

# MEMORANDUM

## Planning Department

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**Date:** January 23, 2025  
**To:** Zoning Administrator  
**From:** Michael Fossati, AICP, Senior Planner

**Subject:** **BODY MASSAGE SPA – 1766 CLEAR LAKE AVE. - P-MC24-0008** – A Minor Conditional Use Permit to allow a massage establishment within an existing multi-tenant commercial building in the General Commercial (C2) Zoning District at 1766 Clear Lake Avenue. The project is categorically exempt from further environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Existing Facilities) and as a separate and independent basis, CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning).

**Location:** 1766 Clear Lake Ave. (APN: 088-43-025)

**Zoning/GP:** General Commercial (C2), General Commercial (GNC)

### **Application**

On October 3, 2024, Yuying Wang, with Clear Lake Massage Spa (applicant), applied to obtain a Minor Conditional Use Permit (MCUP) to provide spa services and body massage (Project), as required per Milpitas Municipal Code (MMC) Table XI-10-5.02-1. This type of MCUP requires Zoning Administrator approval. Clear Lake Massage Spa provides personalized therapeutic massage services aimed at promoting relaxation, stress relief, pain management, and muscle tension relief for clients experiencing mental or physical stress.

The following is a summary of the applicant's request:

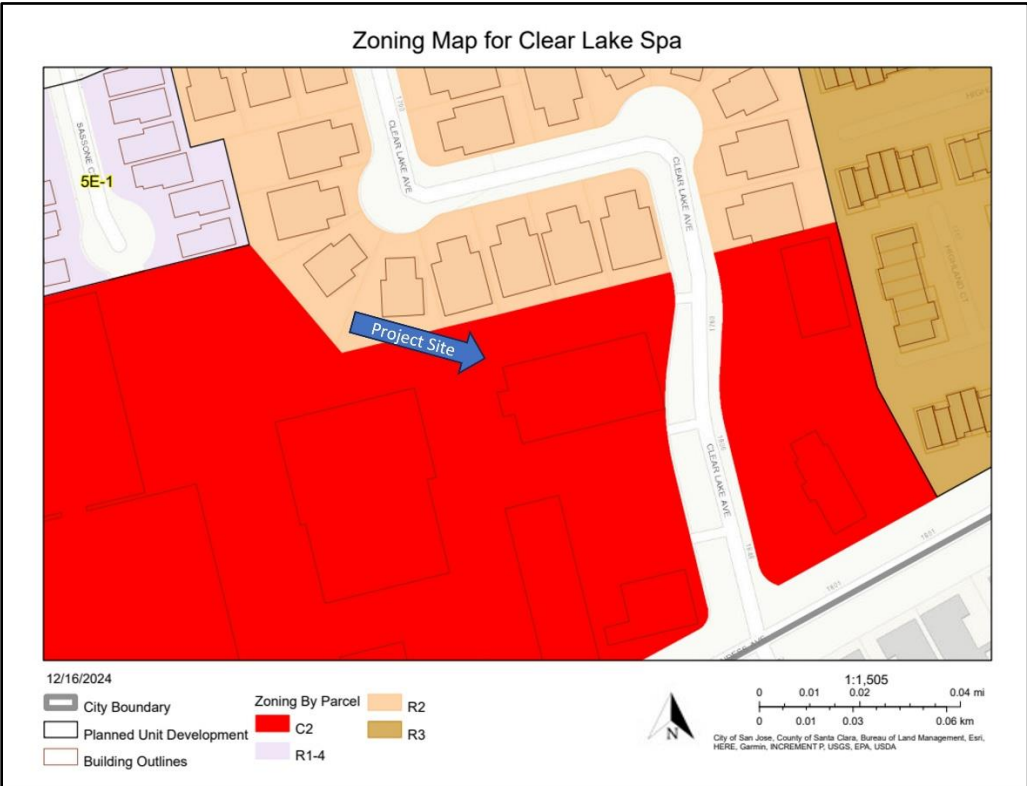
- Minor Conditional Use Permit: To provide spa services and body massage within an existing commercial building.

Along with the MCUP application, the applicant obtained a Massage Establishment Permit pursuant to MMC Title III, Chapter 6 "Massage Establishments and Practitioners," and is in the process of obtaining a business license pursuant to MMC Title III, Chapter 1 "Business Licenses." Once the MCUP is approved, the business license may be issued.

The Project site is surrounded by other commercial parcels zoned to the west, south, and east and residential uses to the north as demonstrated in Map 1: Project Zoning, Map 2: Aerial View, and Table 1: Surrounding Zoning and Land Uses.



Map 1 – Project Zoning – 1766 Clear Lake Ave.



Map 2 – Aerial Map – 1766 Clear Lake Ave.



**Table 1: Surrounding Zoning and Land Uses**

|                     | <b>General Plan</b>               | <b>Zoning</b>                 | <b>Existing Uses</b>                                       |
|---------------------|-----------------------------------|-------------------------------|------------------------------------------------------------|
| <b>Subject Site</b> | General Commercial (GNC)          | General Commercial (C2)       | Multi-Tenant Commercial (Restaurants, Spa, Medical Office) |
| <b>North</b>        | Medium Density Residential (MAVE) | Multi-Family Residential (R2) | Single-Family Residential and Duplex                       |
| <b>South</b>        | General Commercial (GNC)          | General Commercial (C2)       | Multi-Tenant Commercial (Learning Center)                  |
| <b>West</b>         | General Commercial (GNC)          | General Commercial (C2)       | Multi-Tenant Commercial (Athletic Facility, Swim School)   |
| <b>East</b>         | General Commercial (GNC)          | General Commercial (C2)       | Multi-Tenant Commercial (Convenience Store, Cleaners)      |

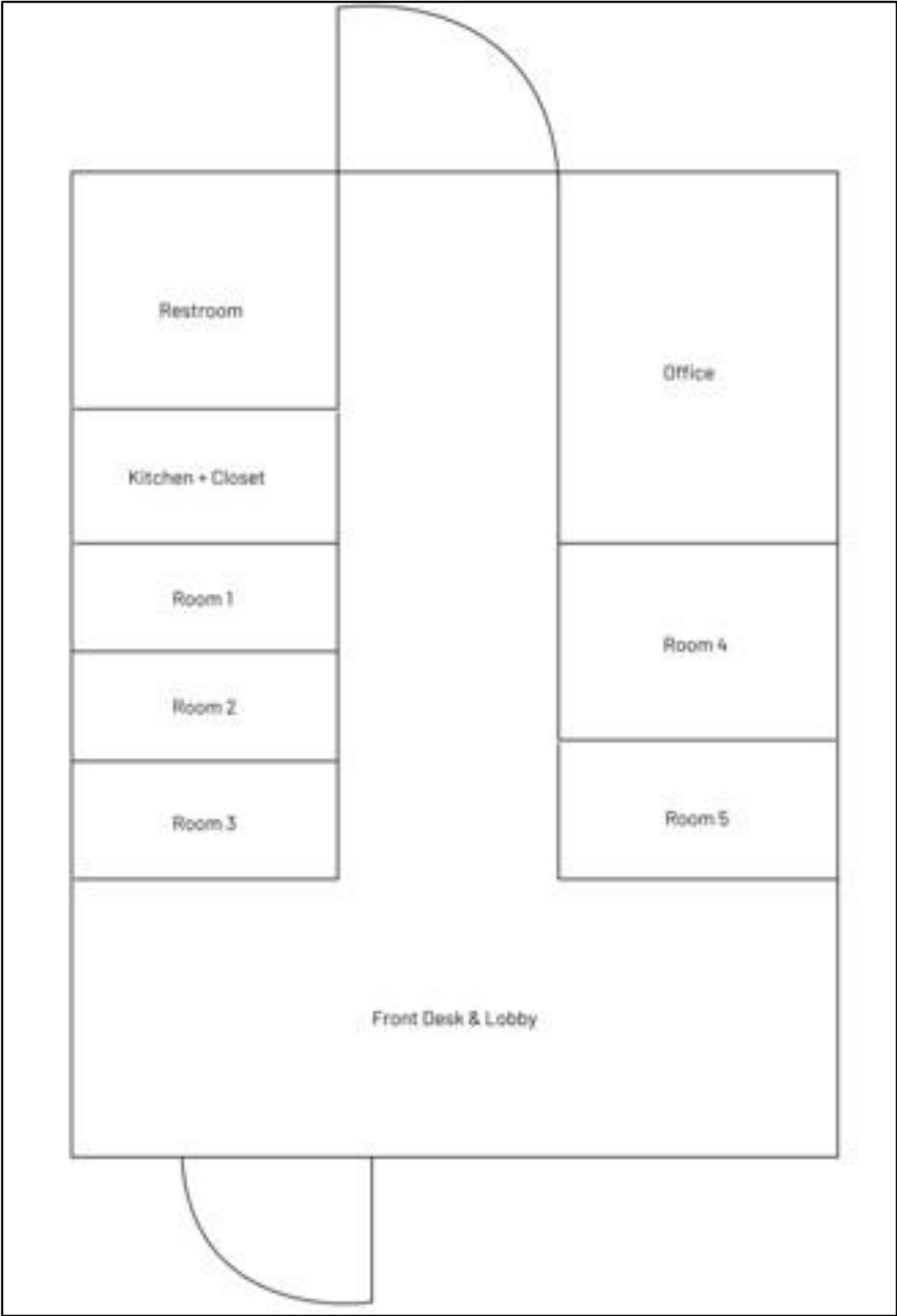
Staff reviewed the entitlement application outlined above and found it to be consistent with the policies, standards, and processes outlined in the City of Milpitas General Plan and Zoning Ordinance.

### **Project Details**

Clear Lake Massage Spa is located on the first floor of a two-story, standard office building within the General Commercial (C2) Zoning District. The standard office building has no formal name and goes by “1750-1798 Clear Lake Ave”. The commercial building hosts several different uses which include a dental, medical and insurance offices, personal service uses, and a restaurant.

Clear Lake Massage Spa will have one private couples massage room and up to four private massage rooms. The remainder of the tenant space will be for the front desk/lobby, restroom, break room and office. The proposed hours of operation are from 10:00am – 8:00 pm, seven days a week, and up to three employees. Figure 1 demonstrates the floor plan of the proposed massage spa. Attachment B is a Clear Lake Massage Spa business description.

**Figure 1: Clear Lake Massage Floor Plan**



### **Zoning Conformance**

The Project site is in the C2 General Commercial Zoning District. The purpose and intent of the C2 zone is to *“provide for the wide range of retail sales and personal and business services primarily oriented to the automobile customer to provide for general commercial needs of the city and to promote stable, attractive commercial development which will afford a pleasant shopping environment.”* The proposed massage spa will support the intent of the C2 zoning district by providing a personal service that supports relieving individuals experiencing physical and mental stress. Furthermore, the proposed use meets the zoning standards, such as parking requirements, as demonstrated below.

### **Parking Requirements**

Clear Lake Massage Spa will include four massage rooms (one for couples, up to four for private). Per the City’s Off-Street Parking Regulations, massage establishments require two parking spaces per treatment room. 1750-1798 Clear Lake Ave. has 73 parking spaces to be shared among similar uses. Table 2 demonstrates that the Project has adequate parking to meet the City’s Off-Street Parking requirements.

**Table 2: Off-Street Parking Conformance**

| <b>Address</b>       | <b>Tenant (Use)</b>           | <b>Gross Floor Area / Dining Area / # of Massage Rooms</b> | <b>Min Parking Required</b> | <b>Parking Spaces</b> |
|----------------------|-------------------------------|------------------------------------------------------------|-----------------------------|-----------------------|
| 1770 Clear Lake Ave. | Pho Saigon                    | 565 sf                                                     | 1 per 39 sq. ft.            | 14                    |
| 1766 Clear Lake Ave. | Clear Lake Spa [Applicant]    | Five rooms                                                 | 2 per treatment room        | 10                    |
| 1762 Clear Lake Ave. | Sister's World Beauty Care    | 521 SF                                                     | 1 per 200 sf                | 3                     |
| 1760 Clear Lake Ave. | Beauty and the Brows          | 69 SF                                                      | 1 per 200 sf                | 1                     |
| 1758 Clear Lake      | Today's Nails Image           | 405 SF                                                     | 1 per 200 sf                | 2                     |
| 1752 Clear Lake Ave. | Allstate Insurance            | 833 SF                                                     | 1 per 240 sf                | 2                     |
| 1750 Clear Lake Ave. | Charanjit S. Uppal, D.D.S Inc | 1506 SF                                                    | 1 per 240 sf                | 7                     |

| Address                       | Tenant (Use)                                  | Gross Floor Area / Dining Area / # of Massage Rooms | Min Parking Required | Parking Spaces |
|-------------------------------|-----------------------------------------------|-----------------------------------------------------|----------------------|----------------|
| 1772 Clear Lake Ave.          | Safety Training Seminars                      | 1307 SF                                             | 1 per 350 sf         | 4              |
| 1774 Clear Lake Ave.          | Hunjae Park & Company (Tax Services)          | 771 SF                                              | 1 per 350 sf         | 2              |
| 1776 Clear Lake Ave.          | Urban Traffic School                          | 419 sf                                              | 1 per 200 sf         | 2              |
| 1778 Clear Lake Ave.          | Family Chiropractic & Natural Healing Center  | 619 sf                                              | 1 per 225 sf         | 3              |
| 1780 Clear Lake Ave.          | Love and Artistry, Professional Makeup Artist | 973 sf                                              | 1 per 200 sf         | 5              |
| 1782 Clear Lake Ave.          | Nina's Beauty Salon / Clear Credit Exchange   | 2053 sf                                             | 1 per 200 sf         | 10             |
| 1784 Clear Lake Ave.          | Apple Seal (IT Services)                      | 457 sf                                              | 1 per 350 sf         | 1              |
| 1788 Clear Lake Ave.          | Krishna Concepts (Tax Services)               | 458 sf                                              | 1 per 350 sf         | 1              |
| 1790 Clear Lake Ave.          | Ye's Acupuncture Clinic                       | 345 sf                                              | 1 per 225 sf         | 2              |
| 1792 Clear Lake Ave.          | Vacant Office                                 | 352 sf                                              | 1 per 240 sf         | 2              |
| 1794 Clear Lake Ave.          | I "Heart" Real Estate                         | 345 sf                                              | 1 per 240 sf         | 2              |
| Total Required Parking Spaces |                                               |                                                     |                      | 73             |
| Total Existing Parking Spaces |                                               |                                                     |                      | 73             |

### **Massage Establishment License**

MMC Section III-6-6 requires any person desiring to obtain a Massage Establishment License to file a written application with the Chief of Police. The Planning Department requires that any massage applicant obtain the license prior to MCUP approval. The applicant obtained the license in late November (Attachment C).

### **Findings for Approval:**

Findings shall identify the rationale behind the decision to take a certain action. Each required finding within the Milpitas Municipal Code Section XI-10-57.04(F) for a Minor Conditional Use Permit have been analyzed below:

*1. The proposed use, at the proposed location will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare.*

The proposed use at the proposed location will not be detrimental or injurious to public health, safety and general welfare because it will operate in compliance of regulations established by both the State of California and the City of Milpitas. Those regulations include requiring all massage therapist to be certified by the California Massage Therapy Council (CAMTC), limiting hours between 7:00am and 10:00pm, practicing thorough sanitation and hygiene practices and maintaining accurate records of services provided by massage practitioners.

*2. The proposed use is consistent with the Milpitas General Plan; and*

The proposed use is consistent with the Milpitas 2040 General Plan, specifically policy LU 1-1, which states to *support a full spectrum of conveniently located residential, commercial, public and quasi-public uses that support and enhance business development, regional transportation objectives and promote the livability of residential neighborhoods*. The proposed use will directly contribute to this policy by providing a conveniently located personal service that provide local job opportunities and contributes to the diversity of businesses in the city.

*3. The proposed use is consistent with the Milpitas Zoning Ordinance.*

The proposed use is consistent with the Milpitas Zoning Ordinance and C2 Zoning District in that it will operate within a legal conforming commercial building surrounded by similar uses and is a permitted conditional use. The Project will be conditioned to comply with all relevant zoning regulations and specific requirements for a health and personal service business.

**California Environmental Quality Act (CEQA):**

The Project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Existing Facilities) and, as a separate and independent basis, Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning). The proposed use is within a commercial building that possesses the required infrastructure to allow the safe operation of a massage establishment.

**Recommendation:**

Staff recommends that the Zoning Administrator adopt Resolution 25-001, approving Minor Conditional Use Permit No. MC24-0008, to allow a massage establishment located at 1766 Clear Lake Avenue, subject to the findings and attached Conditions of Approval.

**Attachments:**

- A. Conditions of Approval (Resolution 25-001)
- B. Floor Plan – Clear Lake Massage Spa
- C. Business Description – Clear Lake Massage Spa
- D. Police Department License

**ATTACHMENT A**

**RESOLUTION NO. 25-001**

**A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF MILPITAS, CALIFORNIA, APPROVING MINOR CONDITIONAL USE PERMIT NO. MC24-0008 TO ALLOW A MASSAGE ESTABLISHMENT WITHIN AN EXISTING COMMERCIAL BUILDING LOCATED IN THE GENERAL COMMERCIAL (C2) ZONING DISTRICT AT 1766 CLEAR LAKE AVE.**

**WHEREAS**, on October 3, 2024, an application was submitted by Yuying Wang (“Applicant”), to obtain a Minor Conditional Use Permit (MCUP) to provide spa services and body massage (“Project”) within an existing 1,100 square foot commercial suite within an existing commercial building, located at 1766 Clear Lake Ave. (APN 088-43-025) (“Property”); and

**WHEREAS**, the property is located within the General Commercial (C2) zoning district; and

**WHEREAS**, on November 27, 2024, the Applicant obtained conditional approval from the Milpitas Police Department for the Project; and

**WHEREAS**, the Planning Department completed an environmental assessment for the Project in accordance with the California Environmental Quality Act (CEQA), and recommends that the Zoning Administrator determine this Project is categorically exempt; and

**WHEREAS**, on January 23, 2024, the Zoning Administrator held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties.

**NOW THEREFORE**, the Zoning Administrator of the City of Milpitas hereby finds, determines and resolves as follows:

**Section 1:** The recitals set forth above are true and correct and incorporated herein by reference.

**Section 2:** The Project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Existing Facilities), and as a separate and independent basis, CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning). ). The proposed use is located within a commercial building that possesses the required infrastructure to allow the safe operation of a massage establishment, and is located in a zoning district that conditionally permits massage establishments.

**Section 3:** The Milpitas Municipal Code (MMC) requires approval of a MCUP for massage establishments in C2 Commercial zones (Table XI-10-5.02-1). To approve an MCUP, the Zoning Administrator must make the following findings, per Municipal Code Section XI-10-57.04(F):

- a) *The proposed use, at the location will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare:*

The proposed use as the proposed location will not be detrimental or injurious to public health, safety and general welfare because it will operate in compliance of regulations established by both the State of California and the City of Milpitas. Those regulations include requiring all massage therapist to be certified by the California Massage Therapy Council (CAMTC), limiting hours between 7:00am and 10:00pm, practicing thorough sanitation and hygiene practices and maintaining accurate records of services provided by massage practitioners.

- b) *The proposed use is consistent with the Milpitas General Plan.*

The proposed use is consistent with the Milpitas 2040 General Plan, specifically policy LU 1-1, which states to support a full spectrum of conveniently located residential, commercial, public and quasi-public uses that support and enhance business development, regional transportation objectives and promote the livability of residential neighborhoods. The proposed use will directly contribute to this policy by providing a conveniently located personal service that provide local job opportunities and contributes to the diversity of businesses in the city.

- c) *The proposed use is consistent with the Milpitas Zoning Ordinance.*

The proposed use is consistent with the Milpitas Zoning Ordinance and C2 Zoning District in that it will operate within a legal conforming commercial building surrounded by similar uses and is a permitted conditional use. The Project will be conditioned to comply with all relevant zoning regulations and specific requirements for a health and personal service business.

**Section 4:** The Zoning Administrator of the City of Milpitas hereby adopts Resolution No. 25-001 approving Minor Conditional Use Permit No. MC24-0008, to allow a massage establishment within an existing 1,100 square foot commercial suite within an existing commercial building located at 1766 Clear Lake Ave, based on the above Findings and subject to the Conditions of Approval attached hereto as Exhibit 1.

**PASSED AND ADOPTED** at a regular meeting of the Zoning Administrator of the City of Milpitas on January 23, 2025.

\_\_\_\_\_  
Jay Lee, AICP  
Planning Director

Date: \_\_\_\_\_

**EXHIBIT 1**

**MINOR CONDITIONAL USE PERMIT NO. MC24-0008  
CLEAR LAKE MASSAGE SPA  
1766 CLEAR LAKE DR. (APN 088-43-025)**

The City of Milpitas Zoning Administrator approves Minor Conditional Use Permit No. MC24-0008 in accordance with Section XI-10-57.04 of the Milpitas Municipal Code, subject to and conditioned upon all applicable State and local laws and regulations and the Conditions of Approval outlined below. This Minor Conditional Use Permit entitlement is to allow a massage establishment to operate within a 1,100 square foot commercial suite within an existing commercial building located within the General Commercial (C2) Zoning District located at 1766 Clear Lake Ave., subject to all necessary reviews, approvals, studies, and inspections for the issuance of such building permits, if required.

**APPROVED SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL:**

**General Conditions**

1. General Compliance. The applicant, including all successors in interest (collectively "Permittee") shall comply with each and every condition set forth in this Permit. This Minor Conditional Use Permit No. MC24-0008 ("Permit") shall have no force or effect and no building permit shall be issued unless and until all things required by the below-enumerated precedent conditions have been performed or caused to be performed. **(P)**
2. Effective Date. Unless there is a timely appeal filed in accordance with the Milpitas Zoning Code, the date of approval of this Permit is the date on which the decision-making body approved this Permit. **(P)**
3. Acceptance of Permit. Should Permittee fail to file a timely appeal within twelve (12) calendar days of the date of approval of this Permit, inaction by Permittee shall be deemed to constitute each of the following: **(P)**
  - i. Acceptance of this Permit by Permittee; and
  - ii. Agreement by the Permittee to be bound by, comply with, and to do all things required of or by Permittee pursuant to all the terms, obligations, and conditions of this Permit.
4. Permit Expiration. Pursuant to Section XI-10-64-06 of the Milpitas Zoning Code, this Permit shall become null and void if the activity permitted by this Permit is not commenced within two (2) years from the date of approval, or for a project submitted with a tentative map, within the time limits of the approved tentative map. Pursuant to Section XI-10-64.06(B) of the Milpitas Zoning Code, an activity permitted by this Permit shall be deemed to have commenced when the Project: **(P)**
  - i. Completes a foundation associated with the Project; or
  - ii. Dedicates any land or easement as required from the zoning action; or

- iii. Complies with all legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner.
5. Time Extension. Pursuant to Section XI-10-64.07 of the Milpitas Zoning Code, unless otherwise provided by State law, Permittee shall have the right to request a one-time extension of the Permit if the request is made in writing to the Planning Division prior to the expiration date of the approval. **(P)**
6. Notice. Pursuant to California Government Code Section 66020, any protest filed in court relating to the imposition of fees, dedication, reservations, or other exactions to be imposed on the development Project shall be filed within ninety (90) days after the date of the approval of this Permit. This provision serves as notice from the local agency to the Permittee that the ninety (90) day period in which the applicant may file a protest has begun under California Government Code Section 66020(d)(1). **(CA)**
7. Cost and Approval. Permittee shall fully complete and satisfy each and every condition set forth in this Permit and any other condition applicable to the Project to the sole satisfaction of the City. Additionally, Permittee shall be solely responsible and liable for the cost to satisfy each and every condition. Permittee shall pay all required fees and charges to the City at the rate in effect at time of building permit issuance, or, the rate in effect when the fees and charges are due and paid in full to the City. There is no vesting of any fees or charges with the approval of this Permit. **(P)**
8. Conditions. Each and every condition set forth in this Permit shall apply to the Project and continue to apply to the Project so long as the Permittee is operating the Project under the permits and approvals in this Permit. **(P)**
9. Compliance with Laws. The construction, use, and all related activity authorized under this Permit shall comply with all applicable local, state, and federal laws, rules, regulations, guidelines, requirements, and policies. **(CA/P)**
10. Previous Approvals. Permittee shall abide and continue to comply with all previous City approvals, permits, or requirements relating to the subject property, unless explicitly superseded or revised by this Permit. **(P)**
11. Indemnification. To the fullest extent permitted by law, Permittee shall indemnify, defend with counsel of the City's choosing, and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to (i) City's approval of the Project, including but not limited to, the approval of the discretionary permits, maps under the Subdivision Map Act, and/or the City's related determinations or actions under the California Environmental Quality Act, and (ii) Permittee's construction, operation, use, or related activity under this Permit. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with

such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. Permittee shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. Permittee shall pay to the City upon demand or, as applicable, to counsel of City's choosing, any amount owed pursuant to the indemnification requirements prescribed in this condition. **(CA)**

12. Written Response to Conditions. The Permittee shall provide a written response to the Conditions of Approval indicating how each condition has been addressed with the building permit application submittal. **(ALL)**

13. Revocation, Suspension, Modification. This Permit may be suspended, revoked, or modified in accordance with Section XI-10-63.06 of the Milpitas Zoning Code. **(P)**

14. Severability. If any term, provision, or condition of this Permit is held to be illegal or unenforceable by the Court, such term, provision, or condition shall be severed and shall be inoperative, and the remainder of this Permit shall remain operative, binding, and fully enforceable. **(CA)**

15. Permittee shall develop the approved Project in conformance with the approved floor plans (date stamped reviewed on 1/2/2025), approved by the Zoning Administrator on the date of the public hearing for the Project on January 23, 2025 in accordance with these Conditions of Approval. **(P)**

Any deviation from the approved site plan, elevations, materials, colors, operation of use, or other approved submittal shall require that, prior to the issuance of building permits, the Permittee shall submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the Planning Director or Designee. If the Planning Director or designee determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain approval of the Zoning Administrator or City Council, as applicable, in accordance with the Milpitas Zoning Code. **(P)**

16. Hours of Operation: The hours of operation for this massage establishment shall be no earlier than 8:00 a.m. and no later than 10:00 p.m., seven days a week. Massage services begun before 10:00 p.m. must terminate at 10:00 p.m. No customer shall be in such massage establishment between the hours of 10:00 p.m. and 8:00 a.m. **(P)**

17. Number of Massage Rooms: The total number of massage rooms shall be limited to four private massage rooms with one massage table in such room, and one private massage room with two massage tables (totaling five private massage rooms). All other rooms and areas identified for reception, waiting space, hall, office/storage area, employee rest area, and bathroom as shown on the floor plan be used for those purposes exclusively, and not for any type of guest services. **(P)**

18. Annual Review: The Planning Director or his or her designee will review the Minor Conditional Use Permits issued by the Zoning Administrator for massage

establishments within one (1) year after issuance for compliance with the Zoning Ordinance and Conditions of Approval. The Planning Director or his or her designee will conduct a similar compliance review of Minor Conditional Use Permits issued by the Zoning Administrator for massage establishments on an annual basis concurrent with review of the Massage Establishment Permit and renewal of the Business License for each use. Any failure to conduct a review does not waive any noncompliance or the City's right to conduct a review in the future. **(P)**

19. Business Signs: A recognizable and legible sign complying with the requirements of Milpitas Municipal Code Section XI-10-24 "Signs" must be posted at the main entrance of the massage establishment identifying the location as a licensed massage establishment. **(P/PD)**
20. Title III Code Compliance: Compliance with Milpitas Municipal Code Title III, Chapter 6 Massage Establishments and Practitioners, including all Massage Establishment Operating Standards under MMC III-6-7. **(PD)**
21. Massage Establishment Permit: Massage establishment shall apply and maintain a valid Milpitas Police Department Massage Establishment Permit. The permit shall be displayed in a conspicuous place so that it may be readily seen by all persons entering the premises of the massage establishment. The Massage Establishment Permit is NOT TRANSFERABLE, and the permittee shall not sublease or rent the business without the approval of the City of Milpitas and Milpitas Police Department. **(PD)**
22. Security and Surveillance: Security surveillance cameras are encouraged to improve the safety and security of the staff and patrons. Security cameras should be installed in areas to adequately monitor the entry/exit doors, office, and hallway areas. **(PD)**
23. Written Records: A written daily register recording each client, the assigned room, the massage therapist who treated the client, a description of service(s) performed, the price of the services, including any gratuity or tip, and the time of the appointment shall be maintained. This daily register shall be completed by the close of business each day. Such records shall be open to inspection only by members of the Police Department, City Code Enforcement Officers, and the City Attorney, who are charged with enforcement. These records may not be used for any other purpose than as records of services provided and may not be provided to other parties by the massage establishment unless otherwise required by law. Such records shall be retained on the premises of the massage establishment for a period of two (2) years. **(PD)**
24. Treatment Room Doors: Treatment room doors shall always remain unlocked. **(PD)**
25. Entrance Doors: At least one entrance door, allowing access to the massage establishment and any building it may be located in, shall remain unlocked during business hours. This shall not prohibit a massage establishment from locking its external doors if the massage establishment is a sole proprietorship (owned by one individual with one or no employees or rent-space massage therapist). **(PD)**

26. Visibility: No massage establishment located in a building or structure with exterior windows fronting a public street, highway, walkway, or parking area shall block visibility into the interior reception and waiting area through the use of curtains, closed blinds, tints, or any other material that obstructs, blurs, or unreasonably darkens the view into the premises. **(PD)**

27. California Massage Therapy Council Certificate: The permittee shall display the California Massage Therapy Council certificate of each and every massage technician in an open and conspicuous place on the premises. The permittee shall also ensure that all massage technicians comply with the provisions of the Massage Therapy Act (B&P Code §4608) requiring that a certificate holder have his or her identification card in his or her possession while providing massage services for compensation. **(PD)**

28. Building Additions/Modifications: The Permittee shall not make any modifications or additions to the premises and business without approval from the City Building Department. **(B/P)**

(B) = Building  
(CA) = City Attorney  
(P) = Planning  
(PD) = Police

### **ACCEPTANCE**

#### *Permittee/Property Owner*

The undersigned agrees to each and every condition of approval and acknowledges the NOTICE OF RIGHT TO PROTEST and hereby agrees to use the project property on the terms and conditions set forth in this resolution.

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

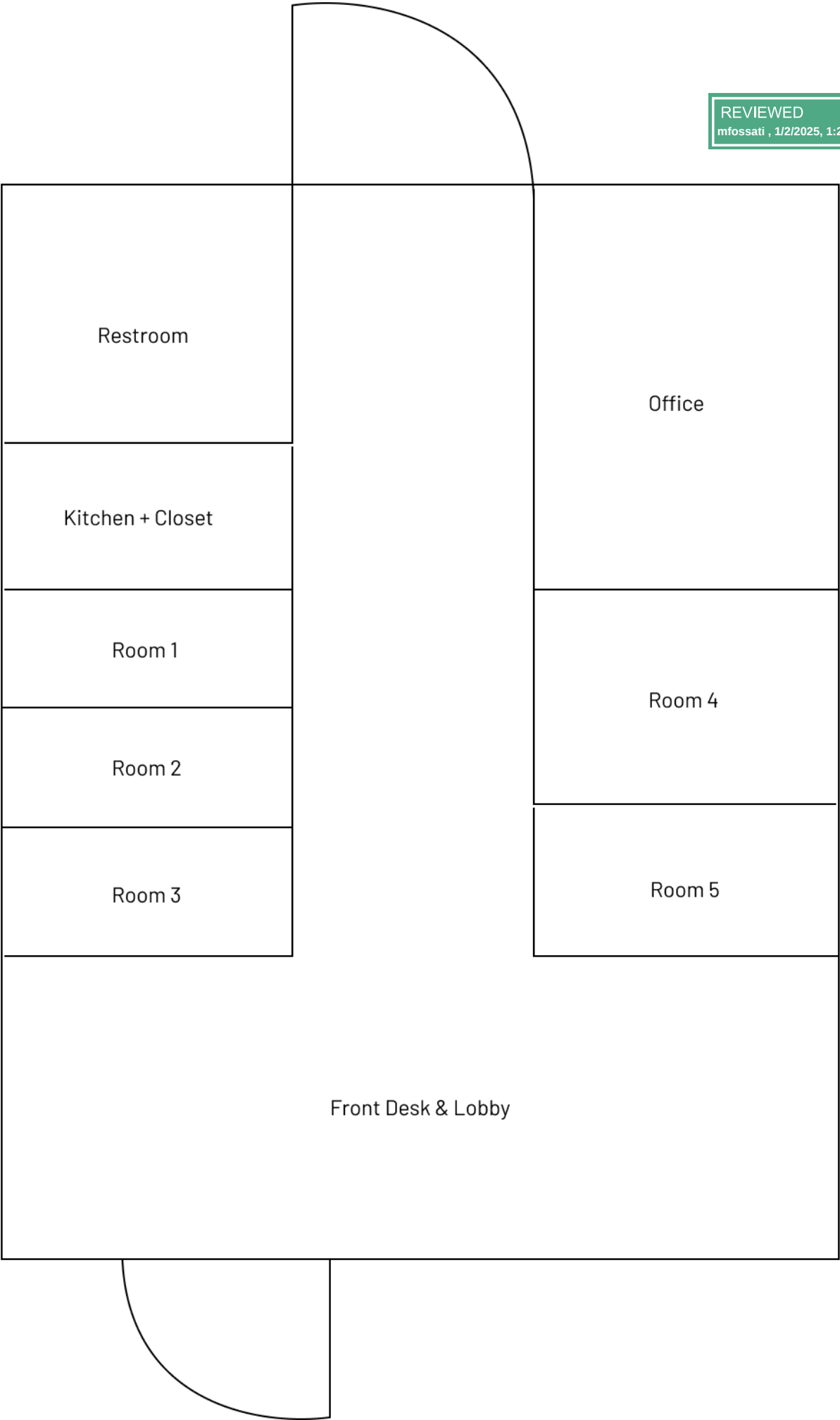
Title: \_\_\_\_\_

Date: \_\_\_\_\_

### **NOTICE OF RIGHT TO PROTEST**

The Conditions of Project Approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the 90-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to

Government Code Section 66020(a), began on date of adoption of this resolution. If you fail to file a protest within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exactions.



# Business Operation Description

**Business Name:** Clear Lake Massage Spa

**Business Address:** 1766 Clear Lake Ave. Milpitas

**Proposed Operation Hour:** 10am - 8pm

**Business Phone Number:** TBD

**Business Email Address:** TBD

**Website:** TBD

## **Business Goal:**

Clear Lake Massage Spa provides personalized therapeutic massage services aimed at promoting relaxation, stress relief, pain management, and muscle tension relief for clients experiencing mental or physical stress. Our mission is to help clients achieve both physical and mental balance through customized massage treatments.

## **Services Offered:**

Our massage therapy business offers a range of services that incorporate both Eastern and Western massage techniques.

- Western Massage Techniques include swedish, deep tissue, lymphatic drainage, sports massage, foot reflexology, and hot stone therapy.
- Eastern Massage Techniques include shiatsu, traditional Chinese medicine, hand & foot reflexology, acupressure, energy work, and rocking & shaking.

## **Client Experience & Process:**

Clients can conveniently book appointments through our website or by phone. Each session begins with a brief consultation to understand the client's specific concerns and needs, such as stress, body pain, or medical conditions. Based on this consultation, the therapist tailors the massage using professional techniques to provide maximum relief. After the session, clients receive personalized aftercare advice to help extend the benefits of the treatment.

## **Staff & Expertise**

Our certified massage therapists have over 10 years of experience and are trained in a variety of Eastern and Western modalities. We regularly attend professional workshops to stay up-to-date with the latest massage techniques and holistic wellness practices, ensuring the highest level of care for our clients.

## **Supplier & Products**

We prioritize both comfort and safety by using organic, hypoallergenic massage oils and lotions suitable for all skin types. Our dedication to sustainability is reflected in the eco-friendly products we incorporate into every service. To maintain the highest hygiene standards, we use single-use sheets for each customer and ensure that towels are thoroughly cleaned and sanitized after each use. Fresh towels and linens are always provided, ensuring a safe, clean, and relaxing experience for every client.

# MILPITAS POLICE DEPARTMENT

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Jared Hernandez  
Chief of Police

November 27, 2024

Ms. Yuying Wang  
1766 Clear Lake Avenue,  
Milpitas, CA 95035

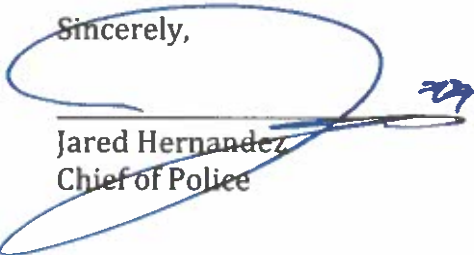
Dear Ms. Yuying Wang:

The Milpitas Police Department hereby issues you a permit to operate as a Massage Establishment, Clear Lake Spa at 1766 Clear Lake Avenue in Milpitas, subject to the laws and regulations set forth in the Milpitas Municipal Code sections regulating the business of massage.

You must renew your permit in accordance to Milpitas Municipal Code III-6-14. If a renewal application and all required information for the renewal is not received within sixty (60) days after expiration, the permit shall be deemed expired and no privilege to provide massage shall exist.

**This form will serve as your permit.** Your permit will expire on November 27, 2025.

Sincerely,



Jared Hernandez  
Chief of Police

# MEMORANDUM

## Planning Department

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**Date:** January 23, 2025  
**To:** Zoning Administrator  
**From:** Kristina Phung, AICP, Senior Planner



**Subject:** **SINGLE-FAMILY RESIDENCE EXPANSION AND NEW SECOND-STORY ADDITION – 445 ROSWELL DRIVE – P-MS24-0168** – A Minor Site Development Permit to remodel an existing 1,062-square foot, one-story, single-family residence, including a 499-square foot ground-floor addition, and construction of a new, 558-square foot second-story addition on a 0.14-acre lot located in the R1-6 Single-family Residential Zoning District at 445 Roswell Drive. The maximum height of the two-story residence will be 25 feet and 2.5-inches above grade level and the project scope will increase the size of the residence to 2,119-square feet of habitable space with a 427-square foot attached garage. The project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures), Section 15332 (In-fill Development Projects) and, as a separate and independent basis, Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning).

**Location:** 445 Roswell Drive (APN: 088-08-018)

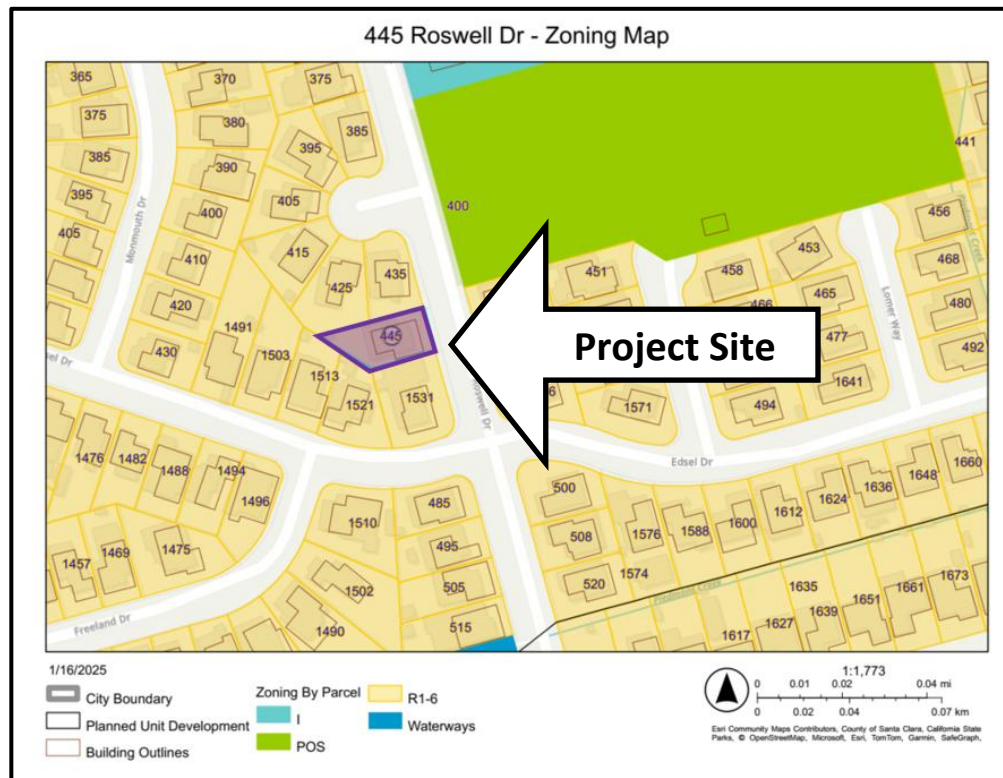
**Zoning/GP:** Single-Family Residential (R1-6) / Low Density Residential (LDR)

### **Application:**

On July 2, 2024, Dustin Nguyen from Elite Home Development (Applicant), on behalf of the property owner Ariel Casas, submitted a Minor Site Development (MSD) Permit to remodel an existing single-story residence into a new, two-story, 2,119-square foot, single-family residence on a 0.14-acre lot located at 445 Roswell Drive (the “Project”). MSD Permits are required to be reviewed by the Zoning Administrator for certain additions to residential buildings that exceed the threshold for planning staff review, as stated per Milpitas Municipal Code (MMC) Section XI-10-57.03(C)(2)(a)(ii). Figures 1 and 2 demonstrate the aerial location and zoning map of the Project site.



**Map 1: Aerial Map of 445 Roswell Drive**



**Map 2: Zoning Map of 445 Roswell Drive**



The subject property and surrounding properties are all zoned Single-Family Residential (R1). Table 1 demonstrates the surrounding zoning and land uses.

**Table 1: Surrounding Zoning and Land Uses**

|                     | <b>General Plan</b>           | <b>Zone</b>                      | <b>Uses</b>             |
|---------------------|-------------------------------|----------------------------------|-------------------------|
| <b>Subject Site</b> | Low Density Residential (LDR) | Single Family Residential (R1-6) | Single-Family Residence |
| <b>North</b>        | Low Density Residential (LDR) | Single Family Residential (R1-6) | Single-Family Residence |
| <b>South</b>        | Low Density Residential (LDR) | Single Family Residential (R1-6) | Single-Family Residence |
| <b>East</b>         | Low Density Residential (LDR) | Single Family Residential (R1-6) | Single-Family Residence |
| <b>West</b>         | Low Density Residential (LDR) | Single Family Residential (R1-6) | Single-Family Residence |

### **Project Details**

The existing 1,062-square foot single-story home was constructed in 1956 and is primarily comprised of three bedrooms and one and a half bathrooms with a kitchen, living room, dining room, and an attached 481-square foot (S.F.) two-car garage.

The Applicant is requesting an MSD Permit to remodel and expand the existing residence by including a first floor addition to the front, rear, and right side (north elevation) of the house, totaling approximately 499 S.F., and the development of a new, 558 S.F. partial second-story floor. The Project will also include a new 119 S.F. front porch, demolition of the existing unpermitted accessory shed structure in the rear yard, construction of a new uncovered rear patio with a built-in outdoor barbeque, and associated façade and site improvements. If the applicant receives approval of this MSD Permit request, the Applicant will be required to subsequently obtain a demolition permit to allow for the partial demolition of the existing residence and unpermitted accessory structures, and a building permit to allow for the construction of the proposed Project from the City's Building Department.

The 499 S.F. first floor expansion includes a front addition to extend the garage, as well as additions to the rear and right side of the house and a remodel of the existing home to update the floor plan. The first floor will have a total of three bedrooms, two bathrooms, and redesigned kitchen, living, and dining room areas. The new proposed partial second-story addition, totaling approximately 558 S.F., will be primarily constructed above the front half of the residence and include a new master bedroom and bathroom with a den area. Overall, the remodeled house will have a total of four bedrooms and three bathrooms, reaching a maximum height of 25 feet and 2.5 inches above grade level and two stories.

A new internal staircase will provide access between both floors. In total, the expanded two-story residence, will have approximately 2,119 S.F. of habitable space with a 427 S.F. attached garage. On the exterior of the residence, the proposed Project will include an attached uncovered patio in the rear of the house with a built-in outdoor barbecue pit.

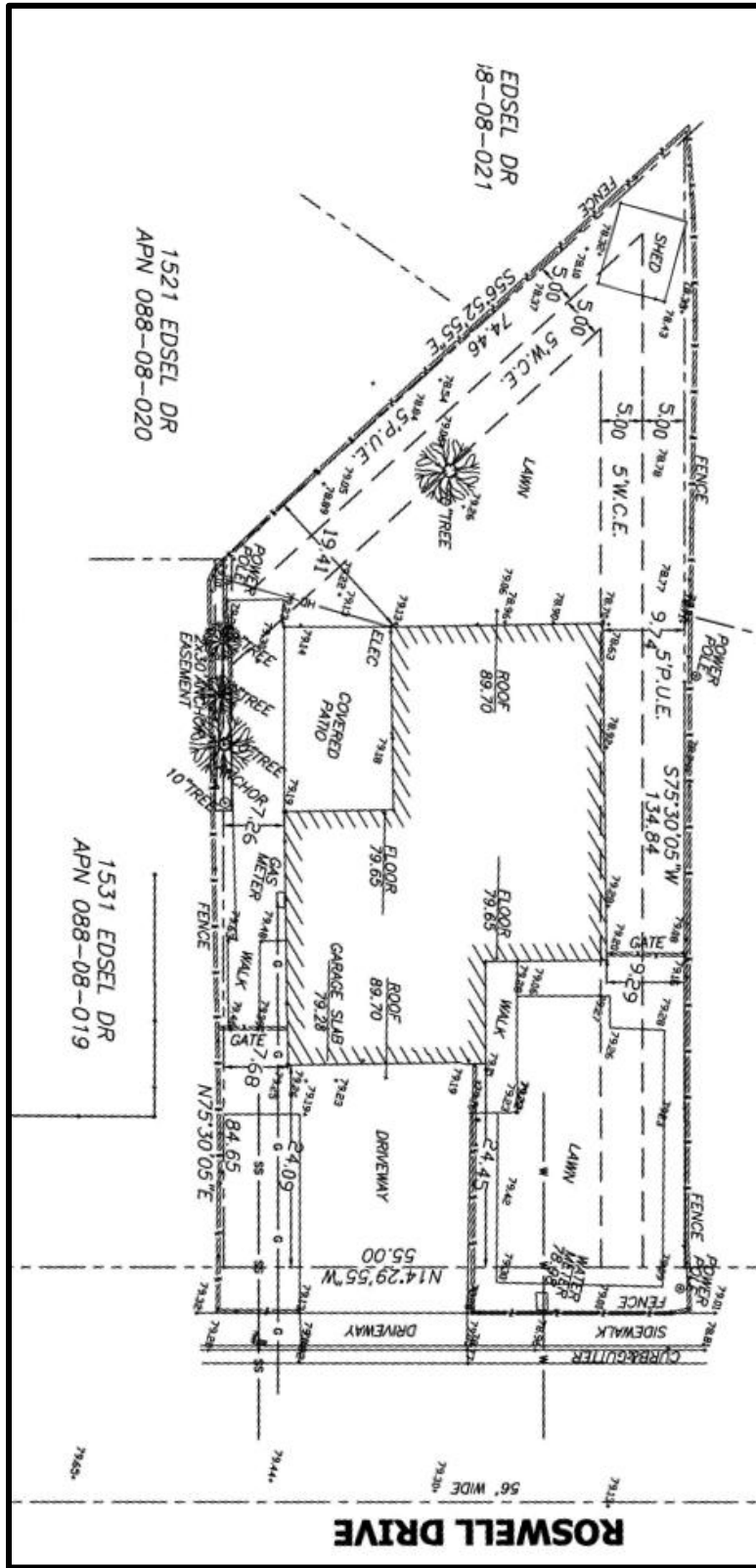
Site improvements include demolishing the existing unpermitted shed in the rear yard that is located within a 5-foot Public Utility Easement and removal of the existing 3-foot tall fencing in the front yard. The subject site shares existing 6-foot tall perimeter fencing along the sides and rear with abutting neighbors and the Project will not alter any existing shared fencing. No substantial landscaping improvements are proposed and no existing onsite trees will have to be removed to allow for construction of the Project. The Project does not include driveway modifications as the existing 22-foot wide driveway with a lot width of 55-feet is in compliance with the City's maximum front yard paving coverage regulations for single-family residential zones per MMC XI-10-4.05(B)(1)(a)<sup>1</sup>.

Figure 1 shows the existing site plan and Figure 2 shows the proposed Project's site plan.

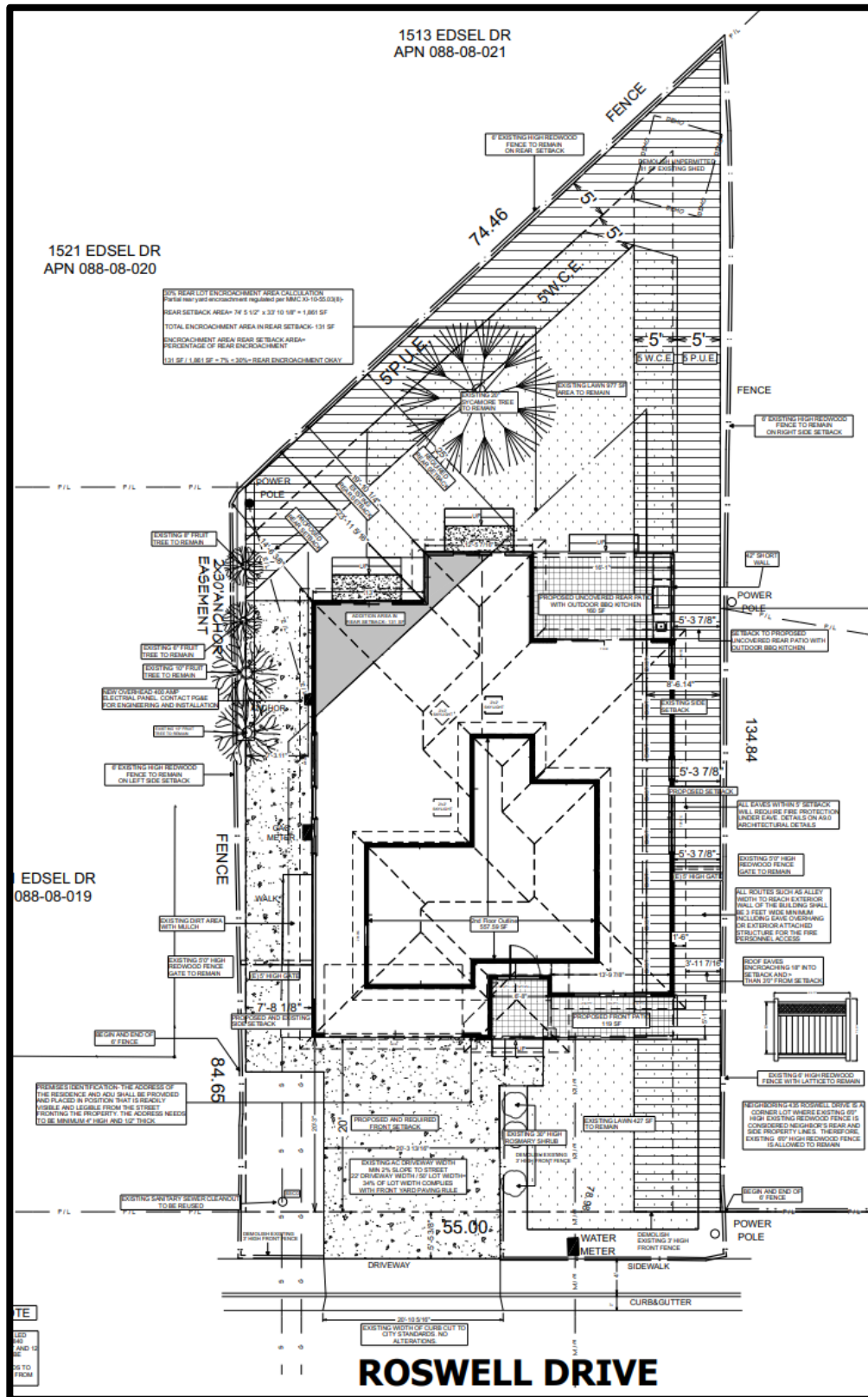
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<sup>1</sup> Per Residential Zone Special Development Standards MMC Section XI-10-4.05(B)(1)(a), the width of the area that may be paved shall not exceed the width of the garage, or fifty percent (50%) of the lot width measured at the front property line, whichever is greater.

### **Figure 1: Existing Site Plan**



**Figure 2: Overall Site Plan with New Second-Story Addition**

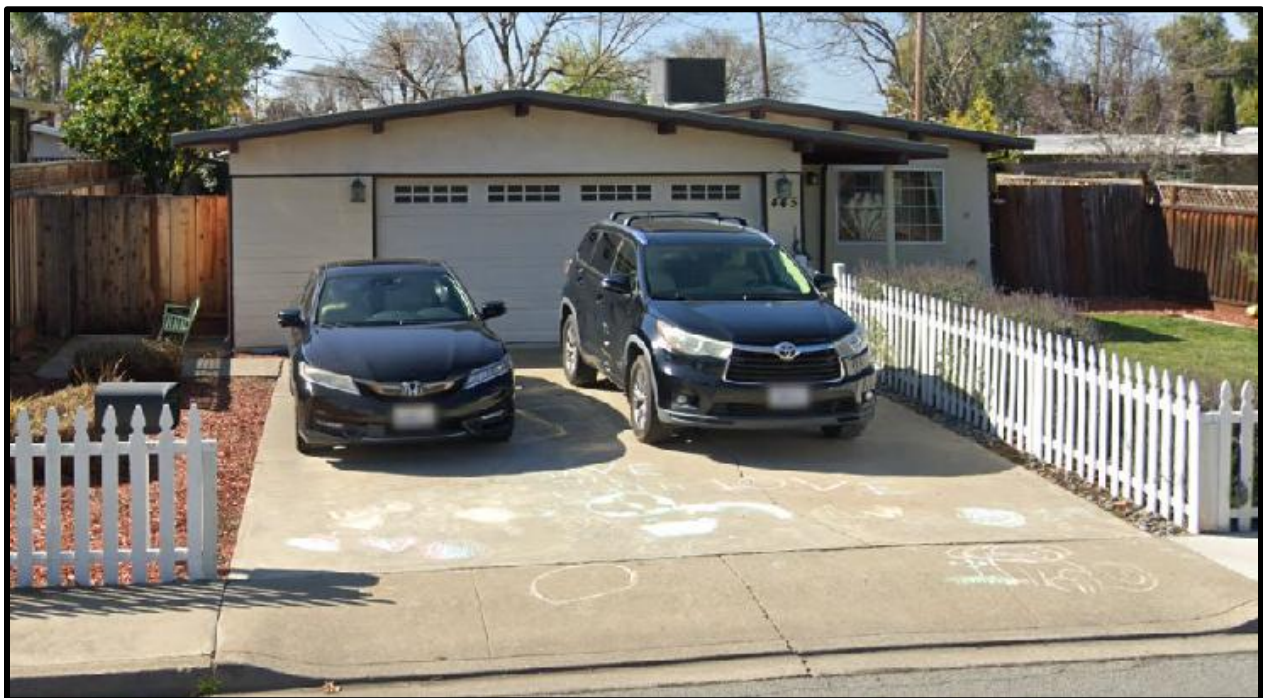


### **Architecture, Colors, and Materials**

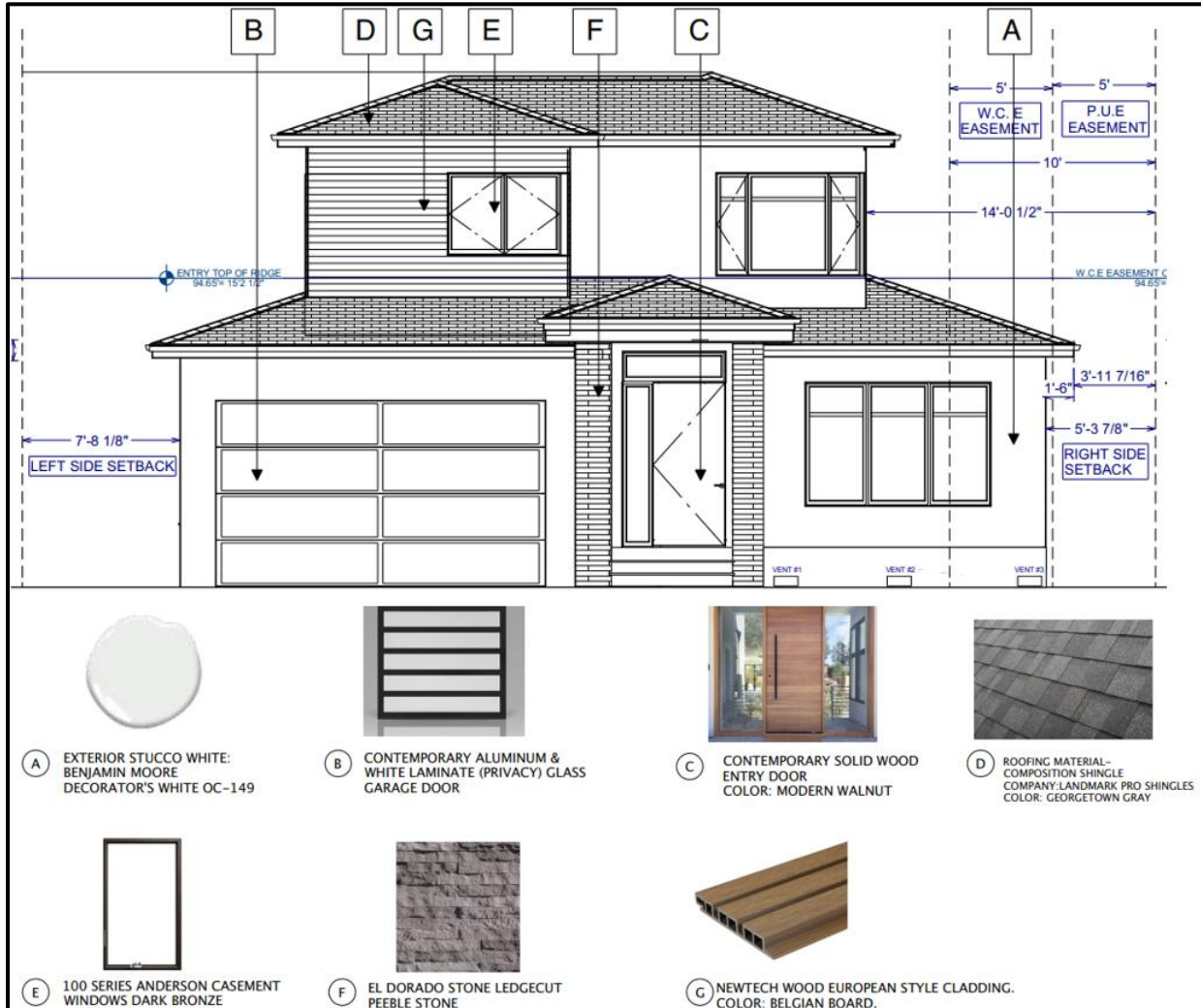
The Applicant has designed the Project with a contemporary Ranch architectural style and will feature neutral, earth toned colors and materials, similar to the existing design of the residence. The Project will include exterior stucco walls to be painted white, with a portion of the second floor's front elevation using European style wood cladding in a natural brown (Belgian board) color. Stone accents added to the new front porch entryway on both columns include El Dorado stone ledge cut pebble stone in a neutral gray color and the proposed windows will have dark bronze trims. The proposed roofing color and material will be similar to the existing residence with composition shingles in Georgetown gray. The Project will also incorporate a contemporary aluminum and white laminate privacy glass garage door, and a contemporary solid wood front entry door in a modern walnut color.

Figure 3 shows the existing front façade of the residence and Figures 4 and 5 show the proposed Project's front and rear façade elevations of the remodeled and expanded residence, including a colors and materials board.

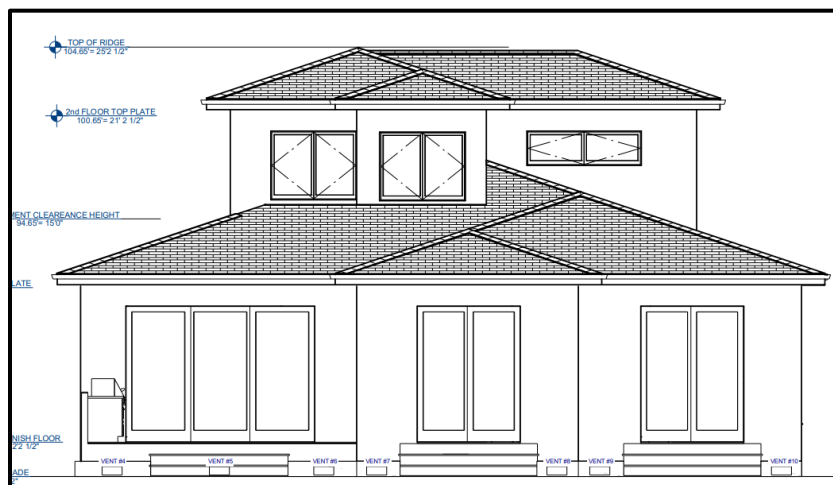
**Figure 3: Existing Front Façade of 445 Roswell Drive**



**Figure 4: Proposed Front Façade (East Elevation) and Colors/Materials Board**



**Figure 5: Proposed Rear Façade (North Elevation)**



### **Analysis and Zoning Conformance**

The Project site is in the R1-6 Zoning District and complies with the applicable development standards as shown in Table 2, and does not require any deviations from required standards:

**Table 2: R1-6 Zoning District Development Standards**

| <b>Standards</b>                            | <b>Required/Maximum</b>                                                                                    | <b>Proposed</b>                                                | <b>Complies</b> |
|---------------------------------------------|------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|-----------------|
| <b>Front Setback</b>                        | 20 feet                                                                                                    | 20 feet                                                        | Yes             |
| <b>Side Yard Setback</b>                    | Adjacent to garage:<br>min. 6 feet<br><br>Opposite side, total:<br>min. 13 feet<br><br>Total: Min. 13 feet | 7 feet, 8 inches<br><br>5 feet, 4 inches<br><br>Total: 13 feet | Yes             |
| <b>Rear Yard Setback</b>                    | 25 feet*                                                                                                   | 14 feet, 7 inches**                                            | Yes             |
| <b>Rear Yard Setback Max. Coverage***</b>   | 30% Max. of<br>Required Rear Yard<br>Area                                                                  | 7%                                                             | Yes             |
| <b>Building Height</b>                      | 30 feet                                                                                                    | 25 feet, 2.5 inches                                            | Yes             |
| <b>Parking</b>                              | 4 spaces                                                                                                   | 4 spaces                                                       | Yes             |
| <b>Front Yard Paving Coverage, Max.****</b> | Subject Lot = 55 feet<br>in width; therefore,<br>maximum 27.5 feet<br>width of paving<br>allowed           | 22 feet                                                        | Yes             |

\* Per MMC Sec. XI-10-55.03(8)(a) (Setbacks), "Such additions may be allowed into the required rear yard so that the remaining rear yard setback (measured perpendicular to the rear lot line at any point) is not less than the exterior height of the rear wall of said building addition and shall not encroach into a public utility easement".

\*\* Proposed rear yard setback to proposed new first-floor rear addition will measure approximately 14 feet and 7-inches with a wall height of approximately 11 feet, 2.5 inches.

\*\*\* Per MMC XI-10-55.03(8)(d) (Setbacks), "The cumulative total of all said building additions and any accessory buildings or structures noted in MMC Sec. XI-10-54.08, Accessory Buildings and Structures, of this Chapter, shall not cover an area exceeding thirty percent (30%) of the required rear yard area specified by the regulations or PUD for the District in which this single-family or two-family dwelling is located." The proposed Project includes portions of features that encroach into the required rear yard setback area including portions of the new rear addition. See Sheet A2.0 of the Project Plans (Attachment B) for details and calculations.

\*\*\*\* Width of the area that may be paved shall not exceed the width of the garage, or fifty percent (50%) of the lot width measured at the front property line, whichever is greater.

### **Neighborhood Compatibility and Privacy**

Figure 6 demonstrates that the proposed Project will be compatible to other homes in the immediate vicinity that either have a similar white or light neutral painted stucco façade with front facing garages. The other homes also either have a light to dark grayscale or muted red roof shingle color and material and are predominantly designed in a similar Ranch architectural style.

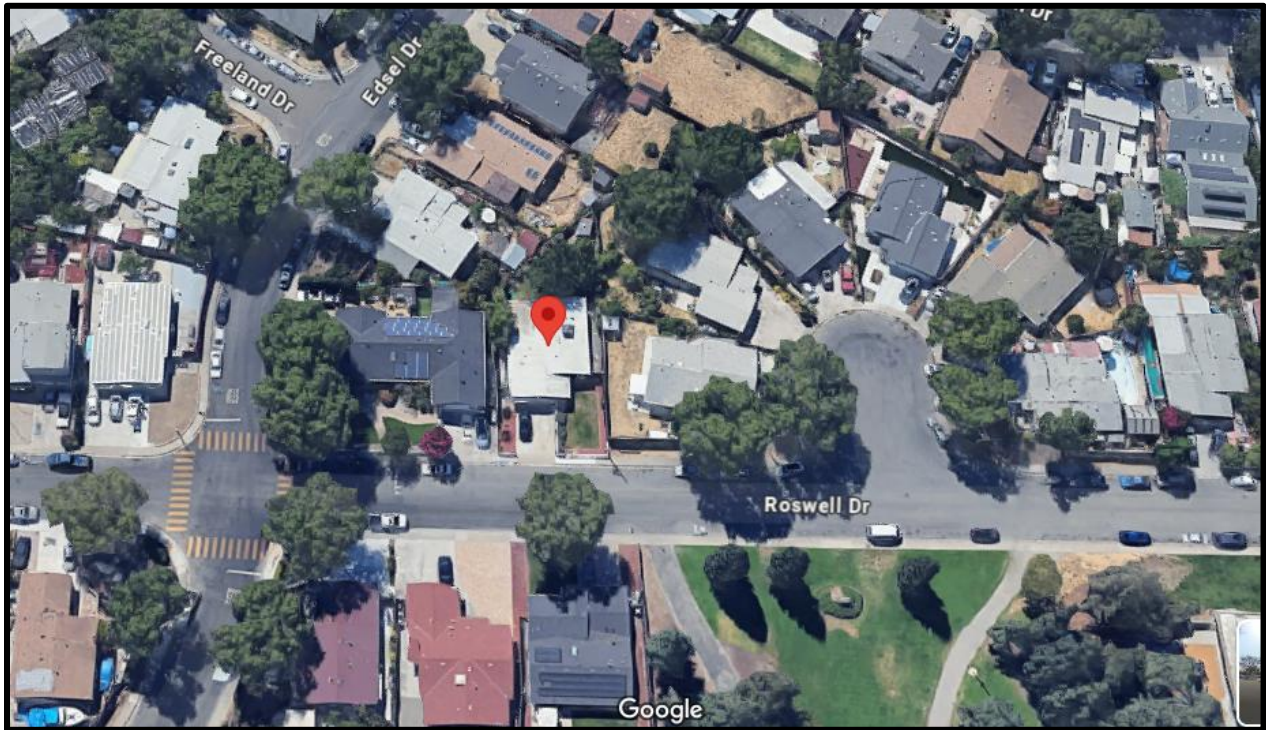
The majority of residences in the immediate area and along Roswell Drive are single-story except 325 and 495 Roswell Drive are two-story; however, the Project only proposes a partial second-story addition and incorporates varying sloped roof lines including hip roofs, similar to surrounding properties. For example, the proposed Project's contemporary design and use of modern materials and colors will also complement the existing adjacent neighbors façade at 1531 Edsel Drive (subject property's neighbor to the south) and across the street at 438 Roswell Drive as shown in Figures 7 and 8, respectively, and will have similar prominent front porch entries.

The new second story will also be stepped back at varying lengths at all sides and primarily constructed above the front portion of the first-story and will be approximately 36% of the habitable space of the expanded first floor. This design feature supports a sense of depth and openness on single-family lots and helps preserve the low density, single-family character of the neighborhood while being able to provide space for a growing family with three young children that prefers to remain in Milpitas.

The existing residence with three bedrooms and one and a half bathrooms has not undergone any substantial improvements or modifications since it was constructed in 1956, and the property is further constrained by having an odd-shaped lot and 5-foot Public Utility Easement and a 5-foot Wire Clearance Easement along the north side and rear of the subject property, which further reduces the lot's potential developable area to remain only as a single-story expansion. The Project's proposal for a new partial second-story with the first floor expansion will accommodate the growing family's needs for additional bedrooms and common space, and the second-story addition will be less than the maximum height allowance of 30 feet in the R1-6 zoning district at 25 feet and 2.5 inches above grade level and meets all other required setback and development requirements as shown in Table 2 above.

If any abutting single-story properties would like to propose a second-story addition in the future, each property would have to undergo a similar permitting and review process as this subject application to ensure compliance with the current adopted and applicable Milpitas Municipal Code regulations in effect at the date of application and will require subsequent line of sight, privacy, and design considerations on a case-by-case basis for neighborhood compatibility. Figures 9 and 10 show the north and south elevations for the sides of the proposed Project and also shows the scaling of the proposed partial second-story.

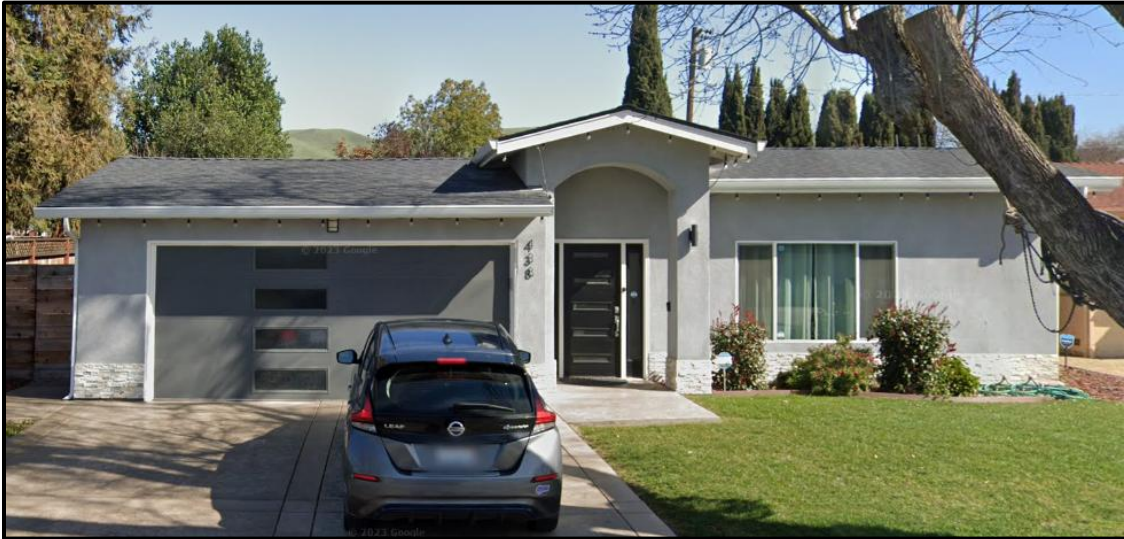
**Figure 6: Aerial View of Project Site and Surrounding Neighborhood**



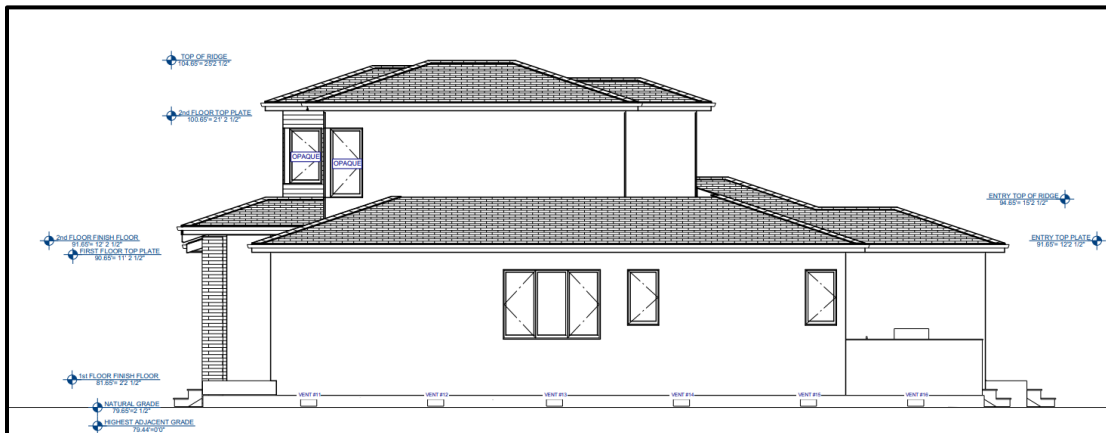
**Figure 7: Adjacent Neighbor Front Façade at 1531 Edsel Drive (South of 445 Roswell Drive)**



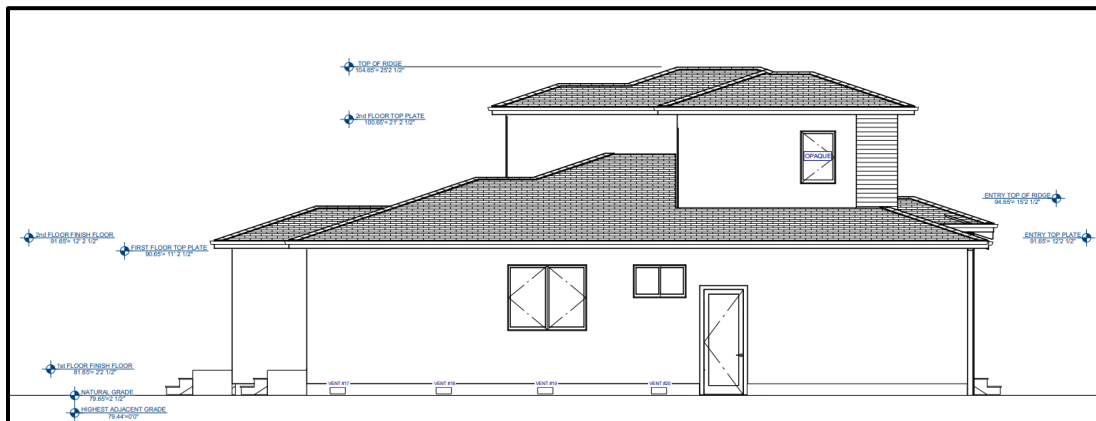
**Figure 8: Adjacent Neighbor Front Facade East from 445 Roswell Drive (438 Roswell Drive)**



**Figure 9: Proposed Project North Elevation (Right Side)**



**Figure 10: Proposed Project South Elevation (Left Side)**



Furthermore, the Applicant has included additional privacy considerations for the proposed Project's new second-story and surrounding neighbors with careful window placement and opaque glazing on the side windows of the second-story containing the master bedroom and bathroom windows, as noted on Sheet A8.0 of the Project Plans (Attachment B). Additionally, all of the windows on the proposed first and second floor windows will include shades or blinds installed, similar to neighboring properties abutting the subject property that have existing window shades or blind structures installed.

The property owners have also complied with the Planning Department staff's request to conduct their own neighborhood outreach with surrounding neighbors to discuss the proposed Project as a courtesy and address any potential concerns in advance of the scheduled Zoning Administrator hearing. The attached Project Design Statement (Attachment C) from the Applicant summarizes the outcome of the discussions with various neighbors, and no concerns were raised. Furthermore, the same Applicant and property owner(s) received approval by the Zoning Administrator on May 13, 2021, for a similar and smaller expansion and second-story addition project under P-MS21-0005; however, due to unforeseen hardships, no building permit application was received by the City, and the prior entitlement expired on May 13, 2023. No appeals or neighborhood opposition occurred at the prior approval, and the Applicant and property owner(s) have refined the design in this subject application proposal and have conducted new outreach to adjacent neighbors as described in Attachment C.

Considering all of the above, the proposed Project will be compatible with the surrounding neighborhood and has been designed to avoid direct line of sights to the adjacent neighbors and also incorporates the aforementioned privacy design considerations.

### **Findings for Approval:**

In accordance with Section XI-10-57.03(G) of the Milpitas Municipal Code, the Zoning Administrator may consider and approve a Minor Site Development if the required findings can be made. Findings shall identify the rationale behind the decision to take a certain action and are analyzed below:

- 1. The development recognizes and respects the nature of the neighborhood and site, development patterns, materials used, and the expectations of those who will see and use the building; and*

The Project is a remodel and addition of a one-story, single-family residence into a two-story single-family residence that will meet all R1-6 zoning district development standard requirements. The site is surrounded with one- and two-story similar sized single-family homes. The contemporary design with earthtone colors and materials respects the suburban feel of the area and supports the residential characteristics of the R1-6 zoning district to promote and encourage a suitable environment for family life. The architectural style is similar to the existing residence and will be designed similarly to neighboring properties with contemporary Ranch architectural design with prominent front entry porches and primarily using colors and materials in gray, white, or wood and neutral brown shades.

2. *The development assures that modifications satisfy functional requirements, and are screened with appropriate compatible materials; and*

The proposed Project and the second-story addition was designed to have the majority of the square footage on the ground floor in order to maximize space and functionality. The Project will complement the character of the neighborhood as its building materials will be modern and contemporary and also incorporates a similar Ranch architectural style as its adjacent neighbors. The Project has also included privacy design considerations, including a using opaque windows on sides of the new second-story addition. Furthermore, the Project would not require adding any additional parking spaces and the subject site would still meet minimum parking requirements, and the existing subject property is in compliance with the City's maximum front yard paving requirements.

3. *The development assures that the modifications will not interfere with the privacy, quiet enjoyment or view of the surrounding properties.*

The proposed ground floor expansion and two-story addition is located within all required setbacks, and only includes a partial second-story addition to be primarily built above the front half portion of the expanded ground floor. In addition, the Project meets all required setbacks which will not interfere with the privacy of the surrounding properties. The window privacy considerations demonstrate that the Project will not interfere with the privacy, quiet enjoyment, or view of the surrounding properties. The property owner has also conducted voluntary neighborhood outreach regarding these potential concerns and has provided a summary of the efforts to Planning Department staff.

### **California Environmental Quality Act (CEQA):**

The Project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303 (New construction or conversion of small structures), Section 15332 (In-Fill Development Projects) and, as a separate and independent basis, Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning). The Project is a remodel of an existing single-family residence to expand the ground floor and an addition of a new partial second-story that meets or exceeds all of the objective design standards of the R1-6 zoning district.

### **Recommendation:**

Staff recommends that the Zoning Administrator approve Minor Site Development Permit P-MS24-0168 to remodel and expand an existing 1,062-square foot, one-story single-family residence, to a two-story, 2,119-square foot residence with a 427-square foot attached garage at 445 Roswell Drive, subject to the findings outlined in this report and the attached Conditions of Approval.

**Attachments:**

- A. Conditions of Approval
- B. Project Plans
- C. Project Design Statement

## ATTACHMENT A

### MINOR SITE DEVELOPMENT PERMIT NO. P-MS24-0168 445 ROSWELL DRIVE (APN 088-08-018)

The City of Milpitas Zoning Administrator approves Minor Site Development Permit No. MS24-0168 in accordance with Section XI-10-57.03 of the Milpitas Municipal Code, subject to and conditioned upon all applicable State and local laws and regulations and the Conditions of Approval outlined below. This Minor Site Development Permit entitlement is to allow the issuance of building permits to remodel an existing 1,062-square foot, one-story single-family residence, to a two-story, 2,119-square foot residence with a 427-square foot attached garage ("Project") on a 0.14-acre lot located within the R1-6 Single-family Residential Zoning District at 445 Roswell Drive (APN: 088-08-018), subject to all necessary reviews, approvals, studies, and inspections for the issuance of such building permits.

#### APPROVED SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL:

##### **General Conditions**

1. **General Compliance.** The applicant, including all successors in interest (collectively "Permittee") shall comply with each and every condition set forth in this Permit. This Minor Site Development Permit No. MS24-0168 ("Permit") shall have no force or effect and no building permit shall be issued unless and until all things required by the below-enumerated precedent conditions have been performed or caused to be performed. **(P)**
2. **Effective Date.** Unless there is a timely appeal filed in accordance with the Milpitas Zoning Code, the date of approval of this Permit is the date on which the decision-making body approved this Permit. **(P)**
3. **Acceptance of Permit.** Should Permittee fail to file a timely appeal within twelve (12) calendar days of the date of approval of this Permit, inaction by Permittee shall be deemed to constitute each of the following: **(P)**
  - i. Acceptance of this Permit by Permittee; and
  - ii. Agreement by the Permittee to be bound by, comply with, and to do all things required of or by Permittee pursuant to all the terms, obligations, and conditions of this Permit.
4. **Permit Expiration.** Pursuant to Section XI-10-64-06 of the Milpitas Zoning Code, this Permit shall become null and void if the activity permitted by this Permit is not commenced within two (2) years from the date of approval, or for a project submitted with a tentative map, within the time limits of the approved tentative map. Pursuant to Section XI-10-64.06(B) of the Milpitas Zoning Code, an activity permitted by this Permit shall be deemed to have commenced when the Project: **(P)**
  - i. Completes a foundation associated with the Project; or
  - ii. Dedicates any land or easement as required from the zoning action; or

- iii. Complies with all legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner.
5. Time Extension. Pursuant to Section XI-10-64.07 of the Milpitas Zoning Code, unless otherwise provided by State law, Permittee shall have the right to request a one-time extension of the Permit if the request is made in writing to the Planning Division prior to the expiration date of the approval. **(P)**
6. Notice. Pursuant to California Government Code Section 66020, any protest filed in court relating to the imposition of fees, dedication, reservations, or other exactions to be imposed on the development Project shall be filed within ninety (90) days after the date of the approval of this Permit. This provision serves as notice from the local agency to the Permittee that the ninety (90) day period in which the applicant may file a protest has begun under California Government Code Section 66020(d)(1). **(CA)**
7. Cost and Approval. Permittee shall fully complete and satisfy each and every condition set forth in this Permit and any other condition applicable to the Project to the sole satisfaction of the City. Additionally, Permittee shall be solely responsible and liable for the cost to satisfy each and every condition. Permittee shall pay all required fees and charges to the City at the rate in effect at time of building permit issuance, or, the rate in effect when the fees and charges are due and paid in full to the City. There is no vesting of any fees or charges with the approval of this Permit. **(P)**
8. Conditions. Each and every condition set forth in this Exhibit shall apply to the Project and continue to apply to the Project so long as the Permittee is operating the Project under the permits and approvals in this Permit. **(P)**
9. Compliance with Laws. The construction, use, and all related activity authorized under this Permit shall comply with all applicable local, state, and federal laws, rules, regulations, guidelines, requirements, and policies. **(CA/P)**
10. Previous Approvals. Permittee shall abide and continue to comply with all previous City approvals, permits, or requirements relating to the subject property, unless explicitly superseded or revised by this Permit. **(P)**
11. Indemnification. To the fullest extent permitted by law, Permittee shall indemnify, defend with counsel of the City's choosing, and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to (i) City's approval of the Project, including but not limited to, the approval of the discretionary permits, maps under the Subdivision Map Act, and/or the City's related determinations or actions under the California Environmental Quality Act, and (ii) Permittee's construction, operation, use, or related activity under this Permit. This indemnification shall include, but not be limited to, damages awarded against the City,

if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. Permittee shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. Permittee shall pay to the City upon demand or, as applicable, to counsel of City's choosing, any amount owed pursuant to the indemnification requirements prescribed in this condition. **(CA)**

12. Written Response to Conditions. The Permittee shall provide a written response to the Conditions of Approval indicating how each condition has been addressed with the building permit application submittal. **(ALL)**

13. Revocation, Suspension, Modification. This Permit may be suspended, revoked, or modified in accordance with Section XI-10-63.06 of the Milpitas Zoning Code. **(P)**

14. Severability. If any term, provision, or condition of this Permit is held to be illegal or unenforceable by the Court, such term, provision, or condition shall be severed and shall be inoperative, and the remainder of this Permit shall remain operative, binding, and fully enforceable. **(CA)**

15. Permittee shall develop the approved Project in conformance with the approved plans (date stamped 1/06/2025), approved by the Zoning Administrator on the date of the public hearing for the Project on January 23, 2025 in accordance with these Conditions of Approval. **(P)**

Any deviation from the approved site plan, elevations, materials, colors, landscape plan, or other approved submittal shall require that, prior to the issuance of building permits, the Permittee shall submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the Planning Director or Designee. If the Planning Director or designee determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain approval of the Zoning Administrator or City Council, as applicable, in accordance with the Milpitas Zoning Code. **(P)**

### **FIRE DEPARTMENT CONDITIONS**

The plans approved by the Planning Department process are not building plans and have not been reviewed nor approved for conformance to the California Building Code (CBC), California Fire Code (CFC) and the Milpitas Municipal Code (MMC). Do not consider this set of plans as final building plans approved by the Fire Department. Building plans must be submitted for review and approval before construction is to commence. The following notes are a general list of the applicable code requirements (2022) and are provided to assist with the building permit process. Please note that these are not all inclusive. All applicable Building, Fire and Municipal Code requirements must be met in advance of any building permit approvals or related construction.

16. Electronic documents. The fire code official may require electronic base documents for all construction documents and operational permits. The fire code official shall designate the software base format for the electronic documents. CFC Section 106.1.1, added by MMC Section V-300-2.28, and CFC Section 106.1.1.

17. Premises identification. New and existing buildings shall have approved address numbers. Address numbers shall be illuminated and located where they are clearly visible from the street. Added by MMC Section V-300-2.55 and CFC Section 505

18. Fire Department Access

Building and facilities. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of 2022 CFC 503.1.1 and shall extend to within 150 feet of all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

18.1. Provide a site plan and show the dimension in the normal route of fire hose from fire apparatus access road to all portion of the exterior wall of the main building.

19. Required water supply (hydrants that meet the minimum City Engineering Division Design Standards). An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction. CFC Section 507.1

Provide a report showing a minimum fire flow of 1000 gpm at minimum 20 psi residual pressure based on the Type V-B sprinklered with a total fire area of 1,963 square feet. 2022 CFC B105.1

Fire flow can be requested at [MilpitasWorks@milpitas.gov](mailto:MilpitasWorks@milpitas.gov)

20. Required water supply (hydrants that meet the minimum City Engineering Division Design Standards). An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction. CFC Section 507.1

Provide a report showing a minimum fire flow of 1000 gpm at minimum 20 psi residual pressure based on the Type V-B sprinklered with a total fire area of 1,963 square feet. 2022 CFC B105.1. Fire flow can be requested at [MilpitasWorks@milpitas.gov](mailto:MilpitasWorks@milpitas.gov).

20.1. Provide the following notes on the cover sheet: AUTOMATIC FIRE SPRINKLERS

20.1.1. An approved automatic fire sprinkler system (NFPA 13 minimum) shall be provided for the home (living space, attached to the home, etc.). California Fire Code Section 903.2.8. Automatic Fire Sprinkler System is used to comply with the requirements for unprotected openings and opening

percentage to an exterior wall in buildings equipped throughout with automatic fire sprinkler system in accordance with 2022 CBC/CFC Section 903.3.1.1. California Building Code Section 705.8.

20.1.2. FIRE DEPARTMENT PERMIT – REQUIRED

The Milpitas Fire Department shall approve new installation and/or modifications to existing fire protection, alarm or monitoring system(s), public and private hydrants. A separate submittal is required to the Milpitas Fire Department, for review and approval, prior to the commencement of any work. CFC Section 901.2

20.1.3. WATER SUPPLY SERVICE TO THE HOME

The water supply service to the home may need upgrading to service the automatic fire sprinkler system. All new water services shall be done as required by the City of Milpitas Engineering Division.

21. Required access. Exterior doors and openings required by the California Fire Code, or the California Building Code shall be maintained readily accessible emergency access by the fire department. An approved access walkway leading from the fire apparatus access roads to exterior openings shall be provided where required by the fire code official. 2022 CFC 504.1.
22. Walkway. A paved walkway shall be provided from the front public sidewalk to the front door of the new dwelling unit. The sidewalk shall be 48 inches in width minimum. The walkway shall be maintained clear and unobstructed at all times.
23. Gate(s). If there are gates along the path of the required walkway, such gates shall be not less than 48 inches net clear when open and shall provide the means for easy opening from the exterior side of the gate(s).
24. Sprinkler system supervision and alarms, and monitoring. Valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels and temperatures, critical air pressures and waterflow switches on all sprinkler systems shall be electrically supervised by a listed fire alarm control unit in conformance to the CA Fire Code Section 903.4.
25. Monitoring. Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an approved supervising station or, when approved by the fire code official, shall sound an audible signal at a constantly attended location.
26. Automatic Fire Sprinkler System Riser Location. The fire sprinkler system riser shall not be located within electrical rooms or storage closets and shall be provided with clear access and working clearance. The fire sprinkler system riser location shall be approved by the fire code official.
27. R Occupancy - Smoke Alarm. Single- and multiple-station smoke alarms. Listed single- and multiple-station smoke alarms complying with UL 217 shall be installed in accordance with Sections 907.2.11.1 through 907.2.11.7 and NFPA 72.

Exception: For Group R occupancies. A fire alarm system with smoke detectors located in accordance with this section may be installed in lieu of smoke alarms. Upon actuation of the detector, only those notification appliances in the dwelling unit or guest room where the detector is actuated shall activate. [Ref.: CFC 907.2.10]

28. **Emergency Escape and Rescue.** Emergency escape and rescue shall be provided in addition to the means of egress in Group R occupancies. Basement and sleeping rooms below the fourth story above grade plane shall have not fewer than one emergency escape and rescue opening in accordance with 2022 CBC/CFC Section 1031. Such openings shall open directly into the public way or to a yard or court that opens to a public way.

### **BUILDING DEPARTMENT CONDITIONS**

29. **Compliance with California Code of Regulations.** The Project shall comply with the requirements of the Building Safety and Housing Department and the California Code of Regulations Title 24 and the Milpitas Municipal Code as adopted by the City. Building permits shall be submitted to and approved by the Building Safety and Housing Department prior to start of construction. All California Code of Regulations Title 24 and Milpitas Municipal Code requirements applicable at the time of building permit application must be met in advance of any building permit approvals or related construction. Changes to the site plan and/or building plan require review and approval by the Building Safety and Housing Department.
30. **Demolition.** All existing structures and improvements to the property, including any unpermitted or otherwise legally non-compliant structures and improvements, shall be demolished prior or concurrently to construction of any new development contemplated by this building permit.

### **ENGINEERING DEPARTMENT CONDITIONS**

#### **PRIOR TO OFF-SITE PLAN APPROVAL/ENCROACHMENT PERMIT ISSUANCE**

*The following conditions shall be addressed as part of the off-site improvement plan review and shall be met **prior to** encroachment permit issuance, unless otherwise approved by the Director of Engineering/City Engineer. (E)*

31. **Public Improvement Design Standards:** All public improvements shall be designed and constructed in accordance with all applicable public improvement design standards, including but not limited to:
- a. Standard details and specifications: (<https://www.milpitas.gov/333/Standard-Details-Specifications>);
  - b. Americans with Disabilities Act (ADA) requirements, where applicable.

32. Domestic Water and Fire Service Calculations: Permittee shall submit potable water and fire service calculations to confirm adequacy of lateral size, pressure and flow, to be reviewed and approved by the Engineering Department and Fire Department. Hydraulic modeling analysis by the City and paid by the Permittee may be required as needed. Permittee shall be responsible to implement any necessary improvements if there is any identified deficiency to the existing main as a result of the project.
33. Water Meter: Installation of radio-transmitted water meters with a meter antenna, any repeaters or transmitters as needed with dedicated power supplies at no cost to the City at locations acceptable to the City to ensure accurate and timely reception of meter readings. Permittee shall execute a recorded instrument providing dedicated space, access rights and dedicated power supplies to the City for operation/maintenance/repair/replacement of subject radio antenna.
34. Water Service Agreement: Permittee shall complete a water service agreement to revise water service if needed.
35. Encroachment Permit: Prior to any work in the public right-of-way and/or public easement, obtain an encroachment permit with insurance requirements for all public improvements including a traffic control plan per the latest California Manual on Uniform Traffic Control Devices (MUTCD) standards to be reviewed and approved by the Engineering Department.

#### **PRIOR TO BUILDING PERMIT ISSUANCE**

*The following conditions shall be addressed during the building plan check process and shall be met **prior to** any building permit issuance (except demolition permit and rough grade permit), unless otherwise approved by the Director of Engineering/City Engineer. (E)*

36. Easements on the Building Permit Plans: Permittee shall depict all existing easements to remain based upon current preliminary title report and depict new easements on applicable building permit plans.
37. Water Supply and Force Majeure: The City reserves the right to suspend the issuance of building permits in case of an emergency declaration of water supply in the case of a major catastrophic event that restricts City's assurance to provide water supply.
38. Water Efficient Landscapes: Permittee shall comply with Milpitas Municipal Code Title VIII, Chapter 5 Water Efficient Landscapes for landscape design, including but not limited to, providing separate water meters for domestic water service and irrigation service and providing applicable landscape documentation package.
39. Flood Plain Management: This project is in the Flood Zone "AO" with 1' average flood depth, therefore, Permittee shall comply with all applicable flood protection criterion required by the Federal Emergency Management Agency (FEMA) and MMC Title XI, Chapter 15.

40. FEMA Substantial Improvement: This project is required to adhere to FEMA's Substantial Improvement requirements. One of these requirements will require the existing and proposed home's finished floor and its structure to be elevated above the site's Base Flood Elevation.

**PRIOR TO FIRST OCCUPANCY**

*The following conditions shall be met **prior to** first building occupancy on either lot, unless otherwise approved the Director of Engineering/City Engineer.*

41. Completion of Public Improvements: Permittee shall complete all public improvements as shown on City approved plans.

42. Elevation and/or Flood Proofing Certificate: Permittee's civil engineer shall submit Elevation and/or Flood Proofing Certificate for the lowest finished floor elevation of each building for City record.

(P) = Planning

(F) = Fire Prevention

(B) = Building

(LD) = Land Development

(CA) = City Attorney

**PASSED AND ADOPTED** at a regular meeting of the Zoning Administrator of the City of Milpitas on January 23, 2025.

\_\_\_\_\_  
Jay Lee, AICP  
Planning Director

Date: \_\_\_\_\_

### **NOTICE OF RIGHT TO PROTEST**

The Conditions of Project Approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the 90-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), began on date of adoption of this resolution. If you fail to file a protest within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exactions.

### **AGREEMENT**

*Permittee/Property Owner*

The undersigned agrees to each and every condition of approval and acknowledges the NOTICE OF RIGHT TO PROTEST and hereby agrees to use the subject property on the terms and conditions set forth in this Permit.

Dated: \_\_\_\_\_

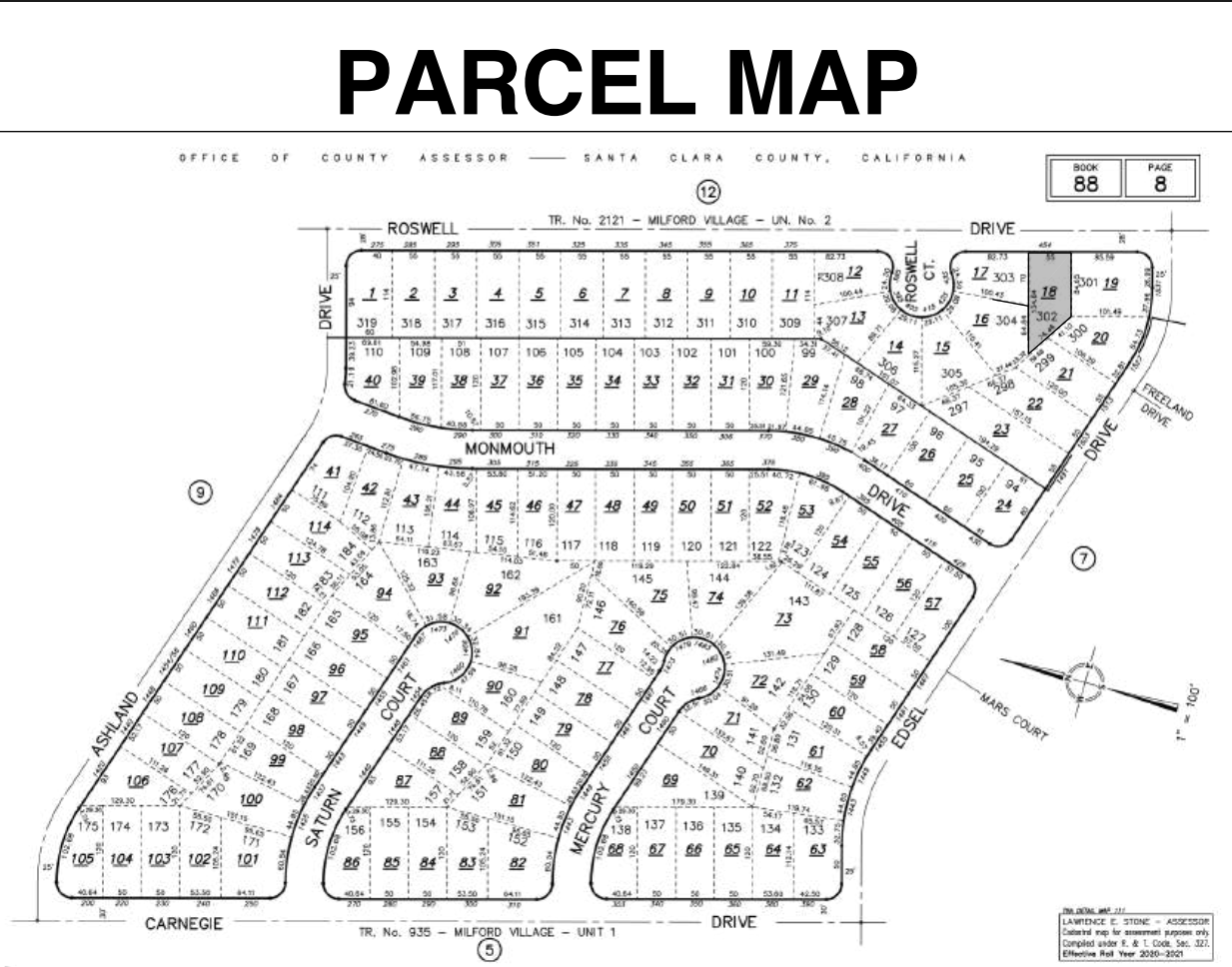
\_\_\_\_\_  
Signature of Permittee

445 ROSWELL DRIVE  
MILPITAS CA 94539  
APN: 088-08-018  
OWNER: ARIEL AND ADRIANA CASAS  
EMAIL: ariel.casas@gmail.com

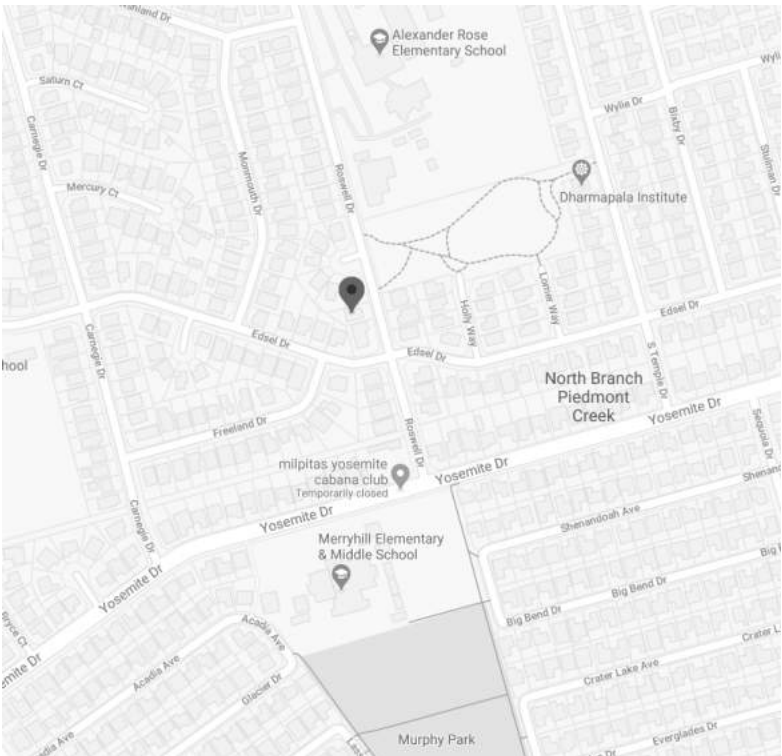
CASAS ADDITION AND REMODEL

SCOPE OF WORK

- 1. 69.51 SF FRONT ADDITION TO GARAGE
- 2. 499.28 SF FIRST FLOOR ADDITION
- 3. 557.59 SF SECOND FLOOR ADDITION
- 4. TOTAL ADDITION- 1,056.87 SF
- 5. PROPOSED FRONT PATIO- 119 SF
- 6. PROPOSED UNCOVERED REAR PATIO WITH OUTDOOR BBQ KITCHEN- 160 SF
- 7. IMPROVE FACADE TO CORRELATE WITH ADDITIONS
- 8. DEMOLISH UNPERMITTED SHED
- 9. INTERIOR REMODEL OF KITCHEN AND EXISTING LIVING AREA
- 10. KEEP EXISTING PERMITTED LEGAL FENCING



VINCINITY MAP



PROJECT INFORMATION

|                                                 |                                                                                                                                                                                                                                                                                                                                                                         |
|-------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION:                                    | EXISTING ONE STORY HOME CONSISTS OF 1,062 SF LIVING AREA, 481 SF GARAGE, 3 BEDROOMS AND 1.5 BATHS. NEW PROPOSED TWO STORY HOME CONSISTS OF 2,119 SF LIVING AREA, 427 SF GARAGE, 4 BEDROOMS, 3 BATHS AND 160 SF UNCOVERED REAR PATIO WITH OUTDOOR BBQ                                                                                                                    |
| ADDRESS:                                        | 445 ROSWELL DRIVE MILPITAS CA 94539                                                                                                                                                                                                                                                                                                                                     |
| APN:                                            | 088-08-018                                                                                                                                                                                                                                                                                                                                                              |
| ZONING:                                         | R-1-6                                                                                                                                                                                                                                                                                                                                                                   |
| YEAR BUILT:                                     | 1959                                                                                                                                                                                                                                                                                                                                                                    |
| CONSTRUCTION TYPE:                              | TYPE V-B                                                                                                                                                                                                                                                                                                                                                                |
| LOT SIZE:                                       | 6,035 SF                                                                                                                                                                                                                                                                                                                                                                |
| BUILDING OCCUPANCY USE:                         | SINGLE FAMILY RESIDENTIAL (SFR)                                                                                                                                                                                                                                                                                                                                         |
| SEPTIC/ SEWER:                                  | SEWER                                                                                                                                                                                                                                                                                                                                                                   |
| EXISTING FIRST FLOOR AREA:                      | 1,062 SF                                                                                                                                                                                                                                                                                                                                                                |
| EXISTING GARAGE AREA:                           | 481 SF                                                                                                                                                                                                                                                                                                                                                                  |
| PROPOSED GARAGE AREA:                           | 427.13 SF (REDUCES AFTER REMODEL)                                                                                                                                                                                                                                                                                                                                       |
| PROPOSED 1st FLOOR ADDITION:                    | 499.28 SF                                                                                                                                                                                                                                                                                                                                                               |
| PROPOSED 2nd FLOOR ADDITION:                    | 557.59 SF                                                                                                                                                                                                                                                                                                                                                               |
| PROPOSED TOTAL ADDITION:                        | 1,056.87 SF                                                                                                                                                                                                                                                                                                                                                             |
| PROPOSED FRONT PATIO:                           | 119 SF                                                                                                                                                                                                                                                                                                                                                                  |
| PROPOSED UNCOVERED REAR PATIO WITH OUTDOOR BBQ: | 160 SF                                                                                                                                                                                                                                                                                                                                                                  |
| LOT COVERAGE:                                   | 37% (SEE SHEET A4.0 AREA CALCULATIONS FOR DETAILS)                                                                                                                                                                                                                                                                                                                      |
| FAR:                                            | 34% (SEE SHEET A4.0 AREA CALCULATIONS FOR DETAILS)                                                                                                                                                                                                                                                                                                                      |
| MAXIMUM BUILDING HEIGHT:                        | 30' 0"                                                                                                                                                                                                                                                                                                                                                                  |
| EXISTING BUILDING HEIGHT:                       | 13' 2 1/2"                                                                                                                                                                                                                                                                                                                                                              |
| PROPOSED BUILDING HEIGHT:                       | 25' 2 1/2"                                                                                                                                                                                                                                                                                                                                                              |
| PROPOSED SETBACKS:                              | MINIMUM FRONT SETBACK: 20'0" / PROPOSED FRONT SETBACK: 20'0"<br>MINIMUM REAR SETBACK: 25'0" / PROPOSED REAR SETBACK: 14'6 3/8" (REAR ENCROACHMENT CALCULATION PLEASE SEE SHEET A4.0 )<br>MINIMUM COMBINED TOTAL SIDE SETBACK : 13'0" / PROPOSED LEFT SIDE SETBACK: 7'8 1/8" / PROPOSED RIGHTSIDE SETBACK: 5' 3 1/8" / TOTAL PROPOSED COMBINED TOTAL SIDE SETBACK: 13'0" |
| REAR YARD SETBACK COVERAGE:                     | REAR SETBACK AREA= 1,861 SF, TOTAL ENCROACHMENT AREA IN REAR SETBACK- 131 SF<br>131 SF / 1,861 SF = 7% < 30% (PARTIAL REAR YARD ENCROACHMENT REGULATED PER MMC XI-10-55.03(8)) MEETS REQUIREMENTS                                                                                                                                                                       |
| TYPICAL ROOF SLOPE:                             | 4:12                                                                                                                                                                                                                                                                                                                                                                    |
| PROPOSED NUMBER OF PARKING SPACES:              | 2 COVERED, 2 UNCOVERED                                                                                                                                                                                                                                                                                                                                                  |
| LANDSCAPING:                                    | NO NEW LANDSCAPING AS EXISTING LANDSCAPING IS RELATIVELY NEW AND THE PROPOSED BUILDING FOOTPRINT DOES NOT EXCEED THE EXISTING FOOTPRINT. NOT REMOVING ANY ORDINANCE OR NON-ORDINANCE TREES.                                                                                                                                                                             |

APPLICABLE CODES

2022 CALIFORNIA BUILDING CODE- CBC 107.2.1  
2022 CALIFORNIA RESIDENTIAL CODE- CRC R106.1.1  
2022 CALIFORNIA MECHANICAL CODE- CMC 104.3.1  
2022 CALIFORNIA ELECTRICAL CODE- CEC 89.111.3  
2022 CALIFORNIA PLUMBING CODE- CPC 104.3.1  
2022 CALIFORNIA ENERGY CODE  
2022 CALGREEN GREEN BUILDING STANDARDS CODE  
2022 CALIFORNIA FIRE CODE  
2024 MILPITAS MUNICIPAL CODE

CONSULTANTS

DESIGNER:  
ELITE DESIGN STUDIO  
2787 MOORPARK AVE  
SAN JOSE CA 95128  
TELEPHONE (408) 625-1500

STRUCTURE ENGINEER:  
SOUTHBAY STRUCTURE  
2050 CONCOURSE DRIVE, SUITE 50  
SAN JOSE CA 95131  
TELEPHONE (408) 892-7680

T24:  
CARSTAIRS ENERGY  
2238 BAYVIEW HEIGHTS DRIVE, SUITE E  
LOS OSOS, CALIFORNIA 93402  
TELEPHONE (805) 904-9048

SURVEYOR  
BAYLAND CONSULTING  
PO BOX 299  
SANTA CLARA CA 95052  
TELEPHONE (408) 296-6000

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SPECIAL NOTES AND INSPECTIONS

- (N) FIRE SPRINKLER SYSTEM TO BE DEFERRED SUBMITTAL.  
An approved automatic fire sprinkler system (NFPA 13D minimum) shall be provided for the home (living space, garage, outdoor spaces attached to the home, etc), when modifications exceed 75% of the original square footage, or when the Building Department determines that the home needs to comply with the current C.A. Building Codes due to extensive remodel/renovation. California Fire Code Section 903.2, amended by Milpitas Municipal Code V-300-2.82. The Milpitas Fire Department shall approve new installation and/or modifications to existing fire protection, alarm or monitoring system(s). A separate submittal is required to the Milpitas Fire Department, for review and approval, prior to the commencement of any work. CFC Section 901.2
- (N) SOLAR PV PANELS TO BE DEFFERED SUBMITTAL
- (N) 400 AMP ELECTRICAL TO BE DEFERRED SUBMITTAL BY PG&E

|                |            |
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| REVISION TABLE |            |
| NUMBER         | DATE       |
| 1              | 10/01/2024 |
| REVISION #1    |            |
| REVISION #2    |            |
| REVISION #3    |            |
| REVISION #4    |            |
| REVISION #5    |            |
| REVISION #6    |            |
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| REVISION #100  |            |



CASAS ADDITION & REMODEL  
445 ROSWELL DRIVE  
MILPITAS CA 95035

COVER SHEET

DATE:  
01/06/2025

SCALE:

SHEET:  
A 1.0



# CAL GREEN CHECKLIST

---

4.201.1 Scope Building meets or exceeds the requirements of the California Building Energy Efficiency Standards

4.106.2 Storm water drainage and retention during construction. A plan is developed and implemented to manage storm water drainage during construction

4.106.3 Grading and paving. Surface water shall be managed to drain away from buildings

4.106.4 Electric Vehicle Charging Provide capacity for electric vehicle charging in one- and two- family dwellings and townhouses with attached garages for multifamily dwelling at the time of original construction. (For number of required EV ready parking spaces, see FMC 15.48.050)

4.408.1 Construction waste management. Recycle and/or salvage for reuse a minimum of 50 percent of the nonhazardous construction and demolition waste in accordance with one of the following: 1. Comply with a more stringent local construction and demolition waste management ordinance; or 2. A construction waste management plan, per Section 4.408.2; or 3. A waste management company, per Section 4.408.3; or 4. The waste stream reduction alternative, per Section 4.408.4.

4.410.1 Operation and maintenance manual. An operation and maintenance manual shall be provided to the building occupant or owner.

|                        |
|------------------------|
| OCCUPANCY RELEASE NOTE |
|------------------------|

FOR RESIDENTIAL DEVELOPMENTS, NO RESIDENTIAL UNITS WILL BE RELEASED FOR OCCUPANCY UNLESS THE IMPROVEMENTS TO BE CONSTRUCTED TO CITY STANDARDS AND / OR TO BE ACCEPTED FOR MAINTENANCE BY THE CITY, INCLUDING WATER METERS AND SANITARY SEWER CLEANOUTS, ARE SUBSTANTIALLY COMPLETE PER THE CITY OF SUNNYSVALE STANDARD PROVISIONS FOR PUBLIC WORKS CONSTRUCTION. THE PUBLIC WORKS DIRECTOR SHALL MAKE THE DETERMINATION OF WHAT PUBLIC IMPROVEMENTS ARE SUBSTANTIALLY COMPLETE.

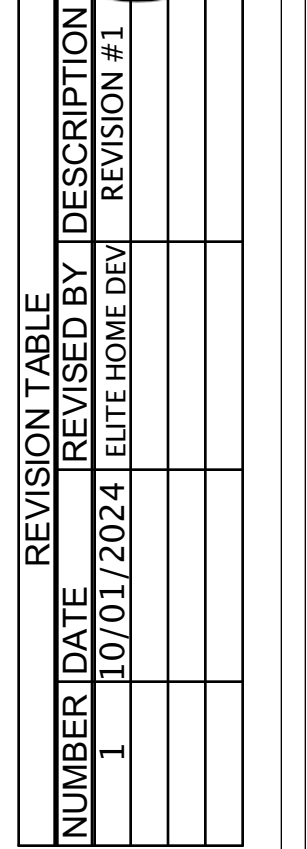
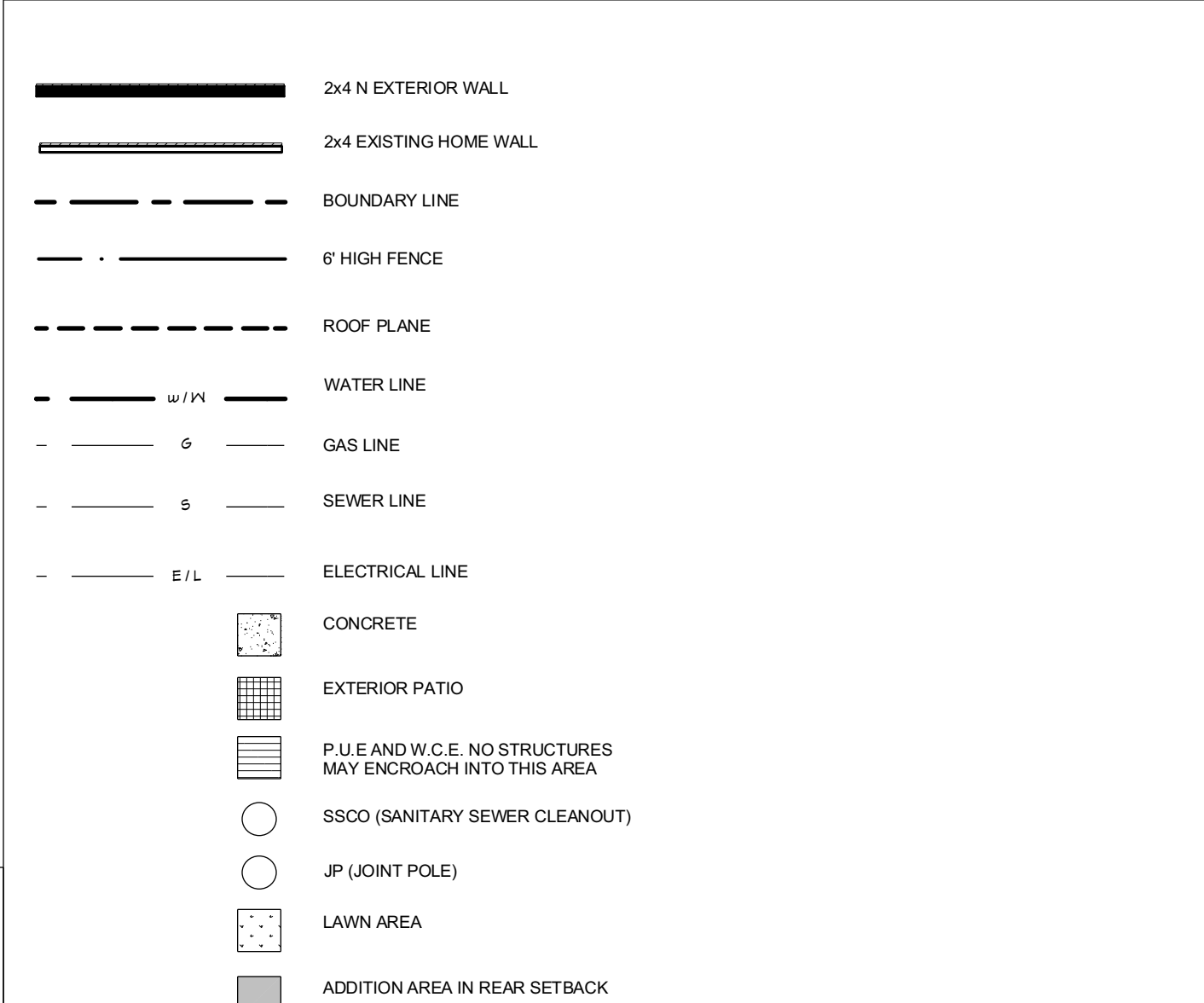
### STREET CLEANING NOTE

THE PRIME CONTRACTOR OR DEVELOPER IS TO HIRE A STREET CLEANING CONTRACTOR TO CLEAN UP DIRT AND DEBRIS FROM CITY STREETS THAT ARE ATTRIBUTABLE TO THE DEVELOPMENT'S CONSTRUCTION ACTIVITIES. THE STREET CLEANING CONTRACTOR IS TO HAVE THE CAPABILITY OF SWEEPING THE STREETS WITH BOTH A BROOM- TYPE SWEEPER AND A REGENERATIVE AIR VACUUM SWEEPER, AS DIRECTED BY THE PUBLIC WORKS DIRECTOR, OR HIS/ HER REPRESENTATIVES

## CONSTRUCTION AND DEMOLITION

1. During construction and demolition, all debris must be removed from the site by the City's only approved hauler, Republic Services, using their debris box service. No other entity is authorized to collect or transport material generated within Fremont. There is an exception for debris boxes containing only separated soil, concrete or asphalt.
2. Alternately, the construction or demolition contractor may remove materials from the jobsite, using their own equipment, vehicles and employees, as an incidental part of a total construction service offered by that contractor. Contractors who self-haul debris in their own vehicles must deliver the material to an approved recycling facility.
3. Loads of separated recyclable materials (only soil, asphalt or concrete) cannot contain more than 10% garbage or other non-recyclable material by weight or volume.
4. Plant and tree debris must be separated from other waste. The Alameda County Waste Management Authority's (ACWMA) Plant Debris Landfill Ban Ordinance (ACWMA Ord. No. 2008-01) requires all plant and tree debris to be separated and recycled.
5. During construction, 100% of the asphalt and concrete must be reused or recycled, and 65% of the remaining debris must be reused or recycled. Applicant must save all weight tags/receipts from disposal and recycling to turn in at the completion of the project.
6. The applicant must submit a Fremont Waste Handling Plan. The Waste Handling Plan must:
  1. provide an estimate of type of debris generated
  2. list the names of the approved recycling facilities that will be used
  3. indicate that 65% of the material will be recycled
  4. be distributed to all subcontractors on the job.Applicant may submit the Plan electronically at [www.FremontWasteTracking.com](http://www.FremontWasteTracking.com).
7. All disposal and recycling receipts must officially list Fremont as the city of origin to be counted toward the diversion requirement.
8. Within thirty days of completion of the work, and prior to the final inspection, the applicant must upload documentation to the [www.FremontWasteTracking.com](http://www.FremontWasteTracking.com) website. Include all weight tags from the project for debris reused, landfilled and recycled to prove that the diversion requirement was met.

## SITE PLAN LEGEND



**CASAS ADDITION & REMODEL  
445 ROSWELL DRIVE  
MILPITAS CA 95035**

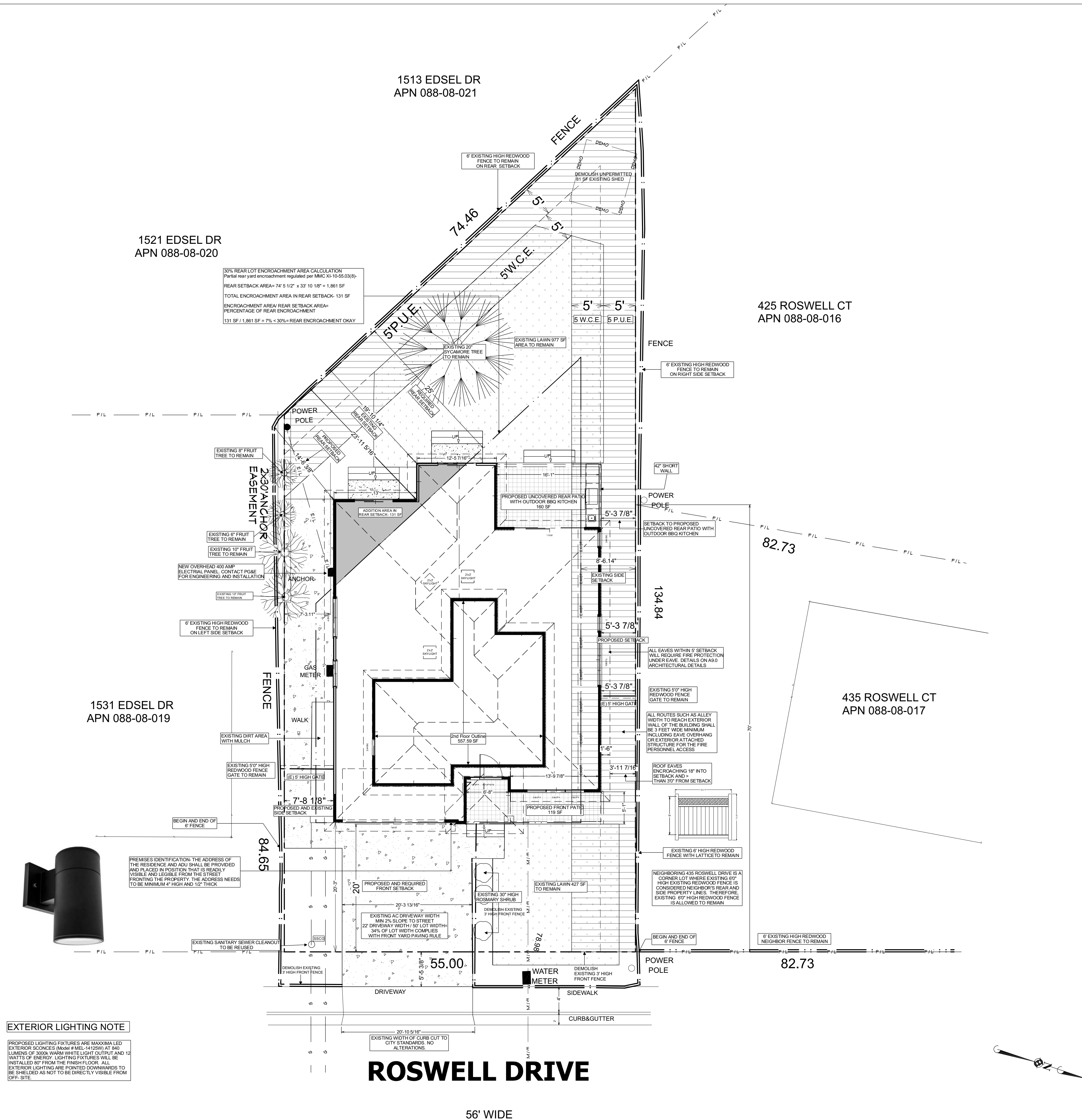
# PROPOSED SITE PLAN

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| DATE:      |
| 01/06/2025 |

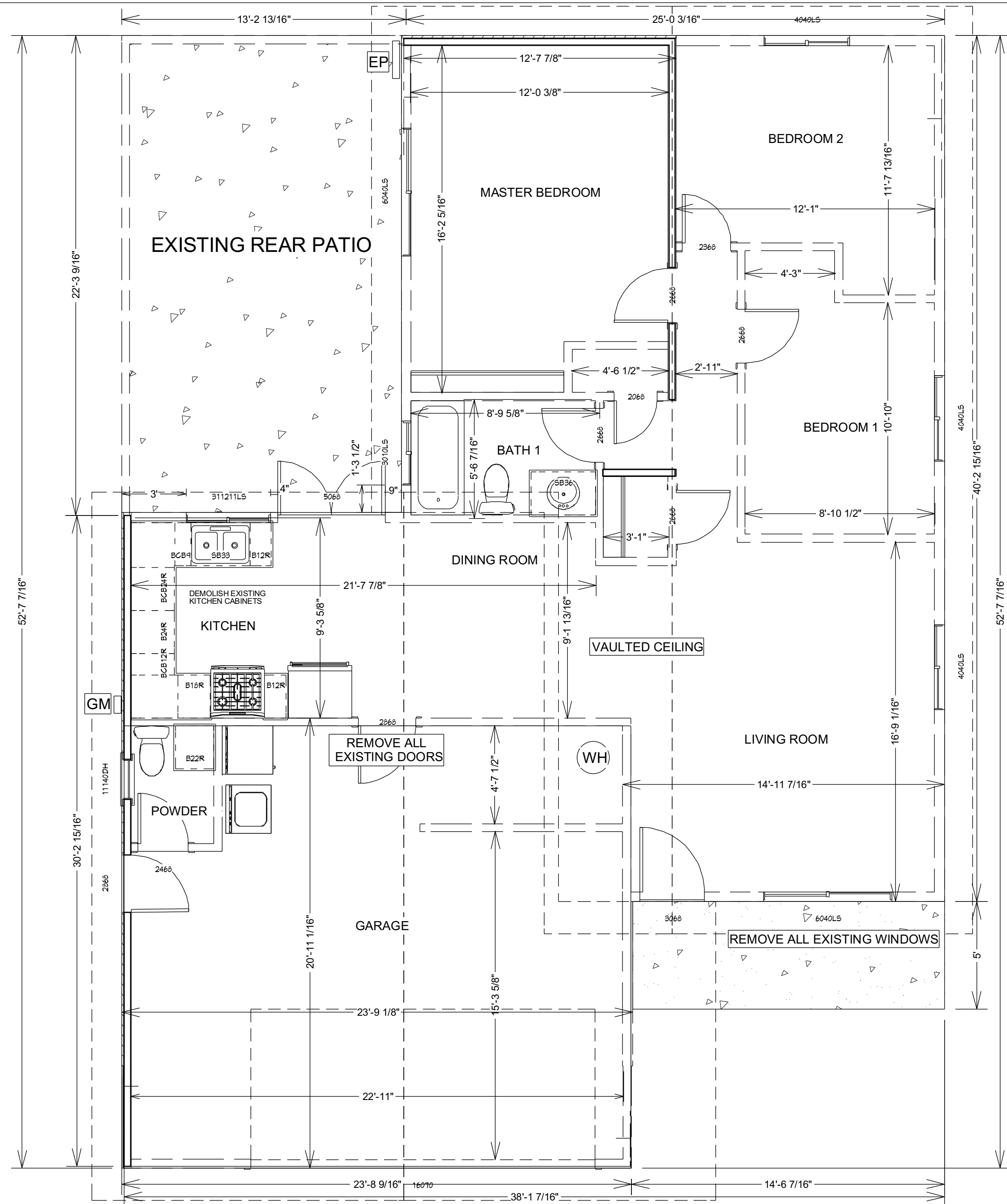
SCALE:

$1/8" = 1'0"$

SHEET:  
A 2.0

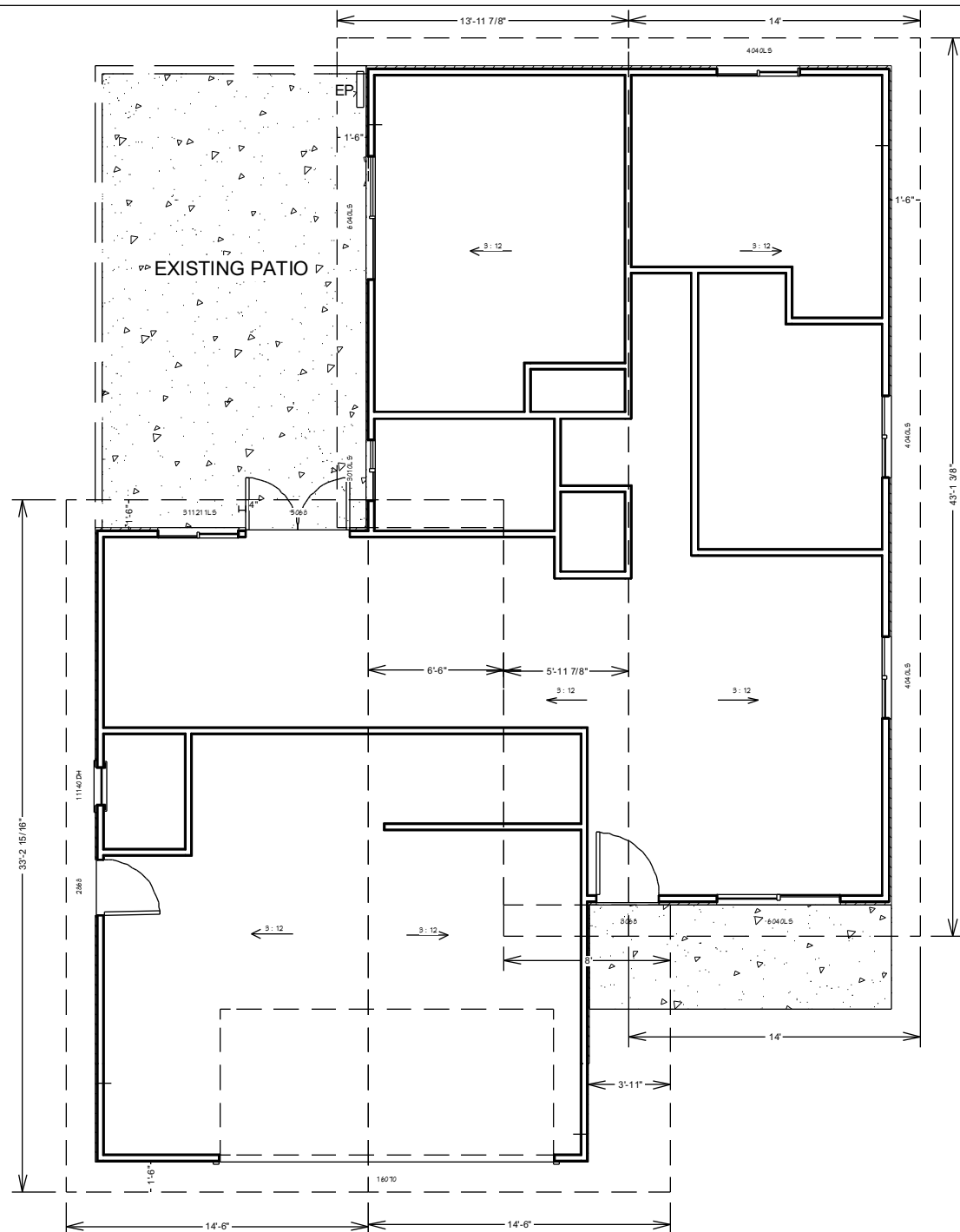


**SITE PLAN 1/8"= 1'0"**



EXISTING FIRST FLOOR PLAN 1/4"= 1'0"

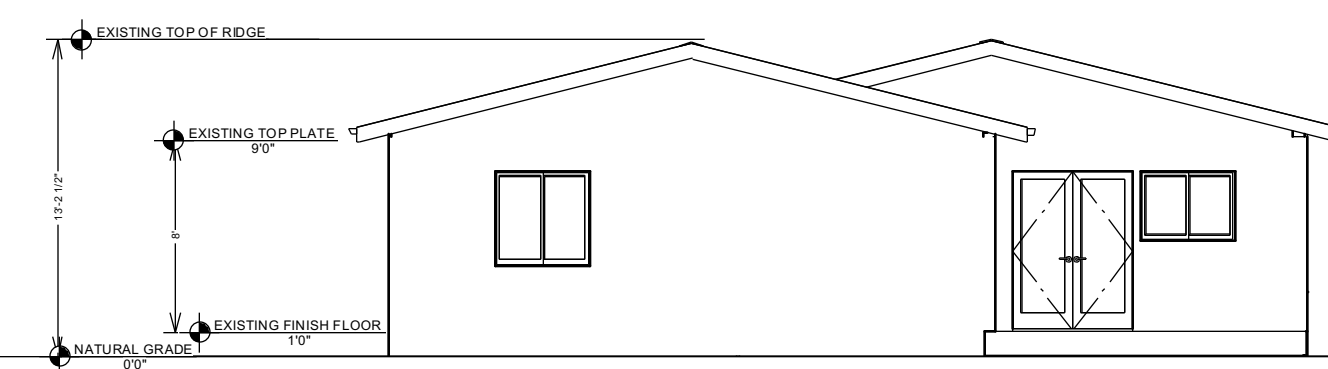
- EXISTING EXTERIOR 2x4 WALL
- INTERIOR 2 X 4 WALL
- DEMOLITION WALL
- EXISTING SLAB



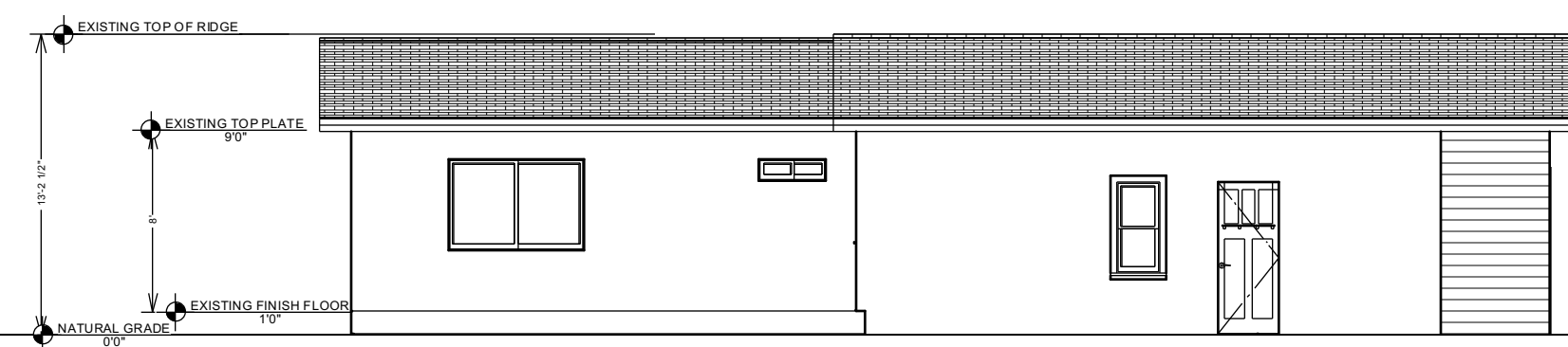
EXISTING ROOF PLAN 1/8"= 1'0"



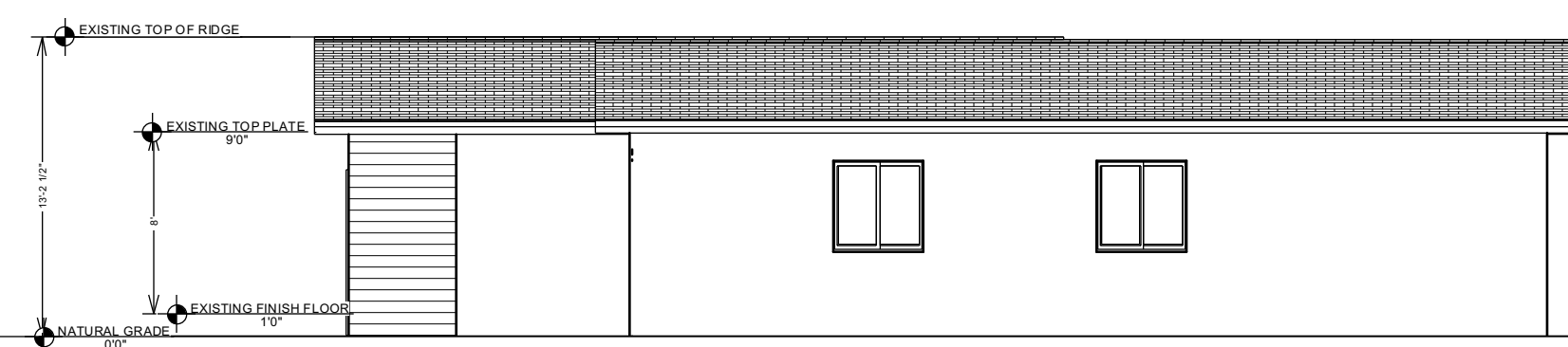
EXISTING FRONT ELEVATION 1/8"= 1'0"



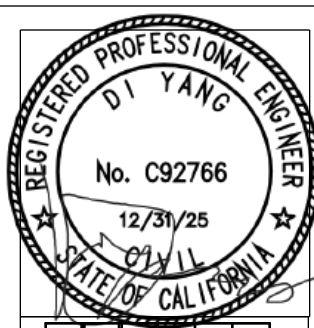
EXISTING REAR ELEVATION 1/8"= 1'0"



EXISTING RIGHT SIDE ELEVATION 1/8"= 1'0"



EXISTING LEFT SIDE ELEVATION 1/8"= 1'0"



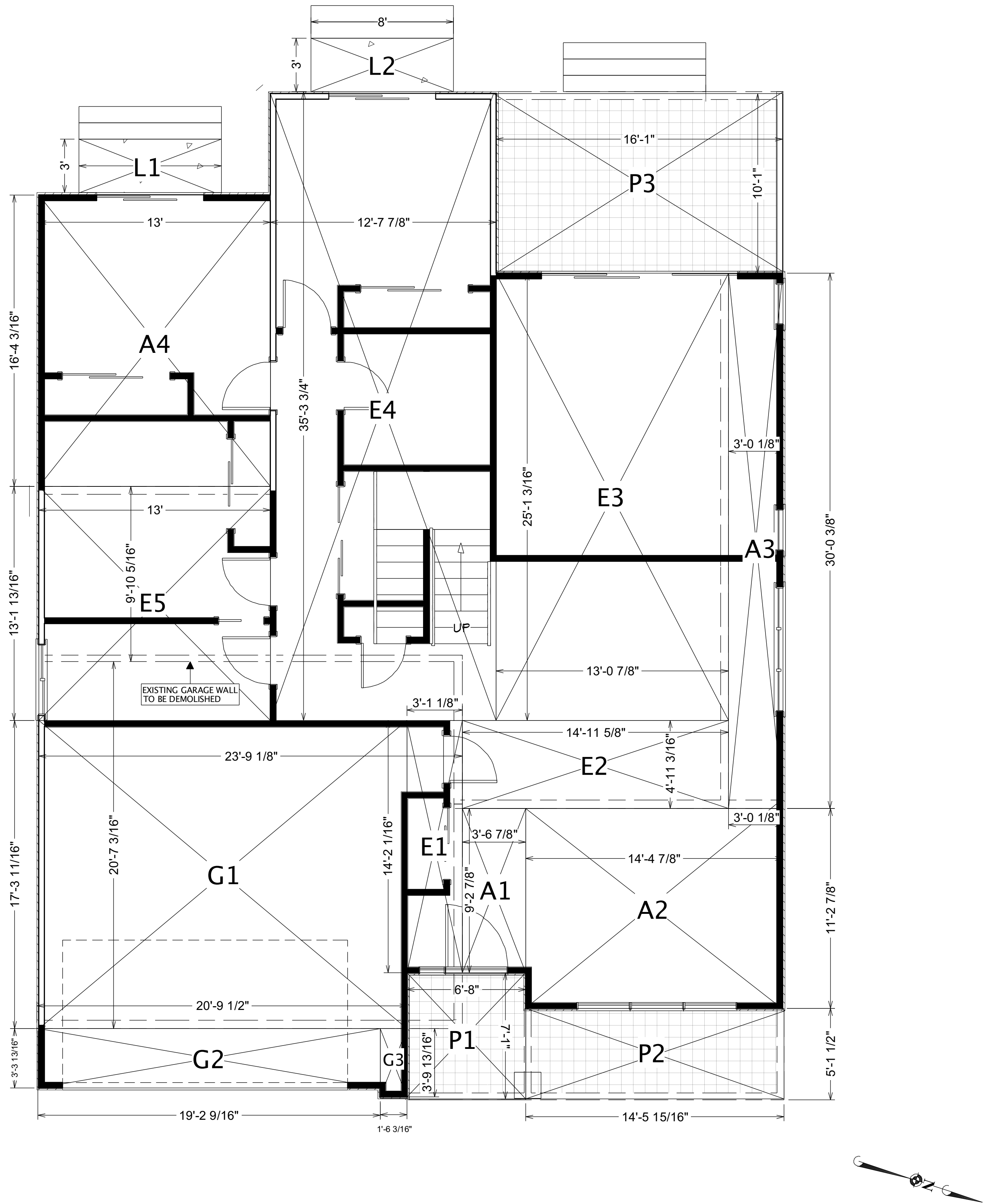
| NUMBER | DATE       | REVISION       | DESCRIPTION |
|--------|------------|----------------|-------------|
| 1      | 10/01/2024 | ELITE HOME DEV | REVISION #1 |



CASAS ADDITION & REMODEL  
445 ROSWELL DRIVE  
MILPITAS CA 95035

EXISTING FLOOR  
PLAN AND  
ELEVATIONS

|             |
|-------------|
| DATE:       |
| 01/06/2025  |
| SCALE:      |
| 1/4" = 1'0" |
| SHEET:      |
| A 3.0       |



FIRST FLOOR AREA CALCULATIONS - 1/4"= 1'0"

TOTAL MAIN HOUSE AREA

EXISTING GARAGE AREA-  
G1- 20' 9 1/2" x 17' 3 11/16"= 357.62 SF

GARAGE ADDITION AREA-  
G2- 3'3 13/16" x 19'2 9/16"= 63.58 SF  
G3- 1'6 3/16" x 3' 9 13/16"= 5.93 SF

TOTAL GARAGE ADDITION= 69.51 SF

TOTAL GARAGE AREA-  
427.13 SF

EXISTING AREA-  
E1- 3'1 1/8" x 14'2 1/16"= 43.84 SF  
E2- 14'11 5/8" x 4'11 3/16"= 73.79 SF  
E3- 13'0 7/8" x 25'1 3/16"= 328.14 SF  
E4- 12'7 7/8" x 35'3 3/4"= 445.29 SF  
E5- 13'0" x 13'1 13/16"= 170.94 SF

TOTAL EXISTING AREA- 1,062 SF

1st FLOOR ADDITION AREA-  
A1- 3'6 7/8" x 9' 27/8"= 33.02 SF  
A2- 4' 8 3/4" x 14' 4 7/8"= 161.97 SF  
A3- 3'0 1/8" x 30' 0 3/8"= 91.74 SF  
A4- 13'0" x 16'4 3/16"= 212.55 SF

TOTAL 1st FLOOR ADDITION AREA- 499.28 SF

2nd FLOOR LIVING AREA-  
A5- 7'1" x 9'8"= 68.47 SF STAIRWELL AREA  
NOT COUNTED TOWARDS FAR  
A6-7'1" x 3' 0 1/2"= 21.54 SF  
A7- 7'6" x 7'11 1/2"= 61.87 SF  
A8- 14'4 1/2" x 13'7"= 195.25 SF  
A9- 12'6 1/2" x 16' 6 1/2"= 207.46 SF

2nd FLOOR LIVING AREA TOTAL- 557.59 SF

TOTAL ADDITION AREA- 1,056.87 SF

TOTAL PATIO AREA-

PROPOSED FRONT PATIO

P1- 6'8" x 7'1"= 45 SF  
P2-14' 5 15/16" x 5' 1 1/2"= 73.67 SF

TOTAL FRONT PATIO AREA- 118. 67 SF

PROPOSED REAR PATIO WITH OUTDOOR BBQ KITCHEN-

P3- 16' 1 9/16" x 10'1"= 160 SF

TOTAL PATIO AREA- 279 SF

LANDINGS

L1- 8'0" x 3'0"= 24 SF  
L2- 8'0" x 3'0"= 24 SF

TOTAL 48 SF

SECOND FLOOR AREA CALCULATIONS - 1/4"= 1'0"

LOT COVERAGE CALCULATIONS

LOT COVERAGE CACULATIONS-

TOTAL PROPOSED AND EXISTING GARAGE AREA- 427.13 SF

TOTAL EXISTING AREA- 1,062 SF

TOTAL FIRST FLOOR ADDITION AREA- 499.28 SF

TOTAL PATIOS - 279 SF

PROPOSED TOTAL LOT COVERAGE- 2,267.41 SF

LOT SIZE= 6,035 SF

PROPOSED LOT COVERAGE/ LOT SIZE= LOT COVERAGE

2,267.41 SF / 6,035 SF= 38 %

TOTAL LIVING AREA (FAR) CALCULATION-

TOTAL EXISTING AREA- 1,062 SF

TOTAL ADDITION AREA- 1,056.87 SF

TOTAL LIVING AREA= 2,118.87 SF

LOT SIZE- 6,035 SF

PROPOSED LIVING AREA/ LOT SIZE= FAR

2,118.87 SF/ 6,035 SF= 35%

30% REAR LOT ENCROACHMENT AREA CALCULATION-

REAR SETBACK AREA= 74' 5 1/2" x 33' 10 1/8" = 1,861 SF

TOTAL ENCROACHMENT AREA IN REAR SETBACK- 131 SF

ENCROACHMENT AREA/ REAR SETBACK AREA=  
PERCENTAGE OF REAR ENCROACHMENT

131 SF / 1,861 SF = 7% < 30%= REAR ENCROACHMENT OKAY

FRONT YARD CALCULATION-

FRONT YARD AREA- 1,127 SF  
FRONT YARD COVERAGE- 498 SF

498 SF/ 1,127 SF= 44 % < 50% FRONT YARD COVERAGE OKAY

| REVISION TABLE |            |                |             |
|----------------|------------|----------------|-------------|
| NUMBER         | DATE       | REVISOR        | DESCRIPTION |
| 1              | 10/01/2024 | ELITE HOME DEV | REVISION #1 |



CASAS ADDITION & REMODEL  
445 ROSWELL DRIVE  
MILPITAS CA 95035

AREA  
CALCULATIONS

DATE:

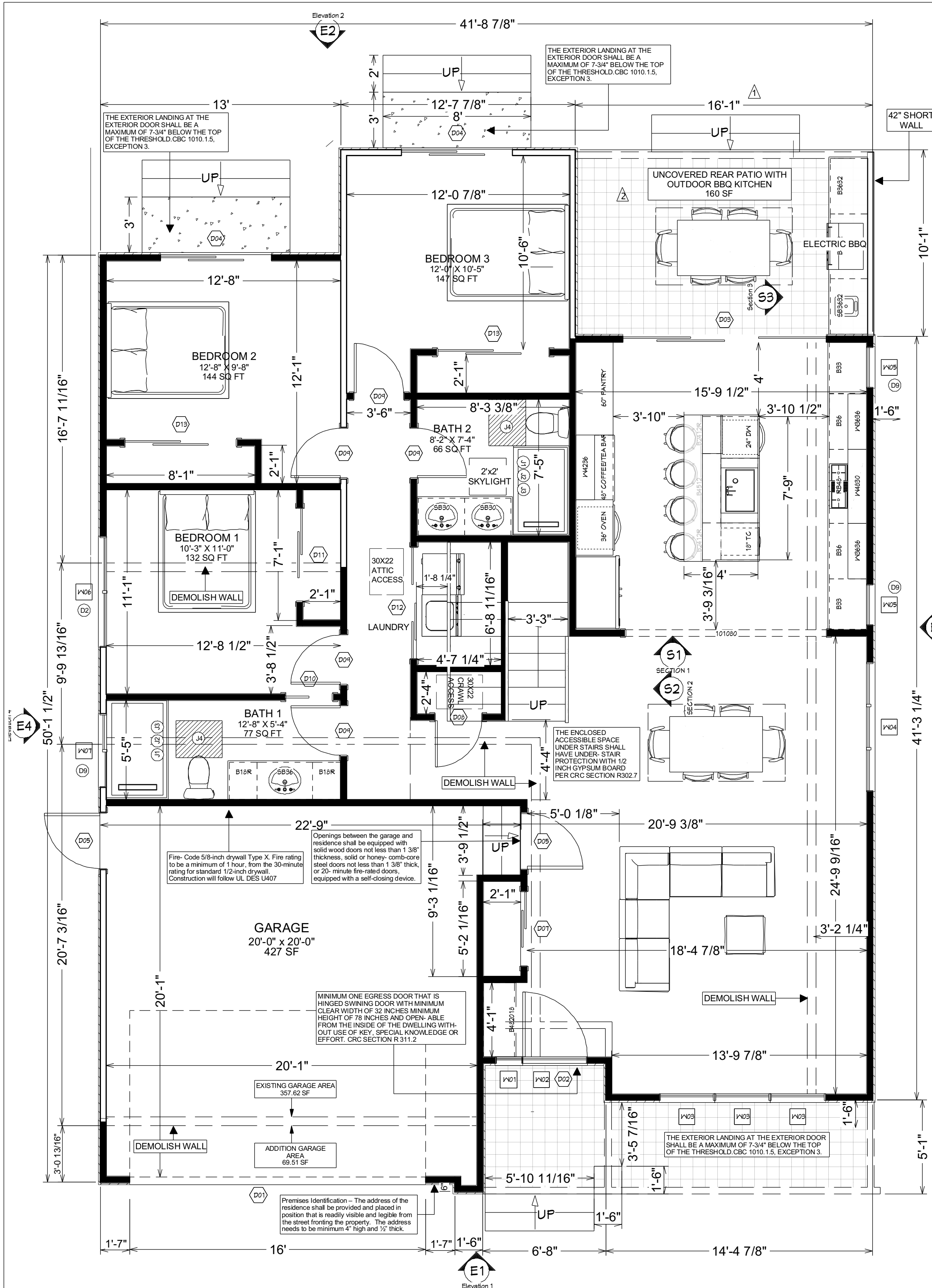
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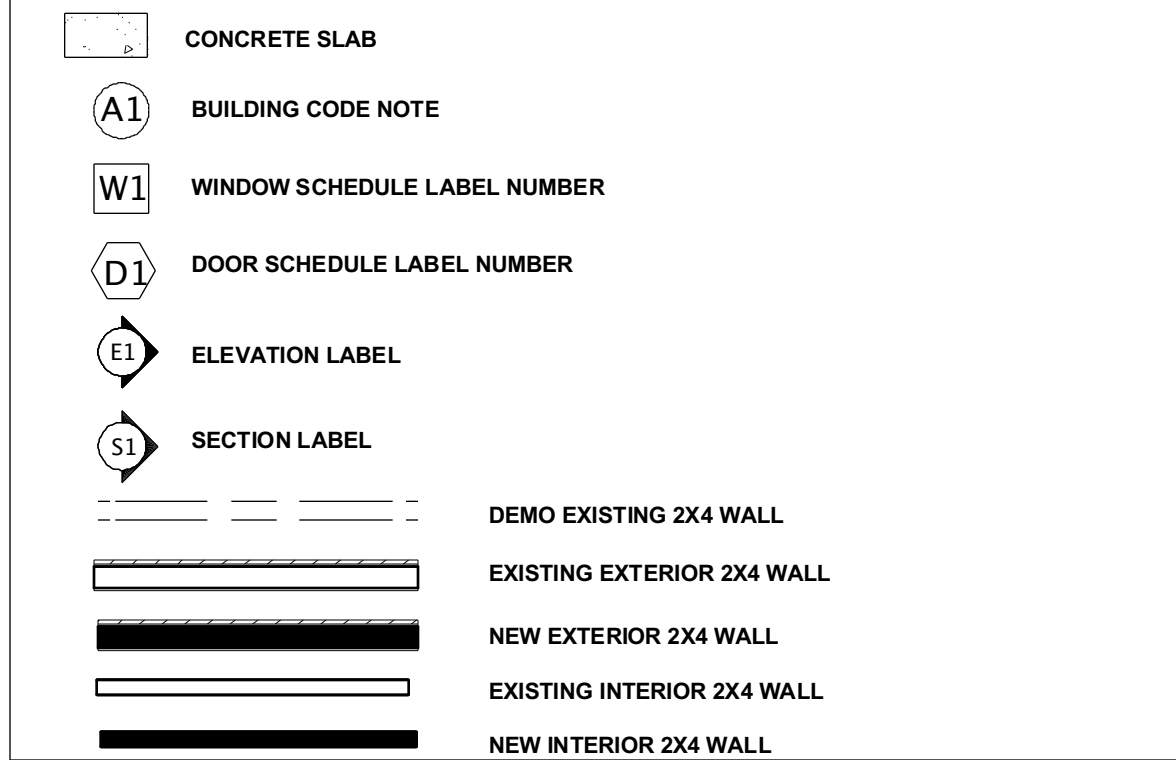
1/4" = 1'0"

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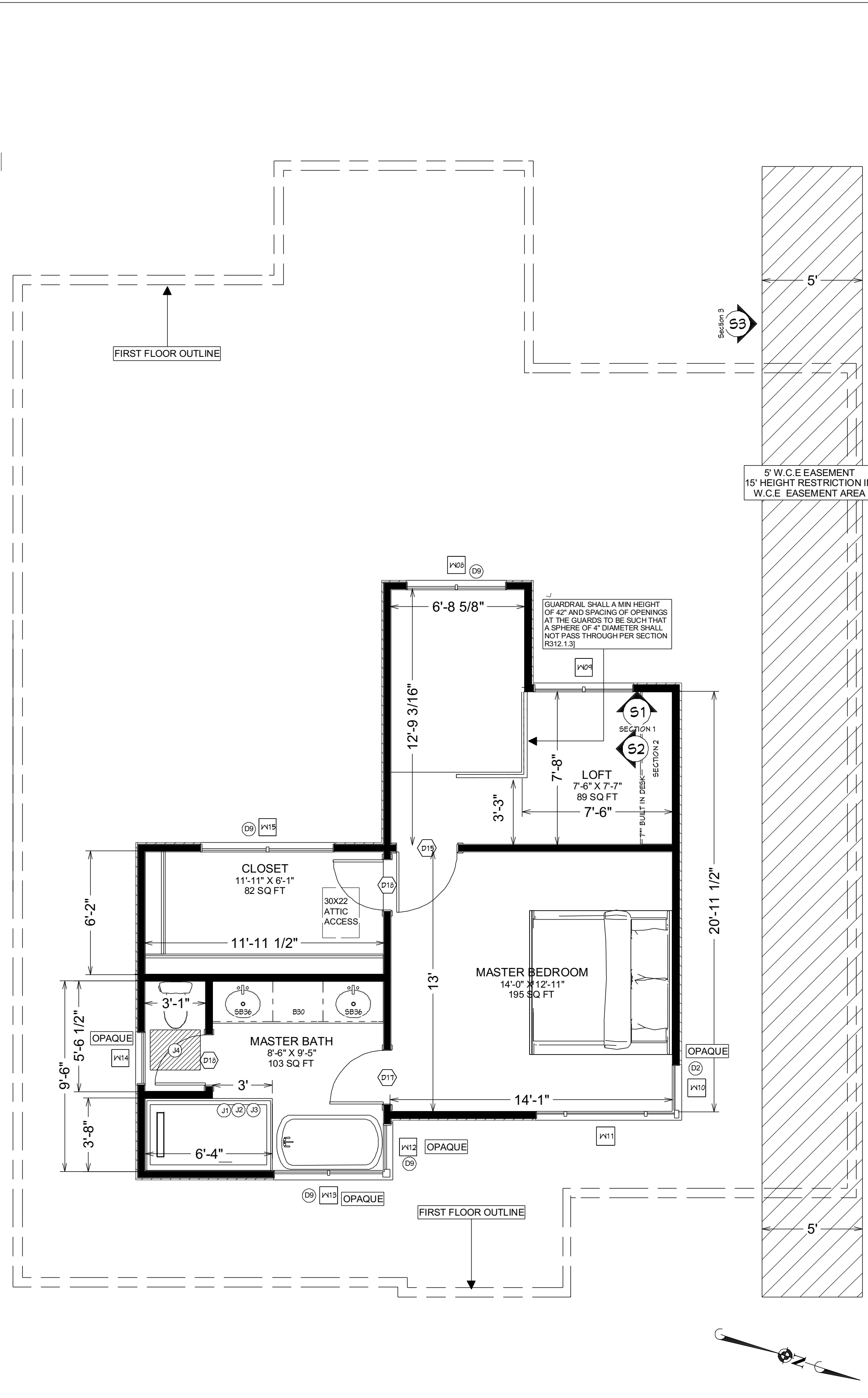
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PROPOSED FIRST FLOOR PLAN 1/4"= 1'0"



LEGEND



PROPOSED SECOND FLOOR PLAN 1/4"= 1'0"

| WINDOW SCHEDULE |     |       |                  |                        |        |        |        |     |         |
|-----------------|-----|-------|------------------|------------------------|--------|--------|--------|-----|---------|
| NUMBER          | QTY | FLOOR | ROOM NAME        | DESCRIPTION            | WIDTH  | HEIGHT | BOTTOM | TOP | R/O     |
| W01             | 1   | 1     | GREAT ROOM PORCH | FIXED GLASS            | 18'-0" | 96"    | 0"     | 96" | 19'X97' |
| W02             | 1   | 1     | GREAT ROOM PORCH | FIXED GLASS            | 18'-0" | 96"    | 0"     | 96" | 19'X97' |
| W03             | 3   | 1     | GREAT ROOM PORCH | FIXED GLASS            | 36"    | 72"    | 24"    | 96" | 37'X73' |
| W04             | 1   | 1     | GREAT ROOM       | TRIPLE CASEMENT LH/RHR | 84"    | 60"    | 36"    | 96" | 85'X81" |
| W05             | 2   | 1     | GREAT ROOM       | SINGLE CASEMENT-HR     | 72"    | 48"    | 48"    | 96" | 28'X29' |
| W06             | 1   | 1     | BEDROOM 1        | DOUBLE CASEMENT LH/RHR | 72"    | 60"    | 36"    | 96" | 73'X81" |
| W07             | 1   | 1     | BATH             | LEFT SLIDING           | 48"    | 36"    | 0"     | 96" | 24'X31" |
| W08             | 1   | 1     | BATH             | DOUBLE CASEMENT LH/RHR | 60"    | 60"    | 0"     | 96" | 61'X69" |
| W09             | 1   | 2     | LOFT             | DOUBLE CASEMENT LH/RHR | 60"    | 48"    | 48"    | 96" | 61'X69" |
| W10             | 1   | 2     | MASTER BEDROOM   | SINGLE CASEMENT-HR     | 78"    | 60"    | 36"    | 96" | 82'X81" |
| W11             | 1   | 2     | MASTER BEDROOM   | TRIPLE CASEMENT LH/RHR | 84"    | 60"    | 36"    | 96" | 82'X81" |
| W12             | 1   | 2     | MASTER BATH      | SINGLE CASEMENT-HR     | 60"    | 48"    | 48"    | 96" | 24'X25" |
| W13             | 1   | 2     | MASTER BATH      | DOUBLE CASEMENT LH/RHR | 60"    | 48"    | 48"    | 96" | 61'X69" |
| W14             | 1   | 2     | MASTER BATH      | SINGLE CASEMENT-HR     | 32"    | 48"    | 48"    | 96" | 33'X49" |
| W15             | 1   | 2     | CLOSET           | DOUBLE CASEMENT LH/RHR | 30"    | 24"    | 72"    | 96" | 31'X29" |

| DOOR SCHEDULE |     |       |       |                           |       |        |              |                 |           |
|---------------|-----|-------|-------|---------------------------|-------|--------|--------------|-----------------|-----------|
| NUMBER        | QTY | FLOOR | EX/IN | DESCRIPTION               | WIDTH | HEIGHT | R/O          | HEADER          | THICKNESS |
| D01           | 1   | 1     | EX    | GARAGE-AVANTE 2 PANEL 24" | 108"  | 108"   | 184"X111"    | 2'X12'X200" (2) | 1 3/4"    |
| D02           | 1   | 1     | EX    | HINGED DOOR P04           | 48"   | 96"    | 184"X111"    | 2'X12'X200" (2) | 1 3/4"    |
| D03           | 1   | 1     | IN    | TRIPLE SLIDER GLASS PANEL | 132"  | 96"    | 134'X98 1/2" | 2'X8'X77" (2)   | 1 3/4"    |
| D04           | 2   | 1     | EX    | EXT SLIDER GLASS PANEL    | 72"   | 96"    | 74'X99"      | 2'X8'X77" (2)   | 1 3/4"    |
| D05           | 2   | 1     | EX    | EXT HINGED PANEL          | 48"   | 96"    | 30'X99"      | 2'X8'X77" (2)   | 1 3/4"    |
| D06           | 1   | 1     | IN    | SLIDER DOOR P04           | 48"   | 96"    | 50'X98 1/2"  | 2'X8'X77" (2)   | 1 3/4"    |
| D07           | 1   | 1     | IN    | HINGED DOOR P04           | 30"   | 96"    | 30'X98 1/2"  | 2'X8'X77" (2)   | 1 3/4"    |
| D08           | 1   | 1     | IN    | HINGED DOOR P04           | 30"   | 96"    | 30'X98 1/2"  | 2'X8'X77" (2)   | 1 3/4"    |
| D09           | 1   | 1     | IN    | HINGED DOOR P04           | 30"   | 96"    | 30'X98 1/2"  | 2'X8'X77" (2)   | 1 3/4"    |
| D10           | 1   | 1     | IN    | POCKET DOOR P04           | 30"   | 96"    | 60'X98 1/2"  | 2'X8'X77" (2)   | 1 3/4"    |
| D11           | 1   | 2     | IN    | SLIDER DOOR P04           | 60"   | 96"    | 62'X98 1/2"  | 2'X8'X77" (2)   | 1 3/4"    |
| D12           | 1   | 2     | IN    | TRIPLE SLIDER DOOR P04    | 72"   | 96"    | 74'X98 1/2"  | 2'X8'X77" (2)   | 1 3/4"    |
| D13           | 2   | 1     | IN    | SLIDER DOOR P04           | 72"   | 96"    | 74'X98 1/2"  | 2'X8'X77" (2)   | 1 3/4"    |
| D14           | 1   | 2     | IN    | HINGED DOOR P04           | 30"   | 96"    | 30'X98 1/2"  | 2'X8'X77" (2)   | 1 3/4"    |
| D15           | 1   | 2     | IN    | HINGED DOOR P04           | 30"   | 96"    | 30'X98 1/2"  | 2'X8'X77" (2)   | 1 3/4"    |
| D16           | 1   | 2     | IN    | HINGED DOOR P04           | 30"   | 96"    | 30'X98 1/2"  | 2'X8'X77" (2)   | 1 3/4"    |
| D17           | 1   | 2     | IN    | HINGED DOOR P04           | 30"   | 96"    | 30'X98 1/2"  | 2'X8'X77" (2)   | 1 3/4"    |
| D18           | 2   | 2     | IN    | HINGED DOOR P04           | 30"   | 96"    | 30'X98 1/2"  | 2'X8'X77" (2)   | 1 3/4"    |

WINDOW AND DOOR SCHEDULE

BUILDING CODES

- A. VENTILATION
1. LOCATION AND SIZE OF FOUNDATION VENTS TO CONFORM WITH 2022 CRC SECTION R 408.1 AND R 408.2
  2. PROVIDE UNDER ROOF CROSS VENTILATION AT THE RATE OF 1/150 OF THE ATTIC AREA PER CRC 2022 R 806.2
  3. ALL HABITABLE ROOMS SHALL HAVE AN AGGREGATE GLAZING AREA OF NOT LESS 8% OF THE FLOOR AREA. NATURAL VENTILATION SHALL BE PROVIDED WITH READY ACCESS OR SHALL OTHERWISE BE READILY CONTROLLED PER 2022 CRC R 303.1
  4. GUARDRAIL SHALL A MIN HEIGHT OF 42" AND SHALL MEET OPENING LIMITATIONS WHICH ALLOW PASSAGE OF A SPHERE 4" PER SECTION R-312.3
  5. PROVIDE CLOTHES DRYER VENT TO THE OUTSIDE PERM CMC 904.3.2
- B. ACCESS
1. PROVIDE 22X30 ATTIC ACCESS TO FIRST FLOOR
  2. EMERGENCY ESCAPE AND RESCUE OPENINGS SHALL HAVE A SILL HEIGHT OF NOT MORE THAN 44" ABOVE THE FLOOR AND PER SECTION R-301.1
  3. ALL EMERGENCY ESCAPE SHALL HAVE A MIN. CLEAR OPENING 5.75 SQ. FT. WITH A MIN. OF OPENING HEIGHT 20" AND MIN WIDTH 20"
  4. 2022 CRC SECTION 310.1.1.2 AND 3
  5. MINIMUM ONE EGRESS DOOR THAT IS HINGED SWINGING DOOR WITH MINIMUM CLEAR WIDTH OF 32 INCHES MINIMUM HEIGHT OF 78 INCHES AND OPEN-ABLE FROM THE INSIDE OF THE DWELLING WITH- OUT USE OF KEY, SPECIAL KNOWLEDGE OR EFFORT. CRC SECTION R 311.2
  6. THE EXTERIOR LANDING AT THE EXTERIOR DOOR SHALL BE A MAXIMUM OF 7-3/4" BELOW THE TOP OF THE THRESHOLD. SHEETS A-4 AND A-6, CBC 1010.1.5, EXCEPTION 3.
  7. MINIMUM 5X5 LEVEL LANDING NOT MORE THAN 1" OUT OF PLANE WITH THE IMMEDIATE INTERIOR FLOOR LEVEL WITH AN 18" CLEARANCE AT THE INTERIOR STRIKE EDGE, AS REQUIRED PER CITY TOWN RESIDENTIAL ACCESSIBILITY STANDARDS.
  8. ENTRY DOOR SHALL BE READILY OPENABLE FROM THE INSIDE WITHOUT THE USE OF A KEY OR SPECIAL KNOWLEDGE OR EFFORT PER CRC R311.2.
  9. PROVIDE A MINIMUM CRAWL SPACE ACCESS OF 30"x22" PER CRC R408.4.
- C. FIRE PROTECTION
- CARBON MONOXIDE ALARMS ARE REQUIRED. ALARMS TO BE INTERCONNECTED. HAVE TO BE PLACED IN EACH BEDROOM AND JUST OUTSIDE THE IMMEDIATE VINVINITY OF EACH SLEEPING AREA AT EACH LEVEL INCLUDING BASEMENTS PER R 315 OF 2022 CRC OUTLETS.
- INTERIOR AND EXTERIOR -
1. PROVIDE TAMPER RESISTANT OUTLETS IN ALL 125 VOLTS, 15 AND 20 AMP RECEPTACLES FOR ALL AREAS OF SINGLE FAMILY HOME SECTION 408.11 AND 210.52 OF 2022 CEC
  2. BATHROOM OUTLETS - PROVIDE DEDICATED CIRCUIT FOR BATHROOM OUTLETS SECTION 210.11 OF 2022 CEC.
  3. DOOR BETWEEN THE GARAGE AND PRIVATE RESIDENCE SHALL BE SELF- CLOSING AND SELF LATCHING PER CRC R 302.5.1. DOOR SHALL BE MIN. 1 3/8" THICK, OR A 20- MINUTE FIRE RATED DOOR PER C.R.C.NOTE AIR BARRIER TO BE TIGHTLY SEALED PER 2022 CGBS CODE
  4. PROVIDE MINIMUM 1/2" GYPSUM BOARD TO THE GARAGE SIDE FOR SEPARATION BETWEEN GARAGE AND ATTIC SPACE PER CRC TABLE R302.6
  5. THE ENCLOSED ACCESSIBLE SPACE UNDER STAIRS SHALL HAVE UNDER- STAIR PROTECTION WITH 1/2 INCH GYPSUM BOARD PER CRC SECTION R302.7
  6. GYSUM BOARD BETWEEN GARAGE AND DWELLING PER CRC R302.6. STATE THAT GYPSUM MUST BE CONTINUOUS FROM FOUNDATION TO UNDERSIDE OF ROOF SHEATHING
- D. GLAZING
1. ALL GLASS AND GLAZING SHALL COMPLY WITH THE U.S. SAFETY Y STANDARDS FOR ARCHITECTURAL GLAZING MATERIALS AND WITH FEDERAL SPECIFICATIONS 2022 CRC R308
  2. VERIFY WINDOWS MEET EGRESS REQUIREMENTS PER 2022, SECTION 310.1.1. AT LEAST ONE ESCAPE ROUTE FROM EACH SLEEPING ROOM, 20" MIN. CLEAR HEIGHT AND 24" CLEAR WIDTH AND 5.7 SQ. FT. CLEAR OPENING, BOTTOM OF CLEAR OPENING HEIGHT SHALL NOT BE MORE THAN 44" ABOVE THE FLOOR.
  3. GLAZING IN ANY DOOR OR GLAZING WITH 24" OF ANY DOOR WITHIN 60" OFF FLOORS TO BE TEMPERED GLASS. GLAZING WITHIN 18" OFF THE FLOOR AS PER DRAT ENCLOSED WALLS AT STAIRWAYS SHALL BE TEMPERED GLASS, PER 2019 CRC SECTION R308.4.5, AND SECTION 308.4.7
  4. DOOR AND PANELS OF SHOWER AND BATHTUB ENCLOSURES SHALL BE FULLY TEMPERED LAMINATED SAFETY GLASS. CRC SECTION R308.4.5
  5. WINDOWS WITHIN 60 INCHES ABOVE A STANDING SURFACE AND DRAIN INLET SHALL BE FULLY TEMPERED, LAMINATED SAFETY GLASS OR APPROVED PLASTIC. CRC SECTION R308.4.5
  6. OPERATION SHALL BE FROM INSIDE THE ROOM WITHOUT THE USE OF SPECIAL KEYS, TOOLS, OR KNOWLEDGE. CRC R310.1.1
  7. WINDOW SILL HEIGHT NO MORE THAN 44" ABOVE THE FINISH FLOOR FOR EGRESS WINDOW. CRC R310.1
  8. PER CRC R308.4 GLAZING ADJACENT TO STAIRWAYS, LANDINGS AND RAMPS WITHIN 36 INCHES HORIZONTALY OF A WALKING SURFACE WHEN THE EXPOSED SURFACE OF THE GLAZING IS LESS THAN 60 INCHES ABOVE THE FINISH PLANE OF THE ADJACENT WALKING SURFACE SHALL BE TEMPERED
  9. TEMPERED GLASS IN ALL HAZARDOUS LOCATIONS AS REQUIRED BY 2022 CRC SECTIONS R306.1-4. ANY WINDOW OPENINGS MEASURED AT WINDOW SILL THAT IS LOCATED MORE THAN 72" ABOVE THE EXTERIOR FINISHED GRADE AND WINDOW OPENINGS LOCATED LESS THAN 24" ABOVE THE FINISHED FLOOR SHALL EITHER HAVE FIXED GLAZING OR PROTECTIVE GUARDRAIL 2022 CRC R812.2
- E. PERFORMANCE
1. ALL HARDWOOD FLOOR TO BE INSTALLED IN ACCORDANCE WITH THE LATEST NOFMA SPECIFICATIONS AND RECOMMENDATIONS.
  2. ALL TILE WORK TO BE INSTALLED IN ACCORDANCE WITH THE CURRENT TILE CONTROL OF AMERICA SPECIFICATIONS AND RECOMMENDATIONS
  3. ALL PLUMBING WORK SHALL COMPLY WITH THE UNIFORM CODE, SAFETY ORDERS IF THE STATE OF CALIFORNIA AND ALL LOCAL CODES AND ORDINANCES
  4. ALL ELECTRICAL WORK SHALL CONFORM THE NATIONAL ELECTRIC CODE AND ALL OTHER APPLICABLE CODES AND REQUIREMENTS.
  5. ALL HVAC WORK SHALL BE CONFORMANCE WITH THE APPLICABLE CODES, THE UNIFORM MECHANICAL CODE AND THE RECOMMENDED CODES AND ORDINANCES.
- F. PLUMBING FIXTURES AND FITTINGS
1. PLUMBING FIXTURES AND FITTINGS SHALL MEET STANDARDS IN TABLE 4.303 OF 2022 CGBS CODE.
  2. AUTOMATIC IRRIGATION SYSTEM CONTROLLERS FOR LANDSCAPING PROVIDED BY BUILDER AND INSTALLED AT THE TIME OF INSPECTION SHALL COMPLY WITH CGBS SECTION 4.304
  3. PROVIDE WATER HAMMER ARRESTOR ON WATER LINES TO ABSORB HIGH PRESSURES RESULTING FROM THE QUICK CLOSING OF QUICK ACTING VALVES. IT SHALL BE LOCATED AS CLOSE AS POSSIBLE TO QUICK ACTING VALVES PER CPC SECTION 603.10.
- G. BUILDING MAINTENANCE AND OPERATION
1. AT THE TIME OF FINAL INSPECTION, A MANUAL, COMPACT DISC, M WEB BASED REFERENCE OF OTHER MEDIA ACCEPTABLE TO THE ENFORCING AGENCY SHALL BE PLACED IN THE BUILDING PER 2022 CGBS SECTION 4.410, NO. 1.2.7.8
  2. PROPERTY IDENTIFICATION SIZE TO BE CLEARLY VISIBLE AND LEGIBLE FROM THE ADJACENT PUBLIC WAY OR STREET. ADDRESS LETTER NUMBERS SHALL BE MINIMUM 4 INCHES HIGH, WITH A MINIMUM STROKE WIDTH OF 1/2 INCH, AND SHALL CONTRAST WITH THEIR BACKGROUND
- H. FIREPLACES
- ANY INSTALLED GAS FIREPLACE SHALL BE A DIRECT VENT SEALED-COMBUSTION TYPE AND SHALL COMPLY WITH U.S. EPA PHASE II EMISSION LIMITS WHERE APPLICABLE. PER 2022 CGBS, SECTION 4.503 (IF APPLICABLE).
- I. POLLUTANT CONTROL
1. DUCT OPENING AND MECHANICAL EQUIPMENT SHALL BE COVERED AND PROTECTED DURING CONSTRUCTION PER 2019 CGBS SECTION 4.504.1 AND 4.502.2 ADHESIVES, SEALANTS AND CAULKING MATERIAL SHALL MEET REQUIREMENTS PER 2022 CGBS, SECTION 4.502.1
  2. PAINTS AND COATINGS SHALL COMPLY WITH VOC LIMITS IN TABLE 1 OF THE ARB ARCHITECTURAL SUGGESTED CONTROL. MEASURE AS SHOWN ON TABLE 4.504.3 PER 2022 CGBS SECTION 4.504.2.2 AND VERIFICATION COMPLIANCE SHALL BE PROVIDED PER 2022 CGBS SECTION 4.504.2.4
- J. BATHROOM
1. SHOWER/TUB WALLS TO SPECIFY A SMOOTH, HARD, NONABSORBENT SURFACE CERAMIC TILE OVER A MOISTURE RESISTANT UNDERLAYMENT GLASS MAY GYPSUM BACKER TO A HEIGHT OF 72" ABOVE THE DRAIN INLET. WATER RESISTANT GYPSUM BACKING BOARD SHALL NOT BE USED OVER A VAPOR RETARDER IN SHOWER OR BATHTUB COMPARTMENTS. CRC R307.2
  2. 2x6 WOODEN BACKING AT ALL WATER CLOSET, BATHROOM, SHOWER, AND BATHTUB LOCATED AT 34" FROM THE FLOOR TO CENTER OF BACKING. SUITABLE FOR ADDITION OF GRAB BARS.
  3. REQUIRED CLEARANCE AT WATER CLOSETS- MINIMUM 30 INCHES WIDE CLEAR SPACE AT WATER CLOSET EXTENDING AT LEAST 24 INCHES IN FRONT OF THE WATER CLOSET IS REQUIRED CPC 402.5
  4. SHOWERS SHALL HAVE A MINIMUM 22 INCHES DOOR FOR EGRESS CPC 408.5
- K. BALCONIES AND DECKS
1. WATERPROOF MEMBRANE SHALL BE BALCONY ASSEMBLY 1 BY SHULTER SYSTEMS OR EQUAL INSTALLS PER MANUFACTURER ICC-ES ESR-2467
  2. TILE OR GROUT 0" WITH WATERPROOF MEMBRANE. SLOPE TO DRAIN TYPICAL
  3. COMBINATION 4" DRAIN WITH OVERFLOW DRAIN 2" MINIMUM ABOVE R.D. SET IN ROOF RECESS TYPICAL.

CAL GREEN CHECKLIST

- 4.503.1 Fireplace.
- Any installed gas fireplace shall be a direct-vent sealed-combustion type. Any installed woodstove or pellet stove shall comply with U.S. EPA New Source Performance Standards (NSPS) emission limits where applicable.
- Woodstoves, pellet stoves and fireplaces shall also comply with applicable local ordinances.
- 4.504.1 Covering of duct openings and protection of mechanical equipment during construction.
- Duct openings and other related air distribution component openings shall be covered during construction
- 4.504.2.1 Adhesives, sealants and caulks.
- Adhesives, sealants and caulks shall be compliant with VOC and other toxic compound limits. See Sheet A6.0 Cal Green Checklist for full list.
- 4.504.2.2 Paints and coatings.
- Paints, stains and other coatings shall be compliant with VOC limits. See Sheet A6.0 Cal Green Checklist for full list.
- 4.504.2.3 Aerosol paints and coatings.
- Aerosol paints and coatings shall be compliant with product weighted MIR limits for ROC and other toxic compounds.
- 4.504.2.4 Verification.
- Documentation shall be provided to verify that compliant VOC limit finish materials have been used.
- 4.504.3 Carpet systems.
- All carpet shall meet the testing and project requirements per sec. 4.504.3. All carpet cushion installed in the building interior shall meet the requirements of the Carpet and Rug Institute's Green Label program. All carpet adhesive shall meet the requirements of Table 4.504.1.
- 4.504.4 Resilient flooring systems.
- At least 80% of floor area receiving resilient flooring shall comply with the requirements per sec. 4.504.4.
- 4.504.5 Composite wood products.
- Hardwood plywood, particleboard and medium density fiberboard (MDF) used on interior or exterior of the building shall comply with formaldehyde emission limits per Table 4.504.5. See Sheet A6.0 Cal Green Checklist for full list.
- 4.505.2 Concrete slab foundations.
- Vapor retarder and capillary break is installed at slab-on-grade foundations.
- 4.503.3 Moisture content of building materials.
- Moisture content of building materials used in wall and floor framing shall not to exceed 19% before enclosure. Insulation products which are visibly wet or have a high moisture content shall be replaced or allowed to dry prior to enclosure.
- 4.506 Indoor air quality and exhaust.
- Bathroom exhaust fans shall be ENERGY STAR ducted to outside. Unless functioning as a component of a whole house ventilation system, bathroom exhaust fans must be controlled by a humidistat between a relative humidity range of 50% - 80%.

REGISTERED PROFESSIONAL ENGINEER

No. C92766

12/31/25

STATE OF CALIFORNIA

REVISION TABLE

| REVISION | DATE       | REVISION BY    | DESCRIPTION |
|----------|------------|----------------|-------------|
| 1        | 10/01/2024 | ELITE HOME DEV | REVISION #1 |

ELITE DESIGN STUDIO

CASAS ADDITION & REMODEL

445 ROSWELL DRIVE

MILPITAS CA 95035

PROPOSED 1ST AND 2ND LEVEL FLOOR PLANS

DATE:

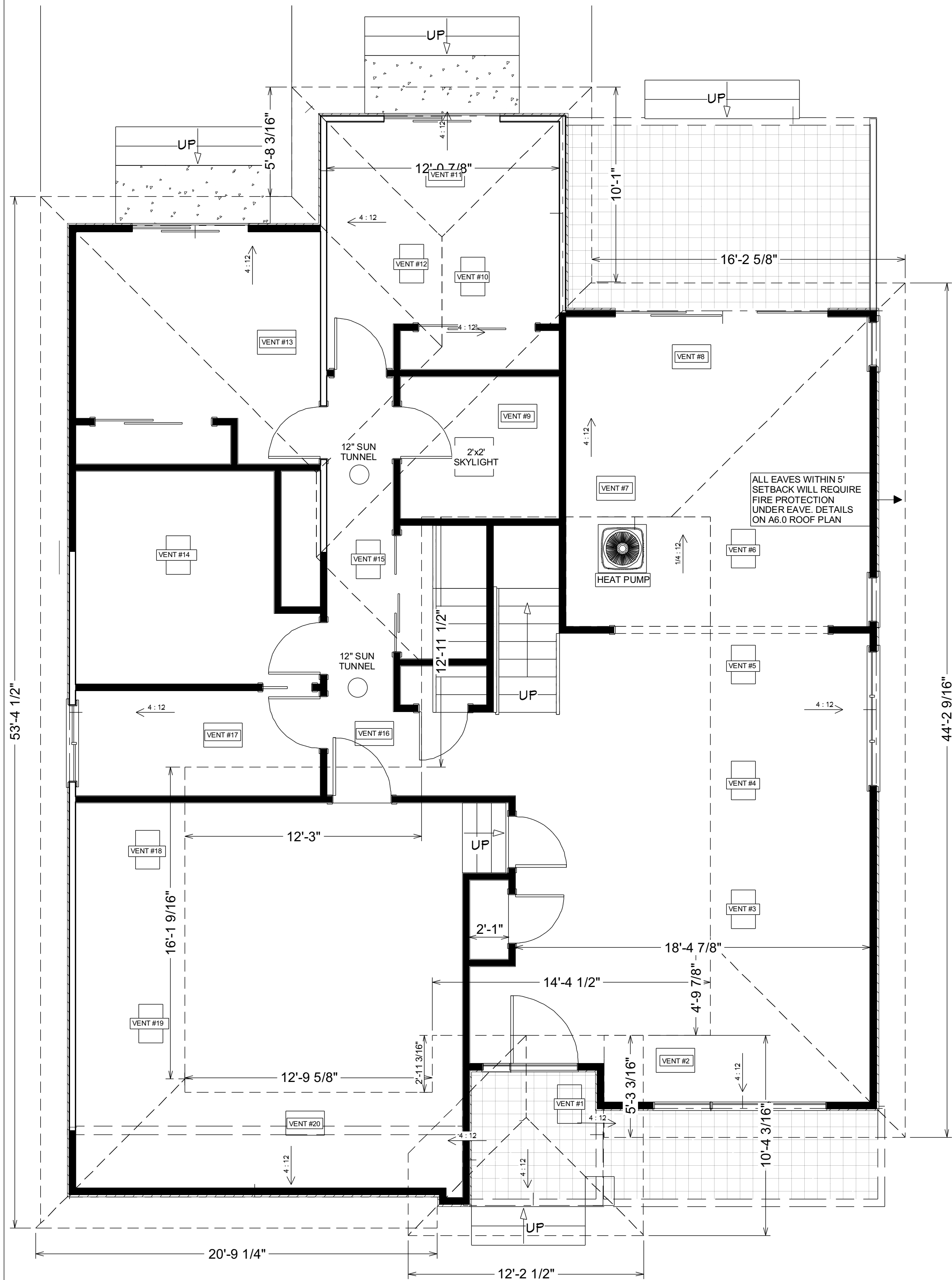
01/06/2025

SCALE:

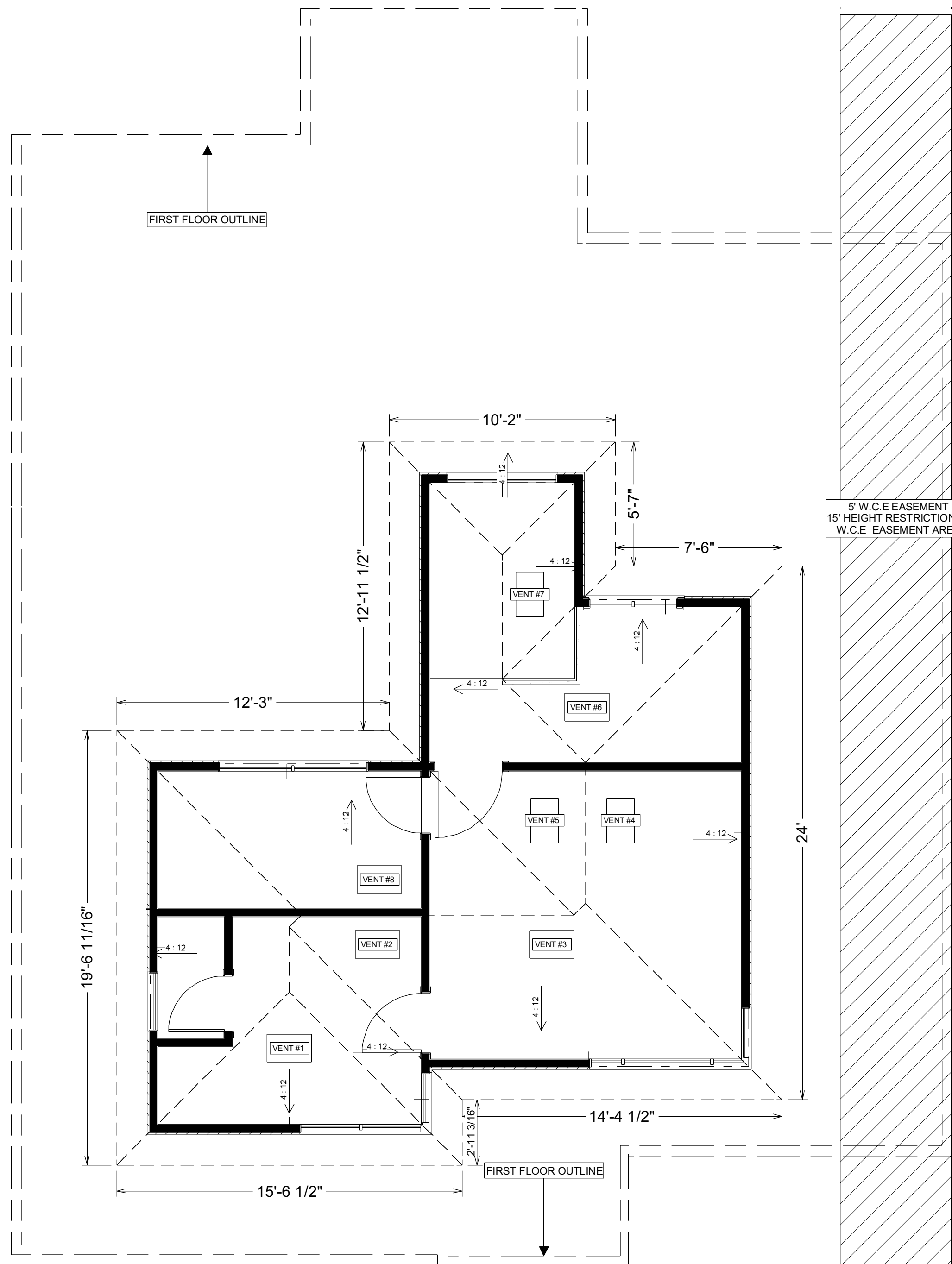
1/4" = 1'0"

SHEET:

A 5.0



FIRST FLOOR ROOF PLAN 1/4"= 1'0"



SECOND FLOOR ROOF PLAN 1/4"= 1'0"

## ROOF NOTES

- EXISTING ROOF
- 5' W.C.E EASEMENT

ROOF MATERIAL:  
PROVIDE CLASS "A" MATERIAL PER MMC sec. II-3.5-2.01- 50 YEAR COMPOSITION SHINGLE PER CODE AND MANUFACTURER.

TYPICAL ROOF PITCH - 4:12

TYPICAL OVERHANG - 1'6"

INSTALL ROOFING MATERIAL W/ 30 FELT OVER 1/2" CDX PLYWOOD ROOF SHEATHING WITH 2X RAFTERS, MINIMUM R-30 INSULATION AND 2X CEILING JOISTS AND 1/2" ROOF MATERIAL SELECTION SHALL BE DURABLE AND NON- COMBUSTIBLE TO COMPLY WITH 2022 CGBS CODE

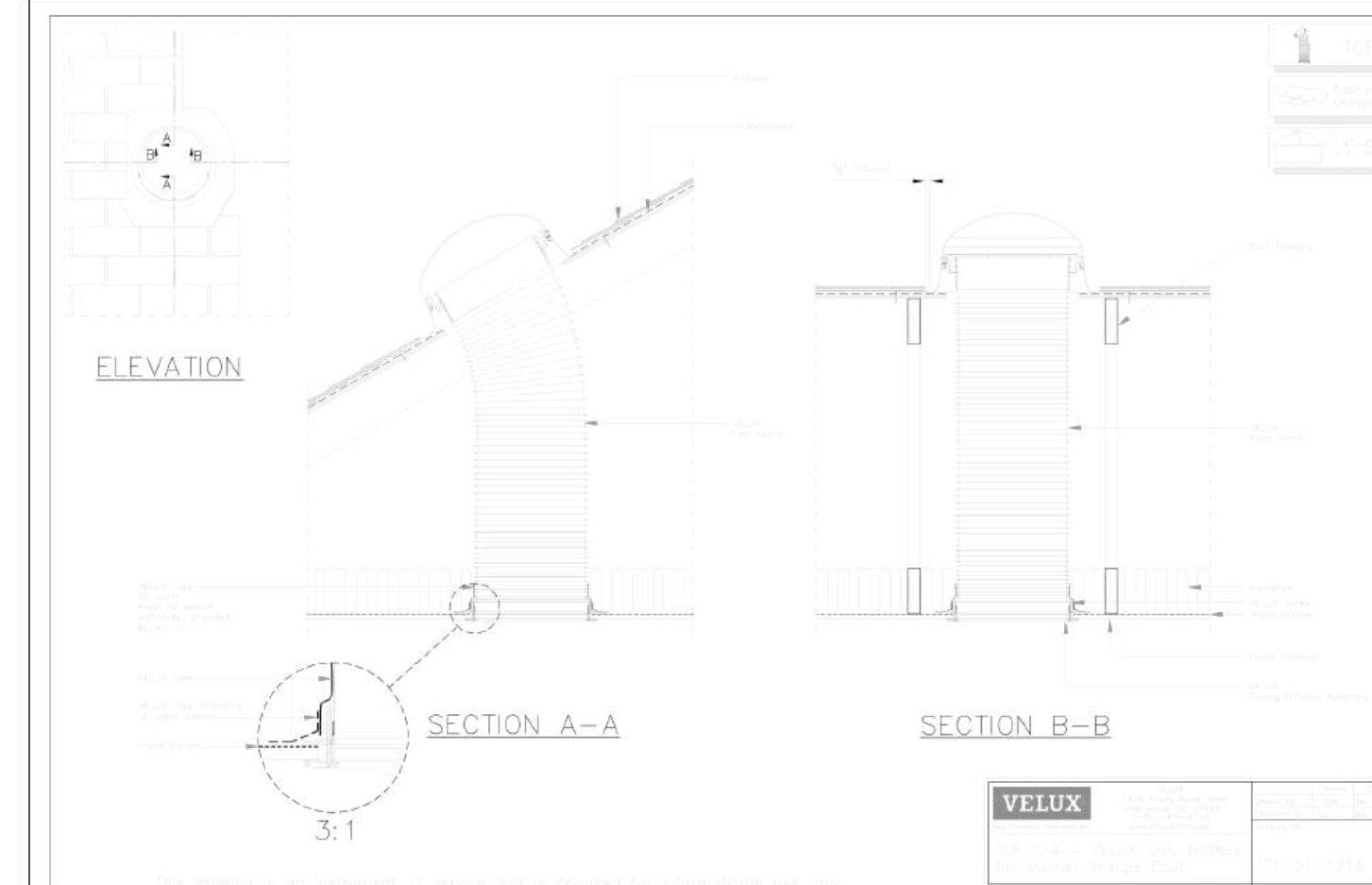
INSTALL RADIANT BARRIER FOR COOL ROOF PER T24 CALCULATIONS. OSB SHEATHING PLYWOOD TO CONTAIN RADIANT BARRIER BONDED TO IT IN FACTORY. THE SHEATHING SHALL BE INSTALLED WITH THE RADIANT BARRIER (SHINY SIDE) FACING DOWN TOWARD THE ATTIC.

ROOF VENTILATION-

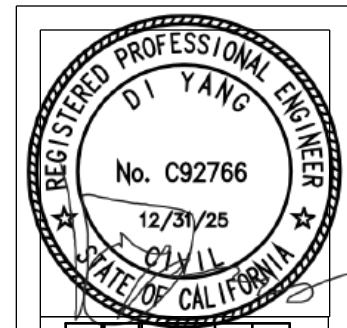
MODEL: 0' HAGINS "S" VENT W/ 0.67 S.F. FREE FLOW AREA EACH

FIRST FLOOR ROOF VENT CALCULATION-  
TOTAL FIRST FLOOR AREA- 1,915 SF  
FIRST FLOOR VENTILATION- 1,915 SF /150 SF= 12.76 SF  
(N) #20 0'HAGINS "S" VENT x 0.67 SF = 13.40 SF

SECOND FLOOR ROOF VENT CALCULATION-  
TOTAL SECOND FLOOR AREA- 769 SF  
SECOND FLOOR VENTILATION- 769 SF/ 150 SF= 5.12 SF  
(N) #8 0'HAGINS "S" VENT x 0.67 SF= 5.36 SF



SKYLIGHT DETAIL- NO SCALE



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|                | 1      | 10/01/2024 | ELITE HOME DEV | REVISION #1 |



CASAS ADDITION & REMODEL  
445 ROSWELL DRIVE  
MILPITAS CA 95035

PROPOSED ROOF PLAN

DATE:  
01/06/2025

SCALE:  
1/4" = 1'0"

SHEET:  
A 6.0

ELEVATION NOTES

- A

SMOOTH STUCCO:  
3 COATS STUCCO EXTERIOR WALL FINISH WITH METAL LATH, TYVEK BUILDING PAPER (2 LAYERS OF BUILDING PAPER) OVER METAL LATHIN, AND PLYWOOD EXTERIOR WITH 2 X 16" O.C. STUDS AND THERMAL INSULATION (R-15) WEEP SCREED TO BE LOCATED MIN. 2 INCHES ABOVE PAVED AREAS.
- B

REGULAR STUCCO :  
2 COATS STUCCO EXTERIOR WALL FINISH WITH METAL LATH, TYVEK BUILDING PAPER (2 LAYERS OF BUILDING PAPER) OVER METAL LATHIN, AND PLYWOOD EXTERIOR WITH 2 X 16" O.C. STUDS AND THERMAL INSULATION (R-15) WEEP SCREED TO BE LOCATED MIN. 2 INCHES ABOVE PAVED AREAS.
- C

ROOF MATERIAL:  
PROVIDE CLASS "A" MATERIALPER MMC sec. II-3.5-2.01- 50 YEAR COMPOSITION SHINGLE PER CODE AND MANUFACTURER.
- D

NEW ANDERSON 100 SERIES WINDOWS. WINDOWS MUST FOLLOW TITLE 24 REGULATIONS
- E

NEW ANDERSON 100 SERIES GLASS SLIDING DOORS
- F

CONTEMPORARY SOLID WOOD ENTRY DOOR
- G

CONTEMPORARY ALUMINUM & WHITE LAMINATE (PRIVACY) GLASS GARAGE DOOR
- H

WINDOW CASING COLOR: DARK BRONZE
- I

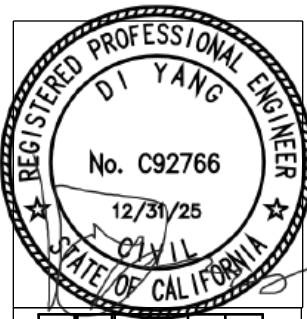
CONTEMPORARY STONE- EL DORADO LEDGE CUT BEACH PEEBLE
- J

NEWTECH WOOD EUROPEAN STYLE CLADDING. COLOR BELIGAN BOARD.
- K

CONCRETE STEPS/ LANDING:  
STAIRS CONSTRUCTION MUST MEET MINIMUM REQUIREMENTS AS SET BY CURRENT CODES FOR MIN. RISE AND RUN CBC 1003.3.3
- L

CRAWL SPACE VENTILATION CALCULATION=  
MAIN HOME CRAWL SPACE COVERAGE SF/ 150= 1,574 SF /150= 10.49 SF  
  
#20 (N) 6" x 14" VENTS @.58 N.F.V= 10.80 SF COMPLIES WITH CRAWL SPACE VENTILATION
- M

TREX COMPOSITE DECKING -COLOR BISCAYNÉ



| REVISION TABLE | NUMBER | DATE       | REVISION       | DESCRIPTION |
|----------------|--------|------------|----------------|-------------|
|                | 1      | 10/01/2024 | ELITE HOME DEV | REVISION #1 |



CASAS ADDITION & REMODEL  
445 ROSWELL DRIVE  
MILPITAS CA 95035

PROPOSED  
FRONT AND REAR  
ELEVATIONS

DATE:

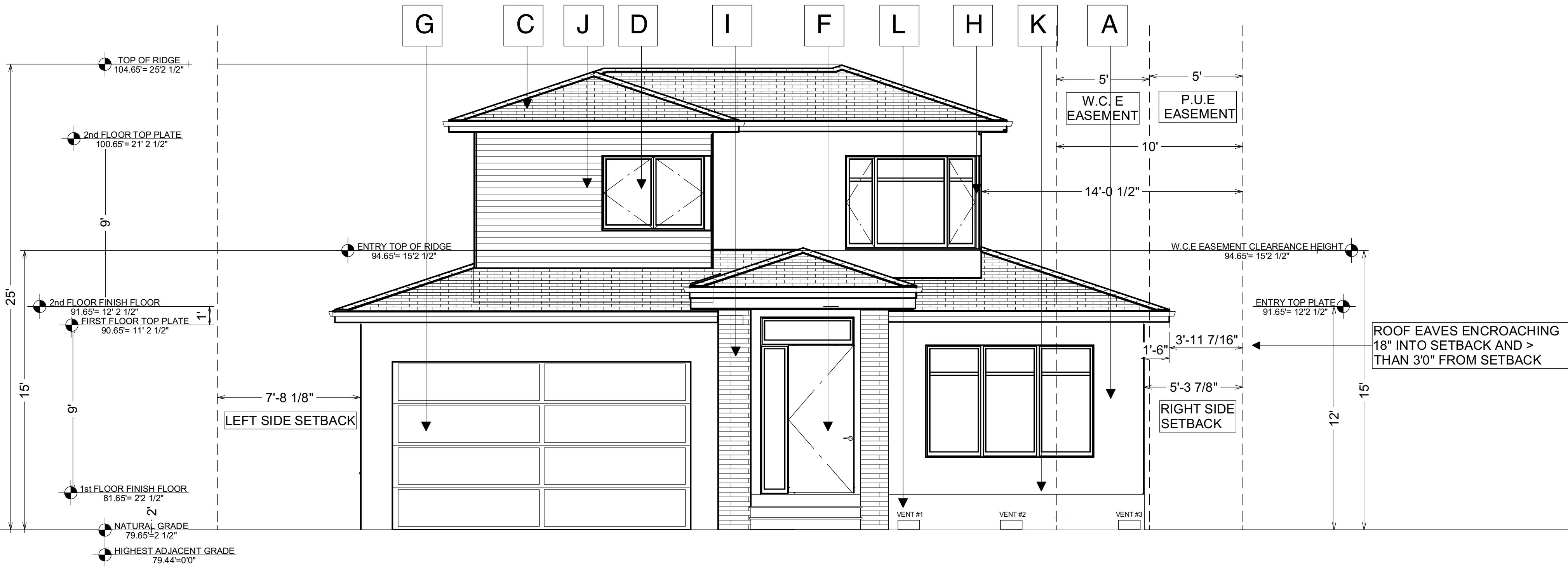
01/06/2025

SCALE:

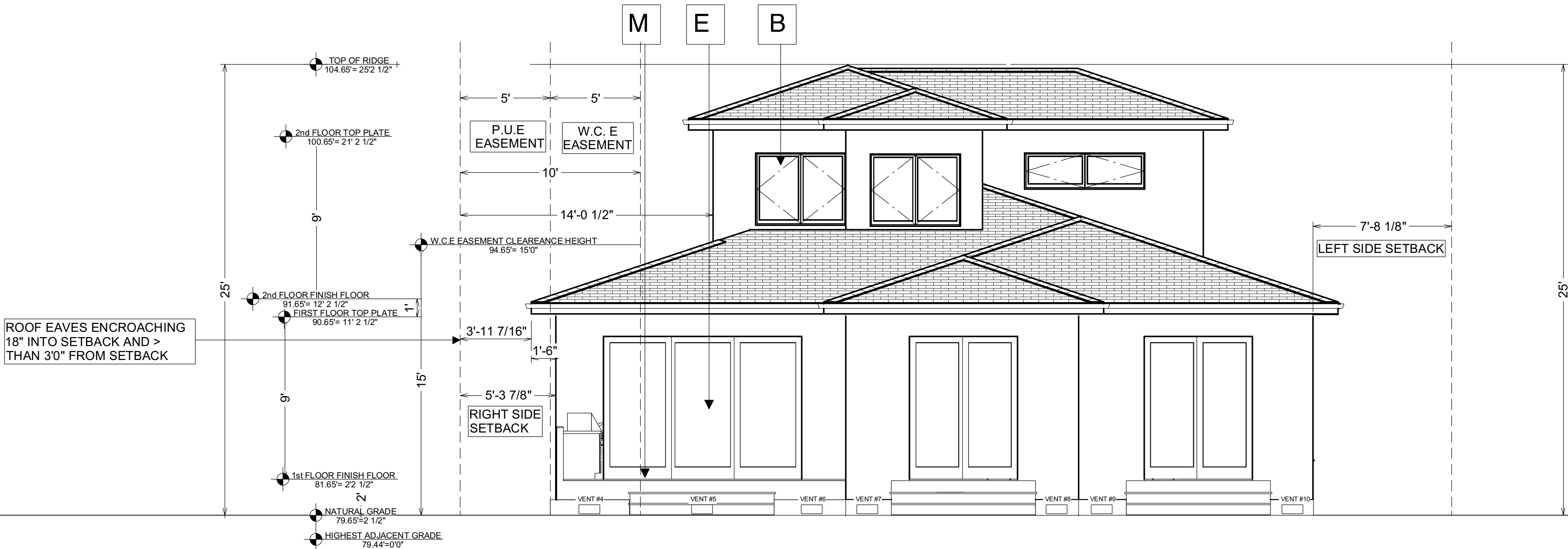
1/4" = 1'0"

SHEET:

A 7.0

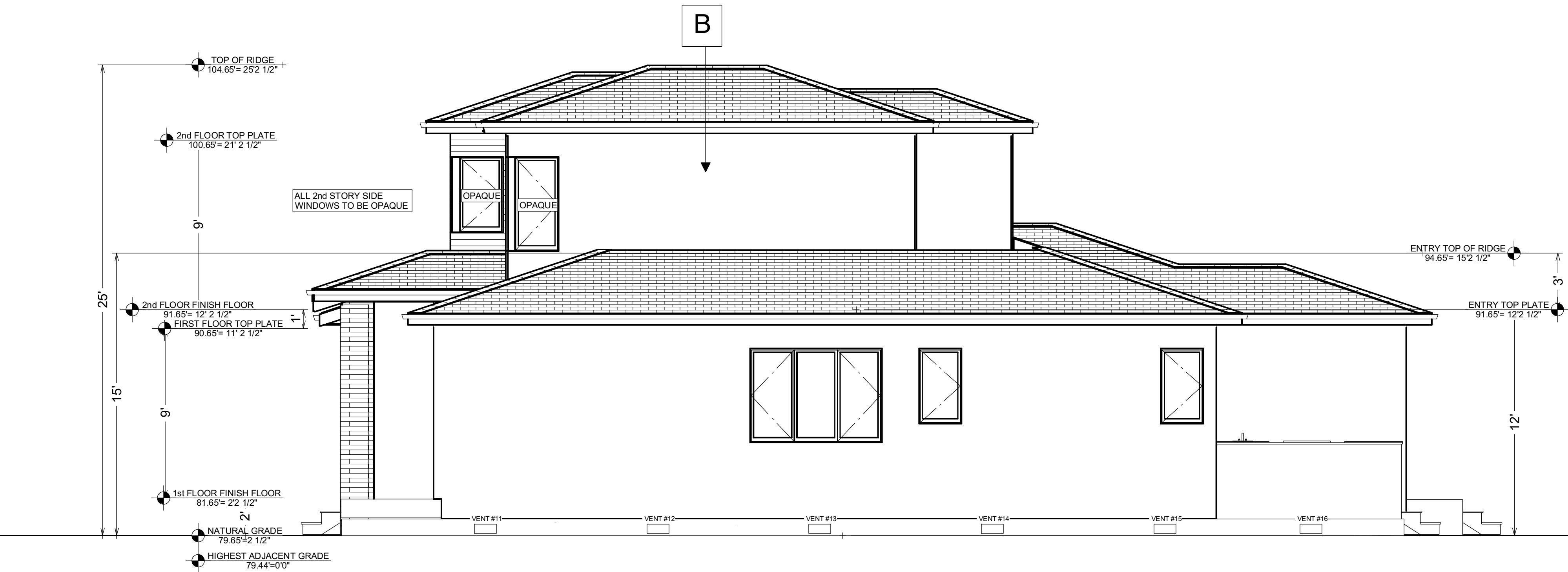


E1-FRONT ELEVATION 1/4"=1'0"

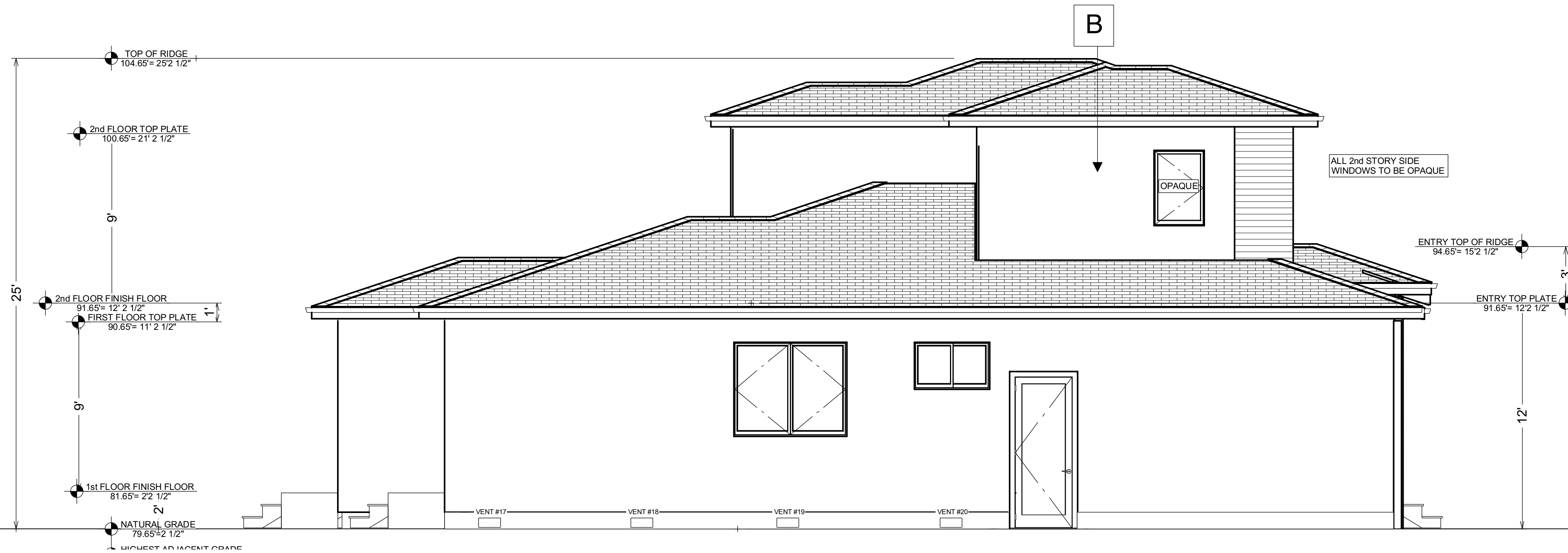


E2-REAR ELEVATION 1/4"=1'0"

E3-RIGHT SIDE ELEVATION 1/4"=1'0"

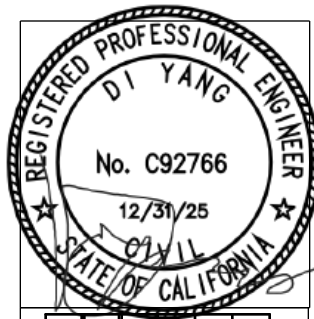


E4-LEFT SIDE ELEVATION 1/4"=1'0" NO CHANGE

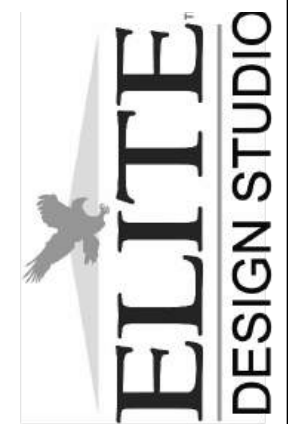


## ELEVATION NOTES

- A** SMOOTH STUCCO:  
3 COATS STUCCO EXTERIOR WALL FINISH WITH METAL LATH, TYVEK BUILDING PAPER (2 LAYERS OF BUILDING PAPER) OVER METAL LATHIN, AND PLYWOOD EXTERIOR WITH 2 X 16" O.C. STUDS AND THERMAL INSULATION (R-15) WEEP SCREED TO BE LOCATED MIN. 2 INCHES ABOVE PAVED AREAS.
- B** REGULAR STUCCO :  
2 COATS STUCCO EXTERIOR WALL FINISH WITH METAL LATH, TYVEK BUILDING PAPER (2 LAYERS OF BUILDING PAPER) OVER METAL LATHIN, AND PLYWOOD EXTERIOR WITH 2 X 16" O.C. STUDS AND THERMAL INSULATION (R-15) WEEP SCREED TO BE LOCATED MIN. 2 INCHES ABOVE PAVED AREAS.
- C** ROOF MATERIAL:  
PROVIDE CLASS "A" MATERIALPER MMC sec. II-3.5-2.01- 50 YEAR COMPOSITION SHINGLE PER CODE AND MANUFACTURER.
- D** NEW ANDERSON 100 SERIES WINDOWS. WINDOWS MUST FOLLOW TITLE 24 REGULATIONS
- E** NEW ANDERSON 100 SERIES GLASS SLIDING DOORS
- F** CONTEMPORARY SOLID WOOD ENTRY DOOR
- G** CONTEMPORARY ALUMINUM & WHITE LAMINATE (PRIVACY) GLASS GARAGE DOOR
- H** WINDOW CASING COLOR: DARK BRONZE
- I** CONTEMPORARY STONE- EL DORADO LEDGE CUT BEACH PEEBLE
- J** NEWTECH WOOD EUROPEAN STYLE CLADDING. COLOR BELGIAN BOARD.
- K** CONCRETE STEPS/ LANDING:  
STAIRS CONSTRUCTION MUST MEET MINIMUM REQUIREMENTS AS SET BY CURRENT CODES FOR MIN. RISE AND RUN CBC 1003.3.3
- L** CRAWL SPACE VENTILATION CALCULATION=  
MAIN HOME CRAWL SPACE COVERAGE SF/ 150= 1,574 SF /150= 10.49 SF  
#20 (N) 6" x 14" VENTS @ .58 N.F.V= 10.80 SF COMPLIES WITH CRAWL SPACE VENTILATION
- M** TREX COMPOSITE DECKING -COLOR BISCAYNE



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CASAS ADDITION & REMODEL  
445 ROSWELL DRIVE  
MILPITAS CA 95035

PROPOSED  
RIGHT AND LEFT  
SIDE ELEVATIONS

DATE:

01/06/2025

SCALE:

SHEET:

A 8.0

SECTION NOTES

CEILING INSULATION- R-38  
WALL INSULATION- R-15  
FLOOR INSULATION-R-19

|                                                                                                 |            |                |            |
|-------------------------------------------------------------------------------------------------|------------|----------------|------------|
| REGISTERED PROFESSIONAL ENGINEER<br>D. I. YANG<br>No. C92766<br>12/31/25<br>STATE OF CALIFORNIA |            |                |            |
| REVISION TABLE                                                                                  | REVISION # | DESCRIPTION    | DATE       |
| 1                                                                                               | 1          | ELITE HOME DEV | 10/01/2024 |



CASAS ADDITION & REMODEL  
445 ROSWELL DRIVE  
MILPITAS CA 95035

PROPOSED  
SECTIONS

DATE:

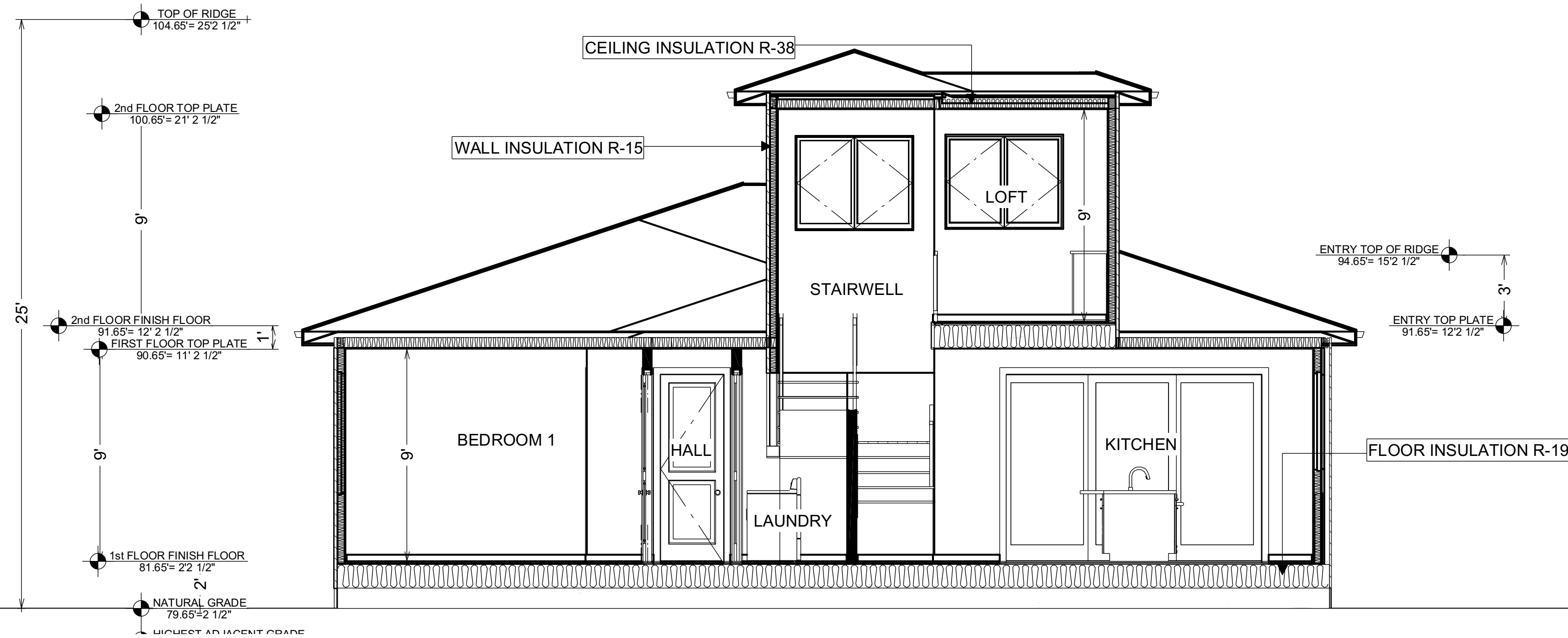
01/06/2025

SCALE:

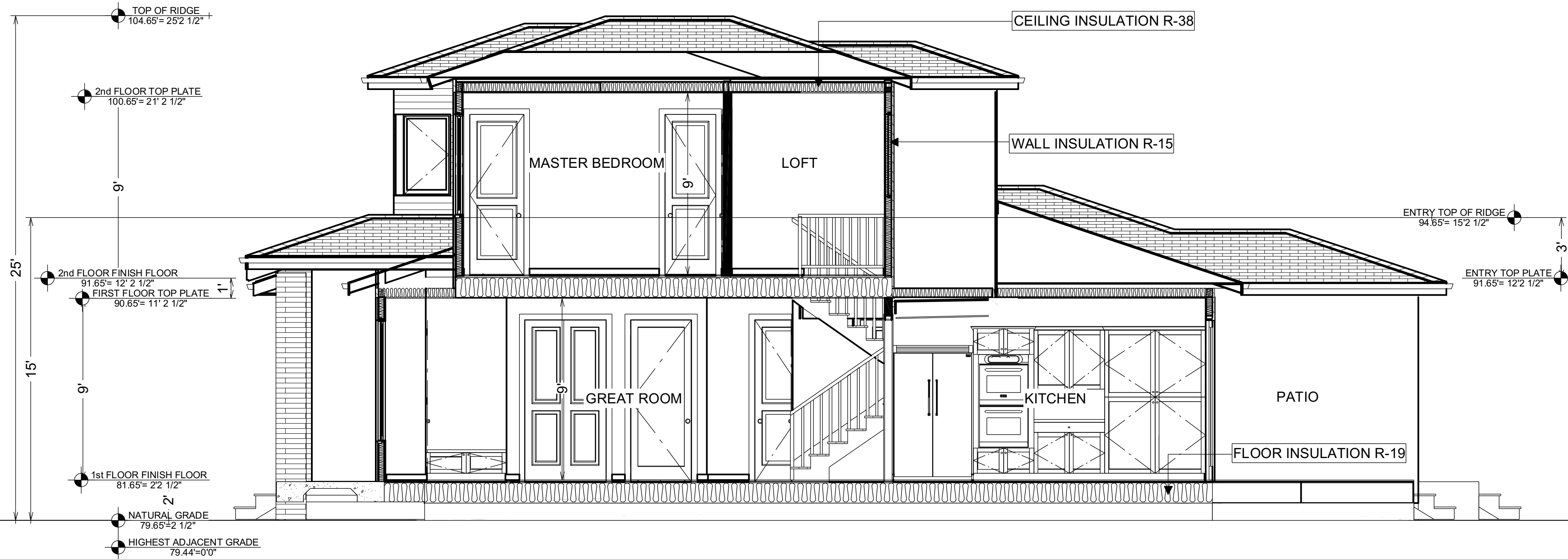
1/4" = 1'0"

SHEET:

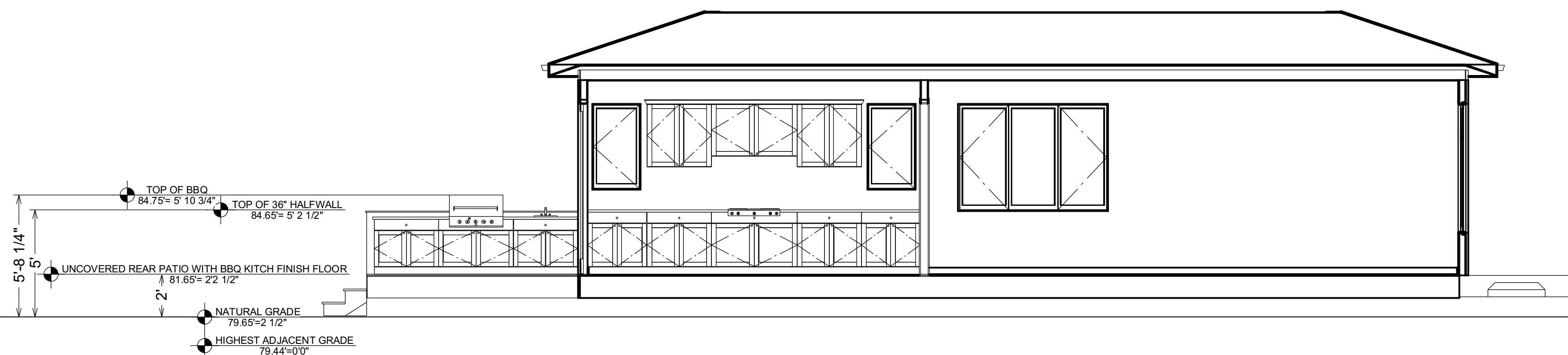
A 9.0



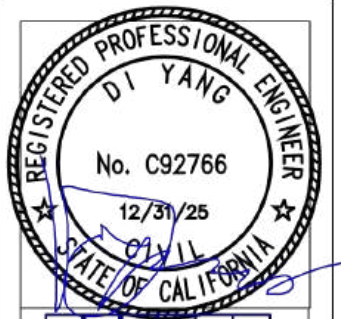
S1- SECTION 1- 1/4" = 1'0"



S2- SECTION 2- 1/4" = 1'0"



S3- SECTION 3 PROPOSED UNCOVERED REAR PATIO WITH BBQ KITCHEN- 1/4" = 1'0"



| REVISION TABLE | REVISION BY | DESCRIPTION    | REVISION #  |
|----------------|-------------|----------------|-------------|
| NUMBER         | DATE        | REVISION BY    | DESCRIPTION |
| 1              | 10/01/2024  | ELITE HOME DEV | REVISION #1 |



CASAS ADDITION & REMODEL  
445 ROSWELL DRIVE  
MILPITAS CA 95035

MATERIALS  
BOARD

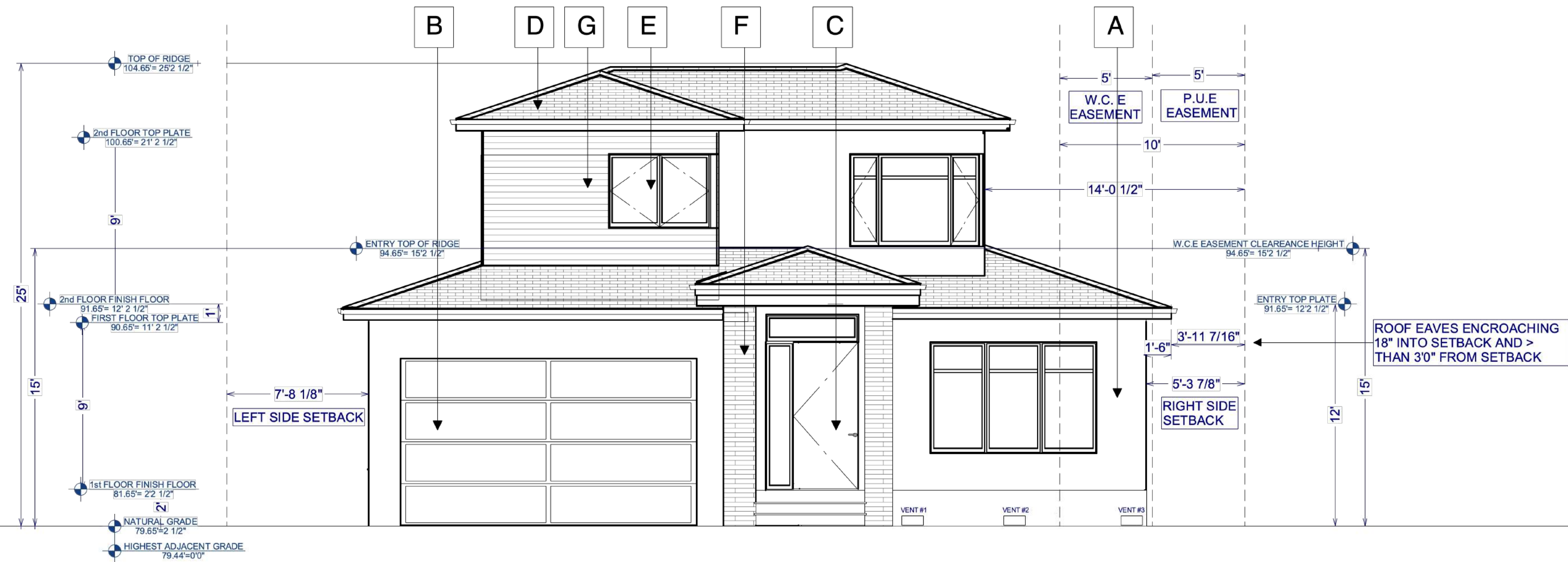
DATE:

11/28/2020

SCALE:

SHEET:

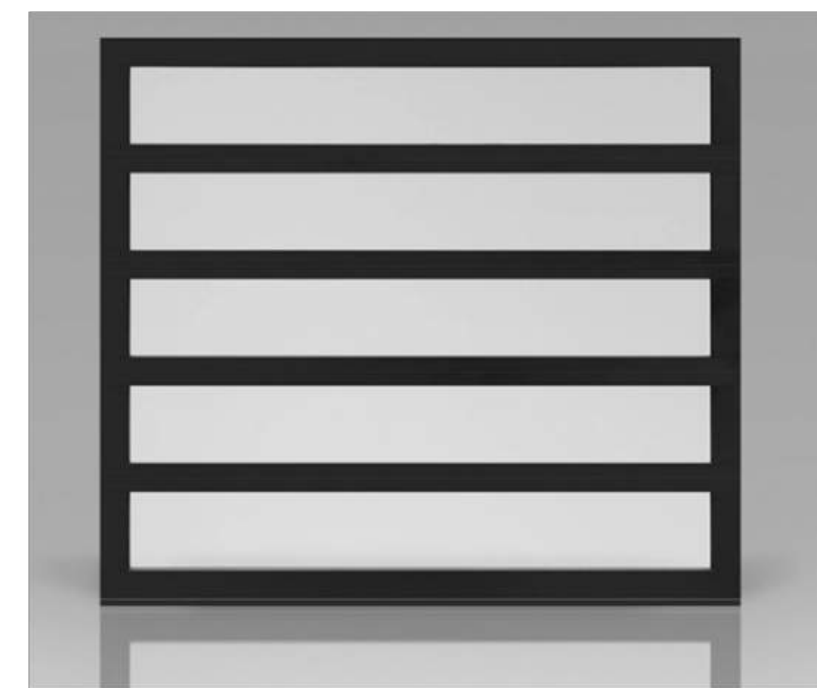
A 10.0



E1-FRONT ELEVATION 1/4"=1'0"



A EXTERIOR STUCCO WHITE:  
BENJAMIN MOORE  
DECORATOR'S WHITE OC-149



B CONTEMPORARY ALUMINUM &  
WHITE LAMINATE (PRIVACY) GLASS  
GARAGE DOOR



C CONTEMPORARY SOLID WOOD  
ENTRY DOOR  
COLOR: MODERN WALNUT



D ROOFING MATERIAL-  
COMPOSITION SHINGLE  
COMPANY:LANDMARK PRO SHINGLES  
COLOR: GEORGETOWN GRAY



E 100 SERIES ANDERSON CASEMENT  
WINDOWS DARK BRONZE



F EL DORADO STONE LEDGECUT  
PEEBLE STONE



G NEWTECH WOOD EUROPEAN STYLE CLADDING.  
COLOR: BELGIAN BOARD.

# **445 Roswell Drive Architectural Design Statement**

## **Scope of Work-**

1. 69.51 SF FRONT ADDITION TO GARAGE
2. 499.28 SF FIRST FLOOR ADDITION
3. 557.59 SF SECOND FLOOR ADDITION
4. TOTAL ADDITION- 1,056.87 SF
5. PROPOSED FRONT PATIO- 119 SF
6. PROPOSED UNCOVERED REAR PATIO WITH OUTDOOR BBQ KITCHEN- 160 SF
7. IMPROVE FACADE TO CORRELATE WITH ADDITIONS
8. DEMOLISH UNPERMITTED SHED
9. INTERIOR REMODEL OF KITCHEN AND EXISTING LIVING AREA
10. KEEP EXISTING PERMITTED LEGAL FENCING

## **Reasoning for Project-**

The main reason the owners are requesting a minor site development for a two story 2,119 SF living space that consists of 4 bedrooms and 3 Baths as they have a young family of three children. The existing home cannot accommodate their needs as a larger family. They want to stay in Milpitas as their family has created a strong bond with the neighborhood through their work and their children's school and activities.

## **Project Information-**

Existing Home- One- story 1,062 SF Living Area, 481 SF garage , 3 bedrooms and 1.5 baths.

Proposed Home- Two- story 2,119 SF Living Area, 427 SF garage, 4 bedrooms and 3 baths.

### **Architectural Style-**

The architectural design style of new proposed facade is a contemporary ranch style home consistent with the surrounding neighborhood with hip roofs, natural materials including wood and stone, and modernized with additional glazing and aluminum tempered glass garage door. Other homes with second floor additions to support the proposed scope of work include 495 Roswell Drive and 325 Roswell Drive. We kept the 2nd floor addition to a minimum with a single master suite to be consistent with the neighborhood massing. We have also taken steps to respect the privacy of neighbors as implementing obscure glass on 2nd floor windows facing the side elevations as requested by the city.

Our hope is to inspire the surrounding neighborhood to know that it is possible to update their outdated homes to further beautify Milpitas as a whole.

### **Landscaping and Fencing-**

The impact to the site is kept at a minimum as the proposed home is not exceeding the existing building footprint. This means that we are able to keep all existing lawns and trees. In addition, we are able to keep the existing fencing between neighbors.

### **Flood Zone-**

We propose to raise the finished floor 1' above the base flood elevation to meet requirements.

### **Neighborhood Outreach-**

The owners have a strong relationships with all direct neighbors to the lot and have already shared the design with them. They all have approved of the project and say that it will bring more value to their homes as 438 Roswell Drive and 452 Roswell Drive have recently did full on remodels and additions. The following neighbors have been contacted and have expressed no concerns over the project:

Jeeten & Neeral Sheth  
438 Roswell Drive

Jacqueline Hardman  
452 Roswell Drive

Nhu & Luong Nguyen  
456 Roswell Drive

Dat & Lan Nguyen  
1531 Edsel Drive

Lyn Manangan  
435 Roswell Ct