

Guide

Applying for a **Certificate of Compliance**

What is it?

A Certificate of Compliance is a method for the Planning Department to certify that a parcel of land was or was not created in compliance with the Subdivision Map Act (1972) in effect at the time the parcel was divided.

When is a Certificate of Compliance required?

A Certificate of Compliance is required in order to verify that a parcel complies with the Subdivision Map Act and County Zoning requirements. It is most often used for parcels which were created by deed instead of a recorded map. A Certificate of Compliance is issued by the County and recorded with the County Recorder's office after the County determines that a parcel complies with the Subdivision Map Act and Alameda County's Subdivision Ordinance. Many title companies desire this verification prior to issuing title insurance. If a parcel is part of a recorded final tract map or a parcel map, that map serves as a Certificate of Compliance.

Compliance with the conditions is not required until such time as a permit or other grant of approval for development of the property is issued by the County.

Who approves this application?

The Planning Director.

How do I apply for it?

1. **Pre-Application** – Talk to a Planning Department staff member to determine what materials you need to prepare.
2. **Application Filing** – Submit the required applications and materials to the Planning Department. The applicant must contact the Planning Department and set up an appointment with a Senior Planner to review the proposed application.
3. **Staff Review** – Planning Department staff will review the materials to ensure that the proposed

project meets the minimum zoning requirements. Staff may visit the site and may write a brief report with recommendations to the Planning Director.

4. **CEQA Review** – Generally applications of this type are exempt from the California Environmental Quality Act (CEQA). However there may be exceptions depending on the project, and further environmental review and time may be necessary.
5. **Administrative Review and Decision** – Based on your application and staff recommendations, the Planning Director will render a decision within 2 weeks to issue the certificate. A written response will be mailed to you 2 days later.
6. **Appeal Period** – There will be a 10-day appeal period, after which time the Planning Director's action will be final, unless a written appeal is filed with the Board of Supervisors.

What must I submit?

- A complete **Standard Application** form signed by the property owner.
- A complete **Application Supplement Certificate of Compliance** form.
- A filing fee of **\$650**.
- A *Chain of Title*. This is usually more detailed than the preliminary title report that comes with most pieces of land
- Any additional materials requested by the Planning Department.

How long is the process?

In most cases, the Planning Director will make a decision within two weeks, upon receipt of a completed application. An appeal will add approximately two months to the processing time.

Alameda County Planning Department

224 West Winton Avenue, Room 111, Hayward, CA 94544

Phone: (510) 670-5400 Fax: (510) 785-8793 Web: <http://www.acgov.org/cda/planning>

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What is the filing fee?

The filing covers the cost of processing the Certificate of Compliance request.

What information should I include in my Certificate of Compliance package?

Remember that the documents map that you submit to the Planning Department will ultimately result in the documents that you record and the Alameda County Recorders Office. The following items and details should be submitted to the Planning Department before an application is accepted as complete for processing.

- Signed application (signed by the current owner or lawyer.)
- Itemized Chain of Title (beginning with the creation of the parcel in question continuing through the current vesting.)
- Copies of deeds listed in the Chain of Title.
- Copy of any supporting documents supporting parcel validity (Maps, Lot Splits, Building Permits, etc.)
- Exhibit A (Legal Description of the Parcel in Question.)
- Exhibit B (Exhibit Map of the Parcel in Question.)
- Signed Letter of Authorization (if agent is acting for applicant.)

Is there a public hearing?

No. A public hearing is not required for a Certificate of Compliance.

How is my Certificate of Compliance recorded?

Once the Planning Director approves the Certificate of Compliance, the applicant will receive a copy of the approved Exhibit "A," and a notarized document stating that the Certificate of Compliance is approved. It is up

to the applicant to record the document at the County Recorders Office, located at 1106 Madison Street (1st floor), Oakland, California. The Recorders Office phone number is (510) 272-6362.

What is the process that makes this parcel a legal parcel according to the Planning Department?

After being approved by the Planning Director, and the legal description of the parcel (as prepared by a professional) is recorded with the Alameda County Recorder's Office by the Planning Department, along with a "Certificate of Compliance," then your parcel is determined a legal parcel according to County Code.

Some parcels will have conditions such as creating access, which must be completed before the parcel is considered legal. In this case, a "Conditional Certificate of Compliance" is recorded stating the conditions involved. When all conditions have been met and so certified to the Planning Department, a Certificate of Compliance will be recorded as indicated above.

What if my application is denied?

You or another interested party may appeal the Planning Director's decision to the Board of Supervisors, who will reconsider your request. The Board of Supervisors decision is final.

How is an appeal filed?

You or any other person, who is not satisfied with the decision, may appeal the action to the Clerk of the Board of Supervisors within 10 calendar days of the decision. To appeal, you must file an appeal letter and submit a fee (\$250 for applicant or other interested parties) to the Board of Supervisors, which will then set a date for a public hearing to consider the appeal.

The Alameda County Board of Supervisors generally holds hearings on planning and zoning matters on the 1st Thursday of the month at 9:00 a.m. in the Board of Supervisors chambers, 5th floor, 1221 Oak Street, in Oakland.

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Certificate of Compliance Application Supplement

Certificate of Compliance

- For complete filing instructions, see the **Standard Application** form.
- For general procedures and guidelines, read the handout “*Applying for a Certificate of Compliance*”
- You must make an appointment with a Planning Department staff member to determine if materials or information (in addition to those listed below) are needed to evaluate your project.
- If you have any questions, please call (510) 670-5410.

1. Applicant Name: _____
2. Site address and location: _____
3. Contact the Planning Department at (510) 670-5410 to make an appointment with a Senior Planner to submit the following materials to the Alameda County Planning Department (Zoning Counter) at 399 Elmhurst Street, Hayward, California. **We will not accept incomplete applications.** Please use the following checklist to ensure the application is complete.

Required

Standard Application form.

Application Supplement: *Certificate of Compliance Supplemental Application* form.

Filing Fee: \$650. Make check payable to “**Treasurer, County of Alameda.**”

Documentation: Please submit the following documentation showing all details and information listed in the Guide:
Applying for a Certificate of Compliance.

- Signed application (signed by the current owner or vendee.)
- Itemized Chain of Title (beginning with the creation of the parcel in question continuing through the current vesting.)
- Copies of deeds listed in the Chain of Title.
- Copy of any supporting documents supporting parcel validity (Maps, Lot Splits, Building Permits, etc.)
- Exhibit A (Legal Description of the Parcel in question.)
- Exhibit B (Exhibit Map of the Parcel in question.)
- Signed Letter of Authorization (if agent is acting for applicant.)

Written Statement: On an attached sheet, briefly explain the reasons for the Certificate of Compliance.

Other Information requested by planner: _____

Call for appointment to meet with a Senior Planner for submittal.

Applicant Signature verifying that the applicant understands the application process:

Applicant Signature

Date

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