



When is a Certificate of Compliance Required?

A certificate of compliance may be required prior to grant of a construction permit or any other entitlement for development or modification of any lot that was not created through recordation of a valid subdivision map, pursuant to the requirements of the State Subdivision Map Act and San Rafael Municipal Code Title 15. Any property owner or representative may request a determination as to whether a parcel or lot complies with the provisions of Title 15 (Section 15.14.010) and the Subdivision Map Act. A request for such determination shall be filed with the Department of Community Development.

Application Requirements

An application for a certificate of compliance shall include the following:

- A General Application Form, fee(s), and cover letter requesting the issuance of a certificate of compliance including the name and address of current property owner(s) and owner's authorization.
- A copy of the most current title report for the propertie(s) and a chain of title (deeds) for each lot for which a certificate is being requested, plus two additional copies. The chain of title shall be prepared by a title company and assembled, in order, showing the unbroken chain of ownership and dates of recordation, starting from the original instrument used to create the parcel, along with a cover sheet and/or reference key that lists all of the title documents being provided in the chain of title for the subject lot. Any other supportive, historic data, which may be beneficial in determining the status and origin of the subject lot or parcel may also be provided.
- A written statement disclosing whether the subject parcel and any contiguous parcel or lot is undeveloped or developed. If the subject parcel or contiguous parcel(s) from which the subject parcel was taken are *undeveloped*, the written statement shall disclose if the subject parcel and contiguous parcel(s) were under common ownership at any time since March 4, 1972.
- A map of the subject parcel, including contiguous parcels when under the same ownership, showing topography, structures and improvements.
- A list of any building permits or other city approvals granted to the property and the dates these permits and approvals were issued.

What are the Review Requirements for a Certificate of Compliance?

Upon application filing, the Community Development Department shall review the application materials and forward these materials to the Public Works Director for review and comment. This review shall determine if the lot or parcel for which a certificate of compliance is being requested was legally created for land development purposes, pursuant to Section 15.14.020. The following criteria shall be implemented for the purpose of determining legal lots and parcels, pursuant to Section 15.14.030:

- a) Any lot or parcel presented on a final map or a parcel map filed for record shall constitute a legal lot. This final map or parcel map shall serve as a certificate of compliance for the purposes of enforcing and implementing this chapter.

- b) Any lot or parcel not created as a result of a final map or parcel map filed for record may be presumed to be lawfully created under certain conditions. This determination shall be based on compliance with the provisions of Section 66412.6 of the Subdivision Map Act, as amended from time to time.
- c) Property owners of such parcels or lots of land affected by the provisions of this subdivision shall be required to obtain a certificate of compliance or a conditional certificate of compliance, pursuant to the requirements of this title, prior to obtaining a permit or other grant of approval for development of the subject parcel or lot

What are the Conditions or Requirements that May Apply to a Certificate of Compliance?

If the city determines that a parcel or lot was legally created in compliance with applicable rules and regulations in effect, a certificate of compliance must be issued but no conditions can be applied to the issuance of this certificate.

If the city determines that a parcel or lot was not legally created for development purposes in compliance with applicable rules and regulations in effect at the time of its creation, a certificate of compliance must be granted with conditions requiring the following:

- a) The city may impose those improvements or conditions that would have been applicable to the division of the property at the time the current property owner of record acquired interest in the property, and which had been established at such time by the Subdivision Map Act or a city ordinance. The city may impose those improvements or conditions as would be applicable to a current division of the property if it is determined that the applicant was the owner of record at the time of the initial creation of the subject parcel or lot.
- b) Any improvement required as a condition of the certificate must be constructed or installed at the time a permit or other grant of approval for development of the parcel or lot is issued by the city. The property owner shall not be required to construct or install such improvements at the time of certificate recordation.

What is Required to Record a Certificate of Compliance?

Upon determination as to the status of the lot or parcel in question, the Department of Community Development shall prepare the certificate of compliance consistent with the requirements set forth in Section 66499.35 of the Subdivision Map Act. The certificate shall identify the real property, shall state how the lot or parcel complies with the provisions of this title and the Subdivision Map Act, and shall include any conditions, if applicable. The certificate of compliance shall be presented to the City Engineer for signature.

Upon signing the certificate of compliance, the city engineer shall have cause to file it with the Marin County recorder's office. The applicant shall bear the cost of recording the certificate of compliance.

What if a Lot of Record was Illegally Created?

If the city determines that a parcel of record (aka, record lot) does not meet the provisions of this chapter and was created in violation of the provisions of this title, the city may issue and record the certificate of compliance, but shall have cause to proceed with the filing of a Notice of Intent to file a Notice of Violation, as provided for in Chapter 15.16.05 of this title and the Subdivision Map Act.