



Planning & Building Department

3675 Mt. Diablo Boulevard, Suite 210

Lafayette, CA 94549-1968

Tel. (925) 284-1976

<http://www.ci.lafayette.ca.us>

VARIANCE PERMIT APPLICATION INSTRUCTIONS

GENERAL

Each zoning district has specific development standards such as building setbacks, height and parking requirements. A variance is a special request for the City to waive or alter one or more of those standards. A variance may only be granted where there is clear and convincing evidence that there are special circumstances that justify the waiving of the normal standard. Special circumstances may include such factors as the size, shape, topography, location and surroundings of a piece of property. A variance may not be used to permit uses of property other than those permitted by the existing zoning district.

PROCEDURES

Step 1: Pre-application

Prior to the application for a variance, the prospective applicant should discuss his/her plans with the Planning staff to see what regulations apply to his/her property. There may be development alternatives that do not necessitate a variance application. Once it is clear that a variance is unavoidable to meet the applicant's development goals, the applicant should carefully assess all the impacts of the variances that may be affected. The applicant should discuss any potential problems with the appropriate governmental agency as well as with those neighboring property owners that may be affected by the requested variance.

Step 2: Filing the Application

The applicant should carefully complete the application and be sure that all submittal requirements, site plans and fees are provided, and that the application is signed by the current property owner. Particular emphasis should be placed on carefully completing the portion of the application that addresses the required findings. Before turning in a completed application, it is advisable to call the Planning & Building Department to schedule a pre-submittal meeting. A planner will review your submittal packet to insure that it is complete and schedule the variance for a public hearing before the Zoning Administrator.

Step 3: Zoning Administrator's Hearing

A variance requires a noticed public hearing before the Planning and Building Department Director (or his/her designee), acting as Zoning Administrator. In some cases, the Planning and Building Department Director may refer an application directly to the Planning Commission. In other cases where the variance application is concurrent with an application under the jurisdiction of the Design Review Commission, the variance action will be handled by the Design Review Commission. A notice of hearing will be mailed to all adjacent property owner's within 300 feet, at least (10) days prior to the hearing. In addition, subject property will be prominently posted with a hearing notice.

At the hearing, the applicant will be invited to make a presentation. Any other interested person may also submit oral or written testimony. After close of testimony, the Zoning Administrator may approve the application as submitted, conditionally approve it, deny the application or continue the matter to a future meeting.

The Zoning Administrator's action is based on the information contained in the application, site visits, testimony and the following required findings:

- a. because of special circumstances concerning the subject property including size, shape, topography, location or surroundings, the strict application of the zoning regulations deprives the property of privileges enjoyed by other properties in the vicinity and in the same land use district; and
- b. the variance will not constitute a grant of special privilege which is not generally available to other property in the vicinity and in the same land use district; and
- c. the variance substantially complies with the intent and purpose of the land use district in which the property is classified.

The applicant or any other aggrieved party may appeal in writing to the Planning Commission the action of the Zoning Administrator within fourteen (14) calendar days following the Zoning Administrator's action. If the action is not appealed, the Zoning Administrator's action is effective on the **fifteenth day**. The fee for an appeal is the same as the original fee. There is no prescribed application form for an appeal. A letter clearly identifying the action being appealed and the reasons for the appeal is appropriate.

Step 4: Planning Commission Review *(Applicable in the case of a Referral or an Appeal)*

Upon receipt of an appeal from the decision of the Zoning Administrator, a new public hearing before the Planning Commission will be scheduled. The same legal notification required for the Zoning Administrator will be repeated (see Step 3). The applicant and appellant should be present at the new public hearing to make a presentation and answer questions, as necessary. Any other interested party may also submit testimony. After close of testimony, the Planning Commission will make a decision on the proposed variance, or if necessary, continue the matter to a future meeting. The action taken by the Planning Commission will stand unless it is further appealed in writing to the City Council within fourteen (14) calendar days. There is an additional fee of 100% of the original fee for a further appeal.

Step 5: City Council Review *(Applicable in the case of an appeal of a Planning Commission action).*

The appeal process to the Council parallels the action taken above (Step 4) regarding an appeal to the Planning Commission. The action taken by the City Council is final.

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.

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

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

TIME REQUIRED FOR PROCESSING

The total time required for processing a variance depends on the complexity of the project and if the decision is appealed. Usually, three to four weeks are required for the initial Zoning Administrator hearing. A longer time may be required for each appeal.



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VARIANCE PERMIT SUBMITTAL REQUIREMENTS

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.¹ The Planning Services Division 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, 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) 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. ARBORIST REPORT prepared by a certified or consulting arborist²

One (1) 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

¹ Monday through Friday between 12 p.m. and 5 p.m.; no appointment necessary

² Required if the proposal entails development within the dripline of an existing protected tree $\geq 4'$ in diameter

YES N/A

- protection fencing.
- h. Photos as applicable.
- i. Post construction recommendations as applicable.

4. PHOTO ANALYSIS

- a. Site and neighborhood photos affixed to 8.5" x 11" cardstock, foam core, or cardboard.³

PLAN SET SUBMITTAL REQUIREMENTS ⁴

YES N/A

5. NUMBER OF PLAN SETS

Initial submittal for 30-day completeness review⁵:

- One (1) reduced-size (11" x 17")
- One (1) electronic (pdf) on a cd or by email

6. 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

7. COVER SHEET with the following:

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

8. 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.⁶
 - i. Show and label the following:⁷
 - 1. All parcels immediately adjacent to and around the site

³ Loose photos will be rejected.

⁴ [Example Submittals](#) are available online.

⁵ Larger size plan sets may be requested by your project planner during the completeness review.

⁶ An aerial can be used to create the context map; however, it does not replace the context map.

⁷ Show buildings outlined in black, background in white, and vegetation/trees in gray.

- 2. Approximate distance of the proposed addition (upper & lower story) 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

9. SURVEY – wet stamped and signed (*required*) **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. Drainage features including:
 - i. Swales
 - ii. Creeks (with required creek setbacks shown in both plan and sectional view)⁸
 - iii. Wetlands
 - iv. Riparian habitat
- f. 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"

10. SITE PLAN – based on the aforementioned survey **Sheet Number(s)**_____

- a. 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.
 - v. Total and net⁹ parcel square footage.
- b. Building site(s) and footprint(s)
 - i. Existing and proposed structures with dimensions to property lines.
 - ii. Changes or additions to existing structures shown as hatched, shaded or otherwise highlighted.
- c. Parking and circulation

⁸ See separate handout entitled "[Creek Setback Determination Guide](#)"

⁹ Excludes the area within vehicular rights-of-way and vehicular easements

- i. Location, dimensions, and quantity of existing and proposed covered and uncovered parking facilities.¹⁰
- d. Impervious surface, existing and proposed
 - i. Include a table calculating the square footage, including building footprint, driveway, patios, walkways, pools, etc.
 - ii. Shade or hatch changes and additions
- e. Structures - existing and proposed fences and retaining walls
 - i. Label top-of-wall (TW) and bottom of wall (BW) spot elevations
 - ii. Shade or hatch changes and additions
- f. 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"
- g. Trails - general location of each hiking, riding and bicycle trail and recreational facility

11. FLOOR PLANS

Sheet Number(s) _____

- a. Scale – drawn at the largest architectural scale that can fill the sheet (1/8" = 1' or larger)
- b. Gross floor area –Table calculating existing and proposed¹¹
 - 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.
- c. Rooms - label all existing and proposed rooms for each floor level including:
 - i. All usable or potentially usable areas or spaces (including basements, attics, crawl spaces with significant headroom, lofts, accessory buildings, etc.)
 - ii. All decks, balconies, porches, garages/carports, etc.
 - iii. Exterior and interior building dimensions.
 - iv. Existing and proposed square footage of all usable or potentially usable areas.
 - v. Doors, windows, bay windows, chimneys, stairways, other architectural features.
- d. Demolitions, changes, and additions shown as dashed, highlighted, or otherwise called out
- e. Existing and proposed floor plans shown with (2) two separate plan view drawings, done at the same scale and shown on the same sheet.
 - i. For example, on one sheet, side-by-side or one-above-the-other, show existing and proposed conditions for the same floor plan, labeled accordingly "existing lower floor" "proposed lower floor"
- f. Lighting (exterior residential):
 - i. List and label existing and proposed lighting
 - ii. Provide a legend and indicate quantity of each lighting type

12. ELEVATIONS

Sheet Number(s) _____

¹⁰ Parking space minimum dimensions are 10' by 20' per space

¹¹ Total horizontal area in sq. ft. of each floor level within the exterior walls of all buildings on a parcel, as measured at the exterior face of the enclosing walls

- a. Scale – drawn at the largest architectural scale that can fill a sheet (1/8" = 1' or larger)
- b. Dimensions
- c. Building height as defined by the Lafayette Municipal Code Section 6-313¹²
- d. Finished grade indicating existing and proposed
- e. Demolitions, changes, and additions shown as dashed, highlighted, or otherwise called out
- f. Existing elevations with dashed lines over proposed elevations
- g. Existing and proposed elevations shown with two separate plan view drawings, done at the same scale and shown on the same sheet.
 - i. For example, on one sheet, side-by-side or one-above-the-other, show existing and proposed conditions for the same elevation, labeled accordingly "existing west elevation", "proposed west elevation"
- h. Indicate roof, doors, windows, trim, down spouts, and all other architectural features
 - i. Call out manufacturers' specifications for exterior walls, trim, and roofing materials.
- i. Retaining wall and fence elevations/profiles indicating heights, colors, and materials
- j. Perspective, colored elevations to indicate shadow and visual relief. Renderings shall include site development, accurate topography, and vegetation.*

13. BUILDING SECTIONS **Sheet Number(s)** _____

- a. Scale – drawn at the largest architectural scale that can fill a sheet (1/8"=1' or larger)
- b. Coincident with critical roof ridges or site conditions
- c. Locate where cross sections are taken on the site plan and/or floor plans
- d. Indicate foundation, finished floor, and roof ridge elevations (above established datum)

14. DRAINAGE PLANS¹³ **Sheet Number(s)** _____

- a. Drainage facilities¹⁴ - existing and proposed 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. Subsurface drainage pipes (closed and open)
- b. Sanitary sewers and storm drain facilities, existing and proposed
- c. Incorporate appropriate pollutant source control and design measures,¹⁵ to treat runoff
- 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. Roof plan – elevation of each roof ridge above established datum shall be noted.

¹² See separate handout entitled "[Building Height](#)"
¹³ Required if project involves ≥ 500 sq. ft. of new or replacement impervious surface.
¹⁴ See separate handout entitled "[Drainage Plan Guidelines](#)"
¹⁵ See separate handout entitled "[Stormwater Quality Control Guidelines](#)"

YES N/A

- i. Changes or additions to existing structures shall be hatched, shaded, or otherwise highlighted.

15. LANDSCAPE AND IRRIGATION PLANS

Sheet Number(s) _____

- a. Topography - show existing topography with a light line weight and proposed topography with a darker or heavier line weight
- b. 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"
- c. Plant list table – list proposed planting as follows:
 - i. Trees – species (common and botanical name), quantity, size to be planted, and whether species is native.
 - ii. Shrubs - species, quantity, size to be planted, and whether species is native.
 - iii. Groundcover - species, size and spacing, and whether species is native.
 - iv. All other plants may be shown and referred to in general terms.
 - v. Only list those plants shown in the plan.
- d. Irrigation - submit a preliminary plan showing:
 - i. Watering zones (drip/spray) with corresponding legend and table
 - ii. No spray irrigation or lawn shall be within 15' of oak trees (existing or proposed)
- e. Lighting (landscape):
 - i. List and label existing and proposed lighting.
 - ii. Provide a legend and indicate quantity of each lighting type.

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. 2014.01.23

Variance Permit – Instructions

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APPLICATION FOR VARIANCE RESPONSE TO FINDINGS

Project Description - On a separate sheet, please briefly describe the scope of the project and variance(s) you are requesting. Include the reasons for the request and the reasons why you believe the variance can be granted.

Response to Findings - Repeat and respond to each of the findings listed below which must be made for the hearing body to approve a variance. Your responses should address each variance that you are requesting. 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.

§6-214 Findings required for a variance

1. Please state why the granting of this permit would not grant special privileges that are not enjoyed by other property similarly situated.
2. Please state why the size, shape, topography, surroundings or location of this property deprive it of the rights enjoyed by other properties in the vicinity if current regulations are strictly applied
3. Please state why the variance would meet the intent and purpose of the land use district in which the property is located

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



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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 <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 () -		Fax () -			Phone () -		Fax () -																						
Cell () -		Email (for official use only)			Cell () -		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>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.</p>																													
									X _____ Signature and Date																				

Standard Application Form

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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. _____

Agreement for City Services

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