



Council Meeting: August 19, 2008

SUBJECT: Approval of Final Map (Tract No. 9965, Trinity Park) – 42 Unit Single-Family Homes at the Northwest Corner of West Fremont Avenue and Pome Avenue by Classic Communities, Inc.

BACKGROUND

Tract No. 9965 is a 42-unit single-family home project. The tentative map was approved by the City Council on September 18, 2007.

Location:	805, 811, 823 West Fremont Avenue
Zoning:	R-2/PD (Low-Medium-Density Residential / Planned Development)
Number of Lots:	42 single-family lots and 3 common areas
Area:	3.611 acres

DISCUSSION

On September 18, 2007 the City Council approved the Tentative Map with conditions.

The final map for Tract No. 9965, consisting of 42 single-family residential units and three common lot areas, has been examined by the Public Works Department staff and found to be in conformance with Sunnyvale Municipal Code Title 18 *Subdivision*, the State of California "Subdivision Map Act" (SMA) and the Tentative Map. The developer will execute one subdivision agreement and provide improvement securities (\$615,420 bond for faithful performance and \$615,420 bond for labor and materials) to guarantee completion of all public improvements. The developer shall furnish all related documentation and fee payments prior to map recordation.

There is an existing 10' public utility easement (P.U.E.) that will be abandoned as part of this map pursuant to SMA 66499.20^{1/2}.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, in the Council Chambers lobby, in the Office of the City Clerk, at the Library, Senior Center, Community Center, and Department of Public Safety; posting the agenda and report on the City's Web site; and making the report available at the Library and the Office of the City Clerk.

RECOMMENDATION

City staff recommends that the City Council approve the final map for Tract No. 9965; authorize the Mayor to sign the subdivision agreement upon: developer's signatures, submittal of improvement securities, payment of development fees, and submittal of other documents deemed necessary by the Director of Public Works; direct the City Clerk to sign the City Clerk's Statement and the Certificate of Abandonment; and direct the City Clerk to forward the final map for recordation.

Reviewed by:

Marvin A. Rose, Director, Public Works
Prepared by: Eric Gonzales, Civil Engineer

Approved by:

Amy Chan
City Manager

Attachment:

Final Map for Tract No. 9965

OWNERS' STATEMENT

WE HEREBY STATE THAT WE ARE THE OWNERS OF, OR HAVE SOME RIGHT, TITLE OR INTEREST IN AND TO THE REAL PROPERTY INCLUDED WITHIN THE SUBDIVISION SHOWN UPON THE HEREON MAP; THAT WE ARE THE ONLY PERSONS WHOSE CONSENT IS NECESSARY TO PASS A CLEAR TITLE TO SAID REAL PROPERTY; THAT WE HEREBY CONSENT TO THE PREPARATION AND FILING OF SAID MAP AND SUBDIVISION AS SHOWN WITHIN THE DISTINCTIVE BORDER LINE.

WE ALSO HEREBY DEDICATE TO PUBLIC USE EASEMENTS FOR ANY AND ALL PUBLIC SERVICE FACILITIES INCLUDING BUT NOT LIMITED TO POLES, WIRES, CONDUITS, GAS, WATER, STORM DRAIN, SANITARY SEWER, HEAT MAINS AND ALL APPURTENANCES THERETO ABOVE, UNDER, UPON, OR OVER THE LAND DELINEATED HEREON AND DESIGNATED AS "P.U.E." (PUBLIC UTILITY EASEMENT). SAID EASEMENTS ARE TO BE KEPT OPEN AND FREE OF BUILDINGS AND STRUCTURES OF ANY KIND EXCEPT PUBLIC SERVICE STRUCTURES, IRRIGATION SYSTEMS AND APPURTENANCES.

WE ALSO HEREBY DEDICATE TO PUBLIC USE ALL STREETS AND PORTIONS OF STREETS NOT PREVIOUSLY EXISTING AS DELINEATED HEREON AND DESIGNATED AS "FREMONT AVENUE" AND "POME AVENUE", AND ALSO DEDICATE TO PUBLIC USE EASEMENTS FOR ANY AND ALL PUBLIC USES UNDER, UPON AND OVER SAID STREETS AND PORTIONS THEREOF.

WE ALSO HEREBY DEDICATE TO PUBLIC USE AN EASEMENT OVER LOT A DELINEATED HEREON AND DESIGNATED AS "E.V.A.E." (EMERGENCY VEHICLE ACCESS EASEMENT) TO BE USED FOR EMERGENCY VEHICLE INGRESS AND EGRESS PURPOSES.

WE ALSO HEREBY RESERVE AREAS OF LAND DESIGNATED AND DELINEATED AS "S.Y.E." (SIDEYARD USE EASEMENT) FOR THE EXCLUSIVE USE OF EACH LOT CONTIGUOUS TO THE "S.Y.E." THE DESIGNATED USE AND MAINTENANCE OF THESE EASEMENTS SHALL BE AS PROVIDED WITH THE SUBDIVISION COVENANTS, CONDITIONS, AND RESTRICTIONS.

WE ALSO HEREBY RESERVE FOR THE OWNERS OF ALL LOTS SHOWN ON THE HEREIN MAP AND THEIR LICENSEES, VISITORS, AND TENANTS RECIPROCAL RIGHTS OF INGRESS AND EGRESS PURPOSES UPON AND OVER LOT "A" AS DELINEATED HEREON AND DESIGNATED AS "P.I.E.E." (PRIVATE INGRESS AND EGRESS EASEMENT). LOT "A" CONTAINS BUT IS NOT LIMITED TO PRIVATE INGRESS/EGRESS ACCESS, PRIVATE WALKWAYS, PRIVATE PARKING, PRIVATE UTILITIES, EMERGENCY VEHICLE ACCESS AND PUBLIC UTILITIES. THE MAINTENANCE, REPAIR, IMPROVEMENTS AND/OR REPLACEMENT OF SAID IMPROVEMENTS SHALL BE THE SOLE RESPONSIBILITY OF THE PROPERTY OWNERS AS DETERMINED BY THE APPROPRIATE COVENANTS, CONDITIONS, AND RESTRICTIONS. SAID EASEMENTS ARE NOT OFFERED, NOR ARE THEY ACCEPTED FOR DEDICATION BY THE CITY OF SUNNYVALE.

WE ALSO HEREBY RESERVE PRIVATE STREETS, DESIGNATED ON THE HEREIN MAP AS "LOT A", "LOT A" BEING "WILMINGTON TERRACE", "PUMPKIN TERRACE", AND "PISTACHIO TERRACE". THE PRIVATE STREETS CONTAINED WITH THIS TRACT ARE NOT OFFERED, NOR ARE THEY ACCEPTED FOR DEDICATION FOR PUBLIC STREET PURPOSES.

"LOT B" AND "LOT C", DESIGNATED ON THE HEREIN MAP, ARE COMMON AREA FOR THE EXCLUSIVE USE OF THE RESIDENTS AND VISITORS OF TRACT NO. 9965. THEY CONTAIN BUT ARE NOT LIMITED TO, PRIVATE INGRESS/EGRESS ACCESS, PRIVATE WALKWAYS, PRIVATE PARKING, PRIVATE UTILITIES, EMERGENCY VEHICLE ACCESS AND PUBLIC UTILITIES. "LOT B" AND "LOT C" WILL BE CONVEYED TO THE HOMEOWNERS' ASSOCIATION.

AS OWNER: TRINITY PARK, L.P.,
A CALIFORNIA LIMITED PARTNERSHIP

BY: CLASSIC COMMUNITIES, INC.
A CALIFORNIA CORPORATION

BY: _____
DAVID KRASOWSKI
VICE PRESIDENT

AS BENEFICIARY: BANK OF AMERICA, N.A.,
A NATIONAL BANKING ASSOCIATION

BY: _____
NAME/TITLE

OWNER'S ACKNOWLEDGMENT

STATE OF CALIFORNIA } SS
COUNTY OF _____ }

ON _____, 2008 BEFORE ME,
_____ NOTARY PUBLIC, PERSONALLY APPEARED

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, AS EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND:

NOTARY'S SIGNATURE _____

PRINTED NOTARY'S NAME _____

NOTARY'S PRINCIPAL PLACE OF BUSINESS _____

COMMISSION NUMBER _____

EXPIRATION OF NOTARY'S COMMISSION _____

BENEFICIARY'S ACKNOWLEDGMENT

STATE OF CALIFORNIA } SS
COUNTY OF _____ }

ON _____, 2008 BEFORE ME,
_____ NOTARY PUBLIC, PERSONALLY APPEARED

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, AS EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND:

NOTARY'S SIGNATURE _____

PRINTED NOTARY'S NAME _____

NOTARY'S PRINCIPAL PLACE OF BUSINESS _____

COMMISSION NUMBER _____

EXPIRATION OF NOTARY'S COMMISSION _____

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF ADAM KATES ON SEPTEMBER 17, 2007. I HEREBY STATE THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED OR THEY WILL BE SET IN THOSE POSITIONS BEFORE DECEMBER 31, 2009, AND THAT THE MONUMENTS ARE, OR WILL BE, SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED, AND THAT THIS FINAL MAP CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP.

DATE: _____

LAURA J. CABRAL
LS #7756
EXPIRES 12/31/09

RECORDER'S STATEMENT

FILED THIS _____ DAY OF _____, 20____, AT _____ M. IN BOOK _____ OF _____, AT PAGES _____, SANTA CLARA COUNTY RECORDS, AT THE REQUEST OF FIRST AMERICAN TITLE COMPANY.

REGINA ALCOMENDRAS
COUNTY RECORDER
SANTA CLARA COUNTY, CALIFORNIA

FILE NO.:

BY: _____
DEPUTY

TRACT 9965 - TRINITY PARK

BEING A FORTY-FIVE (45) LOT SUBDIVISION FOR RESIDENTIAL PURPOSES

BEING A SUBDIVISION OF LOT 16, AS SHOWN UPON THAT CERTAIN MAP ENTITLED, "GEORGE H. BRIGGS SUBDIVISION NO. 2" FILED FOR RECORD ON JANUARY 6, 1906 IN BOOK L OF MAPS AT PAGE 19, OFFICE OF THE COUNTY RECORDER OF SANTA CLARA COUNTY, AND LYING ENTIRELY WITHIN THE

CITY OF SUNNYVALE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA

MAY 2008



605 Castro Street | Mountain View, CA 94041 | P. 650.969.6900 | F. 650.969.6472 | www.sandis.net

MOUNTAIN VIEW ROSEVILLE OAKLAND

CITY ENGINEER'S CERTIFICATE

I HEREBY STATE THAT I HAVE EXAMINED THE HEREON FINAL MAP OF THE TRACT 9965; THAT THE SUBDIVISION AS SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP AND ANY APPROVED ALTERATIONS THEREOF; THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT, AS AMENDED, AND OF ANY LOCAL ORDINANCE APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH; AND I AM SATISFIED THAT SAID MAP IS TECHNICALLY CORRECT.

DATE: _____ BY: _____

MARVIN ROSE, DIRECTOR OF PUBLIC WORKS
RCE NO. 30831, EXP. 3/31/10
CITY OF SUNNYVALE, CALIFORNIA

CERTIFICATE OF ABANDONMENT

THE PUBLIC UTILITY EASEMENT AS DELINEATED AND DEDICATED FOR PUBLIC USE RECORDED IN BOOK B268 PAGE 699 ON FEBRUARY 4, 1975, AND NOT SHOWN HEREON IS ABANDONED PURSUANT TO GOVERNMENT SECTION 66499.20 1/2 OF THE SUBDIVISION MAP ACT.

BY: _____

GAIL T. BORKOWSKI
CITY CLERK
CITY OF SUNNYVALE, CALIFORNIA

CITY CLERK'S STATEMENT

I HEREBY STATE THAT THE CITY COUNCIL OF THE CITY OF SUNNYVALE AT ITS REGULAR MEETING HELD ON THE _____ DAY OF _____, 20____, DULY APPROVED THE HEREIN FINAL MAP OF THE TRACT NO. 9965 AS SHOWN HEREON AND ACCEPTED ON BEHALF OF THE PUBLIC ALL STREETS AND EASEMENTS OFFERED FOR DEDICATION TO PUBLIC USE IN CONFORMITY WITH THE TERMS OF THE OFFER OF DEDICATION.

DATE: _____ BY: _____

GAIL T. BORKOWSKI
CITY CLERK
CITY OF SUNNYVALE, CALIFORNIA

SOIL REPORT NOTE

A SOILS REPORT HAS BEEN PREPARED BY CORNERSTONE EARTH GROUP, ENTITLED "GEOTECHNICAL INVESTIGATION, WEST FREMONT AVENUE RESIDENTIAL DEVELOPMENT", DATED SEPTEMBER 20, 2007 A COPY OF WHICH HAS BEEN FILED WITH THE CITY OF SUNNYVALE.

FOUND MON DISC
RCE 13318
(578-M-40)

TRACT 9965 - TRINITY PARK

BEING A FORTY-FIVE (45) LOT SUBDIVISION FOR RESIDENTIAL PURPOSES

BEING A SUBDIVISION OF LOT 16, AS SHOWN UPON THAT CERTAIN MAP ENTITLED, "GEORGE H. BRIGGS SUBDIVISION NO. 2" FILED FOR RECORD ON JANUARY 6, 1906 IN BOOK L OF MAPS AT PAGE 19, OFFICE OF THE COUNTY RECORDER OF SANTA CLARA COUNTY, AND LYING ENTIRELY WITHIN THE

CITY OF SUNNYVALE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA

MAY 2008



605 Castro Street | Mountain View, CA 94041 | P. 650.969.6900 | F. 650.969.6472 | www.sandis.net

MOUNTAIN VIEW ROSEVILLE OAKLAND

NOTES & LEGEND

ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.
THE AREA WITHIN THE DISTINCTIVE BORDER IS 186,386 ±SF OR 4.279 ±AC

- INDICATES DISTINCTIVE BORDER (BOUNDARY)
- INDICATES LOT LINES BEING CREATED
- - - - - INDICATES EASEMENTS BEING CREATED
- - - - - INDICATES EXISTING EASEMENT LINE
- - - - - INDICATES MONUMENT LINE
- - - - - INDICATES TIE LINE
- SET 3/4" IRON PIPE TAGGED L.S. #7756
- IRON PIPE AS NOTED
- ⊙ SET STANDARD CITY MONUMENT
- ⊙ FOUND STANDARD CITY MONUMENT
- () RECORD DATA PER REFERENCE MAP
- E.V.A.E. EMERGENCY VEHICLE ACCESS EASEMENT
- P.I.E.E. PRIVATE INGRESS/EGRESS EASEMENT
- P.U.E. PUBLIC UTILITY EASEMENT (UNLESS OTHERWISE NOTED)
- S.Y.E. SIDE YARD EASEMENT
- S.F.N.F. SEARCHED FOR NOT FOUND

BASIS OF BEARINGS

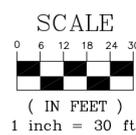
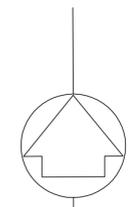
THE BEARING (N 00°14'30"E) OF THE CENTERLINE OF POME AVENUE AS SHOWN ON THAT CERTAIN MAP RECORDED IN BOOK 699 OF MAPS AT PAGES 9-10, SANTA CLARA COUNTY RECORDS, WAS TAKEN AS THE BASIS OF BEARINGS SHOWN ON THIS MAP

REFERENCE MAPS

1. BK 699 OF MAPS PGS 9-10 TRACT NO. 9005, THE ELMS
2. BK 578 OF MAPS PG 39-40 TRACT NO. 8069, POME GARDENS
3. BK 127 OF MAPS PG 3, RECORD OF SURVEY
4. BK 525 OF MAPS PG 7, RECORD OF SURVEY

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C4	1.50	1.66	63°26'32"
C5	1.50	1.66	63°25'57"
C6	1.50	1.66	63°26'29"
C7	1.50	1.66	63°25'54"
C8	1.50	1.66	63°26'05"
C9	29.50	7.64	14°50'07"
C10	34.50	8.93	14°50'06"
C11	30.50	7.90	14°50'07"
C13	34.50	8.93	14°50'06"

LINE TABLE		
LINE	LENGTH	BEARING
L4	8.02	S63°04'54"E
L5	8.02	S63°47'35"W
L6	8.02	S63°04'51"E
L7	8.02	S63°47'32"W
L8	8.02	S63°04'48"E
L9	10.00	S00°21'38"W



TRACT 5934
390 M 10

FOUND 2 1/2" BRASS DISC IN MON BOX (578-M-40)

FOUND MON DISC (578-M-40)

FREMONT AVENUE
(RIGHT-OF-WAY WIDTH VARIES)



TRENTON DRIVE

TRACT 9965 - TRINITY PARK

BEING A FORTY-FIVE (45) LOT SUBDIVISION FOR RESIDENTIAL PURPOSES

BEING A SUBDIVISION OF LOT 16, AS SHOWN UPON THAT CERTAIN MAP ENTITLED, "GEORGE H. BRIGGS SUBDIVISION NO. 2" FILED FOR RECORD ON JANUARY 6, 1906 IN BOOK L OF MAPS AT PAGE 19, OFFICE OF THE COUNTY RECORDER OF SANTA CLARA COUNTY, AND LYING ENTIRELY WITHIN THE

CITY OF SUNNYVALE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA

MAY 2008



605 Castro Street | Mountain View, CA 94041 | P. 650.969.6900 | F. 650.969.6472 | www.sandis.net

MOUNTAIN VIEW ROSEVILLE OAKLAND

NOTES & LEGEND

ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.
THE AREA WITHIN THE DISTINCTIVE BORDER IS 186,386 ±SF OR 4.279 ±AC

- INDICATES DISTINCTIVE BORDER (BOUNDARY)
- INDICATES LOT LINES BEING CREATED
- - - - - INDICATES EASEMENTS BEING CREATED
- - - - - INDICATES EXISTING EASEMENT LINE
- - - - - INDICATES MONUMENT LINE
- - - - - INDICATES TIE LINE
- SET 3/4" IRON PIPE TAGGED L.S. #7756
- IRON PIPE AS NOTED
- ⊙ SET STANDARD CITY MONUMENT
- ⊙ FOUND STANDARD CITY MONUMENT
- () RECORD DATA PER REFERENCE MAP
- E.V.A.E. EMERGENCY VEHICLE ACCESS EASEMENT
- P.I.E.E. PRIVATE INGRESS/EGRESS EASEMENT
- P.U.E. PUBLIC UTILITY EASEMENT (UNLESS OTHERWISE NOTED)
- S.Y.E. SIDE YARD EASEMENT
- SFNF SEARCHED FOR NOT FOUND

BASIS OF BEARINGS

THE BEARING (N 00°14'30"E) OF THE CENTERLINE OF POME AVENUE AS SHOWN ON THAT CERTAIN MAP RECORDED IN BOOK 699 OF MAPS AT PAGES 9-10, SANTA CLARA COUNTY RECORDS, WAS TAKEN AS THE BASIS OF BEARINGS SHOWN ON THIS MAP

REFERENCE MAPS

1. BK 699 OF MAPS PGS 9-10 TRACT NO. 9005, THE ELMS
2. BK 578 OF MAPS PG 39-40 TRACT NO. 8069, POME GARDENS
3. BK 127 OF MAPS PG 3, RECORD OF SURVEY
4. BK 525 OF MAPS PG 7, RECORD OF SURVEY

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	1.50	1.41	53°49'48"
C2	1.50	1.66	63°26'05"
C3	1.50	1.66	63°26'00"
C4	1.50	1.66	63°26'32"
C12	25.50	6.55	14°42'57"
C14	1.00	1.68	96°22'45"
C15	1.00	1.57	90°00'00"
C16	25.50	10.69	24°01'16"

LINE TABLE		
LINE	LENGTH	BEARING
L1	8.60	S63°47'41"W
L2	8.02	S63°04'27"E
L3	8.02	S63°47'38"W
L4	8.02	S63°04'54"E
L10	4.53	S43°30'09"W
L11	3.29	S00°21'38"W
L12	2.94	S00°21'38"W

SEE SHEET 2 OF 3