

CITY OF BRISBANE

LOT LINE ADJUSTMENT APPLICATION INFORMATION

SUBMITTAL REQUIREMENTS: For the Planning Director to thoroughly review a proposal, certain information is required from you, the applicant. You should be aware that incomplete applications will delay processing.

[] SIGNATURES OF THE LEGAL OWNERS OF ALL OF THE AFFECTED PROPERTIES either on the application or on a separate written document authorizing the "APPLICANT" to submit the application on the owner's behalf. The person who is most knowledgeable about the proposal and who can answer questions by phone during daytime working hours should be designated as the "APPLICANT."

[] SITE PLANS--Two (2) full-size legible copies and one (1) reduced copy (if the full size are larger than 11" X 17") of completely dimensioned, scaled site development plans, with bar scale of not more than 1 inch equals 100 feet, showing:

[] Accurately dimensioned existing property lines, proposed adjustment of such lines, rights-of-way, streets, easements, utility lines (water, sewer, etc.) and a small scaled vicinity map;

[] Existing structures on all affected properties, with minimum distances to all existing and proposed property lines indicated;

[] Assessor's parcel numbers, zoning, existing and resultant area of the subject properties;

Note: Plans submitted as part of an application are retained by the City of Brisbane.

[] LEGAL DESCRIPTION—Legal descriptions of the existing properties, of the portion of the property to be transferred, and of the affected properties reflecting the requested lot line adjustment, to be used in the deed effecting the transfer. The property owners will be responsible for recordation of the deed. Descriptions should also be provided for any existing or proposed easements.

[] PRELIMINARY TITLE REPORT--To determine if one or both of the parcels are encumbered by a deed of trust or mortgage, the liens of which must be modified to correspond to the new lot line so that a foreclosure will not create an illegal parcel, and to identify any existing easements.

[] FEES—

See current Master Fee Schedule, Line P43.

In addition, a recordation fee for the San Mateo County Assessor-Recorder will be required to cover recordation fees once the Lot Line Adjustment is approved.

Lot Line Adjustment

Page 2

NOTE: A record of survey of the affected properties may be required as a condition of approval of the lot line adjustment. Please refer to Sections 8762-8774 of the State Business and Professions Code and contact the County Surveyor regarding requirements for records of survey.

CODE REFERENCES. Please refer to the State Subdivision Map Act [California Government Code Section 66412(d)] and Brisbane Municipal Code Section 16.32.040 (except as superceded by the Map Act) for the circumstances under which a lot line adjustment may be granted.

NOTIFICATION OF ACTION. Written confirmation of the Planning Director's action and a copy of the staff memorandum regarding the application will be mailed directly to the applicant and affected property owners. Please contact the Planning Department for further information.

APPEALS. Anyone may appeal the action of the Planning Director to the Planning Commission not later than 10 calendar days after the Planning Director's action. Anyone may appeal the action of the Planning Commission to the City Council not later than 10 calendar days after the Commission's action. An application form and \$1,237 fee is required to make a formal appeal.

FOR FURTHER INFORMATION, PLEASE CONTACT THE PLANNING DEPARTMENT, CITY OF BRISBANE, 50 PARK PLACE, BRISBANE, CA 94005, (415) 508-2120. THE PLANNING DEPARTMENT IS OPEN 8 A.M. - 5 P.M. MONDAY, TUESDAY, THURSDAY, 8 A.M. - 8 P.M. WEDNESDAY, AND 8 A.M. - 1 P.M. FRIDAY. TO ASSURE SOMEONE WILL BE AVAILABLE TO HELP YOU, YOU MAY CALL AHEAD TO MAKE AN APPOINTMENT.

LOT LINE ADJUSTMENTS

The procedure for approving applications for Lot Line Adjustments is regulated by California Government Code 66412(d):

A lot line adjustment between four or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created [shall be excluded from the provisions of the Map Act], if the lot line adjustment is approved by the local agency, or advisory agency. A local agency or advisory agency shall limit its review and approval to a determination of whether or not the parcels resulting from the lot line adjustment will conform to the local general plan, any applicable coastal plan, and zoning and building ordinances. An advisory agency or local agency shall not impose conditions or exactions on its approval of a lot line adjustment except to conform to the local general plan, any applicable coastal plan, and zoning and building ordinances, to require the prepayment of real property taxes prior to the approval of the lot line adjustment, or to facilitate the relocation of existing utilities, infrastructure or easements. No tentative map, parcel map, or final map shall be required as a condition of approval of a lot line adjustment. The lot line adjustment shall be reflected in a deed, which shall be recorded. No record of survey shall be required for a lot line adjustment unless required by Section 8762 of the Business and Professions Code.

Consistent with the above, any Lot Line Adjustment must comply with the following:

1. The Lot Line Adjustment must not increase any existing nonconformities, in terms of lot area, building setbacks, etc., or otherwise fail to comply with applicable zoning ordinance and building code standards. To confirm this, a property survey is needed to show the location of all structures, including porches, stairways and driveways, relative to existing and proposed lot lines. The property survey must also indicate the area (in square feet) of all existing and proposed lots.
2. If the Lot Line Adjustment will result in a reduction in the existing number of record lots, a Declaration of Lot Merger may be needed, in addition to the Lot Line Adjustment, in order to make clear the intent of the proposed action.
3. To facilitate the relocation of existing easements, a preliminary title report is needed to identify the easements, which should be located on the property survey.
4. To facilitate the relocation of existing utilities and infrastructure, the property survey must indicate the location of water lines and meters, sewer lines and cleanouts, storm sewers and storm drain inlets, overhead utility lines and poles, driveways, stairways and walkways serving the properties involved. If new easements are proposed instead of relocation, copies of any proposed easement documents must be submitted.

California Government Code Excerpt

Section 66412. Map Act Exclusions

66412. This division shall be inapplicable to any of the following:

- (a) The financing or leasing of apartments, offices, stores, or similar space within apartment buildings, industrial buildings, commercial buildings, mobilehome parks, or trailer parks.
- (b) Mineral, oil, or gas leases.
- (c) Land dedicated for cemetery purposes under the Health and Safety Code.
- (d) A lot line adjustment between four or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created, if the lot line adjustment is approved by the local agency, or advisory agency. A local agency or advisory agency shall limit its review and approval to a determination of whether or not the parcels resulting from the lot line adjustment will conform to the local general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances. An advisory agency or local agency shall not impose conditions or exactions on its approval of a lot line adjustment except to conform to the local general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances, to require the prepayment of real property taxes prior to the approval of the lot line adjustment, or to facilitate the relocation of existing utilities, infrastructure, or easements. No tentative map, parcel map, or final map shall be required as a condition to the approval of a lot line adjustment. The lot line adjustment shall be reflected in a deed, which shall be recorded. No record of survey shall be required for a lot line adjustment unless required by Section 8762 of the Business and Professions Code. A local agency shall approve or disapprove a lot line adjustment pursuant to the Permit Streamlining Act (Chapter 4.5 (commencing with Section 65920) of Division 1).

California Business and Professions Code Excerpt

8762. Record of Surveys

- (a) Except as provided in subdivision (b), after making a field survey in conformity with the practice of land surveying, the licensed surveyor or licensed civil engineer may file with the county surveyor in the county in which the field survey was made, a record of the survey.
- (b) Notwithstanding subdivision (a), after making a field survey in conformity with the practice of land surveying, the licensed land surveyor or licensed civil engineer shall file with the county surveyor in the county in which the field survey was made a record of the survey relating to land boundaries or property lines, if the field survey discloses any of the following:
 - (1) Material evidence or physical change, which in whole or in part does not appear on any subdivision map, official map, or record of survey previously recorded or properly filed in the office of the county recorder or county surveying department, or map or survey record maintained by the Bureau of Land Management of the United States.
 - (2) A material discrepancy with the information contained in any subdivision map, official map, or record of survey previously recorded or filed in the office of the county recorder or the county surveying department, or any map or survey record maintained by the Bureau of Land Management of the United States. For purposes of this subdivision, a "material discrepancy" is limited to a material discrepancy in the position of points or lines, or in dimensions.
 - (3) Evidence that, by reasonable analysis, might result in materially alternate positions of lines or points, shown on any subdivision map, official map, or record of survey

previously recorded or filed in the office of the county recorder or the county surveying department, or any map or survey record maintained by the Bureau of Land Management of the United States.

- (4) The location, relocation, establishment, reestablishment, or retracement of one or more points or lines not shown on any subdivision map, official map, or record of survey, the positions of which are not ascertainable from an inspection of the subdivision map, official map, or record of survey.
- (5) The points or lines set during the performance of a field survey of any parcel described in any deed or other instrument of title recorded in the county recorder's office are not shown on any subdivision map, official map, or record of survey.

Chapter 16.32 - LOT LINE ADJUSTMENTS

Sections:

FOOTNOTE(S):

--- (3) ---

Editor's note—Ord. No. 575, § 2, adopted December 3, 2012, amended Chapter 16.32 in its entirety to read as herein set out. Former Chapter 16.32, §§ 16.32.010—16.32.060, pertained to similar material, and derived from Ord. No. 282, 1982.

16.32.010 - Filing of lot line adjustment application.

The owners of real property may apply for a lot line adjustment between four (4) or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created, by filing an application with the planning director and upon payment of the required application fee.

(Ord. No. 575, § 2, 12-3-12)

16.32.020 - Submittal requirements.

- A. The applicant shall file with the planning director two full size sets and one reduced set suitable for recordation of a completely dimensioned, scaled site development plan, with bar scale, at a scale of not more than one inch equals one hundred feet (1" = 100'). The plan shall accurately locate all existing rights-of-way, easements and existing structures. The property lines indicated shall be obtained from existing recorded maps. The plan shall indicate all dimensions and courses of existing and proposed property lines, the assessor's parcel numbers, the zoning of the property, the area of each existing parcel, and the resultant area of the revised lots. The plan shall contain a certification by the licensed professional preparing the plan.
- B. Legal descriptions of the existing properties, of the portion of the property to be transferred, and of the affected properties reflecting the proposed lot line adjustment shall be submitted, to be used in the deed effecting the transfer. Descriptions shall also be provided for any existing or proposed easements.
- C. A preliminary title report shall be submitted to determine if any of the parcels are encumbered by a deed of trust or mortgage, the liens of which must be modified to correspond to the new lot line, so that a foreclosure will not create an illegal parcel, and to identify any existing easements.

(Ord. No. 575, § 2, 12-3-12)

16.32.030 - Actions by planning director.

- A. The planning director shall approve the application for a lot line adjustment if he or she finds the following:
 1. The parcels resulting from the lot line adjustment shall conform to the general plan, any applicable specific plan, and zoning and building ordinances and shall not increase the degree of noncompliance or otherwise increase the discrepancy between existing conditions and the requirements of the zoning ordinance, even though the resulting parcels may not fully comply with the development regulations of the applicable zoning district; and
 2. The lot line adjustment granted shall be subject to such conditions as necessary to facilitate the relocation of existing utilities, infrastructure, or easements.
 3. No record of survey shall be required for a lot line adjustment unless required by Section 8762 of the Business and Professions Code.

(Ord. No. 575, § 2, 12-3-12)

16.32.040 - Recordation.

Within one year of the date of approval, a signed and notarized approval of lot line adjustment form prepared by the planning director shall be recorded by the applicant, concurrent with any deed transferring property in compliance with the approved lot line adjustment.

(Ord. No. 575, § 2, 12-3-12)