



CITY OF ORINDA

Commercial Use Permit Application

Planning • 22 Orinda Way • Orinda, CA 94563 • (925) 253-4210 • FAX (925) 253-7719
• <http://www.cityoforinda.org> • orindaplanning@cityoforinda.org

A commercial use permit is required for the following uses in the downtown commercial zoning district:

1) Class B (service retail) use in a Type I retail space [SEE SECTION 17.8.5.D.1 FOR FULL TEXT].

- **Type I** retail space is *generally* defined as those ground/retail floor spaces which face the following streets and street segments, or face a plaza or parking lot which is adjacent to the following streets and street segments:
 1. Avenida De Orinda (both sides of the eastern half & north side of the western half)
 2. Brookwood Rd (between Moraga Way & Camino Pablo)
 3. Bryant Way
 4. Camino Pablo (east side between Highway 24 & Moraga Way)
 5. Camino Sobrante
 6. Orinda Way
 7. Moraga Way
 8. Santa Maria Way
- **Class B** service retail use is *generally* defined as the following type of businesses: 1) providers of personal care and services to customers, such as: beauty parlors, barber shops, fitness centers, dry cleaners, travel agencies, dance, music and martial arts studios (but excluding health care offices), 2) retail financial institutions, such as: banks, savings and loans, credit unions and free-standing automatic teller machines and, 3) automotive services.

[NOTE: THE ESTABLISHMENT OF NEW (AND THE EXPANSION OF EXISTING) OFFICE USES IS PROHIBITED IN "TYPE I" SPACES]

2) Class C (office) use in a Type II retail space [SECTION 17.8.5.D.2].

- **Type II** retail space is generally defined as those ground floor/retail spaces which are NOT located on any of the streets and street segments listed above, such as those along the rear side of the commercial buildings on Orinda Way, and which face the parking lots adjacent to San Pablo Creek.
- **Class C** use is defined as those office uses that are compatible with a village atmosphere such as medical and professional offices, real estate sales and financing.

3) A use which operates before 5:00 a.m. or after 11:00 p.m. [SECTION 17.8.5.D.4].

4) A type of business requiring a commercial use permit as listed below [SECTION 17.8.5.D.3 & G.2]:

- | | | |
|---|--|--------------------------------------|
| 1. Adult business.* | 6. Convenience market at a service station.* | 11. Maintenance and repair services. |
| 2. Animal sales and services. | 7. Farmer's market. | 12. Outdoor dining and sales.* |
| 3. Bar and tavern. | 8. Liquor store. | 13. Restaurants with take-out.* |
| 4. Commercial recreation and entertainment. | 9. Live entertainment.* | 14. Service stations.* |
| 5. Convenience market. | 10. Game center.* | 15. Vehicle sales and services. |
| | | 16. Visitor accommodations. |

[THOSE USES MARKED BY AN ASTERISK ARE SUBJECT TO ADDITIONAL REGULATIONS SET FORTH IN SUBSECTION 17.8.4.H.]

About the Process

Complete this application and submit it along with a general application form. Take care to give responses to the findings that are requested in this application because they will be used by the decisionmaker to evaluate the compliance of the application with city code. When the application is complete, you may schedule a meeting with a planner to review the application. For a more detailed discussion of the application process see the general application packet.

APPLICATION CHECKLIST

A copy of this checklist with a checkmark next to each item will be required. ***The application will not be accepted for processing unless all pertinent information required by the attached checklist is provided.*** Plans must be CLEARLY AND LEGIBLY DRAWN TO SCALE.

_____ a. Completed General Application Form and the attached specific application form.

_____ b. Completed checklist signed and dated (this list).

_____ c. Fees payable upon submission.

“Class B” retail business in “Type 1” spaces	\$592 plus \$1.10 / sq ft Up to a maximum of \$8,404
Modification or expansion of existing business	\$754
Other use permits	\$1,554
Time extensions of approved land use permit	\$431
Mailing (<i>Required</i>)	\$183
10% General Plan Update surcharge (<i>Required</i>)	_____

_____ d. One (1) full-size, one (1) 11”x17” size and an electronic (.PDF) set of plans with a minimum of the following information:

_____ The size, in square feet, of the existing structure and/or area of the proposed use.

_____ The overall dimensions of the structure and its location (both existing and proposed) on the lot relative to property lines. For commercial or institutional properties where a change/expansion in or of use is proposed, a plan showing the parking access, layout and capacity is also required.

_____ Schematic layout of the interior uses being proposed.

NOTE: If your proposal for a use permit involves: 1) the construction of new facilities, or 2) remodeling beyond the scope of interior tenant improvements, or 3) residential construction which requires *design review*, you will be required to apply for *design review approval concurrently* with your use permit request, and additional information for *design review* will be required.

I have read and understand my obligations regarding the information necessary for a use permit application:

Signature of Owner or Authorized Agent

Date

STATEMENT FOR FINDINGS

Complete the following statements as they relate to your project. They will be used by the decisionmaker to evaluate your request. [SECTION 17.36.1].

1. The use is of benefit to Orinda residents as well as to visitors because...

2. The use will promote a diversity and variety of commercial uses and will not contribute to an undue concentration of similar uses because...

3. The use will not adversely affect pedestrian and vehicular traffic because...

4. Adequate parking exists or will be provided for the use because...

5. The use will contribute to a vibrant, active pedestrian environment and an intimate-scale village ambience because...

6. The use does not create excessive noise, litter, or other enforcement problems because...

7. Considering the scale and design of the exterior and the quality of the goods or services provided, the use is reminiscent of a traditional Main Street environment because...

8. Under all the circumstances and conditions of the particular case, the use will not have a material adverse effect on the health or safety of persons residing or working in the vicinity because...
