

# CITY OF MILPITAS

Office of Building Safety  
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[www.milpitas.gov](http://www.milpitas.gov)



## PATIO COVER AND SUNROOM ADDITIONS (RESIDENTIAL)

### 1. PERMIT INFORMATION

- ☐ A building permit is required for any patio cover or sunroom addition attached to the main structure, and for a detached patio cover or sunroom addition exceeding 120 sq ft.
  - **Note** – Where a permit is not required, the proposed patio cover or sunroom addition must still be reviewed and approved by the Planning Department and the Engineering Department.
- ☐ **Definitions.**
  - **Patio Cover.** A structure with open or glazed walls that is used for recreational, outdoor living purposes associated with a dwelling unit [CRC AH102].
  - **Sunroom.** A one-story structure attached to a dwelling with a glazing area in excess of 40% of the gross area of the structure's exterior walls and roof [CRC R202].
- ☐ A Building Permit may be issued only to the Building Owner or their Authorized Agent [CRC 105.1].
  - See also [Authorized Agent Sample Letter](#).
  - Where the Contractor is acting as the Owner's Authorized Agent, they must be a State of California Licensed Contractor with the proper license classification.
- ☐ If the work is performed by the Building Owner personally or by his/her workers and an inspection indicates the work cannot be completed satisfactorily, then a licensed contractor must perform the work.
- ☐ If the Building Owner hires workers, State Law requires the Building Owner to obtain Worker's Compensation Insurance. Proof of this insurance is required prior to inspection.
- ☐ If the property is regulated by a Homeowners Association, any exterior work must have approval of the Association. It is the property owner's responsibility to obtain this approval.
- ☐ Before saw cutting or breaking a slab-on-grade, verify if it is a post tension slab. Cutting a tendon in these slabs can be very dangerous and expensive to repair.

### 2. PLANS REQUIRED:

To expedite issuance of your permit, submit complete sets of plans, including all related disciplines. Incomplete submittals will delay the approval of your project. If you have any questions, contact Office of Building Safety staff at City Hall or at the phone number above.

The following are guidelines for preparation and submittal of your plans. Specific plan requirements will depend largely upon the extent, nature, and complexity of the work to be done. Some items listed below may not be required for your specific project. **BE SURE TO INCLUDE ALL PERTINENT INFORMATION AND DRAWINGS.**

Refer to [Design Guidelines for Open Patio Cover](#) for a sample of the plans required, construction details, and span tables for rafters and headers for a residential patio cover. See also [Addition \(Residential\)](#) for topics not covered here, like electrical or plumbing, as applicable to the project.

- ☐ **Plan Requirements.**
  - **Plan Size.** Prepare plans on paper that is at least ledger (17 inches x 11 inches) in size.
  - **Sets of Plans.** Submit one complete set of plans.
  - **Clarity.** All plans shall be prepared to be sufficiently readable and clear for creating a digitized record. Plans shall be quality drawings of blue or black lines on a uniform light (white) background color. Pencil drawings

are not acceptable, but copies of pencil drawings can be submitted provided copies are readable with good contrast.

- **Dimensions.** All drawing shall be fully dimensioned. Plot plans, floor plans and other plan view drawings shall have a north arrow.
- **Scale.** All drawings shall be drawn to an adequate scale with scale indicated. Recommended scales for drawings are:  
Plot Plans:  $1/8" = 1'-0"$ ,  $1"=10'$ , or  $1"=20'$   
Floor Plan, Sections, and Details:  $1/4" = 1'-0"$  or  $1/2" = 1'-0"$
- **Existing (E) and New (N) Construction.** Throughout the plans, be sure to label all new (N) and existing (E) construction, components, and fixtures to distinguish between new work to be done and the existing work.
- **Completeness.** Please remember, the more complete and accurate the drawings and submittal documents, the sooner your permits can be issued.
- **Signature.** The person who prepared the plans must sign each sheet. If any of the plan sheets are prepared by a licensed architect or registered engineer, that individual must stamp and sign at least two copies of each of the sheets he or she has prepared in accordance with the California Business and Professions Code prior to plan approval. Plans for elements of the structure designed by others must be reviewed and signed by the Engineer or Architect of record. [California Business and Professional Code 5536.1, 6735]

❑ **Project Information.** On the first sheet of the plans, provide the following information:

- **Name of Designer.** The printed name, address and telephone number of the person who prepared the plans.
- **Address and Owner.** List the street address of the property and the name of the legal owner of the property.
- **Scope of Work.** State the complete scope of work to be performed under this permit.
- **Building Codes.** All work must comply with the 2022 California Residential Code (CRC) or California Building Code (CBC), California Electrical Code (CEC), California Mechanical Code (CMC), California Plumbing Code (CPC), California Energy Code (CEnC), California Green Standards Building Code (CalGreen), and the Milpitas Municipal Code (MMC).
  - This document contains informational references to various California codes and the Milpitas Municipal Code, based on the 2022 and 2023 editions of those documents, respectively. For additional, or more specific, information and exceptions, please refer to the codes and standards specific to your project.

❑ **Architectural Plans.** The following are minimum plan requirements for most projects based on the CRC:

- **Site (Plot) Plan.** Show the property lines and the location of all existing and proposed new structures, location of easements and locations of adjacent streets or alleys. Show front, side and rear setback dimensions, dimensions to easements, dimensions of proposed patio enclosure, and dimensions between buildings if there is more than one building on the site.
- **Floor Plan.**
  - Plan view of the patio area as well as the rooms adjacent to the enclosure.
  - Rooms shall be dimensioned and labeled.
- **Foundation Plan, Framing Plan, Sections, and Elevations.**
  - Provide top, side, and front elevation views/framing plans.
  - Dimension all distances and specify framing sizes.
  - **Foundation.** Show size of footings and slab, and connections to posts.
  - **Wood.**
    - Provide grade and species of all wood to be used.
    - All wood exposed to weather shall be pressure treated.
    - If post is to be placed into earth, provide 6" of gravel at post base and embed into concrete 1/3 of the distance above the slab. The post must be pressure treated for direct contact with earth.
    - All fasteners in contact with pressure treated wood shall be hot dipped galvanized or stainless steel.
    - All framing hardware in contact with pressure treated wood must be approved for that use.
  - **Framing.**
    - Show and specify on plans type of connections of header to post, header to rafters, rafters to ledger, ledger to house.
    - Rafters shall be supported laterally at ends and at each support by solid blocking except where the ends of rafters are face nailed to a header or rim joist.
    - Show and specify the spacing and spans of rafters.

- If using a ledger bolted to existing framing, lag screws must fully engage a wood stud or rim joist and be provided with appropriate washers.
- Show method of providing lateral bracing, i.e., embedded post, braces, or other approved method of construction.

☐ **Evaluation Report.** If the enclosure will be constructed from a manufacturer's factory-built kit, provide a copy of the manufacturer's current ICC or IAPMO evaluation report showing compliance with current codes.

### 3. CODE REQUIREMENTS

☐ **Lighting and Ventilation.** Openings from the main home required for light and ventilation are permitted to open into a sunroom with thermal isolation or a patio cover, provided there is an openable area between the adjoining room and the sunroom or patio cover of not less than one-tenth of the floor area of the interior room and not less than 20 square feet. The minimum openable area to the outdoors shall be based on the total floor area being ventilated. [CRC R303.2]

☐ **Patio Covers.**

- **Definition.** A structure with open or glazed walls that is used for recreational, outdoor living purposes associated with a dwelling unit [CRC AH102].
- **Permitted Uses.** Patio covers detached from or attached to dwelling units shall be used only for recreational, outdoor living purposes, and not as carports, garages, storage rooms, or habitable rooms [CRC AH101].
- **Height.** Patio covers are limited to one-story structures not exceeding 12 feet in height [CRC AH104].
- **Enclosure Walls.**
  - **Openness.** The open or glazed area of the longer wall and one additional wall must not be less than 65% of the area below 6'8" of each wall, measured from the floor [CRC AH103.1].
  - **Opening Materials.** Openings shall be enclosed with either (1) insect screening, (2) approved translucent or transparent plastic not more than 0.125 inch in thickness, (3) glass conforming to the provisions of CRC R308, or (4) any combination of the foregoing [CRC AH103.1].
  - **Light, Ventilation, and Emergency Egress.** Exterior openings required for light and ventilation into a patio structure meeting the definition of a patio cover shall be unenclosed where such openings serve as emergency egress or rescue openings from sleeping rooms. Where such exterior opening serves as an exit from the dwelling unit, the patio structure, unless unenclosed, shall be provided with exits conforming to the provisions of CRC R311. [CRC AH103.2]
- **Structural Provisions.**
  - **Design Loads.** Patio covers shall be designed and constructed to sustain all dead loads plus a vertical live load of not less than 10 pounds per square foot [CRC AH105.1].
  - **Footings.** A patio cover may be supported directly on a slab-on-grade without footings provided (1) the slab conforms to the provisions of CRC R506, (2) the slab is not less than 3.5" thick, and (3) the columns do not support live and dead loads in excess of 750 pounds per column [CRC AH105.2].
- **Planning Requirements.**
  - **Setback.** Patio covers may not come closer than 3 feet to any side or rear property line [MMC XI-10-54.08 #7].

☐ **Sunroom.**

- **Definition.** A one-story structure attached to a dwelling with a glazing area in excess of 40% of the gross area of the structure's exterior walls and roof [CRC R202].
- **Specifications.** Sunrooms shall comply with AAMA/NPEA/NSA 2100 *Specifications for Sunrooms* [CRC R301.2.1.1.1].
  - **Sunroom Category:** For the purpose of applying the criteria of AAMA/BPEA/NSA 2100 based on the intended use, sunrooms shall be identified by the permit applicant, design professional, or the property owner or owner's agent in the construction documents as one of the categories defined in CRC R301.2.1.1.1.
    - **Category I-IV:** Non-habitable sunrooms may also qualify as patio covers as defined in the previous section. If so, the requirements for patio covers will apply.

- **Category V:** Habitable sunrooms must comply with the requirements for habitable spaces of the *California Residential Code*.

#### 4. **ADDITIONAL REQUIREMENTS**

- ❑ **Smoke/Carbon Monoxide Alarms and Spark Arrestor Inspection.** In all one- and two-family residences, installation and inspection of required smoke alarms, carbon monoxide alarms, and spark arresters must be completed prior to the final inspection. Refer to the [Smoke Alarm, Carbon Monoxide Alarm, and Spark Arrestor Certificate](#) handout for detailed information.
- ❑ **Water Conserving Fixture Inspection.** All one- and two- family residences must have replaced all non-compliant plumbing fixtures with water-conserving plumbing fixtures and verification of this is required as a condition of final approval of any permit [CA Civ Code § 1101]. Refer to the [Water Conserving Certificate of Compliance](#) handout for details and exceptions.

#### 5. **OTHER DRAWINGS:**

- ❑ **Demolition Plans:** Removal of existing buildings or structures requires submittal of a demolition plan and recycling plan.
  - Demolition work requires written verification of notification to BAAQMD (J number) or a declaration that notification is not required, see [Bay Area Air Quality Declaration](#) for more information.
  - Refer to the separate handouts [Demolition \(Total Building\)](#) and [Demolition \(Other Than Total Building\)](#), as appropriate, for more information.
  - The demolition work may be included with the construction drawings or submitted separately. A separate submittal is required if applicant desires a demolition permit be issued prior to the building permit.

#### 6. **OTHER APPROVALS:**

All plan submittals for Planning, Engineering, and Fire are made through the Building Safety Department at the Permit Center with the building permit application.

- ❑ **Engineering Department:** Prior to completion of any plans, the Engineering Department should be contacted at (408) 586-3329 to find out the requirements due to the location and any easements, and if the property is located in a special flood hazard area.
- ❑ **Planning Department:** Prior to completion of any plans, the Planning Department should be contacted at (408) 586-3279 to find out the requirements due to the proposed location and type of patio enclosure.
- ❑ **Fire Department:** If a patio enclosure is located in the “Hillside Area”, the Fire Department should be contacted prior to the completion of any plans, at City Hall or (408)586-3365, to find out the fire protection requirements of the proposed patio enclosure.
- ❑ **Homeowners Association:** If the property is regulated by a Homeowners Association (HOA), any proposed exterior or other work areas regulated by the HOA must have approval of the Association. It is the property owner’s responsibility to obtain the approval.
- ❑ **School District:** Residential additions of 500 square feet or more require payment of school impact (developer) fees. Refer to the handout [School Impact \(Developer\) Fees](#) for additional information.

#### **NOTES:**

- ❑ If one or more of the required items mentioned above are omitted from the submittal plans, the application may be considered as incomplete and not ready for checking or approving.
- ❑ **Revisions:** Once the permit has been issued, any changes in the design must be approved by the City. Submittal documents shall be reviewed by the Architect or Engineer of record with a notation indicating that the changes have been reviewed and are in general conformance with the design of the building prior to being submitted to the City for approval. Additional fees will be due for each revision at time of submittal.