SUBJECT: **Mark and Heather Russell (Applicant):** Application for an addition to an existing one story home located at **701 Dartshire Way** in a R-O Zoning District (APN: 309-13-045).

Motion **2013-7007** - Design Review to allow the construction of a first story addition with a floor area ratio of 26.3% (approximately 4,450.5 square feet of floor area).

REPORT IN BRIEF:

**Existing Site Conditions**
Single-Family Residential

**Surrounding Land Uses**

North: Single-Family Residential
South: Single-Family Residential
East: Single-Family Residential
West: Single-Family Residential

**Issues**
Design

**Environmental Status**
A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

**Staff Recommendation**
Approve with conditions
### PROJECT DATA TABLE

<table>
<thead>
<tr>
<th></th>
<th>EXISTING</th>
<th>PROPOSED</th>
<th>REQUIRED/PERMITTED</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Plan</td>
<td>Residential Low Density</td>
<td>Same</td>
<td>Residential Low Density</td>
</tr>
<tr>
<td>Zoning District</td>
<td>R-O</td>
<td>Same</td>
<td>R-O</td>
</tr>
<tr>
<td>Lot Size (s.f.)</td>
<td>16,941</td>
<td>Same</td>
<td>6,000</td>
</tr>
<tr>
<td>Gross Floor Area (s.f.)</td>
<td>3,129.4</td>
<td>4,450.5</td>
<td>3,600 s.f. threshold (Threshold for Planning Commission Review)</td>
</tr>
<tr>
<td>Lot Coverage (%)</td>
<td>18.5%</td>
<td>26.3%</td>
<td>45% max.</td>
</tr>
<tr>
<td>Floor Area Ratio (FAR)</td>
<td>18.5%</td>
<td>26.3%</td>
<td>45% threshold (Threshold for Planning Commission Review)</td>
</tr>
<tr>
<td>Building Height</td>
<td>16’ 6”</td>
<td>16’ 6”</td>
<td>30’ max.</td>
</tr>
<tr>
<td>No. of Stories</td>
<td>1</td>
<td>1</td>
<td>2 max.</td>
</tr>
<tr>
<td>Setbacks</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>n/a</td>
<td>59’ 6”</td>
<td>20’ min.</td>
</tr>
<tr>
<td>East Side:</td>
<td>12’ 1”</td>
<td>5’ 1”</td>
<td>4’ min.</td>
</tr>
<tr>
<td>West Side:</td>
<td>14’</td>
<td>14’</td>
<td>6’ min.</td>
</tr>
<tr>
<td>South Side:</td>
<td>42’ 4”</td>
<td>10’</td>
<td>6’ min.</td>
</tr>
<tr>
<td>Rear</td>
<td>63’</td>
<td>63’</td>
<td>20’ min.</td>
</tr>
<tr>
<td>Parking</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Spaces</td>
<td>6</td>
<td>6</td>
<td>4 min.</td>
</tr>
<tr>
<td>Covered Spaces</td>
<td>3</td>
<td>3</td>
<td>2 min.</td>
</tr>
</tbody>
</table>

Starred items indicate deviations from Sunnyvale Municipal Code requirements.

### BACKGROUND:

The existing single-story home was constructed in the early 1980’s and is approximately 3,129 square feet in size resulting in a 18.5% Floor Area Ratio (FAR). There have been no previous design review applications, but at the beginning of 2005 it was finalized and recorded that two portions of Dartshire Way were vacated by the City and acquired by the applicant. In 2006 the applicant bought a third vacated portion of Dartshire Way and proceeded to have their lot line adjusted and the vacated portions added to their parcel (Attachment D).
**DISCUSSION:**

**Requested Permit(s)**

The applicant is requesting approval of a Design Review application to allow the construction of a first-story addition of 1321.1 square feet resulting in a total floor area of 4,450.5 square feet and Floor Area Ratio of 26.3%.

- **Design Review**

  The Design Review is required to be reviewed by the Planning Commission since the Gross Floor Area exceeds 3,600 square feet. The Planning Commission may take into account the proposed architecture, existing neighborhood and adopted Single-Family Design Techniques. The analysis below provides information for the Planning Commission’s consideration.

**DESIGN REVIEW:**

**Architecture**

The existing ranch-style architecture of the home is similar to other homes in the neighborhood. The proposed addition will extend the master bedroom to allow for a larger room and a master bathroom where the existing living room is currently located. An addition will also be constructed at the end of the garage to create a workshop area for the applicant as a replacement for one of two tough-sheds currently located in the rear yard. These two additions will not significantly affect the exterior appearance of the home. Both additions will be visible from the street, but will meet current setback requirements and maintain the existing exterior details. The new family room and office will have a raised ceiling height, but will not affect the overall building height. Plate heights will remain the same as the existing home for the rest of the house and siding will be continued on the exterior of the additions.

**Privacy**

There will be no privacy issues as the proposed setbacks will meet current zoning requirements and remain as a one-story home.

**Gross Floor Area**

A Gross Floor Area greater than 3,600 square feet requires review by the Planning Commission. A large gross floor area can typically be a concern for an existing neighborhood depending on lot sizes. However, this site has an unusually large lot area stemming from the acquired street vacations which allows for a larger than normal gross floor area for a single story while maintaining a small Floor Area Ratio. As can be seen in the table below, the lot size of the applicant’s property is more than double the majority of surrounding properties.
As previously discussed, the additions would not affect adjacent properties as current setback requirements will be met. The proposed additions are only at a first-story level maintaining a consistency within the primarily one-story neighborhood.

**Applicable Design Guidelines and Policy Documents**

The proposed home is consistent with the adopted Single-Family Design Techniques since the proposed design generally maintains the existing form and the streetscape character of the existing neighborhood. Recommended findings related to the Single-Family Home Design Techniques are located in Attachment A.

**Development Standards**

The proposed project complies with the applicable Development Standards as set forth in the Sunnyvale Municipal Code. The following have been identified as items for clarification for the Planning Commission:

<table>
<thead>
<tr>
<th>Address</th>
<th>Lot Area (s.f.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>709 Glencoe</td>
<td>6,174</td>
</tr>
<tr>
<td>711 Glencoe</td>
<td>8,448</td>
</tr>
<tr>
<td>712 Glencoe</td>
<td>8,190</td>
</tr>
<tr>
<td>724 Glencoe</td>
<td>10,290</td>
</tr>
<tr>
<td>728 Glencoe</td>
<td>7,980</td>
</tr>
<tr>
<td>1453 Flicker</td>
<td>6,240</td>
</tr>
<tr>
<td>737 Dartshire</td>
<td>6,116</td>
</tr>
<tr>
<td>729 Dartshire</td>
<td>9,583</td>
</tr>
<tr>
<td>709 Dartshire</td>
<td>8,372</td>
</tr>
<tr>
<td><strong>701 Dartshire</strong></td>
<td><strong>16,941</strong></td>
</tr>
<tr>
<td>1459 Flamingo</td>
<td>6,510</td>
</tr>
<tr>
<td>1463 Flamingo</td>
<td>6,510</td>
</tr>
<tr>
<td>1467 Flamingo</td>
<td>6,324</td>
</tr>
<tr>
<td>1471 Flamingo</td>
<td>6,510</td>
</tr>
<tr>
<td>1470 Firebird</td>
<td>6,572</td>
</tr>
<tr>
<td>1466 Firebird</td>
<td>6,572</td>
</tr>
<tr>
<td>1462 Firebird</td>
<td>6,510</td>
</tr>
<tr>
<td>1458 Firebird</td>
<td>6,572</td>
</tr>
<tr>
<td>1454 Firebird</td>
<td>6,060</td>
</tr>
<tr>
<td>1450 Firebird</td>
<td>6,120</td>
</tr>
<tr>
<td>1446 Firebird</td>
<td>6,360</td>
</tr>
<tr>
<td>1442 Firebird</td>
<td>6,420</td>
</tr>
<tr>
<td>1438 Firebird</td>
<td>6,180</td>
</tr>
</tbody>
</table>
• **Site Layout**
  The existing home is generally centered on the property, with an existing driveway in the side yard. The proposed addition will be located along two of the three side yards of the home and meets all setback requirements.

• **Parking/Circulation**
  The proposed addition will not affect parking requirements as it already exceeds them with a three car garage and three uncovered parking spaces within the existing driveway. There are no proposed modifications to the parking layout as part of this project.

• **Landscaping and Tree Preservation**
  No protected significant trees are proposed to be removed in conjunction with this project.

• **Green Building Requirements**
  The proposed project is required to comply with current Green Building requirements. The applicant will be required to submit a green building checklist and achieve a minimum of 80 points. The applicant has included a preliminary Green Building checklist, demonstrating that points can be achieved.

**Environmental Review**
A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

**FISCAL IMPACT**
No fiscal impacts other than normal fees and taxes are expected.

**PUBLIC CONTACT**
Staff has not received any comments at the time the staff report was prepared.

<table>
<thead>
<tr>
<th>Notice of Public Hearing</th>
<th>Staff Report</th>
<th>Agenda</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Published in the <em>Sun</em> newspaper</td>
<td>• Posted on the City of Sunnyvale's Web site</td>
<td>• Posted on the City's official notice bulletin board</td>
</tr>
<tr>
<td>• Posted on the site</td>
<td>• Provided at the Reference Section of the City of Sunnyvale's Public Library</td>
<td>• Posted on the City of Sunnyvale's Web site</td>
</tr>
<tr>
<td>• 61 notices mailed to property owners and residents adjacent to the project site</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---
CONCLUSION

The new additions are compatible with the surrounding neighborhood and have been designed to meet all development standards required in the R-0 Zoning district.

**Findings and General Plan Goals:** Staff was able to make the required Findings based on the justifications for the Design Review and the Recommended Conditions of Approval (Attachment B). Recommended Findings and General Plan Goals are located in Attachment A.

**ALTERNATIVES**

1. Approve the Design Review with the conditions in Attachment B.
2. Approve the Design Review with modified conditions.
3. Deny the Design Review and provide direction to staff and the applicant where changes should be made.

**RECOMMENDATION**

Recommend Alternative 1 to the Planning Commission: Approve the Design Review with the conditions in Attachment B.

Prepared by:

Elise Lieberman
Project Planner

Reviewed by:

Gerri Caruso
Principal Planner
Attachments:

A. Recommended Findings
B. Recommended Conditions of Approval
C. Site and Architectural Plans
D. Street Vacation and Parcel Line Adjustment Documents
RECOMMENDED FINDINGS

Design Review

The proposed project is desirable in that the project’s design and architecture conforms with the policies and principles of the Single Family Home Design Techniques.

<table>
<thead>
<tr>
<th>Basic Design Principle</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.2.1 Reinforce prevailing neighborhood home orientation and entry patterns</td>
<td>The addition will maintain the existing neighborhood pattern along the streetscape as no modifications to the existing home orientation or front façade are proposed.</td>
</tr>
<tr>
<td>2.2.2 Respect the scale, bulk and character of homes in the adjacent neighborhood.</td>
<td>The addition is modest in size and maintains a scale similar to other homes in the neighborhood.</td>
</tr>
<tr>
<td>2.2.3 Design homes to respect their immediate neighbors</td>
<td>The addition will be limited to the first floor; therefore, privacy and visual impacts to neighbors are minimal.</td>
</tr>
<tr>
<td>2.2.4 Minimize the visual impacts of parking.</td>
<td>The project does not propose any modifications to the layout of the parking for the site.</td>
</tr>
<tr>
<td>2.2.5 Respect the predominant materials and character of front yard landscaping.</td>
<td>There are no planned modifications to the landscaping associated with this project.</td>
</tr>
<tr>
<td>2.2.6 Use high quality materials and craftsmanship</td>
<td>The proposed addition utilizes high quality materials that will match the existing home.</td>
</tr>
<tr>
<td>2.2.7 Preserve mature landscaping</td>
<td>No protected trees will be removed as part of this project.</td>
</tr>
</tbody>
</table>
RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
MARCH 11, 2013

Planning Application 2013-7007
701 Dartshire Way

Design Review to allow the construction of a first story addition with a floor area ratio of 25.5% (approximately 4,327.5 square feet of floor area).

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:

GC: THE FOLLOWING GENERAL CONDITIONS AND STANDARD DEVELOPMENT REQUIREMENTS SHALL APPLY TO THE APPROVED PROJECT.

GC-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]

GC-2. 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
GC-3. TITLE 25:
Provisions of Title 25 of the California Administrative Code shall be satisfied with dependence on mechanical ventilation. [SDR] [BUILDING]

BP: THE FOLLOWING CONDITIONS SHALL BE ADDRESSED ON THE CONSTRUCTION PLANS SUBMITTED FOR ANY DEMOLITION PERMIT, BUILDING PERMIT, GRADING PERMIT, AND/OR ENCROACHMENT PERMIT AND SHALL BE MET PRIOR TO THE ISSUANCE OF SAID PERMIT(S).

BP-1. CONDITIONS OF APPROVAL:
Final plans shall include all Conditions of Approval included as part of the approved application starting on sheet 2 of the plans. [COA] [PLANNING]

BP-2. ARCHITECTURE:
All exterior materials and colors of the additions shall match that of the existing structure. [COA] [PLANNING]

BP-3. BLUEPRINT FOR A CLEAN BAY:
The building permit plans shall include a “Blueprint for a Clean Bay” on one full sized sheet of the plans. [SDR] [PLANNING]

BP-4. BEST MANAGEMENT PRACTICES:
The project shall comply with the following source control measures as outlined in the BMP Guidance Manual and SMC 12.60.220. Best management practices shall be identified on the building permit set of plans and shall be subject to review and approval by the Director of Public Works:

a) Storm drain stenciling. The stencil is available from the City's Environmental Division Public Outreach Program, which may be reached by calling (408) 730-7738.

b) Landscaping that minimizes irrigation and runoff, promotes surface infiltration where possible, minimizes the use of pesticides and fertilizers, and incorporates appropriate sustainable landscaping practices and programs such as Bay-Friendly Landscaping.

c) Appropriate covers, drains, and storage precautions for outdoor material storage areas, loading docks, repair/maintenance bays, and fueling areas.
d) Covered trash, food waste, and compactor enclosures.

e) Plumbing of the following discharges to the sanitary sewer, subject to the local sanitary sewer agency’s authority and standards:
   i) Discharges from indoor floor mat/equipment/hood filter wash racks or covered outdoor wash racks for restaurants.
   ii) Dumpster drips from covered trash and food compactor enclosures.
   iii) Discharges from outdoor covered wash areas for vehicles, equipment, and accessories.
   iv) Swimming pool water, spa/hot tub, water feature and fountain discharges if discharge to onsite vegetated areas is not a feasible option.
   v) Fire sprinkler test water, if discharge to onsite vegetated areas is not a feasible option. [SDR] [PLANNING]

**DC: THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH AT ALL TIMES DURING THE CONSTRUCTION PHASE OF THE PROJECT.**

DC-1. BLUEPRINT FOR A CLEAN BAY:
The project shall be in compliance with stormwater best management practices for general construction activity until the project is completed and either final occupancy has been granted. [SDR] [PLANNING]

DC-2. No protected trees shall be removed as part of this permit. [SDR] [PLANNING]
RESOLUTION NO. 148-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE VACATING A PORTION OF DARTSHIRE WAY AND RESERVING A PUBLIC UTILITY EASEMENT

WHEREAS, the City of Sunnyvale, pursuant to Streets and Highways Code Section 8300, et seq., is authorized to vacate street rights-of-way; and

WHEREAS, that certain land known as a portion of Dartshire Way (hereinafter "Dartshire right-of-way"), more particularly described in Exhibits A-1 through A-6 attached hereto, consisting of six (6) pages, is a dedicated street right-of-way that is not developed as a street and is not in use as a public street; and

WHEREAS, Pacific Gas and Electric and SBC California have stated that there are or may be utilities in place and in use on the Dartshire right-of-way and require the reservation of a public utility easement if the Dartshire right-of-way is vacated, which easement is described in Exhibit B-1 and shown on Exhibit B-2; and

WHEREAS, the proposed vacation of the Dartshire right-of-way has been reviewed by appropriate City departments and the Project Review Committee; and

WHEREAS, a Notice of Public Hearing to consider the vacation of the Dartshire right-of-way was published for at least two successive weeks prior to the February 8, 2005, public hearing in a newspaper that is published in the City of Sunnyvale and is designated for the publication of notices and at least three copies of then notice of hearing were posted at least two weeks before the hearing along the Portion of the Dartshire right-of-way to be vacated, pursuant to Sections 8322 and 8323 of the Streets and Highways Code; and

WHEREAS, the adjacent property owners have consented to the vacation of the Dartshire right-of-way; and

Certified as a true copy

By Susan Ramos, City Clerk
WHEREAS, on February 8, 2005, the City Council held a hearing on the proposed vacation of the Dartshire right-of-way and heard evidence and testimony from all persons interested; and

WHEREAS, the City Council finds that the public interest will be served by extinguishing the City’s interest in the Dartshire right-of-way, reserving and exempting from the vacation a public utility easement in a portion of the right-of-way being vacated.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE THAT:

1. The City Council finds and determines that:
   (a) Vacation of the Dartshire right-of-way is in conformity with the General Plan; and
   (b) The Dartshire right-of-way is not useful as a bicycle path or route; and
   (c) The Dartshire right-of-way is unnecessary for present or prospective public use or purpose.

2. The City Council hereby vacates and closes the Dartshire right-of-way, as more particularly described in Exhibits A, pursuant to Streets and Highways Code §§ 8320 et seq., reserving and exempting therefrom a public utility easement in a portion of the right-of-way being vacated, as described and shown in Exhibit B.

3. The City Council hereby authorizes and directs the City Clerk to record a certified copy of this resolution, attested by the City Clerk under seal, with the Santa Clara County recorder’s office.

4. Commencing with the date of recording of this resolution, the Dartshire right-of-way shall no longer be a public street easement.

Adopted by the City Council at a regular meeting held on February 8, 2005, by the following vote:

AYES: LEE, HAMILTON, FOWLER, CHU, SWEGLES, MILLER, HOWE
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

ATTEST:

(SEAL)

City Clerk

APPROVED:

Mayor

By:

City Clerk of the City of Sunnyvale
EXHIBIT “A-1”

FOR VACATION PURPOSES

PARCEL A

All that certain real property situate in the City of Sunnyvale, County of Santa Clara, State of California, described as follows:

Being a portion of Dartshire Way, formerly Panama Avenue, being 40 feet in width, as shown in Map of the Lewis Subdivision No. 5, filed in Book “O” of Maps at Page 54 on June 18th 1914, Records of Santa Clara County, more particularly described as follows:

BEGINNING at the southwesterly corner of Lot 7 as designated in Book “O”, of maps at page 54 and common to the north line of said Dartshire Way, as designated on said Map of the Lewis Subdivision No 5.;

Thence leaving said corner and along the north line of said Dartshire Way, North 89°35'00" East, 96.00 feet to the southwest corner of lot 11 designated on that certain map of Tract No. 3181 entitled “Greentree Unit No.1” filed May 17th 1962 in Book 147 Page 12 & 13, Official Records of Santa Clara County;

Thence leaving said corner of said Lot 11, South 00°25'00" East 20.00 feet to the centerline of said Dartshire Way;

Thence along said centerline of Dartshire Way, South 89°35'00" West, 96.00 feet to a point on the east line of Lot 83, designated on that certain map of Tract No. 3234 entitled “Greentree Unit No. 2” filed August 3rd, 1962 in book 150 at maps on page 37;

Thence along said east line of Lot 83, North 00°25'00" West, 20.00 feet to the POINT OF BEGINNING.

Parcel A contains an area of 1920 square feet, more or less.

For: BKF Engineers

By: [Signature]

Davis Thresh, P.L.S. No. 6868
License expires: 9-30-2006

Dated: 1-31-2005

[Stamp: LICENSED LAND SURVEYOR]

[Stamp: DAVIS THRESH]

[Stamp: EXP. 9/30/06]

[Stamp: No. 6868]
EXHIBIT “A-3”

FOR VACATION PURPOSES

PARCEL B

All that certain real property situate in the City of Sunnyvale, County of Santa Clara, State of California, described as follows:

Being a portion of Dartshire Way, formerly known as Panama Avenue, being 40 feet in width as shown on Map of the Lewis Subdivision No. 5, filed in Book “O” of Maps at Page 54 on June 18th 1914, Records of Santa Clara County, more particularly described as follows:

BEGINNING at the northeast corner of Lot 1, as designated on map of Tract No. 2944, entitled "Fairwood" filed June 15th 1961 in Book 134 of Maps at Pages 8 and 9, Records of Santa Clara County and common with the south line of said Dartshire Way.

Thence South 89°35'00" West, 109.76 feet to the southeast corner of Lot 83, as designated on map of Tract No. 3234 entitled "Greentree" Unit No.2 filed August 3rd 1962 in book 150 maps at page 37.

Thence leaving said corner of said Lot 83, North 00°25'00" West, 20.00 feet to the centerline of said Dartshire Way, formerly known as Panama Avenue, being 40 feet in width;

Thence along said centerline of Dartshire Way, North 89°35'00" East, 110.79 feet to the beginning of a non-tangent curve, concave to the east, having a radius of 40.00 feet, from said point a radial line bears South 77°24'50" East;

Thence southerly along said curve, having a central angle of 13°00'48" and an arc length of 9.09 feet;

Thence South 00°25'38" East 10.99 feet to the POINT OF BEGINNING.

Parcel “B” contains an area of 2198 square feet, more or less.

For: BKF Engineers

By: [Signature]

Dated: 1-31-2005
EXHIBIT “A-5”

FOR VACATION PURPOSES

PARCEL C

All that certain real property situate in the City of Sunnyvale, County of Santa Clara, State of California, described as follows:

Being a portion of Dartshire Way, formerly know as Panama Avenue, being 40 feet in width as shown on Map of the Lewis Subdivision No. 5, filed in Book “O” of Maps at Page 54 on June 18th 1914, Records of Santa Clara County, more particularly described as follows:

BEGINNING at the southwest corner of Lot 11, designated on map of Tract No. 3181 entitled “Greentree Unit No. 1” filed in Book 147 Maps at Pages 12 & 13 Records of Santa Clara County;

Thence North 89°35’00” East 26.21 to the beginning of a non-tangent curve, concave to the east, having a radius of 40.00 feet, from said point a radial line bears South 43°56’52” East;

Thence southerly along said curve, having a central angle of 33°27’57” and an arc length of 23.36 feet to a point on the centerline of said Dartshire Way;

Thence South 89°35’00” West 14.79 feet along said centerline of said Dartshire Way;

Thence North 00°25’00” West 20.00 feet to the POINT OF BEGINNING.

Parcel “C” contains an area of 384 square feet, more or less.

For: BKF Engineers

By:  

Davis Thresh, P.L.S. No. 6868  
License expires: 9-30-2006  
Dated: 1-31-2005
EXHIBIT "B-1"

PUBLIC UTILITY EASEMENT

DARTSHIRE WAY

An easement for public utility purposes and incidents thereto in, over, through, across, beneath, and upon that parcel of land situated in the City of Sunnyvale, County of Santa Clara, State of California being a portion of Dartshire Way, as designated on the Parcel Map, filed December 21st 1966 in book 217 of map at page 38, Santa Clara County Records, more particularly described as follows:

BEGINNING at a point on the westerly line of Flamingo Way, said point also being the northeast corner of lot 1, as designated on the map of Tract No. 2944 entitled "Fairwood", filed June 15th 1961 in book 134 of maps at pages 8 and 9;

Thence along the northerly line of said Lot 1, South 89°35'00" West, 109.76 feet to the southeast corner of lot 83, as designated on the map of Tract No. 3234 entitled "Greentree Unit No. 2", filed August 3rd 1962 in book 150 of maps at page 37;

Thence along the east line of said Lot 83, North 00°25'00" West 40.00 feet to the southwest corner of Parcel "B" as designated on said Parcel Map;

Thence along the southerly line of said Parcel "B", North 89°35'00" East 4.94 feet;

Thence leaving said southerly line of Parcel "B", South 08°05'02" East 30.27 feet;

Thence parallel with said northerly line of said Lot 1, Tract No. 2944, North 89°35'00" East 51.97 feet;

Thence North 00°25'00" West 5.24 feet;

Thence parallel with said northerly line of said Lot 1, Tract No. 2944, North 89°35'00" East 49.04 feet to the beginning of a non-tangent curve, concave to the east, having a radius of 40.00 feet, from which a radial line bears South 84°19'55" East, said point also being on the westerly line of said Flamingo Way;

Thence southerly, along said curve and along said westerly line of Flamingo Way, through a central angle of 06°05'43", and an arc length of 4.26 feet;

Thence continue along said westerly line of Flamingo Way, South 00°25'38" East 10.99 feet to the POINT OF BEGINNING.

Containing an area of 1,563 square feet, more or less.

A plat showing the above-described parcel is attached hereto and made a part hereof as Exhibit "B".

EXHIBIT "B-1"
For: BKT Engineers

By:  
Davis Thresh, P.L.S. No. 6868
License expires: 9-30-2006

Dated: 1-31-2005
County of Santa Clara
Office of the County Assessor
County Government Center, East Wing
70 West Hedding Street
San Jose, California 95110-1771
FAX (408) 298-9446
www.scc-assessor.org

Lawrence E. Stone, Assessor

Assessment Change Notice

Date of Notice: 10/20/2006

RUSSELL, MARK L ET AL

701 DARTSHIRE WY
SAN JOSE CA 94087

Notice No: 008455
Document: 18222579 R
Parcel: 309-13-045

Subject: Assessor Parcel Number Change

For property tax purposes and per the State of California Revenue and Taxation Code, Section 327:

The Assessor Parcel Number(s) below have been changed effective for the assessment roll year(s) 2007-08

Reason for Change:

PROPERTY BOUNDARY CHANGE PER RECORDED DOCUMENT

Old Parcel(s):


New Parcel(s):

309-13-045

If you require further clarification, please call (408) 299-5559.

Very Truly Yours,

MARIAN SHANK
Mapping Identification Unit
Assessment Services Division

LAWRENCE E. STONE
County Assessor
OWNERS OF PROPERTY AFFECTED:
Mark L. Russell and Heather C. Russell

DESCRIPTONS OF PROPERTIES AFFECTED:
Parcel A: that certain real property being a merger of Parcel B, as shown on that certain Parcel Map, Filed in Book 217 of Maps at page 38, Records of Santa Clara County, and that portion of the vacated Dartshire Way, formerly Panama Avenue, being 40 feet in width, as vacated by the City of Sunnyvale under that certain Resolution No. 148-05, recorded February 11, 2005, as Document No. 18229441, Santa Clara County Records. Portions of said vacation were further conveyed to Mark L. Russell and Heather C. Russell by Robert A. Conrad and Elizabeth C. Conrad by Quitclaim Deed recorded February 7, 2005, as Document No. 18222579, and also conveyed by Rachel Parks, by Quitclaim Deed recorded February 22, 2005, as Document No. 18241428, Santa Clara County Records.

Notice is hereby given that the property configuration described in Exhibits A and B as shown on the accompanying plat, attached hereto and made a part hereof, does not create separate parcels but only adjusts the lot lines between said Parcel A and said vacated portion of Dartshire Way, as hereinabove described. The new parcel configurations resulting therefrom comply with the provisions of Division 2, Title 7 of the Government Code of the State of California, cited as the Subdivision Map Act, and all local ordinances enacted pursuant thereto. No further representations are made nor implied.

FURTHER, THAT AS A RESULT OF THIS CERTIFICATE OF COMPLIANCE FOR LOT LINE ADJUSTMENT, THE SALE, LEASE OR FINANCING OF ANY PARCEL DESCRIBED AND SHOWN ON SAID EXHIBIT SHALL NOT CONSTITUTE A VIOLATION OF THE SUBDIVISION MAP ACT OR OF LOCAL ORDINANCE. HOWEVER, DEVELOPMENT OR REDEVELOPMENT OF THE PARCELS MAY REQUIRE ISSUANCE OF A PERMIT OR PERMITS, OR OTHER GRANTS OF APPROVAL.

REVIEW FOR COMPLIANCE WITH ZONING AND BUILDING CODES.

Reviewed by: ____________________________

Date: 5-16-06

APPROVED BY:

______________________________

Marvin A. Rose
Director of Public Works
City of Sunnyvale

Date: 6/23/06
OWNER(S) CERTIFICATE
FOR LOT LINE ADJUSTMENT

OWNERS OF PARCEL B and VACATED PORTIONS OF DARTSHIRE WAY
(FORMERLY PANAMA AVENUE):

Mark L Russell
Heather C. Russell

Signature
Mark L. Russell
Printed Name
DATE: 6/21/06

Signature
Heather C. Russell
Printed Name
DATE: 6/21/06

(Signature(s) to be notorized)

-----------------------------------------------
State of California
County of Santa Clara) (SS)

On JUNE 21, 2006 before me, PAUL J. KIEFER Notary Public,
personally appeared MARK L. RUSSELL / HEATHER C. RUSSELL

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose
name(s) I am subscribed to the within instrument and acknowledged to me that the person(s), or the person(s) on
their behalf, executed the same in their authorized capacity(ies), and that by their signature(s) on the instrument
the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature
(Paul J. Kiefer)
(Seal)

PAUL J. KIEFER,
COMM. # 1550095
NOTARY PUBLIC CALIFORNIA
SANTA CLARA COUNTY
MY COMMISSION EXPIRES
MAY 19, 2009
EXHIBIT "A"

LOT LINE ADJUSTMENT
701 Dartshire Way, Sunnyvale, CA 94087

PARCEL A

All that certain real property situate in the City of Sunnyvale, County of Santa Clara, State of California, described as follows:

Being a merger of Parcel B, as shown on that certain Parcel Map, Filed in Book 217 of Maps at page 38, Records of Santa Clara County, and that portion of the vacated Dartshire Way, formerly Panama Avenue, being 40 feet in width, more particularly described as follows.

BEGINNING at the northeast corner of Lot 1, as shown on Map of Tract No. 2944, entitled "Fairwood", filed in Book 134 of Maps at page 8 and 9, Records of Santa Clara County, said point also being on the westerly line of Flamingo Way, 62 feet in width, as shown on said Map of Tract No. 2944;

Thence South 89°35'00" West 109.76 feet along the northerly line of said Lot 1, and Lot 12 of said Map of Tract No. 2944, to the southeast corner of Lot 83, as shown on Map of Tract No. 3234, entitled "Greentree Unit No.2", filed in Book 150 of Maps at page 37, Records of Santa Clara County;

Thence North 00°25'00" West 169.57 feet along the easterly line of said Lot 83, Lots 82 and Lot 81 of said Map of Tract No. 3234 to the northwest corner of Parcel "B", filed in Book 217 Maps at page 38;

Thence along the northerly line of said Parcel "B" North 89°35'00" East 96.00 feet to a point on the westerly line of Lot 10 of Map of Tract No. 3181, entitled "Greentree Unit No. 1", filed in Book 147 of Maps at page 12 and 13, Records of Santa Clara County;

Thence leaving said northerly line along said westerly line South 00°25'00" East 129.57 feet to the southwest corner of said Lot 11 of said Map of Tract No. 3181;

Thence along said southerly line North 89°35'00" East 26.21 feet to a point on the northerly line of said Dartshire Way as shown on said Map of Tract No. 3181, said point also being the beginning of a non-tangent curve, concave to the southeast, having a radius of 40.00 feet, from said point a radial line bears South 43°56'52" East;

Thence southwesterly along said curve, through a central angle of 46°28'46" and an arc length of 32.45 feet to said westerly line of Flamingo Way;
Thence along said westerly line South 00°25'38" East 10.99 feet, to the POINT OF
BEGINNING.

Parcel A contains an area of 16941 square feet, more or less.

For: BKF Engineers

By: [Signature]

Davis Thresh, P.L.S. No. 6868
License expires: 9-30-2006

Dated: 3-9-2005
RECORDING REQUESTED BY
First American Title Insurance Company
National Commercial Services

AND WHEN RECORDED MAIL TO:
Mark L. Russell and Heather C. Russell
701 Dartshire Way
Sunnyvale, CA 94087

WE HEREBY CERTIFY THIS TO BE A TRUE AND
CORRECT COPY OF THE ORIGINAL RECORDED
ON: 6/28/06 INSTRUMENT # 18992560
COUNTY OF: Santa Clara
FIRST AMERICAN TITLE COMPANY

Space Above This Line for Recorder's Use Only

A.P.N.: 309-13-040
File No.: NCS-102966-SC (LT)

GRANT DEED

The Undersigned Grantor(s) Declare(s): DOCUMENTARY TRANSFER TAX $0.00; CITY TRANSFER TAX $0.00;
SURVEY MONUMENT FEE $

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[ ] computed on the consideration or full value of property conveyed, OR
[ ] computed on the consideration or full value less value of liens and/or encumbrances remaining at time of sale,
[ ] unincorporated area; [ x ] City of Sunnyvale, and
[ x ] Exempt from transfer tax; Reason: Conveyance pursuant to Lot Line Adjustment.

Declarant's signature (must be signed if no transfer tax is being paid)

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
Mark L. Russell and Heather C. Russell, husband and wife, as community property with right of
survivorship

hereby GRANT(s) to Mark L. Russell and Heather C. Russell, husband and wife, as community
property with right of survivorship

the following described property in the City of Sunnyvale, County of Santa Clara, State of California:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

Dated: 06/23/2006

Mail Tax Statements To: SAME AS ABOVE
STATE OF \textit{California}\nCOUNTY OF \textit{Santa Clara}\n
On \textit{June 22, 2006}, before me, \textit{L. Tugade},
Notary Public, personally appeared
\textbf{MARK L. RUSSELL + HEATHER C. RUSSELL}, personally known to me
(or 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.

WITNESS my hand and official seal.

\textbf{Signature}\n
\textit{L. Tugade}\n
My Commission Expires: \textit{5/3/2008}\n
\textbf{Notary Name:} \underline{\textit{}} \hspace{2cm} \textbf{Notary Phone:} \underline{\textit{}}\n\textbf{Notary Registration Number:} \underline{\textit{}} \hspace{2cm} \textbf{County of Principal Place of Business:} \underline{\textit{}}

\textit{This area for official notarial seal}
EXHIBIT "A"

LOT LINE ADJUSTMENT
701 Dartshire Way, Sunnyvale, CA 94087

PARCEL A

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Thence along said westerly line South 00°25'38" East 10.99 feet, to the POINT OF BEGINNING.

Parcel A contains an area of 16941 square feet, more or less.

For: BKE Engineers

By: [Signature]

Davis Thresh, P.L.S. No. 6868
License expires: 9-30-2006

Dated: 11-9-2005