



# CITY OF SUNNYVALE REPORT ADMINISTRATIVE HEARING

**April 14, 2010**

**File Number:** 2010-7110

**Permit Type:** Use Permit

**Location:** 286 N. Pastoria Ave. (near Shirley Ave.) (APN: 165-27-005)

**Applicant/Owner:** Mark Lenhart and Lidia Marchioni / Marjorie Esteban Trustee

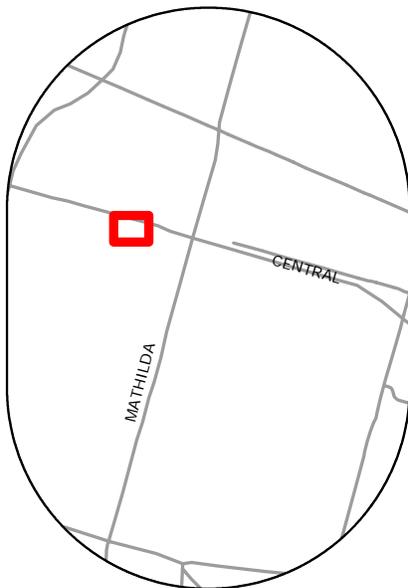
**Staff Contact:** Mariya Hodge, Associate Planner, (408) 730-7659

**Project Description:** To legalize an existing non-conforming use (single family home) in an industrial zoning district.

**Reason for Permit:** A Use Permit is required for residential uses in the M-S Zoning District. The existing single-family residence is a non-conforming use, therefore the structure cannot be replaced if damaged or destroyed (SMC 19.50.090). If a Use Permit is approved the use would become conforming and the structure could be replaced if damaged or destroyed.

**Issues:** Compatibility with neighborhood and adopted land use policies

**Recommendation:** Approve with Conditions



500

Feet

**PROJECT DESCRIPTION**

	<b>Existing</b>	<b>Proposed</b>
General Plan:	Industry	Same
Zoning District:	M-S	Same
Lot Area (sq. ft.):	5,200	Same
Floor Area (sq. ft.):	570	Same

Previous Planning Projects related to Subject Application	<b>No</b>
Neighborhood Preservation Complaints	<b>No</b>
<b>Deviations from Standard Zoning Requirements:</b> The property is currently occupied by a non-conforming use (single-family residential). The existing lot size of 5,200 square feet is less than the 22,500 square foot minimum permitted in the M-S Zoning District. Setbacks for the existing residential structure do not meet current setback requirements for the M-S Zoning District (e.g. 20' total side yards). The above deviations from standard Zoning requirements are existing conditions and the applicants do not propose any changes to the existing structure at this time.	<b>Yes</b>

**Background:** The existing single-family residence on the site was constructed in 1948. The surrounding area was incorporated to the City of Sunnyvale in 1950. At that time the area was zoned R-1:A (single-family/agricultural). Although zoning records are unclear, it appears the area may have been rezoned to industrial in the late 1950s. Surrounding industrial uses were constructed in the 1970s and 1980s.

**Existing Site Conditions:** The subject site is located on the east side of Pastoria Avenue near a dead end formed by the intersection with Central Expressway. A single-family residential neighborhood (R-0 Zoning) is located to the west across Pastoria Avenue. Directly adjacent to the east is an industrial property which occupies much of the block on which the subject site is located. There are three other single-family residences located on small lots on the same block. The frontages of these homes along Pastoria Avenue have no curb, gutter, or sidewalk. Street dedications for right-of-way improvements are required for these properties according to the Department of Public Works, but have not yet been made as the properties have not redeveloped since their original construction in the late 1940s.

The subject site is occupied by a small single-family residence with setbacks approximating R-0 standards, with the exception of zero setback provided along the south side property line. The structure includes a single-car garage served by an existing unpaved drive aisle partly obscured by grass and weeds.

**Proposed Project:** The applicants are requesting a Use Permit for the existing residential structure. The applicants are in the process of purchasing the property and state they are not able to obtain financing or insurance as a result of the structure's nonconforming status. The applicants state they not do not intend to expand, enlarge, or rebuild the home at this time.

Granting the Use Permit would give conforming status to the existing structure, which would allow it to be replaced if damaged or destroyed. (Reconstruction would need to occur within one year or the Use Permit would lapse.) Unless otherwise conditioned, a Use Permit would also allow the home to be expanded or rebuilt in a larger capacity without a further Use Permit application. As a conforming residential structure, modifications could be made with a Design Review or, in some cases, with no further Planning review.

**Neighborhood Compatibility:** The subject site is located in an industrially-zoned area directly adjacent to a site developed with industrial use. However, there is an existing single-family neighborhood directly to the west (across Pastoria Avenue). The subject property, along with the other three existing single-family homes on the same block, provide a visual buffer between the industrial uses to the east and the single-family neighborhood to the west. Although new single-family residential uses may not be compatible with an industrial district, the home on the subject property and other single-family uses on the same block were in existence prior to the development of the area with industrial uses. Surrounding industrial users are already operating adjacent to these residences. The four parcels occupied by single-family residences have been zoned for industrial use for at least 30 years, during which no one has acquired them for industrial development.

**Public Contact:** Fourteen (14) notices were sent to property owners and residents adjacent to subject site in addition to standard noticing practice. Staff has not been contacted by any members of the public related to this application.

**Environmental Determination:** A Categorical Exemption Class 1 (minor changes in use) relieves this project from CEQA provisions. Class 1 Categorical Exemptions include projects which propose no or minimal changes to existing facilities.

## **FINDINGS**

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In order to approve the Use Permit the following findings must be made:

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale.

**Staff was able to make the finding above.** The structure on the subject site was in existence prior to the development of the area with industrial uses. Surrounding industrial users are already operating adjacent to this residence without apparent conflict. Although the subject property has been zoned for industrial use for at least 30 years, it has not been acquired for industrial development. Due to the size of the lot and its location among several other small lots with single-family uses, it would be difficult to develop the parcel with an independent industrial use. Adjacent industrial parcels are developed and could not easily expand onto this site. As a result, conversion of the property to industrial use would not be likely to occur unless the subject site and the other three single-family lots on the same block were acquired and combined with adjacent industrial parcels as part of a larger redevelopment project.

2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair the orderly development of, or the existing uses being made of, adjacent properties.

**Staff was able to make the finding above.** The structure on the subject site was in existence prior to the development of the area with industrial uses. Surrounding industrial users are already operating adjacent to this residence without apparent conflict. In addition, the structure serves as a buffer between the adjacent industrial uses to the east and the single-family neighborhood to the west. Although granting a Use Permit could result in remodeling or expansion of the existing structure, improvements to the property would not expand the use beyond the existing single-family residential use. As a result, granting a Use Permit for the existing residential structure is not expected to have a negative impact on the surrounding industrial or residential areas.

#### **ALTERNATIVES:**

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1. Approve the Use Permit with the recommended Conditions in Attachment A.
2. Approve the Use Permit with modifications.
3. Deny the Use Permit.

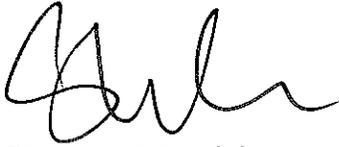
#### **RECOMMENDATION**

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Alternative 1. Approve the Use Permit with the recommended Conditions in Attachment A.

Reviewed by:



Shaunn Mendrin  
Senior Planner

Prepared By: Mariya Hodge, Associate Planner

**Attachments:**

- A. Standard Requirements and Recommended Conditions of Approval
- B. Site Plans and Photographs
- C. Applicants' Letters and Justifications

**RECOMMENDED  
CONDITIONS OF APPROVAL AND  
STANDARD DEVELOPMENT REQUIREMENTS  
Planning Application 2010-7110  
Use Permit**

**Existing single-family residence in the M-S (Industrial) Zoning District**

The following Conditions of Approval [COA] and Standard Development Requirements [SDR] apply to the project referenced above. The COAs are specific conditions applicable to the proposed project. The SDRs are items which are codified or adopted by resolution and have been included for ease of reference, they may not be appealed or changed. The COAs and SDRs are grouped under specific headings that relate to the timing of required compliance. Additional language within a condition may further define the timing of required compliance. Applicable mitigation measures are noted with "Mitigation Measure" and placed in the applicable phase of the project.

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following Conditions of Approval and Standard Development Requirements of this Permit:

**THE FOLLOWING GENERAL CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS SHALL APPLY TO THE APPROVED PROJECT.**

- 1. CONFORMANCE WITH APPROVED PLANNING APPLICATION:** All building permit drawings and subsequent construction and operation shall substantially conform with the approved planning application, including: drawings/plans, materials samples, building colors, and other items submitted as part of the approved application. Any proposed amendments to the approved plans or Conditions of Approval are subject to review and approval by the City. The Director of Community Development shall determine whether revisions are considered major or minor. Minor changes are subject to review and approval by the Director of Community Development. Major changes are subject to review at a public hearing. [COA] [PLANNING]
- 2. USE EXPIRATION:** The approved use Permit for the use shall expire if the use is discontinued for a period of one year or more, unless otherwise provided by City Ordinance. [SDR] (PLANNING)
- 3. PERMIT EXPIRATION:** The permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date and is approved by the Director of

Community Development, or unless otherwise provided by City Ordinance. [SDR] (PLANNING)

**THE FOLLOWING CONDITIONS OF APPROVAL SHALL BE MET WITHIN 60 DAYS OF THE FINAL APPROVAL ACTION.**

4. **NOTICE OF PROJECT RESTRICTIONS:** A Notice of Project Restrictions shall be filed in the official records of the County of Santa Clara and provide proof of such recordation to the City prior to issuance of any City permit, allowed use of the property, or Final Map, as applicable. The Notice of Project Restrictions shall be prepared by the Planning Division and shall include a description of the subject property, the Planning Application number, attached conditions of approval and any accompanying subdivision or parcel map, including book and page and recorded document number, if any, and be signed and notarized by each property owner of record and shall state the following:

“This Notice of Project Restrictions is for the purpose of informing interested persons of the fact that development approvals have been given by the City of Sunnyvale regarding the herein described property and that such approvals are conditioned upon compliance with certain restrictions that run with the land and are binding upon subsequent owners of the property. For more information about the restrictions applicable to this property see the attached conditions of approval or contact the Planning Division of the City of Sunnyvale regarding Planning Application 2010-7110, Use Permit for 286 N. Pastoria Avenue.”

For purposes of determining the record owner of the property, the applicant shall provide the City with evidence in the form of a report from a title insurance company indicating that the record owner(s) are the person(s) who have signed the Notice of Project Restrictions. This Condition shall be satisfied within 60 days of the final approval action.  
[COA] [PLANNING]

**THE FOLLOWING CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS SHALL BE COMPLIED WITH AT ALL TIMES THAT THE USE PERMITTED BY THIS PLANNING APPLICATION OCCUPIES THE PREMISES.**

5. **STREET DEDICATION AND PUBLIC IMPROVEMENTS:** An 8-foot street dedication at the front of the property is required and shall be provided to the City as public-right-of-way upon request. The dedication and other

public improvements along the property frontage will be requested at a future date when significant redevelopment activity is proposed. The determination of significant redevelopment activity shall be at the discretion of the City. [COA] [PUBLIC WORKS]

**6. DEVELOPMENT STANDARDS:**

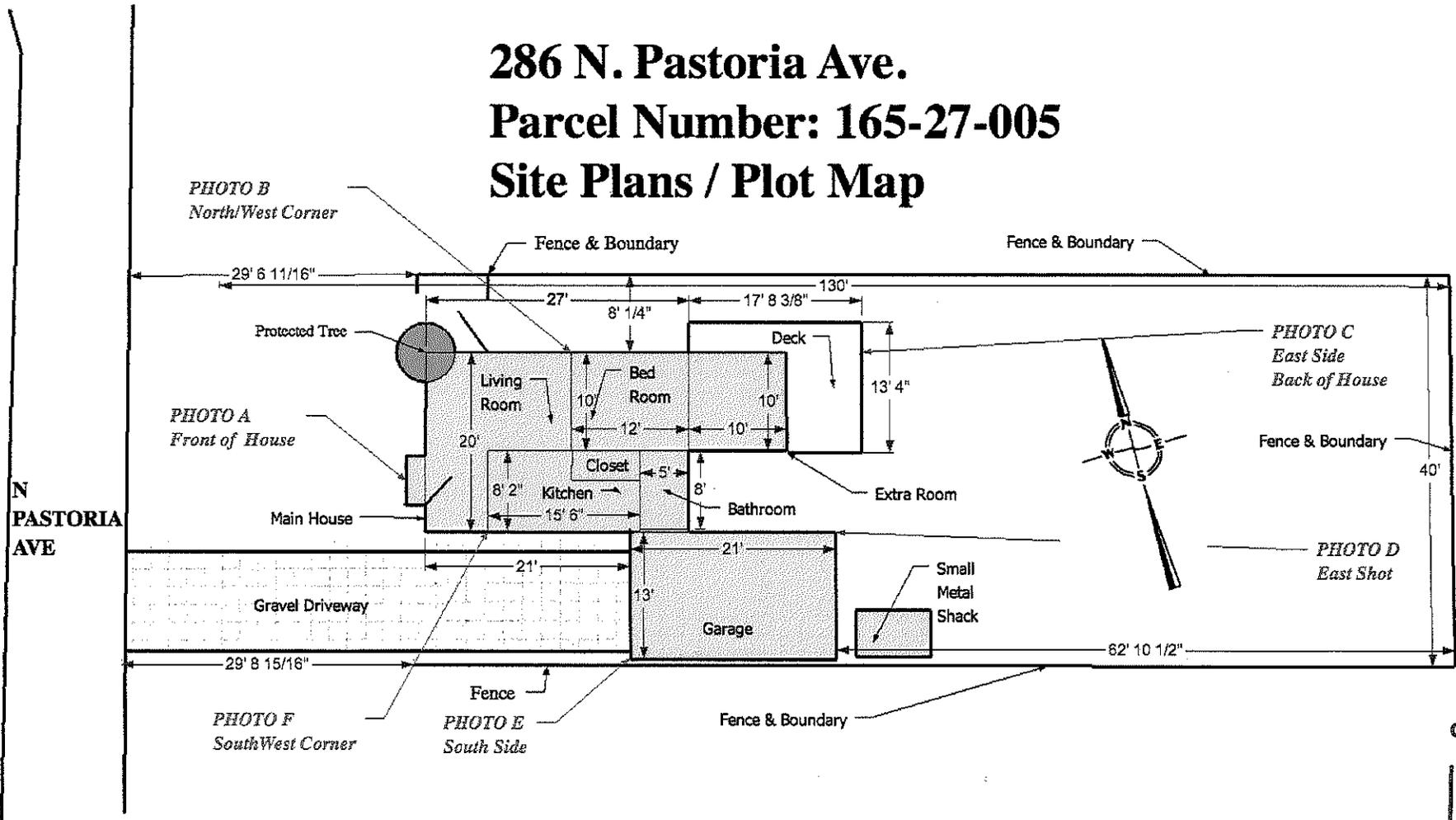
a. While this Use Permit remains in effect, any future additions, remodels, or other modifications to the single-family residence on the site shall be subject to the development standards established for the R-0 Zoning District including setbacks (see 6.b. below), lot coverage, floor area ratio, parking, and required Planning permits and processes. If the Use Permit expires or lapses or the property is converted to a non-residential use, the site shall be subject to the development standards of the Zoning District in which the property is located.

b. The front setback for the property shall be measured from the back of the required 8-foot street dedication to ensure R-0 setback standards are met after completion of the dedication. [COA] [PLANNING]

## **Attachment B**

### **Site Plans and Photographs**

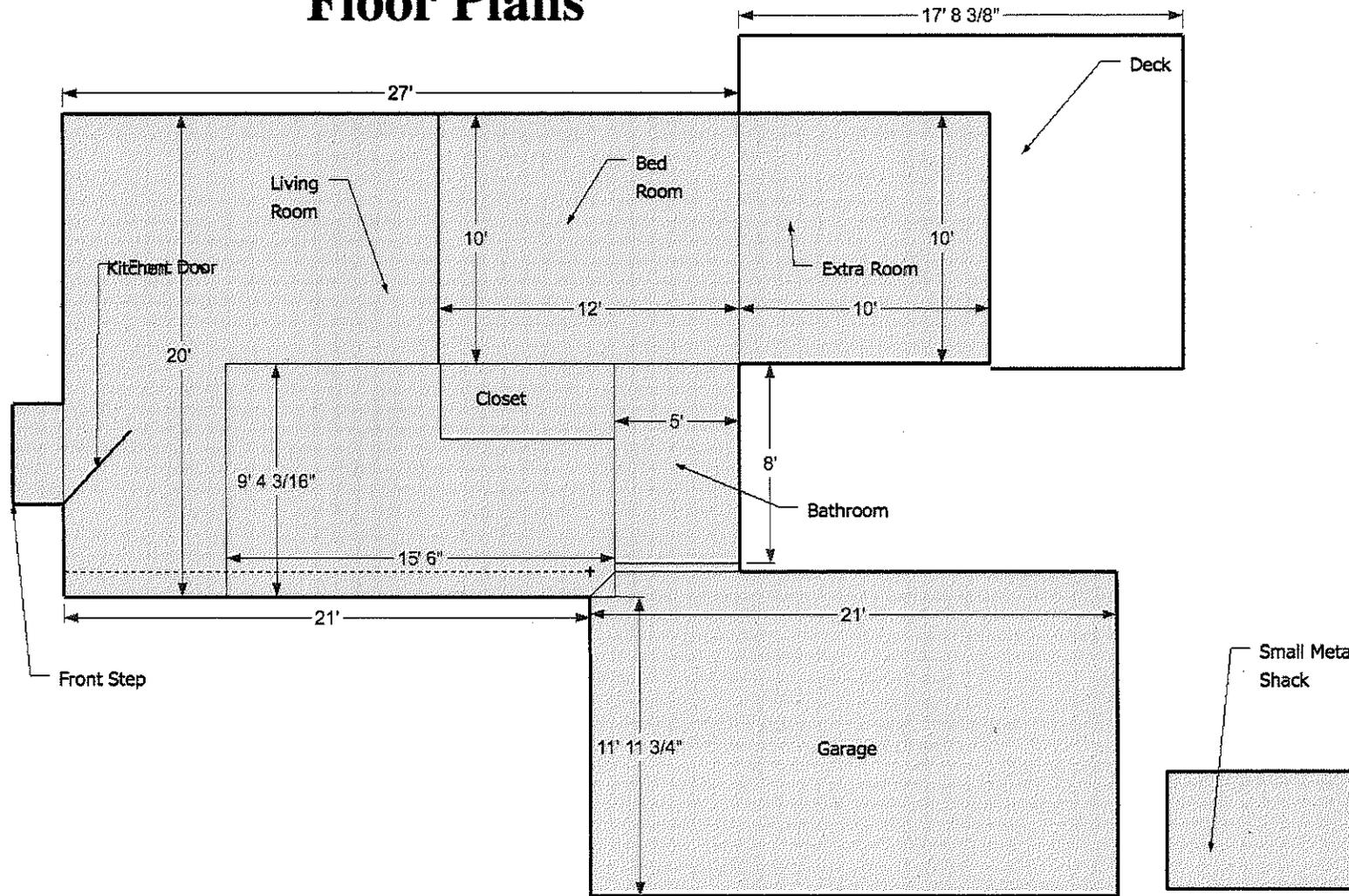
# 286 N. Pastoria Ave. Parcel Number: 165-27-005 Site Plans / Plot Map



**286 N. Pastoria Ave.**

**Parcel Number: 165-27-005**

**Floor Plans**



PHOTOS OF 286 N. PASTORIA  
IN LEU OF ARCHITECTURAL HEIGHT PLANS (Application 2010-7110)

PHOTO A (*front*)



PHOTO B (*north/west/left corner*)



PHOTO C (*east side/back*)



PHOTO D (*east side/back*)



PHOTO E (south side/right corner)

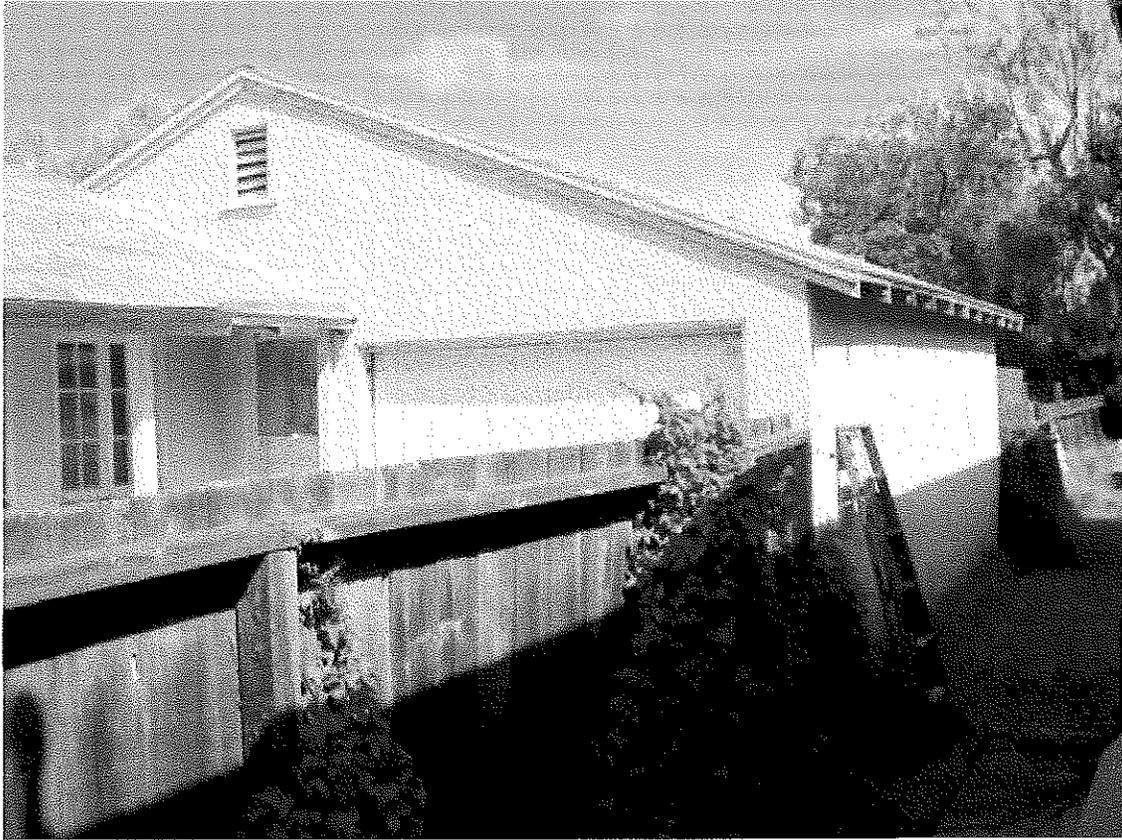
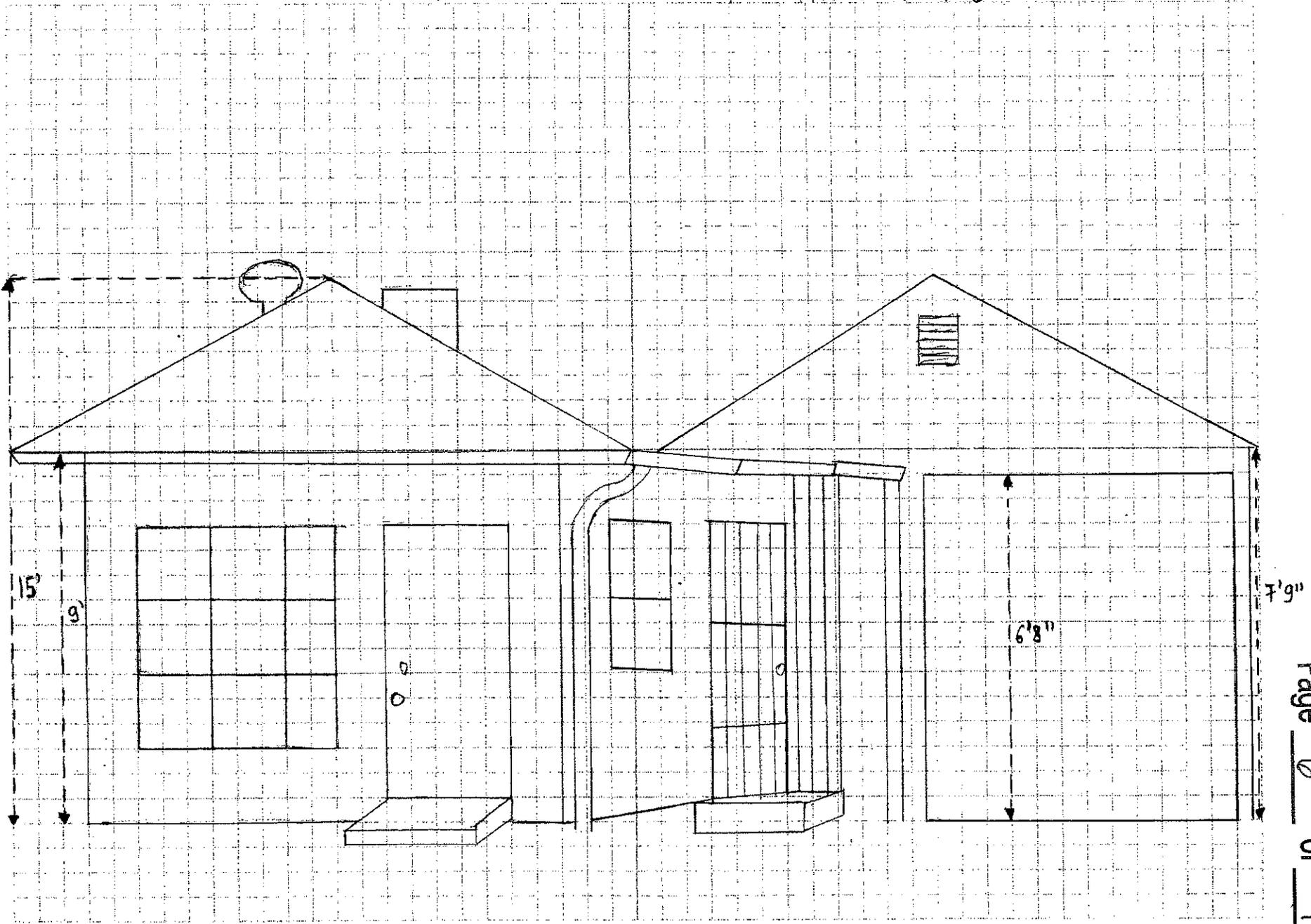


PHOTO F (south west / right corner)



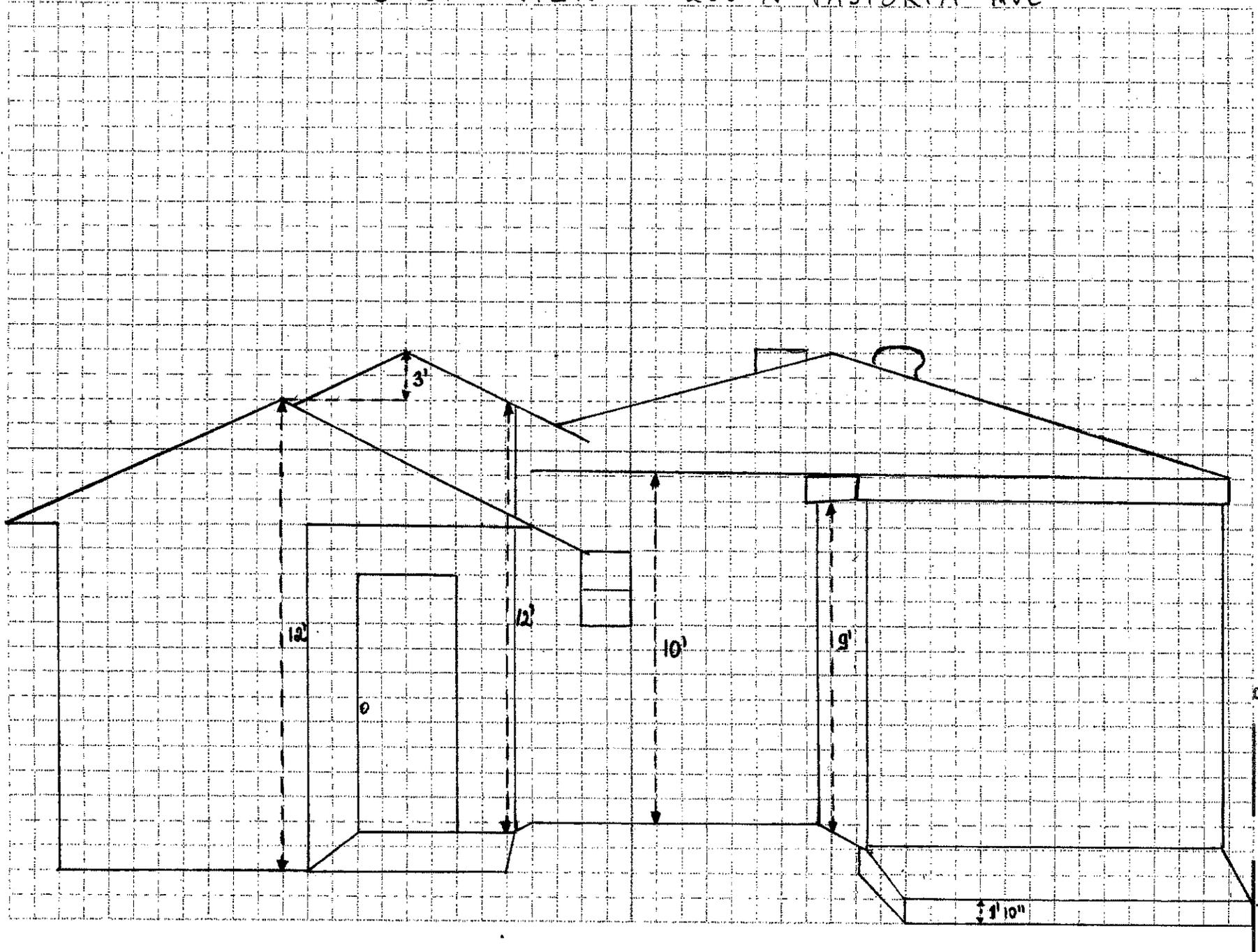
FRONT VIEW

286 N PASTORIA AVE

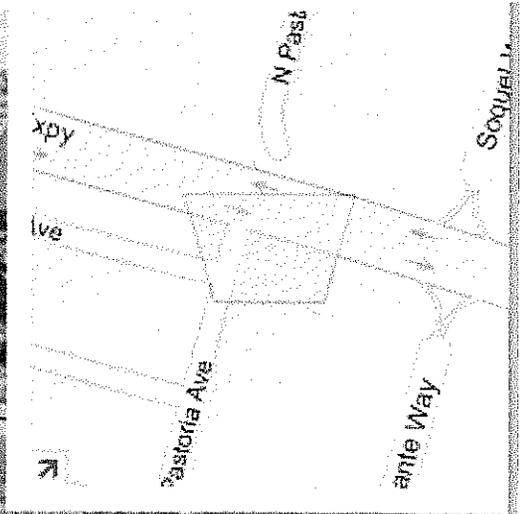
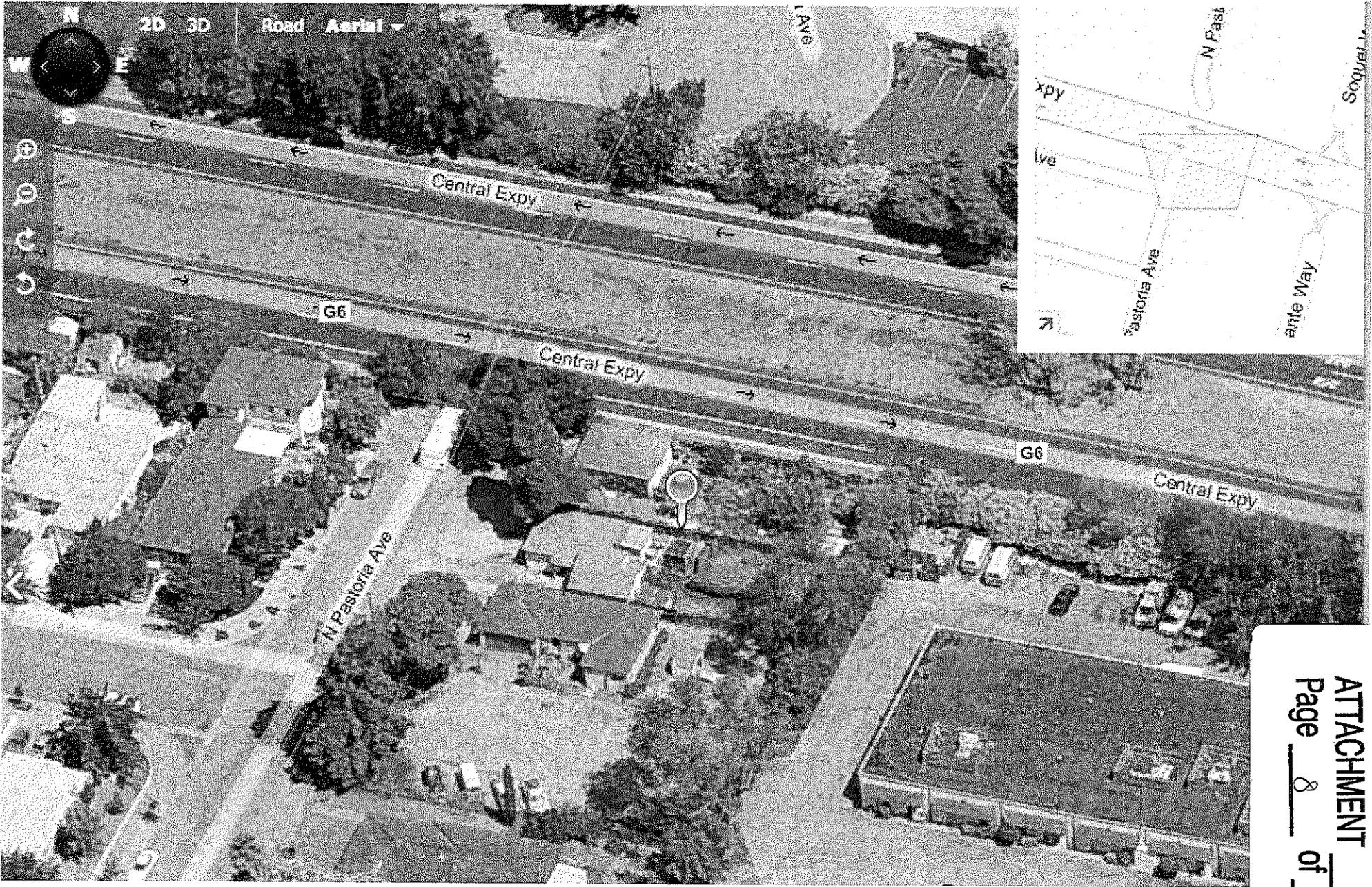


BACK VIEW

286 N PASTORIA AVE



East Plain Street Paper and Sign Manufacturing Company





286 N Pastoria Ave, Sunnyvale, CA 94086

68 ft

© 2010 Google

Imagery Date: Jun 30, 2007

37°23'05.40" N 122°02'08.40" W elev 81 ft

Eye alt 32

## **Attachment C**

### **Applicants' Letters and Justifications**

**Project Description**  
**Property address: 286 N. Pastoria Ave**  
**Owner: Marjorie Esteban**  
**Applicant: Lidia Marchioni**

**Date: 02/25/10**  
**APN: 165-27-005**  
**Tel: 650-898-7769**

*USE PERMIT: City of Sunnyvale – Subject to rebuild permission for legal nonconforming single family home in case of accidental loss - justification*

*The Sunnyvale Municipal Code requires that at least one of the following two justifications must be met in order to approve a Use Permit Application. Illustrating how your project meets each of the following justifications will assist the Planning Division in reviewing your proposal.*

- 1. Attain the objectives and purposes of the General Plan of the City of Sunnyvale.*
- 2. Ensure that the general appearance, of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties.*

Applicant Statement

1. To the best of my knowledge this Use Permit Application does not deviate from the objectives and purposes of the General Plan of the City of Sunnyvale.
2. We request permission to be able to replace this single family home in case of disaster or accidental loss for the following reasons:
  - a. The property is surrounded on three sides (N, S, & E) by single family homes.
  - b. Replacing the identical home in case of loss would not in any way be detrimental to adjoining properties or uses.
  - c. The lot has always been a legal single family home since being built in 1948.
  - d. Granting this use permit in no way grants special privileges to the proposed user or site.
  - e. This is an exceptional circumstance: great stress & hardship is unnecessarily caused by this zoning issue - forcing residents to live with the chance of a double loss - both the loss of their home, and the inability to replace or rebuilt it.
  - f. The property can't be insured, financed, or easily sold without this use permit.
  - g. The current owner needs to be able to sell the property at the best possible value and in a timely manner.
  - h. According to a recent independent appraisal, a single family residence is the highest and best use of this property.
  - i. The property parcel size (5,200sf) is legally compliant for R1 zoning, and not legally compliant for M-S Industrial zoning.

Thus, for these reasons we feel that the Use Permit is justified and should be approved.



Lidia Marchioni

**Project Description:** Residential Use Permit in Industrial Zone  
**Property address:** 286 N. Pastoria Ave  
**Owner:** Marjorie Esteban  
**Applicant:** Lidia Marchioni

**Date:** 03/29/10  
**APN:** 165-27-005  
**Tel:** 650-898-7769

## **USE PERMIT APPLICANT JUSTIFICATIONS SUPPLEMENT, PART II:**

*USE PERMIT: City of Sunnyvale – Use Permit to Allow A Single Family Home in an Industrial Zone - justification*

*The Sunnyvale Municipal Code requires that at least one of the following two justifications must be met in order to approve a Use Permit Application:*

- 1. Attain the objectives and purposes of the General Plan of the City of Sunnyvale.*
- 2. Ensure that the general appearance, of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties.*

### Applicant Statement

1. This Use Permit Application does not deviate from the objectives and purposes of the General Plan of the City of Sunnyvale.
2. We request permission to continue the residential use of 286 N. Pastoria Ave for the following reasons:

a. Historically, and currently, the most valuable, the highest and best use of 286 N. Pastoria is the residential use it has always naturally enjoyed. The long historical residential use of the land speaks strongly for itself and the wishes and values of the greater surrounding neighborhood. Through the peak of many historical business and population boom and bust cycles, there has never been a strong enough economic incentive to cause the transformation of this and surrounding properties to industrial.

b. In 1958 there was a signed agreement and mutual covenant (easement), running with the land/parcel, related to residential use. It signifies that the residential users of this land will not oppose any adjacent industrial uses of Parcels 165-27-001 & 165-27-002. Current and future 286 N Pastoria parcel owners agree not to oppose any industrial use of the connected ~12 acres of eastward land behind the properties. Applicant feels this demonstrates possible intent that both the city at the time, and the original land owners, intended to grant these parcels residential use. Applicant feels there is possibility that these small residential corner parcels may have been designated industrial unintentionally by the city in the distant past because they were a part of the greater city block when it was officially transitioned from agriculture to industrial use.

c. Although obviously contributing in a small way, allowing the Use Permit would nonetheless attain the objectives and purposes of the “Industrial To Residential districts” (ITR) general plan of Sunnyvale municipal code section 19.26.090. The purpose of the ITR district is to allow industrial, office, commercial and residential uses to exist within the same zoning district, and to allow industrial, office or commercial uses to gradually convert to residential use. (Ord. 2623-99 § 1). This Use Permit would further the city of Sunnyvale explicit goal of providing more residential land to address the City’s ongoing housing shortage.

d. Over time much has been invested in these parcels so that they function as a proper border separating the eastern industrial neighborhood from the bordering western residential neighborhood, (such as a border of tall trees and bushes along the backyard wall). Setbacks along the industrial buildings east of the property assume this parcel is residential. These border characteristics can't be easily, cheaply, or quickly reproduced. Transition to an industrial use for this lot, or all of these lots, would cause disruptions and change the character of the residential neighborhood permanently, and would not likely include the same visual boundary that now exists between the industrial and the quiet residential sections.

e. A Residential Use permit will result in higher property values for this parcel, which will result in higher property taxes for the county and city.

f. A Residential Use permit will give incentive for investment in the property for the long term. Current designation as a legal nonconforming property discourages investment in the property, leading inexorably towards blightful conditions that are now evident in all three properties.

g. Granting a use permit for this grandfathered use will absolutely not cause any taking of or encroaching on industrial uses, and will merely enshrine the status quo and the apparent intent of the original owners. It does not currently have any negative impact on the neighboring industrial zoned properties, nor would it have such impact in the future. At the same time, it has a positive impact on the neighboring residential properties, acting as a buffer zone for them and thus rising those property values and maintaining the residential feel of the neighborhood. Granting of this Use Permit will not grant special privileges beyond what is already enjoyed by the surrounding property owners.

h. Granting this Use Permit will not lead to any special precedents that can or will be demanded in the future for any other large number of other residences - as this, and the immediate adjacent parcels, are (according to the city) the only residential legal non conforming properties in an industrial zone in Sunnyvale.

i. Applicants are upstanding long time Bay Area residents and first time home buyers who plan to invest in the long term good of the property, the city and the community. Not granting the permit will prevent this investment.

j. Given it's building and architectural history, the grandfathered houses can be expected to provide many more years of practical use before needing replacement. As soon as feasible, Applicants plan to properly insulate the home, replace leaky roof, install solar panels, carry out organic and permaculture gardening, practice rainwater capture for irrigation, and generally employ as many other sustainable practices as humanly possible on the property. This use will almost certainly result in a vastly smaller carbon footprint than the necessary destruction of the house and replacement structures resulting from a forced transformation of the land to industrial use.

k. Exceptional circumstances or conditions apply to the property, or use, including size, shape, topography, location or surroundings. Strict application of zoning ordinances would deprive the property owner privileges enjoyed by other residential properties in the vicinity. This parcel, as currently legally described, does not conform to industrial

standards, while it does conform to residential. Its industrial use would be impractical, and would likely introduce many legal and environmental problems for the city, the immediate residential neighbors, and its new industrial owners. Considering this and the current economic climate, any industrial use of this property is unlikely to happen in any foreseeable future. In the meantime the properties could fall into further disrepair. The characteristics of the surrounding and adjacent quiet residential neighborhoods would be greatly altered and impacted. Parking and traffic demands created by any industrial uses of this small parcel (or parcels) would likely not be easily met.

1. Granting this Use Permit would protect the integrity of this neighborhood. It would not represent any intrusion of incompatible uses, nor any inappropriate development into the neighborhood. The proposed permit does not include any physical expansion or other modifications to the existing building, so it would lead to no visual impacts to the surrounding area, nor have any negative impacts on the site or the surrounding neighborhood.

Thus, for these reasons and those previously stated in other submissions we feel that this Use Permit would not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity, it would be beneficial to the residential neighborhood, allow for maintenance of the existing structures and a higher income for the city, and we thus feel it is justified and should be approved.

Sincerely,



Lidia Marchioni and Mark Lenhart



Title No. 09-98205363-MC  
Locate No. CACTI7743-7743-2982-0098205363**LEGAL DESCRIPTION****EXHIBIT "A"**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SUNNYVALE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

**PARCEL 1:**

BEGINNING at the point of intersection of the Northeasterly line of Lot 36 as shown on the Map of the J. T. Murphy Subdivision No. 2, as recorded in Book I of Maps, page 37, Santa Clara County Records, with the Southeasterly line of Pastoria Avenue; thence along the said Northeasterly line of Lot 36 South 75° 08' East 130.00 feet; thence parallel to the said line of Pastoria Avenue south 14° 42' West 40.00 feet; thence parallel to the said Northeasterly line of Lot 36 North 75° 08' West 130.00 feet to a point in the said Southeasterly line of Pastoria Avenue; thence along said Southeasterly line of Pastoria Avenue North 14° 52' East 40.00 feet to the point of beginning.

**PARCEL 2:**

BEGINNING at a point on the Southeasterly line of Pastoria Avenue, distant thereon South 14° 52' West 40.00 feet from the point of intersection thereof with the Northeasterly line of Lot 36 as shown on Map of the J.T.Murphy subdivision No. 2, as recorded in Book I, of Maps, page 37, Santa Clara County Records, thence along the said Southeasterly line of Pastoria Avenue South 14° 52' West 40.00 feet; thence parallel to said Northeasterly line of Lot 36 South 75° 08' East 130.00 feet; thence parallel to said Southeasterly line of Pastoria Avenue North 14° 52' East 40.00 feet; thence parallel to said Northeasterly line of Lot 36 North 75° 08' West 130 feet to the point of beginning.

**PARCEL 3:**

BEGINNING at a point on the Southeasterly line of Pastoria Avenue distant thereon S. 14° 52' N. 80.00 feet from the point of intersection thereof with the Northeasterly line of Lot 36 of the Jas. T. Murphy Subdivision No. 2, as shown upon the Map thereof hereinafter referred to; thence running along the Southeasterly line of Pastoria Avenue S. 14° 52' W., 44.37 feet; thence running S. 75° 08' E. and parallel with the Northeasterly line of said Lot 36, 130.00 feet; thence running N. 14° 52' E., and parallel with the Southeasterly line of said Pastoria Avenue 44.37 feet; thence running N. 75° 08' W., and parallel with the Northeasterly line of said Lot 36, 130.00 feet to the point of beginning and being a portion of Lot 36 as laid down, designated and delineated upon that certain Map entitled, "Map of the James P. Murphy Subdivision No.2 of Part of Lot 3 of the partition of that part of the Rancho Pastoria de las Borregas, as recorded in Book "C" of Maps, pages 74 and 75, Records of Santa Clara County", and which Map was filed for record in the Office of the Recorder of the County of Santa Clara, State of California, on July 6, 1896 in Book "I" of Maps, page 37.

APN: 165-27-004, 165-27-005, 165-27-006

copy 4041 page 686

1453960

V.T.C. #35207

(SD)

AGREEMENT AND MUTUAL COVENANTS  
RUNNING WITH THE LAND

County of Santa Clara  
State of California

In consideration of the mutual covenants between them and for the benefit of the land of the undersigned, Albert E. Pickthorn and Frances M. Pickthorn, Parcels No. 1, 2, and 3 as described in the attached Exhibit A, and for the benefit of the undersigned Keith E. Garner, all of Parcel No. 6 as described in the attached Exhibit A as is contiguous and adjacent to the above mentioned Parcels No. 1, 2, and 3, the undersigned parties hereby agree and covenant each with the

other that they or their successors in interest or assigns will not oppose or support opposition to industrial use of the above mentioned properties.

Dated: March 27, 1958.

Albert E. Pickthorn  
ALBERT E. PICKTHORN

Frances M. Pickthorn  
FRANCES M. PICKTHORN

Keith E. Garner  
KEITH E. GARNER

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FILED FOR RECORD  
AT REQUEST OF  
VALLEY TITLE CO.

MAR 31 3 22 P 1958

SANTA CLARA COUNTY

Notary Public

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STATE OF CALIFORNIA,  
County of Santa Clara

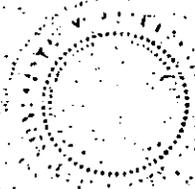
On this 27th day of March in the year one thousand nine hundred and fifty-eight  
before me, Jim Stepp a Notary Public in and for the

County of Santa Clara State of California, residing therein,  
duly commissioned and sworn, personally appeared Albert E. Pickthorn  
and Frances M. Pickthorn and Keith E. Garner,

known to me to be the persons whose names subscribed to the within instrument  
and acknowledged to me that they executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal  
in the County of Santa Clara the day and year in this  
certificate first above written.

Notary Public in and for the County of Santa Clara State of California  
My Commission Expires 3/5/60



BOOK 4041 PAGE 687

EXHIBIT A

City of Sunnyvale, County of Santa Clara, State of California

PARCEL NO. 1: Beginning at a point on the Southeasterly line of Pastoria Avenue distant thereon South 14°52' West, 40.00 feet, from the point of intersection thereof with the Northeasterly line of Lot 36 as shown on Map of the J. T. Murphy Subdivision No. 2 as recorded in Book I of Maps at page 37, Santa Clara County Records; thence along the said Southeasterly line of Pastoria Avenue South 14°52' West, 40.00 feet; thence parallel to said Northeasterly line of Lot 36 South 75°08' East 130.00 feet; thence parallel to said Southeasterly line of Pastoria Avenue North 14°52' East 40.00 feet; thence parallel to said Northeasterly line of Lot 36 North 75°08' West, 130.00 feet to the point of beginning.

PARCEL NO. 2: Beginning at the point of intersection of the Northeasterly line of Lot 36 as shown on Map of the J. T. Murphy Subdivision No. 2 as recorded in Book I of Maps at page 37, Santa Clara County Records, with the Southeasterly line of Pastoria Avenue; thence along the said Northeasterly line of Lot 36 South 75°08' East, 130.00 feet; thence parallel to the said line of Pastoria Avenue South 14°52' West, 40.00 feet; thence parallel to the said Northeasterly line of Lot 36 North 75°08' West, 130.00 feet, to a point in the said Southeasterly line of Pastoria Avenue; thence along said Southeasterly line of Pastoria Avenue North 14°52' East, 40.00 feet, to the point of beginning.

PARCEL NO. 3: Beginning at a point on the Southeasterly line of Pastoria Avenue, distant thereon South 14°52' West 80.00 feet from the point of intersection thereof with the Northeasterly line of Lot 36 as shown on Map of the J. T. Murphy Subdivision No. 2, as recorded in Book "I" of Maps at page 37, Santa Clara County Records; thence along the said Southeasterly line of Pastoria Avenue South 14°52' West 44.37 feet; thence parallel to said Northeasterly line of Lot 36 South 75°08' East 130.00 feet; thence parallel to said Southeasterly line of Pastoria Avenue, North 14°52' East 44.37 feet; thence parallel to said Northeasterly line of Lot 36, North 75°08' West 130.00 feet; to the point of beginning.

PARCEL NO. 6: Lot 36 of the James T. Murphy Subdivision No. 2 of part of Lot 3 of the partition of that part of the Rancho Pastoria de las Borregas patented to Martin Murphy, Jr., as recorded in Book G of Maps, pages 74 and 75 according to a Map of record in the office of the County Recorder of the County of Santa Clara, State of California, and in Book "I" of Maps, at page 37.