

Chapter 257 Mergers

(3531-2/02)

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257.02 Mergers Required

Two or more contiguous parcels held by the same owner shall be merged if one of the parcels does not conform to the minimum lot size required by Titles 20-24 (Zoning) of this Code, and if all 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.
- 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;
 5. Has no legal access which is adequate for vehicular and safety equipment access and maneuverability;
 6. Will create health or safety hazards if developed; or
 7. Is inconsistent with the 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 the Notice of Intention to Determine Status is recorded pursuant to this chapter.
- D. Subsection (B) shall not apply if any of the conditions stated in Section 66451.11(b)(A), (B), (C), (D) or (E) of the Subdivision Map Act exist.

257.04 Notice of Intention to Determine Status

Prior to recording a Notice of Merger, the Director shall mail, by certified mail, a Notice of Intention to Determine Status to the current record owner of the property. The notice shall state that the affected parcels may be merged pursuant to this chapter and that, within 30 days from the date the Notice of Intention was recorded, the owner may request a hearing before the Director to present evidence that the property does not meet the criteria for merger. The Notice of Intention to Determine Status shall be filed for record with the County Recorder by the Director on the same day that the notice is mailed to the property owner. (3531-2/02)

257.06 Hearing on Determination of Status

The owner of the affected property may file a written request for a hearing with the Director within 30 days after recording of the Notice of Intention to Determine Status. Upon receipt of the request, the Director shall set a time, date and place for a hearing before the Director and notify the owner by certified mail. The hearing shall be conducted within 60 days following the receipt of the owner's request, or may be postponed or continued by mutual consent of the Director and the property owner. (3531-2/02)

At the hearing, the property owner shall be given the opportunity to present any evidence that the affected property does not meet the requirements for merger specified in this chapter.

At the conclusion of the hearing, the Director shall determine whether the affected parcels are to be merged or are not to be merged and shall notify the owner of the determination. Such notification shall be mailed to the property owner by the Director within five days of the date of the hearing. (3531-2/02)

257.08 Determination of Merger

If the Director makes a determination that the parcels are to be merged, a Notice of Merger shall be filed for record with the County Recorder by the Director within 30 days of the conclusion of the hearing, unless the decision has been appealed pursuant to Section 257.10. The Notice of Merger shall specify the name of the record owner and a description of the property. (3531-2/02)

If the Director makes a determination that the parcels shall not be merged, a release of the Notice of Intention to Determine Status shall be filed for record with the County Recorder by the Planning Department within 30 days after the Director's determination and a clearance letter shall be mailed to the owner by the Director. (3531-2/02)

257.10 Appeals

The determination of the Director may be appealed to the Planning Commission in accordance with Chapter 248, provided that the appeal shall be filed within 10 calendar days of the date of mailing of the Notice of Determination and the Planning Commission shall hear the appeal within 60 days from the date of appeal. If, after this hearing, the Planning Commission grants the appeal and determines that the affected property has not been merged pursuant to this chapter, the Director shall, within 30 days after the Planning Commission determination, file with the County Recorder a release of the Notice of Intention to Determine Status and mail a clearance letter to the owner. (3531-2/02)

257.12 Determination When No Hearing Is Requested

If the owner does not file a request for a hearing within 30 days after the recording of the Notice of Intention to Determine Status, the Director may, at any time thereafter, make a determination that the parcels are or are not to be merged. If they are to be merged, a Notice of Merger shall be filed for record with the County Recorder by the Director within 90 days after the mailing of the Notice of Intention to Determine Status pursuant to Section 257.04. (3531-2/02)

257.14 Request to Merge by Property Owner

If the merger of contiguous parcels is initiated by the property owner, the owner may waive the right to a hearing before the Zoning Administrator and to all notices required by this chapter. Upon signing the waiver, the Director shall simultaneously file for record with the County Recorder a Notice of Intention to Determine Status, a waiver of right of hearing and notice, and a Notice of Merger. The owner may apply for merger pursuant to Chapter 256.

When two or more contiguous parcels are developed and used as one residential site, the property owner shall at the time of remodel or expansion initiate a merger request. The Director may approve the merger and cause to be recorded a Covenant to Hold as One Parcel provided no public improvements or dedications are required.

257.16 Request for Determination by Owner

Upon written application made by the owner to the Director, the Director shall make a determination that the affected parcels have merged or are to be merged. If the Director determines that the parcels have not merged, the owner shall be so notified by the Director.

If the Director determines that the parcels were merged but that they meet the conditions for unmerger in Section 257.18, a Notice of Status shall be issued to the owner and filed for record with the County Recorder by the Director. The Notice of Status shall identify each parcel and declare that they are unmerged pursuant to this chapter.

If the Director determines that the parcels were merged but do not meet the conditions for unmerger in Section 257.18, a Notice of Merger specifying the record owner and description of the parcel shall be issued to the owner and filed for record with the County Recorder by the Director. The owner may appeal the decision of the Director to the Planning Commission in accordance with Chapter 248, provided that the appeal must be filed within 10 calendar days of the date of the mailing of the Notice of Merger. The Planning Commission shall hear the appeal within 60 days from the date of appeal. (3531-2/02)

257.18 Unmerged Lots

Any parcels that were merged under the provisions of any law prior to January 1, 1984, but for which a Notice of Merger was not recorded on or before January 1, 1986, shall remain unmerged until such time as the parcels have been lawfully merged by subsequent proceedings initiated by the City that meet the requirements of this chapter.