



CITY OF ENCINITAS
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LOT LINE ADJUSTMENT SUPPLEMENT

Chapter 24.70 of the Municipal Code contains the explanations and procedures for Lot Line Adjustments. The purpose of this document is to condense and summarize these procedures to help in initiating and completing the lot line adjustment process. This guide is a summary and should not be used as a complete substitute for reviewing Chapter 24.70 for more exhaustive details.

A. Submittal Requirements

1. **See Planning Application submittal checklist.**
2. **Plats and Legal Descriptions:** Electronic copies of (original wet signature required upon Certificate of Compliance recordation):
 - a. **Plat:** Adjustment plat, acceptable to the City Engineer, signed by all property owners to be impacted by the adjustment, and signed and stamped by a California-licensed civil engineer or land surveyor. For properties served by an on-site sewage disposal (septic) system, plats must be certified by the County Department of Environmental Health. Plats must clearly show all existing and proposed property lines, all existing and proposed easements, and all structures on all properties.
 - b. **Legal descriptions:** Signed and stamped by a California-licensed civil engineer or land surveyor, for the subject lots after the proposed adjustment.
 - c. **Transfer legal descriptions:** For adjustments occurring between properties which are held in different ownerships, legal descriptions, signed and stamped by the project engineer or licensed land surveyor, for the transferred portions of the adjustment.
 - d. **Closure calculations:** Closure calculations, signed and stamped by a California-licensed civil engineer or land surveyor, for each lot as adjusted.
 - e. **Site Plan:** Demonstrating development standard compliance (i.e., setbacks, lot coverage, floor area ratio and parking etc.).
6. **Lender notification:** If any lending institutions have interest in the properties, a notarized statement from the owner showing that they have been notified of the application.

B. Process

1. A lot line adjustment is an administrative process and requires no public hearing under normal circumstances. Applications in the Coastal Zone require the issuance of a regular Coastal Development Permit and shall be processed and noticed in accordance with Chapter 30.80 of the Municipal Code. Projects within the Coastal Zone appeal jurisdiction of the Coastal Commission also require a noticed public hearing.
2. The project site must be posted with the posting obtained from staff at the time of application submittal.
3. Planning staff reviews the application and boundary adjustment for zoning compliance (lot size, setbacks, etc.) and routes to Engineering staff for technical review of the plat and legal description, and to other Departments, as applicable, for review and comment.
4. For properties served by an on-site sewage disposal (septic) system, review of the adjustment plat by the County Health Department is required in order to determine whether required setbacks for such

sewage (septic) system are adequately maintained, and whether the adjustments will pose no significant adverse impacts on the sewage system. For such lots serviced by on site disposal (septic) systems, a signature on the adjustment plat by the Health Department is required prior to approval.

5. No public notice is required unless the project is located in the Coastal Zone; no public hearing is required unless the project is located within the Coastal Zone appeal jurisdiction of the Coastal Commission. When notice is required, the public notice is published and mailed to provide at least 10 days for public comment and review. When a hearing is required, the notice is mailed at least 10 days prior to the public hearing.
6. Upon completion of staff review and after the close of the public review and comment period or after the public hearing, as applicable, the Director of Development Services, or designee, takes action on the application and issues a Notice of Decision. The determination may be appealed to the City Council within 10 days of the date of the decision. The decision is valid for 2 years, allowing time to record the certificates of compliance. Projects within the Coastal Zone appeal jurisdiction of the Coastal Commission are subject to appeal to the California Coastal Commission.

C. Approval of Application

The application to adjust a lot line shall be approved unless the parcels resulting from the adjustment will:

1. Create a condition which does not comply with zoning and development regulations. All parcels resulting from a lot line adjustment shall comply with minimum City requirements for size, dimensions, access, parking and circulation, and all other applicable development standards established through the zoning and development code. The lot line adjustment shall also be found to promote available design standards and guidelines as established through the zoning and development code. The lots resulting from a lot line adjustment and existing and/or potential development on those lots shall be found to be within limitations for lot density and intensity of development and use as established through the zoning and development code. (Ord.88-10)
2. Create a condition which does not comply with building regulations.
3. Materially, adversely affect an agreement for the security for the construction of public improvements.
4. Extend beyond the City limit boundary.
5. Require substantial alteration of any existing improvement or creates a need for any new improvement.
6. Adjust the boundary line between lots that are subject to an agreement for public improvements, unless the City Engineer finds that the proposed adjustment will not materially affect such agreement for the security therefor.

D. Final Completion (Certificates of Compliance)

After approval of the lot line adjustment application is granted, the process is finalized by the preparation and recordation of certificates of compliance.

1. The Director, or designee, determines that the applicant has complied with all conditions contained within the Notice of Decision.
2. The applicant submits for review to the Director, or designee, an original and one copy of:
 - a. Final, approved adjustment plats, legal descriptions, and closure calculations

- b. Final, approved transfer deeds with legal descriptions of transferred portion(s) of property for adjustments occurring between properties which are held in different ownership
 - c. Final, approved new deeds with the new legal descriptions for the lots as adjusted for each lot involved in the adjustment
3. The City Engineer reviews the new documents to ensure their correctness and provides written confirmation to the Director, or designee, that the final adjustment plats, legal descriptions, and closure calculations are correct and in order.
4. Approved transfer deeds and new grant deeds are recorded and conformed copies submitted to the Director, or designee.
5. The Director, or designee, prepares and records the certificates of compliance at the expense of the applicant.
6. In some circumstances and with prior Planning approval, approved deeds and Certificates of Compliance may be recorded concurrently, with the transfer deeds recorded first, Grant Deeds recorded next and Certificates of Compliance recorded after, at the expense of the applicant. Conformed copies of all recorded documents are then delivered to Planning.