

City of Huntington Beach Encroachment Permit Requirements
January 22, 2019

When do I need to pull an encroachment permit?

A permit is required when any work that is listed in the Municipal Code Chapter 12.38 will be performed in the public right-of-way. The section describing the specific uses of the public right-of-way is listed below.

12.38.010 Encroachment permit required. In addition to any agreement, license, permit or franchise required by this Code or the Zoning and Subdivision Ordinance or any permit or entitlement required by state and federal law, the following uses may temporarily encroach into the public right-of-way subject to the issuance of an encroachment permit by the Department of Public Works and the payment of all applicable fees as set by resolution of the City Council: (3016-10/89, 3781-10/07)

- (a) Structural Elements (3016-10/89)
- (b) Signs (3016-10/89)
- (c) Lighting (3016-10/89)
- (d) Parkway modification including surfacing, tree or shrub removal and/or planting. (3016-10/89)
- (e) Unusual architectural treatment, appendages, or fixtures, such as awnings. (3016-10/89)
- (f) Shrub planting and removal. (3016-10/89)

What can I do without a permit?

The following actions do not require an encroachment permit to work in the public right-of-way. If you plan on performing any work that is not listed above or below please call (714) 536-5431 to find out if you need to pull an encroachment permit.

12.38.020 Permit not required. Private encroachments not requiring a permit. (3016-10/89)

- (a) Parkway lawn and ground cover. (3016-10/89)
- (b) Parkway sprinkling systems. (3016-10/89)
- (c) Use of public streets and projections over public property which are covered by the Uniform Building Code under a valid building permit issued by the City. (3016-10/89)

What does a contractor need to pull an encroachment permit?

- 1) City of Huntington Beach – Business License, please call 714-536-5267 for further assistance.
- 2) Certificate of Insurance on file with the Cities Risk Management Department. Contact Justin Wessels at (714) 374-5378 or RMinsurance@surfcity-hb.org.
- 3) Contractor shall be a State licensed contractor with either a class “A” or “C” license. The class of license shall match the particular type of work to be performed. Please see the State Licensing Board for a complete list of licensing: <http://www.cslb.ca.gov/General-Information/library/licensing-classifications.asp>. The contractor shall provide proof of proper licensing when they approach the Public Works counter to pull an encroachment permit.
- 4) Approved plans or standard plan depicting the location and description of work to be completed. Most small jobs (driveways, sidewalk replacement, etc.) do not require engineered drawings but a high level of detail on an informal plan will facilitate permit issuance.
- 5) Approved traffic control plans or utilization of the APWA and WATCH manual, if required by Public Works personal. Please call (714) 536-5431 and ask for Traffic Engineering or stop by the Public Works counter to determine if a traffic control plan is required.
- 6) Payment of permit fee including an Administrative fee. Permit fees vary greatly depending on the scope of work being performed. Please call in advance for an estimate of fees, the final fee amount will always be calculated at time of permit issuance and shall supersede any previous amounts provided.

CITY OF HUNTINGTON BEACH

Phone: 714-374-5378 E-mail: RMinsurance@surfcity-hb.org

Insurance Requirements vary for different applicants. Please see the below listed applicant types followed by the insurance requirements.

City of Huntington Beach Resolution 2008-63 requires that contractors, permittees, licensees/lessees and vendors have an approved Certificate of Insurance on file with the City of Huntington Beach for the issuance of any permit or city contract.

The insurance certificate must be approved by the City Attorney's Office as to meeting all of the city's insurance requirements. An original certificate is required or a PDF version attached to an email may be forwarded. If the insurance certificate is faxed, it must come directly from the insurance provider to the City of Huntington Beach. All insurance must be from a California admitted carrier with a current A.M. Best's Rating of no less than A:VII

1. CONTRACTORS – Any persons or entities or Contract with the City and/or provide service to the City which are readily available and efficiently procured by competitive bidding.

Requirements: *General Liability, Workers' Compensation, Auto Liability, Additional Insured Endorsements*

2. DESIGN PROFESSIONALS- Professional Service contractors who contract with the City and/or provide architectural and/or engineering services to the City.

Requirements: *Errors and Omissions (Professional Liability) \$1,000,000 coverage*

3. LICENSEES/LESSEES – any person or entities who make contract with the city for the use of public property.

Requirements: *General Liability, Workers' Compensation, Property Insurance (full replacement costs with no coinsurance penalty provision), Additional Insured Endorsement*

4. PERMITEES – any persons or entities who make application to the City for any use of encroachment upon any street, waterway, pier, or City property.

Requirements: *General Liability, Workers' Compensation, Auto Liability, Additional Insured Endorsements*

5. PROFESSIONAL SERVICES – means those services, which involve the exercise of professional discretion and independent judgment on an advanced or specialized knowledge, expertise or training gained by formal studies or experience or services which are not readily or efficiently procured by competitive bidding pursuant to Huntington Beach Municipal Code Section 3.02. Such Services shall include but not be limited to those services provided by appraisers, architects, attorneys, engineers, instructors, insurance advisors, physicians and other specialized consultants.

Requirements: *Errors and Omissions (Professional Liability) \$1,000,000 coverage*

Private Property Work Permit Requirements – If the planned work does not involve public property or its right-of-way (e.g. sidewalk/street), the Workers' Compensation Certificate is the only insurance requirement. However, if the work site is adjacent to or attached to public property, the City Attorney's Office must be informed for consideration of liability and decide whether or not to approve the certificate with a specific "Private Property Only" approval stamp.

- **General Liability (G/L)** – The general liability requirement is for \$1,000,000 with “per occurrence” type claims coverage and a separate “Additional Insured Endorsement” page listing both the policy number and naming the “*City of Huntington Beach, its officers, elected or appointed officials, employees, agents and volunteers*” as additional insured on the endorsement. (see below for Additional Insured requirements)
- **Additional Insured Endorsement Requirements** – The City, its officers, elected or appointed officials, employees, agents and volunteers are to be specifically named and covered as additional insureds by separate attached endorsement(s) as respects liability arising out of action performed by or on behalf of the contractor, products and completed operations of the contractor, premises owned, occupied or used by the contractor, or automobiles owned, leased or borrowed by the contractor. The coverage shall contain no special limitations on the scope of protection afforded to the City, its agents, officers and employees. The endorsement should include the policy number it correlates to.
- **Primary Insurance** – General Liability Insurance coverage shall be primary insurance as respects the City, its agents, officers, and employees. Any insurance or self-insurance maintained by the City, its agents, officers, and employees shall be excess of the submitted insurance and shall not contribute with it.
- **Description of work** – The staff contact and purpose of the evidence of coverage must be identified on the certificate of insurance.
- **Automotive Insurance** – Automobile insurance requirement is for \$1,000,000 and a separate “Additional Insured Endorsement” page listing both the policy number and naming the “*City of Huntington Beach, its officers, elected or appointed officials, employees, agents and volunteers*” as additional insured on the endorsement. Permittees who do not use vehicles or equipment in connection with the permit can request to waive the Auto insurance requirement.
- **Worker’s Compensation Insurance (W/C)** – As required by the State of California, with Statutory Limits and Employer’s Liability Insurance with a limit of no less than \$1,000,000 per accident for bodily injury or disease.
Certificate holder listed on the certificate is:
City of Huntington Beach, 2000 Main St., Huntington Beach, CA 92648.
If your organization/company has no compensated employees working on the project, you may complete and return a “Non-Employer Status” form to be used in lieu of a W/C insurance certificate.
- **Cancellation Clause Notice** – The cancellation clause must contain a thirty (30) day notice. A ten (10) day notice for non-payment of premium is acceptable in combination with 30 day notice.
- **Professional Liability** – Coverage must be provided at a minimum of \$1,000,000 per occurrence and in the aggregate.
- **Deductibles**– The following deductibles are acceptable and all others must be removed from the insurance policy or a waiver can be requested (No allowances for SIR) :
 - **General Liability** - \$5,000
 - **Auto Liability** - \$1,000
 - **Professional Liability/Errors & Omissions** - \$10,000
- **Waiver Procedure** – If unable to comply with a requirement, the “INSURED” may request a waiver of a specific requirement. The Insurance Waiver form is an internal form that the City of Huntington Beach will complete. (see following page for waiver form) *The exception to the waiver is the G/L & Auto “Additional Insured Endorsement” page.*

Waiver Procedure

To request a waiver, indicate here and provide a brief description (1 – 2 sentences) of the proposed work/project, its dollar value (if not a specific dollar amount, use an average, annual estimate or non-profit) and projected timeframe (per job or as-needed basis).
For substantial dollar deductible/SIR amounts, a financial statement is required (Balance Sheet, Budget Reports, Dun & Bradstreet Report, etc.).

Waiver Requested: _____

Encroachment Permit Private Property Work Permit Consultant Services

Other: _____

Proposed Work: _____

Dollar Value: _____

Projected Timeframe: _____