



City of Santa Barbara
Public Works Department
CERTIFICATE OF COMPLIANCE
INFORMATION HANDOUT

An owner or prospective buyer of real property may ask the City to determine whether their real property complies with the applicable provisions of the California Government Code, known as the Subdivision Map Act, and with the City's Subdivision Ordinance (Title 27 of the Santa Barbara Municipal Code). This request is made by submitting an application for a Certificate of Compliance.

Application

Along with the Master Application and the appropriate fee (*see current fee resolution*), the applicant must submit a summary of reference materials documenting the creation of the parcel and explaining why the property owner believes, that the parcel complies with the Subdivision Map and the City's Subdivision Ordinance. Copies of all supporting documents shall be provided. A list of the required materials is provided in the attached Certificate of Compliance Submittal Guidelines.

Public Works Review

The Public Works Department will review the applicant's submitted materials along with any pertinent materials already in the possession of the City, to determine whether the parcel in question complies with the Subdivision Map Act and the City's Subdivision Ordinance. The Public Works Department may request additional information from an applicant as necessary to determine compliance.

Certificate of Compliance

If the Public Works Department determines, that the parcel complies with the Subdivision Map and the City's Subdivision Ordinance, a Certificate of Compliance shall be recorded by the City, which shall give constructive notice that the lot or parcel has been determined to comply with the Subdivision Map and the City's Subdivision Ordinance.

Notice of Violation

If the Public Works Department determines the parcel does not comply with the Subdivision Map and/or the City's Subdivision Ordinance, the Public Works Department will send the property owner a Notice of Intent to Record a Notice of Violation by certified mail. This notice will set a date for a public hearing before the Planning Commission regarding the City's intent to review pertinent facts and evidence as necessary possibly to record a Notice of Violation against the real property. At the hearing, the Public Works Department will present a report to the Planning Commission explaining why the Department believes, that the real property does not comply with the Subdivision Map Act and/or the City's Subdivision Ordinance.

The property owner may, prior to or at any scheduled hearing of the Planning Commission, also present evidence to show why the real property complies with the Subdivision Map and the City's Subdivision Ordinance. If the Planning Commission determines that the parcel complies with the Subdivision Map and the City's Subdivision Ordinance, a Certificate of Compliance shall be recorded. If the Planning Commission determines that the parcel does not comply with the Subdivision Map and/or the City's Subdivision Ordinance, a Notice of Violation shall be recorded against the property. If the property owner fails to notify the Public Works Department of his or her objection to the recording of the Notice of Violation within 15 days of receipt of the Notice of Intent, the Notice of Violation will be recorded without a hearing, in accordance with the Subdivision Map Act.

Conditional Certificate of Compliance

If a Notice of Violation is recorded against the real property, the property owner may subsequently ask the City to issue a Conditional Certificate of Compliance. To request a Conditional Certificate of Compliance, the property owner must submit a new Master Application requesting a Conditional Certificate of Compliance accompanied by the appropriate fee (see current fee resolution). As a condition of issuing a Conditional Certificate of Compliance, the City may impose any conditions permitted by Government Code section 66499.35(b). In general, these conditions are limited to the conditions that would have been applicable to the lawful division of the real property pursuant to the Subdivision map Act and any City Subdivision Ordinance applicable at the time the owner acquired his or her interest in the real property. However, if the current property owner is the person who subdivided the real property without complying with the Subdivision Map and/or the City's Subdivision Ordinance, the City may impose any conditions applicable to a current subdivision of the real property. The Conditional Certificate of Compliance shall be recorded and shall serve as constructive notice that the conditions set forth in the Conditional Certificate of Compliance must be satisfied prior to issuance of a permit or other grant of approval for the development of the real property. Even though the Conditional Certificate of Compliance will be recorded, the property owner will not have to satisfy the conditions until a permit or other grant of approval for development is issued by the City.

Information

For information, please contact the City of Santa Barbara, Public Works Department, Public Works Counter, 630 Garden Street, Santa Barbara, California, 93101, or call the Public Works Counter at Tel. (805) 564 – 5388.



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CERTIFICATE OF COMPLIANCE
SUBMITTAL GUIDELINES

For a synopsis of related Certificate of Compliance issues, please refer to the Certificate of Compliance Information Handout.

At the time of application, the Applicant shall submit the following documents to the Public Works Department, Public Works Counter, 630 Garden Street, on a CD or Flash Drive as Adobe Acrobat .pdf file:

- Completed City Master Application
- Certificate of Compliance fee, per Resolution
 - Certificate of Compliance *See current fee resolution*
 - Conditional Certificate of Compliance *See current fee resolution*
- Current (90 days or less) Preliminary Title Report, title insurance policy or contract for sale, which shall describe the subject lot(s) or parcel(s) with specificity and identify the name and capacity of the Applicant.
- A copy of all deeds and other documents in the chain of title that may purportedly have subdivided the subject lot or parcel, including copies of all documents dated back to a Patent, if applicable, if the document that created the lot or parcel was a deed, or the parcel map or final map that purportedly created the lot or parcel, if not created by a deed.
- Summary describing each lot or parcel for which a certificate is sought and how each subject lot or parcel was created in compliance with the Subdivision Map Act and the City's Subdivision Ordinance. This summary should include;
 - The year when each lot or parcel was created and copy and reference to the document(s) creating the lot or parcel.
 - An explanation of how the creation of each lot or parcel complied with the laws applicable at the time the parcel was created.
 - Copies of any court decisions on which these conclusions are based.
- A legal description of each parcel titled "Exhibit A-1, A-2, A-3, etc."
- An accurate and legible 8½" x 11" Exhibit Map, titled "Exhibit B", submitted in a recordable form, with the subject parcel(s) shaded. Include existing property boundaries (distances and bearings) as shown in the legal description, showing each lot or parcel as indicated in the legal description of the requested Certificate of Compliance.

Note: If there are discrepancies between the requested legal description and the legal description recorded in title, additional information may be required which includes, but not limited to;

- Revised legal description(s) stamped by a licensed land surveyor.
- Survey closure calculations for each parcel
- Title company contact name and phone number.

For information call (805) 564-5388