





General Information for

## **Certificate of Compliance**

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### **What is a Certificate of Compliance?**

A Certificate of Compliance is a legally recorded document which certifies that a parcel of land complies with the Subdivision Map Act and local laws. In other words, it is a document that states that the City of Redwood City accepts the fact that a particular parcel of real property has been legally created.

A Certificate of Compliance is provided for under the Map Act, Section 66499.35 of the Government Code. It allows for a determination as to whether a division of land complied with State and local laws in effect at the time of the division. If the division complies with applicable provisions of State and local law enacted pursuant thereto, a Certificate of Compliance shall be recorded, but if the division did not comply with State and local laws enacted pursuant thereto, a Conditional Certificate of Compliance shall be issued. A Certificate of Compliance is administered by the Engineering and Transportation Department, to consider imposing appropriate conditions in accordance with provisions of Section 66499.35(b) of the Government Code.

There are a number of different ways to subdivide real property. The most common way is by final map or parcel map. These processes are recognized by the State of California and the City of Redwood City as being legal means of subdividing. However, many parcels were created long before these processes became widely accepted. In California, generally, if a parcel was created by one of these processes, yet was created by recorded deed prior to March 4, 1972, then it is considered to have been legally created, unless local ordinances were in effect at the time regulating divisions of land (Map Act, Section 66412.6).

### **What are the Submittal Requirements?**

Please refer to the Submittal Requirements section of this application.

### **How long does it take to Process a Certificate of Compliance?**

Process time varies based on City workload, but the Engineering and Transportation Division will attempt to process the initial requests for Certificates of Compliance within thirty (30) days of submittal. This time may also be extended if there is insufficient information regarding the creation of the parcel. If during the initial review more documentation is needed, the City will respond to the applicant indicating the information or revisions needed. Once all the information meets the City's requirements, a Certificate of Compliance is prepared, signed, and recorded at the San Mateo County Clerk-Recorder's Office by the City.



General Information for

## **Certificate of Compliance (Cont.)**

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### **Can A Certificate Of Compliance Be Issued For Illegal Parcels?**

On occasion, we may find that parcels have been created after the Subdivision Map Act's date of March 4, 1972, or have made non-permitted improvements, which are in violation. In such instances, Certificates of Compliance can still be issued; however they are called Conditional Certificates of Compliance. Conditions are imposed that require certain improvements or dedications be made or certain zoning approvals be obtained prior to issuance of any future construction or development permits. Building permits cannot be issued for parcels that have a Conditional Certificate of Compliance unless all of the conditions have been satisfied. A Conditional Certificate of Compliance is viewed the same as a Certificate of Compliance in regard to the ability to obtain title insurance and sale of the property.

The conditions imposed upon a Conditional Certificate of Compliance may vary. If the land is still owned by the person(s) who created the violation, then the conditions will reflect the requirements of today's subdivision regulations. However, if the property has been sold, where the person creating the violation no longer owns the property, then conditions are imposed that reflect the subdivision requirements at the time the violation occurred.

### **Does a Certificate of Compliance mean that all Laws are Satisfied?**

The issuance of a Certificate of Compliance simply means that the parcel complies with the Subdivision Map Act and the City's mapping ordinances. It **does not** mean that it complies with the Zoning Ordinance, Building Code, or any other law or ordinance. Additionally, the issuance of a Certificate of Compliance does not necessarily mean that the lot has an approved means of access. Zoning and Building codes **are not** the criteria used to determine the issuance of a Certificate of Compliance. It is quite feasible that a Certificate of Compliance can be issued for a parcel that is otherwise "unbuildable" for reasons unrelated to land division laws.

Staff is available to answer any questions you may have regarding the Certificate of Compliance process. Please telephone the Engineering and Transportation Division at (650) 780-7380 if we can be of assistance.



## **Submittal Requirements:**

Please complete the attached application and return it, in person at a scheduled appointment, to the Engineering and Transportation Division, along with:

1. **A digital copy** of the following:

- A. **Legal Descriptions.** The legal description is an 8 ½” x 11” metes and bounds description of the existing properties.
- B. **Plat.** A legible plan showing the dimensions of the existing parcel boundaries. If more than one sheet is needed, a key map showing all subject parcels is required. The plat should be drawn to scale, dated and titled on 8 ½” x 11” size paper. The plat should meet all of the requirements listed below. (See Certificate of Compliance sample “Exhibit ‘B’ for reference).

The legal description and plat shall be prepared and signed by a qualified Registered Civil Engineer or Land Surveyor pursuant to the Professional Land Surveyor’s Act. The documents must comply with the requirements below.

### Legal Description and Plat Map Requirements

- 1. Provide all bearings and distances appropriate for the description and clarity.
  - 2. Area, in square feet, to be indicated on plat and legal description of separate legal parcels.
  - 3. Existing designations such as lot number and the subdivision recording date.
  - 4. All easements for public and private purposes.
  - 5. Abutting lot recording information with deed or map information.
  - 6. Abutting streets, alleys, centerlines, right-of-way, and their widths.
  - 7. Identify the basis of bearings on plat (provide record map/document), preferably between two monuments of record.
  - 8. Legal description and closure calculations to read clockwise.
  - 9. Existing lot lines clearly identified.
  - 10. Vicinity map or identification of nearest intersection.
  - 11. North arrow and scale
  - 12. Legal description shall be titled “Exhibit A, Legal Description” including an additional descriptor for the lot such as ownership or address.
  - 13. Plat to Accompany Legal description shall be titled “Exhibit B, Plat to Accompany Legal Description” and match the additional descriptor from the legal description title.
  - 14. Digitally stamped and signed Surveyor/Engineer seal on plat and legal description.
  - 15. Other pertinent information needed for clarity (City plan check may ask for further information).
2. **Plot Plan.** Since only certain information can be on the official Certificate of Compliance plat, a plot plan is required showing the additional information necessary to verify compliance with City ordinances.

The following information must be included on the plot plan (11”x17” to 24”x36” size):

- A. The location and width of all existing easements or rights-of-way, whether public or private, for access, drainage, utilities, or flood control purposes. Label the easements as existing and indicate to whom the easement is granted.
- B. The location of any above ground or underground structures on the site. Dimension distances from existing property lines to structures. If there are no structures on the lot(s), add a note on the site plan stating that fact.
- C. Any other information, as determined necessary by the City, on a case-by-case basis, to completely and properly assess the Certificate of Compliance.



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- D. A Record of Survey shall be required for the Certificate of Compliance, if required by Section 8762 of the California Business and Professions Code.
3. **Assessor's map.** Submit one (1) copy of the assessor's map for the subject properties.
  4. **Title Report.** One (1) copy of the preliminary title report for all properties involved, current within 6 months, to show that the applicant is the current owner, and determine what encumbrances affect the property.
  5. **Chain of Title.** One (1) copy of the Chain of Title for all properties involved, that provides a history of the project with all deeds necessary to confirm the legal creation of the parcels.
  6. **Grant Deeds.** One (1) copy of the current grant deeds for all properties involved and referenced on the plat and legal description.
  7. **Reference Documents.** One (1) copy of all referenced maps, documents and/or deeds used to prepare the plat and legal description.
  8. **Closure Calculations.** One (1) copy of closure/area calculations to verify all descriptions. Indicate the degree of accuracy.
  9. **Fees.** A \$3,000 Deposit shall be provided for staff time. This is only an initial deposit and additional funds may be required to cover the review and processing of applications.
  10. Any other information deemed reasonable and necessary by the City Engineer.

**Note: This application shall expire in the event that said Certificate of Compliance is not recorded within 6 months (180 days) of the date of submittal.**



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### **Process**

1. All submittals and fees shall be made to the Engineering and Transportation Division.
2. City staff reviews the application and related documents for technical accuracy and acceptable format for recording.
3. The applicant will be notified after the Lot Line Adjustment submittal has been checked. The applicant shall cause corrections and revisions to be made, and resubmit the documents for verification.
4. Once all documents meet City's requirements, the Engineering and Transportation Division will prepare the Certificate of Compliance:
  - A. Certificate of Compliance or Conditional Certificate of Compliance.
  - B. Any other applicable documents.
5. When all documents have been approved by the City and fully signed, the applicant's title company must record the following concurrently:
  - A. Certificate of Compliance or Conditional Certificate of Compliance.
  - B. Any other applicable documents.
6. Conformed copies of the recorded documents are required to be submitted to the Engineering and Transportation Department.



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**Submittal Checklist**

1. \_\_\_ Appointment scheduled with City staff (Applications will only be accepted at a scheduled appointment).
2. \_\_\_ Certificate of Compliance Application form.
3. \_\_\_ 3 copies of plats and legal descriptions.
4. \_\_\_ 1 copy of the plot plan.
5. \_\_\_ 1 copy of the Assessor's map
6. \_\_\_ 1 copy of the Chain of Title.
7. \_\_\_ 1 copy of the preliminary title report for each affected property.
8. \_\_\_ 1 copy of all referenced documents.
9. \_\_\_ 1 copy of closure calculations.
10. \_\_\_ Application Fee.