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

LAND USE PERMIT APPLICATION INSTRUCTIONS

GENERAL

A Land Use Permit is required to allow those conditionally permitted uses within a zoning district, or uses that may require special treatment, or may be of unusual concern to adjacent property owners. The Planning Commission in considering and possibly approving a permit, has wide latitude in the imposition of conditions which may be necessary to make the use acceptable, or to correct existing deficiencies.

PROCEDURES

Step 1 Pre-application

Prior to application for a Land Use Permit, the applicants should discuss their plans with the Planning Department staff to determine what regulations apply to their property. Once it is clear that a Land Use Permit is required for the proposed use, the applicant should carefully assess the impacts and public service demands of his or her 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 introduction of the proposed use.

Step 2 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, prepare a file, and schedule the Land Use Permit for a public hearing before the Lafayette Planning Commission. The fee collected is actually a deposit. The final charge will be based on the actual cost to the City required to process the application through its final action. There may be a request for additional money as the application progresses, or a partial refund following final action.

Planning staff will review the proposed application to determine whether additional environmental review is necessary according to the California Environmental Quality Act. If an Environmental Impact Report is necessary for certain larger projects, request for additional information, fees and additional processing time are to be expected.

Step 3 Planning Commission Hearing

A Land Use Permit requires a noticed public hearing before the Planning Commission. A notice of hearing will be mailed to all adjacent property owners within 300 feet, at least 10 days prior to the hearing. In addition, the subject property will be prominently posted with a hearing notice, and a legal notice will appear in the newspaper. The applicant should be present at the hearing to make a presentation and answer questions, as necessary. Any other interested parties may also submit oral or written testimony. After close of testimony, the Planning Commission may either approve the Land Use Permit as submitted, approve it with amendments and additional conditions, or deny it. The Planning Commission may choose not to take action at the first hearing and continue the application to a future date.

The Planning Commission's action is based on the staff report, all evidence and testimony presented, as well as the following required findings.
A Land Use Permit may only be granted when the proposed land use:

(a) is not detrimental to the health, safety, and general welfare of the City; and

(b) will not adversely affect the orderly development of property within the City; and

(c) will not adversely affect the preservation of property values and the protection of the tax base within the City; and

(d) is consistent with the general plan and each element of it and will not adversely affect the policies and goals set forth in the general plan; and

(e) will not create a nuisance or enforcement problem within the neighborhood; and

(f) will not encourage marginal development within the neighborhood; and

(g) is consistent with the purpose section of the zoning district in which it is located.

The applicant or any other aggrieved party may appeal in writing the action of the Planning Commission to the City Council within fourteen (14) days following Commission action. If the action is not appealed, the Commission's action is effective on the fifteenth day. The fee for an appeal is fifty percent (50%) of the application fee.

Step 4 City Council Review (*Only applicable in the case of an appeal)*

Upon receipt of an appeal from a decision of the Planning Commission, a new public hearing before the City Council will be scheduled. The same legal notification provided for the Planning Commission hearings will be repeated (see Step 3). Again, the applicant should be present to make a presentation and answer questions, as necessary. Any other interested persons may also submit testimony. After close of testimony, the Council will make a decision of the proposed permit, or if necessary, continue the matter to a date certain for future action. The action taken by the City Council is final.

TIME REQUIRED FOR PROCESSING

The total time for processing a Land Use Permit application varies depending on the complexity and magnitude of the project. Usually five to six week are required for the initial Planning Commission meeting and three to four weeks are required for the Council meeting if the matter is appealed. The necessity for an EIR would add about 14 weeks to the process.

TIME AND PLACE OF MEETINGS

The Planning Commission normally meets on the **first** and **third** Mondays of each month, commencing at 7:00 p.m. The meetings for both the Planning Commission and the City Council are held at the Lafayette Library and Learning Center, 3491 Mt. Diablo Boulevard in the Community Hall.

Land Use Permit – Instructions

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Planning & Building Department
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LAND USE PERMIT
SUBMITTAL REQUIREMENTS

This checklist is intended to cover all types of projects, large and small. Not all items may be applicable for the scope of your project, 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 & 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, they are also available on the City's website, www.lovelafayette.org, or at the City offices.

Note: Please see separate applications for "Wireless Communications Facilities Permit" and "Second Unit Permit".

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. Submittal requirements 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 six (6) months old
b. Listing all recorded easements and restrictions
c. Providing legal description of the property

☐ ☐ **3. OPERATIONAL CHARACTERISTICS**

Provide a narrative that describes how the use operates on a regular basis and during peak hours, including:

a. Hours of operation
b. Class times/schedule
c. Special events
d. Number of employees
e. Number of students/attendees

[1] Monday through Friday between 12 p.m. and 5 p.m. No appointment necessary.

YES N/A

f. Pick-up and drop-off days/times
g. Deliveries by oversized vehicles days/times

☐ ☐ **4. TRAFFIC IMPACT ANALYSIS** [2] prepared by a licensed traffic engineer with at least 5 years of experience in traffic impact analyses. *

Once the project scope has been defined, the City Engineer will determine if a Traffic Impact Analysis is required based on whether the project generates new motorized vehicle trips or potentially impacts circulation, congestion at intersections, or is otherwise warranted. See "Traffic Impact Analysis Submittal Guidelines" for more information.

PLAN SET SUBMITTAL REQUIREMENTS [3]

YES N/A

☐ ☐ **5. NUMBER OF PLAN SETS**

Initial submittal for 30-day completeness review[4]:
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:
    i. Owner
    ii. Architect/Landscape Architect
    iii. Arborist
    iv. 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 area[5]

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[2] Three (3) copies of draft report required.
[3] Example Submittals are available online.
[4] Larger size plan sets may be requested by your project planner during the completeness review.

* As determined by your project planner.

YES N/A

i. Show and label the following:[6]
   1. All parcels immediately adjacent to and around the site
   2. Footprints of all structures
   3. Distance of the building to structures on adjacent lots
   4. Vacant parcels or open space
   5. Property ownership(s) or business name(s)
   6. Property address
   7. Street names
   8. Circulation (vehicular, bike, pedestrian)
   9. Parking (on and off-site)
   10. Significant landscaping
   11. Significant topographic or man-made landforms and features

☐ ☐ **9. SITE PLAN** **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 net [7] 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. 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
d. 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
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. Trails - general location of each hiking, riding and bicycle trail and recreational facility
g. Open space that will remain upon completion of development
   i. Designate a development boundary line that limits the area of development

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[5] An aerial can be used to create the context map; however, it does not replace the context map.
[6] Show buildings outlined in black, background in white, and vegetation/trees in gray.
[7] Excludes the area within vehicular rights-of-way and vehicular easements.

YES N/A

☐ ☐ **10. PARKING AND CIRCULATION** **Sheet Number(s)_____**

a. Parking calculation table, including the following for each tenant using a common parking area:
   i. Address
   ii. Business name
   iii. Use classification (Chapter 6-4 LMC)
   iv. Gross floor area
   v. Net floor area (§6-610 LMC)
   vi. Parking ratio (§6-641 LMC)
   vii. Parking required
   viii. Parking provided
b. Location, dimensions, and quantity of existing and proposed covered and uncovered parking facilities [8]
   i. Number each parking space
   ii. Show loading spaces and path of travel
   iii. Ensure parking stalls comply with ADA standards (ramps, path of access, van/standard spaces, etc.)
   iv. Ensure parking complies with parking ordinance standards pertaining to dimensions, landscaping, siting, lighting, etc.
c. Circulation plans for each vehicular, bicycle, and pedestrian way
d. For multi-family residential and commercial buildings:
   i. Incorporate individually mounted Swerve bike racks for visitors, equal to 5% of parking (2 minimum) within 200' of the visitors' entrance and readily visible to passers-by
   ii. Incorporate bike lockers for employees, equal to 5% of parking (1 minimum) when there are over 10 "tenant-occupants" that will occupy the building. Acceptable facilities shall be convenient from the street and may include:
      - Covered, lockable enclosures with permanently anchored bike racks;
      - Lockable rooms with permanently anchored bike racks; and
      - Lockable, permanently anchored bike lockers.
e. 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

☐ ☐ **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 proposed [9]
   i. Include all existing and proposed structures having three walls and a roof, such as attached/detached accessory structures, garages, carports, basements, upper stories, and area capable of being developed as usable space
c. Net floor area – shade and list the square footage of all areas that qualify to be excluded from the gross floor area (§6-610 LMC)[10]

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[8] Parking space minimum dimensions are 8.5' by 18' per space.

[9] 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.

[10] Excluded area should not exceed 20% of the gross floor area.

YES N/A

d. 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.
e. Demolitions, changes, and additions shown as dashed, highlighted, or otherwise called out
f. 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"
g. Lighting (exterior):
   i. List and label existing and proposed lighting
   ii. Provide a legend and indicate quantity of each lighting type

☐ ☐ **12. ELEVATIONS *** **Sheet Number(s)_____**

a. Scale – drawn at the largest architectural scale that can fill a sheet (1/8"=1' or larger)
b. Dimensions
c. Building height (§6-313 LMC)
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
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. GRADING AND DRAINAGE PLANS [11] *** **Sheet Number(s)_____**

a. Contours, existing and proposed
   i. 2' contour intervals in the area to be developed
   ii. Extend contours a minimum of 50' beyond property lines
b. Calculate the amount of cut, fill, import, and export in cubic yards
c. Drainage facilities - 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

[11] Required if project involves ≥ 500 sq. ft. of new or replacement impervious surface or ≥ 50 cubic yards of grading.

* As determined by your project planner.

YES N/A

v. Catch basins
vi. Subsurface drainage pipes (closed and open)

d. Sanitary sewers and storm drain facilities, existing and proposed
e. Incorporate appropriate pollutant source control and design measures,[12] to treat runoff
f. Existing trees - show all trees ≥ 4" in diameter at 4.5' above grade within 100' of proposed development and label:
   i. Tree species
   ii. Diameter of trunk at chest height
   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"
g. Open space - areas of natural open space that will remain upon completion of development
   i. Designate a development boundary line that limits the area of development
h. Roof plan – elevation of each roof ridge above established datum shall be noted
   i. Changes or additions to existing structures shall be hatched, shaded, or otherwise highlighted
i. Prepare a Stormwater Control Plan 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 ≥ 10,000 sq. ft. of impervious surface.

☐ ☐ **14. 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 ≥ 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 [13]

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[13] No spray irrigation or lawn shall be within 15' of oak trees (existing or proposed)

* As determined by your project planner.

YES N/A

e. Lighting (landscape):
   i. List and label existing and proposed lighting
   ii. Provide a legend and indicate quantity of each lighting type

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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. 2015-01-20

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* As determined by your project planner.

BEYOND THE REQUIRMENTS – 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

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APPLICATION FOR LAND USE PERMIT
RESPONSE TO FINDINGS

Project Description - On a separate sheet, please briefly describe the scope of the project. Include the reasons for the request and the reasons why you believe the land use permit 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 land use permit. 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.

§6-215 Findings required for a land use permit
A land use permit may be granted only when the proposed land use(s):

1. Is (Are) not detrimental to the health, safety, and general welfare of the city;
2. Will not adversely affect the orderly development of property within the city;
3. Will not adversely affect the preservation of property values and the protection of the tax base within the city;
4. Is (Are) consistent with the general plan and each element of it and will not adversely affect the policies and goals set forth in the general plan;
5. Will not create a nuisance or enforcement problem within the neighborhood;
6. Will not encourage marginal development within the neighborhood;
7. Is (Are) consistent with the purpose section of the zoning district in which it is located.

Additional Comments - Provide any additional comments on a separate sheet

Revised 2013.07.30

Land Use Permit – Response to Findings

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LAFAYETTE
SETTLED 1848 — INCORPORATED 1968

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 ( ) -	**Fax** ( ) -		**Phone** ( ) -	**Fax** ( ) -	
Cell ( ) -	**Email (for official use only)**		**Cell** ( ) -	**Email (for official use only)**	

CHECK ALL APPLICABLE REQUESTS

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

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.

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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