



Planning & Building Department  
3675 Mt. Diablo Boulevard, Suite 210  
Lafayette, CA 94549  
Tel. (925) 284-1976  
[www.lovelafayette.org](http://www.lovelafayette.org)

## ACCESSORY DWELLING UNIT PERMIT (CLASS C) GENERAL REQUIREMENTS

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### SUMMARY

On December 9, 2024, the City Council Adopted Ordinance 695, which updated Lafayette's regulations regarding Accessory Dwelling Units (ADUs) to comply with recent changes in California state law (AB 2533 and SB 1211) and implement programs included in the City's Revised Draft Housing Element. The full Ordinance is included in this packet and may be found on the City's website at [www.lovelafayette.org/planning](http://www.lovelafayette.org/planning) > Zoning Regulations & Handouts > Accessory Dwelling Units (Ordinance 695)

The City has defined three classes of ADUs: Class A, Class B, and Class C. The qualifications for each class are included below. All classes of ADUs are reviewed ministerially (no public hearing) and must comply with general requirements, as described in Sec. 6-563 of the ADU Ordinance. **An ADU permit (this application) is only required for Class C ADUs.** Class C ADUs must comply with additional development standards, as described in Sec. 6-566 of the ADU Ordinance.

Once the City reviews and approves any ADU, the applicant is required to obtain a building permit from Contra Costa County Building Department for construction of the ADU.

### Class A ADUs

1. Limited Detached on Single-family Lot: One detached, new-construction ADU on a lot with a proposed or existing single-family dwelling (in addition to any JADU that might be established on the lot), if the detached ADU satisfies all of the following limitations:
  - a. The side- and rear-yard setbacks are at least four feet.
  - b. The total floor area is 800 square feet or smaller.
  - c. The height above grade does not exceed the applicable height limit provided in LMC Section 6-563(b).
2. Limited Detached on Multifamily Lot: No more than two detached ADUs on a lot that has a proposed multifamily dwelling, or up to eight detached ADUs (not to exceed the number of existing primary units) on a lot with an existing multifamily dwelling, if each detached ADU satisfies all of the following:
  - a. The side- and rear-yard setbacks are at least four feet. If the existing multifamily dwelling has a rear or side yard setback of less than four feet, the city will not require any modification to the multifamily dwelling as a condition of approving the ADU.
  - b. The height above grade does not exceed the applicable height limit provided in LMC Section 6-563(b)(b).
  - c. If the lot has an existing multifamily dwelling, the quantity of detached ADUs does not exceed the number of primary dwelling units on the lot.

### **Class B ADUs**

1. Converted on Single-family Lot: Up to one ADU as described in this subsection (a) and one JADU are permitted on a lot with a proposed or existing single-family dwelling on it, either individually or together, where it/they:
  - a. Is/are either: within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or (in the case of an ADU only) within the existing space of an existing accessory building, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress;
  - b. Has/have exterior access that is independent of that for the single-family dwelling; and
  - c. Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.
  - d. The JADU complies with the requirements of Government Code sections [66333 through 66339](#).
2. Converted on Multifamily Lot: Within portions of existing multifamily dwelling buildings that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages: at least one converted ADU is allowed within an existing multifamily dwelling, up to a quantity equal to 25 percent of the existing multifamily dwelling units. Each converted ADU must comply with state building standards for dwellings. In case the resulting number of permitted ADUs contains a fraction, the number shall be rounded up to the nearest whole number

### **Class C ADUs<sup>1</sup>**

All ADUs which do not qualify as Class A or Class B ADU, as defined above.

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<sup>1</sup> ***This application is only required for Class C ADUs.***

# ACCESSORY DWELLING UNIT PERMIT (CLASS C) INSTRUCTIONS

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## GENERAL

An accessory dwelling unit (ADU) 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. A permit is required to establish a Class C accessory dwelling unit.

## PROCEDURES

### **Step 1: Pre-application** *(optional)*

Prior to applying for an ADU permit, the applicant should discuss their plans with Planning & Building Department staff (by appointment) to discuss the process and criteria for approval of an ADU.

### **Step 2: Filing the Application**

The applicant should carefully complete the attached application and be sure that all submittal requirements and all applicable fees are provided, which may include the ADU application fee and Address Assignment fee. The application must be signed by the current property owner. A staff planner will check the application for completeness and prepare a file.

### **Step 3: Review and Determination**

If an application is incomplete, the staff planner will provide a complete and detailed list of items to remedy the application. 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 ADU meets the general provisions and the development standards under the heading “*Accessory Dwelling Unit Permit – Submittal Requirements Checklist*”.

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

- An aggrieved person may appeal a decision to deny an ADU or JADU to the city manager. The appeal shall be in writing, filed with the planning director, and shall specifically set forth the decision appealed from and the grounds for the appeal. The appeal shall be filed within 14 days of the action to deny the ADU or JADU.
- The city manager shall review the appeal without a public hearing within 30 days of receipt of the written appeal. The city manager shall limit his or her consideration of the appeal to whether the ADU meets the general provisions in LMC Section 6-563, and development standards in LMC Section 6-566.

**Deed Restriction:** Prior to the issuance of a certificate of occupancy for an ADU or JADU, 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 ADU or JADU may not be sold separately from the primary residence except as otherwise provided in Government Code section 66341.
- B. The ADU or JADU is restricted to the approved size and to other attributes allowed in the City's ADU ordinance (Ordinance No. 695).
- C. An ADU or JADU may not be rented for a term that is shorter than 30 days minimum rental.
- D. For JADUs only, an owner-occupancy requirement applies. The property owner must reside in either the primary unit or the JADU as their primary residence.
- E. The deed restriction runs with the land and may be enforced against future property owners.
- F. The deed restriction may be removed if the owner eliminates the ADU or JADU, as evidenced by, for example, removal of the kitchen facilities.

The deed restriction is enforceable by the zoning administrator or his or her designee for the benefit of the city.

#### **PERMIT EXPIRATION**

The ADU 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.

## ACCESSORY DWELLING UNIT PERMIT (CLASS C) SUBMITTAL REQUIREMENTS CHECKLIST

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The following is a list of minimum submittal requirements. Additional materials may be required at the discretion of Planning staff. For all ADU permit applications, one (1) electronic (PDF) set of plans shall be submitted to [www.lovelafayette.geocivix.com](http://www.lovelafayette.geocivix.com) for 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 ADUs. Check each box affirming that your proposed ADU meets these required general provisions. If your proposed ADU does not meet all provisions, then it will not be approved.

YES NO

- |                          |                          |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. An ADU subject to an ADU permit under LMC Section 6-566 (Class C) may be created on a lot that is zoned to allow single-family dwelling residential use or multifamily dwelling residential use. |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. An ADU 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 structure.                  |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. An attached ADU is newly constructed and connected to the primary unit or accessory structure by common wall construction and under the same existing or new roof structure.                     |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. An ADU shall be accessory and incidental to the primary unit.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. An ADU is not intended for sale but may be rented for a period of no less than 30 days.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 6. An ADU shall not be allowed where streets, public utilities and other public services are inadequate to serve the unit.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 7. An ADU shall comply with all current building, health and safety codes.  |

YES NO

8. Fire sprinklers are required in an ADU if sprinklers are required in the primary residence. The construction of an ADU does not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.
9. If the ADU will connect to an onsite wastewater-treatment system, the owner must include with the application a percolation test completed within the last five years or, if the percolation test has been recertified, within the last ten years.
10. If new or altered non-ADU construction is proposed as part of the project on a property located in the Hillside Overlay District, then the portion of the project that is not ADU specific shall obtain approval of a Hillside Development Permit.

## PART II – DEVELOPMENT STANDARDS

Part II contains a list of the development standards by which all Class C ADUs are analyzed. Check each box affirming that your proposed Class C ADU meets these required development standards. If your proposed ADU does not meet them, then it will not be approved.

YES NO

1. Maximum unit size. The floor area of an attached or detached Class C ADU shall not exceed 1,200 square feet. An attached ADU that is created on a lot with an existing primary residence is further limited to 50% of the floor area of the existing primary residence, except as permitted by LMC Section 6-566(a)(3) of the ADU ordinance.
2. Except as otherwise provided by LMC Section 6-563 (b)(2)-(4) of the ADU ordinance, the height of the ADU shall not exceed 17 feet in height.
3. A detached ADU created on a lot within ½-mile walking distance to a major transit stop or high-quality transit corridor (defined in Public Resources Code Section 21155) shall not exceed 18 feet in height, or 20 feet if matching the roof pitch of the primary unit.
4. A detached ADU created on a lot with an existing or proposed multi-family dwelling that has more than one story above grade may not exceed 18 feet in height.
5. An ADU that is attached to the primary dwelling may not exceed 25 feet in height or the height limit imposed by the underlying zone that applies to the primary dwelling, whichever is lower, and may not exceed two stories.
6. The front setback of a Class C ADU shall meet the following requirements for each zoning district:

- i. R-6, R-10, R-12, R-15, D-1, M-R-A, M-R-B, M-R-O districts: at least 20 feet; on corner lots the principal frontage shall have a setback of at least 20 feet and the other setback shall be at least 4 feet.
- ii. R-20, R-40, R-65 districts: at least 25 feet; on corner lots the principal frontage shall have a setback of at least 25 feet and the other setback shall be at least 4 feet.
- iii. R-100 district: at least 30 feet; on corner lots, the principal frontage shall have a setback of at least 30 feet and the other setback shall be at least 4 feet.
- iv. L-R-5 and L-R-10 districts: a minimum of 50 feet.
- v. RB, C, SRB, C-1, PHC districts: 50 feet on the ground floor from frontages.

- 7. The side yards and rear yard of an ADU shall be no less than 4 feet; except no setback shall be required for an ADU that is constructed in the same location and to the same dimensions as an existing structure.
- 8. The exterior of an ADU, including walls, trim, roof, windows, and doors, shall incorporate the same material, texture, and color as the primary dwelling. All exterior lighting must be shielded and down-facing.
- 9. If the passageway or entrance provided for the ADU is visible from the street or right-of-way used to access the primary residence, the entrance to the ADU shall not be located on the same side and facing the same direction as the entrance to the primary unit. If an ADU is accessed by an outside stairway which is visible from the street or right of way, the stairway shall not be on the same side as the entrance to the primary unit.
- 10. An ADU with 1 or more separate bedrooms shall provide one off-street parking space in addition to the number of parking spaces required for the primary unit, unless exceptions are applicable under LMC Section 6-566 (f)(2). A parking space shall be at least 10 feet by 20 feet, and may be open, covered or tandem.
- 11. 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 an ADU shall be accessed by the primary unit's existing curb cut(s).
- 12. For removal of a tree as described within LMC Section 6-566 (h) for the location of an ADU, one 15-gallon tree of the same species shall be planted onsite. Plans shall show the location of the replacement tree(s).

### 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 Director must be satisfied as to the reason for non-submittal or the application will not be accepted.

REASON FOR NON-SUBMITTAL

- 1. Application packet completed and signed by the current property owner.
- 2. Completed and signed Agreement to Pay for City Services.
- 3. 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.
- 4. Required application fee payable to CITY OF LAFAYETTE.  
*\*The City of Lafayette will never request payment by wire transfer, cryptocurrency, or gift cards. Please verify all official communications and contact the City directly before responding or sending any payment. For more information and general scam awareness tips, please visit the [City's scam alert news release](#) on the City website*
- 5. 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 ADU.
  - Indicate the approximate elevations of adjacent residences.
- 6. 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 the following tree species with a trunk diameter measuring 12 inches or more: Arroyo willow (*Salix lasiolepis*); Bigleaf maple (*Acer macrophyllum*); Black walnut (*Juglans hindsii*); Black oak (*Quercus kelloggii*); Blue oak (*Quercus douglasii*); Blue elderberry (*Sambucus Mexicana*, *aerulea*, or *glauca*); Boxelder (*Acer negundo*); California bay (*Umbellularia californica*); California buckeye (*Aesculus californica*); Canyon oak (*Quercus chrysolepis*); Coast live oak (*Quercus agrifolia*); Cork oak (*Quercus suber*); Cottonwood (*Populus fremontii*); Interior live oak (*Quercus wislizenii*); Madrone (*Arbutus menziesii*); Oregon white oak (*Quercus garryana*); Red willow (*Salix laevigata*); Valley oak (*Quercus lobata*); White alder (*Alnus rhombifolia*).
7. 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.

REASON FOR NON-SUBMITTAL

- Anticipated grading for the development.
  - Note amount of cut, fill, import or export.
  - 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.
8. 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.
9. 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.
10. 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.
- 11. 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).
- 12. 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.
- 13. WELO Requirements.
  - Submit the relevant Water Efficient Landscape Ordinance (WELO) [Landscape Documentation Package](#) if landscaped area  $\geq$  500 sq. ft.
- 14. Colors and Materials Board (digital)
  - If building colors and materials of the primary building or the building housing the ADU 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 ADU 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.

REASON FOR NON-SUBMITTAL

- 15. Soils and geotechnical reports may be required at the discretion of the Planning and Building Department Director 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.
- 16. Other information as may be necessary for project analysis, as determined by the Planning & Building Department Director 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	Flood Zone
General Plan Designation	Parcel Size (sq.ft.)	Grading: Cut (cu.yds.)	Grading: Fill (cu.yds.)	
Existing Gross Floor Area (sq.ft.)	Existing Building Footprint (sq.ft.)	Existing Impervious Surface (sq.ft.)	Existing # Parking Spaces (sq.ft.)	
Proposed Gross Floor Area (sq.ft.)	Proposed Building Footprint (sq.ft.)	Proposed Impervious Surface (sq.ft.)	Proposed # Parking Spaces (sq.ft.)	

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

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

**APPLICANT INFORMATION**

**OWNER INFORMATION**

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

**CHECK ALL APPLICABLE REQUESTS**

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

**OWNER / AGENT STATEMENT**

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

Print Name \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

# Standard Application Form

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**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 and may also include the costs associated with such services such as mileage and photographic copies.
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: \_\_\_\_\_

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

# Agreement for City Services

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