



Planning Services Division

3675 Mt. Diablo Boulevard, Suite 210

Lafayette, CA 94549-1968

Tel. (925) 284-1976 • Fax (925) 284-1122

www.ci.lafayette.ca.us

GRADING PERMIT APPLICATION INSTRUCTIONS

GENERAL

This handout is intended for applicants seeking a stand-alone grading permit, not in association with additional development permit applications such as Design Review or a Hillside Development Permit.

A Grading Permit is required for:

- Movement of more than 50 cubic yards of earth. Application must be accompanied by a Planning or Building Permit application for a “project for development.”*
- Each subdivision and every project for which the City requires a grading permit as a condition of approval. However, if the grading permit covers contiguous sites and the entire area is included in the grading plans accompanying the application for a permit, one permit may cover all the sites.

A Grading Permit is **not** required for:

- Minor grading that involves:
 - Land leveling for agricultural farming, if the average ground elevation is not changed more than 3 feet
 - Cemetery graves
 - Movement of less than 50 cubic yards, which does not alter a drainage course or have an adverse impact on unique natural features or vegetation
- Excavation below finished grade for basements and footing of structures authorized by a valid building permit or trench excavations for the purpose of installing underground utilities, if to be backfilled to natural grade
- Mining, quarrying, excavating, processing, stockpiling of rock, sand, gravel, aggregate or clay, for which a permit has been granted by the planning agency; provided that, such operations do not affect the lateral support or increase the stress in, or pressure upon, any adjacent or continuous property
- Emergency work, as authorized by the county building official, necessary to protect life, limb or property, or to maintain the safety, use or stability of a public way or drainage way

* “Project for development” means construction, reconstruction, or alteration of the size of a residence or other structure, drainage improvement, slide repair, landscaping, the construction of a swimming pool or retaining wall and any other change in the density or intensity of the use of land.

- Excavation for underground storage tank where the capacity of the tank does not exceed 20,000 gallons
- Grading in an isolated, self-contained area, if the county building official determines that no danger to private or public property is likely to result from the grading operations
- The structural section of subdivision streets in tracts for which subdivision improvement plans have been reviewed by the City and the work is being inspected by the City under the City's subdivision regulations
- Temporary local borrow pit for road material and top soil for landscaping situated within the larger ownership being subdivided, and if the excavation does not endanger property under another ownership or creates a public nuisance or safety hazard. The land shall be graded to comply with this division on cessation or excavation within the pit areas
- Temporary stockpile of top-soil material required for landscaping loss being graded in the immediate area for building purposes if the stockpile is not placed within a public right-of-way, does not obstruct a drainage way, is not subject to erosion which will cause silting problems in a drainage way, does not endanger another property, and does not create a public nuisance or safety hazard, as determined by the building official. The land shall be graded to comply with this division after removal of the stockpile
- Fire trail, or access road to a public utility gas and electric transmission line

PROCEDURE

Step 1 Filing the Application

The applicant should carefully complete the application and be sure that all submittal requirements and fees are provided, and that the application is signed by the current property owner. A staff planner will review the application for completeness, within 30 days of submission, and notify the applicant of any necessary alterations to the plans, additional submittals required, and the number of full-size sets of plans required for the review process. Once an application is deemed complete, the applicant will be notified regarding the time, date and location for review by the hearing authority.

Step 2 Environmental Review

Staff will review the proposed application to determine what level of environmental review is necessary according to the California Environmental Quality Act.

Step 3 Hearing Authority

The Zoning Administrator acts on each application for a permit that involves between 50 and 200 cubic yards and may (1) approve the permit with or without conditions, (2) schedule and hold a public hearing on the application, or (3) refer the application to the Design Review Commission. If the application involves more than 200 cubic yards, the Zoning Administrator may either process the application as the approving authority or may refer the application to the Design Review Commission as the approving authority. All applications that involve grading more than 200 cubic yards require a public hearing. If applications are referred to the DRC, additional application fees may be required.

If required, a notice of public hearing will be mailed at least ten calendar days before the hearing to all owners of property contiguous to the subject property and to the owners of other property, who

in the opinion of the Planning and Building Services Manager, are directly affected by the proposed project. The applicant or a representative should be present at the hearing to make a presentation and answer questions. Any interested party may submit oral or written testimony. After close of testimony, the hearing authority may approve the Grading Permit as submitted, approve it with amendments and additional conditions, or deny it. In considering a permit, the hearing authority may impose conditions on the project to make it more acceptable, to correct existing deficiencies, or to carry out the purpose and intent of Lafayette Municipal Code Ordinance 536, Grading Ordinance. The hearing authority may choose not to take action at the first hearing and continue the application to a future date.

Step 4 Appeal of Decision

The applicant or any other aggrieved party may appeal in writing the action of the hearing body to the next level of hearing authority within fourteen (14) calendar days following action. If the action is not appealed, the action is effective on the fifteenth day. The fee for an appeal may be 50 to 100 percent of the application fee depending on the original fee. The same notification provided for the original hearing will be repeated. The applicant should be present and any interested person(s) may submit testimony. After close of testimony, the hearing authority for the appeal will make a decision on the proposed permit, or if necessary, continue the matter to a date certain for future action.

PROCESSING TIME

The total time for processing a Grading Permit application varies depending on the complexity and magnitude of the project. After an application has been deemed complete, it usually takes three to five weeks for the first meeting before the Hearing Authority.

TIME AND PLACE OF MEETINGS

- Zoning Administrator hearings: **first** and **third** Thursdays of each month, commencing at 2:00 p.m. at the City Offices, 3675 Mt. Diablo Boulevard, Suite 210.
- Design Review Commission hearings: **second** and **fourth** Mondays of each month, commencing at 7:00 p.m. at the Lafayette Library and Learning Center, 3491 Mt. Diablo Boulevard in the Arts and Science Discovery Center.

A calendar of adopted meeting dates is available at www.lovelafayette.org.

PERMIT EXPIRATION

A Grading Permit approval automatically expires if the use or action authorized is not started or construction incident thereto is not begun on or before the time limit specified in the permit, and thereafter diligently pursued. If no time is specified, the permit expires 12 months after the date of approval. The Planning and Building Services Manager may grant one final 12-month extension of time upon written request prior to the expiration date of the permit if the City has not made relevant changes to the Lafayette Municipal Code and the development is not changed.



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APPLICATION FOR GRADING PERMIT SUBMITTAL REQUIREMENTS

For all grading permit applications, one (1) reduced set of plans (11" x 17") and one (1) electronic (PDF) set of plans by email or dropbox (sent to planner@lovelafayette.org) shall be submitted for initial review unless otherwise specified in this checklist or by staff.

Once Planning Services Division staff has reviewed the plans (within 30 days), the applicant will be notified of any necessary alterations to the plans, any additional submittals required, and the number of plans required for the review process. All plans shall be clearly and legibly drawn to scale (not less than 1" = 30'). Full-size sheets shall not exceed a maximum size of 24" x 36". Text and linework shall be clear and visible. Plan sets are to be folded to a size not exceeding 9" x 12" with title block visible.

A signed copy of this checklist is required with each box checked affirming submittal of the required item(s). The application will not be accepted for processing unless all pertinent information listed in this checklist is provided. The reason for the absence of any required items must be explained in the column "reason for non-submittal." The Planning Services Manager must be satisfied as to the reason for non-submittal or the application will not be accepted.

All plan sheets shall have a north arrow, scale, graphic (bar) scale, name of the project owner/proponent and name of the engineer, architect, or owner's representative, site address, and assessor's parcel number (or name of subdivision and lot number). All plans shall be dated; all revised plans shall include revision date and revised portions shall be clearly identified.

GENERAL SUBMITTAL REQUIREMENTS

Reason for non-submittal:

- 1. Application form completed and signed by the current property owner.
- 2. Completed Response to Findings.
- 3. Required fee and Agreement for Planning Services.
Make check payable to CITY OF LAFAYETTE.
- 4. Context map (minimum 1" = 50') showing:
 - All parcels immediately adjacent to site.
 - Property ownership.
 - Footprints of all structures.

- Significant landscaping.
 - Significant topographic or man-made landforms or features.
 - Label and note the distance to existing structures on adjacent lots.
 - Indicate the approximate elevations of adjacent residences.
5. Site plan showing:
- Vicinity map.
 - Existing natural land features and topography including each designated ridgeline. The topography shall be shown at a maximum of two foot contour intervals in the area to be developed.
 - All property lines and dimensions and square footage of property.
 - All public and private roads, rights-of-way, and easements, within and to the parcel, fully dimensioned. Indicate whether public or private.
 - Existing street improvements (curb, gutter, sidewalk, extent of paving).
 - Location and dimensions of all existing structures with dimensions to all property lines.
 - Proposed building site(s) and footprint(s) of all proposed structures with dimensions to all property lines. All changes or additions to existing structures shall be hatched, shaded, or otherwise highlighted.
 - Circulation plans for each vehicular and pedestrian way.
 - All existing and proposed impervious surfaces, including but not limited to sidewalks, roofs, patios, stairs, pool decks, and driveways (shaded or hatched appropriately). Call out square footage of impervious surfaces on the site plan.
 - Location and dimensions of existing and proposed fences and retaining walls with top-of-wall (TW) and bottom of wall (BW) spot elevations.
 - Surveyed locations of each tree having a trunk of 4 or more inches in diameter at 4'-6" above grade and within 100 feet of all construction and grading. The plan shall denote tree species, accurate drip lines, base of trunk elevations, and indicate with an "X" any trees proposed for removal.
 - Proposed or altered landscaping. New or replacement vegetation in a restricted ridgeline area shall be native to the surrounding area.
 - General location of each hiking, riding and bicycle trail and recreational facility.
 - Areas of natural open space that will remain upon completion of development.
 - Location of any Class I, Class II, or Class III ridgelines within the project boundaries or within 100 feet beyond the project boundaries.

- Ridgeline setback areas (measured in plan view from the centerline of the ridge). The ridgeline setback for Class I ridges is 400 feet and 250 feet for Class II ridges.

- 6. Grading plans showing:
 - Anticipated grading for the development. Note amount of cut, fill, import or export. Destination of exported earth shall be indicated on building permit application.
 - Existing and proposed drainage facilities including swales, creeks, drainage ditches, discharge facilities, catch basins, and subsurface drainage pipes (closed and open), within and adjacent to the site. (See separate handout entitled "Drainage Plan Guidelines").
 - Location of existing and proposed sanitary sewers and storm drain facilities.

- 7. Two copies of current preliminary soils and geological report, prepared by a registered geotechnical engineer.

- 8. Additional information required by the Planning & Building Services Manager or imposed by the city's zoning, subdivision, building and grading regulations, and environmental review procedures.

SIGNATURE OF PREPARER: _____

DATE: _____

PRINT FULL NAME: _____

Rev. 2016.11.10

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STANDARD APPLICATION FORM

PROJECT INFORMATION

Project Address / Location		Assessor's Parcel Number (APN)	Zoning District	Flood Zone
General Plan Designation	Parcel Size (sq.ft.)	Grading: Cut (cu.yds.)	Grading: Fill (cu.yds.)	
Existing Gross Floor Area (sq.ft.)	Existing Building Footprint (sq.ft.)	Existing Impervious Surface (sq.ft.)	Existing # Parking Spaces (sq.ft.)	
Proposed Gross Floor Area (sq.ft.)	Proposed Building Footprint (sq.ft.)	Proposed Impervious Surface (sq.ft.)	Proposed # Parking Spaces (sq.ft.)	

Existing Land Use
 Single-Family Residential Multi-Family Residential Commercial Office Vacant Other (specify) _____

Proposed Land Use
 Single-Family Residential Multi-Family Residential Commercial Office Vacant Other (specify) _____

APPLICANT INFORMATION

OWNER INFORMATION

Applicant Name:			Owner Name:		
Applicant Address			Owner Address		
City	State	Zip	City	State	Zip
Phone () -	Cell () -		Phone () -	Cell () -	
Email (for official use only):			Email (for official use only):		
Party Responsible for Fee Payment: <input type="checkbox"/> Owner <input type="checkbox"/> Applicant			Payment Method: <input type="checkbox"/> Credit Card <input type="checkbox"/> Check <input type="checkbox"/> Cash <input type="checkbox"/> Credit Card via Square (2.9% convenience fee added)		

CHECK ALL APPLICABLE REQUESTS

- | | | |
|---|---|--|
| <input type="checkbox"/> 15-Degree Declination Exception | <input type="checkbox"/> Land Use Permit | <input type="checkbox"/> Sign Permit |
| <input type="checkbox"/> Accessory Dwelling Unit Permit (Class C) | <input type="checkbox"/> Lot Line Revision | <input type="checkbox"/> Study Session |
| <input type="checkbox"/> Address Assignment / Change | <input type="checkbox"/> Major Subdivision / Tract (≥ 5 lots) | <input type="checkbox"/> Temporary Land Use Permit |
| <input type="checkbox"/> Appeal (App. # _____) | <input type="checkbox"/> Minor Subdivision (4 lots or fewer) | <input type="checkbox"/> Tree Removal Permit |
| <input type="checkbox"/> Certificate of Compliance | <input type="checkbox"/> Public Art Permit | <input type="checkbox"/> Variance / Exception |
| <input type="checkbox"/> Change of Conditions | <input type="checkbox"/> Reasonable Accommodation | <input type="checkbox"/> Wireless Communications Facilities Permit |
| <input type="checkbox"/> Design Review | <input type="checkbox"/> Reconsideration (App. # _____) | <input type="checkbox"/> Zoning Text Amendment |
| <input type="checkbox"/> Family Day Care | <input type="checkbox"/> Re-Zone Property | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Ridgeline Setback Exception | SB 9 Application |
| <input type="checkbox"/> Grading Permit (≥ 50 cu. yds.) | <input type="checkbox"/> Right-of-Way Abandonment | <input type="checkbox"/> SB 9 Housing Development |
| <input type="checkbox"/> Hillside Development Permit | <input type="checkbox"/> Senior Housing Permit | <input type="checkbox"/> SB 9 Urban Lot Split |

OWNER / AGENT STATEMENT

Property Owner Consent – I am the legal owner of record of the land specified in this application or am authorized and empowered to act as an agent on behalf of the owner of record on all matters relating to this application. I declare that the foregoing is true and correct and accept that false or inaccurate owner authorization may invalidate or delay action on this application. I hereby grant permission to access the property to individuals involved in the processing of the subject application(s). I agree to defend, indemnify and hold harmless the City, its agents, officers, officials, and employees from all claims, demands, lawsuits, writs of mandamus, and other actions or proceedings (collectively "Actions") brought against the City or its departments, commissions, agents, officers, officials, or employees to challenge, attack seek to modify, set aside, void or annul any City decision made in connection with this application. In the event the City becomes aware of any such Actions, the City shall promptly notify me and shall cooperate fully in the defense. It is expressly agreed that the City shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the City's defense, and I shall reimburse City for any attorney's fees, costs and expenses, including any plaintiff's or other third party's attorneys' fees, costs and expenses, directly and necessarily incurred by the City in the course of the defense.

Print Name _____ Signature _____ Date _____

Standard Application Form

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APPLICATION FOR GRADING PERMIT RESPONSE TO FINDINGS

Project Description - On a separate sheet, please briefly describe the scope of the project and the purpose of the proposed grading. Include reasons why you believe the grading permit can be granted.

CUT =	Cubic Yards
FILL =	Cubic Yards
NET =	Cubic Yards

OFF-HAUL=	Cubic Yards
IMPORT =	Cubic Yards
NET =	Cubic Yards

OTHER CONCURRENT APPLICATIONS:

None Subdivision Design Review Land Use Permit Hillside Development Permit Other

Response to Findings - Repeat and respond to each of the findings listed below which must be made for the hearing body to approve your application. Print or type using blue or black ink. These findings can be found on the City of Lafayette web site to facilitate copy/paste into word processing software.

In granting approval for this Grading Permit, a number of findings must be made per Section 716-4.202(e). Please respond to each of the following statements on a separate sheet(s).

1. The grading will not endanger the stability of the site or adjacent property or pose a significant ground movement hazard to an adjacent property. (*Applicant: refer to project geotechnical report when responding to this statement.*)
2. The grading will not significantly increase erosion or flooding affecting the site or other property and will not cause impacts to riparian habitats, stream channel capacity, or water quality that cannot be substantially mitigated.
3. The grading, when completed, will result in a building site that is visually compatible with the surrounding land.
4. The grading is sensitive to the existing landforms, topography, and natural features on the site.
5. The design of the project preserves existing trees on the site and trees on adjoining property to the extent possible.
6. Arborist recommendations for retained trees, if any, are incorporated into the grading plan.

Additional Comments - Provide any additional comments on a separate sheet.

Application Number: _____

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City of Lafayette • Planning Services Division

AGREEMENT TO PAY FOR CITY SERVICES

Directions: Complete and submit this form with the development application.

In consideration for the City providing the services described in this Agreement, the undersigned agrees as follows:

1. The City services requested relate to development application number _____, property in the City of Lafayette located at _____, assessor's parcel number _____.
2. This Agreement is for services and fees that are in addition to the planning fees paid upon the filing of the referenced development application. I agree to pay for the additional charges imposed by the City for staff time spent processing the application based upon an hourly rate established by resolution of the City Council. These services include but are not limited to City staff time spent for engineering and other City administrative services regarding the application. In addition, I agree to pay for services of consultants retained by the City and required by it in connection with the development application at the hourly rate charged by each consultant to the City. These services include but are not limited to legal, landscaping, traffic engineering and environmental services.
3. The City will bill for the services performed under this Agreement upon a monthly or other periodic basis. If at any time the balance due exceeds \$500.00, the City may cease processing the application, prepare a recommendation for taking action on the application and present the application to the appropriate hearing body for final action.
4. The development application account will remain open until it is paid in full. Final payment in full is due as follows:
 - a. In the case of a subdivision, upon release of the final improvement bond or when conditions of approval are satisfied, which ever is later in time;
 - b. In the case of all other applications, when the City authorizes Contra Costa County to issue final building inspection clearance or when work for which a permit is issued is completed;
 - c. If an application is denied, upon expiration of the appeal period or upon a final decision on appeal;
 - d. If an application is withdrawn, when all remaining staff work on the application is completed;
 - e. Upon the expiration of 12 consecutive months during which there was no activity on the application.
5. The undersigned is responsible for the payment of the costs and charges involved with the application even though the property or project is sold or assigned to another party. If the undersigned desires to transfer payment responsibility to another, it is the undersigned's responsibility to have this Agreement replaced by a new agreement with the responsible party. Any outstanding balance must be paid before the City will accept a replacement agreement.
6. The undersigned agrees to advise the City in writing of any change to their billing address and represents that (s)he is the party responsible for payment of the costs under this Agreement.

PRINT NAME: _____

TELEPHONE: _____

MAILING ADDRESS: _____

SIGNATURE: _____

CITY, STATE, ZIP: _____

DATE _____

NOTE: THIS DOCUMENT IS NOT TRANSFERABLE • ORIGINAL TO FINANCE • COPY TO APPLICANT • COPY TO APPLICATION FILE

APPLICATION NO. _____

FOR OFFICIAL USE ONLY

ACCOUNT NO. _____

Agreement for City Services

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