



Council Meeting: June 23, 2009

SUBJECT: Approval of Final Map (Tract No. 9973) – Four- Unit Townhomes and One Common Lot at 834-840 Maria Lane by Maria Lane, LLC.

BACKGROUND

Tract No. 9973 is a four-unit townhome and one common lot project being developed by Maria Lane, LLC. The tentative map was approved by the Planning Commission on January 10, 2006. The tentative map was extended to January 10, 2009 by the City and is further extended by another year to January 10, 2010 by Senate Bill 1185 pursuant to California Government Code Section 66452.21.

Location:	834-840 Maria Lane
Zoning:	R-3/PD (Medium-Density Residential/Planned Development)
Number of Lots:	Four residential lots and one common lot
Area:	0.25 acres

DISCUSSION

The final map for Tract No. 9973 has been examined by the Public Works Department staff and found to be in conformance with Sunnyvale Municipal Code Title 18 *Subdivision*, and the State of California “Subdivision Map Act”. The public improvement plans have also been reviewed by the Public Works Department staff and they conform to the subject final map. The developer will execute the subdivision agreement and provide improvement securities for the final map (\$30,319 for faithful performance and \$30,319 for labor and material) to guarantee completion of all public improvements. The developer shall furnish related documentation and fee payments for both projects prior to map recordation.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making

the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's Web site.

RECOMMENDATION

City staff recommends that the City Council approve the final map for Tract No. 9973; 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 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:

Gary M. Luebbbers
City Manager

Attachment

Final Map for Tract No. 9973

OWNER'S 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 ALL STREETS AND PORTIONS OF STREETS NOT PREVIOUSLY EXISTING AS DELINEATED HEREON AND DESIGNATED AS "MARIA LANE", 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 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 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 PURPOSE ONLY.

"LOT A", DESIGNATED ON THE HEREIN MAP, IS COMMON AREA FOR THE EXCLUSIVE USE OF THE RESIDENTS AND VISITORS OF TRACT NO. 9973. IT CONTAINS, BUT IS NOT LIMITED TO, PRIVATE INGRESS/EGRESS ACCESS, PRIVATE WALKWAYS, PRIVATE PARKING, PRIVATE UTILITIES, EMERGENCY VEHICLE ACCESS AND PUBLIC UTILITIES. "LOT A" WILL BE CONVEYED TO THE HOMEOWNERS' ASSOCIATION.

THERE IS ALSO SHOWN ON THE HEREON MAP, EASEMENT FOR BUILDING OVERHANG PURPOSES DESIGNATED AND DELINEATED AS "EBOE" (EXCLUSIVE BUILDING OVERHANG EASEMENT) FOR THE BENEFIT OF OWNERS OF LOT 4. THESE EASEMENT ARE RESERVED FOR THE BENEFIT OF SAID LOT AS SHOWN ON THE HEREON MAP FOR BUILDING OVERHANG PURPOSES.

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 4 AS DELINEATED HEREON AND DESIGNATED AS "P.I.E.E." (PRIVATE INGRESS AND EGRESS EASEMENT). THE MAINTENANCE, REPAIR, AND/OR IMPROVEMENTS OF SAID EASEMENTS 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 FOR THE OWNERS OF ALL LOTS SHOWN ON THE HEREIN MAP AND THEIR LICENSEES, VISITORS, AND TENANTS RECIPROCAL RIGHTS UPON AND OVER LOT 1 THROUGHOUT LOT 4 AND LOT 4 FOR THE INSTALLATION AND MAINTENANCE OF PRIVATE STORM DRAINAGE FACILITIES AS DELINEATED HEREON AND DESIGNATED AS "P.S.D.E." (PRIVATE STORM DRAIN EASEMENT). THOSE PRIVATE EASEMENTS ARE TO BE KEPT OPEN AND FREE FROM BUILDINGS AND STRUCTURES OF ANY KIND EXCEPT FOR THOSE PRIVATE UTILITY FACILITIES AND APPURTENANCES. THE MAINTENANCE, REPAIR, AND/OR REPLACEMENT OF PRIVATE STORM DRAINAGE FACILITIES 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 FOR THE OWNERS OF ALL LOTS SHOWN ON THE HEREIN MAP AND THEIR LICENSEES, VISITORS, AND TENANTS RECIPROCAL RIGHTS UPON AND OVER LOT A AND LOT 1 FOR THE INSTALLATION AND MAINTENANCE OF PRIVATE WATER AND SANITARY SEWER FACILITIES AS DELINEATED HEREON AND DESIGNATED AS "P.W.E." (PRIVATE WATER EASEMENT) AND "P.S.S.E." (PRIVATE SANITARY SEWER EASEMENT). THOSE PRIVATE EASEMENTS ARE TO BE KEPT OPEN AND FREE FROM BUILDINGS AND STRUCTURES OF ANY KIND EXCEPT FOR THOSE PRIVATE UTILITY FACILITIES AND APPURTENANCES. THE MAINTENANCE, REPAIR, AND/OR REPLACEMENT OF PRIVATE WATER AND SANITARY SEWER FACILITIES 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.

AS OWNER: MARIA LANE, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

BY: Zina Payzman DATE: 6/5/09
PRINTED NAME: Zina Payzman
TITLE: Manager Maria Lane LLC

AS TRUSTEE: FIDELITY NATIONAL TITLE COMPANY

BY: Peter A. Milos DATE: 6-11-2009
PRINTED NAME: PETER A MILOS
TITLE: A.V.P.

OWNER'S ACKNOWLEDGMENT

STATE OF CALIFORNIA SS.
COUNTY OF SANTA CLARA
ON JUNE 5, 2009, BEFORE ME, KATHY SMITH

A NOTARY PUBLIC, PERSONALLY APPEARED ZINA PAYZMAN 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, 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:
SIGNATURE: Kathy Smith
PRINTED NAME: KATHY SMITH
PRINCIPAL PLACE OF BUSINESS: LOS ALTOS
COMMISSION NO.: 1737319
EXPIRATION OF COMMISSION: APRIL 29, 2011

TRUSTEE'S ACKNOWLEDGMENT

STATE OF CALIFORNIA SS.
COUNTY OF SANTA CLARA
ON June 11, 2009, BEFORE ME, Cherry C. Caparas

A NOTARY PUBLIC, PERSONALLY APPEARED PETER A. MILOS 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, 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:
SIGNATURE: Cherry C. Caparas
PRINTED NAME: CHERRY C. CAPARAS
PRINCIPAL PLACE OF BUSINESS: Santa Clara County
COMMISSION NO.: 1626400
EXPIRATION OF COMMISSION: 12/02/09

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 MARIA LANE, LLC ON OCTOBER 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 JUNE 2010, AND THAT THE MONUMENTS ARE, OR WILL BE, SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED, AND THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP.

Sarkiss Parvin
SARKISS PARVIN
LS 8261
LICENSE EXPIRES: 12/31/09



6/5/09
DATE

SOILS REPORT NOTE

A SOILS REPORT ON THIS PROPERTY HAS BEEN PREPARED BY "AMERICAN SOIL TESTING, INC.", ENTITLED "SOIL AND FOUNDATION INVESTIGATION", DATED 8/10/2007, FILE NO. 07-2934-S, A COPY OF WHICH HAS BEEN FILED WITH THE CITY OF SUNNYVALE.

TRACT NO. 9973

FIVE (5) LOT SUBDIVISION
FOUR (4) RESIDENTIAL LOTS AND A COMMON LOT
CONSISTING OF TWO (2) SHEETS

BEING ALL OF LOT 20, AS SHOWN UPON THAT CERTAIN MAP ENTITLED "TRACT NO. 465", FILED IN THE OFFICE OF RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON FEBRUARY 4, 1948 IN BOOK 15 OF MAPS, PAGES 36 AND 37.

LYING ENTIRELY WITHIN THE
CITY OF SUNNYVALE, COUNTY OF SANTA CLARA, CALIFORNIA

JUNE 2009

SMP ENGINEERS

1534 CAROB LANE
LOS ALTOS, CA 94024

CITY ENGINEER'S CERTIFICATE

I HEREBY STATE THAT I HAVE EXAMINED THE HEREON FINAL MAP OF THE TRACT 9973; 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 _____
MARVIN A. ROSE, CITY ENGINEER
DIRECTOR OF PUBLIC WORKS
R.C.E. NO. 30831, EXP. 3/31/10
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. 9973 AS SHOWN HEREON AND ACCEPTED ON BEHALF OF THE PUBLIC ALL EASEMENTS OFFERED FOR DEDICATION TO PUBLIC USE IN CONFORMITY WITH THE TERMS OF THE OFFER OF DEDICATION.

DATE _____ BY: KATHLEEN FRANCO SIMMONS
CITY CLERK
CITY OF SUNNYVALE, CALIFORNIA

COUNTY RECORDER'S STATEMENT

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

FILE NO.: _____ REGINA ALCOMENDRAS
COUNTY RECORDER
SANTA CLARA COUNTY, CALIFORNIA

BY: _____
DEPUTY

TRACT NO. 9973

FIVE (5) LOT SUBDIVISION
FOUR (4) RESIDENTIAL LOTS AND A COMMON LOT
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LYING ENTIRELY WITHIN THE
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JUNE 2009

SMP ENGINEERS

1534 CAROB LANE
LOS ALTOS, CA 94024

LEGEND AND ABBREVIATIONS

	STREET CENTER LINE
	DISTINCTIVE BORDER LINE
	LOT LINE
	EXISTING LOT LINES
	EASEMENT LINE
	DIMENSION LINES AND TIES
	INDICATES FOUND MONUMENT AS NOTED
	INDICATES FOUND IRON PIPE AS NOTED
	INDICATES SET 3/4" IRON PIPE WITH CAP LS 8261
	INDICATES SET TACK & TAG LS 8261
(xxxx) (#)	RECORDED DATA & REFERENCE NUMBER
B.D.	BRASS DISK
I.P.	IRON PIPE
PUE	PUBLIC UTILITY EASEMENT
EVAE	EMERGENCY VEHICLE ACCESS EASEMENT
EBOE	EXCLUSIVE BUILDING OVERHANG EASEMENT
PIE	PRIVATE INGRESS EGRESS EASEMENT
PSDE	PRIVATE STORM DRAINAGE EASEMENT
PSSE	PRIVATE SANITARY SEWER EASEMENT
PWE	PRIVATE WATER EASEMENT
FND	FOUND
MON.	MONUMENT
M-M	MONUMENT TO MONUMENT

LOT AREA TABLE		
PROPOSED LOTS	SQ. FT.	ACRES
LOT 1	2,205	0.051
LOT 2	1,375	0.032
LOT 3	1,375	0.032
LOT 4	1,915	0.044
LOT A	3,953	0.091
STREET DEDICATION	72	0.002
TOTAL	10,896	0.25

REFERENCES (SANTA CLARA COUNTY RECORDS):

- (1) TRACT NO. 8231 690-M- 45 & 46
- (2) TRACT NO. 7930 567-M- 28
- (3) TRACT NO. 465 15-M- 37
- (4) R.O.S. 124-M- 52
- (5) TRACT NO. 7862 563-M- 26 & 27

NOTES:

1. ALL DISTANCES AND DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.

BASIS OF BEARINGS:

THE BEARING N 00°09'00" W OF THE CENTERLINE OF BELLOMO AVE., AS SHOWN ON CERTAIN TRACT NO. 8231, RECORDED IN BOOK 690 OF MAPS AT PAGES 45 AND 46, SANTA CLARA COUNTY RECORDS, AS FOUND MONUMENTED, WAS USED AS THE BASIS OF BEARINGS SHOWN ON THIS MAP.

