

RESOLUTION NO. 2018-42

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS MAKING FINDINGS, ADOPTING AN EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING THE DESIGN REVIEW, USE PERMIT AND SUBDIVISION APPLICATIONS FOR A NEW 52-UNIT MULTI-FAMILY PROJECT AT 4846 AND 4856 EL CAMINO REAL**

**WHEREAS**, the City of Los Altos received a development application from Mircea Voskerician, LuxOne LLC (Applicant), for a new 52-unit multiple-family residential building at 4846 and 4856 El Camino Real that includes Design Review 18-D-01, Use Permit 18-UP-01 and Subdivision 18-SD-01, referred to herein as the “Project”; and

**WHEREAS**, said Project is located in the CT District, which allows multiple-family housing as a conditional use at a maximum density of 38 dwelling units per net acre of land; and

**WHEREAS**, said Project has a net site area of 0.72 acres (31,576 square feet), which will allow for a base residential density of 28 dwelling units; and

**WHEREAS**, the Applicant is offering three moderate income and one low income for sale and six very-low income affordable housing units for rent as part of the Project; and

**WHEREAS**, the Applicant’s proposed unit mix would consist of 35.7 percent of its base density as affordable units, with 21.4 percent of the units affordable at the very-low income level, thereby entitling the project to receive density bonuses and qualifying for incentives, concessions and waivers pursuant to Los Altos Municipal Code Section 14.28.040 and Government Code Section 65915, *et seq.*; and

**WHEREAS**, the Applicant is seeking incentives under Government Code Section 65915(e) and Los Altos Municipal Code Section 14.28.040(F) to allow: a) a building with a primary height of 58 feet and a height of 35 feet for the rear portion, where the Code allows for 45 feet and 30 feet, respectively; and b) a rear yard setback of 60 feet for the five-story portion of the building, where the Code requires a rear yard setback of 100 feet; and

**WHEREAS**, the Applicant is seeking further waivers under Government Code Section 65915(e) and Los Altos Municipal Code Section 14.28.040(H) to allow: a) the elevator tower to be 17.9 feet above the roof, where the Code allows such structures to be 12 feet above the roof; and b) enclosed roof top structures at 4.6 percent of the roof area, where the Code limits such structures to four (4) percent of the roof area; and

**WHEREAS**, the Applicant is seeking a parking requirement alteration under Government Code Section 65915(e) and Los Altos Municipal Code Section 14.28.040(G) to allow for a reduction in the minimum onsite parking requirement; and

**WHEREAS**, the Applicant is seeking a 82.5 percent density bonus and the above-described incentives and waivers to allow development of the Project pursuant to Government Code 65915 and Los Altos Municipal Code Section 14.28.040(E)(7), which allows the City to grant a density bonus

greater than the 35 percent provided as of right for projects providing more than 11 percent of its units as affordable at the very-low income level; and

**WHEREAS**, said Project is exempt from environmental review as in-fill development in accordance with Section 15332 of the California Environmental Quality Act of 1970 as amended (“CEQA”); and

**WHEREAS**, said Project has been processed in accordance with the applicable provisions of the California Government Code and the Los Altos Municipal Code; and

**WHEREAS**, on May 23, 2018, the Complete Streets Commission held a public meeting on the Project and at the conclusion of the meeting voted to recommend approval to the Planning Commission and City Council; and

**WHEREAS**, on August 14, 2018 the Applicant installed story poles on the site per the modified story pole plan that was approved by the City Council on May 8, 2018; and

**WHEREAS**, on September 4, 2018 the City gave public notice of the Planning Commission’s public hearing on the proposed Project by advertisement in a newspaper of general circulation and to all property owners within a 500-foot radius; and

**WHEREAS**, on September 20, 2018, the Planning Commission conducted a duly-noticed public hearing at which members of the public were afforded an opportunity to comment upon the Project, and at the conclusion of the hearing, the Planning Commission recommended that the City Council approve the Project; and

**WHEREAS**, on November 13, 2018 and November 27, 2018, the City Council held duly noticed public meetings as prescribed by law and considered public testimony and evidence and recommendations presented by staff related to the Project; and

**WHEREAS**, all the requirements of the Public Resources Code, the State CEQA Guidelines, and the regulations and policies of the City of Los Altos have been satisfied or complied with by the City in connection with the Project; and

**WHEREAS**, the findings and conclusions made by the City Council in this Resolution are based upon the oral and written evidence presented as well as the entirety of the administrative record for the proposed Project, which is incorporated herein by this reference. The findings are not based solely on the information provided in this Resolution; and

**WHEREAS**, all other legal prerequisites to the adoption of this Resolution have occurred.

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Los Altos hereby approves the Project subject to the findings and the conditions of approval attached hereto as “Exhibit A” and “Exhibit B,” and incorporated by this reference.

**I HEREBY CERTIFY** that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 27<sup>th</sup> day of November 2018 by the following vote:

AYES: BRUINS, MORDO, PROCHNOW  
NOES: LEE ENG, PEPPER  
ABSENT: NONE  
ABSTAIN: NONE



\_\_\_\_\_  
Jean Mordo, MAYOR

Attest:

  
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Jon Maginot, CMC, CITY CLERK

## EXHIBIT A

### FINDINGS

1. ENVIRONMENTAL REVIEW FINDINGS. With regard to environmental review, in accordance with Section 15332 of the California Environmental Quality Act Guidelines, based on the whole record before it, including, without limitation, the analysis and conclusions set forth in the staff reports, testimony provided at the proposed Project's public hearings, and the supporting technical studies, which include: 1) a Traffic Analysis by Hexagon Transportation Consultants (May 2018); 2) an Air Quality and Greenhouse Gas Emissions Assessment (March 2018); 3) a Noise Study by Wilson Ihrig (March 2018); and 4) an Arborist Report by Kielty Arborist Services (April 2018), the City Council finds and determines that the following Categorical Exemption findings can be made:
  - a. The Project is consistent with the applicable General Plan designation and all applicable General Plan policies as well as with the applicable zoning designation (Commercial Thoroughfare) and regulations, including density bonus, incentives and waivers for the production of affordable housing;
  - b. The Project occurs within City limits on a site of no more than five acres that is substantially surrounded by urban uses and there is no record that the site has value as habitat for endangered, rare or threatened species;
  - c. Approval of the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality and the completed technical studies and staff analysis contained in the agenda report support this conclusion; and
  - d. The Project has been reviewed and it is found that the site can be adequately served by all required utilities and public services.
2. DESIGN REVIEW FINDINGS. With regard to Design Review Application 18-D-01, the City Council finds, in accordance with Section 14.76.060 of the Los Altos Municipal Code, as follows:
  - a. The Project meets the goals, policies and objectives of the General Plan with its level of intensity and residential density within the El Camino Real corridor, and all Zoning Code site standards and design criteria applicable for a project in the CT District;
  - b. The Project has architectural integrity and has an appropriate relationship with other structures in the immediate area in terms of height, bulk and design because the project utilizes high quality materials that support its architectural style and is appropriately articulated and scaled to relate to the larger buildings on the El Camino Real corridor;
  - c. Building mass is articulated to relate to the human scale, both horizontally and vertically as evidenced in the design of the projecting overhangs, bay windows and balconies, the building elevations have variation and depth and avoid large blank wall surfaces, and the project has incorporated elements that signal habitation, such as identifiable entrances, overhangs, bay windows and balconies;

- d. The Project's exterior materials and finishes convey high quality, integrity, permanence and durability, and materials are used effectively to define building elements. Materials, finishes, and colors have been used in a manner that serves to reduce the perceived appearance of height, bulk and mass, and are harmonious with other structures in the immediate area.
  - e. Landscaping such as the large specimen coral bark maple trees, Brisbane box street trees, Saratoga laurel evergreen screening trees, hedges and groundcover is generous and inviting, and landscape and hardscape features such as the custom paver walkway, board formed concrete planters and wood privacy fences are designed to complement the building and parking areas and to be integrated with the building architecture and the surrounding streetscape. Landscaping includes substantial street tree canopy including four new street trees in the public right-of-way, four new specimen coral bark maple trees in the front yard space and 11 new trees along the site perimeter;
  - f. Signage, which is limited to the building address number and other required directional signage, will be designed to complement the building architecture in terms of style, materials, colors and proportions;
  - g. Mechanical equipment is screened from public view by the building parapet and is designed to be consistent with the building architecture in form, material and detailing; and
  - h. Service, trash and utility areas are screened from public view by their locations in the building garage and behind fencing in the side yards, and consistent with the building architecture in materials and detailing.
3. USE PERMIT FINDINGS. With regard to Use Permit 18-UP-01, the City Council finds, in accordance with Section 14.80.060 of the Municipal Code, as follows:
- a. The proposed location of the multiple-family residential use is desirable and essential to the public comfort, convenience, prosperity, and welfare in that there are a limited number of sites that can accommodate new housing, the CT District has anticipated and planned for new housing along the El Camino Real corridor and the project provides housing at a variety of affordability levels;
  - b. That the proposed location of the multiple-family residential use is in accordance with the objectives of the Zoning Code since the project provides for community growth along sound lines, it is harmonious and convenient in relation to the surrounding land uses, it does not create any significant traffic impacts, it will help the City meet its affordable housing goals, it will protect and enhance property values and it will enhance the City's distinctive character with a high-quality building design in a commercial thoroughfare context;
  - c. That the proposed location of the multiple-family residential use, under the circumstances of the particular case and as conditioned, will not be detrimental to the health, safety, comfort, convenience, prosperity, or welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity; and
  - d. That the proposed multiple-family residential use complies with the regulations prescribed for the CT District and the general provisions contained in Chapter 14.02.

4. SUBDIVISION FINDINGS. With regard to Subdivision 18-SD-01, the City Council finds, in accordance with Section 66474 of the Subdivision Map Act of the State of California, as follows:
  - a. The proposed condominium subdivision is consistent with the General Plan;
  - b. The Project site is physically suitable for this type and density of development in that the project meets all applicable Zoning requirements except where a density bonus, incentives and/or waivers have been granted;
  - c. The design of the condominium subdivision and the proposed improvements are not likely to cause substantial environmental damage, or substantially injure fish or wildlife; and no evidence of such has been presented;
  - d. The design of the condominium subdivision is not likely to cause any serious public health problems because conditions have been added to address noise, air quality and life safety concerns; and
  - e. The design of the condominium subdivision will not conflict with any public access easements as none have been found or identified on this site.
  
5. AFFORDABLE HOUSING AND DENSITY BONUS FINDINGS. With regard to the offered below market rate units and requested density bonus, incentives, waivers and parking requirement alteration, the City Council finds, in accordance with Los Altos Municipal Code Section 14.28.040, as follows:
  - a. The applicant is offering three moderate income units and one low income unit for sale and six very-low income affordable housing units for rent, 35.7 percent of the Project's base density, which qualifies the project for a density bonus, incentives, waivers and a parking requirement alteration;
  - b. Per Table DB 3 in Section 14.28.040(C)(1)(b), a project that offers 11 percent or more of its total units (base density) as very-low income restricted affordable units shall be granted a density bonus of 35 percent, and per Table DB 4 in Section 14.28.040(C)(1)(b), a project that offers 15 percent or more of its total units (base density) as very-low income restricted affordable units shall be granted three (3) incentives. Since the project is providing 21.4 percent of its total units as affordable at the very-low income level, the City shall grant a density bonus of at least 35 percent and three (3) incentives;
  - c. For its incentives, the project is requesting the City allow: a) a building with a primary height of 58 feet and a height of 35 feet for the rear portion, where the Code allows for 45 feet and 30 feet, respectively; and b) a rear yard setback of 60 feet for the five-story portion of the building, where the Code requires a rear yard setback of 100 feet. The height incentive is considered an "off-menu" incentive and the rear yard setback incentive is considered two (2) "on-menu" incentives (20 percent decrease in a setback);
  - d. Per Section 14.28.040(G)(2)(a), the City shall allow a minimum parking requirement, inclusive of handicapped and guest parking, of one (1) onsite parking space for each one-bedroom unit

and two (2) onsite parking spaces for each two- or three-bedroom unit if requested by the applicant. Since the project is providing 108 onsite parking spaces, where a minimum of 91 onsite parking spaces is required, it is exceeding the minimum permitted by the Code;

- e. Per Section 14.28.040(H)(1), a project can request a waiver or reduction of development standards that have the effect of physically precluding the construction of a development in addition to the density bonus and incentives permitted by the Code. Consistent with these requirements, the Applicant is seeking waivers to allow: a) the elevator tower to be 17.9 feet above the roof, where the Code allows such structures to be 12 feet above the roof; and b) enclosed roof top structures at 4.6 percent of the roof area, where the Code limits such structures to four percent of the roof area. The basis to grant the waivers is supported by the fact that they are required in order to provide the necessary amenities and accessibility for a building of this size and density, they will not have a specific, adverse impact upon health, safety, or the physical environment, they will not have an adverse impact on any listed historic resources and will not be contrary to state or federal law; and
- f. Per Section 14.28.040(E)(7), the City is permitted to grant a density bonus greater than the 35 percent. Per consultation with City staff, the City Council and Planning Commission, the Applicant is requesting a 82.5 percent density bonus, which will allow for the development of 52 dwelling units in the project. Granting of this density bonus is supported by the fact that the project is offering of 35.7 percent of its base density as affordable at the moderate, low and very-low income levels. The granting of the density bonus is further supported by the fact that the project is exceeding the minimum thresholds prescribed by the Zoning Code with regard to onsite parking, side yard setbacks, open space (both private and common), and bicycle parking. Information to support the density bonus is provided in the Density Bonus Report, which is included with the Project's staff report.

## EXHIBIT B

### CONDITIONS

#### GENERAL

1. **Approved Plans**

The project approval is based upon the Plans dated July 18, 2018, the Supplemental Plans dated October 15, 2018 and the Density Bonus Report Amendment received on November 19, 2018, except as modified by these conditions.

2. **Affordable Housing**

The applicant shall offer the City ten (10) below market rate units as follows:

- a. Two (2) three-bedroom unit at the moderate income level for sale;
- b. One (1) two-bedroom unit at the moderate income level for sale;
- c. One (1) two-bedroom unit at the low income level for sale;
- d. Two (2) two-bedroom units at the very-low income level for rent; and
- e. Four (4) one-bedroom units at the very-low income level for rent;

3. **Upper Story Lighting**

Any exterior lighting above the ground floor on the sides and rear of the building and on the rooftop deck shall be shrouded and/or directed down to minimize glare.

4. **Encroachment Permit**

An encroachment permit and/or an excavation permit shall be obtained prior to any work done within the public right-of-way and it shall be in accordance with plans to be approved by the City Engineer. *Note: Any work within El Camino Real will require applicant to obtain an encroachment permit with Caltrans prior to commencement of work.*

5. **Public Utilities**

The applicant shall contact electric, gas, communication and water utility companies regarding the installation of new utility services to the site.

6. **Americans with Disabilities Act**

All improvements shall comply with Americans with Disabilities Act (ADA).

7. **Stormwater Management Plan**

The applicant shall submit a complete Stormwater Management Plan (SWMP) and a hydrology calculation showing that 100% of the site is being treated; is in compliance with the Municipal Regional Stormwater NPDES Permit (MRP). Applicant shall provide a hydrology and hydraulic study, and an infeasible/feasible comparison analysis to the City for review and approval for the purpose to verify that MRP requirements are met.

8. **Sewer Lateral**

Any proposed sewer lateral connection shall be approved by the City Engineer.



9. **Transportation Permit**

A Transportation Permit, per the requirements specified in California Vehicle Code Division 15, is required before any large equipment, materials or soil is transported or hauled to or from the construction site.

10. **Indemnity and Hold Harmless**

The applicant/owner agrees to indemnify, defend (with counsel acceptable to the City), protect, and hold the City, including without limitation, its individual Council members, Planning Commissioners, representatives, agents, officers, employees and volunteers (collectively, called "City") harmless from all costs, expenses, liability, damages, claims, judgments, losses (direct or indirect), actions or proceedings (including attorney's fees or other legal costs, expert witness or other consultant fees, City Attorney or staff time, expenses or costs) incurred by the City or held to be the liability of the City in connection with the City's defense in any proceedings, brought in any State or Federal Court or otherwise, challenging any action with respect to the applicant's project. The City may elect, in its sole discretion, to participate in the defense of said action, and the applicant/owner shall reimburse the City for its reasonable costs and legal expenses, including, without limitation, attorney's fees. The obligations described herein shall survive termination, extinguishment or invalidation of any City approvals associated with the project.

**PRIOR TO SUBMITTAL OF BUILDING PERMIT**

11. **Green Building Standards**

The applicant shall provide verification that the project will comply with the City's Green Building Standards (Section 12.26 of the Municipal Code) from a qualified green building professional.

12. **Property Address**

The applicant shall provide an address signage plan as required by the Building Official.

13. **Water Efficient Landscape Plan**

Provide a landscape documentation package prepared by a licensed landscape professional showing how the project complies with the City's Water Efficient Landscape Regulations.

14. **Air Quality Mitigation**

The applicant shall implement and incorporate the air quality mitigations into the plans as required by the report prepared by Illingsworth & Rodin, Inc., dated March 6, 2018.

15. **Noise Mitigation**

The applicant shall implement and incorporate the noise mitigation measures into the plans as required by the report by Wilson Ihrig, dated March 6, 2018.

16. **Rooftop Deck**

Provide design details for the rooftop deck sufficient enough to verify that the space can operate in compliance with the performance standards prescribed by Municipal Code Section 14.50.160.

## **PRIOR TO FINAL MAP RECORDATION**

### **17. Lot-Line Adjustment**

Prior to submittal and approval of the final map, the applicant shall submit and obtain approval from the City of a lot line adjustment to consolidate the two parcels into one.

### **18. Covenants, Conditions and Restrictions**

The applicant shall include the following provisions in the Covenants, Conditions and Restrictions (CC&Rs):

- a. Storage on private patios and decks shall be restricted; and rules for other objects stored on private patios and decks shall be established with the goal of minimizing visual impacts.
- b. Long-term maintenance and upkeep of the landscaping and street trees, as approved by the City, shall be a duty and responsibility of the property owners. Specifically, the landscape buffer, including both trees and landscaping, along the rear property line shall be permanently maintained as required by the CT District per Municipal Code Section 14.50.110(C).
- c. The rooftop deck shall be permanently maintained in accordance with the performance standards for Rooftop Uses in the CT District as currently prescribed by Municipal Code Section 14.50.160.
- d. Both parking spaces in a tandem space shall be owned by the same unit and cannot be owned or used by separate units.

### **19. Public Utility Dedication**

The applicant shall dedicate public utility easements as required by the utility companies to serve the site.

### **20. Payment of Fees**

The applicant shall pay all applicable fees, including but not limited to sanitary sewer impact fees, parkland dedication in lieu fees, traffic impact fees and map check fee plus deposit as required by the City of Los Altos Municipal Code.

## **PRIOR TO ISSUANCE OF BUILDING PERMIT**

### **21. Final Map Recordation**

The applicant shall record the final map. Plats and legal descriptions of the final map shall be submitted for review by the City Land Surveyor. Applicant shall provide a sufficient fee retainer to cover the cost of the map review by the City.

### **22. Sidewalk Lights**

The applicant shall maintain the existing light fixture and/or install new light fixture(s) in the El Camino Real sidewalk as directed by the City Engineer.

### **23. Performance Bond**

The applicant shall submit a cost estimate for the improvements in the public right-of-way and shall submit a 100-percent performance bond and 50-percent labor and material bond (to be held 6 months until acceptance of improvements) for the public right-of-way work.

### **24. Maintenance Bond**

A one-year, ten-percent maintenance bond shall be submitted upon acceptance of improvements in the public right-of-way.

**25. Storm Water Filtration Systems**

The applicant shall insure the design of all storm water filtration systems and devices are without standing water to avoid mosquito/insect infestation.

**26. Grading and Drainage Plan**

The applicant shall submit detailed plans for on-site and off-site grading and drainage plans that include drain swales, drain inlets, rough pad elevations, building envelopes, and grading elevations for review and approval by the City Engineer.

**27. Sewage Capacity Study**

The applicant shall show sewer connection to the City sewer main and submit calculations showing that the City's existing 27-inch sewer main will not exceed two-thirds full due to the additional sewage capacity from proposed project. For any segment that is calculated to exceed two-thirds full for average daily flow or for any segment that the flow is surcharged in the main due to peak flow, the applicant shall upgrade the sewer line or pay a fair share contribution for the sewer upgrade to be approved by the City Engineer.

**28. Construction Management Plan**

The applicant shall submit a construction management plan for review and approval by the Community Development Director and the City Engineer. The construction management plan shall address any construction activities affecting the public right-of-way, including but not limited to excavation, traffic control, truck routing, pedestrian protection, material storage, earth retention and construction vehicle parking. The plan shall provide specific details with regard to how construction vehicle parking will be managed to minimize impacts on nearby single-family neighborhoods. A Transportation Permit, per the requirements in California Vehicle Code Division 15, is required before any large equipment, materials or soil is transported or hauled to or from the site.

**29. Sewer Lateral Abandonment**

The applicant shall abandon additional sewer laterals and cap at the main if they are not being used. A property line sewer cleanout shall be installed within 5-feet of the property line within private property.

**30. Solid Waste Ordinance Compliance**

The applicant shall be in compliance with the City's adopted Solid Waste Collection, Remove, Disposal, Processing & Recycling Ordinance (LAMC Chapter 6.12) which includes a mandatory requirement that all commercial and multi-family dwellings provide for recycling and organics collection programs.

**31. Solid Waste and Recyclables Disposal Plan**

The applicant shall contact Mission Trail Waste Systems and submit a solid waste and recyclables disposal plan indicating the type, size and number of containers proposed, and the frequency of pick-up service subject to the approval of the Engineering Division. The applicant shall also submit evidence that Mission Trail Waste Systems has reviewed and approved the size and location of the proposed trash enclosure. The enclosure shall be designed to prevent rainwater from

mixing with the enclosure's contents and shall be drained into the City's sanitary sewer system. The enclosure's pad shall be designed to not drain outward, and the grade surrounding the enclosure designed to not drain into the enclosure. In addition, applicant shall show on plans the proposed location of how the solid waste will be collected by the refusal company. Include the relevant garage clearance dimension and/or staging location with appropriate dimensioning on to plans.

**32. Tree Protection**

The applicant shall implement and incorporate the tree protection measures into the plans and on-site as required by staff and in accordance with the report by Kiely Arborist Services dated April 30, 2018. The project arborist shall also provide monthly monitoring of the construction site, as required by Planning staff, to ensure that the redwood trees along the rear property line are being properly protected and maintained.

**33. Affordable Housing Agreement**

The applicant shall execute and record one or more Affordable Housing Agreements, in a form approved and signed by the Community Development Director and the City Attorney, that requires sale or rental of the 10 below market rate units, as applicable, for a period of at least 55-years, at costs that are affordable to household income levels as set forth in Condition No. 2. The Affordable Housing Agreement that applies to the for-sale units shall require that each homebuyer of one of the below market rate units enter into a resale restriction and owner occupancy agreement in a form approved and signed by the Community Development Director and the City Attorney to ensure that each for-sale unit shall only be sold to and occupied by eligible households at the appropriate income levels. All of the below market rate units shall be constructed concurrently with the market rate units, shall be dispersed throughout the project as shown on the approved plans, and shall not be significantly distinguishable design, construction or materials.

**PRIOR TO FINAL OCCUPANCY**

**34. Green Building Verification**

The applicant shall submit verification that the structure was built in compliance with the California Green Building Standards pursuant to Section 12.26 of the Municipal Code.

**35. Signage and Lighting Installation**

The applicant shall install all required signage and on-site lighting per the approved plan. Such signage shall include the disposition of guest parking, the turn-around/loading space in the front yard and accessible parking spaces.

**36. Acoustical Report**

The applicant shall submit a report from an acoustical engineer ensuring that the rooftop mechanical equipment meets the City's noise regulations.

**37. Landscape Installation and Verification**

Provide a landscape Certificate of Completion, signed by the project's landscape professional and property owner, verifying that the trees, landscaping and irrigation were installed per the approved landscape documentation package.

**38. Condominium Map**

The applicant shall record the condominium map as required by the City Engineer.

**39. Driveway Visibility**

The applicant shall work with the Engineering Division to indicate a sufficient no parking area along El Camino Real to the north of the driveway to provide adequate sight visibility.

**40. Sidewalk in Public Right-of-Way**

The applicant shall install new sidewalk, vertical curb/gutter, and driveway approaches along the property's full frontage of El Camino Real as required by the City Engineer.

**41. Public Infrastructure Repairs**

The applicant shall repair any damaged right-of-way infrastructures and otherwise displaced curb, gutter and/or sidewalks and City's storm drain inlet shall be removed and replaced as directed by the City Engineer or his designee. The applicant is responsible to resurface (grind and overlay) half of the street along the frontage of El Camino Real if determined to be damaged during construction, as directed by the City Engineer or his designee. *Note: Any work within the El Camino Real will require applicant to obtain encroachment permit with Caltrans prior to commencement of work.*

**42. SWMP Certification**

The applicant shall have a final inspection and certification done and submitted by the Engineer who designed the SWMP to ensure that the treatments were installed per design. The applicant shall submit a maintenance agreement to City for review and approval for the stormwater treatment methods installed in accordance with the SWMP. Once approved, City shall record the agreement.