



Council Meeting: November 15, 2011

SUBJECT: Approval of Final Map (Tract No. 10095) – 10-unit Condominiums at 628 East Taylor Avenue by City Ventures Homebuilding LLC.

BACKGROUND

Tract No. 10095 is a 10-unit condominium project. The tentative map was approved by the Planning Commission on August 8, 2011.

DISCUSSION

The final map for Tract No. 10095, consisting of 10-unit condominiums (Phase 2) on two residential lots and one common lot, was examined by the Public Works staff and found to be in conformance with Sunnyvale Municipal Code Title 18 *Subdivision*, the State of California “Subdivision Map Act”. This project is associated with the adjacent property to the east (Phase 1) at 650-660 East Taylor Avenue (Tract No. 10075) approved by Council on May 24, 2011 (RTC 11-097). This project is conditioned to record an instrument to convey private ingress and egress easement rights from the Phase 1 properties to the Phase 2 properties. This project is also conditioned to revise the Covenant, Condition & Restrictions (CCRs) for the adjacent property to the east to address common lot interest for both properties including but not limited to: private utilities and maintenance responsibilities. The developer will execute a subdivision agreement and provide improvement securities (\$17,742 for faithful performance and \$17,742 for labor and materials) to guarantee completion of public improvements.

RECOMMENDATION

Staff recommends that Council approve the final map for Tract No. 10095; accept the public street dedication; 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 forward the final map for recordation.

Reviewed by:

Kent Steffens, Director of Public Works
Prepared by: Eric Gonzales, Civil Engineer

Approved by:

Gary M. Luebbers, City Manager

Attachment

Final Map for Tract No. 10095

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 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 "STREET HEREIN DEDICATED", AND ALSO DEDICATE TO PUBLIC USE EASEMENTS FOR ANY AND ALL PUBLIC USES UNDER, UPON AND OVER SAID STREETS AND PORTIONS THEREOF.

ALL OF THE HEREIN DESCRIBED STREETS AND EASEMENTS SHALL BE KEPT OPEN AND FREE FROM BUILDINGS AND STRUCTURES OF ANY KIND THAT IMPAIR THE USE OF OR ARE INCONSISTENT WITH THE PROPOSED STREET OR EASEMENT.

WE ALSO HEREBY RESERVE FOR THE OWNERS OF ALL LOTS SHOWN ON TRACT NO. 10075, ENTITLED "SUNNYVALE FAIR OAKS COLLECTION" FILED FOR RECORD IN BOOK 845 OF MAPS AT PAGES 49 THROUGH 51 INCLUSIVE, RECORDS OF SANTA CLARA COUNTY AND TRACT NO. 10095 THEIR LICENCEES, 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). THE MAINTENANCE, REPAIR, AND/OR REPLACEMENT OF SAID EASEMENT 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 TRACT NO. 10075, ENTITLED "SUNNYVALE FAIR OAKS COLLECTION" FILED FOR RECORD IN BOOK 845 OF MAPS AT PAGES 49 THROUGH 51 INCLUSIVE, RECORDS OF SANTA CLARA COUNTY AND TRACT NO. 10095 AND THEIR LICENSEES, VISITORS, AND TENANTS RECIPROCAL RIGHTS UPON AND OVER "LOT A" FOR THE INSTALLATION AND MAINTENANCE OF PRIVATE WATER, FIRE SERVICE, STORM DRAINAGE AND STORM DRAINAGE TREATMENT AS DELINEATED HEREON AND DESIGNATED AS "P.W.E." (PRIVATE WATER EASEMENT), "P.F.S.E." (PRIVATE FIRE SERVICE EASEMENT), "P.S.D.E." (PRIVATE STORM DRAIN EASEMENT) AND "P.S.D.T.E." (PRIVATE STORM DRAIN TREATMENT 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, FIRE SERVICE, STORM DRAINAGE AND STORM DRAIN TREATMENT 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.

LOT A, DESIGNATED ON THE HEREIN MAP, IS COMMON AREA FOR THE EXCLUSIVE USE OF THE RESIDENTS AND VISITORS OF TRACT NO. 10075, ENTITLED "SUNNYVALE FAIR OAKS COLLECTION" FILED FOR RECORD IN BOOK 845 OF MAPS AT PAGES 49 THROUGH 51 INCLUSIVE, RECORDS OF SANTA CLARA COUNTY AND TRACT NO. 10095. IT CONTAINS, BUT IS NOT LIMITED TO, PRIVATE INGRESS/EGRESS ACCESS, PRIVATE WALKWAYS, PRIVATE PARKING, PRIVATE UTILITIES AND PUBLIC UTILITIES. "LOT A" WILL BE CONVEYED TO THE HOMEOWNERS' ASSOCIATION.

AS OWNER:
CITY VENTURES HOMEBUILDING, LLC, A DELAWARE LIMITED LIABILITY COMPANY.

BY: _____
NAME:

SOILS REPORT NOTE

A SOILS REPORT ON THIS PROPERTY HAS BEEN PREPARED BY GEOCON CONSULTANTS, INC., ENTITLED "GEOTECHNICAL INVESTIGATION, EAST TAYLOR TOWNHOMES, 650 & 660 EAST TAYLOR AVENUE, SUNNYVALE, CALIFORNIA", REPORT NO. E8553-06-01, DATED OCTOBER 27, 2010.

**TRACT NO. 10095
SUNNYVALE FAIR OAKS COLLECTION II
FOR CONDOMINIUM PURPOSES**

CONSISTING OF 3 SHEETS

BEING A SUBDIVISION OF THE LANDS OF CITY VENTURES HOMEBUILDING LLC, AS DESCRIBED IN THAT CERTAIN GRANT DEED, RECORDED SEPTEMBER 15, 2011 AS DOCUMENT NO. 21322437, OFFICIAL RECORDS OF SANTA CLARA COUNTY

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

DATE: OCTOBER 2011



ENGINEERS-SURVEYORS-PLANNERS
1650 TECHNOLOGY DRIVE, SUITE 650
SAN JOSE, CALIFORNIA 95110

ACKNOWLEDGMENT

STATE OF _____)SS.
COUNTY OF _____)

ON _____ 20 __, BEFORE ME, _____, A 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, 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: _____

NOTARY'S PRINTED NAME: _____

NOTARY'S PRINCIPAL PLACE OF BUSINESS: _____

NOTARY'S COMMISSION No.: _____

NOTARY'S COMMISSION EXPIRATION DATE: _____

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 CITY VENTURES ON JULY 2011. I HEREBY STATE THAT ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED OR THEY WILL BE SET IN THOSE POSITIONS BEFORE JULY 31, 2013; 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.

DATE _____

DAVIS THRESH
P.L.S. NO. 6868
LIC. EXP. 09/30/2012



CITY ENGINEER'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THE HEREON FINAL MAP OF THE TRACT NO. 10095; 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.

DATE _____ BY: _____
MARK E. ROGGE, CITY ENGINEER
R.C.E. NO. 56888, EXPIRES 09/30/13
CITY OF SUNNYVALE, CALIFORNIA

I AM SATISFIED THAT SAID MAP IS TECHNICALLY CORRECT.

DATE _____ BY: _____
ROGER D. HIGDON
R.C.E. NO. 21755, EXPIRES 09/30/13

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. 10095 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: _____
KATHLEEN FRANCO SIMMONS
CITY CLERK
CITY OF SUNNYVALE
CALIFORNIA

RECORDER'S STATEMENT

FILED THIS _____ DAY OF _____, 20 __, AT _____ M.
IN BOOK _____ OF MAPS AT PAGES _____
SANTA CLARA COUNTY RECORDS, AT THE REQUEST OF BKF ENGINEERS.

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

FEE: \$ _____ PAID
BY: _____
DEPUTY

TRACT NO. 10095

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 CITY OF SUNNYVALE, SANTA CLARA COUNTY, CALIFORNIA

 SCALE: 1" = 40' DATE: OCTOBER 2011



BKF
 ENGINEERS-SURVEYORS-PLANNERS
 1650 TECHNOLOGY DRIVE, SUITE 650
 SAN JOSE, CALIFORNIA 95110

BASIS OF BEARINGS

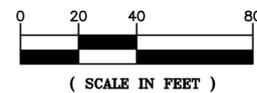
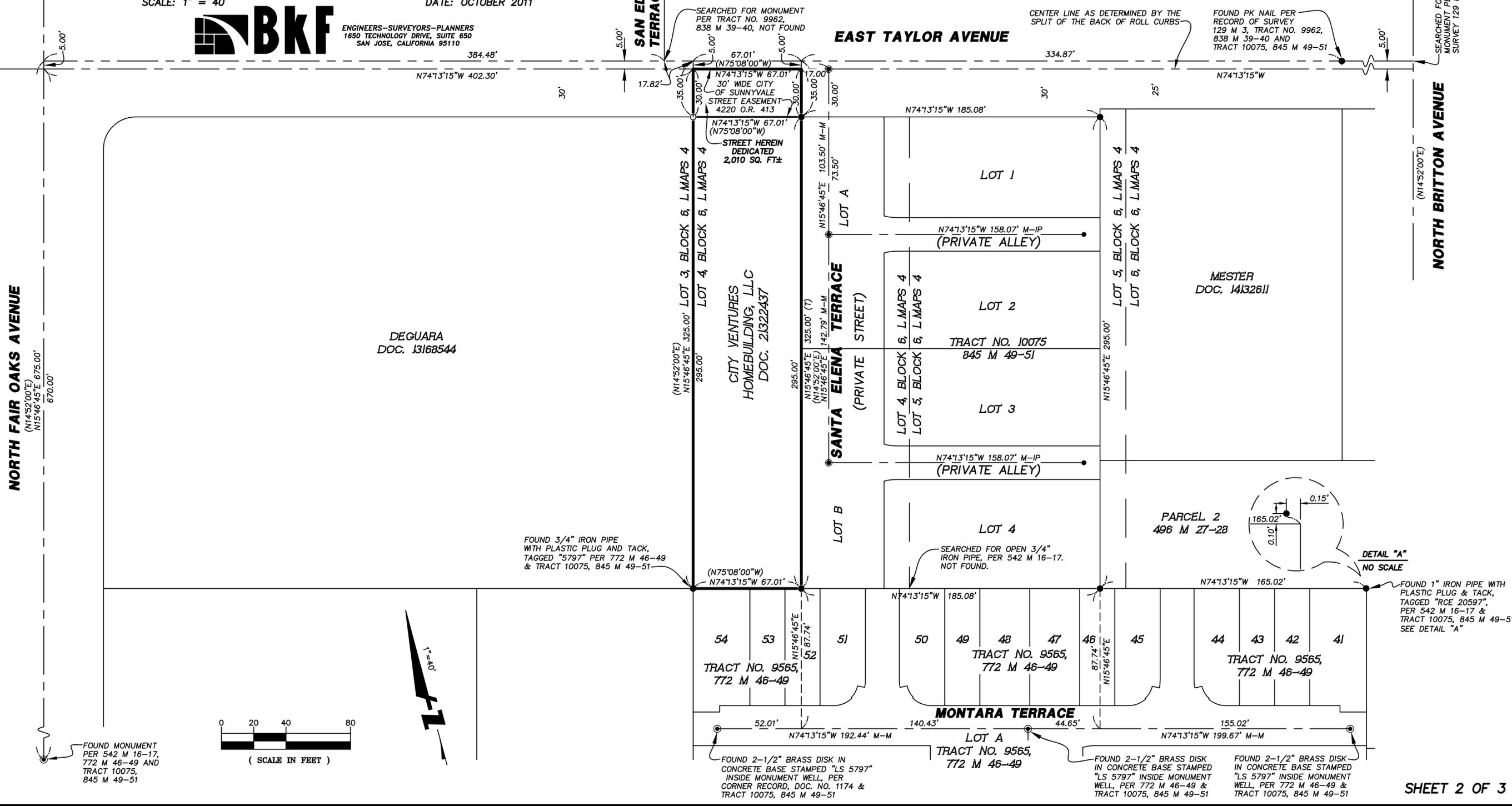
THE BEARING N74°13'15"W OF THE MONUMENT LINE OF MONTARA TERRACE, BETWEEN FOUND MONUMENTS, AS SAID BEARING WAS DERIVED BASED ON THE NORTH AMERICAN DATUM OF 1983 (NAD83), CALIFORNIA COORDINATE SYSTEM OF 1983 (CCS83), ZONE 3, EPOCH 2007.00, WAS TAKEN AS THE BASIS OF BEARINGS FOR THIS MAP.

MAP NOTES

- ALL DISTANCES AND DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
- THE DISTINCTIVE BORDER LINE INDICATES THE BOUNDARY OF THE LAND SUBDIVIDED BY THIS MAP AND CONTAINS AN AREA OF 21,780 SQ.FT. (GROSS) AND 19,770 SQ.FT. (NET), MORE OR LESS.
- ALL PROPOSED EASEMENTS ARE SHOWN ON SHEETS 3 OF 3.
- ALL EASEMENT LINES WITHOUT BEARINGS ARE PARALLEL WITH AND/OR PERPENDICULAR TO THE BOUNDARY LINE.

LEGEND

- FOUND 2-1/2" BRASS DISK MONUMENT WITH PUNCH MARK IN CONCRETE BASE, INSIDE MONUMENT WELL, STAMPED "LS 6868" PER 845 M 49-51, UNLESS NOTED OTHERWISE
- FOUND 3/4" IRON PIPE WITH PLASTIC PLUG AND TACK, STAMPED "LS 6868" PER 845 M 49-51, UNLESS NOTED OTHERWISE
- SET 3/4" IRON PIPE WITH PLASTIC PLUG AND TACK, STAMPED "LS 6868"
- DISTINCTIVE BOUNDARY LINE
- - - CENTER LINE/MONUMENT LINE
- - - EASEMENT LINE
- - - MONUMENT LINE
- M-M MONUMENT TO MONUMENT DISTANCE
- M-IP MONUMENT TO IRON PIPE DISTANCE
- SF SQUARE FEET
- (R) RADIAL BEARING
- (T) TOTAL DISTANCE
- () RECORD DATA PER "L MAPS 4"



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 SCALE: 1" = 30' DATE: OCTOBER 2011



ENGINEERS-SURVEYORS-PLANNERS
 1650 TECHNOLOGY DRIVE, SUITE 650
 SAN JOSE, CALIFORNIA 95110

BASIS OF BEARINGS

THE BEARING N74°13'15"W OF THE MONUMENT LINE OF MONTARA TERRACE, BETWEEN FOUND MONUMENTS, AS SAID BEARING WAS DERIVED BASED ON THE NORTH AMERICAN DATUM OF 1983 (NAD83), CALIFORNIA COORDINATE SYSTEM OF 1983 (CCS83), ZONE 3, EPOCH 2007.00, WAS TAKEN AS THE BASIS OF BEARINGS FOR THIS MAP.

MAP NOTES

1. ALL DISTANCES AND DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
2. THE DISTINCTIVE BORDER LINE INDICATES THE BOUNDARY OF THE LAND SUBDIVIDED BY THIS MAP AND CONTAINS AN AREA OF 21,780 SQ.FT. (GROSS) AND 19,770 SQ.FT. (NET), MORE OR LESS.
3. ALL EXISTING EASEMENTS ARE SHOWN ON SHEETS 2 OF 3.
4. ALL EASEMENT LINES WITHOUT BEARINGS ARE PARALLEL WITH AND/OR PERPENDICULAR TO THE BOUNDARY LINE.

LEGEND

- FOUND 2-1/2" BRASS DISK MONUMENT WITH PUNCH MARK IN CONCRETE BASE, INSIDE MONUMENT WELL, STAMPED "LS 6868" PER 845 M 49-51, UNLESS NOTED OTHERWISE
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- DISTINCTIVE BOUNDARY LINE
- - - CENTER LINE/MONUMENT LINE
- - - EASEMENT LINE
- P.I.E.E. PRIVATE INGRESS & EGRESS EASEMENT
- P.F.S.E. PRIVATE FIRE SERVICE EASEMENT
- P.S.D.E. PRIVATE STORM DRAIN EASEMENT
- P.S.D.T.E. PRIVATE STORM DRAIN TREATMENT EASEMENT
- P.W.E. PRIVATE WATER EASEMENT
- M-M MONUMENT TO MONUMENT DISTANCE
- M-IP MONUMENT TO IRON PIPE DISTANCE
- SQ. FT. SQUARE FEET
- (T) TOTAL DISTANCE

