

County of Santa Clara

Department of Planning and Development
Planning Office

County Government Center, East Wing, 7th Floor
70 West Hedding Street
San Jose, California 95110-1705
(408) 299-5770 FAX (408) 288-9198
www.sccplanning.org



STAFF REPORT
Zoning Administration
May 2, 2019
Item #2

Staff Contact: Colleen Tsuchimoto, Senior Planner ^{CT}
(408) 299-5797/ colleen.tsuchimoto@pln.sccgov.org

File: PLN18-11488
**Special Permit for a detached accessory building (garage)
containing more than two (2) internal plumbing fixtures.**

Summary: Special Permit to allow more than two (2) plumbing fixtures (three (3) fixtures proposed) in a 792 sq. ft. garage, pursuant to § 4.20.020(I).

Owner: Michael Festa
Applicant: Augustine Designs
Lot Size: 0.12 acres
APN: 274-18-056
Supervisory District: #4

Gen. Plan Designation: USA (San Jose)
Zoning: R1-n2
Address: 192 Cleveland Avenue, San Jose
Present Land Use: Single Family Res.
Approved Building Site: Yes

RECOMMENDED ACTIONS

- A. Accept a Categorical Exemption, under Section 15303(e) of the CEQA Guidelines, Attachment A
- B. Grant Special Permit Approval, subject to conditions outlined in Attachment B.

ATTACHMENTS INCLUDED

Attachment A – Proposed CEQA Determination
Attachment B – Proposed Conditions of Approval
Attachment C – Location & Vicinity Map
Attachment D – Proposed Plans

PROJECT DESCRIPTION

The proposed project involves a request to construct a new 792 square foot detached, 2-car garage with more than two (2) plumbing fixtures. The accessory structure includes one (1) half bath (toilet and sink) with one (1) additional plumbing fixture for a washer, resulting in a total of three (3) internal plumbing fixtures. There is no proposed grading associated with the project, as the site is located on a flat lot with an existing single-family residence. There are no trees in the rear of the site that would be impacted by the project. The proposed location of the garage is in the rear yard of the lot, behind the residence, approximately 3 feet and 5 feet from the side property lines, and 3 feet from the rear property line.

The lot is a 5,227.2 square foot (0.12-acre) parcel, located off Cleveland Avenue, in the unincorporated area of San Jose of the County of Santa Clara. The detached garage includes interior space for a ½ bathroom and workshop. The lot is served by the Burbank Sanitation District.

Setting/Location Information

The subject property is located in North San Jose off Cleveland Avenue with the nearest cross street of Forest Avenue off Naglee Avenue. The lot was created with the Interurban Park Tract. The neighborhood character consists of a mix of original craftsman homes built in the late 1940s to 1970's, and rebuilt modern homes and apartments built between the 1980's and present time.

REASONS FOR RECOMMENDATIONS

A. Environmental Review and Determination (CEQA)

The proposed project qualifies for a Categorical Exemption, Section 15303 (Class 3e), for accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences in a residential zone.

B. Project/Proposal

1. **General Plan:** Urban Service Area (USA) – San Jose.
2. **Approved Building Site:** Yes. This lot obtained Building Site Approval on December 10, 1998 for a rebuild of a new residence, with a building permit obtained on Jan. 13, 1999 (Building Permit 1999-93097-00).
3. **Zoning Standards.** The proposed project satisfies the required development standards for accessory structures, as summarized below:

Setbacks (R1): Located in rear half of lot, within the rear yard, or at least 75-feet from the front property line.

Maximum Height: 12-foot average (between ridge and top plate with hip or gable roof with a maximum of 16 ft.)

Stories: 1 story

Floor Area Ratio: Floor Area Ratio shall not exceed 0.50.

Rear Yard coverage: Accessory structures shall not cumulatively exceed 30 percent of rear yard area.

4. **Compliance with Development Standards (Accessory Structures) and Specific Findings (Restrictions on Plumbing Fixtures).**

The proposed garage is a flat roof design with a maximum height of 14 feet, which is within the 16 ft. maximum allowable height limitation. Per the elevations provided on plans, the lowest grade to ridge height is an average of 11 ft. The location of the garage conforms to the development standards stipulated for accessory structures, as the structure is located within the rear yard of the property and is also more than 75 ft. from the front property line. Additionally, the garage is not designed to be used for dwelling purposes or overnight accommodations. The proposed floorplan of the garage includes one (1) 1/2 bath room and a shop area. There is no partitioning inside the garage that would contribute to utilizing the structure for dwelling purposes. The proposed garage is approximately 792 square feet in size, and as such, the garage is appropriately sized and designed for the intended use and complies with the specific findings for “*Restrictions on Plumbing Fixtures,*” pursuant to Section 4.20.020(I)(2).

5. **Special Permit:**

In addition to specific findings identified in Section 4 above, accessory structures (such as a garage) with more than two (2) internal plumbing fixtures are also subject to a Special Permit (Chapter 5.60). In the following discussion, the scope of review findings for a Special Permit are delineated in **bold** type, and an explanation of how the project meets the required findings is in plain text below. The Zoning Administrator is required to make findings to approve the project.

a. **The proposed use conforms with the general plan, with the zoning ordinance, and with all standards applicable to the proposed use that have been adopted by the Planning Commission or Board of Supervisors;**

As discussed in Section 4 of this report, the project conforms to all standards stipulated in County General Plan and Zoning Ordinance. The proposed pool house has a flat roof design and has a roof height of 14 feet, which is within the 16 ft. maximum height allowance for accessory structures with an urban zoning district. The location of the pool house conforms to the development standards stipulated for accessory structures as it is in the rear yard of the property or at least 75 ft. from the front property line.

The property is located within the R1-n2 combined zoning district, which has a floor area limitation of 0.50 (approximately 2,812 sq. ft.). The site plans submitted verify the lot coverage at 32% (approximately 1,806 sq. ft.). It should be noted that a condition of approval has been added to require the floor area and floor area ratio to be certified by licensed engineer prior to building permit issuance.

b. **The site is adequate for the proposed use, including but not limited to being of adequate size and shape to accommodate all facilities and development**

features to integrate the use into the surrounding area and to provide any necessary or appropriate buffers between the use and the surrounding area;

The site is adequate to accommodate the garage. The subject site is approximately 0.12 acres, and the proposed garage satisfies the required setbacks for residential accessory structures, as the structure is located in the rear yard and is also more 75 feet from front property line. The proposed layout in the garage is of an appropriate design to have one (1) 1/2 bathroom and a private office (shop). The area of the property and the location of the proposed structure offers adequate separation and provides a buffer between the proposed use and the surrounding uses and/or neighborhood.

c. The proposed use will not be detrimental to the public health, safety, or general welfare. In this respect the Zoning Administrator shall further find, without limitation, that:

1. Adequate off-street parking, loading and unloading areas (if applicable) and handicapped access will be provided;

The property has adequate space for off-street parking with the proposed detached garage able to accommodate the required minimum one (1) covered, and one (1) uncovered parking space per County Zoning Ordinance Section 4.30.030. As designed, the garage will accommodate two (2) covered parking spaces, therefore exceeding the minimum parking requirements.

2. Appropriately designed site access will be provided, including safe and adequate access for fire and emergency vehicles (including secondary access where deemed necessary by the fire marshal);

The project was referred to the Fire Marshal for compliance with fire and emergency vehicular access. The project was considered acceptable by the Fire Marshal, pending compliance with specific conditions. Therefore, as conditioned, the proposed project and driveway to the rear of site will meet access for fire and emergency vehicles.

3. The use will not adversely affect water quality. Adequate wastewater treatment, disposal and sanitation facilities will be provided and will satisfy all applicable local, state and federal requirements;

The property is an urban lot located within the Urban Service Area of the City of San Jose, but is not eligible for annexation to the City. The proposed structure would be connected to the Burbank Sanitation District sanitary sewer system. As such, the project will not adversely affect water quality and complies with applicable local, state and federal requirements.

- 4. The use will not be detrimental to the adjacent area because of excessive noise, odor, dust or bright lights;**

This project would be permitted “by-right” if the application only included two (2) plumbing fixtures. The installation of more than two (2) plumbing fixtures would not create noise, odor, dust or excessive light impacts. Furthermore, residential and accessory uses shall be subject to the County Noise Ordinance.

- 5. The use will not substantially worsen traffic congestion affecting the surrounding area;**

Not applicable.

- 6. Erosion will be adequately controlled; and**

Erosion is controlled by the implementation of an erosion control plan to be included as part of best management practices (BMP’s) conditioned through building permit review.

- 7. Adequate storm drainage management exists or will be provided and will comply with all applicable local, state and federal requirements.**

The Special Permit by itself would not trigger the requirement of a Drainage Permit, as construction is less than 2,000 square feet of impervious surface. The project will meet storm drainage requirements including storm drainage inlets protection as part of BMP’s conditioned through building permit review.

BACKGROUND

The property was created as part of the Map of Interurban Park Tract, recorded on December 5, 1904. The existing residence was built in 1999, as shown in the building permit history on file with the County.

The current owner, Michael Festa, applied for a Special Permit on December 7, 2018. The application was deemed incomplete on January 15, 2019 pending submittal of revised site plans to show compliance with lot coverage/floor area restrictions and Fire Marshal Office water requirements. The applicant submitted revisions on March 13, 2019, and the application was subsequently deemed complete on March 29, 2019. A public notice was mailed to all property owners within a 300-foot radius on April 23, 2019, and published in the Post Record on April 22, 2019.

STAFF REPORT REVIEW

Prepared by: Colleen Tsuchimoto, Senior Planner *CT*
Reviewed by: Leza Mikhail, Principal Planner/Zoning Administrator *(Signature)*

- Attachments:
- 1) Notice of Exemption from CEQA
 - 2) Preliminary Conditions of Approval
 - 3) Location and Vicinity Map
 - 4) Proposed Plans

County of Santa Clara

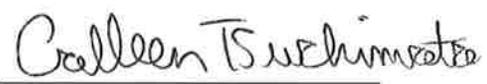
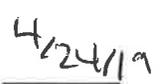
Department of Planning and Development
County Government Center, East Wing, 7th Floor
70 West Hedding Street
San Jose, California 95110



Administration	Development Services	Fire Marshal	Planning
Phone: (408) 299-6740	(408) 299-5700	(408) 299-5760	(408) 299-57
Fax: (408) 299-6757	(408) 279-8537	(408) 287-9308	(408) 288-9198

ATTACHMENT A

Statement of Exemption from the California Environmental Quality Act (CEQA)

File Number	APN(s)	Date
11488-18SP	274-18-056	4/24/19
Project Name	Project Type	
Festa Garage	residential	
Owner	Applicant	
Michael Festa	Augustine Designs	
Project Location		
192 Cleveland Avenue San Jose		
Project Description		
Special Permit for a detached garage with 3 plumbing fixtures.		
All development permits processed by the County Planning Office which require discretionary approval must be evaluated for compliance with the California Environmental Quality Act (CEQA) of 1970 (as amended). Certain projects which meet criteria listed under CEQA may be deemed exempt from environmental review. The project described above has been evaluated by County Planning Staff under the provisions of CEQA and has been deemed to be exempt from any further environmental review per the provision(s) listed below.		
CEQA (Guidelines) Exemption Section:		
15303 (a), "New Construction or Conversion of Small Structures"		
Comments:		
Qualifies for exemption. Project includes no significant environmental impacts to construct a new detached garage with extended access driveway.		
Prepared by: Colleen A. Tsuchimoto, Senior Planner	 Signature	 Date

ATTACHMENT B

SPECIAL PERMIT
Conditions of Approval

Owner/Applicant: Michael Festa
File Number: PLN18-11488
Location: 192 Cleveland Avenue, San Jose, CA (APN: 274-17-056)
Project Description: Special Permit for a 792 sq. ft. detached garage with more than two (2) plumbing fixtures (three (3) plumbing fixtures proposed).

If you have any question regarding the following preliminary conditions of approval, call the person whose name is listed as the contact for that agency. He or she represents a particular specialty or office and can provide details about the conditions of approval.

Agency	Name	Phone	E-mail
Planning	Colleen Tsuchimoto	(408) 299- 5797	colleen.tsuchimoto@pln.sccgov.org
Environmental Health	Darrin Lee	(408) 299 – 5748	darrin.lee@cep.sccgov.org
Fire Marshal	Alex Goff	(408) 299-5763	alex.goff@sccfd.org
Building Inspection		(408) 299-5700	

STANDARD CONDITIONS OF APPROVAL

Building Inspection Office

1. For detailed information about the requirements for a building permit, obtain a Building Permit Application Instruction handout from the Office of Building Inspection or visit their website (www.sccbbuilding.org).
2. The existing shed, if removed, does not require a demolition permit, as it is less than 120 sq. ft. in floor area.

Planning

3. Development shall take place in accordance with the approved plans, prepared by Augustine Designs, submitted on March 13, 2019. Modifications to the proposed project may result in additional review by the Planning Division.
4. The existing zoning is R1-n2. Maintain the following minimum accessory structure setbacks: Front: 75 ft.; Sides: 3 ft.; Rear: 3 ft. – 1 hr. fire rated walls shown on plans.

The average allowable height of the garage is 12 ft. The maximum allowable height of the garage is 16 ft. tall, 1 story.

5. The subject detached garage may not be used for dwelling purposes or overnight accommodations.
6. The subject garage will not be eligible for conversion to a secondary dwelling or accessory dwelling unit (ADU), as it would not meet the residential setback requirements for an ADU, per Zoning Ordinance Section 2.30.030, unless County Ordinances are amended in the future to allow ADUs with reduced setbacks.

Environmental Health

7. All construction activities shall be in conformance with the Santa Clara County Noise Ordinance Section B11-154 and prohibited between the hours of 7:00 p.m. and 7:00 a.m. on weekdays and Saturdays, or at any time on Sundays for the duration of construction

CONDITIONS OF APPROVAL TO BE COMPLETED PRIOR TO BUILDING PERMIT ISSUANCE

Planning

8. **Prior to building permit issuance**, record a Notice of Permit and Conditions with the County Office of Clerk-Recorder, to ensure that successor property owners are made aware that certain conditions of approval shall have enduring obligation. Evidence of such recordation shall be provided pursuant to §5.20.125.

Department of Environmental Health

9. **Prior to building permit issuance**, provide a sewer connection permit from the Burbank Sanitary District. Call the District representative at 408-255-2137. For sewer clearance, return/upload requested sewer document to 70 W. Hedding, Permit Center for sign-off.

Fire Marshal

Fire Protection Water

10. Fire protection water system shall be installed, functioning and inspected **prior to approval of the foundation**. System shall be maintained in good working order and accessible throughout construction. A stop work order may be placed on the project if the required hydrant systems, are not installed, accessible, and/or functioning.
11. The minimum fire-flow shall be 1,000 gpm at 20 psi. NOTE: The fire-flow may be adjusted depending upon the final size of the structure shown on the building permit set of drawings.
 - a) **At the time of plan submittal for building permit**, provide written verification from the water company that this condition can be satisfied.
 - b) If an existing approved water system is within 300 ft. of the property line, extension to site is required, provided it is feasible to do so. Contact local water purveyor as soon as possible. If the water company will not grant a water connection, submit official documentation from the water company to that effect.

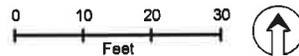
- c) If the water company provides domestic water, but cannot provide the required hydrant fire-flow, installation of an approved residential fire sprinkler system complying with CFMO-SP6 shall be required throughout.
- d) If fire protection water cannot be supplied from a recognized water purveyor, fire protection water supply shall be provided by on-site aboveground storage tank(s) and wharf hydrant.



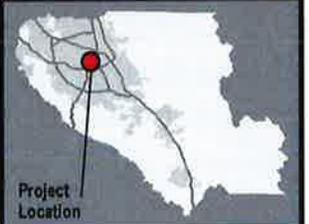
Location Map

File No. 11488-18SP

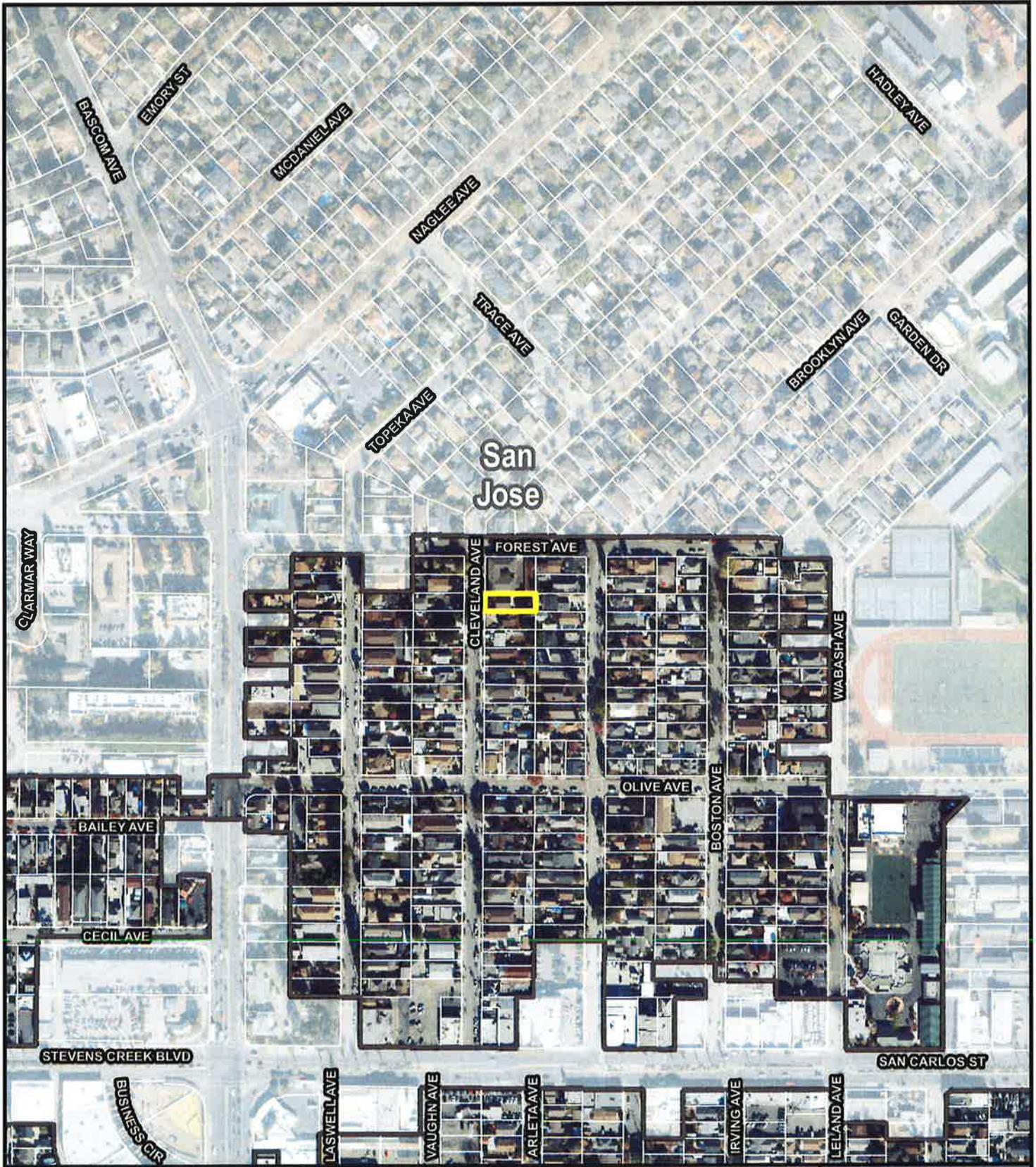
APN 274-18-056
192 Cleveland Ave.



This map created by the Santa Clara County Planning Office. The GIS data was compiled from various sources. While deemed reliable, the Planning Office assumes no liability for errors. 09/2018 9:23:25 AM Y:\Staff\Reports\11488\11488_Location_map.mxd



Project Location

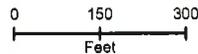


San Jose

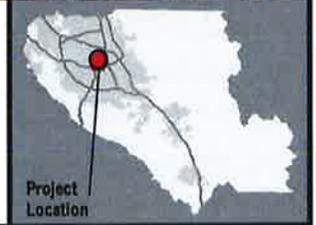
Vicinity Map

File No. 11488-18SP

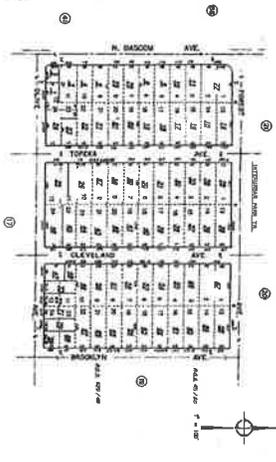
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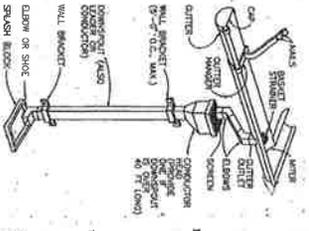
Project Location



NO.	DATE	DESCRIPTION
1.	7/12/17	PRELIMINARY
2.	7/12/17	REVISED
3.	7/12/17	REVISED
4.	7/12/17	REVISED
5.	7/12/17	REVISED



SPECIAL SITE PLAN NOTES
 ALL REAR DETACHED DOWNSPOUTS WILL RELIEVE TO REAR-LAND OR CHIMNEY. REARVMS AREAS



Down spout / drainage details

GENERAL NOTES

1. THE PROJECT SHALL COMPLY WITH THE FOLLOWING STANDARDS CODES:
 - 2015 CALIFORNIA BUILDING STANDARDS CODES
 - 2015 CALIFORNIA MECHANICAL, ELECTRICAL AND PLUMBING STANDARDS CODES
 - 2015 CALIFORNIA FIRE AND SAFETY STANDARDS CODES
 - 2015 CALIFORNIA ENERGY EFFICIENCY STANDARDS CODES
 - 2015 CALIFORNIA ENVIRONMENTAL STANDARDS CODES
 - 2015 CALIFORNIA GEOTECHNICAL STANDARDS CODES
 - 2015 CALIFORNIA HAZARDOUS WASTE STANDARDS CODES
 - 2015 CALIFORNIA LANDFILL STANDARDS CODES
 - 2015 CALIFORNIA PEST MANAGEMENT STANDARDS CODES
 - 2015 CALIFORNIA PUBLIC WORKS STANDARDS CODES
 - 2015 CALIFORNIA SIGNAGE STANDARDS CODES
 - 2015 CALIFORNIA TIRE STANDARDS CODES
 - 2015 CALIFORNIA TRAFFIC STANDARDS CODES
 - 2015 CALIFORNIA UTILITIES STANDARDS CODES
 - 2015 CALIFORNIA WASTE MANAGEMENT STANDARDS CODES
 - 2015 CALIFORNIA WATER SUPPLY STANDARDS CODES
 - 2015 CALIFORNIA WINDBURN STANDARDS CODES
 - 2015 CALIFORNIA WOOD PRESERVATION STANDARDS CODES
 - 2015 CALIFORNIA YARD SIGNAGE STANDARDS CODES
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 - 2015 CALIFORNIA BUILDING STANDARDS CODES
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 - 2015 CALIFORNIA ENERGY EFFICIENCY STANDARDS CODES
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 - 2015 CALIFORNIA WINDBURN STANDARDS CODES
 - 2015 CALIFORNIA WOOD PRESERVATION STANDARDS CODES
 - 2015 CALIFORNIA YARD SIGNAGE STANDARDS CODES

PROJECT INFORMATION

PROPOSED REAR DETACHED 2 CAR GARAGE WITH A WORKSHOP AND HALF BATH

PROPERTY INFORMATION

192 CLEVELAND AVE
 SAN JOSE, CA 95128
 (408) 202-4822

PERMITS REQUIRED

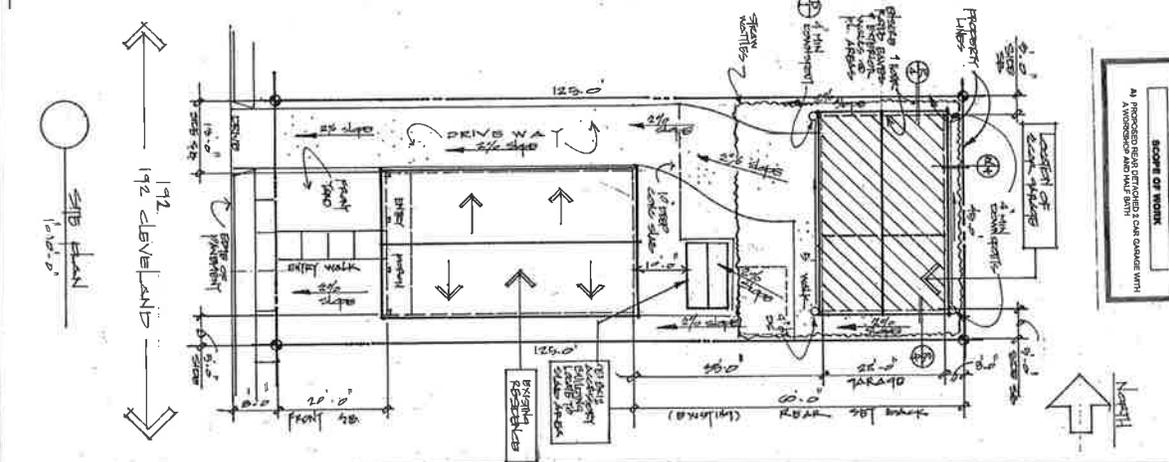
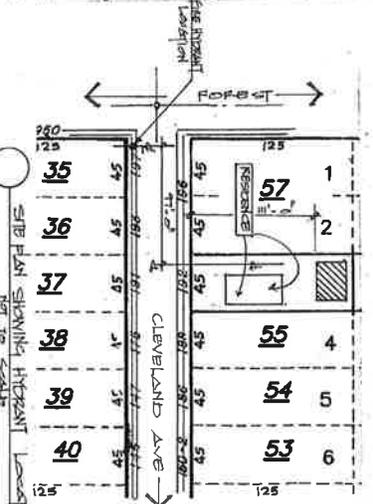
1. CONSTRUCTION PERMIT
 2. OCCUPANCY PERMIT

CONSTRUCTION INFORMATION

1. CONSTRUCTION TYPE: CONCRETE
 2. NUMBER OF STORIES: 1
 3. OCCUPANT GROUP: R-2

BLINDING OR FILL/LOT COVERAGE/FOOT AREA RATIO LIMITS

1. 60% MAXIMUM
 2. 70% MAXIMUM
 3. 80% MAXIMUM



GENERAL EXTERIOR NOTES

1. ALL EXTERIOR SURFACES SHALL BE FINISHED TO THE FINISH SURFACE OF THE EXTERIOR WALL OR CURB. FINISHES SHALL BE AS SHOWN ON THE DRAWINGS. FINISHES SHALL BE APPLIED TO THE EXTERIOR SURFACE OF THE WALL OR CURB UNLESS OTHERWISE NOTED.
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4. Siding shall be applied over one layer of gable D building paper.
5. Provide a water membrane for new or existing chimney. (CSC 2119.3.1 / CSC 2109.3.1)

EXTERIOR WEATHER PROTECTION NOTES

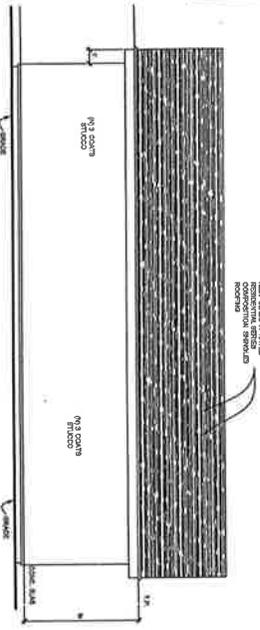
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GENERAL NOTES

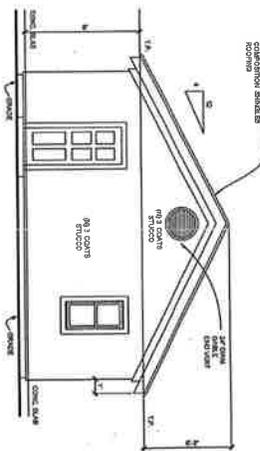
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EXTERIOR MATERIAL NOTES

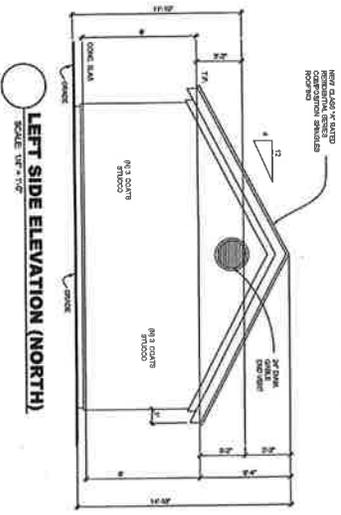
1. CLADDING BETWEEN WOOD SHEDS, FINISHES SHALL BE AS SHOWN ON THE DRAWINGS. FINISHES SHALL BE APPLIED TO THE EXTERIOR SURFACE OF THE WALL OR CURB UNLESS OTHERWISE NOTED.
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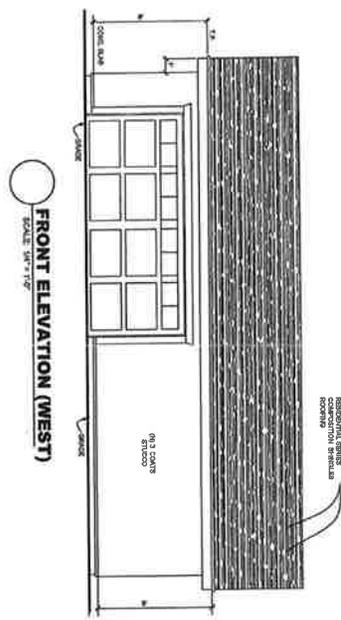
REAR ELEVATION (EAST)
SCALE: 1/4" = 1'-0"



RIGHT SIDE ELEVATION (SOUTH)
SCALE: 1/4" = 1'-0"



LEFT SIDE ELEVATION (NORTH)
SCALE: 1/4" = 1'-0"

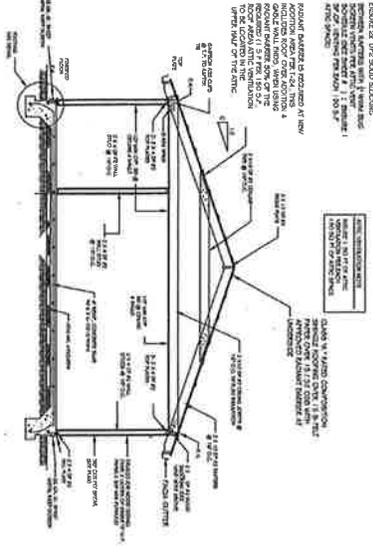


FRONT ELEVATION (WEST)
SCALE: 1/4" = 1'-0"

ROOF FINISHING NOTES

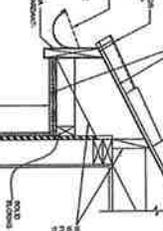
1. ROOF FINISHING AND TRUSSING SHALL BE PERFORMED IN ACCORDANCE TO THE FOLLOWING NOTES AND SHALL BE SUBJECT TO THE APPROVAL OF THE ARCHITECT.
2. THE FINISHED ROOF SHALL BE PROTECTED BY A MINIMUM OF TWO LAYERS OF 1/2" THICK Gypsum Board OR 5/8" THICK FIBERGLASS CEILING BOARD OVER THE ROOF TRUSSING.
3. THE ROOF SHALL BE FINISHED WITH A MINIMUM OF TWO LAYERS OF 1/2" THICK Gypsum Board OR 5/8" THICK FIBERGLASS CEILING BOARD OVER THE ROOF TRUSSING.
4. A ROOF FLASHING SHALL BE INSTALLED AT ALL ROOF FLASHINGS AND SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.
5. THE USE OF ROOF TRUSSING SHALL BE SUBJECT TO THE APPROVAL OF THE ARCHITECT.

ATYPC VERTICAL ROOF NOTE
 THE ROOF SHALL BE FINISHED WITH A MINIMUM OF TWO LAYERS OF 1/2" THICK Gypsum Board OR 5/8" THICK FIBERGLASS CEILING BOARD OVER THE ROOF TRUSSING.

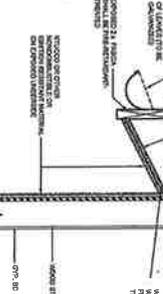


CROSS SECTION
 SCALE: 1/4" = 1'-0"

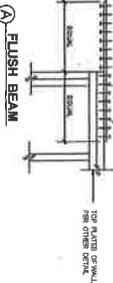
ROOF EAVE PROTECTION



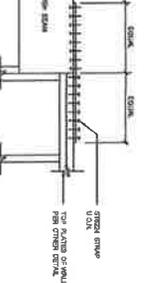
1 HR RATED EAVE DETAIL
 NOT TO SCALE



1 HR RATED EAVE DETAIL
 NOT TO SCALE

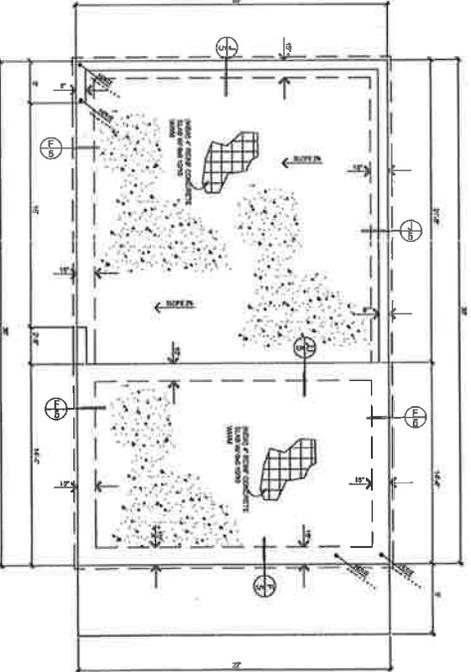


FLUSH BEAM
 NOT TO SCALE

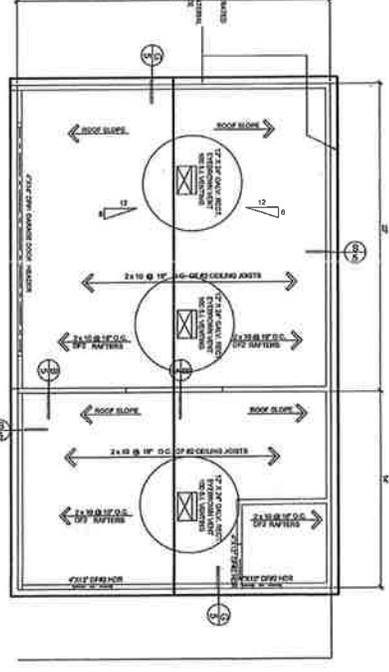


DROPPED BEAM
 NOT TO SCALE

TYPICAL SHEAR COLLECTOR STRAP



GARAGE FOUNDATION PLAN
 SCALE: 1/4" = 1'-0"



PROPOSED ROOF PLAN
 SCALE: 1/4" = 1'-0"

DATE	REVISIONS

Augustine Design
 Professional Design Consultants
 10333 Holladay Ave., #7 San Jose, CA 95138
 (408) 729-8956

OWNER
 MIKE FESTA
 192 CLEVELAND AVENUE
 SAN JOSE CALIFORNIA
 (408) 279-8956

PROPOSED NEW 2 CAR GARAGE

DATE: 08/21/17	SCALE: 1/4" = 1'-0"
DRAWN: JMS	

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