



## LOT LINE ADJUSTMENT REQUIREMENTS AND PROCEDURE

FORM LLA-3

A lot line adjustment per Chapter 19.36 of the City's Municipal Code (SMMC) can be used to adjust the lot lines between four or fewer existing adjoining parcels that meet the applicability criteria specified in SMMC [Section 19.36.020](#). This document provides details on the requirements and procedure and is organized as follows:

- A. Submittal Requirements
- B. Approval Standards
- C. CEQA Applicability
- D. Application Processing
- E. Incomplete Applications
- F. Withdrawal of Application
- G. Lot Line Adjustment Plat Template

### A. SUBMITTAL REQUIREMENTS

The applicant submitting for a lot line adjustment shall provide all the following to Land Development Division.

#### GENERAL APPLICATION REQUIREMENTS.

1. Complete [Lot Line Adjustment Application Form LLA-1 & LLA-2](#)
2. \$650 filing fee (\$750 for lot consolidation). *Note that additional fees are due after three reviews, consistent with Development Services Department policy.*
3. Engineer/Surveyor of Work's transmittal detailing all submittal items and quantities
4. Copies of recorded grant deeds, final and/or parcel maps, or other documents establishing each of the involved parcels or lots as a legal lot of record
5. Title guarantee for a legal lot(s) as described in SMA Section 66412.6.
6. Preliminary Title Report dated within 6 months of the application date. Title company shall include in the report hyperlinks and copies of all referenced documents.
7. Signed and sealed legal description in metes and bounds format on 8.5" x 11" sheets labeled Exhibit 'B', for each newly adjusted lot or parcel
8. Signed and sealed Lot Line adjustment Plats on 8.5" x11" sheets labeled Exhibit 'C' meeting the requirements for Lot Line Adjustment Plat below.
9. Signed and sealed traverse calculations for each adjusted parcel
10. Signed consent (or acknowledgement) letter with mailing addresses of for each owner of recorded fee title interests, all lenders, and all lienholders of record for each lot or parcel involved
11. Legal document(s) establishing signature authorization if property owners, lenders, and lienholders are other than individuals (e.g. corporation, LLC, LP, etc.)
12. Draft effectuating deed(s) for each adjusted parcel meeting the requirements for Effectuating Deed(s) below.

With regard to Submittal Item 4.a., if the City Engineer determines that any of the parcels is not a legal lot of record, processing of the lot line adjustment shall be suspended until a Conditional Certificate of Compliance has been applied for, issued, and recorded for each such parcel.

For Submittal Item 10, if such owners, lenders, and/or lienholders change after the application has been filed and before the lot line adjustment has been consummated by recordation of deeds, the signed consent of such new owners and/or lienholders must also be filed with the Director of Development Services or the application shall be deemed withdrawn.



# LOT LINE ADJUSTMENT REQUIREMENTS AND PROCEDURE

## LOT LINE ADJUSTMENT PLAT.

The lot line adjustment plat includes a vicinity map, north arrow, and must be accurately drawn to scale. Measurements shall be identified by feet, square feet, or acres to the nearest tenth. The plat shall be in the format and contain the information generally shown on the lot line adjustment plat template approved by the City Engineer and provided herein. The lot line adjustment plat shall show all the following:

1. The existing lot line proposed to be adjusted shall be shown as a dashed line and labeled "Existing Lot Line". The proposed lot line shall be shown as a solid line and labeled "Proposed Lot Line". All proposed and existing lot lines shall be identified in written notation and/or by legend.
2. All exterior and interior lines of the involved parcels shall be shown and identified by course and bearing description with basis of bearings, based on survey or calculated data or information of record.
3. All existing structures shall be accurately located on the map identifying the original parcels or lots, together with their current existing uses.
4. The distance from each existing structure to the nearest lot line of the resulting parcel on which that structure will be located following the lot line adjustment.
5. The locations, purpose, and width of all existing and proposed easements, streets, and utilities.
6. The approximate location of all watercourses and existing drainage structures, including the location of any floodway and floodplain.
7. Statement of the existing zoning of each lot.
8. The current Assessor's Parcel Number(s) of each parcel shown within or adjacent to each parcel.
9. The recording information for any existing Williamson Act agreement affecting any of the parcels involved in the lot line adjustment shall be noted. Provide a copy with the application.
10. The net area of each adjusted parcel or lot.
11. Name, address, and telephone number for applicant and owner for all parcels to be adjusted.
12. Name, address, telephone number, registration license number, seal, and signature of the engineer or land surveyor who prepared the plat and legal description.

## EFFECTUATING DEED(s)

1. The deed(s) shall clearly describe each of the resultant parcels and shall contain the grantor's express statement of intent to eliminate any underlying boundary lines of real property (California Civil Code Section 1093):

*It is the express intent of the grantor to eliminate the underlying boundary lines (as may be expressed in one or more deeds, mortgages, patents, deeds of trust, contracts of sale, or other instruments of conveyance or security documents) for separate and distinct legal descriptions of the real property which alters or affects the separate and distinct nature of the real property as described herein.*

2. Each deed shall include the following language in the express written statement of intent immediately following the legal description:

*This parcel was involved in a lot line adjustment pursuant to which the boundaries of [insert number of parcels adjusted] parcels comprising [insert total acreage of parcels] acres were adjusted and therefore the transfer of property from one parcel to the adjoining parcel will not enable more parcels to be created through future subdivision of any of the adjusted parcels than could have been created through merger and resubdivision of the original unadjusted parcels.*



# LOT LINE ADJUSTMENT REQUIREMENTS AND PROCEDURE

## **DIGITAL SUBMITTALS ARE REQUIRED**

Application for lot line adjustment must be made digitally and adhere to the City's [Digital Submittal Standards](#). Staff will review for compliance and completeness prior to initiating each review cycle. Obtain prior approval for deviations and omissions to ensure prompt intake. Staff will advise of any need for printed plans and documents. Please contact [engineeringdivision@san-marcos.net](mailto:engineeringdivision@san-marcos.net) and/or the assigned staff with questions.

## **B. APPROVAL STANDARDS**

**COMPLIANCE WITH THE GENERAL PLAN, SPECIFIC PLANS, AND ORDINANCES.** Applications complying with the following standards are deemed to conform to the City's General Plan, any applicable specific plan, and zoning and building ordinances:

1. ***Number of Parcels.***
  - a. The lot line adjustment will result in the transfer of property between at least two, but no more than four, existing adjoining legal parcels. Parcels are adjoining only if each of the parcels proposed for adjustment abuts at least one of the other parcels involved.
  - b. A greater number of parcels than originally existed will not result from the lot line adjustment.
  - c. The adjustment will not enable more parcels to be created through future subdivision than could have been created through merger and resubdivision of the original unadjusted parcels.
2. ***Non-Buildable Parcels.*** A non-buildable parcel will not be made buildable by the lot line adjustment. For purposes of this standard, a lot is considered buildable if it meets all of the following criteria:
  - a. The resultant parcels are consistent with the minimum lot size requirements established by SMMC [Zoning Ordinance](#);
  - b. The resultant parcels have existing access rights to a public street, private street, or common access easement that have been authorized pursuant to SMMC Zoning Ordinance as defined in SMMC [Section 19.16.010 \(c\)](#); and
  - c. The resultant parcels meet the building site requirements and regulations as established by SMMC [Zoning](#) and [Building](#) Ordinance.
3. ***Parcel Size and Zoning Requirements.***
  - a. Parcels that meet the minimum parcel size requirements will not be reduced by the lot line adjustment below the minimum size allowed. Closure calculations shall be required for any existing or proposed parcels at or within one-tenth acre of the minimum parcel size.
  - b. Parcels within the same zoning designation that are smaller than the minimum parcel size may be the subject of a lot line adjustment if the proposed adjustment will result in the substandard parcels meeting the minimum parcel size.
  - c. The resultant parcels will comply with all of the provisions for parcel design as established by the City's zone requirements, unless compliance with such requirements is waived by a variance granted pursuant to SMMC [Chapter 20.525](#) in conjunction with the tentative approval of the lot line adjustment.
  - d. The lot line adjustment will not create any new non-conformance with City zoning or building ordinances of any existing uses or improvements. For purposes of this standard, "new non-conformance" shall mean the addition of any new uses or structures to a parcel, or the new creation of inadequate setbacks that creates non-conformance with City zoning and building ordinances.



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4. *Road Access.*
  - a. The resultant parcels will not be bisected or otherwise internally severed by a road previously offered for dedication and accepted by City or a public agency for public use. This standard shall not apply if the proposed bisection or other severance will facilitate the elimination or significant reduction of a previously existing risk to the safety of users of the road or the physical integrity of the structure of the road.
  - b. Each resulting parcel will have legal access to a publicly or privately maintained road, either by frontage on that road or by a right-of-way meeting City standards. The right-of-way shall be reflected in a recorded deed, easement, a grant of reservation for future access, quiet title judgment, or dedication on a parcel or final subdivision map, a copy of which shall be provided by the applicant. All required existing and proposed access shall be shown on the adjustment plat and will be confirmed in the field by the City Engineer.
5. *Utility Easements and Access.*
  - a. No public utility easement will be adversely affected.
  - b. Each adjusted parcel shall be designed to connect to the public sanitary sewer system. If a private sewage disposal system is proposed, the necessary permits for a private sewage disposal system for each parcel shall be secured before tentative approval of the lot line adjustment pursuant to SMMC [Section 19.16.010 \(k\)](#). If any of the adjusted parcels are on septic, the San Diego County Department of Environmental Health must provide approval by signing the final adjustment plat sheet(s) prior to final submittal to the City. If the adjusted parcels are connecting to sanitary sewer, a signed non-objection letter from the sewer agency serving the parcels must be submitted to the City. If there is an easement dedicated to the sewer agency on the adjusted parcel, the sewer agency must sign the final adjustment plat sheet(s) prior to final submittal to the City.
6. *Prepayment of Taxes.*

Prepayment of taxes is required to meet approval standards and is discussed further in Application Processing Section D. below.

### C. CEQA APPLICABILITY

The tentative approval of lot line adjustments and the subsequent review and approval of the effectuating deeds are ministerial acts and not subject to California Environmental Quality Act (CEQA). However, when the lot line adjustment requires the approval of a variance or when any of the resulting parcels will be bisected pursuant to Approval Standards Section B., then the tentative approval of lot line adjustments is discretionary and subject to CEQA. When a ministerial lot line adjustment is processed concurrently with a use permit or other discretionary application involving any portion of the property contemplated in the lot line adjustment, the lot line adjustment application must be considered a reasonably foreseeable project under CEQA. The potential impacts resulting from the lot line adjustment shall be included in the cumulative analysis for the underlying use permit or other discretionary approval. The approval of the lot line adjustment remains a ministerial act despite such consideration of the environmental effects; it shall not be made a discretionary act.

### D. APPLICATION PROCESSING

**PROCESSING OF A COMPLETE APPLICATION.** The City Engineer shall refer the completed application for comments to the Director of Development Services and any other City departments and public agencies required to be notified by applicable state or federal law. Except when required by state or federal law, no notice of the filing of the application need be given to any other person. Refer to Incomplete Application Section E. for the City's time period on determination of complete or incomplete application.



## LOT LINE ADJUSTMENT REQUIREMENTS AND PROCEDURE

**TIME PERIOD FOR CITY ACTION.** The City Engineer shall tentatively approve the lot line adjustment if it meets applicable standards at the time the filed application is deemed complete. The denial or tentative approval by the City Engineer shall take place no more than 180 calendar days after the application was deemed complete, except when a longer period is needed to comply with any applicable state or federal law.

**ADDITIONAL REVIEW FEES.** The initial filing fee covers up to three reviews. Subsequent review cycles require additional review fees equal to 33% of the initial filing fee. These additional review fees must be paid prior to tentative approval of the lot line adjustment.

**LOT LINE ADJUSTMENT APPLICATION REVIEW.** The City Engineer will review the application package including legal descriptions, lot line adjustment plat, and draft effectuating deeds for accuracy and consistency with the Approval Standards. The City Engineer will notify the applicant in writing of disapproved, deficient, or inconsistent documents. The City Engineer must find that the deeds are acceptable for recordation prior to Notice of Tentative Approval, although the deeds cannot be recorded until the Conditions of Approval are satisfied.

**CONDITIONS OF APPROVAL.** The City Engineer may impose conditions to ensure that the Approval Standards will be satisfied prior to recordation of the effectuating deed(s) as allowed by SMMC [Section 19.36.060](#). The City Engineer shall notify the applicant in writing of the tentative Conditions of Approval. If the applicant does not notify the City Engineer within 10 days from date of letter specifying the draft Conditions of Approval, the Conditions of Approval will be finalized and the City Engineer will proceed to tentative approval of the Lot Line Adjustment.

**NOTICE OF TENTATIVE APPROVAL.** Following review of a complete, correct, and compliant application, submittal of the signed and notarized effectuating deeds, and not less than ten days after notifying the applicant of the tentative Conditions of Approval, the City Engineer shall notify the applicant of its decision to tentatively approve. Pursuant to SMMC [Section 19.36.040](#), the City Engineer shall send a notice of denial or a notice of tentative approval to the applicant at the last address and/or e-mail of the applicant on file with the Department of Development Services. The Notice of Tentative Approval will advise that the Certificate of Compliance will be forwarded to the County Recorder for recordation following conclusion of the appeal period.

**APPEAL.** The decision of the City Engineer may be appealed in accordance with SMMC [Section 19.36.080](#). In the event the tentative approval by the City Engineer is appealed and the appeal is subsequently withdrawn prior to a hearing, the time for recording the deed(s) shall be tolled and extended for a period equal to the number of days between the filing of the appeal and its withdrawal in writing.

**RESOLUTION AND CERTIFICATE OF COMPLIANCE.** The City Engineer shall prepare a Resolution and accompanying Certificate of Compliance including the legal descriptions and lot line adjustment plat (Exhibits 'B' and 'C'). The Certificate of Compliance will contain any Conditions of Approval necessary for compliance with the Approval Standards, and it will be recorded after the conclusion of the appeal period for the tentative approval.

**SATISFACTION OF CONDITIONS OF APPROVAL AND PREPAYMENT OF TAXES.** The Conditions of Approval as specified in the Certificate of Compliance shall be satisfied prior to recordation of the effectuating deed(s). In addition, whenever any of the affected parcels are or will be subject to a lien for real property taxes or special assessments collected as real property taxes which are not yet payable, the applicant shall prepay to the treasurer/tax collector, or provide the treasurer/tax collector with security for the prepayment of, real property taxes and the current installment of principal and interest on all special assessments collected as taxes, which as of the date the lot line adjustment is recorded will be a lien against the property but are not yet payable.



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**RECORDATION OF THE EFFECTUATING DEED(S).** The lot line adjustment shall be deemed final only when the deed(s) have been recorded by the County Recorder. The signed and notarized effectuating deeds will be submitted to the City Engineer prior to tentative approval, retained by the City, and released for recordation to the applicant upon satisfaction of the Conditions of Approval, including prepayment of taxes.

1. The City Engineer shall authorize the approved deed(s) to be recorded by and at applicant's expense. A conforming copy of the recorded deed(s) shall be transmitted to the City Engineer. No record of survey shall be required unless required by California Business and Professions Code Section 8762.
2. No recorded mortgage, deed of trust, or other security interest will, after recordation of the deed(s) effectuating the lot line adjustment, encumber on a portion of any of the resulting parcels, except where such encumbrance applies only to a lienholder's security interest in a leasehold exempt from the SMA Sections 66412, 66412.2 and 66412.5.

### E. INCOMPLETE APPLICATIONS

If a lot line adjustment application fails to contain any of the required items, or if it is determined not to be in compliance with California Government Code Section 66410 et seq., Section 66412(d) of the Subdivision Map Act (SMA), it shall be deemed by the Development Services Department to be incomplete, and the applicant shall be notified within 30 calendar days of the application date and shall have 90 days to remedy.

If the City Engineer determines that any of the parcels is not a legal lot of record, processing of the lot line adjustment shall be suspended until a Conditional Certificate of Compliance has been applied for, issued, and recorded for each such parcel. The 90-day time period for resubmittal shall be tolled while the application for the Conditional Certificate of Compliance is being processed.

### F. WITHDRAWAL OF APPLICATION

The application will be deemed withdrawn, tentative approval voided, and proceedings terminated in any of these cases.

1. *Applicant Withdrawal.* The applicant may withdraw the application at any time prior to recordation of the effectuating deed(s) by filing a written request for withdrawal with the City Engineer. In such case, all approvals and other actions and determinations of the City Engineer are deemed null and void.
2. *Remedy of Incomplete Application.* Failure by applicant to file an amended application within 90 calendar days following the noticing date to remedy an incomplete application.
3. *Submittal of Revised Plat.* Failure by the applicant to submit a revised adjustment plat within six (6) months of the application being deemed complete.
4. *Recordation of Deed(s).* Failure by applicant to record the deed(s) effectuating the lot line adjustment within 90 calendar days, or as specified in the Conditions of Approval which may allow up to a maximum of one-year, from the date of recordation of the Certificate of Compliance.
5. *Time Extension.* The City Engineer may grant only one 45 day extension of time for recording deed(s). The request for the one time extension must be in writing to the City Engineer at a minimum of five working days prior to the expiration date for recording, and must state the reason for requesting the extension. No subsequent extensions will be allowed after the initial extension.

EXHIBIT 'C'  
LOT LINE ADJUSTMENT PLAT  
CITY OF SAN MARCOS

LEGAL DESCRIPTION OF REAL PROPERTY

[legal description of parcels/lots in current form]

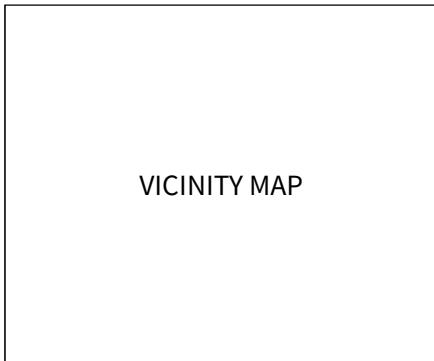
PARCEL ZONING INFORMATION

ASSESSOR'S PARCEL NUMBER(S)

PARCEL NET AREA

[net area of each adjusted parcel/lot]

BASIS OF BEARING



VICINITY MAP

APPLICANT/OWNER STATEMENT

I (we), \_\_\_\_\_, the applicant/owner(s) have read, understand and agree to the conditions of Resolution ADM ##-####.

*Wet signature*

NAME/TITLE

DATE

[add approval block if VWD/BSD/VID easement on adjusted parcel]

[VALLECITOS WATER DISTRICT, BUENA SANITATION DISTRICT, VISTA IRRIGATION DISTRICT] APPROVAL:

*Wet signature*

NAME/TITLE

DATE

[add approval block if adjusted parcel on septic system]

SAN DIEGO COUNTY DEPT. OF ENVIRONMENTAL HEALTH APPROVAL:

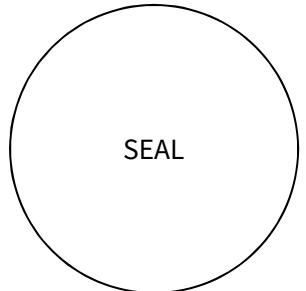
*Wet signature*

NAME/TITLE

DATE

SCALE 1 IN = \_\_\_\_ FT

APPLICANT: NAME ADDRESS PHONE NO.		PREPARED BY: SURVEYOR/ENGINEER FIRM ADDRESS PHONE NO.	
OWNER: NAME ADDRESS PHONE NO.		<i>Wet signature</i>	
Wet signature		SURVEYOR/ENGINEER, LS/RCE NO.	DATE
OWNER	DATE	CITY ENGINEER	
CASE NO.:		APPROVAL:	ISAAC M. ETCHAMENDY, RCE 81294
ADJUSTMENT NO.:	BA ##-#####		DATE



SEAL