

CHAPTER 10.64

LOT LINE ADJUSTMENTS

10.64.010 Purpose and Applicability

The Lot Line Adjustment process allows Zoning Administrator level of review for adjusting lot lines. In addition to the general purposes of this Title, the specific purposes of establishing procedures and a framework for Lot Line Adjustments are as follows:

- A. To provide an administrative level of review of applications to adjust lot lines between existing legal lots of record;
- B. To ensure adjustment of lot lines between existing legal lots of record does not result in an increased number of lots, nor increased development potential;
- C. To ensure resultant lots and applicable improvements fully comply with Title 8 (Environmental Protection) and this Title 10;
- D. To ensure resultant lots conform to the applicable physical requirements and use regulations of Chapters 10.20 through 10.28 (Zoning District Regulations), 10.40 (General Development Regulations), and 10.44 (Specific Use Requirements); and
- E. To prevent an increase of any pre-existing non-conformity to zoning requirements.

10.64.020 Authority

The Zoning Administrator may approve, conditionally approve or deny a Lot Line Adjustment application, unless otherwise restricted by State law. The Planning Commission shall review and have the authority to approve, conditionally approve or deny a Lot Line Adjustment application for any proposal that requires Planning Commission approval for an additional application for the same project or that requires an exception to Section 10.40.030 (Minimum Parcel Requirements), including exceptions to rectilinear lot requirements, unless otherwise restricted by State law.

10.64.030 Applications

Applications for Lot Line Adjustments shall include all information specified by Section 10.50.030 (Required Application Procedure) and by resolution of the Planning Commission. Submittal shall also include the following:

- A. Legal descriptions of each of the lots and statements of the areas contained therein.
- B. Title reports verifying the descriptions and vestees, when determined necessary by the Community Development Director.
- C. Preliminary record of survey map prepared by a California registered civil engineer or land surveyor.

- D. Topographic contour map showing natural grade at two foot (2') contour intervals.
- E. Zoning and building data map drawn to scale, which may be a copy of the preliminary record of survey map. Map shall show all existing buildings and other structures; all existing and proposed driveways; all existing and proposed parking spaces; all existing and proposed retaining walls; and the location and size of all existing trees that are defined as protected trees by Chapter 11.12 of the Sausalito Municipal Code.

10.64.040 Public Notice and Hearing

Public notice and public hearing are required prior to approval of Lot Line Adjustments, pursuant to Chapter 10.82 (Public Hearings.) The Zoning Administrator shall conduct a public hearing.

10.64.050 Findings

The Zoning Administrator may approve an application for a Lot Line Adjustment if the following findings can be made:

- A. No new lots will be created.
- B. Lot Line Adjustment will not increase development potential of affected parcels.
- C. Resultant lots conform with all applicable requirements of this Title 10, including shape, orientation to public right-of-way, use, open space, setbacks and bulk requirements; OR
- D. When existing lots do not conform with all applicable physical and use requirements of this Title 10, the resultant lots will not increase pre-existing non-conformities.
- E. Resultant lots will not create new non-conformities with this Title 10.
- F. Resultant lots will be adequate in size and shape to accommodate the uses permitted in the applicable district and all yards, open spaces, walls and fences, vehicular access, parking, landscaping and other features required by this Title.
- G. Proposed lots will be compatible with the uses and structures normally permitted in the surrounding area.
- H. The proposed lot line configuration will not adversely affect the abutting property or its permitted use.
- I. The proposed lot lines are properly located relative to the adjoining properties, other properties in the vicinity and the public street right-of-way.

10.64.060 Conditions of Approval

The Zoning Administrator may attach any necessary Conditions of Approval to ensure resultant lots will be in compliance with applicable requirements of Title 8 (Building Code) and this Title 10.

10.64.070 Notice of Decision

Zoning Administrator decision shall be in the form of a written resolution, which shall include findings on which the decision was based, applicable conditions of approval and a summary of the appeal process. Written decision shall be mailed to the applicant.

10.64.080 Effect of Failure to Give Notice

No action, inaction or recommendation regarding any development by the Zoning Administrator shall be held void or invalid or be set aside by any Court by reason of error or omission pertaining to the notices, including the failure to give any notice required by this section. Any determination of error or omission shall require Court examination of the entire case, and that such error or omission cause a different result than would have been probable if such error or omission had not occurred or existed. There shall be no presumption that the error or omission is prejudicial or that injury was done if error or omission is shown.

10.64.090 Appeals

All decisions of the Zoning Administrator may be appealed to the Planning Commission within ten (10) days of the decision date. All appeals shall be in writing and shall be submitted and processed in accordance with Chapter 10.84 (Appeals) of this Title.

10.64.100 Effective Date of Approval

Lot Line Adjustment shall become effective ten (10) days after the decision is rendered, provided no appeal has been filed.

10.64.110 Approval to Run With Land

Any Lot Line Adjustment approval shall run with the land and shall be valid whether or not there is a change of ownership of the site or structure to which it applies.

10.64.120 Expiration

Lot Line Adjustments are valid for one year unless a different expiration date is stipulated at the time of approval, the Lot Line Adjustment has been recorded , or the Lot Line Adjustment has been renewed or extended.

10.64.130 Planning Commission Referrals

Applications for a Lot Line Adjustment shall require Planning Commission review and approval when (a) an Exception (pursuant to Section 10.40.030 (Minimum Parcel Requirements) is required, or (b) a Variance which requires Planning Commission review and approval is required. Hearing and other procedures shall be the same as that required for a Variance requiring Planning Commission approval