

CITY OF ENCINITAS
Development Services Department
505 S. Vulcan Ave
Encinitas, CA 92024
www.encinitasca.gov
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LEGAL LOT DETERMINATION/ CERTIFICATE OF COMPLIANCE - APPLICATION SUPPLEMENT AND SUBMITTAL CHECKLIST

1. Legal Lot Determination - General Submittal Requirements

- Service Request Application and fee. (See attached application below).
- Grant deed
- Preliminary title report
- Property chain of title
- Analysis from a land surveyor summarizing how it is a legal lot
- Other items, as requested by the planner, to assist with compliance with the Legal Lot Determination policy. (See policy below).

A. Legal Lot Determination Policy & Purpose:

Purpose:

Establish guidelines to be used in determining if a parcel was legally created when issuing a building permit or accepting applications to develop a property.

Policy:

When a parcel complies with the minimum zoning area requirements, one of the following may be acceptable as evidence of legal parcel with certain exceptions. (See Section A - below.)

1. A lot shown on a Final Map. (Major Subdivision Map)
2. A lot or parcel shown on a Record of Survey approved by the Board of Supervisors or the Planning Commission of the County of San Diego.
3. A parcel shown on a Parcel Map or Certificate of Compliance recorded in lieu of a Parcel Map.
4. A parcel described in a recorded Certificate of Compliance.
5. A parcel shown on an approved Division of Land Plat.
6. A parcel shown on a Lot Legalization Plat. (Used as evidence of legal parcel prior to Certificate of Compliance).
7. A parcel shown on an approved Boundary Adjustment Plat.
8. A parcel described in a Grant Deed or other bonafide conveyance document recorded prior to March 4, 1972. The deed/document does not have to be in the name of the present owner. However, it must describe the perimeter boundaries of the subject property and no other contiguous property. (See paragraph C. on page 2.)
9. A parcel which is completely surrounded by lots already determined to have been legally created.

A. Exceptions to this policy are as follows:

1. A recorded Subdivision Map (Major or Minor) invalidates any and all underlying lots or parcels previously established by any other legal means.
2. A Deed recorded prior to March 4, 1972, as a Condition of Approval of a Boundary Adjustment does

not constitute a legal lot for the exchange of land as shown on the plat.

3. A Deed recorded prior to March 4, 1972, which would have caused a Major Subdivision to be recorded by the Grantor (five or more lots).
4. A Parcel which, in the Department's opinion, based on design, size, lack of public services, etc., was not intended as a building site.

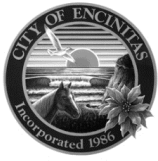
B. A Certificate of Compliance must be requested and obtained for:

1. Any parcel meeting A.4 through A.9, above which subsequently merged with adjacent parcels as a result of some action taken by the County of San Diego or City of Encinitas.
2. Any request for a Legal Parcel determination that involves an interpretation of the Map Act and/or City Subdivision Ordinance.
3. Any parcel which, in the Department's opinion, based on design, size, lack of public services, etc., was not intended as a building site.
4. Any determination involving more than a routine staff review and decision.
5. Any request for a written determination.

C. Undersized Parcels:

When a parcel does not meet minimum zoning area requirements, it will be necessary to verify that it complies with Section 30.76.080 of the Municipal Code, including:

1. The parcel was created by A.1 through A.7 above; or
2. The parcel was described on a recorded Grant Deed or other bonafide conveyance document recorded prior to the date the parcel was first zoned the zone classification which caused it to be undersized. The Deed or document must also be recorded prior to March 4, 1972 (see paragraph C.3 and C.4, above). If the parcel was created by Deed, recorded prior to March 4, 1972, but in violation of the Zoning Ordinance, the owner must be successful in obtaining a zone reclassification or a zone variance.



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SERVICE REQUEST APPLICATION

Application No.: _____

Complete the following information and submit with the applicable fee to the Planning Division at planning@encinitasca.gov. Attach a thorough description of the request and briefly describe here:

PROPERTY:

Address: _____ APN: _____

Between _____ And _____
(Street) (Street)

PROPERTY OWNER: (Check box for contact preference: email, home phone, etc.)

Company Name: _____ Business Phone: _____

Name: First: _____ Middle: _____ Last: _____

Email: _____ Home Phone: _____ Mobile Phone: _____

Address: _____

City: _____ State: _____ Zip: _____

APPLICANT: Same as PROPERTY OWNER (Check box for contact preference: email, home phone, etc.)

Company Name: _____ Business Phone: _____

Name: First: _____ Middle: _____ Last: _____

Email: _____ Home Phone: _____ Mobile Phone: _____

Address: _____

City: _____ State: _____ Zip: _____

ENGINEER / ARCHITECT: (Check box for contact preference: email, home phone, etc.)

Company Name: _____ Business Phone: _____

Name: First: _____ Middle: _____ Last: _____

Email: _____ Home Phone: _____ Mobile Phone: _____

Address: _____

City: _____ State: _____ Zip: _____

Signature, Owner, or Authorized Agent (Attach letter of authorization)

Date

Please Print or Type Signatory's Name

3. Certificate of Compliance - General Submittal Requirements¹

A certificate of compliance is recorded following a legal lot determination.³

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](#).

- 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:

4. Certificate of Compliance – (Recorded following Legal Lot Determination)

A. Proposed project scope:

- **Formalize legal lot determination²**

Required intake appointment items:

- Preliminary Title Report (6 months or less old)
- Plat Map
- Legal description
- Grant deed

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 the parcel that is 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. **Grant deed:** Provide a grant deed reflecting the current property ownership and legal description for parcel.

Certificate of Compliance Process

Certificate of Compliance – Application Process Summary

1. Prior to the acceptance and review of the Certificate of Compliance application, a Legal Lot Determination request is reviewed by Planning and Engineering staff to determine if the parcel of land was legally created. This is a separate review and application from the Certificate of Compliance submittal.²
2. Plat map, legal description, and grant deed are routed to the City Engineer (or designee) for technical review to determine if the instruments are complete, correct, and in order.
3. Planning staff reviews the plat map, legal description, and grant deed for zoning compliance, and compliance with any other applicable rules, regulations, and/or conditions.

Final Completion of the Certificate of Compliance

Prior to the recordation of the certificate of compliance:

1. The applicant submits one digital copy of the following items for final review by the Director (or designee):
 - a. Plat map
 - b. Legal description
2. The City Engineer reviews the final documents to ensure their correctness and provides written confirmation to the Director (or designee) that the final plat and legal description are correct and ready for recordation.
3. The applicant submits one wet-signed and stamped original copy of the approved plat map, and approved legal description.
4. Approved new grant deeds are recorded and conformed copies submitted to the Director (or designee) prior to the recordation of the certificate of compliance.
5. The Director (or designee), prepares and records the certificate of compliance at the expense of the applicant.
6. 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 next. 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.

²A determination of legal parcel requires planning review prior to the submittal of the Certificate of Compliance application. Please see attached Service Request application.

³A Certificate of Compliance is also recorded to complete lot line adjustments/lot consolidations, lot mergers, and parcel map waivers for condominium conversions. For lot line adjustments/lot consolidations, lot mergers, and parcel map waivers, please see the separate Application Supplement and Submittal Checklists for the applicable submittal type.