

## APPLICATION FOR A CERTIFICATE OF COMPLIANCE OR CONDITIONAL CERTIFICATE OF COMPLIANCE

**NOTE:** Before hiring a Licensed Surveyor and/or paying fees for this application, the Zoning and Building Counter Staff can answer questions about any future development and building permits. A recorded Certificate of Compliance does not guarantee building permits can be issued, OR that any access to the parcel is available or can be constructed. After the County records the Certificate of Compliance the parcel(s) is acknowledged as complying with the Subdivision Map Act and City of Oakland Ordinance Title 16, Section 16.04.090. Any future development of the Parcel(s) will require separate applications, approvals, permits, design and construction plans. The Zoning and Building Counters are located on the Second Floor.

**Complete all information below.** All legal descriptions and plats shall be prepared and signed by a qualified Registered Civil Engineer or Land Surveyor pursuant to the Professional Land Surveyor's Act.\*

<b>Site Address / Property for Certificate</b>			
<b>Assessor's Parcel Number(s) / List All</b>			
<b>Owner(s) Names / On Vesting Deed(s)</b>			
<b>Owner's Telephone</b>		<b>Owner's Email</b>	
<b>Owner's Mailing Address</b>		<b>City, State, Zip</b>	
<b>Representative's Name</b> <small>(If not Owner or L.S.* / Engineer)</small>		<b>Rep's Agency</b>	
<b>Representative's Telephone</b>		<b>Rep's Email</b>	
<b>Surveyor's Name</b>		<b>License Number*</b>	
<b>Surveyor's Telephone</b>		<b>Surveyor's Email</b>	
<b>Surveyor's Business Address</b>		<b>City, State, Zip</b>	

**APPLICANT & OWNER(S) HAVE READ AND ACKNOWLEDGES THE FOLLOWING:**

- 1) Review will not begin until initial FEES have been PAID in full and electronic copies (pdf) emailed to [dotpermits@oaklandnet.com](mailto:dotpermits@oaklandnet.com). NOTE: This is a "No Reply" email address. Do NOT email questions.
- 2) No Refunds will be authorized after the application is entered into the City's permitting system (Accela).
- 3) Additional information may be required depending on the complexity of the project. Applicant is responsible for preparing and submitting any information requested to complete the City's review.
- 4) Plan Check Engineer (PCE) will notify the Applicant when the plat exhibits and legal descriptions are approved by the City Surveyor.
- 5) Applicant will be invoiced for staff hours beyond the initial six (6) hours per the City's current Master Fee Schedule. See "How fees are calculated" for CC-Permits.
- 6) All fees must be paid in Accela prior to the final Certificate being signed and notarized by the City Engineer. In accordance with the Subdivision Map Act a Notice of Violation will be filed for the subject property if the application is withdrawn or applicant fails to pay balance of any fees owed.

**Applicant's Signature**  
*(This is the Owner or Owner's Authorized Representative)*

\_\_\_\_\_ Date \_\_\_\_\_

Print name and title under signature(s)

<b><u>THIS BOX FOR OFFICE USE ONLY</u></b>		
Application Fees Paid? Yes___ No___	Submittal Checklist Attached? Yes___ No___	
<b>ENGINEER (PCE) ASSIGNED:</b>		
<b>ROUTED:</b>	City Surveyor _____	Other: _____

**SUBMITTAL REQUIREMENTS / CHECKLIST**

<b><u>Item</u></b>	<b><u>Description</u></b>	<b><u>Quantity / Amount</u></b>	<b><u>Check</u></b>
<b>1</b>	Preliminary Title Report (No older than 6 months)	1 copy	Yes ___ No ___
<b>2</b>	Current Grant Deed with Legal Description	1 copy of Each	Yes ___ No ___
<b>3</b>	Assessor's Parcel Map (11" x 17" must be legible)	1 copy	Yes ___ No ___
<b>4</b>	<b>CHAIN OF TITLE</b> Prepared by Title Officer or Surveyor (See 4a. through 4d. below.)	2 copies	Yes ___ No ___
4a.	A "Summary of the Creation" of subject parcel(s) is required. Must include the date the parcel(s) were created and identify by what action. The creation date is used to determine laws in effect when subdivision occurred.		
4b.	"Chronological List" of the parcel(s) history. Beginning with date of creation (parent) parcel progressing through current vesting is required.		
4c.	Copies of all "Deeds" listed in the chain of title. Include any supporting documentation such as recorded maps, lot splits, mergers, or other legal documents, parole evidence, as supportive to the legality of the subject parcel(s).		
4d.	"Parcel Depictions" <u>Sketches</u> of all the different configurations of the property that are listed in the chain of title.		
<b>5</b>	<b>LEGAL DESCRIPTION and PLAT</b> (Exhibits A and B) (See 5a. through 5c. below.)	2 copies	Yes ___ No ___
5a.	Typical Plat Information: north arrow, scale, vicinity map, area in square feet, all easement, lot lines, abutting property information, basis of bearing, abutting streets, alleys, centerlines, right-of-way, and widths, lot numbers, subdivision recordation dates, all bearings and distances.		
5b.	Closure Calculations: shall verify all descriptions. Indicate degree of accuracy.		
5c.	Exhibits: Wet stamped and Signed by the Engineer/Surveyor seal must be on the final, City approved, Exhibit A - Legal Description(s) and Exhibit B - Plat(s) to be recorded with Certificate.		
<b>6</b>	Site Plan – Show, label and dimension: proposed and existing easements, rights-of-way, public or private, access roads, storm drainage, sewers, existing buildings and setbacks.	2 copies	Yes ___ No ___
<b>7</b>	See "How Fees Are Calculated" on page 6. Agree additional Engineering Staff time fees will be Invoiced and must be paid in full prior to the Certificate being signed by the City Engineer.		Yes ___ No ___
<b>8</b>	<b>REQUIRED</b> - electronic (pdf) submittal. Email documents or link to download to: <a href="mailto:dotpermits@oaklandnet.com">dotpermits@oaklandnet.com</a> NOTE: This is a "No Reply" email address. Do NOT email questions.		Yes ___ No ___

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**Frequently Asked Questions FAQ's**  
**for a Certificate of Compliance (CC)**

**1. What is a Certificate of Compliance?**

*Answer:* The California Subdivision Map Act, Section 66499.35 of the Government Code allows for a Certificate of Compliance or Conditional Certificate of Compliance to be recorded. If a division of land complied with the State and Local Laws at the time of the division a Certificate of Compliance may be recorded.

If the division of land did not comply than a Conditional Certificate of Compliance may be recorded. After the Certificate with accompanying parcel legal description is recorded it certifies that the parcel of land complies with the Subdivision Map Act and Local Laws. The parcel is than acknowledged as being a legally created parcel. However, it does not guarantee that the parcel can be developed or further subdivided.

**2. What is a Conditional Certificate of Compliance?**

*Answer:* When it is determined the parcel or parcels were created in violation of the Subdivision Map Act or the City's Subdivision Code, then conditions are imposed to correct the violations.

For example, buildings are not permitted to be constructed across lot lines. In a review of a Certificate of Compliance application it is discovered that an existing building was constructed across the property lot lines. A condition of the Conditional Certificate of Compliance could be to require the Applicant to obtain either a lot line adjustment, a demolition permit or building moving permit to correct the violation of the existing structure across the property lot line.

**3. Who reviews my Certificate of Compliance application?**

*Answer:* A Staff Engineer is assigned to review the project application. The Engineer prepares the Certificate of Compliance or Conditional Certificate of Compliance. Application documents are routed to the City Surveyor. The Certificate is routed to the City Engineer for final review, approval and signature.

In special circumstances the City Planner or the City Attorney may also be required to review and approve the Certificate. If the property lies across another City boundary the Certificate must be reviewed and approved by the neighboring jurisdiction. All Reviewers comments must be addressed before the Certificate is signed by the City Engineer and sent to be recorded at the Alameda County Recorder's Office.

#### 4. How long will it take to get my Certificate of Compliance recorded?

*Answer:* Actual time varies on a case by case basis. The more detailed and complex the historical land creation, the number of transfers of ownerships, deeds and boundary descriptions the longer it takes to review. When a Conditional Certificate of Compliance is necessary review by the City Attorney's office may also be required. On average City's Staff time to process common applications takes about ninety (90) to one-hundred eighty (180) days. The Applicant and their Surveyor's response time is additional time that cannot be estimated by the City. Airspace, three dimensional legal descriptions, requires more time to review and may require additional outside consultant peer review to be paid for by the Applicant.

#### 5. Can I obtain a Building Permit after my Certificate is recorded?

*Answer:* While the Certificate allows for financing, leasing or sale of the parcel it does not guarantee it complies with any Zoning Ordinance, Building Code or any other law or ordinance. The parcel or parcels may not have a legal means of access or availability to connect to existing public services. To be a buildable parcel it must meet the current Zoning Ordinances and the design of proposed structures must meet the Building codes. Applicants should discuss building permit concerns at the second floor Planning, Zoning, and Building Department permit counters.

#### 6. What is a "Notice of Intent" Letter and "Notice of Violation" Recorded Document?

*Answer:* When it becomes known that a parcel was created illegally the owner is provided will be sent a "Notice of Intent" letter. The owner upon receipt of the Notice of Intent may apply for a Conditional Certificate of Compliance. If the Conditional Certificate of Compliance is not recorded a "Notice of Violation" will be recorded with the Alameda County Recorder's Office. The Notice of Violation document notifies the owner and subsequent owners that the parcel was created in violation of the Subdivision Map Act and Local Laws.

#### 7. What happens if the CC Permit application expires OR fee balance is not paid?

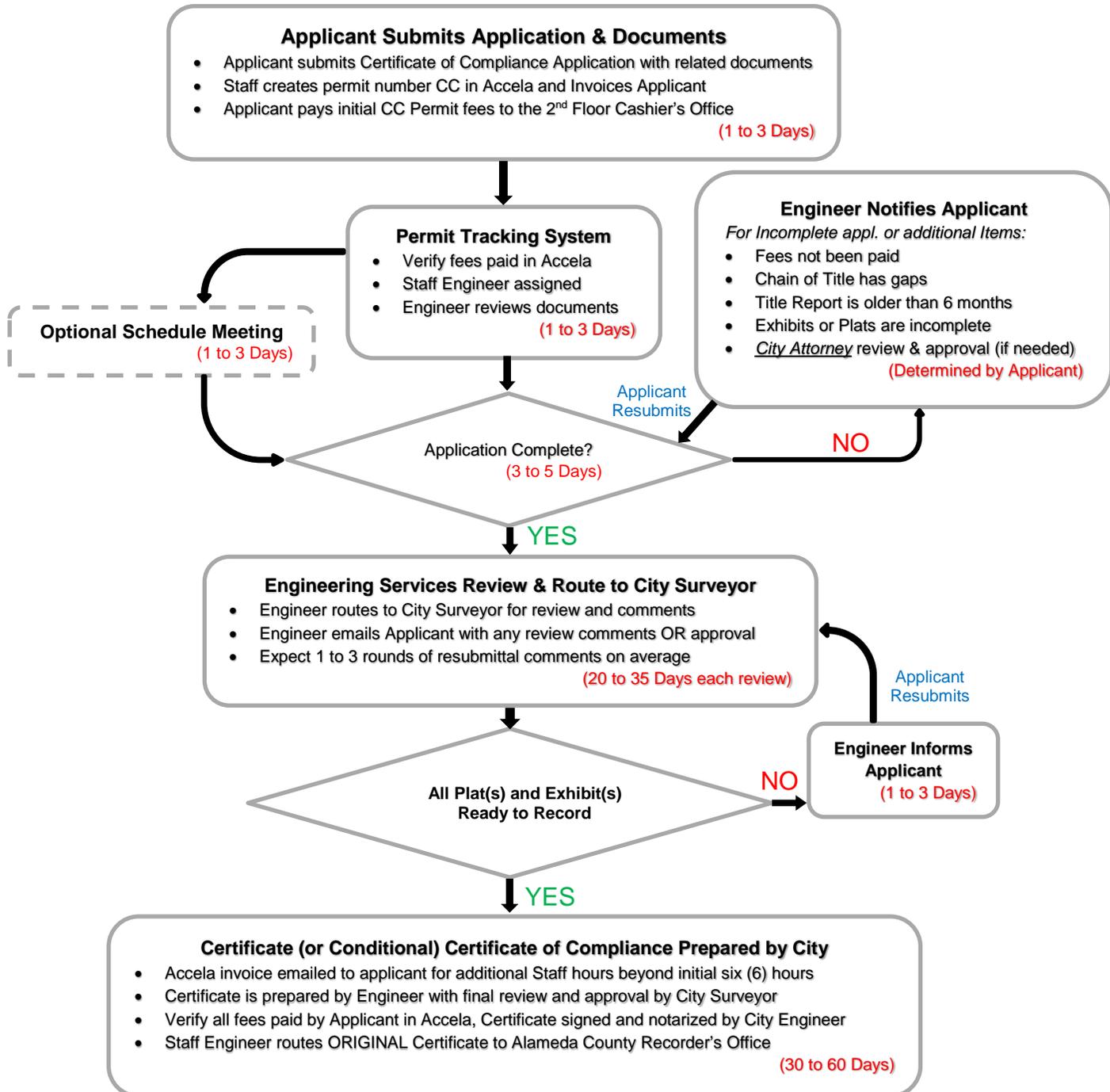
*Answer:* After review of the CC Permit application submittal documents if it is found that the parcel or parcels were created illegally AND the CC Permit application expires, the Applicant will first be sent the "Notice of Intent" letter. Consequently, the "Notice of Violation" will be filed with the Alameda County Recorder's office. *Also see Question #6 above.*

Permit applications automatically expire in Accela, the City's permitting system, at 180 days when there is no activity. To ensure CC Permit application does not inadvertently expire applicants are expected to email the Staff Engineer every 4 to 6 weeks with an update on *their* progress, or to inquire about the *City's* review. Applicants should promptly pay additional fees owed to the Cashier's office on the Second Floor. Payments are entered into Accela and verified by the Staff Engineer before the City Engineer signs the Certificate.

**WHAT ARE THE STEPS TO OBTAIN A CC PERMIT - CERTIFICATE OF COMPLIANCE OR CONDITIONAL CERTIFICATE OF COMPLIANCE?**

Days in parenthesis are City's time average working days  
 Typical Start to End time is 4 to 8 months  
 Applicant's time to be added to the above

START



END

**HOW ARE CC PERMIT - CERTIFICATE OF COMPLIANCE  
OR CONDITIONSL CERTIFICATE OF COMPLIANCE FEES CALCULATED?**

The fees for a CC Permit Certificate of Compliance or Conditional Certificate of Compliance are calculated based upon the approved Oakland Master Fee Schedule. Applicants should budget a minimum amount of three-thousand six hundred dollars \$3,600.00 for each CC Permit since these permit applications normally require additional staff time and meetings with the applicants to clear missing information in the chain of title.

Most CC Permit applications will require more than six (6) hours to complete. The Applicant must pay all invoiced amounts owed *before* the City Engineer signs the Certificate. On average, an additional twelve to forty (12 to 40) hours may be required to complete the Certificate. Questions about additional City time and invoices should be directed to the Staff Engineer assigned the CC Permit application.

**ENGINEERING**

CERTIFICATE OF COMPLIANCE

No.	Description	Amount **	
1	For Work Through Six Hours	1,311.00	Certificate
2	For Work After Six Hours	190.00	Hour or Fraction of

ENGINEER PERMIT APPLICATION REVIEW

No.	Description	Amount **	
1	Regular Working Hours	174.00	Hour or Fraction of
2	Outside of Regular Working Hours	262.00	Hour or Fraction of

Outside of Regular Working Hours rates apply when the Applicant has signs an Overtime / OT application with their CC-Permit application and the Engineer assigned has pre-authorization by their Supervisor to work overtime on the specific CC-Permit. Submittal of an OT application does not guarantee any review or permit processing will be completed within a specified or shorter timeframe than normally required to process a typical CC-Permit.

ADMINISTRATIVE \*\* Non-Refundable per Master Fee Schedule added to all permits

1	Filing Fee	13.00	Each Permit
2	Application Fee	57.00	Each Permit
3	Record Management and Technology Fee	14.75%	Permit Total

**MEETINGS**

All meetings are invoiced as additional City time. Meeting in person often provides a much better understanding of the full scope of the CC Permit application and the results the Applicant may expect. Applicants along with their Consultants, Land Surveyor and/or Title Officer are recommended to request an initial in person meeting with the Staff Engineer particularly when the application under review is unclear or very complex. For any “Air-Space Parcel(s)” a minimum of 2 meetings is required. Follow up meetings are recommended to ensure City comments were fully satisfied and for questions or concerns about any conditions. Generally, meetings save everyone a lot of time and effort in preparing and recording the Certificate. To schedule a meeting the Applicant should email their request with their availability to the Staff Engineer.