

**City of Oceanside
Engineering Division**



VOLUNTARY LOT MERGER

PART A: GENERAL INFORMATION

WHAT IS LOT MERGER

A lot merger is another form of lot line adjustment. It is a boundary adjustment between parcels, where the land from two or more contiguous parcels under same ownership are merged in to one or more parcels, where number of parcels created are less than originally existed, and where a greater number of parcels than originally existed are not thereby created.

A lot merger, as defined by Subdivision Map Act, in combination with Certificate of Compliance may be filed in the City of Oceanside.

PART B: CRITERIA FOR ACCEPTANCE

An application for a voluntary lot merger may be accepted when it can be determined that the proposal complies with the following specifications:

1. The lots/parcels to be merged must all have the same ownership and consists of legal lots or parcels per the Subdivision Map Act and is shown on the latest equalized county assessment roll as a contiguous unit.
2. **The parcels to be merged must all have the same ownership.**
3. Any land taken from one parcel will be added to an adjoining parcel and no additional parcels will result from the lot merger.
4. The lot merger complies with the requirements of the California Environmental Quality Act.
5. The proposed lot(s) is/are consistent with the General Plan, Specific Plan and any applicable Coastal Plan.
6. The proposed parcels created by the lot merger shall comply with all applicable zoning regulations and subdivision requirements and there will be no change in the land use or density of the property.
7. The lot merger in of itself will not result in the need for additional improvements and or facilities.
8. No dedication or public improvements required.
9. There is sufficient boundary information of record that makes the existing boundary line of all parcels being adjusted readily retraceable or established.

PART C: PROCEDURE

2. Interested parties should meet with a member of the Planning and Engineering Divisions to determine whether the proposed lot merger complies with all applicable State and City laws, ordinances and regulations. The owner(s) should determine zoning, setbacks, minimum lot size, vehicular access and lot coverage governing their parcel and whether the property is located in the Coastal Zone and any Special Flood Hazard Area (SFHA).
3. The applicant shall prepare and complete the application; applicable forms and exhibits required for submittal and attach all required items. **Please note that an incomplete submittal will not be accepted.** The legal owner(s) of the parcel(s) involved will be responsible for the accuracy of all information submitted in connection with this application.
4. Once a complete submittal has been filed and fees paid the project is assigned to a plan checker to review all supporting documents and the technical accuracy. A copy of all documents will be distributed to Planning Division and Water/Utility Department for their review and comments. All comments/corrections if any will be forwarded to the Engineer/Surveyor of record. Final submittal of corrected and approved documents shall have applicable wet signatures and notary certifications attached.
5. Prior to recordation and after the City's initial review, the California Coastal Commission may have to approve the lot merger if the property is located in the Coastal Zone. **Please check with Planning Division to find out if property is in the Coastal Zone** and meets all the requirements and is in compliance with the California Coastal Act. Lot merger will not be approved until a written approval of Coastal Commission has been submitted to the City when it is applicable.
6. Completed approved documents will be signed by City Treasurer, Planning, Water/Utility Department and City Engineer. The applicant's Title Company shall arrange for the lot merger, notice of merger and lot merger grant deeds to be filed/recorded concurrently/sequentially with the San Diego County Recorder's Office. Surveyor/Engineer preparing the map shall provide recording instructions.

NOTE: Lot merger will not be effective until all required documents are recorded. It is the applicant's responsibility to record all documents. The Lot Merger shall be effective when the certificate of compliance and deed(s) has/have been recorded. No building permit shall be issued for development on any lot included in the lot merger prior to recordation.

PART D: SUBMITTAL REQUIREMENTS

All application forms and samples are available at the front counter of the Engineering Division or at City website <http://www.ci.oceanside.ca.us/engineering>
Please e-mail to Engineering Front Desk Staff at engineeringstaff@ci.oceanside.ca.us, for additional information and copy of digital files for Application Form, Submittal Requirement, Grant Deed, COC and Pro-Forma Deed.

Note: for better understanding and clarification please see attached samples and refer to the City of Oceanside Engineers Design and Processing Manual.

1. **Voluntary Lot Merger Application**
The application must be filled out completely. Please describe the reason why a Lot Merger and COC are needed and include a brief history on how the lots were created. The owner's name(s)

have to appear exactly as it is shown on the record deed (Title). The record owner(s), including Trustee(s) when applicable, etc. of all parcels involved must sign the application form before a Notary Public and attach California All Purpose certificate of acknowledgment. Include the Assessor's Parcel Number (APN) for each parcel, a statement of the existing zoning and proposed use, existing and proposed lot coverage of each lot.

2. Notice of Lot Merger

This form must be completed, signed and notarized by all owners and trustees of any existing deeds of trust. It must include the legal description of the existing parcels participating in the lot line adjustment/lot merger application.

3. Information Sheet (second sheet of the application)

This form should be filled completely with; contact information for all the involved parties, zoning and information about the existing and proposed lot coverage and density to help the plan checker with the review process. Planning Department should review and verify this information.

4. Preliminary Title Report(s)

A preliminary Title Report (Not more than 30 days old) covering every parcel included in lot merger. Copy of Vesting Grant Deed(s) if title to the property changed from the date title report was processed.

5. Chain of Title/Lot Creation History

If the parcel was not created by a map then provide chain of title. You need to provide information as to how this lot was originally created and who owned it. Copy of vesting deed(s) must be submitted for each lot when it was first created and when the present owner acquired title for each parcel being adjusted in the COC.

7. Assessors Map

A copy of the most recent assessors map book page(s) covering the entire site and adjoining lots.

Please note: Each of the exhibits below shall be prepared, signed and stamped by a licensed engineer/surveyor. Faxed copies will not be accepted. All forms must be typed.

8. Certificate of Compliance (COC) Form (includes exhibits "A" & "B" below)

The Certificate of Compliance (COC) shall be prepared in a standard form as set forth by the City. The owner's name(s) and title have to appear exactly as it is shown on the record deed. After the approval of the LLA and before recordation, the record owner(s), including Trustee(s) of Trust(s), etc. of all parcels involved must sign the form before a Notary Public and attach California all purpose certificate of acknowledgment. Include the assessors parcel number and reference to the legal description of the existing lots to be adjusted for each parcel. **(Please see the Certificate of Compliance Handout for more detail)**

8. Exhibit "A"- COC Legal Description

Legal descriptions of every **MERGED/ADJUSTED PARCEL(S)** being certified shall be typed on the body of COC form or attached as Exhibit "A". The legal description must be signed and sealed by a registered surveyor, licensed in the State of California. The legal description should be written clockwise and labeled new.

9. **Exhibit “B” – Lot Merger Map**

The map must be drawn in black ink on the 8 1/2” X 11” City standard form. The map must be clear and readable. Following minimum information must be provided on the map (additional information may be required).

- a. Map scale, north arrow, line type legend, vicinity map, index map for large parcels.
- b. The location of the project site in relation to the existing streets, adjoining lots, alleys, water bodies and distance from the nearest cross street. Right-of-way widths and street names.
- c. The existing and proposed lot layout. Labeling each boundary line with the reference that established that line. Sufficient dimension and record boundaries so as to define and establish the boundary of the subject property. Use heavy solid line to depict proposed boundaries, light solid line for existing lot lines to remain, light dashed lines for existing lot lines to be removed and smaller dashed lines for easements.
- d. The adjusted parcel shall be lettered or numbered consecutively in a manner that there will be no confusion with the original lots or parcel numbers (Show in a darker, bolder text, i.e. **Parcel 1**).
- e. Existing lot numbers, reference to the recorded documents that established the existing lots of the project site, adjoining lots and existing easements.
- f. Gross area before and after adjustment to the nearest one tenth of an acre. Show the net area when there are easements that restrict the surface use of the property, such as vehicular access easements (Net area is gross area minus easement area).
- g. Signature, seal of the surveyor and the date that plan was prepared.
- h. APN-Assessor’s Parcel Number for each lot
- i. Project/File number (PLA number assigned by City), sheet number and City title block with owner and engineer block filled out.
- j. The following statement shall be added if applicable:

Monuments will be set within 90 days along the adjusted lot corners, and a Record of Survey or Corner Record will be filed if required by Section 8762 of Business and professional Code. Gov’t Code § 66412(d); Ops. Cal. Atty. Gen. 231(1994).

10. **Exhibit “C” - Site Map**

This map is for reference only and will not be recorded. The intent for the map is to show the existing condition of the site. Additional information may be necessary to verify compliance with adopted City ordinances and other regulations.

This information should be submitted on a map labeled Site Map on a 8.5”X 11” sheet. If the site is very large the site map may be submitted on 24”X 36” sheet.

The map will include but will not be limited to the following:

- a. The location and width of all easements or right-of-ways (private or public). Indicate the parties having vested interest in the easement.
- b. The location and dimension of any above or underground structures on site (walls, retaining walls, , buildings, garages, fences, drives, utilities, sewer lateral, light poles, wells, septic tanks, leach fields, pools etc.). Dimension distance from existing structures to the nearest lot line. Show footprint of nearest building on the adjoining lots affected by lot merger. If no structures on lot please label “**Vacant**”.

- c. Existing contour/topography no more than 10 foot intervals. The location of areas subject to flood or inundation by one hundred year flood, floodway.
- d. The location and name of surface water within 100 feet and direction of flow of any natural or improved drainage paths, lakes, ponds, pipe lines, swales.
- e. Required set back lines.
- f. A statement of the existing zoning and the proposed use of created lots.
- g. Location of existing access to the public right-of-way. Show any right-of-way access relinquishment.

11. Grant Deed for Merged Parcel(s)

Provide an individual forma grant deed for each merged/adjusted lot created. Use a standard grant deed format. Across the top enter in large bold text “PRO-FORMA GRANT DEED”. The name(s) of Grantor(s) and Grantee(s) will be the same. Show APN number. The parcels owned by the same person may be included in one Pro-Forma grant deed.

The following statement should be shown on the body of pro-forma deed:

This deed is being recorded to reflect, of record, the approved legal description for parcel “A” pursuant to Lot Merger No. PLA approved by the City of Oceanside, and recorded on _____ as Document No _____ filed in the office of the Recorder of San Diego County, State of California.

The **new legal** description attached as exhibit “A” with this document should also contain reference to the proposed lot merger and its recording information. The space for recording information will be left blank until the time of recordation of Lot merger.

12. Supporting Documents

A copy of each; map, easement, record of survey or any other document that will be necessary to establish boundary lines and review the re-tracing shall be submitted. Submit a working copy of the record of survey or corner record if applicable (See section 8762d of the Business and Professions Code).

13. Existing Zoning

Provide statement of existing zoning for each lot and proposed use of each new lot. Please indicate if property is in Coastal Zone.

14. Lot Coverage

Provide lot coverage information for existing lots and proposed lot coverage for new lots.

15. Signature Authorization

Submit a legal document to support the identity and position of the person authorized to sign all the above legal documents

16. Survey Record

Submit a working copy of the record of survey or corner record per Sections 8762 and 8771 of the Business and Professions Code when applicable. Please check <http://www.leginfo.ca.gov> for more information.

17. Traverse Calculations

Provide traverse calculations for all proposed lots.

18. Filing Fees

A filing fee is required at the time of filing to partially defray the cost of processing and other expenses. Engineering staff will advise you of latest fee schedule. If Coastal Commission review is required a separate application or processing fee may be necessary.

PART E: RECORDING INSTRUCTION

The applicant/surveyor/engineer of record shall provide the City with a letter containing recording instruction and name of the Title Company assigned for recordation of the above documents.

The following information should be included:

- a- Name of the Title Company
- b- Title Officer name, address and phone number,
- c- Order number
- d- Detailed instructions, of step by step, on how to record the Lot merger/Certificate of Compliance and all attached deeds.

The order of recordation is as follows:

- Notice of Merger
- Certificate of Compliance for Lot Merger
- Deed(s) for the merged parcel(s)

NOTE:

No building permit shall be issued for development on any lot included in the Lot Merger prior to recordation of Notice of Merger, COC, deed and receiving the copy of recorded documents by the City..

Once all documents are recorded the Owner/Developer is responsible to make sure the electronic file and/or copy of all recorded documents are sent to the associated plan checker in the Engineering Division. Once the City receives the recorded copies the process will be deemed complete and building permit may be issued.