

CERTIFICATE OF COMPLIANCE

AN INFORMATIONAL GUIDE



PLANNING DEPARTMENT

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WHAT IS A CERTIFICATE OF COMPLIANCE (COC)?

A COC is a legal document which certifies that a parcel of land complies with the Subdivision Map Act.

In other word, it is a document that states the City of California City (City) accepts the fact that a particular parcel of real property has been legally created.

According to the California City Municipal Code:

Sec. 9-3.702. Certificate of Compliance.

a) A person owning real property or the vendee of such person pursuant to a contract of sale, may request the City to determine whether the real property complies with the Map Act and this Chapter. The person requesting the Certificate of Compliance shall pay the City the cost of issuing and recording the Certificate.

b) The City Engineer shall issue an unconditional Certificate of Compliance if the City Engineer determines:

(1) The parcel was created by a land division which complies with the Map Act and this Chapter; or

(2) The parcel was created by a land division prior to March 4, 1972, and the conditions of Government Code section 66412.6 is satisfied; or

(3) The parcel was created by a land division occurring on or after March 4, 1972, and the City Engineer determines a person creating the parcel did so without intent to violate the provisions of the Map Act or this Chapter and the rights of third parties have since intervened.

c) If the City Engineer is unable to issue an unconditional Certificate of Compliance, the City Engineer shall issue a conditional Certificate of Compliance after a report to and recommendation by the Planning Commission as to such conditions. Such conditions shall be limited to conditions applicable to the division of the property at the time the applicant

acquired an interest therein unless the applicant was the owner of the property at the time of an illegal land division, in which event the conditions include those which can be imposed under current land division regulations.

d) A person applying for a certificate of compliance shall dedicate and improve a right-of-way to the City for public road purposes if such dedication is necessary for access to the affected property. The right-of-way shall be improved with curb, gutter, sidewalk, grading and paving in accordance with the City's standards for street construction. The right-of-way shall extend across the frontage of the property and shall be in accordance with the standards for street right-of-way as set forth in the Circulation Element of the General Plan.

e) When the area in the vicinity of the applicant's property is without existing improved streets, the Planning Director may defer the dedication or improvement of the applicant's easement. If the Planning Director defers the dedication or improvement, the applicant shall provide an offer of dedication for future public street purposes or surety bond to guarantee the improvements. The offer or surety bond will remain in effect and binding on the applicant and successors in interest until the City Council accepts the offer and requests the improvements or by resolution determines the dedication and improvements are no longer necessary for public use.

HOW DO I APPLY AND WHAT ARE THE REQUIREMENTS?

The process is initiated by the submittal of a written request, if the property requires only a Certificate of Compliance.

The letter of request should state the following:

- Name of the applicant
- Phone number
- Mailing address
- A description of what is being requested.

The following information must accompany the written request:

- a) A copy of the current deed to the property;
- b) A copy of the instrument that created the parcel (grant deed, deed of trust, contract of sale, etc.); and
- c) Fee due. The fee for a Certificate of Compliance (each land division) is \$300.00 plus \$25.00 contiguous lot or parcel (maximum of 4).

Occasionally, additional information is required. This may include:

- a) A complete title history of the parcel;
- b) Payment coupons,
- c) Ledgers or other evidence that payments have been made on a contract of sale;
- d) A legal description of the property;
- e) Preliminary title report or title policy; and
- f) Any other evidence necessary to prove when the parcel was created.

If any of this other information is needed, the planning technician will contact you to request it.

In lieu of a written request, the filing of an application for any of the following would be accepted.

- a) Lot Merger
- b) Lot Line Adjustment
- c) Unmerger
- d) Parcel Map Waiver

A separate application fee applies for each, in addition to the Certificate of Compliance fee.

See the individual Informational Guide for a Lot Merger, a Lot Line Adjustment, an Unmerger or Parcel Map Waiver available at the Planning Department. You may also have one mailed to you or email your request. Emailed requests will receive a pdf version that you may print out.

The Planning Department's application packet and Informational Guides are available on the City website at <http://www.CaliforniaCity.com>

HOW LONG DOES IT TAKE TO PROCESS A CERTIFICATE OF COMPLIANCE?

The Planning Department will process requests for Certificates of Compliance within thirty (30) days. This time may be extended if additional information is needed. Once a Certificate of Compliance is prepared, typed, and signed, it must be recorded. It will take two (2) to three (3) days to record the document once the "recording fees" have been received. A Certificate of Compliance may be approved by the Planning Commission without a Public Hearing.

CAN A CERTIFICATE OF COMPLIANCE BE ISSUED FOR ILLEGAL PARCELS?

On occasion, we find that parcels have been created after March 4, 1972, in violation of the Subdivision Map Act and local ordinance.

In such instances, a Certificate of Compliance can still be issued; however it is referred to as a Conditional Certificate of Compliance.

Conditions are imposed that require certain improvements or dedications be made. Additionally, the lot size must comply with the general plan and zoning. Failure to comply with the conditions renders the parcel as "unbuildable." Building permits cannot be issued for parcels that have Conditional Certificates 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 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 persons 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.

IS A CERTIFICATE OF COMPLIANCE USED FOR ANYTHING ELSE?

The City uses the Certificate of Compliance as a means of officially recognizing the legal creation of a parcel. Certificates are issued for parcels created by the parcel map waiver and lot line adjustment processes.

Additionally, a Conditional Certificate of Compliance is often issued for "designated remainders" of parcel maps or tract maps.

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 California City Land Divisions Code.

It does not mean that it complies with the Zoning Code, Building Code, or any other law or Code.

Additionally, the issuance of a Certificate of Compliance does not necessarily mean that the lot has an approved means of access.

Zoning, building codes, and access are not 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."

Staff is available to answer any questions you may have regarding the Certificate of Compliance process. Please telephone (760) 373-7141.