



Council Meeting: August 13, 2013

SUBJECT: Approval of the Final Map (Tract No. 10180) – 18 Single Family Homes at 636 West Fremont Avenue by Classic Communities, Inc.

BACKGROUND

A vesting tentative map was conditionally approved by the Planning Commission on December 4, 2012 for 18 single family homes and one common lot.

DISCUSSION

The final map for Tract No. 10180 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 (\$114,000 for faithful performance and \$114,000 for labor and materials) to guarantee completion of all public improvements.

ENVIRONMENTAL ANALYSIS

The City Council considered and approved the Mitigated Negative Declaration on December 4, 2012 of which this project is a part.

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. 10180; authorize the Mayor to sign the subdivision agreement upon 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

Final Map for Tract No. 10180

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

WE ALSO HEREBY STATE THAT THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED AS AN EASEMENT FOR PUBLIC PURPOSES: EMERGENCY VEHICLE INGRESS AND EGRESS PURPOSES OVER ON OR OVER THOSE CERTAIN STRIPS OF LAND DELINEATED HEREON AND DESIGNATED AS "EVAE" (EMERGENCY VEHICLE ACCESS EASEMENT). PARKING STALLS ARE DELINEATED ON THE MAP AND ARE EXCLUDED FROM THE LIMITS OF THE EVAE.

WE ALSO HEREBY STATE THAT THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED AS AN EASEMENT FOR PUBLIC PURPOSES: CERTAIN PUBLIC UTILITY FACILITIES INCLUDING BUT NOT LIMITED TO POLES, ELECTRIC, TELEPHONE, AND CABLE CONDUITS AND WIRES, GAS AND ALL APPURTENANCES AS DELINEATED HEREON AND DESIGNATED AS "PUE" (PUBLIC UTILITY EASEMENT).

WE ALSO HEREBY RESERVE PRIVATE STREETS, DESIGNATED ON THE HEREIN MAP AS PANACHE TERRACE (PARCEL A). THE PRIVATE STREET CONTAINED WITH THIS MAP IS NOT OFFERED, NOR IS IT ACCEPTED FOR DEDICATION FOR PUBLIC STREET PURPOSES.

WE ALSO HEREBY RESERVE FOR THE OWNERS OF LOTS 6-18 SHOWN ON THE HEREIN MAP AND THEIR LICENSEES, VISITORS, AND TENANTS RECIPROCAL RIGHTS OF INGRESS AND EGRESS PURPOSES UPON AND OVER PARCEL A AS DELINEATED HEREON AND DESIGNATED AS "PIE" (PRIVATE INGRESS AND EGRESS EASEMENT). THE MAINTENANCE, REPAIR, AND/OR REPLACEMENT OF IMPROVEMENTS WITHIN 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. PARKING STALLS ARE DELINEATED ON THE MAP AND ARE EXCLUDED FROM THE LIMITS OF THE "PIE".

WE ALSO HEREBY RESERVE FOR THE OWNERS OF LOTS 6-18 SHOWN ON THE HEREIN MAP AND THEIR LICENSEES, VISITORS, AND TENANTS RECIPROCAL RIGHTS UPON AND OVER PARCEL A FOR THE INSTALLATION AND MAINTENANCE OF PRIVATE WATER, SANITARY SEWER, AND STORM DRAINAGE FACILITIES AS DELINEATED HEREON AND DESIGNATED AS "PWLE" (PRIVATE WATER LINE EASEMENT), "PSSE" (PRIVATE SANITARY SEWER EASEMENT), AND "PSDE" (PRIVATE STORM DRAIN EASEMENT). THE MAINTENANCE, REPAIR, AND/OR REPLACEMENT OF PRIVATE WATER, SANITARY SEWER, AND STORM DRAINAGE FACILITIES, INCLUDING BIORETENTION AREAS, 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 LOTS 1-5 A PRIVATE EASEMENT FOR STORM DRAINAGE PURPOSES OVER LOTS 2-5 AS DESIGNATED AND DELINEATED AS "PSDE" (PRIVATE STORM DRAIN EASEMENT). THE MAINTENANCE, REPAIR AND/OR REPLACEMENT OF THE PRIVATE STORM DRAINAGE, INCLUDING A BIORETENTION AREA ON LOT 5, SHALL BE THE SOLE RESPONSIBILITY OF THE PROPERTY OWNERS AS DETERMINED BY A SEPARATELY RECORDED DOCUMENT ENTITLED "STORMWATER EASEMENT AND COVENANTS". SAID EASEMENT IS NOT OFFERED, NOR IS IT ACCEPTED FOR DEDICATION BY THE CITY OF SUNNYVALE.

WE ALSO HEREBY RESERVE A PRIVATE EASEMENT FOR IRRIGATION PURPOSES DESIGNATED AND DELINEATED AS "PIE" (PRIVATE IRRIGATION EASEMENT). THE MAINTENANCE, REPAIR AND/OR REPLACEMENT OF THE IRRIGATION STRUCTURES SHALL BE THE SOLE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION AS DETERMINED BY THE APPROPRIATE COVENANTS, CONDITIONS, AND RESTRICTIONS. SAID EASEMENT IS NOT OFFERED, NOR IS IT ACCEPTED FOR DEDICATION BY THE CITY OF SUNNYVALE.

ALL OF THE HEREIN DESCRIBED EASEMENTS SHALL BE KEPT OPEN AND FREE FROM BUILDINGS AND STRUCTURES OF ANY KIND EXCEPT THOSE APPURTENANCES ASSOCIATED WITH THE DEFINED EASEMENTS.

PARCEL A (PANACHE TERRACE) DESIGNATED ON THE HEREIN MAP, IS A COMMON AREA FOR THE EXCLUSIVE USE OF THE RESIDENTS AND VISITORS OF LOTS 6 THROUGH 18 OF THIS SUBDIVISION, IT CONTAINS, BUT IS NOT LIMITED TO, PRIVATE INGRESS/EGRESS ACCESS, PRIVATE WALKWAYS, PRIVATE PARKING, PRIVATE UTILITIES, EMERGENCY VEHICLE ACCESS, PRIVATE LANDSCAPING AND PUBLIC UTILITIES. PARCEL A (PANACHE TERRACE) WILL BE CONVEYED TO THE HOMEOWNERS' ASSOCIATION.

BY: CLASSICS AT FREMONT ESTATES, L.P., A CALIFORNIA LIMITED PARTNERSHIP
BY: CLASSIC COMMUNITIES, INC., A CALIFORNIA CORPORATION
GENERAL PARTNER.

BY: _____
ADAM KATES
VICE PRESIDENT

OWNER'S ACKNOWLEDGMENT

STATE OF _____ SS
COUNTY OF _____

ON _____, 2013, 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 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: _____
NAME (PRINT): _____
PRINCIPAL COUNTY OF BUSINESS: _____
MY COMMISSION NUMBER: _____
MY COMMISSION EXPIRES: _____

RECORDER'S STATEMENT

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

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

BY: _____
DEPUTY

BENEFICIARY'S STATEMENT

THE UNDERSIGNED CORPORATION, AS BENEFICIARY UNDER THE DEED OF TRUST RECORDED ON MARCH 22, 2013, INSTRUMENT NO. 22142110 OF OFFICIAL RECORDS, SANTA CLARA COUNTY, CALIFORNIA; DOES HEREBY JOIN IN AND CONSENT TO THE FOREGOING OWNERS STATEMENT AND ALL DEDICATIONS SHOWN HEREIN.

COMERICA BANK

BY: _____
JIM RAGGIO
ITS: VICE PRESIDENT

BENEFICIARY'S ACKNOWLEDGMENT

STATE OF _____ SS
COUNTY OF _____

ON _____, 2013, 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 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: _____
NAME (PRINT): _____
PRINCIPAL COUNTY OF BUSINESS: _____
MY COMMISSION NUMBER: _____
MY COMMISSION EXPIRES: _____

**TRACT 10180
CLASSICS AT FREMONT AVENUE**

AN 18 LOT RESIDENTIAL SUBDIVISION
CONSISTING OF 4 SHEETS

BEING A PORTION OF THE NORTH 1/2 OF
THE SOUTHWEST 1/4 OF SECTION 1,

TOWNSHIP 7 SOUTH, RANGE 2 WEST, M.D.B. & M,
LYING ENTIRELY WITHIN THE CITY OF SUNNYVALE,
COUNTY OF SANTA CLARA, STATE OF CALIFORNIA.

CARLSON, BARBEE & GIBSON, INC.

ENGINEERS • SURVEYORS • PLANNERS
SAN RAMON, CALIFORNIA

JULY 2013

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 CLASSIC COMMUNITIES, ON FEBRAURY 2013. I HEREBY STATE THAT ALL THE MONUMENTS ARE OF THE CHARACTER SHOWN AND WILL BE SET IN THE POSITIONS INDICATED ON OR BEFORE DECEMBER, 2015 AND THAT THE MONUMENTS WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED, AND THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP.

CHRISTOPHER S. HARMISON, P.L.S.
L.S. NO. 7176



DATE

CITY ENGINEER'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THE HEREON FINAL MAP OF TRACT 10180; 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.

MANUEL PINEDA
CITY ENGINEER
RCE 60588
CITY OF SUNNYVALE, CALIFORNIA

DATE

I AM SATISFIED THAT SAID MAP IS TECHNICALLY CORRECT.

ROGER HIGDON
RCE 21755

DATE

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. 10180 AS SHOWN HEREON AND ACCEPTED SUBJECT TO COMPLETION AND ACCEPTANCE OF PUBLIC IMPROVEMENTS ON BEHALF OF THE PUBLIC ALL EASEMENTS OFFERED FOR DEDICATION AND THE FEE IN FREMONT AVENUE WIDENING AND CORDILLERAS AVENUE WIDENING IN CONFORMITY WITH THE TERMS OF THE OFFER OF DEDICATION.

DATE

KATHLEEN FRANCO SIMMONS
CITY CLERK
CITY OF SUNNYVALE, CALIFORNIA

CERTIFICATE OF ABANDONMENT

THE PUBLIC ROADWAY AND UTILITY EASEMENTS AS DEDICATED FOR PUBLIC USE BY DOCUMENT RECORDED FEBRUARY 19, 1971 IN BOOK 9224 PAGE 230 OFFICIAL RECORDS, AND NOT SHOWN HERON ARE ABANDONED PURSUANT TO GOVERNMENT CODE SECTION 66434.(g) OF THE SUBDIVISION MAP ACT.

BY:

KATHLEEN FRANCO SIMMONS
CITY CLERK
CITY OF SUNNYVALE, CALIFORNIA

SOILS/GEOTECHNICAL REPORT NOTE

A SOILS REPORT ON THIS PROPERTY HAS BEEN PREPARED BY CORNERSTONE EARTH GROUP, ENTITLED GEOTECHNICAL INVESTIGATION, CLASSICS AT FREMONT AVENUE, JOB NO. 160-14-1, DATED JANUARY 18, 2013, WHICH HAS BEEN FILED WITH THE CITY OF SUNNYVALE.

**TRACT 10180
CLASSICS AT FREMONT AVENUE**

AN 18 LOT RESIDENTIAL SUBDIVISION
CONSISTING OF 4 SHEETS
BEING A PORTION OF THE NORTH 1/2 OF
THE SOUTHWEST 1/4 OF SECTION 1,
TOWNSHIP 7 SOUTH, RANGE 2 WEST, M.D.B. & M.
LYING ENTIRELY WITHIN THE CITY OF SUNNYVALE,
COUNTY OF SANTA CLARA, STATE OF CALIFORNIA.

CARLSON, BARBEE & GIBSON, INC.

ENGINEERS • SURVEYORS • PLANNERS
SAN RAMON, CALIFORNIA
JULY 2013



BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS N89°56'50"W ALONG THE CENTERLINE OF FREMONT AVENUE AS SHOWN PER TRACT NO. 5682, FILED JUNE 16, 1975, IN BOOK 357 OF MAPS, AT PAGE 45, SANTA CLARA COUNTY RECORDS.

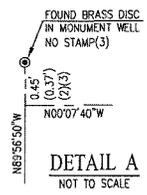
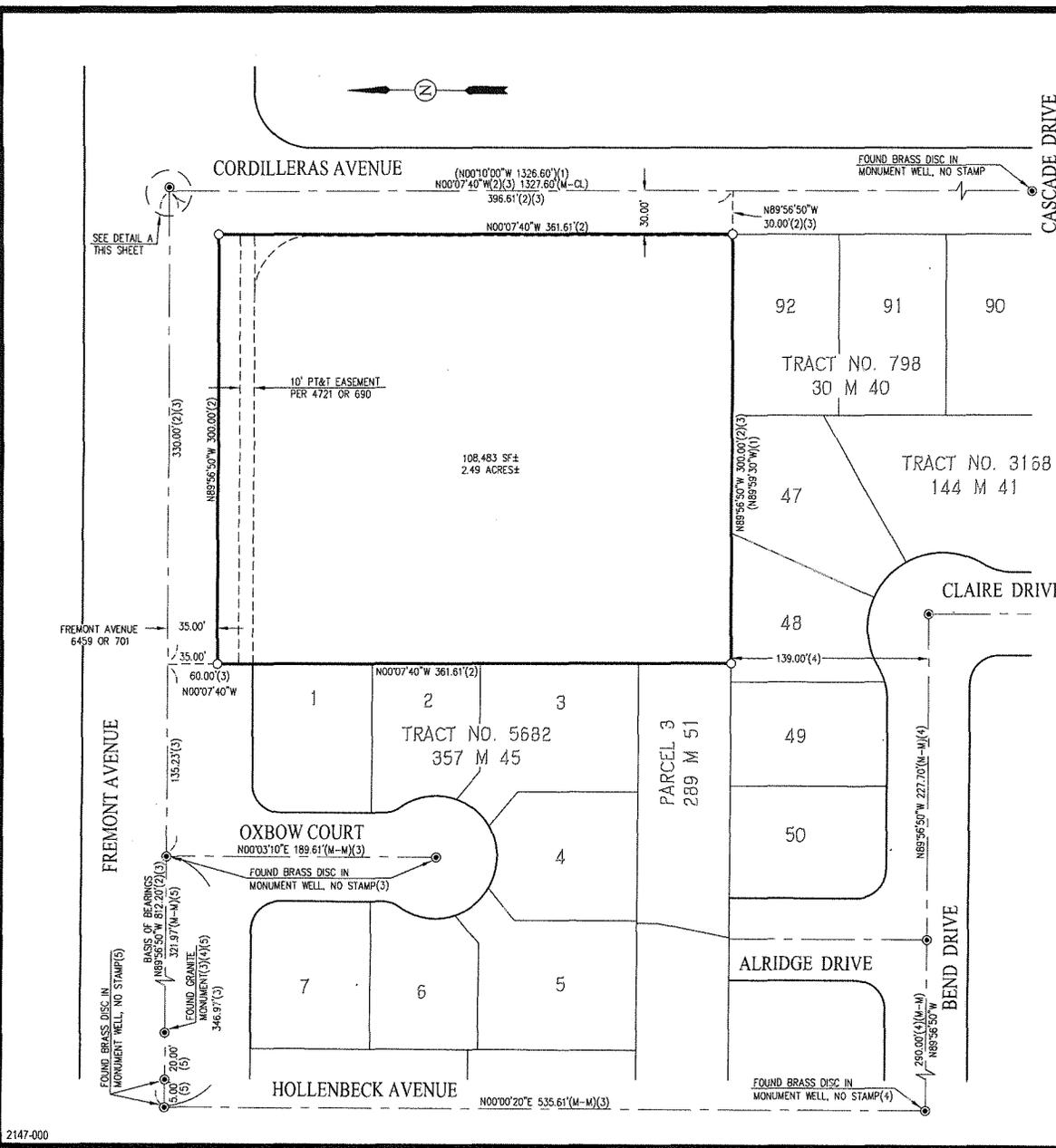
LEGEND

- BOUNDARY LINE
- LOT LINE
- CENTER LINE
- EASEMENT LINE
- (M-M) MONUMENT TO MONUMENT
- (M-PL) MONUMENT TO PROPERTY LINE
- (M-CL) MONUMENT TO CENTERLINE
- (R) RADIAL
- (T) TOTAL
- ⊙ FOUND STANDARD STREET MONUMENT AS NOTED
- ⊙ SET STANDARD STREET MONUMENT LS 7176
- SET NAIL AND TAG, LS 7176
- PIE PRIVATE INGRESS AND EGRESS EASEMENT
- EVAE EMERGENCY VEHICLE ACCESS EASEMENT
- PUE PUBLIC UTILITY EASEMENT
- PIE PRIVATE IRRIGATION EASEMENT
- PIE PRIVATE WATER LINE EASEMENT
- PSDE PRIVATE STORM DRAIN EASEMENT
- PSSE PRIVATE SANITARY SEWER EASEMENT
- PT&T PACIFIC TELEPHONE & TELEGRAPH RECORD DATA AS NOTED
- () RECORD DATA AS NOTED

REFERENCES:

- (1) TRACT NO. 798 (30 M 40)
- (2) PARCEL MAP (289 M 52)
- (3) TRACT NO. 5682 (357 M 45)
- (4) TRACT NO. 3168 (144 M 41)
- (5) PARCEL MAP (424 M 22)

TRACT 10180
CLASSICS AT FREMONT AVENUE
 AN 18 LOT RESIDENTIAL SUBDIVISION
 CONSISTING OF 4 SHEETS
 BEING A PORTION OF THE NORTH 1/2 OF
 THE SOUTHWEST 1/4 OF SECTION 1,
 TOWNSHIP 7 SOUTH, RANGE 2 WEST, M.D.B. & M.
 LYING ENTIRELY WITHIN THE CITY OF SUNNYVALE,
 COUNTY OF SANTA CLARA, STATE OF CALIFORNIA.
CARLSON, BARBEE & GIBSON, INC.
 ENGINEERS • SURVEYORS • PLANNERS
 SAN RAMON, CALIFORNIA
 SCALE: 1"= 50' JULY 2013



BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS N89°56'30"W ALONG THE CENTERLINE OF FREMONT AVENUE AS SHOWN PER TRACT NO. 5682, FILED JUNE 16, 1975, IN BOOK 357 OF MAPS, AT PAGE 45, SANTA CLARA COUNTY RECORDS.

LEGEND AND REFERENCES:

SEE SHEET 3



SEE DETAIL A SHEET 3

CORDILLERAS AVENUE

FOUND BRASS DISC IN MONUMENT WELL, NO STAMP

CASCADE DRIVE

1' STREET HEREIN DEDICATED

10' PT&T EASEMENT PER 4721 OR 690

FREMONT AVENUE

25' STREET HEREIN DEDICATED

BASIS OF BEARINGS N89°56'30"W 812.20'(2)(3)

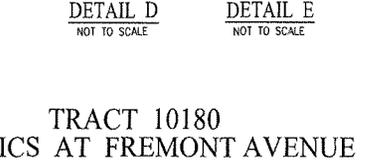
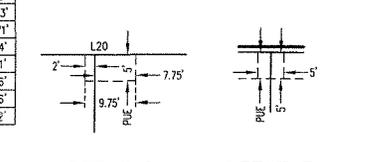
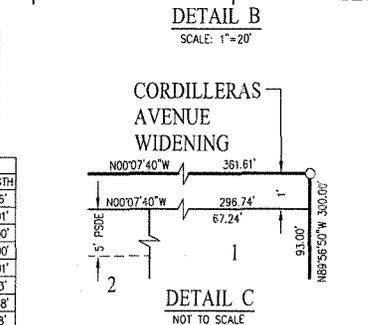
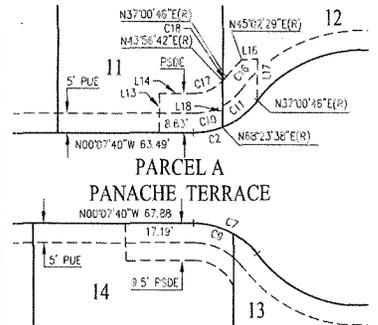
FREMONT AVENUE 6459 OR 701

FOUND BRASS DISC IN MONUMENT WELL, NO STAMP(S)

HOLLENBECK AVENUE

LINE NO.	BEARING	LENGTH
L1	N89°52'20"E	6.50'
L2	N00°07'40"W	23.00'
L3	N29°52'20"E	15.00'
L4	N69°52'20"E	22.58'
L5	N00°07'40"W	5.04'
L6	N30°07'40"W	15.00'
L7	N00°07'40"W	1.31'
L8	N17°40'21"W	13.28'
L9	N00°07'40"W	17.88'
L10	N44°37'50"W(R)	5.00'
L11	N44°25'55"E(R)	5.00'
L12	N00°07'40"W	17.75'
L13	N89°52'20"E	10.00'
L14	N00°07'40"W	8.63'
L16	N00°07'40"W	4.06'
L17	N89°52'20"E	10.52'
L18	N89°52'20"E	11.73'
L19	N00°07'40"W	26.00'
L20	N00°07'40"W	45.00'
L21	N00°07'40"W	48.00'
L22	N00°07'40"W	11.50'
L23	N00°07'40"W	58.00'

NO.	RADIUS	DELTA	LENGTH
C1	1.50'	90°00'00"	2.36'
C2	20.50'	52°51'34"	18.91'
C3	32.50'	107°32'23"	61.00'
C6	32.50'	107°32'23"	61.00'
C7	20.50'	52°51'34"	18.91'
C8	20.50'	231°6'47"	8.33'
C9	20.50'	29°34'47"	10.58'
C10	20.50'	21°28'42"	7.68'
C11	20.50'	31°22'52"	11.23'
C12	40.00'	89°49'10"	62.71'
C13	32.50'	09°14'24"	5.24'
C14	32.50'	08°10'59"	5.21'
C16	42.50'	08°01'43"	5.96'
C17	10.50'	45°37'59"	8.36'
C18	10.50'	07°13'39"	1.32'



TRACT 10180 CLASSICS AT FREMONT AVENUE

AN 18 LOT RESIDENTIAL SUBDIVISION CONSISTING OF 4 SHEETS BEING A PORTION OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 1, TOWNSHIP 7 SOUTH, RANGE 2 WEST, M.D.B. & M. LYING ENTIRELY WITHIN THE CITY OF SUNNYVALE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA.

CARLSON, BARBEE & GIBSON, INC.

ENGINEERS • SURVEYORS • PLANNERS
SAN RAMON, CALIFORNIA

SCALE: 1"=30'

JULY 2013