

Date: October 8, 2002
To: Planners and Technicians
From: Dale Ellis
Subject: Lot Line Adjustments Involving Lots Nonconforming as to Size

Effective January 1, 2002, Government Code Section 66412 (d) excludes from the Map Act a lot line adjustment between *four or fewer* existing *adjoining* parcels as long as the requirements contained in Section 66412 (d) are met. In considering such LLA's, the general plan and coastal plan must now be considered. The law now requires local agencies or advisory agencies to "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, as specified."

The key issue is that to approve an LLA, we must find that the resulting lots conform to zoning and with the applicable plan. Therefore:

1. If there is a way to adjust the lot lines so that the resulting lots conform to minimum lot size that reconfiguration must be required. In the Coastal Zone a Coastal Development Permit and a LLA application will be required. Outside the Coastal Zone, only a LLA application will be required.
2. If the existing lots do not meet minimum lot size requirements and there is no way to adjust the lot lines so that the resulting lots become conforming as to size, a LLA may be allowed as long as the resulting parcels are compatible with, and do not obstruct, the objectives and policies of zoning and the applicable plans. These applications will be considered on a case by case basis. Factually-supported findings must be made to this effect. In the Coastal Zone a Coastal Development Permit and a LLA application will be required. Outside the Coastal Zone, only a LLA application will be required.

Findings for conformity to the applicable plan should be specific and detailed in explaining the situation and how, in spite of the non-conforming lot size, the LLA conforms to the applicable plan.

Conformity with the applicable plan should be viewed in light of the overall goals, objectives and policies of the plan. Non-conforming lot size is generally a major consideration in whether a lot is compatible with the goals and objectives of zoning and the applicable plan. Any LLA application resulting in lots non-conforming as to size must be considered individually on its own merits and the conformity to the applicable plan documented with detailed findings.