

CITY OF BRISBANE

LOT LINE ADJUSTMENT/MERGER APPLICATION CHECKLIST

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.

- APPLICATION AND FEE - A completed planning application and filing fee. Refer to Line P43 or P45 of the Master Fee Schedule. Note: Planning fees are non-refundable.
 - Signatures of the legal owners of all of the affected properties** must be provided either on the application or on a separate written document authorizing the "APPLICANT" to submit the application on the owner's behalf.

In addition, a check made payable to "San Mateo County Clerk-Recorder" will be required to cover recordation fees (\$15 for the first page plus \$3 for each additional page) once the Lot Line Adjustment or Merger is approved.

- PROJECT DESCRIPTION - A complete project description, which shall include:
 - The assessor's parcel numbers and subdivision lot numbers of the lots in question
 - Zoning of the lots in question
 - Existing and resultant area (in square-feet) of the subject lots
 - Proposed floor area ratio, lot coverage, and building setbacks resulting from the proposed adjustment for each affected lot.
- DEVELOPMENT PLANS - Two (2) complete sets of development plans prepared in accordance with the Community Development Department's plan preparation guidelines (separate document), including:
 - Site Plan, including existing property lines and the proposed adjustment of such lines, easements, and utility lines (water, sewer, etc.)
 - Boundary Survey showing existing easements, rights of way, and structures for each affected property
 - One (1) complete set of development plans reduced to 11"X17".
 - An electronic copy of required plans in PDF or other acceptable file format. (Consult with the project planner.)

Note: Development plans may not be required for lot mergers. Staff may waive certain plan components based on the specific project proposal. Consult with staff prior to submittal to confirm required components. 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(s) so that a foreclosure will not create an illegal parcel, and to identify any existing easements. The report must be prepared within six months of application submittal.

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

CODE REFERENCES. Please refer to the State Subdivision Map Act [California Government Code §66412(d)] and Brisbane Municipal Code §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. The project planner will notify the applicant and affected property owners by mail to confirm the action taken. Contact the project planner if you do not receive such notification.

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 fee is required to make a formal appeal. Refer to line P46 of the Master Fee Schedule.

FOR FURTHER INFORMATION, PLEASE CONTACT THE COMMUNITY
DEVELOPMENT DEPARTMENT

Community Development Department Hours:
8 A.M - 5 P.M. Mondays, Tuesdays & Thursdays
8 A.M. – 8 P.M. Wednesdays
8 A.M. - 1 P.M. Fridays

Please call ahead to make an appointment.



**COMMUNITY DEVELOPMENT DEPARTMENT | CITY OF BRISBANE |
50 PARK PLACE | BRISBANE, CA 94005 | (415) 508-2120**

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 boundary survey must be prepared consistent with the Community Development Department's Plan Preparation Guidelines (separate document). The boundary 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 subdivision 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 must be located on the boundary survey.
4. To facilitate the relocation of existing utilities and infrastructure, the boundary 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.

LOT MERGERS

The procedure for approving applications for Lot Mergers is regulated by California Government Code § 66451.10 - 66451.24:

A local agency may, by ordinance which conforms to and implements the procedures prescribed by this article, provide for the merger of a parcel or unit with a contiguous parcel or unit held by the same owner if any one of the contiguous parcels or units held by the same owner does not conform to standards for minimum parcel size, under the zoning ordinance of the local agency applicable to the parcels or units of land and if all of the following requirements are satisfied:

(a) At least one of the affected parcels is undeveloped by any structure for which a building permit was issued or for which a building permit was not required at the time of construction, or is developed only with an accessory structure or accessory structures, or is developed with a single structure, other than an accessory structure, that is also partially sited on a contiguous parcel or unit.

(b) With respect to any affected parcel, one or more of the following conditions exists:

(1) Comprises less than 5,000 square feet in area at the time of the determination of merger.

(2) Was not created in compliance with applicable laws and ordinances in effect at the time of its creation.

(3) Does not meet current standards for sewage disposal and domestic water supply.

(4) Does not meet slope stability standards.

(5) Has no legal access which is adequate for vehicular and safety equipment access and maneuverability.

(6) Its development would create health or safety hazards.

(7) Is inconsistent with the applicable general plan and any applicable specific plan, other than minimum lot size or density standards.

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A merger of parcels becomes effective when the local agency causes to be filed for record with the recorder of the county in which the real property is located, a notice of merger specifying the names of the record owners and particularly describing the real property.

BMC §16.12.070 - Merger of parcels initiated by the property owner.

Contiguous parcels held by the same owner may be merged by recordation of a declaration of lot merger signed by the property owner and acknowledged by the planning director.