with proper traffic control, including flagging, in order to access the jobsite. Permittee shall provide proper safety measures at all times. No open trenches shall be allowed next to live traffic without proper safety controls, to include K-rail, trench shoring, and other measures necessary to protect motorists.

16. Trucks delivering materials shall not block public traffic at any time except for deliveries incorporated into an approved traffic control plan.

17. Permittee shall obtain prior approval from the city's utility division before discharging any fluids into City sanitary sewer system. This flow shall be metered, and a volume and strength charge will be assessed.

18. Trenches not protected by K-rail shall be plated at the end of every workday. Only nonskid steel traffic plates shall be used to cover the trench. Trenches protected by K-rail may be left open at night provided that plastic barricade fencing or some other barricade acceptable to the City Engineer is used to secure the open trench and prevent access from unauthorized personnel during non-work hours.

19. Underground Service Alert shall be contacted 48 hours prior to start of work.

20. In the event of an accidental discovery of human remains of historical or unique archaeological resources during the course of grading and construction, work shall cease until in compliance with State CEQA guidelines Sections 15064.5(e) & (f).
21. Prior to issuance of a grading permit, the applicant shall pay the Grading Permit Plan fee, shall provide the Grading Permit Inspection fee (or provide the force account deposit amount), shall provide the Grading Security Deposit, and shall provide the Grading Cash Deposit for Street Repair/Cleaning.

ADDITIONAL GRADING PROVISIONS

The following conditions are taken from City of Brisbane Ordinance 579 adopted 6/2/22 and codified in Brisbane Municipal Code Chapter 15.01:

- **15.01.380 - Issuance of grading permits.**

The city engineer may issue a permit upon receipt and approval of the items listed in [Section 15.01.150](#). Permits shall be issued subject to the following conditions:

A. The permittee shall maintain a copy of the permit and all approved plans and reports required under Sections [15.01.150](#) and 15.01.400.B, on the work site, and the permit, plans and reports shall be available for public inspection during all working hours;

B. The permittee shall, at all times, conduct operations in conformity with approved site map, grading plan, and other required plans and reports.

C. The permittee shall comply with other conditions imposed by the city engineer as are reasonably necessary to prevent the proposed operations from being conducted in such a manner as to constitute or create a nuisance or a hazard to life, property, or the environment. Such conditions may include, but are not limited to:

(1) The route and time of travel over public streets so as to cause the least interference with general traffic and to cause the least damage to public streets;

(2) The removal of rock, earth or other material that may be deposited on public streets by reason of said grading operations;

(3) The payment to city of the cost of repairing damage to public streets caused by trucking operations in connection with said grading operations;

(4) The installation of suitable fencing, barricades, signage, and lighting surrounding the grading operations.

D. The permittee shall implement temporary erosion control as necessary to protect public and private property, and as required in [Section 15.01.180](#). Temporary erosion control shall be continuous throughout the work.

E. Permittee shall be knowledgeable of the conditions and/or restrictions of the grading permit as outlined in applicable sections of this chapter, and as contained on the approved site map, grading plan, and other required plans and reports.

- **15.01.390 - Time and noise limitations on grading operations.**

A. The time and noise limitations on all grading operations shall be those set forth for construction activities in [Chapter 8.28](#), Noise Control, of this Code.

B. No grading work shall be performed during hours other than the normal working hours of the city public works department's inspection and maintenance personnel without approval of the city engineer and without first obtaining a special permit for such work from the city engineer. Before issuing a special permit for such work, the city engineer shall collect a fee as approved by resolution of the city council. Permitted hours of operation may be shortened by the city engineer's finding of a previously unforeseen effect on the health, safety or welfare of the surrounding community.

- **15.01.400 - Implementation of permits; permittee's duties.**

In addition to performing as required under [Section 15.01.380](#):

A. The permittee shall request an inspection of the site by the city engineer at each of the stages of the grading operation listed below. The city engineer shall approve the work inspected or notify, in writing, the permittee or owner wherein it fails to comply with the approved grading plans or any other applicable requirement. Any portion of the work that does not comply with the grading plans or other applicable requirement shall be corrected. The stages of work at which inspections shall be requested are:

(1) Initial: when the permittee is ready to begin grading work;

(2) Rough grading: when all rough grading has been completed;

(3) Interim erosion control: the installation of all interim erosion control devices and the completion of planting revegetation requirements;

(4) Final: readiness of the site for final inspection, including, but not limited to, finished grading, installation of drainage devices and final erosion control measures.

B. Permittee shall submit status reports to the city engineer with revised work schedules required by [Section 15.01.230](#), or other reports as required by city engineer, for the city engineer's approval if:

(1) There are delays in obtaining materials, machinery, services, or manpower necessary to the implementation of the grading, interim, or final plans as scheduled;

(2) There are any delays in excavation, land-disturbing, filling activities, or soil storage;

(3) The work is not being done in conformance with any approved grading plans;

(4) There are any delays in the implementation of the interim or final plans.

C. Permittee shall submit recommendations for corrective measures, if necessary and appropriate, with the reports made under subsection B of this section, unless the city engineer waives the requirement.

- **15.01.410 - Implementation of permits—Requirements of city engineer.**

A. The permittee shall submit all reports as may be required in this section and in Sections [15.01.380](#) and [15.01.400](#) to the City Engineer for review. The city engineer may require permittee to modify the site map and grading plan, interim or final plans, and maintenance methods and schedules. The city engineer shall notify the permittee in writing

of the requirement to modify and may specify a specific period of time within which permittee must comply. All modifications are subject to the city engineer's approval.

B. The city engineer may inspect the site:

- (1) Upon receipt of any report by permittee under provisions of Section 15.01.400.B;
- (2) To verify completion of modifications required under subsection A of this section;
- (3) During and following any rainfall;
- (4) At any other time, at the city engineer's discretion.

C. Upon completion of the rough grading work and at the final completion of the work, the city engineer may require the following reports and drawings and supplements thereto:

(1) An as-graded grading plan prepared by the civil engineer who prepared the approved grading plan, including original ground surface elevations, as-graded ground surface elevations, lot drainage patterns and locations and elevations of all surface and subsurface drainage facilities. The civil engineer shall provide a statement that the work was done in general conformance with the final approved grading plan;

(2) A soil grading report prepared by the soils engineer including locations and elevations of field density tests, summaries of field and laboratory tests, and other substantiating data and comments on any changes made during grading and their effect on the recommendations made in the soil engineering investigation report. The soils engineer shall provide a statement as to compliance of the work with his/her recommendations and as to the adequacy of the site for the intended use;

(3) An engineering geology report prepared by the geologist containing a final description of the geology of the site including any new information disclosed during the grading and the effect of same on recommendations incorporated in the approved grading plan. The geologist shall provide a statement as to compliance of the work with his/her recommendations and as to the adequacy of the site for the intended use as affected by geologic factors.

D. No person shall in any way hinder or prevent the city engineer or any of his/her authorized representatives from entering and inspecting any property on which grading has been or is being done.

- **15.01.420 - Grading inspection.**

A. All grading operations for which a permit is required shall be subject to inspection by the city engineer. When required by the city engineer, special inspection of grading operations and special testing shall be performed according to the provisions of subsection B of this section.

B. In addition to complying with all requirements of the California Building Code, as amended by this chapter, "regular grading" and "engineered grading" applicants/permittees shall be subject to and comply with the following:

(1) Engineered and Regular Grading Designation. Grading in excess of one thousand (1,000) cubic yards and/or ten (10) feet vertical depth of cut and/or fill shall be performed according to approved grading plan prepared by a civil engineer, and shall be designated as "engineered grading." Grading involving less than one thousand (1,000) cubic yards and/or less than ten (10) feet vertical depth of cut and/or fill shall be designated "regular grading" unless the applicant/permittee, with the city engineer's approval, or the city engineer, independently, chooses to have the grading performed as "engineered grading."

(2) Engineered Grading Requirements. For engineered grading, it shall be the responsibility of the civil engineer who prepares the approved grading plan to incorporate all recommendations from the soil engineering and engineering geology reports into the grading plan. He/she shall also be responsible for the professional inspection and approval of the grading within his area of technical specialty. This responsibility shall include, but need not be limited to, inspection and approval as to the establishment of line, grade, and drainage of the development area. The civil engineer shall act as the coordinating agent if the need arises for liaison between the other professionals, the contractor and the city engineer. The civil engineer shall also be responsible for the preparation of revised plans and the submission of as-graded grading plans and compliance statements upon completion of the work.

(3) Soils Engineering and Engineering Geology Requirements. Soils engineering and engineering geology reports shall be required at the discretion of the city engineer. During grading, all necessary reports, compaction data, soils engineering and engineering geology recommendations shall be submitted to the owner, the geologist, the civil engineer, and the city engineer by the soils engineer and the engineering geologist. Areas of responsibility shall be as follows:

(a) The soils engineer's area of responsibility shall include, but need not be limited to, the professional inspection and approval concerning the preparation of ground to receive fills, testing for required compaction, stability of all finish slopes, and the design of buttress fills, where required, incorporating data supplied by the engineering geologist.

(b) The engineering geologist's area of responsibility shall include, but need not be limited to, professional inspection and approval of the adequacy of natural ground for receiving fills and the stability of cut slopes with respect to geological matters and the need for subdrains or other groundwater drainage devices. He/she shall report the findings to the owner, the soils engineer, the city engineer and the civil engineer.

(c) The city engineer shall inspect the project as required under [Section 15.01.410](#) and at any more frequent interval necessary to determine that the professional consultants are exercising adequate control.

(4) Regular Grading Requirements. The city engineer may require the permittee to provide inspection and testing by a professional testing company acceptable to the city engineer. The testing agency's responsibility shall include, but need not be limited to, approval concerning the inspection of cleared areas and benches to receive fill, and the compaction of fills. When the city engineer has reasonable cause to believe that geologic factors may be involved, the grading operation will be required to conform to "engineered grading" requirements.

(5) Notification of Noncompliance. If, in the course of fulfilling their responsibility under this section, the civil engineer, the soils engineer, the engineering geologist, or the testing agency finds that the work is not being done in conformance with this section or the approved grading plans, the discrepancies shall be reported immediately in writing to the person in charge of the grading work and to the city engineer (see [Section 15.01.400](#)). Recommendations for corrective action measures, if necessary, shall be submitted.

(6) Transfer of Responsibility for Approval. If the civil engineer, the soils engineer, the engineering geologist, or the testing agency of record is changed during the course of the work, the work shall be stopped until the replacement has agreed to accept the responsibility within the area of their technical competence for approval upon completion of the work.

- **15.01.430 - Completion of work.**

A. Final Reports. Upon the completion of the rough grading work and at the final completion of the work, the city engineer may require the following reports and drawings and supplements thereto:

(1) An as-graded grading plan prepared by the civil engineer who prepared the approved grading plan, including original ground surface elevations, as-graded ground surface elevations, lot drainage patterns and locations and elevations of all surface drainage facilities. The civil engineer shall state that to the best of his/her knowledge the work was done according to the final approved grading plan;

(2) A soil grading report prepared by the soils engineer, including locations and elevations of field density tests, summaries of field and laboratory tests, and other substantiating data and comments on any changes made during grading and their effect on the recommendations made in the soils engineering investigation report. The civil engineer shall render a finding as to the adequacy of the site for the intended use as affected by geologic factors;

(3) A geologic grading report prepared by the engineering geologist, including a final description of the geology of the site and any new information disclosed during the grading and the effect of same on recommendations incorporated in the approved grading plan. The engineering geologist shall render a finding as to the adequacy of the site for the intended use as affected by geologic factors.

B. Notification of Completion. The permittee or his/her agent shall notify the city engineer when the grading operation is ready for final inspection. Final approval shall not be given until all work, including installation of drainage facilities and their protective devices and all erosion control measures have been completed according to the final approved grading plan and the required reports have been submitted.

SPECIAL GRADING PROVISIONS

- A. No street monuments, lot corner records or other permanent monuments, including benchmarks, may be disturbed without first filing a pre-construction corner record. Corner records shall be filed with the San Mateo County Recorders Office, with a copy of the application and recorded survey provided to the City Engineer. All disturbed survey monuments shall be restored after construction by a surveyor licensed to practice in the state of California.

California Civil Code Section 832 (Chapter 1 – Rights of Owners)

Each coterminous owner is entitled to the lateral and subjacent support which his land receives from the adjoining land, subject to the right of the owner of the adjoining land to make proper and usual excavations on the same for purposes of construction or improvement, under the following conditions:

1. Any owner of land or his lessee intending to make or to permit an excavation shall give reasonable notice to the owner or owners of adjoining lands and of buildings or other structures, stating the depth to which such excavation is intended to be made, and when the excavating will begin.

2. In making any excavation, ordinary care and skill shall be used, and reasonable precautions taken to sustain the adjoining land as such, without regard to any building or other structure which may be thereon, and there shall be no liability for damage done to any such building or other structure by reason of the excavation, except as otherwise provided or allowed by law.

3. If at any time it appears that the excavation is to be of a greater depth than are the walls or foundations of any adjoining building or other structure, and is to be so close as to endanger the building or other structure in any way, then the owner of the building or other structure must be allowed at least 30 days, if he so desires, in which to take measures to protect the same from any damage, or in which to extend the foundations thereof, and he must be given for the same purposes reasonable license to enter on the land on which the excavation is to be or is being made.

4. If the excavation is intended to be or is deeper than the standard depth of foundations, which depth is defined to be a depth of nine feet below the adjacent curb level, at the point where the joint property line intersects the curb and if on the land of the coterminous owner there is any building or other structure the wall or foundation of which goes to standard depth or deeper then the owner of the land on which the excavation is being made shall, if given the necessary license to enter on the adjoining land, protect the said adjoining land and any such building or other structure thereon without cost to the owner thereof, from any damage by reason of the excavation, and shall be liable to the owner of such property for any such damage, excepting only for minor settlement cracks in buildings or other structures.