



Planning & Building Department  
3675 Mt. Diablo Boulevard, Suite 210  
Lafayette, CA 94549  
Tel. (925) 284-1976  
<http://www.ci.lafayette.ca.us>

## ACCESSORY DWELLING UNITS

### MODIFICATIONS NOTICE

#### Summary

On December 20, 2016 the City Council adopted Ordinance 655 which updated the regulations surrounding Accessory Dwelling Units (ADUs) to be compliant with recent changes in California State law. Below is a summary of the major changes to the development standards. This is a summary, but the full Ordinance can be found on the City's website at [www.lovelafayette.org](http://www.lovelafayette.org) > City Departments > Planning and Building > Zoning Regulations & Handouts > [Accessory Dwelling Units](#). Where there are conflicts in the application this sheet and Ord. 655 supersede the attached document.

#### Major Changes

Parking: Parking is permitted within the setback and can be tandem with parking for the main unit (i.e. you can use the existing driveway to park the ADU). No parking is required for existing structures converted into ADUs, for ADUs fully incorporated into the existing main unit or for ADUs within ½ mile of the BART station.

Height: The height of a new ADU must be 17' or the height of the main unit, whichever is less. An existing building being converted does not have a height limit.

Size: An ADU must be at least 150 sq. ft. The maximum size for a detached ADU is 1,200 sq. ft. The maximum size for an attached ADU is 50% of the main units living area or 1,200 sq. ft. whichever is less.

Setbacks: A newly constructed ADU must meet the same setbacks as the main unit requires. An existing building that does not meet the setbacks can be converted without a variance.

Existing Buildings: Existing buildings can be converted to ADUs regardless of if they meet height or setback standards. The unit must still comply with building code requirements and cannot be less than 150 sq. ft.

Garage Conversions: Garages may be converted into ADUs if the parking for the main unit can be accommodated onsite. Parking for the main unit can be in the setback (i.e. the driveway). No new parking is required for the ADU.



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## APPLICATION FOR SECOND UNIT PERMIT

### INSTRUCTIONS TO APPLICANTS

#### GENERAL

A permit is required to establish a second unit in a single-family or multi-family residential zoning district. A second unit is defined as an attached or detached residential dwelling unit which provides complete independent facilities for living, sleeping, eating, cooking, and sanitation for one or more persons. Only one second unit may be allowed per lot.

#### PROCEDURES

**Pre-application:** Prior to submitting an application for a second unit permit, the applicants should discuss their plans with Planning & Building Department staff to discuss the process and criteria for establishing a second unit.

**Filing the Application:** The applicant should carefully complete the attached application and be sure that all submittal requirements and fees are provided. The application must be signed by the current property owner. A staff planner will check the application for completeness and prepare a file.

**Permit Process:** Within 10 days of deeming an application complete, a notice of pending application is sent to all property owners within 300 feet of the subject property. Within 60 days of deeming an application complete, the Zoning Administrator will ministerially approve or deny the application without discretionary review or public hearing. An application will be approved if the second unit meets the general provisions and the development standards contained in the handout entitled, *Application for Second Unit Permit – Submittal Requirements*.

**Variances:** In the event a second unit application does not comply with development standards relating to building height, setback, side yards, rear yard, number of parking spaces or number of curb cuts, a variance application may be filed with the zoning administrator (see handout entitled, *Instructions to Applicants for a Variance*). A variance for a second unit may only be granted for the following measurable standards.

- **Height in single family zoning districts.** The height of a second unit shall not exceed 17 feet in height or the maximum height of the primary unit, whichever is less.
- **Height in other zoning districts.** The height of a second unit shall not exceed the height of the primary unit or the maximum height of the zoning district in which the primary unit is located, whichever is less.
- **Setback.** The setback of a second unit shall be the same as required in the zoning district in which the primary unit is located.

- Side yards and rear yard. The side yards and rear yard of a second unit shall be the same as required in the zoning district in which the primary unit is located.
- Off-street parking. A second unit shall provide one off-street parking space per bedroom. A parking space shall be at least 10 feet by 20 feet, and may be open, covered or tandem.
- Access. The off-street parking for a second unit shall be accessed by the primary unit's existing curb cut(s).

**Appeal of Decision:** Approval of an application for a second unit is ministerial without discretionary review or public hearing as long as the second unit meets the general provisions and the development standards contained in the ordinance. However, other applications that may accompany a second unit application such as a variance or tree removal permit are discretionary. The processes for appealing a decision on a stand-alone second unit application (ministerial) and one which involves additional requests (public hearings) are provided below:

- A person may appeal the determination of the Zoning Administrator by submitting a letter of appeal and filing fee to the City Clerk within 14 days after the date of determination. The City Council will consider the appeal within 30 days after the notice is filed. The City Council will limit its consideration of the appeal to whether the second unit meets the required general provisions and development standards.
- A person may appeal the determination regarding the approval or denial of a variance application or protected tree application by filing a notice of appeal with the Planning & Building Department Manager within 14 days after the date of determination. The Planning & Building Department Manager shall set the matter for hearing before the Planning Commission and shall give notice of the hearing as required. The Planning Commission may reverse or affirm the determination of the Zoning Administrator. The decision of the Planning Commission on the appeal may be appealed to the City Council and the procedure is the same as in the case of an appeal from a decision of the Planning Commission.

**Deed Restriction:** Prior to the issuance of a building permit for a second unit, the property owner must provide written proof to the Zoning Administrator that a covenant setting forth the following requirements has been recorded in the office of the Contra Costa County Recorder.

- A. The second unit shall not be sold separately.
- B. The second unit shall be considered legal only so long as either the primary unit or the second unit is occupied by the owner of record of the property. An owner may be absent from the primary or second unit for up to 12 consecutive months for health, family, employment or military reasons.
- C. The restrictions shall be binding upon any successor in ownership of the property and lack of compliance may result in legal action against the property owner.

## **PERMIT EXPIRATION**

The second unit permit is valid for 12 months from the date of approval unless a longer period is stated in the permit. If the applicant does not begin the work authorized by the permit by the expiration date, the permit shall expire.



APPLICATION FOR SECOND UNIT PERMIT
SUBMITTAL REQUIREMENTS CHECKLIST

The following is a list of minimum submittal requirements. Additional materials may be required at the discretion of the Planning staff. For all second unit 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 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 and size of plans required for the review process. All plans shall be clearly and legibly drawn to scale (not less than 1" = 30'). Text and line work shall be clear and visible.

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. All plans shall be dated; all revised plans shall include revision date and revised portions shall be clearly identified.

PART I – GENERAL PROVISIONS

Part I contains a list of the general provisions for second units. Check each box affirming that your proposed second unit meets these required general provisions. If your proposed second unit does not meet them, then it may not be able to be approved.

YES N/A

- 1. A second unit can be 1) attached or detached from the primary unit, 2) the conversion of an existing living area within the primary unit, or 3) a conversion of an existing garage. An attached second unit would be one that is connected to the primary unit by common wall construction and under the same existing or new roof structure.
2. A second unit shall be accessory to the primary unit by being a smaller size and in a less visible location.
3. An owner of a property with a primary unit shall occupy either the primary unit or second unit as their primary residence. An owner may be absent from the primary or second unit for up to 12 consecutive months for health, family, employment or military reasons.
4. A second unit is not intended for sale but may be rented. A second unit shall not be allowed where streets, public utilities and other public services are inadequate to

YES N/A

serve the unit.

5. A second unit shall comply with all current building, health and safety codes.

6. When a second unit is within the hillside overlay district, the second unit and its covered parking shall be substantially concealed when viewed from lower elevations from publicly owned property (including freeways, roadways, open space, parks and trails), using the Viewing Evaluation Map as a guide to establish locations from which views are considered.

7. A second unit may not be located within 400 feet of the centerline of a class I ridge.

8. A second unit may not be located within 250 feet of the centerline of a class II ridge.

9. No portion of a second unit 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 degrees from the horizontal intercept of the ridge.

10. No portion of a second unit may be erected adjacent to a class III ridge that is higher than a horizontal plane that intercepts the ridge.

11. If new or altered construction is proposed as part of the second unit for a property located in the Hillside Overlay District then approval of a hillside development permit for the new or altered construction is required prior to a decision being made on the second unit application.

12. If a variance or a protected tree permit is requested, the application for the second unit shall not be considered until a decision is made on the variance application or protected tree application.

**PART II – DEVELOPMENT STANDARDS**

Part II contains a list of the development standards by which all second units are judged. Check each box affirming that your proposed second unit meets these required development standards. If your proposed second unit does not meet them, then it may not be able to be approved. See the separate handout entitled, *Application for Second Unit Permit – Instructions to Applicants* to determine if you can apply for a variance or discuss your plans with Planning Services Division staff.

YES NO

1. Maximum unit size in zoning districts except LR-5 and LR-10. The living area<sup>1</sup> of an attached second unit shall not exceed 30 percent of the existing living area of the primary unit or 750 square feet, whichever is less. If an attached second unit is incorporated into the existing living area of the primary unit, the living area of the primary unit shall not be reduced to less than 900 square feet. If a second unit is incorporated totally within the existing living area of the primary unit with no increase in the floor area of the primary unit, the second unit shall not exceed 1,250 square feet

<sup>1</sup> "Living area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

and the living area of the primary unit shall not be reduced to less than 900 square feet. The total living area of a detached second unit shall not exceed 750 square feet.

- 2. Maximum unit size in the LR-5 and LR-10 residential zoning districts. The living area of an attached second unit shall not exceed 30 percent of the existing living area of the primary unit or 1,250 square feet, whichever is less. If an attached second unit is incorporated into the existing living area of the primary unit, the living area of the primary unit shall not be reduced to less than 1,500 square feet. If a second unit is incorporated totally into the existing living area of the primary unit with no increase in the floor area of the primary unit, the second unit shall not exceed 1,250 square feet and the living area of the primary unit shall not be reduced to less than 1,500 square feet. The total living area of a detached unit shall not exceed 750 square feet.
- 3. The living area of a second unit shall be at least 250 square feet of floor area.
- 4. The height of a second unit in a single family zoning district shall not exceed 17 feet in height or the maximum height of the primary unit, whichever is less.
- 5. The height of a second unit in other than a single family zoning district shall not exceed the height of the primary unit or the maximum height of the zoning district in which the primary unit is located, whichever is less.
- 6. The setback of a second unit shall be the same as required in the zoning district in which the primary unit is located.
- 7. The side yards and rear yard of a second unit shall be the same as required in the zoning district in which the primary unit is located.
- 8. A second unit shall have no more than two bedrooms.
- 9. The exterior design of a second unit shall substantially incorporate the same exterior design of the primary unit in terms of architectural style, architectural features, building materials and colors.
- 10. The entrance to a second unit shall not be located on the same side as the entrance to the primary unit. If a second unit is accessed by an outside stairway, the stairway shall not be on the same side as the entrance to the primary unit.
- 11. A second unit shall provide one off-street parking space per bedroom in addition to the number of parking spaces required for the primary unit. A parking space shall be at least 10 feet by 20 feet, and may be open, covered or tandem. It shall not be located within a required setback or side yard, and shall not block vehicular access to a parking space that is required for the primary unit.
- 12. A second unit shall be designed so that its exterior windows, decks and doors do not overlook directly the exterior or interior living areas of adjoining properties. A

YES NO

detached second unit shall be at least as close to the primary residence as it is to a primary unit or second unit on an adjacent property.

- 13. The subject property shall be accessible by emergency vehicles. Road access to the parcel shall be adequate. Consideration of adequate road access shall include road width, especially for passing purposes, sight distance and existing and potential traffic volume. The off-street parking for a second unit shall be accessed by the primary unit's existing curb cut(s).
- 14. When a second unit is within the hillside overlay district (H-O-D), the second unit and its covered parking shall be substantially concealed when viewed from lower elevations from publicly owned property (including freeways, roadways, open space, parks and trails), using the Viewing Evaluation Map as a guide to establish locations from which views are considered.
- 15. A proposed second unit on property with a protected tree shall be required to obtain a tree permit and shall comply with the provisions of Chapter 6-17, Tree Protection, of the Lafayette Municipal Code.
- 16. When a primary unit's existing garage is proposed for conversion to a second unit, the required parking for the primary unit shall be satisfied elsewhere on the property.

### PART III - GENERAL SUBMITTAL REQUIREMENTS

Check each box 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 & Building Department Manager must be satisfied as to the reason for non-submittal or the application will not be accepted.

REASON FOR NON-SUBMITTAL

- 1. Application form completed and signed by the current property owner.
- 2. Completed and signed Agreement to Pay for City Services.
- 3. Required application fee payable to CITY OF LAFAYETTE.
- 4. Context Map (minimum 1" = 50' scale) showing:
  - Property ownership.
  - Label and note the distance to structures on adjacent lots and identify any significant landscaping that may provide screening of views of the proposed second unit.

- Indicate the approximate elevations of adjacent residences.
- 5. Site Plan (minimum 1" = 30' scale) showing:
  - Certified survey for development which encroaches within 5 feet of required setbacks. Proposed site plans shall be prepared upon the aforementioned survey.
  - Vicinity map.
  
  - Existing natural land features and topography including the location of any Class I, Class II, or Class III ridgelines within the project boundaries. 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. Show required setbacks.
  - 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. Limbs measuring 4 inches or greater that are at risk of damage or removal shall also be noted on the site plan.

- Proposed or altered landscaping.
  
- 6. Grading and Drainage Plans (minimum 1" = 30' scale) showing:
  - Existing and proposed contours shown and labeled. Contour lines shall have a maximum interval of two (2) feet. Extend contours a minimum of fifty (50) feet beyond property lines.
  - Anticipated grading for the development.
  - Note amount of cut, fill, import or export. Destination of exported earth shall be indicated on building permit application.
  - Significant drainage features including swales, creeks (with required creek setbacks shown in both plan and sectional view), and riparian habitat.
  - Existing and proposed drainage facilities including 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. Floor Plans (minimum 1/8" = 1' scale) showing:
  - All existing and proposed rooms clearly identified and labeled for each floor level.
  - All usable or potentially usable areas or spaces (including basements, attics, crawl spaces with significant headroom, lofts, accessory buildings, etc.).
  - All proposed decks, balconies, porches, garages/carports, etc.
  - Exterior and interior building dimensions.
  - Existing (E) and proposed (P) square footage of all usable or potentially usable areas.
  - Doors, windows, bay windows, chimneys, stairways, other architectural features.

- All walls to be removed shall be clearly dashed, highlighted or otherwise indicated. All changes or additions to existing structures shall be hatched, shaded, or otherwise highlighted.
- For proposed additions, existing and proposed conditions shall be illustrated with two separate plan view drawings, done at the same scale.
- 8. Roof plan at same scale as, and superimposed over, grading plan with existing and proposed contours.
  - Elevation of each roof ridge above established datum shall be noted. All changes or additions to existing structures shall be hatched, shaded, or otherwise highlighted.
- 9. Elevations (minimum 1/8" = 1' scale) showing:
  - Fully dimensioned exterior elevations indicating both existing and proposed finished grade
  - Roof, doors, windows, trim, down spouts, and all other architectural features. Exterior wall, trim, and roofing materials and colors shall be indicated on plans, with manufacturers' specifications.
  - Retaining wall and fence elevations/profiles indicating heights, colors, and materials.
  - All walls to be removed shall be clearly highlighted or otherwise called out. All changes or additions to existing structures shall be hatched, shaded, or otherwise highlighted.
  - For proposed additions, existing and proposed conditions shall be illustrated with 2 separate elevation view drawings, done at the same scale, for each building elevation to be modified by the addition.
  - Exterior lighting plans with representative cut sheets.
- 10. Cross sections (minimum 1/8" = 1' scale) coincident with critical roof ridges or site conditions. Locations where cross sections are taken shall be indicated on the site plan and/or floor plans. Indicate foundation, finished floor, and roof ridge elevations (above established datum).
- 11. Gross floor area. Indicate existing and proposed total horizontal area in square feet of each floor within the exterior walls of all buildings on a parcel, as measured at the exterior face of the

enclosing walls. Gross floor area includes attached and detached primary and accessory structures, garages, carport roof coverage and space that is capable of being developed as habitable area.

12. Landscape plan. The following are minimum requirements for initial submittal. There may be additional requirements after review by the City Landscape Consultant or Staff.
- The landscape plan must show existing and proposed topography.
  - Show all existing trees over 4" diameter and large shrubs; label with species and trunk diameter; show accurate dripline.
  - Show trees proposed to be removed with a prominent "X "; label with species and trunk diameter.
  - List and label all proposed planting as follows:
    - Trees – call out species and size to be planted
    - Shrubs - call out species and size to be planted
    - Groundcover – call out species, size and spacing
    - All other plants – may be shown and referred to in general terms
  - Exterior lighting plans with representative cut sheets.
13. Colors and Materials Board
- If building colors and materials of the primary building or the building housing the second unit will not be changed, photographs of these existing structures showing colors and materials are sufficient.
  - If building colors and materials of the primary building or the building housing the second unit will be changed, then the colors and materials of walls, trim, roof, retaining walls, fences, etc., including color chips and manufacturers' specifications shall be shown. The color and materials board shall be 8.5" x 11" mounted on foam core or cardboard with a maximum thickness of 3/4".
14. Soils and geotechnical reports may be required at the discretion of the Planning and Building Services Manager or City Engineer. The reports must be specific to the proposed development site, and not simply boilerplate for the area where the subject parcel is located.

- 15. Preliminary title report. In order to determine the presence of easements or other factors affecting the location of improvements on the site, a preliminary title report, not more than six months old in the case of new residences, and not more than two years old in the case of additions and improvements outside of the existing footprints.
  
- 16. Other information as may be necessary for project analysis, as determined by the Planning & Building Department Manager and/or City Engineer.

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

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



## STANDARD APPLICATION FORM

PROJECT INFORMATION			
Project Address / Location		Assessor's Parcel Number (APN)	Zoning District
General Plan Designation		Parcel Size (sq.ft.)	Flood Zone
Existing Gross Floor Area (sq.ft.)	Grading: Cut (cu.yds.)	Existing Building Footprint (sq.ft.)	Grading: Fill (cu.yds.)
Existing Impervious Surface (sq.ft.)	Existing # Parking Spaces (sq.ft.)	Proposed Gross Floor Area (sq.ft.)	Proposed # Parking Spaces (sq.ft.)
Proposed Building Footprint (sq.ft.)	Proposed Impervious Surface (sq.ft.)		
Existing Land Use <input type="checkbox"/> Single-Family Residential <input type="checkbox"/> Multi-Family Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Office <input type="checkbox"/> Vacant <input type="checkbox"/> Other (specify) _____			
Proposed Land Use <input type="checkbox"/> Single-Family Residential <input type="checkbox"/> Multi-Family Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Office <input type="checkbox"/> Vacant <input type="checkbox"/> 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)		

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

OWNER / AGENT STATEMENT		
<p> <b>Property Owner Consent</b> – 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.           </p>		
_____ <b>Print Name</b>	_____ <b>Signature</b>	_____ <b>Date</b>

**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.

PROPERTY OWNER NAME (Print): \_\_\_\_\_ MAILING ADDRESS: \_\_\_\_\_

PROPERTY OWNER SIGNATURE: \_\_\_\_\_ CITY, STATE, ZIP: \_\_\_\_\_

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

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

APPLICATION NO. \_\_\_\_\_

FOR OFFICIAL USE ONLY

ACCOUNT NO. \_\_\_\_\_