



Town of Tiburon
1505 Tiburon Boulevard
Tiburon, California 94920
(415) 435-7373 | www.townoftiburon.org

SUBMITTAL REQUIREMENTS FOR CERTIFICATE OF COMPLIANCE

Pursuant to Section 66499.35 of the California Government Code (Subdivision Map Act), the Town of Tiburon is accepting applications for Certificate of Compliance.

In applying for a Certificate of Compliance, the following information must be submitted to the Planning Division:

1. A completed Land Development Application form.
2. The required fee deposit per the Town's current Fee Schedule.
3. A preliminary title report, including a crisp, legible legal description of the parcel.
4. A copy of the instrument (e.g., grant deed) used to create the parcel, with the date shown.
5. A chain of title, consisting of copies of all deeds beginning before the division and thereafter, unless the parcel was created through a recorded subdivision map, in which case a copy of the recorded subdivision map shall be submitted.
6. A listing by Assessor's Parcel Number of all contiguous parcels under the same ownership as the parcel for which the certificate is being applied for, or a signed, written statement that no contiguous parcels are under the same ownership. The signed statement shall indicate whether the subject parcel or any contiguous parcels under the same ownership are undeveloped (i.e., they contain no buildings or other significant structural improvements).
7. Such additional information as may be required by the Director of Community Development, including but not limited to:
 1. A surveyed site plan/topographic map showing the location of any buildings and/or structures on the site, as well as detailed topographic information for, the subject parcel and any contiguous parcels under the same ownership.
 2. Other relevant information that may be required.

CERTIFICATE OF COMPLIANCE PROCEDURE

General

A Certificate of Compliance is a document recorded in the Official Records of the County of Marin, which acknowledges that the subject parcel is considered by the Town of Tiburon to be a legal lot of record. A Conditional Certificate of Compliance is used instead of a Certificate of Compliance to conditionally validate a parcel that was not legally subdivided.

Section 66499.35 of the State of California Subdivision Map Act ("Map Act") authorizes the approval of these certificates. Any person owning real property, or a purchaser of the property in a contract of sale of the property, may request a Certificate of Compliance.

Application Filing and Processing

- A. Application information. A Certificate of Compliance application shall include the materials and information set forth in the *Submittal Requirements for Certificate of Compliance* form available from the Tiburon Planning Division.
- B. Processing. Certificate of Compliance applications shall be submitted to the Planning Division and shall be processed in compliance with the procedures specified by Title IV, Chapter 14, Section 14-1.106 of the Tiburon Municipal Code (see attached). No environmental review shall be required, pursuant to Section 15305 of the CEQA Guidelines.
- C. Referral to affected agencies. A Certificate of Compliance application shall be referred to the agencies outlined below, as well as any other Town department, State or Federal agency, or other individual or group that the Director of Community Development believes may be affected by the proposed Certificate of Compliance, or may have useful information about issues raised by the application.
 1. Environmental Health Services. County of Marin Environmental Health Services shall be referred any Certificate of Compliance application that proposes sewage disposal or water supply by other than public sewer or public water systems.
 2. Fire Protection District. The applicable fire protection district shall be referred any Certificate of Compliance application within its respective area of responsibility.
 3. Public utilities, water and sewer agencies. Public utility companies and other service agencies which will be expected to provide service to the proposed Certificate of Compliance, including providers of water, sewer, natural gas, electrical, telephone,

cable television services, shall be referred any Certificate of Compliance application within their respective jurisdictions.

4. Public Works. The Town of Tiburon Department of Public Works shall be referred all Certificate of Compliance applications for review and comment regarding proposed easements, public improvements, streets, and other relevant issues.

Along with the Certificate of Compliance application referral, the Town shall include notification that if no written response to the referral is received within twenty (20) calendar days of the receipt by the agency, the Town shall presume that no recommendations or comments are forthcoming.

Review and Decision

The processing, review and action on the application shall occur as follows.

- A. Written Analysis. The Planning Division shall prepare a written analysis that will serve as the basis for action by the Director of Community Development. The analysis will:
 - i. Describe the history of the land division;
 - ii. Determine whether the property was legally divided;
 - iii. Reference provisions of State law and Town of Tiburon (or pre-incorporation County of Marin) ordinances applicable to the subdivision at the time the division in question occurred; and
 - iv. Identify conditions of approval where appropriate.
- B. Action by Director of Community Development. The Director of Community Development shall review all available information and make a determination whether the real property was divided in compliance with the Map Act, the Tiburon Municipal Code, and any other applicable regulations.
 - i. Upon making the determination that the real property was divided in compliance with applicable regulations, the Director of Community Development shall grant a Certificate of Compliance.
 - ii. Upon making a determination that the real property was not divided in compliance with applicable regulations, the Director of Community Development may either grant a Conditional Certificate of Compliance imposing conditions as provided by Section C below, or may commence statutory merger or notice of violation proceedings pursuant to the Map Act and Chapter 14 of the Tiburon Municipal Code.
- C. Conditions of approval. If the owner of the property for which a Conditional Certificate of Compliance is being issued is the original subdivider, the Director of Community Development may impose any conditions that would be applicable to a current subdivision, as provided by the Map Act, regardless of when the property was divided. If the owner had no responsibility for the division that created the parcel, the Director of Community

Development may only impose conditions that would have been applicable at the time the property was acquired by the current owner.

- D. Appeal. The issuance of a Certificate of Compliance or a Conditional Certificate of Compliance may be appealed to the Town Council pursuant to procedures set forth in Article 6 of Chapter 16 of the Tiburon Municipal Code.
- E. Completion of process. Following expiration of a ten (10) day appeal period for any Certificate of Compliance or Conditional Certificate of Compliance granted, the Director of Community Development shall file the Certificate of Compliance or Conditional Certificate of Compliance with the County Recorder. The certificate shall identify the property, and serve as notice to the property owner or purchaser who applied for the certificate, a grantee of the owner, or any subsequent transferee or assignee of the property that either the division complies with the provisions of the Map Act and the Tiburon Municipal Code, or the fulfillment and implementation of the conditions shall be required before subsequent issuance by the Town of Tiburon of a permit or other approval for the use, development or construction of improvements on the property.
- F. Effective date of certificate. A Certificate of Compliance or Conditional Certificate of Compliance shall become effective upon recordation with the County Recorder.

Excerpts from Tiburon Municipal Code, Title IV, Chapter 14, Article 1

14-1.106 Certificate of Compliance.

(a) A person owning real property or a vendee of such person under a contract of sale may request a certificate of compliance from the Director of Community Development indicating whether the real property complies with the provisions of the Subdivision Map Act and this chapter. A written application for a certificate of compliance shall be accompanied by a current preliminary title report showing the legal owner of the property, chain of title, and any other such information as reasonably required in the discretion of the Director.

(b) If the Director of Community Development determines that the real property complies with the provisions of the Subdivision Map Act and this chapter, the Director shall file a certificate of compliance for recording with the Marin County Recorder. The certificate of compliance shall identify the real property and shall state that the division thereof complies with the provisions of the Subdivision Map Act and this chapter.

(c) If the Director of Community Development determines that the real property does not comply with the provisions of the Subdivision Map Act or this chapter, the Director may, as a condition to granting a certificate of compliance, impose conditions in accordance with Section 66499.35(b) of the Subdivision Map Act. Upon the Director of Community

Development's making such a determination and establishing such conditions, the Director shall file a conditional certificate of compliance for record with the Marin County Recorder. The certificate shall serve as notice to the property owner and any successor that the fulfillment and implementation of such conditions shall be required before subsequent issuance of a permit or other grant of approval for development of the property. Compliance with such conditions is not required until the Town issues a permit or other grant of approval for development of the property.

(d) The Director's decision on issuance of a certificate of compliance may be appealed to the Town Council in accordance with the appeal procedures in Article 6 of Chapter 16.

(e) A recorded final map or parcel map constitutes a certificate of compliance with respect to the parcels of real property described on the map.

(f) The applicant for a certificate of compliance shall pay the Town a fee to cover the reasonable cost of processing the application as set forth in the applicable Town fee schedule(s).

(g) The Town of Tiburon has required the filing of maps for subdivisions since its incorporation on June 23, 1964. Prior to the incorporation of Tiburon, the County of Marin did not require the filing of maps for the division of property into three (3) or fewer lots. However, the County of Marin did require the filing of maps for divisions of land into four (4) or more parcels beginning in 1932. The above information is provided pursuant to Section 66412.6 of the Subdivision Map Act.