



Town of Moraga

Planning Department
 329 Rheem Boulevard
 Moraga, CA 94556

Phone: (925) 888-7040 Fax: (925) 376-5203

www.moraga.ca.us
planning@moraga.ca.us

For Staff Use Only

File #: _____

Deposit #: _____

LOT LINE ADJUSTMENT APPLICATION FORM

PROPERTY ADDRESS: _____ ZONING: _____

ASSESSORS PARCEL NUMBERS: _____

| APPLICANT INFORMATION | APPLICANT'S ENGINEER or SURVEYOR |
|-----------------------|----------------------------------|
| NAME: _____ | NAME: _____ |
| ADDRESS: _____ | ADDRESS: _____ |
| CITY/STATE/ZIP: _____ | CITY/STATE/ZIP: _____ |
| PHONE: _____ | PHONE: _____ |
| Email: _____ | Email: _____ |
| SIGNATURE: _____ | |

| PROPERTY OWNER (1) | PROPERTY OWNER (2) |
|-----------------------|-----------------------|
| NAME: _____ | NAME: _____ |
| ADDRESS: _____ | ADDRESS: _____ |
| CITY/STATE/ZIP: _____ | CITY/STATE/ZIP: _____ |
| PHONE: _____ | PHONE: _____ |
| Email: _____ | Email: _____ |
| SIGNATURE: _____ | SIGNATURE: _____ |

| PROPERTY OWNER (3) | PROPERTY OWNER (4) |
|-----------------------|-----------------------|
| NAME: _____ | NAME: _____ |
| ADDRESS: _____ | ADDRESS: _____ |
| CITY/STATE/ZIP: _____ | CITY/STATE/ZIP: _____ |
| PHONE: _____ | PHONE: _____ |
| Email: _____ | Email: _____ |
| SIGNATURE: _____ | SIGNATURE: _____ |

LOT LINE ADJUSTMENT PROCEDURES:

A lot line adjustment is where land taken from one parcel is added to an adjoining parcel and where a greater number of parcels than originally existed are not thereby created. Article 1, Section 66412(d) of the Subdivision Map Act defines the circumstances under which lot line adjustments may be approved by a local agency, without filing a tentative map, parcel map or final map. On January 1, 2002 the State Legislature amended Section 66412(d) to limit the manner in which lot line adjustments can be used, as follows:

1. *Lot line adjustments can only be between four or fewer parcels.*
2. *The parcels must be adjoining.*
3. *The adjusted parcels must conform to the general plan, zoning and building ordinances.*

After the legal descriptions of the parcels and other supporting documents are accepted by the Town Engineer, the lot line adjustment is usually approved administratively by the Planning Director and a Certificate of Compliance is prepared. Occasionally, a lot line adjustment application may be referred to the Planning Commission if general plan or zoning issues are involved, such as setback standards for properties in the "Open Space" district. Conditions may be imposed to make the lot line adjustment conform to the general plan, zoning and building ordinances or to facilitate the relocation of existing utilities, infrastructure, or easements. After approval by the Town, the deed descriptions of the adjusted parcels must be recorded to show the lot line adjustment in the chain of title. If one or more of the parcels affected by a lot line adjustment is encumbered by a deed of trust, a mortgage, or a lien for a special assessment, the instrument should be amended to reflect the new lot lines to avoid creation of an illegal lot if the lender forecloses.

PURPOSE OF PROPOSED LOT LINE ADJUSTMENT:

GENERAL PLAN AND ZONING INFORMATION:

1. Is the property in an Open Space Zoning District?.....(YES / NO)
 If the answer is “no”, then go to question 2.
 - a. If the project is in MOSO open space you will need to show the approved building cell boundaries and building setbacks on the site plan.
 - b. If no site development standards have been established for the property you need to apply for a Use Permit.

2. Zoning District for subject properties: _____.
 Complete the two tables below for lot area and building setbacks. If you do not know the required minimum lot size or building setbacks for the properties, you may obtain this information from the Planning Department. If there are more than two lots, include the information for the additional lots on a separate sheet of paper.

| Lot Areas | Address of Parcel 1 | | Address of Parcel 2 | |
|---------------------|---------------------|----------------|---------------------|----------------|
| | Area before LLA | Area after LLA | Area before LLA | Area after LLA |
| Lot Areas (Sq. Ft.) | | | | |

| Building Setbacks | Address of Parcel 1 | | Address of Parcel 2 | |
|--------------------|---------------------|-------------------|---------------------|-------------------|
| | Required Setback | Setback after LLA | Required Setback | Setback after LLA |
| Front Yard | | | | |
| Minimum Side Yard | | | | |
| Sum of Side Yards | | | | |
| Exterior Side Yard | | | | |
| Rear Yard | | | | |

3. Is the property subject to a Land Use Permit, Covenants, Conditions and Restrictions (C.C.& R’s), Deed Restrictions or easements?(YES / NO)
 If the answer is “no”, then go to question 4; otherwise, determine the following:
 - a. If the property is subject to conditions in a Land Use Permit, review and determine whether the project is in compliance with the conditions. If not, you would need to alter the design to comply or file an application for the Planning Commission to consider an amendment to the Use Permit.
 - b. If the property is subject to C.C.& R’s and an active Homeowners Association (HOA) has jurisdiction over the project site, then the applicant shall submit verification that the HOA has

approved the plans. Active Homeowner Associations include Condominium and Townhouse Associations and some single family residential associations, such as the Moraga Country Club and Sanders Ranch.

- c. If one of the properties involved in the lot line adjustment is owned by a Homeowners Association (HOA), then you will need notarized signatures from at least two HOA Board members authorizing the proposed adjustment in the property line.
 - d. If the property is subject to Deed Restrictions or easements, you must show any building restrictions or easements on the lot line adjustment maps. Typical easements to look for include drainage easements for creeks and scenic easements on steep slopes or along scenic corridors.
4. The following questions pertain to impacts that the project may have on the existing driveway or on site parking facilities. (Section 8.76.100 of the Municipal Code)
- a. Will the street frontage of any adjusted parcel be less than 45 feet?(YES / NO)
 - b. If “yes” to question 4a above, are there at least 2 guest parking spaces on the lot in addition to the required 2 covered parking spaces?(YES / NO)
- NOTE: If your answer to question 4b is “no”, you will need to apply for a parking “modification” to the Planning Commission after review and a recommendation by the Design Review Board.
5. Will the proposed lot line adjustment involve any encroachment of structures into a drainage easement or creek channel area?(YES / NO)
If “no”, go to question 6. NOTE: If “yes”, review will be required by the California Department of Fish and Game and a Drainage Easement Encroachment Permit will be required, with review by the Town Engineer, and approval by the Town Council.
6. Does the proposed lot line adjustment include the construction of any new fences?(YES / NO)
If “yes”, answer the questions below:
- a. Is any fencing to be relocated on top of a retaining wall as a result of the LLA?.....(YES / NO)
If “yes”, the maximum combined height of the fence and retaining wall is 8 feet and if the total height of the fence and retaining wall is more than 6-feet, it would have to be submitted to the Design Review Board for approval.
 - b. Will there be any fencing higher than 6 feet?(YES / NO)
If “yes” the fence will require a building permit. The Design Review Board may consider approval of fencing no higher than 7-feet 6-inches. If the fencing is higher than 7-feet 6-inches, then a variance is required from the Planning Commission.

LOT LINE ADJUSTMENT SUBMITTAL REQUIREMENTS:

The following list includes all of the items you must submit for a complete lot line adjustment application. If you are not sure if a specific requirement applies to your project, please ask the planning staff. A copy of this list will be used to check your application for completeness after it is submitted. If your application is not complete, a copy of the list will be returned to you with additional requirements noted. Any omissions or erroneous information could delay the processing of the application.

- 1. Completed Application Form. All property owners involved in the lot line adjustment(s) must sign the application form. The names, addresses and telephone numbers of the property owners, applicant, and others involved with the application, such as the applicant’s engineer or surveyor shall be included on the application form. An email address is also very helpful to help speed the processing of the application if additional information is needed.

- 2. A deposit of \$4,000.00 is currently required for review of a lot line adjustment application. Please note that the applicant is responsible for all costs incurred by the Town in processing the application. If at any time during the review process, the amount remaining on deposit is insufficient to cover the cost of further review, the applicant will be requested to submit additional funds in order for processing of the application to continue.

- 3. A statement from all parties with vested interests in the affected property indicating acceptance of the proposed lot line adjustments. This would include any lien holders, mortgage companies, etc., as they need to be aware of the impact on the property over which they are holding a mortgage. If any of the property owners is a corporate body, such as a homeowners association, then at least two members of the Board of Directors shall sign a resolution approving the proposed lot line adjustment and the signatures shall be notarized.

- 4. A written statement from the applicant (or representative) stating reasons for the lot line adjustment and identifying the subject parcels by parcel number, ownership, address etc. Please note that a lot line adjustment cannot be approved if it will reduce the area of any lot smaller than the minimum lot size required in the zoning district or create any variance conditions, such as a building setback that is less than that required in the zoning district. However, an applicant may apply for a lot line adjustment to avoid the need for a variance. The written statement shall also describe any easements on the property that would be affected by the proposed lot line adjustment and any improvements on the property, including subsurface improvements such as drainage pipes that will need to be relocated as a consequence of the lot line adjustment.

- 5. A letter from the current property owner(s) stating whether he/she had any knowledge of a violation of the Subdivision Map Act or Moraga Subdivision Ordinance.

- 6. If the proposed lot line adjustment has any impact to an existing public utility easement, drainage easement with a natural creek channel, or access easement, the applicant shall have their application reviewed by the applicable agencies listed below to assure compliance with the requirements of those agencies prior to submittal to the Planning Department. An applicant shall also submit any comments from these agencies with regard to the application.
 - Pacific Gas & Electric
 - Contra Costa County Central Sanitary District
 - East Bay Municipal Utility District
 - Other Public Utility (i.e. Pacific Bell, Cable TV, etc.)
 - Moraga-Orinda Fire District (Access Easement Alteration)
 - California Department of Fish and Game (Creek Channel Alteration)

- 7. Two (2) copies of the Lot Line Adjustment site plan, drawn to scale. The Lot Line Adjustment site plan shall include the following information:
 - The site plan shall be identified as **EXHIBIT A** in large typeface at the top of the plan.
 - The site plan shall include dimensioned lot lines, with bearings, for both the existing and proposed property lines for all parcels involved in the Lot Line Adjustment.
 - The scale of the drawing shall be noted on the plan (a standard engineer's scale should be used). The site plan should be drawn at a large enough scale to legibly show the dimensions of the property and the setbacks of buildings and structures on the lots.
 - The land area to be transferred and resultant net parcel sizes shall be indicated.
 - The assessor parcel numbers of each existing parcel shall be shown on the site plan.
 - North arrow (with plan oriented so north points to top of sheet).
 - Add signature blocks for the Town Engineer and Zoning Administrator as shown below:

REVIEWED BY:

MORAGA TOWN ENGINEER DATE

REVIEWED BY:

ZONING ADMINISTRATOR DATE
TOWN OF MORAGA

- The Lot Line Adjustment site plan should include the stamp and signature of the licensed surveyor or civil engineer that prepared the drawing; however, site plan does not have to be a survey map of the properties unless the applicant wants to install permanent property line markers.
 - Show boundaries of existing easements and identify the purpose of the easements, such as drainage, access, sanitary sewer or scenic easements.
 - If the lot line adjustment involves any property or easements owned by the Town of Moraga, the application will require review by the Town Council and staff will request six (6) additional copies of the site plans after the application is deemed complete.
8. Existing legal description of each parcel involved in the lot line adjustment. This should be from the most recent Title Report for the properties or the County Recorders Office.
9. Proposed Legal Descriptions of the “adjusted” parcels and closure calculations prepared by a licensed surveyor or civil engineer.
- The new “adjusted” parcel Legal Descriptions shall be identified as **EXHIBIT B** in large typeface at the top of the page.
 - If the size of the parcel is increasing in area, then the legal description would be for the entire parcel including the land that is transferred from another parcel or parcels.
 - If the size of the parcel is decreasing in area, then the legal description would be for the remaining parcel after a portion of the land is transferred to another parcel or parcels.
 - The legal description of each adjusted parcels shall include the signature blocks for the Town Engineer and Zoning Administrator as follows:

REVIEWED BY:

MORAGA TOWN ENGINEER DATE

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- 10. Other plans, such as proposed building or fencing plans, that have a bearing on the proposed lot line adjustment and any information deemed necessary by the Planning Department to make a determination that the adjusted parcels will be in conformance with the general plan and zoning ordinance.