



Council Meeting: November 26, 2013

SUBJECT: Council Approval of the Final Map (Tract No. 10202) – 15 Residential Condominium Units and 5,717 Square Feet Office at 538 South Mathilda Avenue by 538 Mathilda Ave, LLC and Direct Staff to Propose an Amendment to Section 19.08 of the Municipal Code “Grant of Landscape Easement Along El Camino and Mathilda”

BACKGROUND

Final Map. A vesting tentative map was conditionally approved by the Planning Commission on May 13, 2013 for 15 residential condominium units and a 5,717 square foot office.

Municipal Code. Section 19.08 of the Municipal Code provides for the granting of six-foot to ten-foot landscape easements on El Camino Real and Mathilda Avenue within certain sections of the City. The easements were intended to provide a buffer between vehicle traffic and pedestrians. Since this section was added to the Municipal Code, the City has completed the Downtown Specific Plan, El Camino Real Precise Plan and new sidewalk standards. These documents either supersede or meet the intent of Section 19.08.

DISCUSSION

Final Map The final map for Tract No. 10202 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 provided improvement securities (\$122,000 for faithful performance and \$122,000 for labor and materials) to guarantee completion of all public improvements.

Municipal Code. Municipal Code section 19.08 requires six-foot or ten-foot landscape easements between the curb and sidewalk on the Mathilda Avenue and El Camino frontages within certain sections of the City. The intent of the easements was to provide a buffer between pedestrians and travel lanes to create a more comfortable walking environment. Since the inclusion of this requirement in the Municipal Code section 19.08, the City has completed two different efforts that set forth a different sidewalk vision, but meets the same goals. In 2003, the City Council approved the Downtown Specific Plan, which developed new sidewalk sections and options for the Mathilda Avenue streetscape within the downtown and in 2007 the City adopted the Precise Plan for El Camino Real which set an updated vision for the EL Camino Streetscape. The City also recently updated its sidewalk standards. The new sidewalk standards, applicable to both Mathilda and El Camino, provide for a minimum 10-foot sidewalk with a parkstrip or tree-well buffer between pedestrians and

vehicles. It is staff's opinion that these new sidewalk designs meet the original intent of Section 19.08. Staff proposes to modify Section 19.08 of the Municipal Code to address any inconsistencies between these documents and the Municipal Code.

It should be noted that the project is located within the Downtown Specific Plan, and within an area of Mathilda that is applicable to Section 19.08. In addition to a 10 tree well and sidewalk section, the map also proposes a 10-foot right-of-way dedication. The 20-foot pedestrian realm meets the intent of both the Downtown Specific Plan and Municipal Code by providing adequate space for enhanced sidewalks along Mathilda.

ENVIRONMENTAL REVIEW

The Planning Commission considered and approved the Mitigated Negative Declaration on May 13, 2013 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. 10202; 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; and direct staff to return to Council with an amendment to Section 19.08 of the Municipal Code to address inconsistencies between landscape easement requirements and current sidewalk standards.

Reviewed by:

Kent Steffens, Director of Public Works
Prepared by: Bennett Chun, Civil Engineer

Reviewed by:

Hanson Hom, Director of Community Development

Approved by:

Gary M. Luebbbers, City Manager

ATTACHMENT

A. Final Map for Tract No. 10202

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 THIS MAP; THAT WE ARE THE ONLY PERSONS WHOSE CONSENT IS NECESSARY TO PASS A CLEAR TITLE TO SAID REAL PROPERTY; AND 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".

AS OWNER:

538 MATHILDA, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

BY: _____ DATE: _____
SIGNATURE

PRINTED NAME

OWNER'S ACKNOWLEDGEMENT

STATE OF CALIFORNIA SS
COUNTY OF _____

ON _____ 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
PRINTED NAME

NOTARY'S PRINCIPAL PLACE OF BUSINESS _____

NOTARY'S COMMISSION NUMBER _____ EXPIRATION OF NOTARY'S COMMISSION _____

TRUSTEE'S STATEMENT

OLD REPUBLIC TITLE COMPANY

AS TRUSTEE(S) UNDER THAT CERTAIN DEED OF TRUST RECORDED _____

IN INSTRUMENT NO. _____, DO/DOES HEREBY CONSENT TO THE

PREPARATION AND RECORDATION OF THIS TRACT MAP AND JOINS ALL DEDICATION HEREON.

BY: _____ DATE: _____
SIGNATURE

PRINTED NAME AND TITLE

TRACT NO. 10202

MATHILDA VILLAS

A ONE LOT SUBDIVISION FOR CONDOMINIUM PURPOSES TO CONSIST OF FIFTEEN RESIDENTIAL CONDOMINIUMS AND ONE COMMERCIAL CONDOMINIUM, 538 SOUTH MATHILDA AVENUE, SUNNYVALE CA 94086, CONSISTING OF TWO SHEETS

BEING A RESUBDIVISION OF PORTIONS OF LOTS 18 AND 19 IN BLOCK 15 (B15), AS SAID LOTS AND BLOCK ARE SHOWN UPON THAT CERTAIN MAP ENTITLED, "MAP OF THE TOWN OF ENCINAL" WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON JANUARY 25, 1898 IN BOOK "I" OF MAPS AT PAGES 88 AND 89, AND LYING ENTIRELY WITHIN THE CITY OF SUNNYVALE, COUNTY OF SANTA CLARA, CALIFORNIA

SEPTEMBER 2013

TRUSTEE'S STATEMENT

CALIFORNIA RECONVEYANCE COMPANY

AS TRUSTEE(S) UNDER THAT CERTAIN DEED OF TRUST RECORDED _____

IN INSTRUMENT NO. _____, DO/DOES HEREBY CONSENT TO THE

PREPARATION AND RECORDATION OF THIS TRACT MAP AND JOINS ALL DEDICATION HEREON.

BY: _____ DATE: _____
SIGNATURE

PRINTED NAME AND TITLE

TRUSTEE'S ACKNOWLEDGEMENT

STATE OF CALIFORNIA SS
COUNTY OF _____

ON _____ 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
PRINTED NAME

NOTARY'S PRINCIPAL PLACE OF BUSINESS _____

NOTARY'S COMMISSION NUMBER _____ EXPIRATION OF NOTARY'S COMMISSION _____

TRUSTEE'S ACKNOWLEDGEMENT

STATE OF CALIFORNIA SS
COUNTY OF _____

ON _____ 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.

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WITNESS MY HAND: _____ NOTARY'S SIGNATURE
PRINTED NAME

NOTARY'S PRINCIPAL PLACE OF BUSINESS _____

NOTARY'S COMMISSION NUMBER _____ EXPIRATION OF NOTARY'S COMMISSION _____

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 TRACT NO. 10202 AS SHOWN HEREON AND ACCEPTED SUBJECT TO COMPLETION AND ACCEPTANCE OF PUBLIC IMPROVEMENTS ON BEHALF OF THE PUBLIC ALL EASEMENTS OFFERED FOR DEDICATION IN CONFORMANCE WITH THE TERMS OF THE OFFER OF DEDICATION.

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

CITY ENGINEER'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THE HEREON FINAL MAP OF THE TRACT NO. 10202; 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: _____
MANUEL PINEDA
CITY ENGINEER
RCE #60588
CITY OF SUNNYVALE, CALIFORNIA

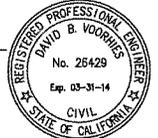
I AM SATISFIED THAT SAID MAP IS TECHNICALLY CORRECT.

DATE: _____ BY: _____
ROGER HIGDON
RCE #21755

ENGINEER'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 538 MATHILDA, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY ON APRIL 9, 2013. I HEREBY STATE THAT ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED OR THAT THEY WILL BE SET IN THOSE POSITIONS BEFORE SEPTEMBER 2014, 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.

DAVID B. VOORHIES, R.C.E. 26429
REGISTRATION EXPIRES 03-31-2014



GEOTECHNICAL REPORT

A GEOTECHNICAL REPORT HAS BEEN PREPARED BY WAYNE TING & ASSOCIATES, INC. (WTAI), ENTITLED "GEOTECHNICAL INVESTIGATION, 538 AND 560 SOUTH MATHILDA ROAD, SUNNYVALE CA 94086", DATED SEPTEMBER 29, 2012, PROJECT NO. 3035, AND SIGNED BY WAYNE L. TING, RCE 46276, A COPY OF WHICH HAS BEEN FILED WITH THE CITY OF SUNNYVALE.

COUNTY RECORDER'S STATEMENT

FILE NO.: _____ FEE: _____ PAID: _____

FILED THIS _____ DAY OF _____ 20____ AT _____ M. IN BOOK _____

OF MAPS, AT PAGES _____, SANTA CLARA COUNTY RECORDS, AT THE REQUEST OF 538 MATHILDA, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY.

REGINA ALCOMENDRAS, COUNTY RECORDER, SANTA CLARA COUNTY, CALIFORNIA

BY: _____
DEPUTY

RECEIVED BY
SEP 20 2013
ENGINEERING
LAND DEVELOPMENT



UNDERWOOD & ROSENBLUM, INC.
civil engineers and surveyors
1630 Oakland Road Ste. A114 San Jose, Ca. 95131
Tel. No. (408) 453 1222 Fax No. (408) 453 1207

TRACT NO. 10202

MATHILDA VILLAS

A ONE LOT SUBDIVISION FOR CONDOMINIUM PURPOSES TO CONSIST OF FIFTEEN RESIDENTIAL CONDOMINIUMS AND ONE COMMERCIAL CONDOMINIUM, 538 SOUTH MATHILDA AVENUE, SUNNYVALE CA 94086 CONSISTING OF TWO SHEETS

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SEPTEMBER 2013

BASIS OF BEARINGS

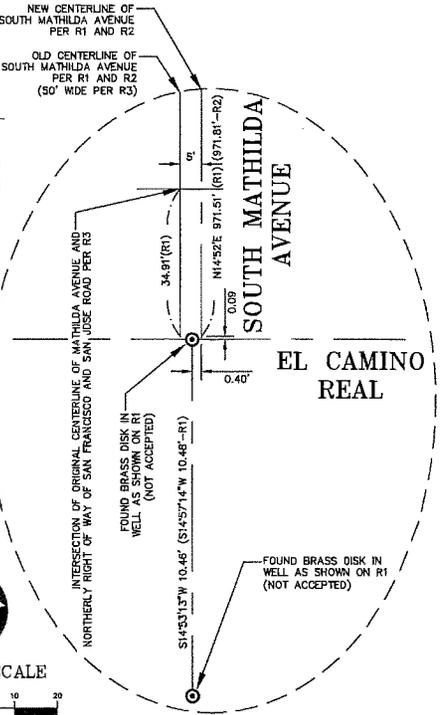
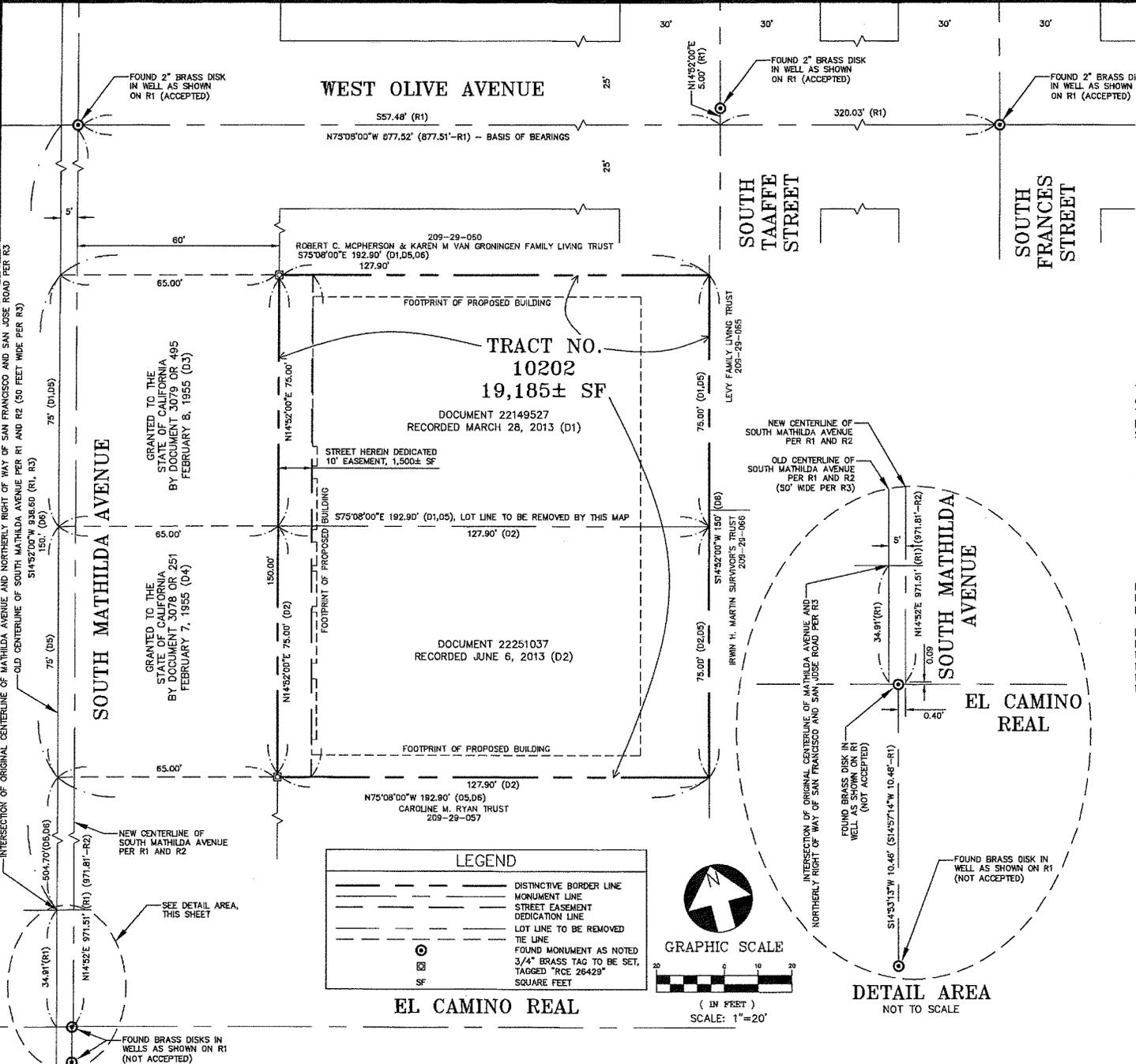
THE BASIS OF BEARINGS USED FOR THIS MAP IS THE CENTERLINE OF WEST OLIVE AVENUE, NORTH 75°08'00" WEST, AS SHOWN ON THAT CERTAIN RECORD OF SURVEY FILED NOVEMBER 15, 2010 IN BOOK 840 OF MAPS AT PAGE 5, OFFICIAL RECORDS, COUNTY OF SANTA CLARA, CALIFORNIA.

NOTES:

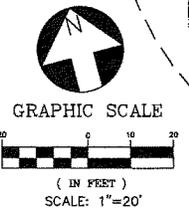
1. THE DISTINCTIVE BORDER LINE INDICATES THE BOUNDARY OF LAND SUBDIVIDED BY THIS MAP AND CONTAINS GROSS AREA OF 19,185 SQUARE FEET (0.44± ACRE) AND NET AREA OF 17,685 SQUARE FEET (0.41± ACRE).
2. DISTANCES ARE GIVEN IN FEET AND DECIMALS THEREOF.

REFERENCES:

- R1 RECORD OF SURVEY, 840M5, RECORDED 11-15-2010
- R2 PARCEL MAP, 509M19-20, RECORDED FEBRUARY 15, 1983
- R3 MAP OF THE TOWN OF ENCINAL, "1" M 88-89, RECORDED JANUARY 25, 1898
- D1 DOCUMENT 22149527 RECORDED MARCH 28, 2013
- D2 DOCUMENT 22251037 RECORDED JUNE 6, 2013
- D3 3079 O.R. 495 RECORDED FEBRUARY 6, 1955
- D4 3078 O.R. 251 RECORDED FEBRUARY 7, 1955
- D5 1445 O.R. 591 RECORDED JANUARY 6, 1948
- D6 1026 O.R. 226 RECORDED FEBRUARY 19, 1941



LEGEND	
	DISTINCTIVE BORDER LINE
	MONUMENT LINE
	STREET EASEMENT
	DEDICATION LINE
	LOT LINE TO BE REMOVED
	TIE LINE
	FOUND MONUMENT AS NOTED
	3/4" BRASS TAG TO BE SET, TAGGED "RDE 26429"
	SQUARE FEET



EL CAMINO REAL

DETAIL AREA NOT TO SCALE

U&R UNDERWOOD & ROSENBLUM, INC.
 civil engineers and surveyors
 1630 Oakland Road Ste. A114 San Jose, Ca. 95131
 Tel. No. (408) 453 1222 Fax No. (408) 453 1207