



CITY OF ENCINITAS
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CERTIFICATE OF COMPLIANCE/LOT MERGER- APPLICATION SUPPLEMENT AND SUBMITTAL CHECKLIST

A certificate of compliance is recorded following a legal lot determination or to complete a lot merger. They are also recorded to complete lot line adjustments/lot consolidations and parcel map waivers (condominium conversions). For lot line adjustments/lot consolidations and parcel map waivers, please see the separate applicable Application Supplement and Submittal Checklists.

All submittal items shall be provided in digital portable document format (PDF), meet the City's Document Submission Standards/File Category and be named in accordance with the required File Naming Conventions. See Planning Application Guide, Document Submission Standards & File Naming Conventions Guidelines on the Customer Self Service (CSS) Homepage found [here](#).

1. General Submittal Requirements

- All items in the **General Planning Application Checklist** - except the Stormwater Intake Form and Housing Application Supplement with Income Verification Form.
- Additional items, based upon project scope, as outlined below:

2. Certificate of Compliance – for a Lot Merger¹

A. Proposed project scope:

- **Finalize a lot merger involving four lots or less.**

Required intake appointment items:

- Preliminary Title Report (6 months or less old)
- Plat Map
- New legal description (reflecting the lot merger)
- Closure Calculations
- New grant deed (reflecting the lot merger)

Required Drawing Elements

1. **Plat Map:** Plat map of Record of Survey (ROS) quality for recordation prepared, signed, and stamped by a California-licensed surveyor or civil engineer. Plats shall be provided in a format acceptable to the City Engineer.
2. **Legal description:** Legal description of newly created parcels prepared, signed, and stamped by a California-licensed surveyor or civil engineer. Certificates of Compliance for written confirmation that a parcel or lot is legal may not require a legal description to be prepared by a California-licensed surveyor or civil engineer. A legal description must be an original or clear copy with 1.5-inch margins on all sides.
3. **New grant deed:** If the legal description prepared for a certificate of compliance for a lot merger is different from the existing grant deed, provide a new grant deed reflecting the new legal description for the lot merger.

Lot Merger Process

Chapter 24.76 (Lot Mergers) of the Municipal Code contains the explanations and procedures for Lot Mergers. The purpose of this document is to condense and summarize these procedures to help in initiating and completing the lot merger process. This guide is a summary and should not be used as a complete substitute for reviewing Chapter 24.76 for more exhaustive details.

Lot Merger – Application Process Summary

1. Plat map, new legal description, and new grant deed (when required) are routed to the City Engineer (or designee) for technical review to determine if the instruments are complete, correct, and in order.
2. Planning staff reviews the plat map, new legal description, and new grant deed (when required) for zoning compliance, and compliance with any other applicable rules, regulations, and/or conditions.

Lot Merger - Approval of Application

The application for a lot line merger shall not be approved unless the parcels resulting from the merger meets the criteria below.

Pursuant to the procedures prescribed Chapter 24.76, the City of Encinitas may 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, applicable to the parcels or units of land under the Zoning and Development Code of the City; 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, so that no buildable site is possible.
 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 City of Encinitas General Plan, and any applicable specific plan, other than minimum lot size or density standards.
- C. For purposes of determining whether contiguous parcels are held by the same owner, ownership shall be determined as of the date that notice of intention to determine status is recorded.

D. This chapter shall not apply if one of the following conditions exist:

1. On or before July 1, 1981, one or more of the contiguous parcels or units of land is enforceably restricted open-space land pursuant to a contract, agreement, scenic restriction, or open-space easement, as defined and set forth in Section 421 of the Revenue and Taxation Code.
2. On July 1, 1981, one or more of the contiguous parcels or units of land is timberland as defined in subdivision (f) of Section 51104, or is land devoted to an agricultural use as defined in subdivision (b) of Section 51201.
3. On July 1, 1981, one or more of the contiguous parcels or units of land is located within 2,000 feet of the site on which an existing commercial mineral resource extraction use is being made, whether or not the extraction is being made pursuant to a use permit issued by the local agency.
4. On July 1, 1981, one or more of the contiguous parcels or units of land is located within 2,000 feet of a future commercial mineral extraction site as shown on a plan for which a use permit or other permit authorizing commercial mineral resource extraction has been issued by the local agency.

For purposes of paragraphs 3 and 4 of this subsection, mineral "resource extraction" means gas, oil, hydrocarbon, gravel, or sand extraction, geothermal wells, or other similar commercial mining activity.

Final Completion of the Certificate of Compliance for the Lot Merger

Prior to the recordation of the certificate of compliance:

1. The Director, or designee, determines that the applicant has complied with all requirements contained within Chapter 24.76.
2. The applicant submits one copy of the following items for final review by the Director (or designee):
 - a. Lot merger plat map
 - b. New grant deed with the new legal description (reflecting the lot merger)
3. The City Engineer reviews the final documents to ensure their correctness and provides written confirmation to the Director (or designee) that the final plat, legal description and grant deed are correct and ready for recordation.
4. The applicant submits one wet-signed and stamped original copy of the approved lot merger plat, approved new grant deeds and approved new legal description (reflecting the lot merger).
5. Approved new grant deeds are recorded and conformed copies submitted to the Director (or designee) prior to the recordation of the certificate of compliance.
6. The Director (or designee), prepares and records the certificate of compliance at the expense of the applicant.
7. In some circumstances, with prior Planning approval, the approved deeds and certificate of compliance may be recorded concurrently. In this instance, the new deeds would be recorded first, and the certificate of compliance recorded after. All document recordation expenses will be covered by the applicant. Conformed copies of all recorded documents are then delivered to Planning staff.

FOOTNOTES:

¹If the project requires other discretionary application types (coastal development permit, use permit, etc.) and the intake submittal requirements overlap, only one of the duplicate submittal items is required for the project submittal.