

# 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  
www.sccplandev.org



March 15, 2023

David Faria  
MH Engineering Co.  
16075 Vineyard Blvd.  
Morgan Hill, CA 95037

[davidf@mhengineering.com](mailto:davidf@mhengineering.com)

\*\*\*BY EMAIL ONLY\*\*\*

**FILE NUMBER:** PLN22-211  
**SUBJECT:** Lot Line Adjustment (LA) between two parcels (APN 783-05-041 & APN 783-05-031)  
**SITE LOCATION:** 8177 Burchell Road, Gilroy (APN 783-05-031 // 783-05-041)

Dear Mr. Faria:

The application for a Lot Line Adjustment is **incomplete**. For the application processing to resume, please resolve the following issues and submit the information listed below.

Resubmittals are to be made electronically with Rebecca Rockom, the assigned project manager/planner, and must include all requested information along with a completed application form (which is used to track the resubmittal). Once the information is resubmitted, the Planning Office will distribute the plans, reports and/or information to the appropriate staff or agency for review.

If there are any questions about the information requested, please contact the specific staff for that item.

**A VIRTUAL APPOINTMENT IS REQUIRED FOR A RESUBMITTAL. PLEASE EMAIL ME TO SCHEDULE AN APPOINTMENT.**

Please submit electronic copies of the revised plans /resubmittal documents (PDF) with a *written response* addressing the following items.

## **PLANNING OFFICE**

Contact (408) 299-5707 or [rebecca.rockom@pln.sccgov.org](mailto:rebecca.rockom@pln.sccgov.org) regarding the following comments:

Based on the information resubmitted in Accela portal, there are two legal parcels within APN 783-05-031, and one of them is substandard.

A Lot Line Adjustment proposed in this application cannot be approved based on grounds below:

- Pursuant to Section [5.55.040\(C\)\(1\)\(a\)](#) of the zoning ordinance, no substandard parcel may be reduced in area by more than 20, 000 square feet or 10% of its original area, whichever is less.
- Pursuant to Section [5.55.040\(C\)\(1\)\(b\)](#) of the zoning ordinance, each adjusted lot must retain at least 90% of the real property included in the parcel prior to the proposed lot line adjustment.
- Pursuant to Section [5.55.040\(C\)\(1\)\(c\)i](#) of the zoning ordinance, the lot line adjustment would not result in any additional developable parcels or greater allowable density than existed prior to the lot line adjustment. In determining if a parcel is developable, the parcel must meet at least one of the following criteria: Contain a legal dwelling or other legal building or structure constructed pursuant to and in compliance with a validly issued Building Site Approval, Architecture and Site Approval (ASA), or use permit.
- Pursuant to Section [5.55.050\(A\)](#) of the zoning ordinance, no lot line adjustment may be approved where it would cause any parcel that currently meets the minimum lot size specified in the general plan zoning ordinance to become a substandard lot.

To accomplish the proposed lot configuration as shown in your site plan, you need to merge the two parcels within APN 783-05-031. Below are the steps required to continue the lot line adjustment process:

- Modify your application from “Lot Line Adjustment between two parcels” to “Lot Merger and Lot Line Adjustment resulting in two parcels”.
- Pay the difference in fee. We will not charge the fee for Lot Merger; however, we will charge the fee for Lot Line Adjustment of 3 parcels.
- Modify your site plan and show the current lots’ configuration, label the property lines to be removed, modify the table to show all the lots involved.

Please make sure the requested changes are made for the revised plan sets and documents that are needed for the resubmittal. **Resubmittals are only accepted by appointment with the assigned project manager.** If the requested information is not submitted within **180 days**, you are required to pay a fee of 10% of the application fee at the time the information is submitted. All requested information must be submitted no later than **one (1) year** from the date of the incomplete letter. **PARTIAL RESUBMITTALS WILL NOT BE PROCESSED.** Fees required at the time of resubmittal will be those in effect at that time.

Note the Lot Line Adjustment application has been charged a minimum fee and will be charged additional fees to continue processing when the initial payment is exhausted.

In submitting the land use application, the owner/applicant included an initial application fee. Application fees are categorized as "fixed fees" and "billable fees", based on the specific application types. "Fixed fee" applications do not require any additional fees to continue processing. However, when funds associated with a "billable fee" application have been spent, an additional deposit will be required to continue processing the application.

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If you have questions regarding the application, please contact (408) 299-5707 or [rebecca.rockom@pln.sccgov.org](mailto:rebecca.rockom@pln.sccgov.org).

Sincerely,

A handwritten signature in cursive script that reads "Rebecca Rockom".

Rebecca Rockom  
Assistant Planner