

Land Use Insights

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CEQA Does Not Apply To Certain Lot Line Adjustments

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A lot line adjustment is a procedure that property owners can use, under certain circumstances, to make minor revisions to property lines between two or more existing properties. A lot line adjustment is the correct procedure for slightly changing the property lines of an existing land parcel. However, a lot line adjustment is not the proper procedure for a homeowner seeking to subdivide his or her property.

Lot line adjustments are more precisely called “parcel map exemptions.” This is because, under the Subdivision Map Act (Cal. Govt. Code Section 66412(d)), no parcel map is required for “a lot line adjustment between four or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created, if the lot line adjustment is approved by the local agency, or advisory agency.”

On April 20, 2012, the California Court of Appeals determined in *Sierra Club v. Napa County Board of Supervisors*, 205 Cal.App.4th 162, that the California Environmental Quality Act (“CEQA”) did not apply to lot line adjustments made under a certain Napa County ordinance. The ordinance, modeled after the Subdivision Map Act provision cited above, defined a “lot line adjustment” as “a reorientation of a property line or lines between four or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel and where a greater number of parcels than originally existed is not thereby created.”

The Sierra Club challenged the ordinance, claiming that lot line adjustments made pursuant to the ordinance should withstand an environmental review under CEQA. However, in finding that CEQA did not apply to lot line adjustments made pursuant to the ordinance, the Appeals Court noted that CEQA does not apply to ministerial projects. The Appeals Court noted that, as a rule of thumb, a ministerial project was a project that did not provide the administrative agency with the ability and authority to mitigate environmental damage to some degree.

The Appeals Court ruled that the procedure for approving lot line adjustments involved only ministerial acts unless a variance or use permit was involved. Thus, the Appeals court determined that, when a land owner seeks only a lot line adjustment under the Napa ordinance - and nothing else - the lot line adjustment should not be subject to a CEQA environmental review.

While *Sierra Club v. Napa County Board of Supervisors* addressed a specific ordinance in Napa County and not a state-wide statute, this case may have broader implications for homeowners seeking a lot line adjustment but not seeking a variance, a use permit, or the creation of a new land parcel. With the precedent set by *Sierra Club v. Napa County Board of Supervisors*, under such circumstances, an environmental review under CEQA may not be required. Homeowners seeking such a lot line adjustment can (hopefully) anticipate a smoother path to their requested lot line adjustment now that this case has been decided.