

# County of Santa Clara

## Department of Planning and Development

County Government Center, East Wing, 7th Floor  
70 West Hedding Street  
San Jose, CA 95110  
Phone: (408) 299-5700  
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**\*\*VIA Emails Only\*\***

December 15, 2023

Celestino Aguiar

Via Email @ [mucamba82@gmail.com](mailto:mucamba82@gmail.com)

**FILE NUMBER:** PLN23-208

**SUBJECT:** Building Site Approval, Grading Approval, and Tier 1 Design Review Application

**SITE LOCATION:** 15820 Miradero Avenue, San Jose, CA 95127-1754 (APN: 612-04-002)

**DATE RECEIVED:** November 15, 2023

Dear Celestino Aguiar,

Staff has reviewed your application, submitted on the date above. The comments below are not incomplete items and are not required to deem this application complete for processing. This section is informational only and can be discussed further if desired with County Staff.

### **PLANNING OFFICE**

Contact Reva Kakaria at (408) 299-5792 or [reva.kakaria@pln.sccgov.org](mailto:reva.kakaria@pln.sccgov.org) regarding the following comments:

1. Per Zoning Ordinance [Section 4.20.110.A](#), an uncovered or covered porch, or an uncovered deck may encroach into the required front setback (30') by 6'. Only necessary support pillars not exceeding two (2) horizontal feet in thickness may be included, and a safety railing not exceeding 42 inches in height may be allowed. The maximum encroachment area is 96 square feet. A covered deck may not encroach into the front setback.
  - a. The provided plans indicate a covered deck that encroaches into the front setback, which is not permitted per the County Zoning Ordinance. Please revise the plans accordingly.
  - b. Please indicate the width of the support pillars of the front-encroaching porch in the elevations.
  - c. Please indicate the height of any proposed front-encroaching glass safety railing in the elevations.
  - d. Please indicate the encroachment area of the front-encroaching porch.

2. The setbacks for this property are 30' from the front, 30' from the rear, and 15' from the sides. The site plans indicate that the proposed residence is planned to be located 10' from the northwestern side property line. Please revise the plans to conform to the required setbacks.
3. Two of the provided elevations are labeled "North/Front" and "North/Rear." Please clarify the labeling of these elevations.
4. Please label the height of wall planes in the provided elevations. Please note that per [Zoning Ordinance Section 3.20.040](#), the maximum height of a wall plane shall be 24 feet.
5. The provided elevations indicate that the maximum height of the proposed residence is 34'. Section A indicates that the maximum height is 35' above grade. Please correct this inconsistency. Please also label the elevation above sea level for each height section in the design (first floor, second floor, tops of plates, and top of roof) in the elevations.
6. The site plan included in the planset indicates one proposed retaining wall, while the site plan labeled "Preliminary Grading Plan" shows two. Please clarify and correct this inconsistency. Please also label the length of all proposed retaining walls on the site plan.
7. Aerial imagery indicates a wall-like structure on the property that is not shown on the site plans. Please clarify if this structure is to be demolished as part of this project.
8. The site plan indicates a concrete slab along the northeast and southeast sides of the proposed residence. Please show this concrete slab in the elevations/sections, and label its height above final grade.

#### *Floor Area Ratio Calculations*

9. Please label the scale of the floor area ratio calculations provided on sheet A6.
10. Several of the polygons partially overlap with each other (e.g. B and D, A and F, H and J). Please correct this and ensure that the polygons are easily verifiable shapes such as rectangles or squares.
11. Per the [definition](#) of floor area ratio, the horizontal area of an interior stairway must be counted at each of the two or more stories to which the stairway provides access (i.e. the stairway must be counted twice). It appears that the stairway is counted three times, in polygons B, H, and J. Please correct this and ensure that the stairway is not overcounted.
12. Polygon F, covering the garage, is labeled as 20' x 20' on the floor plan; however, it is labeled as 21' x 21' in the calculations. Please correct this inconsistency.
13. Floor area ratio includes any attic space that has a minimum clearance of seven feet in each of three dimensions for at least 70 contiguous square feet. Please provide dimensions for the attic space in the cross-sections, and include any applicable attic space in the floor area calculations.

If you have questions regarding this application, please contact (408) 299-5792 or [reva.kakaria@pln.sccgov.org](mailto:reva.kakaria@pln.sccgov.org).

Sincerely,

*Reva Kakaria*

Reva Kakaria  
Assistant Planner

**CC:**  
Samuel Gutierrez, Principal Planner