



PLANNING COMMISSION AGENDA REPORT

VII.2

MEETING DATE: APRIL 23, 2007

ITEM NUMBER:

SUBJECT: REVIEW OF PLANNING STAFF ZONING APPROVAL
1984 CONTINENTAL AVENUE

DATE: APRIL 12, 2007

FOR FURTHER INFORMATION CONTACT: REBECCA ROBBINS, ASSOCIATE PLANNER (714)754-5609

PROJECT DESCRIPTION

Request for review of Planning staff's approval of a 2,434 square-foot, second-story addition to an existing one-story, single-family residence.

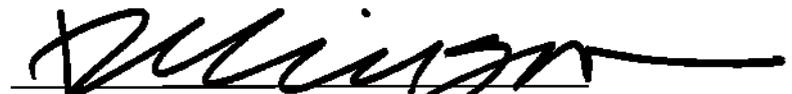
APPLICANT

The review was requested by City Council Member Katrina Foley. The project applicant is Al Maciel, representing the property owner, Adolfo Hernandez.

RECOMMENDATION

Uphold, reverse, or modify Planning staff's decision, by adoption of Planning Commission resolution.


REBECCA ROBBINS
Assistant Planner


R. MICHAEL ROBINSON, AICP
Assistant Development Svs. Director

PLANNING APPLICATION SUMMARY

Location: 1984 Continental Permit No.: B06-01969

Request: Construct a 2,343 second-story addition.

SUBJECT PROPERTY:

SURROUNDING PROPERTY:

Zone: <u>R1 Single Family Residence</u>	North: <u>Surrounding properties</u>
General Plan: <u>Low Density Residential</u>	South: <u>are all R1</u>
Lot Dimensions: <u>67 ft. x 110 ft.</u>	East: <u>zoned and</u>
Lot Area: <u>7,370 sq.ft.</u>	West: <u>developed.</u>
Existing Development: <u>A single-family residence with an attached garage.</u>	

DEVELOPMENT STANDARD COMPARISON

<u>Development Standard</u>	<u>Code Requirement</u>	<u>Proposed/Provided</u>
Density:		
Zone	1 du: 6,000 sq. ft.	1 du: 7,370 sq. ft.
General Plan	1 du: 5,445 sq. ft.	
Building Coverage:		
Building – new residence totals		
1 st Floor		2,595 sq. ft.
Porch		97 sq. ft.
2 nd Floor		2,434 sq. ft.
Building – garage		
Paving		450 sq. ft.
TOTAL – coverage	4,422 sq. ft. max. (60%)	4,162sq. ft. (56.5%)
TOTAL – garage area	700 sq. ft. max.	450 sq. ft.
Open Space	2,948 sq. ft. (40%)	3,207sq. ft. (43.5%)
Building Height:		
2 nd floor to 1 st floor ratio*	2 stories/27 ft. max. 80% max. (2,436 sq. ft.)	2 stories/25 ft. 10 in. 80% (2,434sq. ft.)
1st Floor Setbacks:		
Front	20 ft.	22 ft. 6 in.
Side (left/right)	5 ft./5 ft.	4 ft. ² /11 ft.
Rear	10 ft.	21 ft.
2nd Floor Setbacks:		
Front	20 ft.	28 ft. 6 in.
Side (left/right)	10 ft. average*	9 ft. * / 12 ft. 8 in
Rear	20 ft.	21 ft.
Parking Totals:		
Covered	2	2
Open	2	2
TOTAL	4	4

* Permits less than 10-foot average (5 feet minimum) if 1st floor exists at less than 10 feet.

¹ Residential Design Guideline

² Existing, nonconforming.

CEQA Status Exempt-Ministerial Project
 Final Action Planning Commission

BACKGROUND

The property owner/applicant submitted plans for a 1,311 square-foot first-floor addition, a 2,434 square-foot second-floor addition, and a 97 square-foot covered porch to an existing 1,734 square-foot (including garage) single-story residence.

A minor design review was not required for the second-floor addition because it complies with the City's Residential Design Guidelines. To minimize second story mass, the design guidelines recommend that the second floor not exceed 80% of the first floor area and that the addition incorporate design techniques to provide visual relief to the side yard since it matches the current 7-foot first floor north side setback. The proposed second floor to first floor ratio is 80% and the proposed construction incorporates window trims, siding, and an average 9-foot side setback on the north side and 12-foot 8-inch side setback on the south side to break up the elevations and provide architectural interest and visual relief from off-site. Additionally, the second floor is set back 28 feet 6 inches from the front property line, which exceeds the 20-foot minimum required by Code. The overall building height (25 feet 10 inches) is also below the 27 feet maximum allowed by Code. Staff reviewed and approved the proposed addition in plan check and sent notices to adjoining property owners as required by the Residential Design Guidelines. CMMC Section 2-305 requires appeals, rehearing, and reviews to be filed in writing within 7 days from the date of the final decision. The noticing letters are mailed out the day of the decision and are typically received the next day or day after.

On April 3, 2007, Planning staff conceptually approved the addition. On April 4, 2007, staff received a letter from an adjacent property owner with concerns of privacy impacts and location of second floor windows. The neighbor also sent a letter to the Mayor and City Council with concerns regarding parking and the size of the proposed residence. Based on neighborhood concerns, City Council Member Katrina Foley called up staff's approval on April 5, 2007, for Planning Commission review.

ANALYSIS

The City's Residential Development Standards and Design Guidelines were developed to provide adequate light, air, and privacy to developing parcels as well as adjacent parcels. As noted above, the proposed addition meets or exceeds these criteria and will minimize the impacts on the neighboring properties.

The second floor windows are also designed and placed so as to minimize privacy impacts and direct views into windows on the adjacent properties. There are six windows proposed on the left (north) elevation, three of which are bathroom windows. The window to the rear of the property of interest to the neighbor with backyard privacy concerns has been proposed to contain obscured glass.

The properties to the north and the south are both single-story, single-family residences. Staff believes that privacy impacts on adjoining properties would be minimal because of the proposed location and setback of the second-story windows. The second-story windows along the north and south sides of the residence will be a minimum of seven to nine feet and eleven feet away from the north and south property lines, respectively.

The second floor windows on both sides may have views overlooking the neighbors' yards. Consequently, staff is working with the applicant and property owner to revise the plans to provide obscure glass in the bathroom window on the north side at the rear of the building and clerestory windows for the second-story bedroom windows on the north side at the front of the building. Staff is of the opinion that revisions to the windows will protect the neighbors' privacy.

GENERAL PLAN CONFORMITY

The General Plan designation for the property is Low Density Residential, which allows a maximum density of one dwelling unit per 5,445 square feet of lot area; however, the property is zoned R1, which allows a maximum density of one dwelling unit per lot, minimum 6,000 square-foot in area. The site contains one dwelling unit on a 7,370 square-foot lot, which is consistent with both the General Plan and Zoning designations.

ENVIRONMENTAL DETERMINATION

The project is exempt from the provisions of the California Environmental Quality Act for ministerial projects.

ALTERNATIVES

The Commission has the following alternatives:

1. Uphold Planning staff's decision and approve the proposed addition, which would allow the applicant to obtain a building permit and begin construction;
2. Overturn Planning staff's decision and deny the project, which would prohibit the applicant from obtaining a building permit;
3. Approve the project with modifications.

CONCLUSION

Planning staff determined that the proposed second-story addition satisfies the Residential Design Guidelines.

Attachments: Draft Planning Commission Resolution
Exhibit "A" Draft Findings
Exhibit "B" Draft Conditions of Approval
Planning staff letter
Neighbor letter to staff
Neighbor letter to Mayor
Photographs of the site
Location map
Plans

cc: Deputy City Manager - Dev. Svs. Director
Deputy City Attorney
City Engineer
Fire Protection Analyst
Staff (4)
File (2)

Adolfo Hernandez
1984 Continental Ave
Costa Mesa, Ca 92627

Al Maciel
2071 W. Alco Ave.
Santa Ana, Ca 92703

Susanne Confer
863 W. 20th St.
Costa Mesa, Ca 92627

File: 042307B060196Review	Date: 041207	Time: 8:15 a.m.
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RESOLUTION NO. PC-07-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA UPHOLDING PLANNING STAFF'S APPROVAL FOR A SECOND-STORY ADDITION AT 1984 CONTINENTAL AVENUE

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Al Maciel, authorized agent for Adolfo Hernandez, owner of real property located at 1984 Continental Avenue, requesting approval for an 2,434 square-foot, second-story addition to an existing single-story, single-family residence; and

WHEREAS, on April 3, 2007, Planning staff issued a letter conceptually approving the second-story addition; and

WHEREAS, on April 4, 2007, City Council Member Katrina Foley called up staff's approval for review by the Planning Commission; and

WHEREAS, the Planning Commission conducted a public hearing of Planning staff's decision on April 23, 2007.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the Planning Commission hereby **UPHOLDS** Planning staff's decision with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this resolution is expressly predicated upon the activity as described in the staff report. Any approval granted by this resolution shall be subject to review, modification, or revocation if there is a material change that occurs in the operation.

PASSED AND ADOPTED this 23rd day of April 2007.

Donn Hall, Chair
Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS

- A. The proposed addition complies with Costa Mesa Municipal Code Section 13-29(e) because:
1. The proposed development and use is compatible and harmonious with uses both on-site as well as those on surrounding properties.
 2. Safety and compatibility of the design of the buildings, parking areas, landscaping, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
 3. The proposed development is consistent with both the General Plan and the Zoning designations because the proposed construction will not increase the number of dwelling units on the property.
 4. The proposed development satisfies the City's Residential Design Guidelines. Specifically, the second to first floor ratio is 79.95% and the proposed construction incorporates window trims, sidings, and a belly band to break up the elevations and to provide architectural interest and visual relief from off-site. The second story windows are also placed and designed so as to minimize privacy impacts and direct views into windows on the adjacent properties.
- B. The project is exempt from the provisions of the California Environmental Quality Act for ministerial projects.
- C. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"

CONDITIONS OF APPROVAL

- Plng.
1. No modification(s) of the approved building elevations including, but not limited to, changes that increase the building height, removal of building articulation, or a change of the finish material(s), shall be made during construction without prior Planning Division written approval. Failure to obtain prior Planning Division approval of the modification could result in the requirement of the applicant to (re)process the modification through a discretionary review process such as a minor design review or a variance, or in the requirement to modify the construction to reflect the approved plans.
 2. Any future second-floor windows shall be reviewed and approved by the Planning Division prior to installation.
 3. The bathroom window on the north side at the rear of the building shall be obscure glass and the second-story bedroom windows on the north side at the front of the building shall be clerestory windows.



CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

DEVELOPMENT SERVICES DEPARTMENT

OFFICIAL PUBLIC NOTICE OF ZONING APPROVAL

April 3, 2007

RE: ZONING APPROVAL (B06-01969)
1984 CONTINENTAL AVENUE, COSTA MESA

The Planning Division has completed its review of the above-referenced project. Based on the following project description, the project has been approved.

PROJECT DESCRIPTION:

The property owner proposes to construct a 5,163 sq ft. (3,045 sq. ft. first floor; 2,118 sq. ft. second floor) single-family residence. A minor design review is not required because the addition complies with the City's Residential Design Guidelines. Privacy of the adjacent neighbors will not be impacted because of the proposed second-story setbacks and window placement.

The zoning approval will become final at 5 p.m. on April 10, 2007, unless appealed by an affected party (including filing of the necessary application and payment of the appropriate fee) or by a member of the Planning Commission or City Council.

If you have any questions regarding this notice, please feel free to contact the project planner, Rebecca Robbins, at (714) 754-5609, between 1 p.m. and 5 p.m., Monday through Friday.

Distribution:

File

Adolfo & Maria Hernandez
1984 Continental Ave
Costa Mesa Ca 92627

John W & Gianna Linnert
1980 Continental Ave
Costa Mesa Ca 92627

Susanne Gagnon
863 W 20th St
Costa Mesa, CA 92627

Felipe Serrato
1983 Federal Ave
Costa Mesa, CA 92627

Susanne Confer/WSL

04/04/2007 05:26 PM

Hello, Rebecca,

Thank you for taking the time to talk with my husband & I regarding the above referenced property & some of the issues we have in regard to the new construction and its impact upon our privacy at our home located at 863 W. 20th St. As we discussed, the entire rear of our residence will be facing toward the north side of 1984 Continental.

The issues we have that relate directly to planning are: the windows on the northeast upper (which appear to be around a bathtub based on the plans) and the windows in bedroom #2 of the plans (northwest upper side of home). The corner windows noted will be looking down upon the area we have planned for a spa (& which had a permitted spa in the exact location until recently); the #2 bedroom windows look down directly to two of our bedrooms and both of our bathrooms. The window locations &/or types from the #2 bedroom will impact our privacy.

What we are asking is that the corner bathroom windows be opaque to allow for our privacy in our spa area and if perhaps bedroom #2 windows could be relocated to the west-facing side of the bedroom to eliminate viewing into our home. We feel very strongly about these issues as they have the potential to destroy what little privacy we have. It would be very unfair to allow for visuals into two of our bedrooms and both of our bathrooms.

As you suggested, I am in contact with the Sanitation District in regard to the sewer concerns.

Thanks again for your assistance. Please let us know as soon as you can any resolution. We need to determine our course of action prior to the end of business on the 10th based on your letter, leaving us little time.

Sincerely,

Susanne and Doug Confer
(949) 205-9971

Susanne Confer/WSL

04/04/2007 04:11 PM

To

amansoor@ci.costa-mesa.ca.us

cc

Subject

Zoning Approval (B06-01969) for 1984 Continental Ave, Costa Mesa, Ca 92627

Dear Mr. Mayor,

A notice dated 04/03/2007 arrived in our mail today, 04/04/2007, notifying us of the Planning Divisions completion of its review of the above-referenced project & that it has been approved. We are being given until the end of business Tuesday, 04/10/07, or 4.5 business days, to file an appeal as an affected party. The property in question is immediately adjacent to my home.

We do not feel that this is sufficient notice for us or other residents to address the issue at hand (be they immediately adjacent or not to the property in question). As we need time to address issues with both Planning Dept., the C.M. Sanitation District, as well as the opportunity for discussion with affected neighbors, I AM MAKING A PLEA TO YOU TO PLEASE TAKE ACTION to at the very least delay the final approval. 4.5 business days is an insufficient amount of time for us to deal with the necessary parties and determine our course of action.

The property currently consists of a one-story single family residence of approx 1,347 sqft and 3 bedrooms/1 bath, per public record; city records indicate different room count (which I believe is due to illegal conversion of garage to unit). In any event, the approved plans provide for a 2-story, 5,167 square foot, 9 or 10 room, 5 bedroom, 4.5 bath sfr with a 2-car garage. The plans that have been approved reflect a floor plan that could easily be converted to multiple unit use in the future, as well as inadequate parking. I have lived at 863 W. 20th St, adjacent to the above noted property, for 19 years. A rear portion of the existing structure has been a non-permitted unit for years. The property has been non-owner occupied for years, as well.

As I am a professional residential & commercial real estate appraiser, I am greatly concerned about the city's trend of approving new construction of these mammoth, non-conforming single family homes within a neighborhood of relative conformity. This trend lends itself to

illegal unit conversions, traffic and parking congestion. I don't know of ANY OTHER single-family residence of this size (or even close) within this neighborhood and many 1,100 square foot homes have parking for at least two cars.

The parking issue is of major concern; how is a 2-car garage adequate for a home of this size???? Perhaps additional parking versus living space should be considered. Parking is so congested, yet a neighbor of mine at 2000 Continental is handicapped and can't manage to get a curb area painted to allow him to park on the street in front of his own home to allow him to enter the home through the front door!

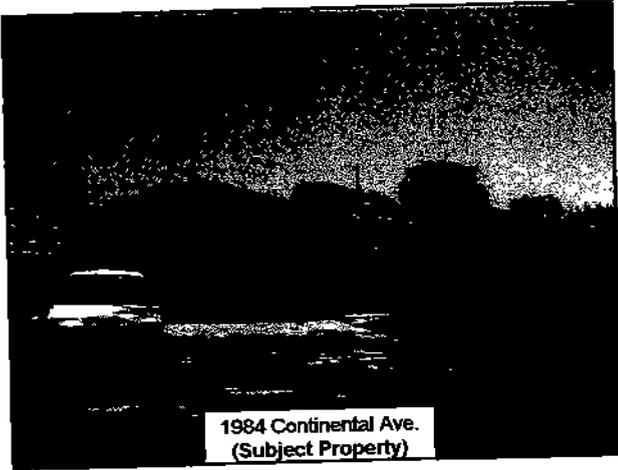
I greatly appreciate any action you can take or suggestions you can make regarding our situation. I am available to discuss this matter at your convenience, though obviously immediate attention is needed. I can be reached at (949) 205-9971, via this e-mail address, or at susanne949@hotmail.com.

Please take the issues addressed here seriously. High-density, non-conformity, inadequate/congested parking, traffic, non-permitted units - all of these issues negatively impact the Westside.

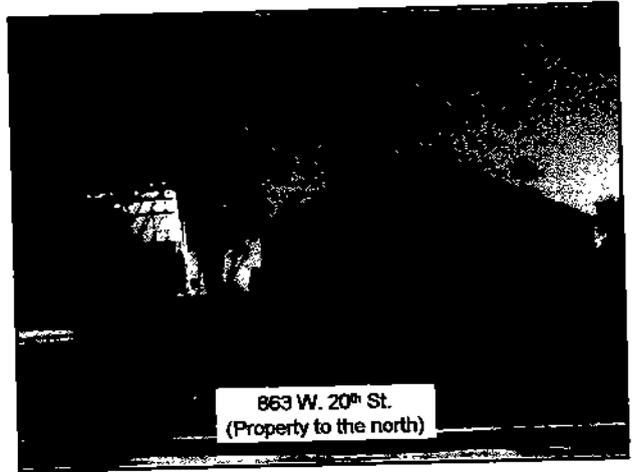
Thank you for your consideration,

Sincerely,

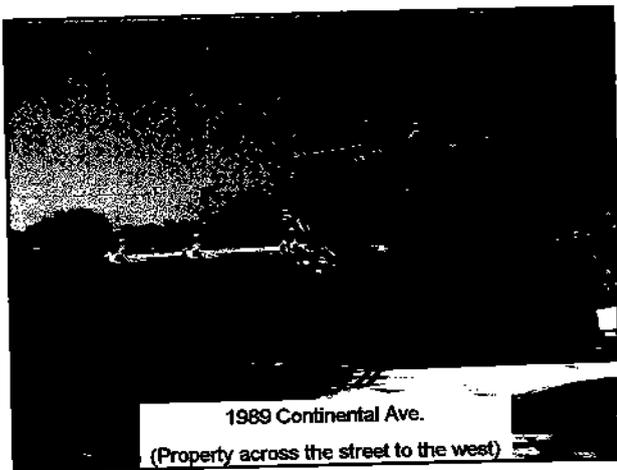
Susanne Confer
863 W. 20th St.
Costa Mesa, Ca 92627



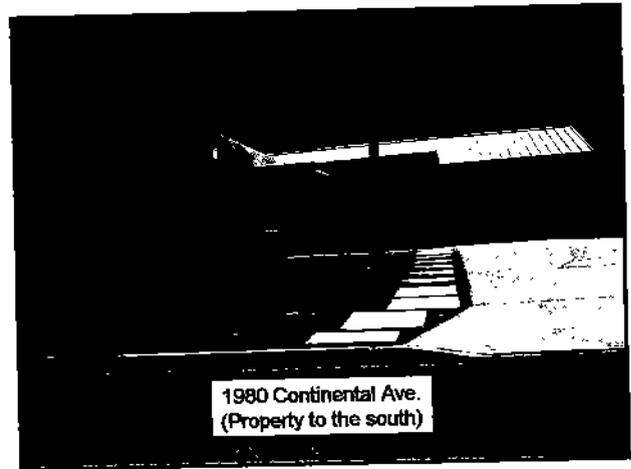
1984 Continental Ave.
(Subject Property)



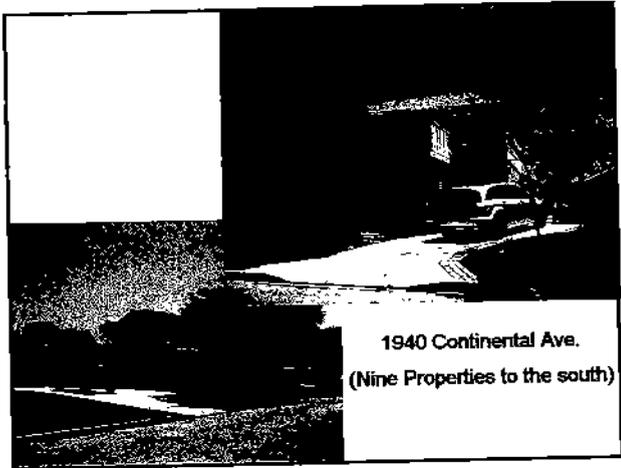
863 W. 20th St.
(Property to the north)



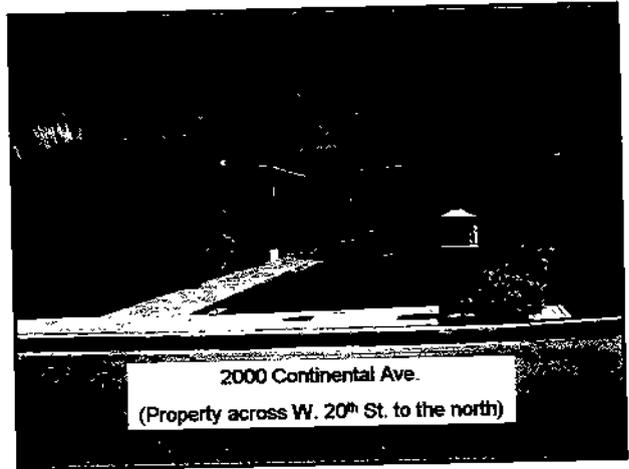
1989 Continental Ave.
(Property across the street to the west)



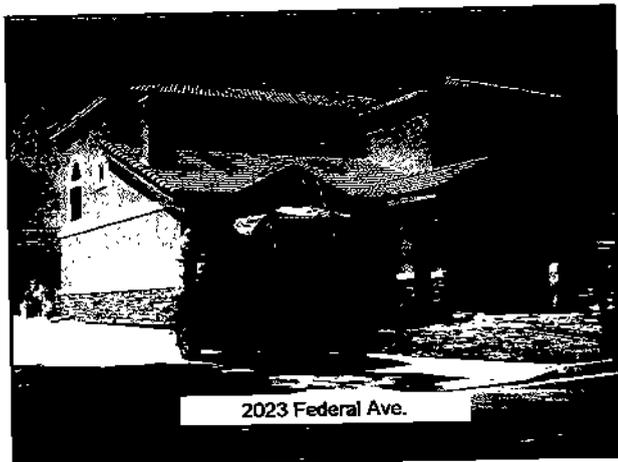
1980 Continental Ave.
(Property to the south)



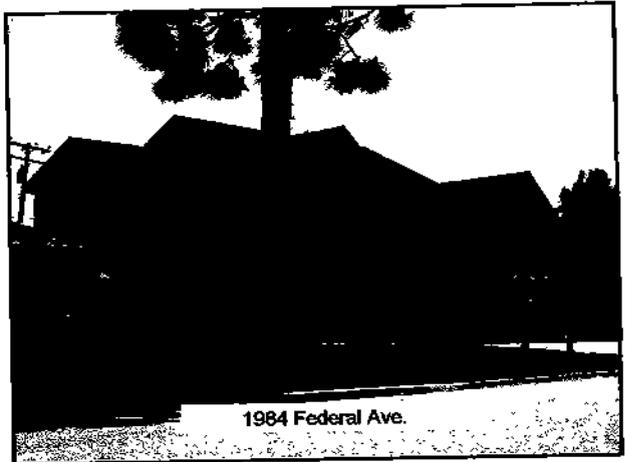
1940 Continental Ave.
(Nine Properties to the south)



2000 Continental Ave.
(Property across W. 20th St. to the north)



2023 Federal Ave.



1984 Federal Ave.

Overview Map



Legend

Address
Small



Freeway
Roads



Freeway
Major
Newport BLVD
(cont)



Primary
SECONDARY
Waterway
Lines

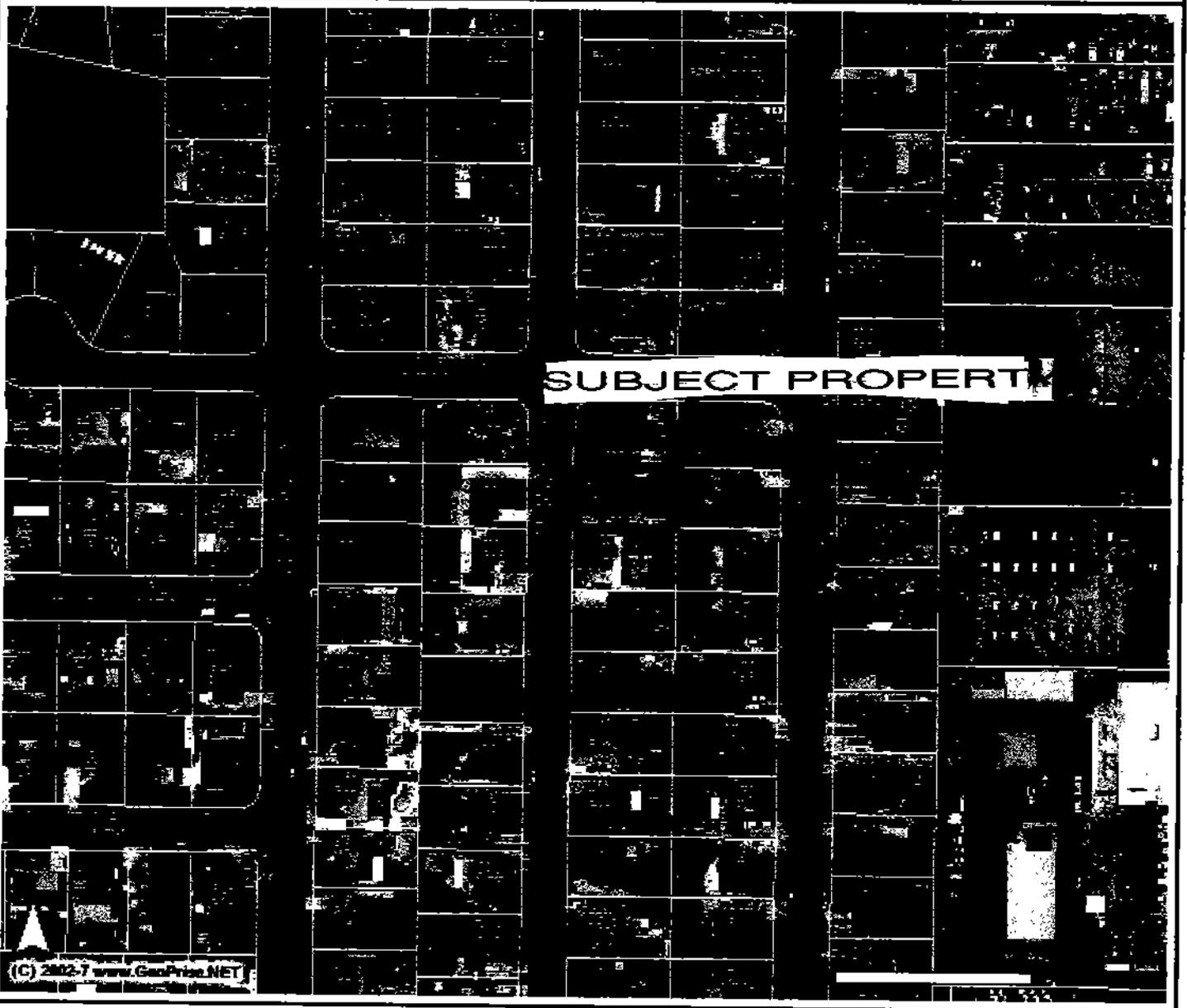
Address
Points



Collector
(cont)



Map Display



Overview Map



Legend

Address
Small

Address
Points

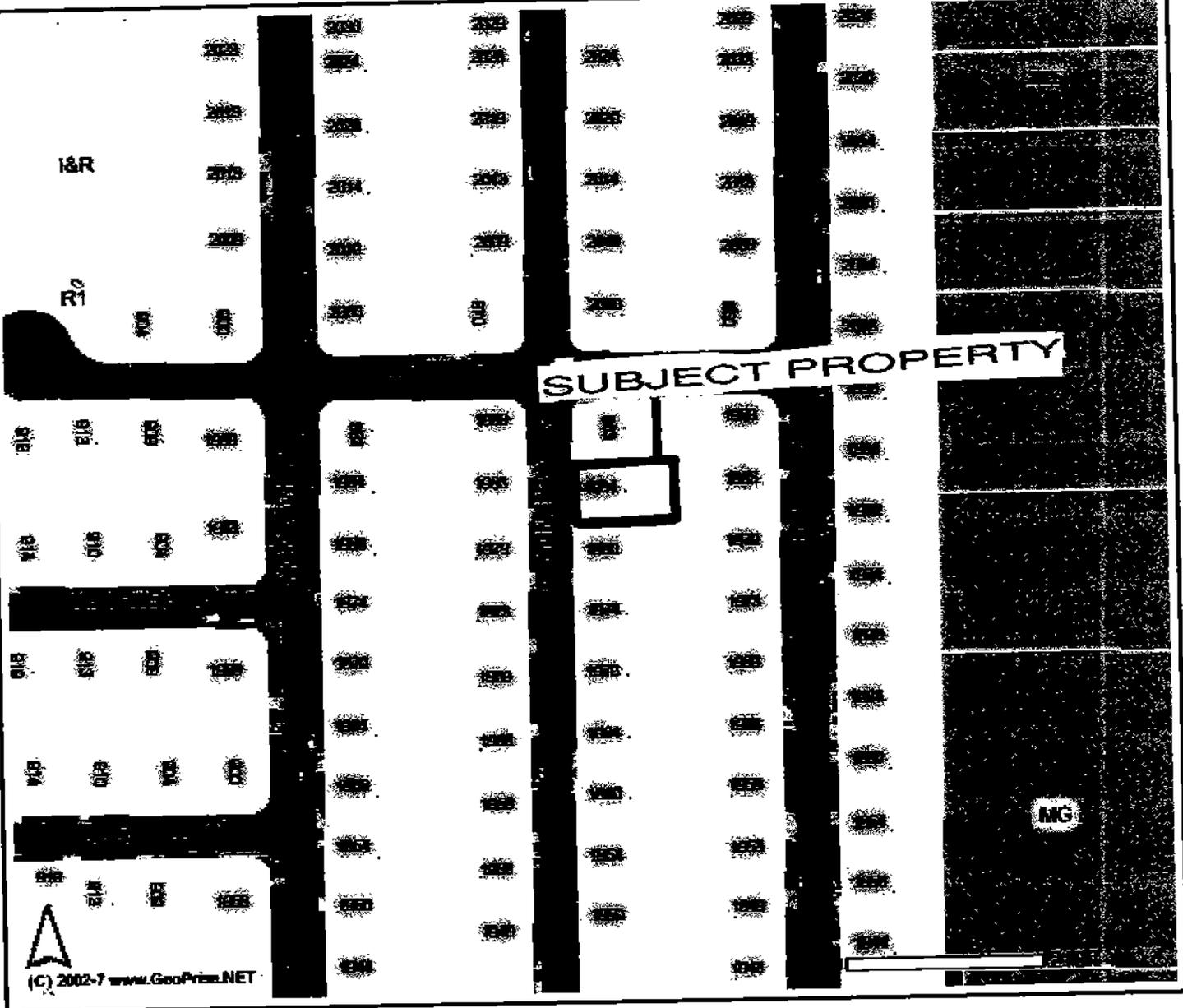
Freeway
Roads
Collector
Freeway
Major
(cont)

Newport BLVD
Primary
SECONDARY
Waterway
Lines

Hydrology
Channels

Street Names
Street
Centerlines

Map Display



PROJECT DATA:
1984 CONTINENTAL AVE
COSTA MESA, CA 92627

OWNER: ADOLFO S. MARTINEZ
1144 1/2 LOT 448
422 312 AVE
COSTA MESA, CA 92627

ARCHITECT: ADOLFO S. MARTINEZ ARCHITECT
1144 1/2 LOT 448
422 312 AVE
COSTA MESA, CA 92627

DATE: 11/28/77

SCALE: AS SHOWN

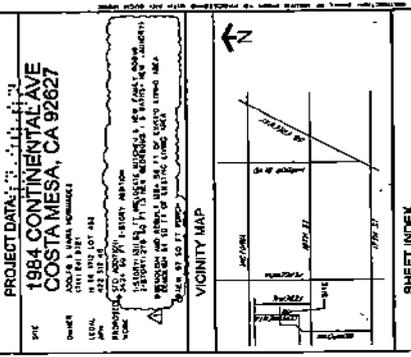
**1984 CONTINENTAL AVE
COSTA MESA, CA 92627**

ADOLFO S. MARTINEZ ARCHITECT
1144 1/2 LOT 448
422 312 AVE
COSTA MESA, CA 92627

DATE: 11/28/77

SCALE: AS SHOWN

A-1



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16	CONSTRUCTION COMPLETION
17	CONSTRUCTION MAINTENANCE
18	CONSTRUCTION RECORDS
19	CONSTRUCTION ARCHIVES
20	CONSTRUCTION LEGACY

APPLICABLE CODES

1	INTERNATIONAL RESIDENTIAL CODE (IRC)
2	INTERNATIONAL BUILDING CODE (IBC)
3	INTERNATIONAL MECHANICAL CODE (IMC)
4	INTERNATIONAL ELECTRICAL CODE (IEC)
5	INTERNATIONAL PLUMBING CODE (IPC)
6	INTERNATIONAL PAINT CODE (IPC)
7	INTERNATIONAL LANDSCAPE CODE (ILC)
8	INTERNATIONAL CONSTRUCTION CODE (ICC)
9	INTERNATIONAL MAINTENANCE CODE (IMC)
10	INTERNATIONAL ARCHIVES CODE (IAC)
11	INTERNATIONAL LEGACY CODE (ILC)

CONSTRUCTION

TYPE OF CONSTRUCTION: 100% NEW

APPROXIMATE SQUARE FOOTAGE: 10,000 SF

ESTIMATED COST: \$1,000,000

NOTES

- VERIFY ALL DIMENSIONS ON THIS PLAN.
- ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
- ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ARCHITECT.
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9	INTERNATIONAL MAINTENANCE CODE (IMC)
10	INTERNATIONAL ARCHIVES CODE (IAC)
11	INTERNATIONAL LEGACY CODE (ILC)

CONSTRUCTION

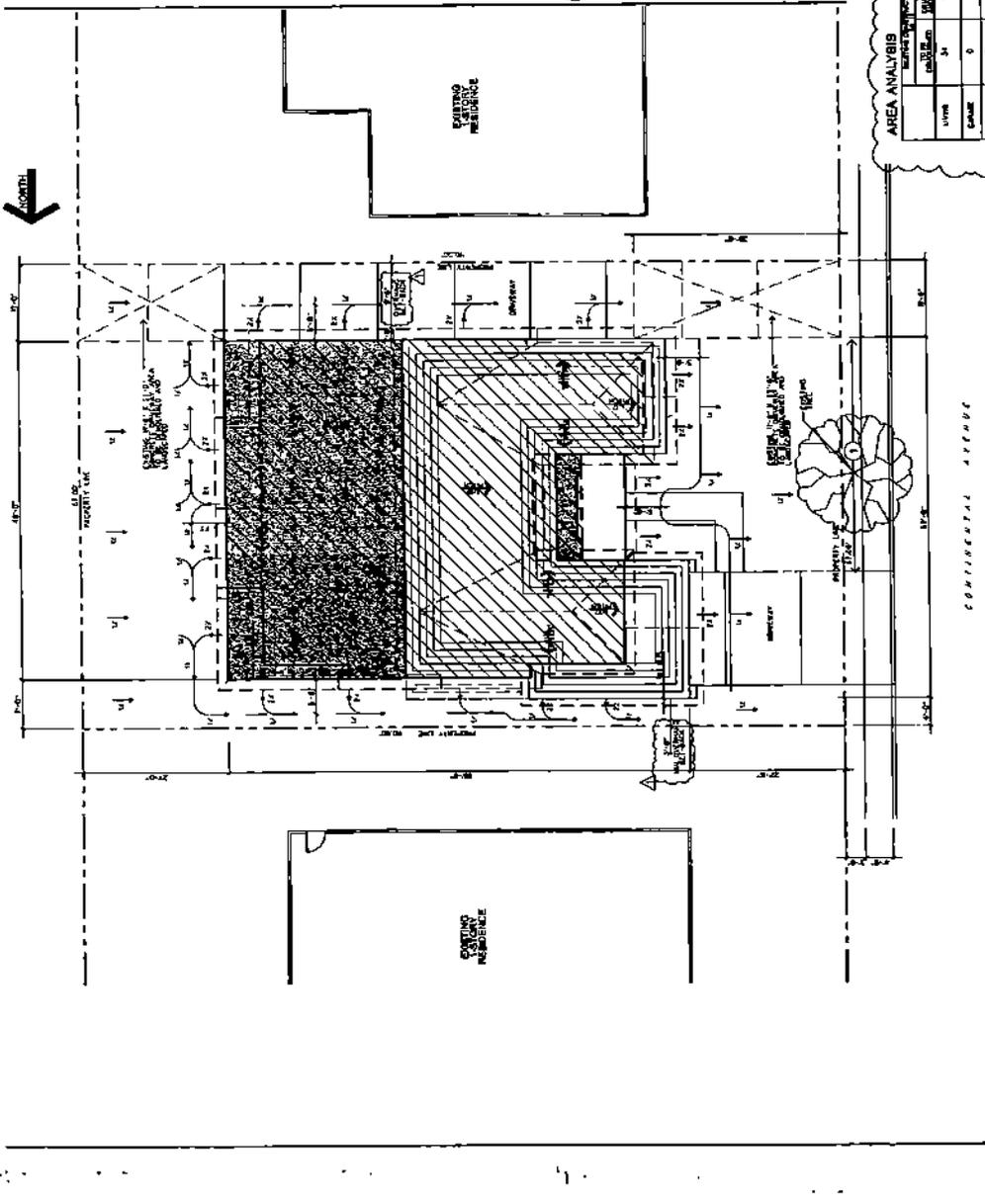
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AREA ANALYSIS

AREA	AREA (SQ FT)	PERCENTAGE
LIVING	1,200	12.0%
KITCHEN	800	8.0%
DINING	600	6.0%
BEDROOM	1,000	10.0%
BATH	400	4.0%
HALL	200	2.0%
CLOSET	100	1.0%
STAIRS	100	1.0%
PORCH	1,000	10.0%
LANDSCAPE	1,000	10.0%
DRIVEWAY	1,000	10.0%
TOTAL	10,000	100.0%

LOT COVERAGE & OPEN SPACE

TYPE	AREA (SQ FT)	PERCENTAGE
LOT AREA	10,000	100.0%
OPEN SPACE	2,000	20.0%
LOT COVERAGE	8,000	80.0%

2nd STORY TO 1st STORY PERCENTAGE

TYPE	AREA (SQ FT)	PERCENTAGE
2nd STORY	5,000	50.0%
1st STORY	5,000	50.0%
TOTAL	10,000	100.0%

LEGEND

- EXISTING SITE
- PROPOSED 1st FLOOR ADDITION
- PROPOSED 2nd FLOOR ADDITION

CONSTRUCTION

TYPE OF CONSTRUCTION: 100% NEW

APPROXIMATE SQUARE FOOTAGE: 10,000 SF

ESTIMATED COST: \$1,000,000

NOTES

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LEGEND

- EXISTING SITE
- PROPOSED 1st FLOOR ADDITION
- PROPOSED 2nd FLOOR ADDITION

2nd STORY TO 1st STORY PERCENTAGE

TYPE	AREA (SQ FT)	PERCENTAGE
2nd STORY	5,000	50.0%
1st STORY	5,000	50.0%
TOTAL	10,000	100.0%

CONSTRUCTION

TYPE OF CONSTRUCTION: 100% NEW

APPROXIMATE SQUARE FOOTAGE: 10,000 SF

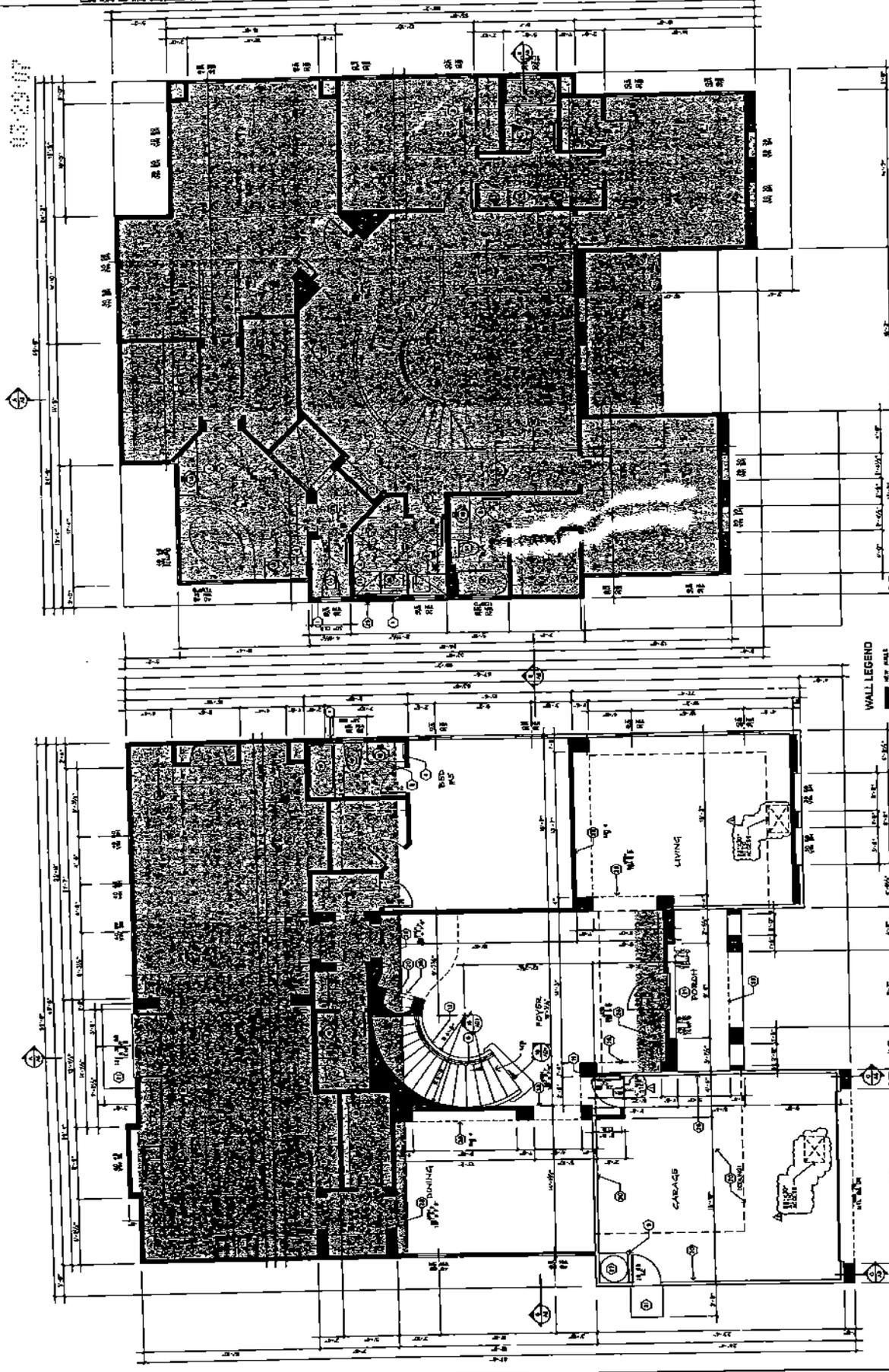
ESTIMATED COST: \$1,000,000

NOTES

- VERIFY ALL DIMENSIONS ON THIS PLAN.
- ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
- ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ARCHITECT.
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05-29-07



SECOND FLOOR
 HORIZONTAL LINES
 1/4" = 1'-0"

SEE SHEET A.4 FOR FLOOR PLAN NOTES
 AND INTERIOR FINISH SCHEDULE

WALL LEGEND
 SET WALL
 FINISH WALL TO BE SET
 FINISH WALL TO BE SET

FIRST FLOOR
 HORIZONTAL LINES
 1/4" = 1'-0"

SEE SHEET A.4 FOR FLOOR PLAN NOTES
 AND INTERIOR FINISH SCHEDULE

