CITY OF MOUNTAIN VIEW RESOLUTION NO. SERIES 2021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW CONDITIONALLY APPROVING A VESTING TENTATIVE MAP TO CREATE 11 RESIDENTIAL LOTS AND TWO COMMON LOTS AND FINDING THE PROJECT TO BE CATEGORICALLY EXEMPT PURSUANT TO SECTION 15332 ("IN-FILL DEVELOPMENT PROJECTS") OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AT 294-296 TYRELLA AVENUE

WHEREAS, an application was received from Forrest Linebarger of Tower Investment, LLC, for a Vesting Tentative Map to create 11 lots and two common lots at 294-296 Tyrella Avenue (Application No. PL-2018-301); and

WHEREAS, on October 13, 2021, at a duly noticed public hearing, the Subdivision Committee considered this request and recommended the Vesting Tentative Map be approved subject to the attached conditions of approval; and

WHEREAS, on November 16, 2021, the City Council held a public hearing on said request and received and considered all evidence presented at said hearing, including the attached conditions of approval;

NOW, THEREFORE, BE IT RESOLVED, pursuant to the Subdivision Map Act, that the City Council of the City of Mountain View finds:

1. That the approval of the Vesting Tentative Map complies with the California Environmental Quality Act (CEQA) as it qualifies as a categorically exempt project per CEQA Guidelines Section 15332 ("In-Fill Development Projects") because the project site is less than five acres in size, the project is bordered by urban uses, the site does not contain sensitive habitat, and the site is adequately served by public utilities.

2. That pursuant to Section 66473.5 and Subsections (a) and (b) of Section 66474 of the Government Code, and Section 28.8 of the Mountain View City Code, the City Council hereby finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan Land Use Designation of Medium-High Density Residential of the City, including all required elements therein applicable to said property. The design or improvement of the proposed subdivision is consistent with the applicable General Plan and specific plans because the subdivision is subject to the subdivider's compliance with all the conditions of approval as required by the Subdivision Committee.

3. That pursuant to Subsection (c) of Government Code Section 66474, the site is physically suitable for the proposed type of development because the site layout is compatible with the surrounding multi-family neighborhood, and the proposed two common lots will provide adequate access to the proposed residential lots.

4. That pursuant to Subsection (d) of the Government Code Section 66474, the site is physically suitable for the proposed density of the development because it is consistent with the General Plan Land Use Designation of Medium-High Density Residential (26 to 35 dwelling units per acre) of the City, including all required elements therein applicable to said property.

5. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat pursuant to Subsection (e) of Government Code Section 66474 because the site does not contain sensitive habitats.

6. That the design of the subdivision and type of improvements are not likely to cause serious public health problems pursuant to Subsection (f) of Government Code Section 66474 because the subdivision will be designed and improved in accordance with the conditions of approval attached hereto, including conditions related to safe and adequate access, sewage and refuse disposal, and lot drainage.

7. That the design of the subdivision and type of improvements will not conflict with easements, acquired by the public-at-large, for access through or use of property within the proposed subdivision pursuant to Subsection (g) of Government Code Section 66474 because the subdivision will be designed and improved in accordance with the conditions of approval attached hereto, including conditions related to steet dedications and public utilitiy and service easements.

8. That the Vesting Tentative Map to subdivide two lots into 11 residential lots and two common lots is hereby approved subject to the subdivider's compliance with all of those conditions of approval as required by the Subdivision Committee and attached hereto and incorporated herein by reference.

TIME FOR JUDICIAL REVIEW

The time within which judicial review of this decision must be sought is governed by California Code of Civil Procedure, Section 1094.6, as established by Resolution No. 13850, adopted by the City Council on August 9, 1983.

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CB/6/RESO 891-11-16-21r-1

Exhibits: A. Subdivision Conditions of Approval

B. Vesting Tentative Map

SUBDIVISION CONDITIONS APPLICATION NO.: PL-2018-301 294 AND 296 TYRELLA AVENUE

- 1. **MAP SUBMITTAL:** File a final map for approval and recordation in accordance with the City Code and the California Subdivision Map Act prior to the issuance of any building permit for the property within the subdivision. All existing and proposed easements are to be shown on the map. Submit two black-line copies of the map to the Public Works Department for review together with all items on the Map Checklist concurrent with the Off-Site Improvement Plans.
- 2. **MAP DOCUMENTS:** Prior to the approval and recordation of the map, submit a subdivision guarantee, County Tax Collector's letter regarding unpaid taxes or assessments, and subdivision security if there are unpaid taxes or special assessments.
- 3. **SOILS REPORT:** Soils and geotechnical reports prepared for the subdivision shall be indicated on the final map. Submit a copy of the report with the first submittal of the map.
 - a. As required by the State Seismic Hazards Mapping Act, a project site-specific geotechnical investigation shall be conducted by a registered soils/geologist identifying any seismic hazards and recommending mitigation measures to be taken by the project. Through the applicant's registered soils engineer/geologist, the applicant shall certify the project complies with the requirements of the State Seismic Hazards Mapping Act. Indicate the location (page number) within the geotechnical report of where this certification is located, or provide a separate letter stating such.
- 4. **FINAL MAP APPROVAL:** The final map shall be signed and notarized by the owner and engineer/surveyor and submitted to the Public Works Department with an 8.5"x11" reduction of the map. In order to place the approval of the final map on the agenda for the City Council, all related materials and agreements must be completed, signed, and received by the Public Works Department 40 calendar days prior to the Council meeting. After City Council approval, the City will sign the map and provide a xeroxed mylar copy. The applicant's title company shall have the County Recorder's Office record the original and endorse the xeroxed mylar copy. The endorsed xeroxed mylar copy and PDF shall be returned to the Public Works Department within one week after recording the map.
- 5. **SUBDIVISION FEES:** Pay all subdivision fees due in accordance with the rates in effect at the time of payment prior to the approval of the final map.
- 6. **MAP PLAN CHECK FEE:** Prior to the issuance of any building permits and prior to the approval of the final map, as applicable, the applicant shall pay the map plan check fee in accordance with Sections 28.27.b and 28.19.b of the City Code per the rates in effect at the time of payment.

An initial map plan check fee based on the Public Works adopted fee schedule shall be paid at the time of the initial map plan check submittal.

7. **PLAN CHECK AND INSPECTION FEE:** Prior to the issuance of any building permits and prior to the approval of the final map, the applicant shall pay the plan check and inspection fee in accordance with Sections 27.60 and 28.36 of the City Code per the adopted rates in effect at the time of payment.

An initial plan check fee based on the Public Works adopted fee schedule shall be paid at the time of initial improvement plan check submittal based on the initial cost estimate for constructing street improvements and other public facilities; public and private utilities and structures located within the public right-of-way; and utility, grading, and driveway improvements for common green and townhouse-type condominiums.

Once the plans have been approved, the approved cost estimate will be used to determine the final bond amounts, plan check fees, and inspection fees. Any paid initial plan check fee will be deducted from the approved final plan check fee.

- 8. **TRANSPORTATION IMPACT FEE:** Prior to issuance of any building permits and prior to approval of the final map, as applicable, the applicant shall pay the transportation impact fee for the development. Residential category fees are based on the number of units. Retail, Service, Office, R&D, and Industrial category fees are based on the square footage of the development. Credit is given for the existing site use(s), as applicable.
- 9. WATER AND SEWER CAPACITY CHARGES: The water and sewer capacity charges for residential connections are based on the number and type of dwelling units. There are separate charges for different types of residential categories so that the capacity charges reasonably reflect the estimated demand of each type of connection. The water and sewer capacity charges for nonresidential connections are based on the water meter size, and the building area and building use, respectively. Credit is given for the demand of the improvements that previously existed on the site. Fees need to be paid per the Public Works Fee Schedule prior to Public Works approving the final map.
- 10. **PARK LAND DEDICATION FEE:** Prior to issuance of any building permits and prior to approval of the final map, as applicable, the applicant shall pay the Park Land Dedication Fee (approximately \$20,000 to \$40,000 per unit) for each new residential unit in accordance with Chapter 41 of the City Code prior to the issuance of the building permit. No credits against the Park Land Dedication Fee will be allowed for the private open space and recreational facilities. Provide the most current appraisal or escrow closing statement of the property with the following information to assist the City in determining the current market value of the land: (1) a brief description of the existing use of the property; (2) square footage of the lot; and (3) size and type of each building located on the property at the time the property was acquired.
- 11. **STORM DRAINAGE FEE:** Prior to issuance of any building permits and prior to approval of the final map, the applicant shall pay the off-site storm drainage fee per Section 28.51(b) and with the rates in effect at time of payment.
- 12. **STREET DEDICATION:** Dedicate a public street in fee on the face of the map, as required by the Public Works Director, to widen Middlefield Road and Tyrella Avenue for a continuous right-of way as shown on the Tentative Map.
- 13. **STREET CORNER DEDICATION:** Dedicate a 20' radius public street corner return, in fee/easement on the face of the map, as required by the Public Works Director, at Middlefield Road and Tyrella Avenue.
- 14. **FRONTAGE PUBLIC UTILITY EASEMENT DEDICATION:** Dedicate a 10' wide public utility easement (PUE) along project street frontage(s) on the face of the map for such use as sanitary sewer, water, storm drains, and other public utilities, including gas, electric, communication, and cable television facilities, as required by the Public Works Director. The property owner or homeowners association shall maintain the surface improvements over the easement and must not modify or obstruct the easement area in a manner contrary to the intent of the easement. The dedication statement shall specify the PUE shall be kept free and clear of buildings and other permanent structures/facilities, including, but not limited to, the following:
 - Garages, sheds, carports and storage structures;
 - Balconies and porches;
 - Retaining walls;
 - C.3 bioretention systems; and
 - Private utility lines running longitudinally within the PUE.

Exceptions to these PUE requirements may be considered by the Public Works Director in conjunction with the review and approval of the off-site improvement plans and building permit plans for the project.

- 15. **PUBLIC WATER METER EASEMENT:** Dedicate public water meter easement (WME) on the face of the map to construct, install, maintain, repair, replace, and operate water meters and appurtenances, as required by the Public Works Director.
- 16. **PUBLIC SERVICE EASEMENT:** Dedicate a public service easement (PSE) on the face of the map to the utility company(ies) for the proposed electric, gas, and telecommunication conduits and vaults serving the project.
- 17. **UTILITY EASEMENT AND APPROVALS:** Dedicate utility easements, as required by the utility companies and as approved by the Public Works Director. All street and public service easement dedications are to be shown on the final map. The subdivider shall submit two copies of the map to PG&E, AT&T (SBC), and Comcast for their review and determination of easement needs. The public service easement dedications must be approved by the utility companies prior to the approval of the final map.
- 18. **PRIVATE UTILITY AND ACCESS EASEMENTS:** Dedicate private utility and/or access easements on the face of the map, as necessary, for the common private street and utility improvements.
- 19. **CC&Rs:** Covenants, Conditions, and Restrictions (CC&Rs) for the homeowners association, together with a completed CC&R checklist, shall be submitted to and approved by the City Attorney's Office and the Community Development Department prior to approval and recordation of the map. The said covenants shall include and stipulate all of the standard provisions which are shown on the attached sheet. The checklist and proposed CC&Rs shall be annotated to show exactly where each of the standard provisions have been incorporated into the CC&R document.
- 20. CC&Rs, SPECIAL PAVEMENT MAINTENANCE: The homeowners association shall be responsible for replacing any special pavers or textured/colored concrete that is removed by the City to repair, replace, or maintain any City underground utilities located within private streets, driveways, or easement areas. This requirement shall be stated in the Covenants, Conditions, and Restrictions (CC&Rs). A copy of the CC&Rs with this provision marked or highlighted shall be submitted to the Community Development Department for review and approval by the Public Works Department.
- 21. CC&Rs, PARKING RESTRICTION: Parking shall be prohibited within the common driveways, excluding approved guest parking, as the parking would obstruct the use of the driveway. These parking prohibitions shall be stated within the Covenants, Conditions, and Restrictions (CC&Rs). A copy of the CC&Rs with this provision highlighted shall be submitted to the Community Development Department for review and approval by the Public Works Department. The common driveway shall be signed and/or striped as "No Parking" or "No Parking Fire Lane."
- 22. CC&Rs, PRIVATE UTILITY MAINTENANCE PLAN AND SANITARY SEWER OVERFLOW PLAN: The Covenants, Conditions, and Restrictions (CC&Rs) shall include a provision that the homeowners association prepare a private utility maintenance plan for on-site water, sanitary sewer, and storm drainage facilities. The maintenance plan shall include elements such as, but not limited to, flushing of the sanitary sewer and storm lines, cleaning of storm drain inlets and grates, and inspection of the water system (including flushing and exercising of valves and blowoffs). The CC&Rs shall also include a provision that the HOA prepare a sanitary sewer overflow plan, which includes elements such as 24-hour contact information, response times, confinement, and methods to contain and remediate spills. A copy of the CC&Rs with this provision marked or highlighted shall be submitted to the Community Development Department for review and approval by the Public Works Department.

- 23. CC&Rs, CART PLACEMENT: A copy of the CC&Rs is required and must include:
 - Carts must be set out for collection on the driveway apron, outside of the 20' travelway, and must have minimum 14'6" vertical clearance. Do not place under balconies.
 - Carts must be set a minimum of 2' away from all gas/water lines or meters.
 - Lot 7 and Lot 10 carts must be set out for collection on Tyrella Avenue with at least 17' of red-painted curb at set-out location.
 - Attach an exhibit of the set-out locations to CC&Rs.
- 24. **COMMERCIAL FLARES:** Install commercial flares at the property entrance so the trucks do not damage curbs.
- 25. TRAVEL WAY: Must maintain minimum 15' vertical clearances in travelway. State in the CC&Rs.
- 26. **TRASH COLLECTION:** Prior to occupancy, trash collection areas must be accessible to the collection company. Travelways must be complete for proper vehicle circulation.
- 27. **PAVERS:** Pavers are not allowed within the collection vehicle travelway since they do not support the weight of the 60,000-pound collection vehicles. Travelway surface must be concrete or stamped concrete. Cart set out areas must have a smooth, flat pad for staging.
- 28. **PHASING:** If phasing in resident move-ins, a phasing plan must be provided and approved by the Solid Waste Program Manager.
- 29. CC&Rs, CART STORAGE: The building plans must display minimum dimensions for trash, recycle, and compost cart storage in garages of 7'x3'.
- 30. **PUBLIC AND PRIVATE COMMON IMPROVEMENTS:** Install or reconstruct standard public and private common improvements required for the subdivision and as required by Chapters 27 and 28 of the City Code. The public improvements include, but are not limited to full street overlay on Tyrella Avenue, undergrounding of overhead utilities across Middlefield Road, new City standard streetlight, corner ramp, new sidewalk, curb, and gutter. The private common improvements include, but are not limited to, new private water, sewer, and joint trench lines.
 - a. **IMPROVEMENT AGREEMENT:** The property owner must sign a Public Works Department improvement agreement for the installation of the public and on-site common improvements prior to the approval of the final map.
 - BONDS/SECURITIES: Sign a Public Works Department faithful performance bond (100%) and b. materials/labor bond (100%) or provide a letter of credit (150%) or cash security (100%) securing the installation and warranty of the off-site and on-site common improvements in a form approved by the City Attorney's Office. The surety (bond company) must be listed as an acceptable surety on the most current Department of the Treasury's Listing of Approved Sureties on Federal Bonds, Department Circular 570. This list of approved sureties is available through the internet at: www.fiscal.treasury.gov/fsreports/ref/suretyBnd/c570_a-z.htm. The bond amount must be below the underwriting limitation amount listed on the Department of the Treasury's Listing of Approved Sureties. The surety must be licensed to do business in California. Guidelines for security are available at the Public Works Department.

- b. **INSURANCE:** Provide a Certificate of Insurance and endorsements for the Commercial General Liability and Automobile Liability naming the City as an additional insured from the entity that will sign the improvement agreement prior to the approval of the final map. The insurance coverage amounts are a minimum of Two Million Dollars (\$2,000,000) Commercial General Liability, One Million Dollars (\$1,000,000) Automobile Liability, One Million Dollars (\$1,000,000) Pollution Insurance, and One Million Dollars (\$1,000,000) Workers' Compensation. The insurance requirements are available from the Public Works Department.
- 31. OFF-SITE IMPROVEMENT PLANS: Prepare off-site public improvement plans in accordance with Chapter 28 of the City Code, the City's Standard Design Criteria, Submittal Checklist, Plan Review Checklist, and the conditions of approval of the project. The plans are to be drawn on $24'' \times 36''$ sheets at a minimum scale of 1'' = 20'. The plans shall be stamped by a California-registered civil engineer and shall show all public improvements and other applicable work within the public right-of-way. Traffic control plans for each phase of construction shall be prepared in accordance with the latest edition of the California Manual of Uniform Traffic Control Devices (CA MUTCD) and shall show, at a minimum, work areas, delineators, signs, and other traffic control measures required for work that impacts traffic on existing streets. Locations of on-site parking for construction equipment and construction workers and on-site material storage areas must be submitted for review and approval. Off-site improvement plans (10 sets), an initial plan check fee and map plan check fee based on the Public Works fee schedule, Improvement Plan Checklist, and items noted within the checklist must be submitted together as a separate package concurrent with the first submittal of the building plans. The off-site plans must be approved and signed by the Public Works Department. After the plans have been signed by the Public Works Department, 10 full-size and 2 half-size black-line sets, 1 Xerox Mylar (4 mil) set of the plans, and CD with CAD file and PDF must be submitted to the Public Works Department prior to the approval of the final map. CAD files shall meet the City's Digital Data Submission Standards.
- 32. **PRIVATE COMMON IMPROVEMENT PLANS:** Prepare on-site common improvement plans consisting of the proposed demolition, fill, grading, retaining walls, drainage, private streets, common driveways, common utilities, public utilities, and other applicable improvements in accordance with Chapter 28 of the City Code, the Standard Design Criteria for Common Green and Townhouse-Type Condominiums, and the conditions of approval of the subdivision. The plans are to be drawn on 24"x36" sheets at a minimum scale of 1" = 20'. The improvement plans (10 sets), Improvement Plan Checklist, and items noted within the checklist must be submitted together as a separate package concurrent with the first submittal of the building plans and final map. The improvement plans must be approved and signed by the Public Works Department. After the improvement plans have been signed by the Public Works Department, 10 full-size and 2 half-size black-line sets, 1 Xerox Mylar (4 mil) set of the plans, and CD with CAD file and PDF must be submitted to the Public Works Department prior to the approval of the final map. CAD files shall meet the City's Digital Data Submission Standards. Where both public and common improvement plans are required, the plans shall be combined into one set of plans.
- 33. **INFRASTRUCTURE QUANTITIES:** Upon submittal of the initial building permit and improvement plans, submit a completed construction cost estimate form indicating the quantities of the street and utility improvements with the submittal of the improvement plans. The construction cost estimate is used to estimate the cost of improvements and to determine the Public Works plan check and inspection fees. The construction cost estimate is to be prepared by the civil engineer preparing the improvement plans.
- 34. **UNDERGROUNDING OF OVERHEAD SERVICES:** All new and existing electric and telecommunication facilities serving the subdivision are to be placed underground (including transformers). The undergrounding of the new and existing overhead electric and telecommunication lines along the Tyrella Avenue property frontage, including those crossing Middlefield Road, shall be completed prior to issuance of a Certificate of Occupancy for any new buildings within the subdivision. This supersedes what is shown on the plans.
- 35. **JOINT UTILITY PLANS:** Upon submittal of the initial building permit and improvement plans, the applicant shall submit joint utility plans showing the location of the proposed electric, gas, and telecommunication conduits and associated facilities, including, but not limited to, vaults, manholes, cabinets, pedestals, etc. These plans shall be combined with and made part of the improvement plans. Joint trench intent drawings will be accepted at first

improvement plan submittal. All subsequent improvement plan submittals shall include joint trench design plans. Dedicate public utility easements that are necessary for the common utility on the final map.

- 36. **UTILITY MAINTENANCE:** On-site water, sanitary sewer, and storm drainage facilities shall be privately maintained.
- 37. **SURFACE WATER RELEASE:** Provide a surface stormwater release for the lots, driveways, alleys, and private streets that prevents the residential buildings from being flooded in the event the storm drainage system becomes blocked or obstructed. Show and identify path of surface water release on the improvement plans.
- 38. **LOT DRAINAGE:** Each residential lot shall be designed to drain toward the streets, alleys, common driveways, or common areas. The drainage paths for the privately owned lots shall be designed such that the drainage paths do not cross the common property lines unless an exception is approved by the Public Works Department due to unavoidable circumstances (such as to provide drainage to an existing Heritage tree).
- 39. **CONSISTENCY WITH OTHER APPROVALS:** This map shall be consistent with all requirements of the Planned Unit Development Permit and Development Review Permit, Application No. PL-2018-300. All conditions of approval imposed under that application shall remain in full force and effect and shall be met prior to approval of the final map.
- 40. **APPROVAL EXPIRATION:** If the map is not completed within twenty-four (24) months from the date of this approval, this map shall expire. The map is eligible for an extension of an additional twelve (12) months, provided the request for extension is filed by the applicant prior to the expiration of the original map. Upon filing a timely application for extension, the map shall automatically be extended for sixty (60) days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first.

LEGEND				
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			PROPOSED	
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			PRIVATE UTILITY EASEMENT (PRUE)	
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			EVAE, PWE, PSDE, PSSE, WME, PIEE, PGE, PRUE, PSE	
	GEI		NOTES	
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1.	(6 78	OWER INVESTM 50) 324-0688 35 CASTRO ST, S OUNTAIN VIEW	(650) 515-9783 SUITE A kkarbor0476@yahoo.com	
2.	CIVIL BE ENGINEER: (6	ERRY & ASSOCIA 50) 400-9003	ATES SAN MATEO, CA. 94403 5. SURVEYOR: CARNES & EKPARTIAN, INC.	
	17	hncberry7@gm 733 WOODSIDE EDWOOD CITY,	RD.office@ce-pls.comCA. 940619505 SUGAR BABE DRIVE	
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6.	ASSESSORS PAI		0-32-001 & 160-32-002	
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14.	UTILITIES: A.	WATER:	PUBLIC STREETS: CITY OF MOUNTAIN VIEW PRIVATE STREETS: HOME OWNERS ASSOCIATION	
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	D. E.	GAS / ELECTR TELEPHONE:	PRIVATE STREETS: HOME OWNERS ASSOCIATION	
15.	F. BENCHMARK:		COMCAST VIEW BENCH MARK NO. 111-55, ELEVATION 61.124 1988, WAS USED TO PROVIDE ALL THE ELEVATIONS	
16.	TOPOGRAPHY:	SHOWN ON T INFORMATIC		V 49.95
17.	LOT SIZES:	FLOODING DU	TY IS LOCATED WITHIN ZONE X WITH A REDUCED RISK OF TO LEVEE AS SHOWN IN FLOOD INSURANCE RATE MAP	so 21'10" W
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	COMMON LOT			•
	LOT C	4,366 SF		
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18.	EASEMENTS:	PUE PRUE	EMERGENCY VEHICLE ACCESS EASEMENT PUBLIC UTILITY EASEMENT PRIVATE UTILITY EASEMENT PRIVATE WATER EASEMENT	
		PSSE	PRIVATE SANITARY SEWER EASEMENT PRIVATE STORM DRAIN EASEMENT	
			PRIVATE WATER METER EASEMENT	
		PIEE	PRIVATE GAS EASEMENT PRIVATE INGRESS EGRESS EASEMENT PUBLIC SERVICE EASEMENT	

294 & 296 TYRELLA AVE PLANNED UNIT DEVELOPMENTS

Berry and Associates Civil Engineer







