REPORT TO PLANNING COMMISSION

Hearing Date: February 6, 2012

FILE #: 2011-7854
Applicant/Owner: Shen Design/Garland Chan
Location: 1363 Norman Drive (APN: 313-12-008)
Proposed Project: Design Review for a new 3,783 square foot two-story home and a new 699 square foot single-story accessory living unit resulting in approximately 48% Floor Area Ratio.

REPORT IN BRIEF:

Existing Site Conditions
Surrounding Land Uses
   North  Single-family residence
   South  Single-family residence
   East   Single-family residence (across Norman Dr.)
   West   Single-family residence

Issues
Floor Area Ratio, Architectural Design, Neighborhood Compatibility

Environmental Status
Class 1 and Class 3 Categorical Exemptions relieve 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-1</td>
<td>Same</td>
<td>R-1</td>
</tr>
<tr>
<td>Lot Size (s.f.)</td>
<td>9,300</td>
<td>Same</td>
<td>8,000 min.</td>
</tr>
<tr>
<td>Gross Floor Area (s.f.)</td>
<td>1,289</td>
<td>4,482</td>
<td>3,600 max. without PC review</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(3,783 home + 699 ALU)</td>
<td></td>
</tr>
<tr>
<td>Lot Coverage</td>
<td>13.9%</td>
<td>34%</td>
<td>40% max.</td>
</tr>
<tr>
<td>Floor Area Ratio (FAR)</td>
<td>13.9%</td>
<td>48.2%</td>
<td>45% max. without PC review</td>
</tr>
<tr>
<td>Building Height</td>
<td>~18’</td>
<td>29’4”</td>
<td>30’ max.</td>
</tr>
<tr>
<td>No. of Stories</td>
<td>1</td>
<td>2</td>
<td>2 max.</td>
</tr>
<tr>
<td>No. of Buildings</td>
<td>1</td>
<td>2 (home + ALU)</td>
<td>N/A</td>
</tr>
<tr>
<td>Distance Between</td>
<td>N/A</td>
<td>9’4”</td>
<td>5’ min.</td>
</tr>
<tr>
<td>Buildings</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Setbacks (First/Second Facing Property)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>36’</td>
<td>24’/25’5” (home)</td>
<td>20’/25’ min.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>81’ (ALU)</td>
<td></td>
</tr>
<tr>
<td>Left Side</td>
<td>17’</td>
<td>13’/14’6” (home)</td>
<td>6’/9’ min. per side; 15’/21’ min. combined</td>
</tr>
<tr>
<td></td>
<td></td>
<td>6’ (ALU)</td>
<td></td>
</tr>
<tr>
<td>Right Side</td>
<td>17’</td>
<td>6’/7’4” (home)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>44’ (ALU)</td>
<td></td>
</tr>
<tr>
<td>Rear</td>
<td>62’</td>
<td>51’ (home)</td>
<td>20’ min.*</td>
</tr>
<tr>
<td></td>
<td></td>
<td>10’ (ALU)</td>
<td></td>
</tr>
<tr>
<td><strong>Parking</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Covered Spaces</td>
<td>0</td>
<td>2</td>
<td>2 min.</td>
</tr>
<tr>
<td>Uncovered Spaces</td>
<td>2</td>
<td>3</td>
<td>3 min.</td>
</tr>
</tbody>
</table>

*A single-story main or accessory structure may extend 10 feet into the required rear yard providing the area of such extension does not exceed 25 percent of the required rear yard area.

Starred items indicate deviations from Sunnyvale Municipal Code requirements.

## BACKGROUND:

The existing single-story home was constructed in 1950 and is approximately 1,289 square feet in area resulting in 14% Floor Area Ratio (FAR). The following table summarizes previous planning applications related to the project site.

<table>
<thead>
<tr>
<th>File Number</th>
<th>Brief Description</th>
<th>Hearing/Decision</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007-0812</td>
<td>Design Review for a new two-story residence resulting in 43% FAR</td>
<td>Planning Commission / Withdrawn</td>
<td>03/20/2008</td>
</tr>
</tbody>
</table>
DISCUSSION:

Requested Permit(s)

The applicant is requesting approval of a Design Review application to allow demolition of the existing single-story residence and construction of a new 3,783 square foot two-story residence (including double-counted high-ceiling areas) with a new 699 square foot single-story accessory living unit. The project will result in approximately 4,482 square feet and 48.3% FAR.

- Design Review

This Design Review application must be reviewed by the Planning Commission due to a requested total floor area exceeding 3,600 square feet and a requested FAR exceeding 45%. The Planning Commission may take into account the proposed architecture, the existing neighborhood context, and the adopted Single Family Home Design Techniques. The following analysis provides information for the Planning Commission's consideration.

ANALYSIS:

Neighborhood Context

The project site is located in the Raynor Park neighborhood, a formerly unincorporated area annexed to the City in 1979. It is characterized by large lots and a lack of typical infrastructure such as curbs, gutters, and sidewalks, giving it a somewhat rural character. The neighborhood is currently in transition from smaller single-story Ranch style homes to larger two-story homes in a contemporary architectural style. The newer homes generally exceed 3,600 square feet in area and many exceed 45% FAR.

Site Layout

The proposed two-story home is located towards the front of the lot with a front-loading garage and two-car driveway. The proposed single-story accessory living unit is located at the rear of the property on the left side. The proposed driveway continues back along the left side property line to access the accessory living unit, in front of which an additional uncovered parking space is provided in compliance with Code.

Architecture

Similar to other newer homes in the neighborhood, the proposed two-story home uses a contemporary architectural style which is generally rectilinear in form but incorporates a tall curved window area along the right side of the front facade. Exterior materials consist of stucco walls and concrete tile roofing.
The single-story accessory living unit uses the same materials and a modest, scaled-down version of the home’s architecture.

Although the proposed home has a floor area exceeding 3,600 square feet, the mass and bulk of the structure are reduced by design features including varied front setbacks, increased second floor setbacks, roof elements at the first floor level, and roofline variations. The design also features a modest entry beneath the first floor roofline. These design features are consistent with the Single Family Home Design Techniques. In response to staff comments, the applicant has modified the design to reduce the size of the second floor deck above the garage, relocate the other second floor deck from the side to the rear of the home, and redesigned some less-compatible second floor elements.

Staff remains concerned about the height of the curved tower element located on the right side of the front facade. Although proposed as a single-story area, this element has an interior height of 14 feet from floor ceiling, and a total height of 19’2” from grade to top of roof. Staff finds a plate height of 14 feet to be excessive in the context of this neighborhood. Plate heights for surrounding single-story homes are generally eight feet. Newer homes often use plate heights of nine to 10 feet to provide the opportunity for high ceilings. In this case the tower element is placed adjacent to an existing single-story home with eight-foot plates, exacerbating its visual impact. Staff finds this significant height difference to be inconsistent with the Single Family Home Design Techniques and recommends Condition of Approval Ps-1.a requiring the plate height of this feature be reduced to no more than 10 feet (Attachment B). The property owner is not in agreement with staff’s recommendation as he desires a very tall ceiling for the home’s formal living room. The applicant also notes that the proposed height of this element balances the overall house design by falling midway between the first and second story levels.

**Floor Area Ratio**

A Floor Area Ratio (FAR) greater than 45% requires review by the Planning Commission. Higher FARs can be a concern in some neighborhoods. As noted above, Raynor Park is in transition. Many properties have redeveloped with newer two-story homes exceeding 45% FAR, in some cases as high as 56% FAR. At the same time, many older single-story homes with very low FARs remain. Attachment E provides a summary of existing FARs in the surrounding neighborhood. Staff finds the proposed FAR of 48% is comparable to other new homes in Raynor Park.

**Privacy**

The proposed two-story structure includes windows on both sides of the second floor. Most of these side windows are proposed with high sills (five feet or more above the floor). Those with lower sills use translucent glazing to reduce privacy impacts. However, staff is concerned about potential privacy impacts resulting from a window along the right side elevation at the interior staircase. The staircase includes a landing approximately seven feet above the ground
floor which is directly adjacent to a large side window overlooking the adjacent single-story home. In addition, staff is concerned about privacy impacts resulting from a large low-sill window on the rear elevation in the tub area of Master Bathroom #1. To address these potential privacy impacts, staff recommends these windows be redesigned incorporate high sills or use translucent glazing (Conditions of Approval PS-1.b and PS-1.c).

**Solar Access**

SMC 19.56.020 requires that new construction shall not block or reduce sun exposure on more than 10 percent of the roof of any existing structure during specified hours. The applicant has submitted a solar access and shadow analysis demonstrating that the proposed two-story home shades less than five percent of the roof area of structures on the neighboring property to the north, and does not shade any roofs to the south. The existing detached garage on the adjacent property to the north will be more than 28 percent shaded at nine a.m. on the shortest day of the year; however, the main residential structure will be minimally shaded. Typically for single-family residential uses staff has permitted the roof areas of all structures on the property to be combined for the purpose of shade calculations. The proposed project is determined to comply with Code requirements for solar access.

**Applicable Design Guidelines and Policy Documents**

The proposed project as conditioned is consistent with the adopted Single Family Home Design Techniques (see Attachment A for details). The proposed project generally maintains the existing shape, form, and streetscape character of newer homes in the neighborhood. As conditioned, impacts of massing on the adjacent single-story neighbor are reduced by lowering the curved front element and privacy impacts along the side and rear elevations are reduced by requiring high-sill or translucent windows on the second floor. Staff has included detailed findings related to the Single Family Home Design Techniques in Attachment A.

**Development Standards**

The proposed project as conditioned 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:

- **Setbacks**
  
The project as proposed does not comply with the minimum second story side setback along the right side elevation. An interior staircase is provided along the right side of the home; this staircase includes a landing approximately seven feet above the ground floor which constitutes a second floor. The minimum side setback for a second story element is nine feet; the second story area of the staircase area is located at a setback of 7 feet 4 inches. Staff recommends Condition of Approval PS-1.d requiring the applicant to increase the right side setback in this area to at least 9 feet.
• **Parking/Circulation**

The project provides a two-car garage and two uncovered parking spaces on the driveway for the main home, as well as an additional uncovered parking space in front of the accessory living unit. The project data indicates the proposed garage area is a total of 391 square feet, where a minimum of 400 square feet is required as calculated from the building’s exterior dimensions. Staff recommends Condition of Approval PS-1.e requiring the applicant to enlarge the garage to meet Code requirements. This shall be done within the currently proposed building footprint without increasing FAR.

• **Landscaping and Tree Preservation**

The project proposes limited re-landscaping in the front yard area. Landscaped areas greater than 1,000 square feet which are added or rehabilitated in conjunction with the construction of a new home must comply with the City’s adopted water efficient landscaping requirements. The proposed rehabilitated landscaping area is less than 1,000 square feet.

The project proposes to remove a large mature Sycamore tree located along the property frontage. The tree is in good condition and the City Arborist recommends preservation. The applicant does not wish to preserve the tree, as it is located in the proposed driveway area (see Sheet A-1.2 of the project plans) and currently obstructs access to the garage. However, staff finds there are design alternatives to preserve the tree. The house could be relocated closer to the left side property line while still meeting setback requirements. This would shift the garage and eliminate the conflict with the tree. The driveway leading back to the accessory living unit would need to be eliminated, but there would be still be sufficient space for the required three uncovered parking spaces along the property frontage. Alternatively, the orientation of the home could be reversed to place the garage on the right side of the property. This orientation would be less compatible with the Single Family Home Design Techniques, which state that a new two-story home is encouraged to place its lower single-story elements on the side adjacent to a single-story neighbor. However, this option is feasible if maintaining a driveway to the rear accessory living unit is found to be desirable. Staff recommends Condition of Approval PS-1.f requiring design modifications to preserve the existing tree by shifting the home toward the left side property line. This modification would have the added benefit of addressing the side setback issue noted above regarding the stairwell, and may also improve solar access to the adjacent detached garage.

• **Green Building Requirements**

The project requires a green building checklist achieving at least 70 points (see Condition of Approval BP-10). The applicant has included a preliminary green building checklist demonstrating the required points can be achieved.
Environmental Review

Class 1 and Class 3 Categorical Exemptions relieve this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemptions include demolition of existing small structures such as single-family homes. Class 3 Categorical Exemptions include construction of new small structures such as single-family homes and accessory units.

FISCAL IMPACT

Transportation Impact Fee: A Transportation Impact Fee (TIF) estimated at $1,257.91 is required to mitigate the additional traffic impacts of an accessory living unit. TIFs fund a Citywide traffic capital improvement program.

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

PUBLIC CONTACT

Staff was contacted by two neighboring property owners regarding the proposed project. Both neighbors expressed concern about the proposed accessory living unit, noting that they fear the property will be rented out to multiple families resulting in negative impacts on the neighborhood. Staff provided information on the requirements for accessory living units including a deed restriction requiring the property owner to occupy at least one of the units. One neighbor also expressed concern about the proposed second story balcony on the rear elevation. He stated that he lives behind the subject site and believes the balcony will impact privacy in his rear yard, which he uses for recreation. The required rear yard setback is 20 feet. The balcony is set back nearly 50 feet from the rear property line which reduces impacts, but staff acknowledges that all two-story homes result in some privacy impacts on adjacent yards. Attachment F provides more detailed information on comments received from neighboring property owners.

<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 with streetscape elevation</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>• 30 notices mailed to property owners and residents adjacent to the project site</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
CONCLUSION

As conditioned, the proposed home is compatible with newer homes in the surrounding neighborhood and meets all development standards for the R-1 Zoning District.

Findings, General Plan Goals, and Conditions: 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 application with the attached conditions.
2. Approve the Design Review application with modified conditions.
3. Deny the Design Review application and provide direction to staff and the applicant as to where changes should be made.

RECOMMENDATION

Alternative 1: Approve the Design Review application with the attached conditions.

Prepared by:

Mariya Hodge
Project Planner

Reviewed by:

Gerri Caruso
Principal Planner

Attachments:
A. Recommended Findings
B. Recommended Conditions of Approval
C. Site and Architectural Plans
D. Applicant’s Letters and Justifications
E. Summary of FARs in the Surrounding Neighborhood
F. Public Comments Received
### RECOMMENDED FINDINGS

#### Design Review

The proposed project is desirable in that the project’s design and architecture conform to 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 new home is sited similarly to the existing home and will maintain the neighborhood’s streetscape pattern. The project proposes a modest entry beneath the first-story roof eave which maintains the pattern of entries for existing single-story homes in the neighborhood.</td>
</tr>
<tr>
<td>2.2.2 Respect the scale, bulk and character of homes in the adjacent neighborhood.</td>
<td>The project has been designed to reduce the apparent scale and bulk of the home through varied setbacks and rooflines and other design features. The proposed home is within the permitted height of 30 feet. As conditioned, the height of the curved element on the right side of the front façade will be reduced to respect the scale and character of the adjacent single-story home to the north.</td>
</tr>
<tr>
<td>2.2.3 Design homes to respect their immediate neighbors</td>
<td>The proposed structure has been designed to respect adjacent neighbors through appropriate location of the garage and entry features and overall massing. As conditioned, building height along the right side of the front façade will be reduced to respect the adjacent single-story home to the north. Side and rear windows are designed and conditioned to respect privacy of adjacent neighbors.</td>
</tr>
<tr>
<td>2.2.4 Minimize the visual impacts of parking.</td>
<td>The proposed project provides a two-car garage which is integrated into the home’s architectural design to minimize its prominence. The project proposes a high-quality garage door with decorative panes and glazing. In addition, interlocking pavers are proposed for the driveway to enhance the appearance of uncovered parking.</td>
</tr>
<tr>
<td>Section</td>
<td>Description</td>
</tr>
<tr>
<td>---------</td>
<td>-------------</td>
</tr>
<tr>
<td>2.2.5</td>
<td>Respect the predominant materials and character of front yard landscaping.</td>
</tr>
<tr>
<td>2.2.6</td>
<td>Use high quality materials and craftsmanship</td>
</tr>
<tr>
<td>2.2.7</td>
<td>Preserve mature landscaping</td>
</tr>
</tbody>
</table>
ATTACHMENT B

RECOMMENDED CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS
FEBRUARY 6, 2012

Planning Application 2011-7854
1363 Norman Drive

Design Review for a new 3,783 square foot two-story home and a new 699 square foot single-story accessory living unit resulting in approximately 48% Floor Area Ratio

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 to 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
to expiration date and is approved by the Director of Community Development. [SDR] [PLANNING]

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

GC-4. ENCROACHMENT PERMIT REQUIRED:
Obtain a Public Works encroachment permit for any work within the public right-of-way. A traffic control plan shall be submitted with the encroachment permit if applicable. Plans submitted for the encroachment permit shall include all information required by Conditions of Approval EP-1 through EP-6 below. [SDR] [PUBLIC WORKS]

PS: THE FOLLOWING CONDITIONS SHALL BE MET PRIOR TO SUBMITTAL OF BUILDING PERMIT, AND/OR GRADING PERMIT.

PS-1. REQUIRED REVISIONS TO PROJECT PLANS:
The plans shall be revised to address comments from the Zoning Administrator, Planning Commission or City Council including the following:

a) The plate height of the curved tower element located on the right side of the front facade shall be reduced to no more than 10 feet.

b) The window at the landing of the interior staircase along the right side elevation shall be modified to reduce privacy impacts by increasing the sill height to at least 5 feet as measured from the landing and/or by using translucent glazing.

c) The window along the rear elevation located in the tub area of Master Bathroom #1 shall be modified to reduce privacy impacts by increasing the sill height to at least 5 feet and/or by using translucent glazing.

d) The project design shall be modified to provide a minimum second story side setback of 9 feet along the right side property line side by relocating the proposed home closer to the left side and/or redesigning the interior staircase area.

e) The garage shall be enlarged to a minimum of 400 square feet as calculated from the building’s exterior dimensions. The additional garage area shall be provided within the approved building footprint without further increasing Floor Area Ratio.

f) The project design shall be modified to preserve the existing mature Sycamore tree located along the property frontage. Modifications shall include shifting the home closer to the left side
property line to relocate the garage, eliminating the driveway along the side property line serving the accessory living unit, and relocating the accessory living unit's required uncovered parking space to front setback area along the left side of the property. [COA] [PLANNING]

PS-2. **EXTERIOR MATERIALS REVIEW:**
Final exterior building materials and color scheme are subject to review and approval by the Director of Community Development prior to submittal of a building permit. [COA] [PLANNING]

PS-3. **CALIFORNIA WATER SERVICE:**
Submit plans, obtain approval, and pay any applicable fees to the California Water Service company as the water lateral and water meter are under their jurisdiction. [COA] [PUBLIC WORKS]

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**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. RESPONSE TO CONDITIONS OF APPROVAL:**
A written response indicating how each condition has or will be addressed shall accompany the building permit set of plans. [COA] [PLANNING]

**BP-3. NOTICE OF CONDITIONS OF APPROVAL:**
A Notice of Conditions of Approval 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 Conditions of Approval 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.

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 Conditions of Approval. [COA] [PLANNING]

BP-4. ACCESSORY LIVING UNIT NOTICE OF PROJECT RESTRICTIONS:
The property owner shall record an Accessory Living Unit Notice of Project Restrictions 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 Accessory Living Unit Notice of Project Restrictions shall provide a description of the subject property, shall identify the Planning Application number and any accompanying subdivision or parcel map, including book and page and recorded document number, if any, and shall be signed and notarized by each property owner of record.

The Accessory Living Unit Notice of Project Restrictions shall specify that either the accessory living unit or the primary dwelling must be the bona fide principal residence of at least one legal owner of the lot containing the dwelling, as evidenced at the time of building permit approval by appropriate documents of title and residency. The remaining dwelling unit not so occupied may be rented. The Accessory Living Unit Notice of Project Restrictions shall remain in effect for the period of twenty years from the date it is recorded.

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 Accessory Living Unit Notice of Project Restrictions. [PLANNING] [SDR]

BP-5. 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-6. FEES AND BONDS:
The following fees and bonds shall be paid in full prior to issuance of building permit.

a) TRANSPORTATION IMPACT FEE - Pay Transportation Impact fee for the net new trips resulting from the proposed project, estimated at $1,257.91, prior to issuance of a building permit. (SMC 3.50). [SDR] [PLANNING]

BP-7. LANDSCAPE PLAN:
If the project adds or modifies 1,000 square feet or more of landscape area, a landscape and irrigation plan shall be required. Landscape and irrigation plans shall be prepared by a certified professional, and shall comply with Sunnyvale Municipal Code Chapter 19.37
requirements including water efficiency. Landscape and irrigation plans are subject to review and approval by the Director of Community Development through submittal of a Miscellaneous Plan Permit (MPP) application. [COA] [PLANNING]

BP-8. TREE PROTECTION PLAN:
Prior to issuance of a demolition permit, a grading permit or a building permit, whichever occurs first, obtain approval of a tree protection plan from the Director of Community Development. Two copies are required to be submitted for review. The tree protection plan shall include measures noted in Title 19 of the Sunnyvale Municipal Code and at a minimum:

a) An inventory shall be taken of all existing trees on the plan including the valuation of all ‘protected trees’ by a certified arborist, using the latest version of the “Guide for Plant Appraisal” published by the International Society of Arboriculture (ISA).

b) All existing (non-orchard) trees shall be indicated on the plans, showing size and varieties, and clearly specify which are to be retained.

c) Provide fencing around the drip line of the trees that are to be saved and ensure that no construction debris or equipment is stored within the fenced area during the course of demolition and construction.

d) The tree protection plan shall be installed prior to issuance of any demolition, building, or grading permits subject to on-site inspection and approval by the City Arborist, and shall be maintained in place during the duration of construction, and shall be added to any subsequent building permit plans. [COA] [PLANNING/CITY ARBORIST]

BP-9. 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) Plumbing of the following discharges to the sanitary sewer, subject to the local sanitary sewer agency’s authority and standards:
i) Discharges from outdoor covered wash areas for vehicles and equipment.

ii) Swimming pool water, spa/hot tub, water feature and fountain discharges if discharge to on-site vegetated areas is not a feasible option.

iii) Fire sprinkler test water, if discharge to on-site vegetated areas is not a feasible option. [SDR] [PLANNING]

BP-10. GREEN BUILDING:
Final plans shall include a completed GreenPoint Rated checklist v4.2 or later demonstrating the project achieves a minimum of 70 points. The checklist shall be incorporated as a plan sheet placed after the Conditions of Approval sheet and shall be reviewed and verified by City staff. [SDR] [PLANNING]

BP-11. SANITARY SEWER LATERALS:
Plans submitted for a building permit or encroachment permit shall show the locations of existing and proposed sanitary sewer laterals. [COA] [PUBLIC WORKS]

BP-12. WATER METER LOCATION:
Revisit the site and revise plans to correctly indicate the location of the existing water meter. [COA] [PUBLIC WORKS]

BP-13. DRIVEWAY:
Plans submitted for a building permit or encroachment permit shall demonstrate that the interlocking pavers proposed for the driveway and crushed rock proposed for the front walkways do not extend into the public right-of-way. [COA] [PUBLIC WORKS]

BP-14. FIRE SPRINKLERS:
An automatic fire sprinkler system is required for the main residence and accessory living unit. Installation shall be in accordance with NFPA 13D and provide a water meter size sufficient to handle the fire sprinkler system, generally one inch. [SDR] [FIRE PREVENTION]

BP-15. SMOKE DETECTORS:
Install smoke detectors and carbon monoxide detectors in accordance with California Codes. [SDR] [FIRE PREVENTION]
**EP: THE FOLLOWING CONDITIONS SHALL BE ADDRESSED AS PART OF AN ENCROACHMENT PERMIT APPLICATION.**

**EP-1. INSTALL SANITARY SEWER CLEANOUT:**
Install a sanitary sewer cleanout at the property line per City standard detail 15A. A separate fee of approximately $3,083.00 is required. [COA] [PUBLIC WORKS]

**EP-2. SANITARY SEWER LATERALS:**
Plans submitted for a building permit or encroachment permit shall show the locations of existing and proposed sanitary sewer laterals. [COA] [PUBLIC WORKS]

**EP-3. WATER METER LOCATION:**
Revisit the site and revise plans to correctly indicate the location of the existing water meter. [COA] [PUBLIC WORKS]

**EP-4. DRIVEWAY:**
Plans submitted for a building permit or encroachment permit shall demonstrate that the interlocking pavers proposed for the driveway and crushed rock proposed for the front walkways do not extend into the public right-of-way. [COA] [PUBLIC WORKS]

**EP-5. SANITARY SEWER CONNECTION:**
Pay to Public Works a sanitary sewer connection fee of $1,998.00 (plus a $17.00 technology fee) for the new accessory living unit. [COA] [PUBLIC WORKS]

**EP-6. CALIFORNIA WATER SERVICE:**
Submit plans, obtain approval, and pay any applicable fees to the California Water Service company as the water lateral and water meter are under their jurisdiction. [COA] [PUBLIC WORKS]

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**PF: THE FOLLOWING CONDITIONS SHALL BE ADDRESSED ON THE CONSTRUCTION PLANS AND/OR SHALL BE MET PRIOR TO RELEASE OF UTILITIES OR ISSUANCE OF A CERTIFICATE OF OCCUPANCY.**

**PF-1. LANDSCAPING AND IRRIGATION:**
All landscaping and irrigation as contained in the approved building permit plan shall be installed prior to occupancy. [COA] [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. TREE PROTECTION:
All tree protection shall be maintained, as indicated in the tree protection plan, until construction has been completed and the installation of landscaping has begun. [COA] [PLANNING]
December 12, 2011

CHAN RESIDENCE
1363 Norman Drive, Sunnyvale, CA 94087

DESIGN STATEMENT

Existing Neighborhood Pattern:
- Norman Drive is a residential street with large lots in the urban area setting that very closelys proximity to commercial, public transit and other amenities. The streetscape consists of a variety of 1 and 2 story houses in a mix of various styles. The original houses built 50 years ago were single story, ranch or Eichler style; but during the past 20 years, many 2-story houses were added (adjacent street view pictures are enclosed). The existing mix of 1-story skyline has gradually changed to a more diversified streetscape with various building heights. Our design philosophy is a carefully designed and thoughtfully placed 2-story home that would ensure the continuity of the neighborhood aesthetics;
- Based on the site condition, we chose a relatively compact floor layout on the existing building footprint in order to minimize the impact to adjacent houses, and disturbance on existing site grading, drainage and landscape;
- Within the recent past years there have been more than 10 rebuilds in this neighborhood;
- The neighborhood is transforming from a pattern of aged, single story type houses into the one with high ratio of larger and well-designed 2 story houses;
- The style of the houses varies from California ranch to Mediterranean, Craftsman, contemporary and even postmodern; this diversity created a vivid, interesting view of the residential setting.

Parking -Attached 2 Car Garage:
- The front wall is further setback to 25’ with 1‘ deco column; the door is recessed to soften the appearance; the open deck above provides an interesting outline of the garage and reduces its vertical mass.

Entry &Building Front:
- An open porch with a horizontal roofline forms a 1-story entry looking in align with the entrances of adjacent houses;
- Few rafter spaces are made open to bring natural lighting reducing the use of electrical lighting;
- Dome above featured with curved wall/eave line and slim windows not only serves as a focus point of the building but also breaks the mass of the building front;
- The 14’ high living room is higher than regular one story eave line, but it functions as an anchor to the right side of the building and blends the 1-story section with the remaining 2-story section; furthermore, the large area of bowl type window reduces area of solid wall and provides softness to the building front; the curve of the window responds to the style of the dome over the entry.

Second Floor Placement:
- Centralized setting minimizes the visual impact to the adjacent houses, and achieves the greater setback at front (30’) and at side (14’ at left and 17’ at right);
• Place One story portion to the right of the building in maintaining the one story profile with adjacent house;
• One story high eave line breaks the 2-story wall around side elevation; more than 50%;
• Horizontal offset (stairway at right, bathrooms at left) breaks the flat of side exterior walls.

Roof:
• Although the main roof is designed to be simple, few small roof projections are necessary as the accents;
• The hip roof style is used to reduce the bulk of roof volume and less impact in shadow over adjacent properties.

Privacy & Solar Access
• Second floor deck located at 10’ from right property line has wood screen fence (5’6” A.F.F.);
• Side windows on second floor are high windows (5’6” A.F.F.); no any 2nd floor window directly facing the neighbor’s window; no direct visual contact;
• Trees will be planted along the side fence to further barricade the view line to the neighbors;
• Shadow on the roof of the adjacent house: at morning time 4.8% only to the detached garage roof; at afternoon time 0.3% only to the main house; much less than 10% allowed by the code.

Materials & Decorative Elements:
• Proposed stucco finish is the dominant materials in the neighborhood; 2 color tones create the visual excitement and harmony; smooth finish represents the high level of quality and workmanship;
• Concrete flat tile roof with earth tone color will blend the house skyline into the surrounding;
• Headers, trims and sills around openings spark the detailing of the design, and they can be seen not only at front but all sides of the house; the continuous eave line acts as a ribbon bonds the building elements together.

Windows & Doors
• All windows except few high windows are casement type designed to form vertical lines in contrast with horizontal eaveline and sills; and they are placed and sized in suitable proportion with the scale of the building height and volume;
• All windows are high quality, dual-pane, Low-E type.

Accessory unit
The unit matches the form, style and detailing of the main house;

Landscape
Existing landscape pattern to remain; only partial of front yard paved area to be replaced with drought resistant plants; one existing sycamore tree will be removed due its location conflict with proposed driveway, and it will be replaced with a 24 Gal. tree.
<table>
<thead>
<tr>
<th>Address</th>
<th>Lot Area (s.f.)</th>
<th>Floor Area (s.f.)</th>
<th>FAR</th>
<th>Year Built/Remodeled</th>
<th>&gt;45% FAR?</th>
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<td>Floor Area (s.f.)</td>
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<td>Year Built/Remodeled</td>
<td>&gt;45% FAR?</td>
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</table>
Public Comment Received
2011-7854
Design Review for a new two-story home and accessory living unit at 1363 Norman Drive

From: Mariya Hodge, Associate Planner
Date: January 19, 2012

Staff was contacted by a neighboring property owner who received notice of the proposed project. He stated that he lives behind the subject site. The neighbor asked for detailed information on development standards and requirements for two-story homes and accessory living units. He noted that he is concerned with the following issues related to the proposed project:

- The home is currently rented out, there are two shacks in the rear yard, and the property is in poor condition. He stated that it negatively impacts the neighborhood’s character, so from that perspective a new home is preferable.

- The size of the proposed home is very large. He stated that most of the surrounding homes are under 4,000 square feet and some are one-story.

- There is a potential for the accessory living unit to be rented out. If there are too many residents on the property, particularly, renters, there could be parking and traffic issues which could negatively impact the surrounding neighborhood. Property values could drop.

Staff provided information on the hearing and additional opportunities to comment. The neighbor noted that he will review the project plans and provide written comment with any additional concerns.
Public Comment Received
2011-7854
Design Review for a new two-story home and accessory living unit at 1363 Norman Drive

From: Mariya Hodge, Associate Planner
Date: January 24, 2012

Staff was contacted by a neighboring property owner who received notice of the proposed project. He stated that he lives several doors down from the subject site. The neighbor expressed concerns about the proposal for an accessory living unit due to previous issues in the area. He noted the following:

- A nearby site at 1351 Norman Drive redeveloped several years ago with a large home and accessory living unit. The owners converted the home’s bedrooms into separate rental units, divided the accessory living unit into multiple units, converted the garage to living space, and rented these units to multiple parties. At one time there were more than 30 people living on the site, with their vehicles, traffic, and activities disturbing neighbors and impacting quality of life. Code enforcement complaints have been made by neighbors and the City has taken enforcement actions, but the violations resume again in a short time. He believes this type of activity reduces surrounding property values. He is concerned that approving another very large home with numerous bedrooms and an accessory living unit is an invitation for the same problems to occur on a new site, resulting in further impacts on the neighborhood.

- There are many accessory living units in the neighborhood but only some cause problems; it depends on the property owner.

- He has heard the property owner at 1363 owns other properties within the same neighborhood, and questions whether the owner can comply with the requirement to reside on this property in order to have an accessory living unit. He is not sure if this information about the property owner’s other properties is correct.

- He noted that the existing one-story home is in poor condition and he supports replacing it with a new home, but is concerned with size, number of bedrooms, and the accessory living unit for the reasons noted above.

Staff provided information on the hearing and additional opportunities to comment.
We have two major concerns, the first being the oversize and second being certain features of the design, which will not only disrupt the neighbors’ privacy and raise anxiety and insecurity but also heighten concerns on the safety and security. They are undesirable and some are unacceptable.

1. The oversize is problematic.

The house is significantly larger than the existing houses in the neighborhood, whereas the backyard is considerably smaller than those of the neighbors.

A close examination of the design reveals that the designed house could readily converted, with a nominal modification, to generate one or two more bedrooms, total 8-9 bedrooms, as explained below.

For example, the accessory living unit has a dining room and a nook. It is odd that the dining room is larger than the dining room in the main house, so is the living room in the accessory unit as compared to the living room in the main house (see Table below). A simple partition of the dining room will easily generate one or two more bedrooms, without sacrificing a living room in the accessory unit. The storage space (7'-6" x 4') will make a good closet for one of the additional bedrooms.

<table>
<thead>
<tr>
<th></th>
<th>Main House</th>
<th>Accessory Unit</th>
<th>Additional Partition</th>
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<tbody>
<tr>
<td>Living Room</td>
<td>14'-4&quot; x 13'-8&quot;</td>
<td>15'-8&quot; x 12'-8&quot;</td>
<td>15'-8&quot; x 12'-8&quot;</td>
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<tr>
<td>Dining Room</td>
<td>11' x 10'</td>
<td>12'-8&quot; x 12'</td>
<td>2nd Bedroom (12'-8&quot; x 12') with closet/storage (7'-6&quot; - 4')</td>
</tr>
<tr>
<td>Storage</td>
<td>7'-6&quot; -4'</td>
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<td>none</td>
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</table>

2. Undesirable structural features

2a. Balcony of Master Bedroom #1.

It will provide a view of its relatively small backyard, but mostly the looking-down views of our backyard, outdoor dining table on the porch, two bedrooms (even a bed) in the ground floor, eating area (dining table), and family room through 10’ x 8’ sliding glass door. We spent lots of time on our backyard porch, cooking, dining, entertaining guests, swimming in an inflatable pool, and playing games. We do extensive vegetable-gardening. We have been contemplating to install a Jacuzzi tub.

2b. Also, the balcony will provide straight views of our master bedroom, possibly the large TV, and another bedroom in the second floor.

It will profoundly impact on our life style, inhibit our routine activities, and cause undue anxiety and insecurity. Further, it can create safety and security problems.

2c. Large walkout French door and adjacent windows (12’ x 8’) in the Master bedroom #1 will cause similar problems described for the balcony. Similar problems will come from the large window (5’ x 5’) in the second floor bedroom #3.

2d. The large vertical window (3’ x 5’, Width/Length) next to bath tub and stall shower in the Master bath can expose 50% – 90% of a body in the bath tub and the stall shower.

I wonder whether they have considered translucent sky lights, if lighting is desired, that should provide plenty of lights. We like our sky lights. It is also curious why they want so many, large westerly windows that will undoubtedly, considerably and uncomfortably heat a house in every afternoon from late May to early October.
Good morning Mariya:

Concerning the big tree on the driveway, it would be desirable to save it, because it is one of the largest trees in the neighborhood. Its rich summer foliage and canopy enrich the landscape, significantly reduce carbon dioxide, and provide summer shade. Without it, the skyline will be blank, particularly when viewed from our house. I hope you be able to keep it for many more years.

Thanks, Tae