



Council Meeting: December 18, 2012

SUBJECT: Approval of Final Map (Tract No. 10143) – Five Unit Townhome Development at 127 West California Avenue by Payman Townhomes, LLC

BACKGROUND

Tract No. 10143 is a five-unit residential townhome development. The tentative map was approved by City Council on January 27, 2009 (RTC #09-023) and will expire on January 27, 2013 pursuant to Government Code Section 66452.22.

DISCUSSION

The final map for Tract No. 10143, consisting of five 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*, and the State of California "Subdivision Map Act". The developer has executed a subdivision agreement and has provided improvement securities (\$27,000 for faithful performance and \$27,000 for labor and materials) to guarantee completion of public improvements.

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

Staff recommends that Council approve the final map for Tract No. 10143; authorize the Mayor to sign the subdivision agreement upon: 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: Bennett Chun, Civil Engineer

Approved by:

Gary M. Luebbers, City Manager

Attachment

A. Final Map for Tract No. 10143

OWNER'S STATEMENT

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

I ALSO HEREBY STATE THAT THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED AS AN EASEMENT FOR PUBLIC PURPOSES: FOR ALL STREETS AND PORTIONS OF STREETS NOT PREVIOUSLY EXISTING AS DELINEATED HEREON AND DESIGNATED AS "STREET HEREIN DEDICATED."

I HEREBY DEDICATE TO PUBLIC USE AN EASEMENT OVER PORTION OF 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.

I ALSO HEREBY DEDICATE TO PUBLIC USE EASEMENTS FOR ANY AND ALL PUBLIC SERVICE FACILITIES INCLUDING BUT NOT LIMITED TO POLES, WIRES, CONDUITS, GAS 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 APPURTENANCE, AND LAWFUL UNSUPPORTED BUILDING OVERHANGS.

I 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 ALL OF 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 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.

I 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 FOR THE INSTALLATION AND MAINTENANCE OF PRIVATE WATER, FIRE SERVICE, STORM DRAINAGE AND SANITARY SEWER FACILITIES 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), "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 LAWFUL UNSUPPORTED OVERHANGS AND EXCEPT FOR THOSE PRIVATE UTILITY FACILITIES AND APPURTENANCES. THE MAINTENANCE, REPAIR, AND/OR REPLACEMENT OF PRIVATE WATER, FIRE SERVICE, STORM DRAINAGE 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.

I 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 PORTION OF LOTS 2, 3 AND 5 FOR THE INSTALLATION AND MAINTENANCE OF PRIVATE STORM DRAINAGE 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 LAWFUL UNSUPPORTED OVERHANGS AND EXCEPT FOR THOSE PRIVATE STORM DRAINAGE 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.

AS OWNER:
PAYMAN TOWN HOMES LLC, A CALIFORNIA LIMITED LIABILITY COMPANY
BY: Zina Z. Payman
PRINTED NAME: Zina Z. Payman
TITLE: Manager

OWNER'S ACKNOWLEDGMENT

STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA)SS
ON NOV 27 2012, BEFORE ME, KATHY SMITH

A NOTARY PUBLIC, PERSONALLY APPEARED ZINA Z. PAYMAN
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/HEY 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, CA
COMMISSION NO.: 1932786
EXPIRATION OF COMMISSION: APRIL 29, 2015

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 ZINA PAYMAN ON NOVEMBER 2011. I HEREBY STATE THAT ALL THE MONUMENTS WILL BE OF THE CHARACTER AND THEY WILL BE SET IN THE POSITIONS INDICATED BEFORE NOVEMBER 2013, AND THAT THE MONUMENTS WILL BE, SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED, AND THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP, IF ANY.

11/28/12
DATE

Sarkiss Parvin
SARKISS PARVIN
PLS 8261
EXPIRES 12-31-2013

SOILS REPORT NOTE

A GEOLOGICAL REPORT ON THIS PROPERTY HAS BEEN PREPARED BY CAPEX ENGINEERING INC., ENTITLED "GEOTECHNICAL INVESTIGATION REPORT", DATED FEBRUARY 23, 2012, PROJECT NO. 7742, A COPY OF WHICH HAS BEEN FILED WITH THE CITY OF SUNNYVALE.

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. _____ 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

TRACT MAP 10143

**SIX (6) LOT SUBDIVISION
CONSISTING OF THREE (3) SHEETS**

BEING A SUBDIVISION OF THE LANDS OF PAYMAN AS DESCRIBED IN DOCUMENT NUMBERS 21293180 & 21276594, SANTA CLARA COUNTY RECORDS.

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

**NOVEMBER 2012
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 10143; 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 _____
NASSER FAKIH
ACTING CITY ENGINEER
RCE # 46442
CITY OF SUNNYVALE, CALIFORNIA

I AM SATISFIED THAT SAID MAP IS TECHNICALLY CORRECT

DATE 3 December 2012



Roger D. Higdon
ROGER HIGDON
RCE # 21755

COUNTY RECORDER'S STATEMENT

FILED THIS _____ DAY OF _____, 20____, AT _____ A.M./P.M., IN
BOOK _____ OF MAPS, AT PAGE(S) _____, SANTA CLARA COUNTY RECORDS,
AT THE REQUEST OF ZINA PAYMAN.

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

TRACT MAP 10143

SIX (6) LOT SUBDIVISION

CONSISTING OF THREE (3) SHEETS

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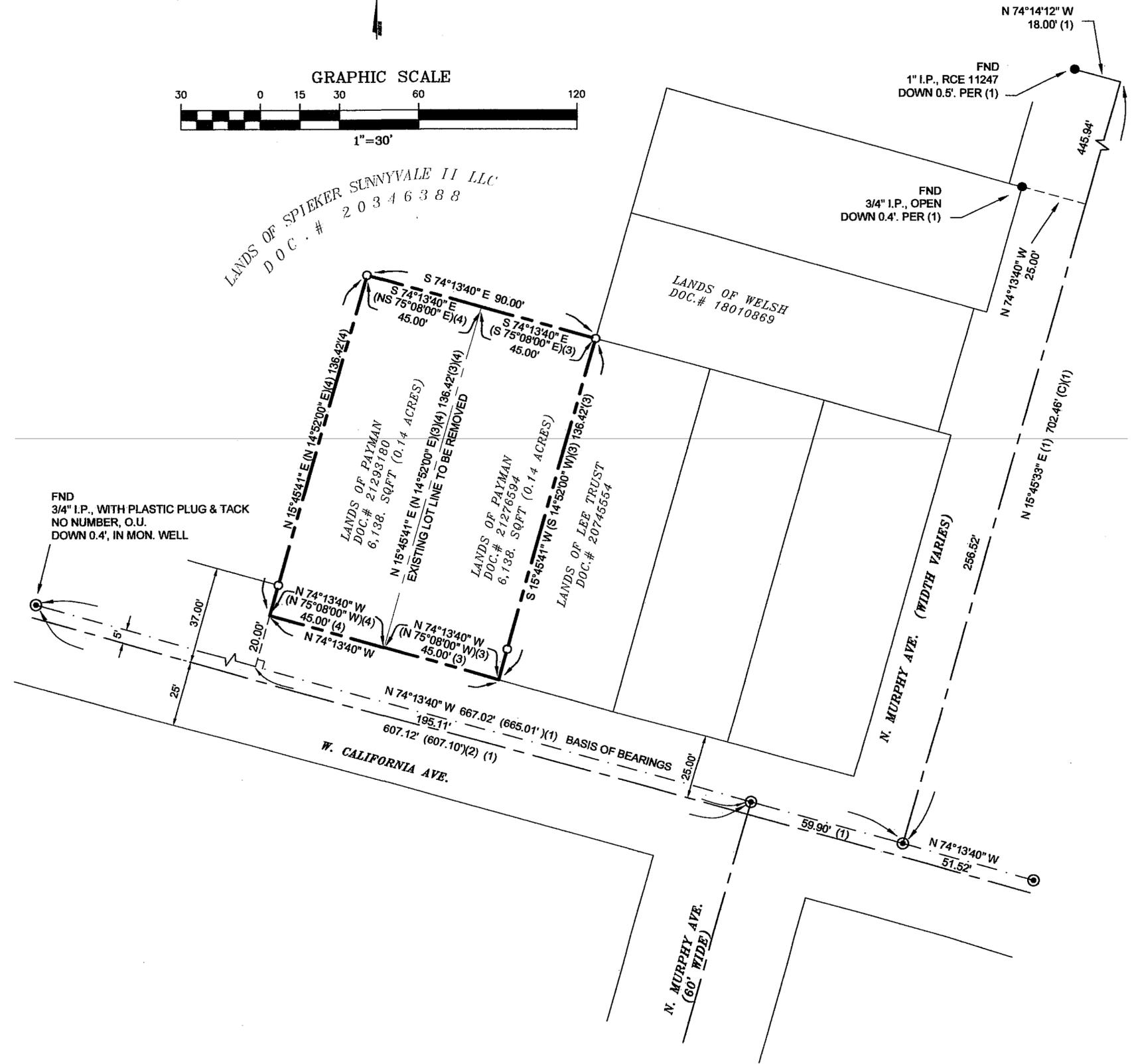
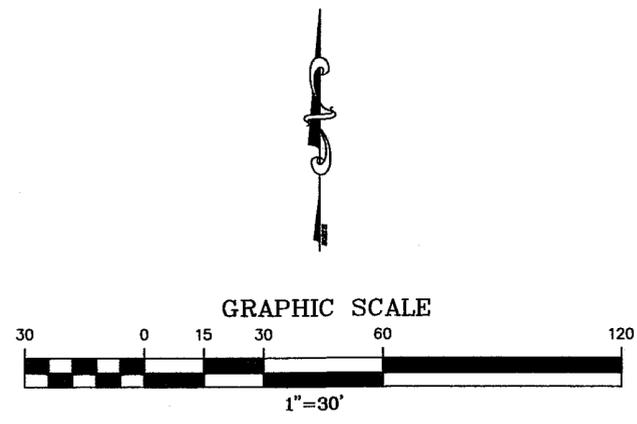
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NOVEMBER 2012

SMP ENGINEERS

1534 CAROB LANE
LOS ALTOS, CA 94024



LEGEND AND ABBREVIATIONS

- — — — — STREET CENTER LINE
- — — — — MONUMENT LINE
- — — — — DISTINCTIVE BORDER LINE
- — — — — LOT LINE
- - - - - EASEMENT LINE, DEDICATED HEREON
- - - - - EXISTING LOT LINE, TO BE REMOVED PER THIS MAP
- - - - - EXISTING LOT LINES
- - - - - DIMENSION LINES AND TIES

- ⊙ FOUND 2-1/2" BRASS DISK, WITH CROSS PUNCH, DOWN 0.4' IN MONUMENT BOX, OR AS NOTED
- FOUND MONUMENT AS NOTED
- INDICATES SET 3/4" IRON PIPE WITH CAP LS 8261

- (xxxx) (#) RECORDED DATA & REFERENCE NUMBER
- FND FOUND
- O.U. ORIGIN UNKNOWN
- (C) CALCULATED
- I.P. IRON PIPE
- MON. MONUMENT
- EVAE EMERGENCY VEHICLE ACCESS EASEMENT
- PFSE PRIVATE FIRE SERVICE EASEMENT
- PIEE PRIVATE INGRESS EGRESS EASEMENT
- PSDE PRIVATE STORM DRAINAGE EASEMENT
- PSSE PRIVATE SANITARY SEWER EASEMENT
- PUE PUBLIC UTILITY EASEMENT
- PWE PRIVATE WATER EASEMENT

REFERENCES:

- (1) PARCEL MAP 350-M- 48
- (2) PARCEL MAP 722-M- 52 & 53
- (3) GRANT DEED DOC.# 21276594
- (4) GRANT DEED DOC.# 21293180

NOTES:

1. ALL DISTANCES AND DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.
2. THE AREA OF LAND WITHIN THE DISTINCTIVE BORDER LINE IS 12,277 SQFT (0.28) ACRES MORE OR LESS.

BASIS OF BEARINGS:

THE BEARING N 74°13'40" W BETWEEN FOUND MONUMENTS ON CALIFORNIA AVENUE, AS SHOWN ON THAT CERTAIN PARCEL MAP, RECORDED IN BOOK 350 OF MAPS AT PAGE 48, SANTA CLARA COUNTY RECORDS, WAS USED AS THE BASIS OF BEARINGS SHOWN ON THIS MAP.

TRACT MAP 10143

SIX (6) LOT SUBDIVISION

CONSISTING OF THREE (3) SHEETS

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

NOVEMBER 2012
SMP ENGINEERS

1534 CAROB LANE
LOS ALTOS, CA 94024

LANDS OF SPIEKER SUNNYVALE II LLC
DOC.# 20346388

LANDS OF WELSH
DOC.# 18010869

LANDS OF LEE TRUST
DOC.# 20745554

LINE	LENGTH (FT)	BEARING
L1	1.67	N74°13'40"W
L2	4.00	S15°46'20"W
L3	2.67	N74°13'40"W
L4	1.67	N74°13'40"W
L5	4.00	S15°46'20"W
L6	0.67	N74°13'40"W
L7	5.58	S74°13'40"E
L8	5.58	S74°13'40"E
L9	1.00	S74°13'40"E
L10	3.08	S74°13'40"E
L11	3.08	S74°13'40"E
L12	2.07	S74°13'40"E
L13	3.07	S74°13'40"E
L14	3.08	S74°13'40"E
L15	2.08	S74°13'40"E
L16	2.08	S74°13'40"E

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