



## Planning & Building Department

3675 Mt. Diablo Boulevard, Suite 210

Lafayette, CA 94549

Tel. (925) 284-1976

[www.lovelafayette.org](http://www.lovelafayette.org)

# HILLSIDE DEVELOPMENT PERMIT

## Phase I Application

### INSTRUCTIONS

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#### GENERAL

A Phase I Hillside Development Permit (HDP) is required for development of a vacant lot in the Hillside Overlay District (HOD). The Hillside Overlay District is intended to protect the health, safety and welfare of the city by establishing regulations for the development of ridgeline, hillside and other rural residential areas within the city.

Development of a building on a vacant lot in the Hillside Overlay District shall be reviewed in two separate Hillside Development Permit applications:

- **Phase I:** Siting and massing determination by the Planning Commission
- **Phase II:** Review of the design and impacts of the project by the Design Review Commission (and Planning Commission for ridgeline development or as determined by the Commissions)

#### PROCEDURES

Pre-application: Prior to application for a Hillside Development Permit, the applicants should discuss their plans with Planning Services Division staff to determine what regulations apply to their property. Once it is clear that an HDP is required for the proposed development, the applicant should carefully assess the impacts and public service demands of the project. Are there likely to be problems with utilities, street improvements or drainage easements or other foreseeable issues or controversies? The applicant should discuss any potential problems with the appropriate governmental agency or private consultants, as necessary, as well as with those neighboring property owners that may be affected by the proposed development. Please see the handout entitled "[Marquis de Lafayette's Tips for Success](#)" for more suggestions and helpful tips.

Study Session: At the request of the applicant, the Design Review Commission (DRC) may conduct study sessions on the aesthetic aspects and possible issues related to a proposed project. These are held at the beginning of a Design Review Commission hearing. A study session allows an applicant to get feedback from the DRC early in the design process, before becoming overly invested in a given design. Ideally, a study session would take place around the 30% design stage, after site constraints and advantages have been assessed, but without hard-line design drawings or finished presentation graphics. Please see the handout entitled "[Study Session Information Sheet](#)" for more information on how to request a study session.

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 check the application for completeness. Once staff has reviewed the plans (within 30 days), the applicant will be notified of any necessary alterations to the plans and additional submittals required. Once an

application is deemed complete, the HDP application will be scheduled for a public hearing before the appropriate hearing authority.

Environmental Review: Staff will review the proposed application to determine what level of environmental review is necessary according to the California Environmental Quality Act. If a negative declaration or environmental impact report (EIR) is required, requests for additional information, fees and additional processing time are to be expected.

Hearing Authority: The Planning Commission (PC) is the hearing authority for (1) Phase I HDP, siting and massing determination for vacant hillside land, and (2) subdivision of land. The Zoning Administrator (ZA) will review all other Hillside Development Permit applications and, based on the scope of the proposed project, will determine if the hearing authority will be the Zoning Administrator and whether or not a public hearing will be required. The application will be referred to the Design Review Commission or Planning Commission, as determined by the Zoning Administrator, for more complex or larger scale projects. The Design Review Commission can also refer applications to the Planning Commission for their consideration. If applications are referred to the DRC or PC, 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, that in the opinion of the Planning and Building Services Manager, is 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 HDP as submitted, approve it with amendments and additional conditions, or deny it. In considering an HDP, the hearing authority may impose conditions on the project to make the use more acceptable, to correct existing deficiencies, or to carry out the purpose and intent of Chapter 6-20 of the Hillside Development ordinance. The hearing authority may choose not to take action at the first hearing and continue the application to a future date.

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 an HDP varies depending on the complexity and magnitude of the project. After an application has been deemed complete, it usually takes five to six weeks for the first meeting before the hearing authority. The requirement for a negative declaration or environmental impact report could add six to twelve months to the processing time, respectively.

## TIME AND PLACE OF MEETINGS

**NOTE:** Starting January 2010, **Design Review Commission** and **Planning Commission** hearings will occur on **MONDAYS**. Zoning Administrator hearings will continue to occur on Thursdays.

- 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 new Lafayette Library and Learning Center, 3491 Mt. Diablo Boulevard in the Arts and Science Discovery Center.
- Planning Commission hearings: **first** and **third** Mondays of each month, commencing at 7:00 p.m. at the new Lafayette Library and Learning Center, 3491 Mt. Diablo Boulevard in the Community Hall.

A calendar of adopted meeting dates is available at [www.lovelafayette.org](http://www.lovelafayette.org).

## PERMIT EXPIRATION

A Hillside Development 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 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.

# Hillside Development Permit – Instructions

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### HILLSIDE DEVELOPMENT PERMIT

Phase I Application

### SUBMITTAL REQUIREMENTS

The goal of the Phase I Hillside Development Permit is to identify the most appropriate building site and massing to minimize site impacts, reduce offsite visibility, and maintain the neighborhood context. A successful building site should:

- be lower in elevation to reduce the offsite visibility
- have an average slope of 30% or less to reduce the amount of required grading
- be close to existing roadways to minimize the length of driveway
- allow for onsite drainage using low impact designs
- follow the existing pattern of development within the neighborhood context
- follow the natural contours to reduce required grading and building massing
- be designed around natural features to minimize tree removal and site impacts

This checklist is intended to cover all types of development, large and small. Not all items may be applicable for the scope of your development, in which case check the N/A box. Please check all items and indicate the sheet number(s) where prompted. An applicant may obtain preliminary review from a planner during Planning Counter Hours. The Planning & Building Department will ultimately determine the level of detail needed to process your application once it has been submitted and is being processed. Hyperlinks are provided for the applicable handouts referenced in this document; however are also available on the City's website, [www.lovelafayette.org](http://www.lovelafayette.org), or at the City offices.

### GENERAL SUBMITTAL REQUIREMENTS

YES N/A

- 1. APPLICATION FORMS**
- a. Standard application form.
  - b. Response to findings.
  - c. Brief description of the scope of work.
  - d. Checklist completed and signed by the preparer with each box checked acknowledging submittal of the required item(s) and listing the corresponding sheet number(s).
  - e. Agreement to Pay for City Services, completed and signed.
  - f. Processing fee(s): credit card (Visa/MasterCard) or check (payable to City of Lafayette)

- 2. PRELIMINARY TITLE REPORT**
- One (1) electronic copy of report
- a. Not more than (6) six months old
  - b. Listing all recorded easements and restrictions
  - c. Providing legal description of the property

- 3. PRELIMINARY SOILS REPORT** prepared by a registered geotechnical engineer
- One (1) electronic copy, including colored attachments and/or exhibits

YES N/A

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**4. ARBORIST REPORT** prepared by a certified or consulting arborist <sup>1</sup>

One (1) electronic copy of report (which may include colored attachments and/or exhibits), including:

- a. Tree location, genus, species, diameter, dripline, and elevation at trunk base.
- b. Health and condition of the tree, including existing hazards to the tree.
- c. Potential impact of development on the tree or existing tree condition.
- d. Evaluation of preservation potential based on the tree's existing condition and in relation to any potential development.
- e. Recommendations for protection, preservation, and requirements to maintain and improve tree health and assure survival.
- f. Tree inventory table listing the tree number (as numerically tagged in the field), species, trunk diameter, health of tree, potential impact of proposal, and indicate whether tree is to be saved or removed.
- g. Site plan showing: numbered trees, accurate driplines, and proposed location of tree protection fencing.
- h. Photos as applicable.
- i. Post construction recommendations as applicable.

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**5. PHOTO AND VISUAL ANALYSIS**

- a. Site and neighborhood photos (electronic copy).
- b. Field markers identifying the following:
  - i. Red ribbon tied around all trees proposed to be removed.
  - ii. Yellow ribbon outlining proposed driveway(s).
  - iii. Ground staking outlining proposed building site(s).
- c. Story poles
  - i. Submit a story pole layout plan (certified by a California Licensed Surveyor or a California Licensed Civil Engineer), no later than 14 days before the scheduled hearing date.
  - ii. Submit photographs of the story poles from most prominent public vantage points and surrounding residences.
- d. Photo montage
  - i. Outline the project or graphically set it into the photos.
  - ii. Submit photos from most prominent public vantage points and existing surrounding residences.

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**6. ENVIRONMENTAL INFORMATION FORM**

Based on an Initial Study, your project may be subject to additional environmental review fees, set by the State and due at the time of project approval. Refer to the [Planning Fee Schedule](#) for current fees.

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<sup>1</sup> Required if the proposal entails development within the dripline of an existing protected tree  $\geq 4'$  in diameter

YES N/A

**7. BIOTIC RESOURCES ANALYSIS**

One (1) electronic copy of report, including:

- a. Type and location of threatened and endangered plant and animal species.
- b. Riparian vegetation on and within 100' of subject property.
- c. Oak woodland and other plant communities providing habitat.
- d. Location of watercourses, springs, drainage swales, wetlands, wildlife corridors, and other natural features that may provide habitat or be subject to Department of Fish and Wildlife or Army Core of Engineers jurisdiction.
- e. Area and location of undeveloped land on the subject property required to protect and enhance the continued viability of significant biotic resources, where applicable.
- f. Mitigation measures for impacts on significant biotic resources.

**PLAN SET SUBMITTAL REQUIREMENTS <sup>2</sup>**

YES N/A

**8. NUMBER OF PLAN SETS**

Initial submittal for 30-day completeness review<sup>3</sup>:

One (1) electronic (pdf) by email or Dropbox, Google Drive, etc. (sent to [planner@lovelafayette.org](mailto:planner@lovelafayette.org))

**9. LAYOUT**

All sheets shall be the same size, oriented in the same direction, and include the following:

- a. North arrow
- b. Scale
- c. Graphic (bar) scale
- d. Date of preparation
- e. Revision date(s)
- f. Changes or modifications clearly identified
- g. Title block including:
  - i. Site address
  - ii. Assessor's parcel number (APN) or name of subdivision and lot number

**10. COVER SHEET with the following:**

- a. Sheet index
- b. Contact information for the following:
  - iii. Owner
  - iv. Architect/Landscape Architect
  - v. Arborist
  - vi. Engineer

**11. MAPS**

**Sheet Number(s)** \_\_\_\_\_

- a. Vicinity map (minimum 1" = 600') showing the approximate location of the subject property within the vicinity of Lafayette.
- b. Context map (minimum 1" = 50') showing the location of the subject property within the context of the neighborhood. <sup>4</sup>

<sup>2</sup> [Example Submittals](#) are available online.

<sup>3</sup> Larger size plan sets may be requested by your project planner during the completeness review.

- i. Show and label the following: <sup>5</sup>
  1. All parcels immediately adjacent to and around the site
  2. Approximate distance of the proposed building site(s) to structures on adjacent lots
  3. Footprints of all structures
  4. Vacant parcels or open space
  5. Property ownership
  6. Property address
  7. Finished floor elevations
  8. Number of stories
  9. Approximate square footage
  10. Significant landscaping
  11. Significant topographic or man-made landforms and features

**12. SURVEY – wet stamped and signed <sup>6</sup>**

**Sheet Number(s)** \_\_\_\_\_

- a. All property lines
- b. Building footprint of all structures with dimensions to property line
- c. Easements, fully dimensioned, as reflected on a current title report including:
  - i. All public and private roads (labeled accordingly)
  - ii. Rights-of-way
  - iii. Easements, within and to the parcel
- d. Street improvements - (curb, gutter, sidewalk, edge of paving)
- e. Topography – (2' contour intervals in area to be developed)
- f. Drainage features including:
  - i. Swales
  - ii. Creeks (with required [creek setbacks](#) shown in both plan and sectional view)
  - iii. Wetlands
  - iv. Riparian habitat
- g. Trees - show all trees  $\geq 4''$  in diameter at 4.5' above grade within 100' of proposed development, with the following labeled:
  - i. Tree species
  - ii. Diameter of trunk
  - iii. Elevation at trunk base
  - iv. Field surveyed accurate driplines (generic symbols are not accepted)
  - v. Tree identification number, provided by the arborist
  - vi. Trees proposed to be removed with a prominent "X"

**13. SITES CONSTRAINTS ANALYSIS <sup>7</sup>**

**Sheet Number(s)** \_\_\_\_\_

Provide the following on separate sheets, each showing another layer of constraints and then a final sheet with all of the layers combined and the proposed development overlaid within the less constrained areas

- a. Slope analysis shaded according to steepness
  - i. Under 30% = not shaded
  - ii. 30% to 40% = light shade
  - iii. 40% to 50% = darker shade

<sup>4</sup> An aerial can be used to create the context map; however, it does not replace the context map.

<sup>5</sup> Show buildings outlined in black, background in white, and vegetation/trees in gray.

<sup>6</sup> Required if proposal encroaches within 5' of required setbacks, or if the property is within a ridgeline setback

<sup>7</sup> Shading must be clear when reproduced in gray scale (black and white).



- iv. over 50% = darkest shade
- b. Jurisdictional regulations analysis as applicable - shaded
  - i. Zoning setbacks
  - ii. Ridgeline setbacks (Class I, Class II, Class III)
  - iii. Creek setbacks
  - iv. Trails
  - v. Open space easement
  - vi. Drainage, slope, or other easement(s)
- c. Land and habitat analysis as applicable – shaded
  - i. Landslides
  - ii. Wetlands
  - iii. Protected habitat (as identified in biotic resources analysis)
- d. Vegetation analysis
  - i. open grassland = not shaded
  - ii. non-protected trees = light shade
  - iii. riparian habitat = darker shade
  - iv. protected tree = darker shade
- e. Visibility analysis (based on the [Viewing Evaluation Sites](#) when viewed from lower in elevation)
  - i. low off-site visibility = not shaded
  - ii. moderate off-site visibility = light shade
  - iii. high off-site visibility = darker shade
- f. Constraints composite overlay
  - i. Show all of the above listed layers with the notation that lighter areas = less constrained and darker areas = more constrained
  - ii. Proposed building site(s) and access road(s) in the less constrained area(s)

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**14. SITING ANALYSIS** – based on the Sites Constraints Analysis **Sheet Number(s)** \_\_\_\_\_

Provide the following information for each proposed building site:

1. Site Plans, including:
  - a. Building site(s) with dimensions to property lines.
  - b. Outdoor living space (conceptual to illustrate that the site can accommodate realistic use)
  - c. Property and zoning information, including:
    - i. Property lines, dimensioned.
    - ii. Setbacks (front, side, and rear), dashed.
    - iii. Sewage disposal and public utilities.
    - iv. Recorded easements (utility, drainage, access, etc.), labeled.
  - b. Parking and circulation
    - i. Location, dimensions, and quantity of proposed parking. Proposed parking spaces should each measure 10' x 20'.
    - ii. Circulation plans for each vehicular way.
    - iii. Fire District turnarounds (such as the shunt, t-turn, or circle), road width, slope, and vertical clearance shall be overlaid or highlighted on the circulation plans.
  - c. Impervious surface (approximate), including the building footprint and driveway
  - d. Structures - proposed retaining walls
    - i. Label top-of-wall (TW) and bottom of wall (BW) spot elevations
  - e. Existing trees - show all trees  $\geq 4''$  in diameter at 4.5' above grade within 100' of

- proposed development and label:
    - i. Tree species
    - ii. Diameter of trunk
    - iii. Elevation at base of trunk
    - iv. Field surveyed accurate driplines (generic symbols are not accepted)
    - v. Tree identification number, provided by the arborist
    - vi. Trees proposed to be removed with a prominent "X"
  - f. Proposed trees to address offsite visibility and privacy impacts (conceptual locations and massing)
  - g. Trails - general location of each hiking, riding and bicycle trail and recreational facility
  - h. Open space that will remain upon completion of development
    - i. Designate a development boundary line that limits the area of development
  - i. Ridgelines
    - i. Class I, Class II, or Class III ridgelines located within the project boundaries or within 100' beyond the project boundaries
    - ii. Setback areas (measured in plan view from the centerline of the ridge)
      - 1. Class I ridgeline setback is 400'
      - 2. Class II ridgeline setback is 250'
2. Site Sections across the full extent of the property. Be sure to show the relationship of the proposal with the neighboring properties to demonstrate massing, neighborhood context, and privacy impacts.
- a. For parcels with Class I and Class II ridgelines, provide an adequate number of cross sections through the building site(s) to show ridgeline declination.
    - I. No portion of a structure may be erected adjacent to a Class I or Class II ridge that is higher than a plane sloping downward at a declination of 15° from the horizontal intercept of the ridge.
    - II. The measurement shall be made at the nearest point of the development to the ridgeline and measured perpendicular to the ridgeline or as a radius from the endpoint of the ridgeline.
    - III. The declination line terminates at the boundary line of the hillside overlay district.
  - b. For parcels with Class III ridgelines, provide an adequate number of cross sections through the building site(s) to show horizontal planes intercepting the ridge.
    - I. No portion of a structure may be erected higher than the horizontal plane.
    - II. The horizontal plane shall be at the nearest point of the development to the ridgeline and perpendicular to the ridgeline or have an arc of 90° from the endpoint of the ridgeline.
3. Grading and Drainage plans (schematic), including:
- a. Contours, existing and proposed
  - b. Amount of cut, fill, import or export in cubic yards (approximate)
  - c. [Drainage facilities](#) within and adjacent to the site, including but not limited to:
    - i. Swales
    - ii. Creeks
    - iii. Drainage ditches
    - iv. Discharge facilities
    - v. Catch basins
    - vi. Bioretention swales

YES N/A

- vii. Subsurface drainage pipes (closed and open)
- b. Pollutant source control and design measures,<sup>8</sup> to treat runoff
- c. Sanitary sewers and storm drain facilities
- d. Existing trees - show all trees  $\geq 4''$  in diameter at 4.5' above grade within 100' of proposed development and label:
  - i. Tree species
  - ii. Diameter of trunk
  - iii. Elevation at trunk base
  - iv. Field surveyed accurate driplines (generic symbols are not accepted)
  - v. Tree identification number, provided by the arborist
  - vi. Trees proposed to be removed with a prominent "X"
- e. Prepare a [Stormwater Control Plan \(PDF pg. 11\)](#) or incorporate Low Impact Design facilities if:
  - i. Your project creates 2,500 - 10,000 sq. ft. of impervious surface; OR
  - ii. Your project includes auto service facilities, gas stations, restaurants, and uncovered parking lots over 5,000 sq. ft.; OR
  - iii. Your project results in addition or replacement, which combined, total  $\geq 10,000$  sq. ft. of impervious surface.

**15. MASSING ANALYSIS**

Sheet Number(s) \_\_\_\_\_

Provide the following information for each proposed building site:

1. Schematic floor plan to illustrate the proposed program
2. Conceptual elevations<sup>9</sup>, with sections to illustrate the [building height](#) (\$6-313 LMC) relative to the grades (existing and proposed)
  - a. Locate where cross sections are taken on the site plan
  - b. Approximate gross floor area
    - i. Include all existing and proposed structures having three walls and a roof, such as attached/detached accessory structures, garages, carports, basements, second stories, and area capable of being developed as habitable space.

**PLEASE NOTE:** There may be additional requirements after initial review by the city landscape consultant, city staff or the hearing authority.

SIGNATURE OF PREPARER: \_\_\_\_\_

DATE: \_\_\_\_\_

PRINT FULL NAME: \_\_\_\_\_

Rev. 2024.05.14

<sup>9</sup> Schematic line drawings only. Detailed elevations will be required for a Phase II Hillside Development Permit application and will not be accepted during this phase.

## Hillside Development Permit – Instructions

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## BEYOND THE REQUIREMENTS – SUGGESTIONS FOR SUCCESS!

### PRESENTATION

Presentation can greatly affect the success of your project. **Clear** and **concise** plans can be processed faster and more effectively. The City provides [examples](#) online and at the City Offices of **clear** and **concise** submittals to emulate. Below are some tips on how your plans can read better!

#### Light Line Weights:

- Existing topography
- Existing trees (**X** for trees to be removed)
- Existing structures (to be maintained)

#### Dashed Lines:

- Existing topography
- Existing structures (to be removed)
- Existing elevations (superimposed over proposed)

#### Shaded, Hatched

- Proposed additions
- Proposed impervious surface
- Proposed native trees and plants

#### Dark/Heavy Line Weights:

- Proposed topography
- Proposed trees

A successful project substantially complies with the [Residential Design Review Guidelines](#) and follows the city's [Tips for Success](#).



**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          | <b>SB 9 Application</b>                                            |
| <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 \_\_\_\_\_

# Agreement for City Services

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**City of Lafayette  
Planning & Building Department**

**AGREEMENT TO PAY FOR CITY SERVICES**

**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 or any other obligations incurred under this Agreement.
7. The undersigned agrees 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 or Agreement. In the event the City becomes aware of any such Actions, the City shall promptly notify the undersigned 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 the undersigned 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: \_\_\_\_\_

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. \_\_\_\_\_