



## TOWN OF LOS GATOS

### GENERAL CERTIFICATE OF COMPLIANCE INFORMATION

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#### **What is a Certificate of Compliance?**

A Certificate of Compliance is a legally recorded document which certifies that a parcel of land complies with the Subdivision Map Act and local laws. In other words, it is a document that states the Town of Los Gatos accepts the fact that a particular parcel of real property has been legally created.

The Certificate of Compliance is provided for under the Map Act, Section 66499.35 of the Government Code. It allows a person to apply for a determination as to whether a division of land complied with State and local laws in effect at the time of the division. If the division complies with applicable provisions of State and local laws enacted pursuant thereto, a Certificate of Compliance shall be recorded, but if the division did not comply with State and Local laws enacted pursuant thereto, a Conditional Certificate of Compliance shall be issued. A Certificate of Compliance is administered by the Community Development Department, but is also reviewed by the Parks and Public Works Department to consider imposing appropriate conditions in accordance with the provisions of Section 66499.35(b) of the Government Code. In instances where the Town Surveyor has no questions about the legality of the lot line(s) in question, the Certificate of Compliance requirement may be waived at the discretion of the Town Engineer.

There are a number of different ways to subdivide real property. The most common way is by a tract map or parcel map. These processes are recognized by the State of California and the Town of Los Gatos as being legal means of subdividing. However, many parcels were created long before these processes became widely accepted. In California, *generally*, if a parcel was created without using one of these processes, yet was created by a recorded deed prior to March 4, 1972, then it is considered to have been legally created, *unless local ordinances were in effect* at the time regulating divisions of land (Map Act, Section 66412.6).

In the Town of Los Gatos, there were in fact local ordinances in place regulating divisions of land prior to March 4, 1972. On December 2, 1946, the Town adopted Ordinance No. 276 that regulated the permitted uses in various zoning districts and identifies the minimum parcel size required for particular types of structures. Subsequently, on February 16, 1948, the Town of Los Gatos enacted Ordinance No. 288, regulating subdivisions that created five (5) or more parcels.

#### **How long does it take to process a Certificate of Compliance?**

A Certificate of Compliance requires approval by the Development Review Committee (DRC). Please review the [Development Review Application Package](#) as prepared by the Community Development Department for more information. Coordination is required with the Community Development Department and the Certificate of Compliance first must be heard at a Technical Review meeting prior to being scheduled and placed on a DRC meeting agenda. If during the initial review it is determined that more documentation is needed, or if there is insufficient information regarding the creation of the parcel, the Town will provide comments to the applicant indicating the information and/or revisions needed. Please note that this may extend



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the time needed to process the Certificate. Once all the information meets the Town's requirements and is approved by the DRC, a Certificate of Compliance is prepared, signed and ultimately recorded at the Santa Clara County Clerk-Recorder's Office.

#### **Can a Certificate of Compliance be issued for illegal parcels?**

On occasion, parcels are determined to have been created after the Town enacted Ordinances in 1946 and 1948 and/or after the Subdivision Map Act's date of March 4, 1972, which are in violation. In such instances, Certificates of Compliance can still be issued; however, they are called Conditional Certificates of Compliance. Conditions are imposed that require certain improvements or dedications be made, or certain zoning approvals obtained, prior to issuance of any future construction or development permits. Building permits cannot be issued for parcels that have a Conditional Certificate of Compliance unless all of the imposed conditions have been satisfied. A Conditional Certificate of Compliance is viewed the same as a Certificate of Compliance in regard to the ability to obtain 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 person(s) who created the violation, the conditions will then reflect the requirements of the current-day subdivision regulations. However, if the property has been sold, where the person who previously created the violation no longer owns the property in question, the conditions imposed are those which reflect the subdivision requirements at the time the violation occurred.

#### **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 Town of Los Gatos' Subdivision Ordinance. It does not mean that it complies with the Zoning Ordinance, Building Code, or any other law or ordinance. Additionally, the issuance of a Certificate of Compliance does not necessarily mean that the lot has an approved means of access. Zoning and building codes are not the criteria that are 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" for reasons unrelated to land division laws. Staff is available to answer any questions you may have regarding the Certificate of Compliance process. Please call the Community Development Department at (408) 354-6872 or the Parks and Public Works Department at (408) 399-5771 if you have questions regarding Certificates of Compliance.