



CITY OF ORINDA
Planning Application

22 Orinda Way, Orinda, CA 94563
 (925)253-4210 ▪ orindaplanning@cityoforinda.org

PROPERTY

Address:

Assessor's Parcel Number:

PROPERTY OWNER(S)

Name:

Mailing Address:

Phone:

Email:

APPLICANT(S) (If not the property owner)

Name:

Mailing Address:

Phone:

Email:

APPLICATION(S) (Check all that apply)

- | | | |
|--|--|---|
| <input type="checkbox"/> Certificate of Compliance | <input type="checkbox"/> General Use Permit | <input type="checkbox"/> Small Cell Wireless Facility |
| <input type="checkbox"/> Commercial Use Permit | <input type="checkbox"/> Hillside Grading Permit | <input type="checkbox"/> Temporary Event Permit |
| <input type="checkbox"/> Design Review | <input type="checkbox"/> Lot Line Adjustment | <input type="checkbox"/> Tree Removal Permit |
| <input type="checkbox"/> Elevated Deck Permit | <input type="checkbox"/> Lot Merger | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Encroachment Agreement | <input type="checkbox"/> Major Subdivision | <input type="checkbox"/> Wireless Facilities Permit |
| <input type="checkbox"/> Exception | <input type="checkbox"/> Minor Subdivision | <input type="checkbox"/> Zoning Amendment |
| <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Sign Permit | <input type="checkbox"/> Other: |

PROJECT DESCRIPTION

PROPERTY INFORMATION

Is the property located: <i>In the Ridgeline and Environmental Preservation Overlay District?</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<i>On a Severely sloped site? (average slope of 20% or greater)</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Have any permits been issued in the last five years? If yes, describe work:	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Present use of property and buildings:

ACKNOWLEDGEMENT

1. Failure to provide all pertinent data or providing poorly executed plans may delay the processing of an application.
2. City staff and either the Zoning Administrator or members of the Planning Commission may inspect the site of your proposed project. Access to your property is mandatory, but will be limited to the above mentioned planning agency personnel, as is regulated by the State’s Planning and Zoning Law. You are not required to provide access to your property to the general public. Please make any necessary arrangements with staff regarding their access to your property.
3. Final decisions concerning discretionary permits are within the discretion of the Planning Commission or the Zoning Administrator, as appropriate. Statements made by staff to applicants concerning the merits of a proposed project are intended to guide and assist applicants. Likewise, statements made by individual Planning Commission members during hearings and in other contexts such as study sessions may be intended to guide and assist applicants. However, such comments do not bind either the Planning Commission as a whole or the Zoning Administrator and they may in fact be disregarded by the decisionmaker. The decision to approve, condition, or deny a proposed project is within the sole discretion of either the Planning Commission or the Zoning Administrator, based on the evidence presented at the hearing. The same is true for Council decisions on appeals.
4. Obtaining discretionary permit approvals from the Planning Commission and the Zoning Administrator does not guarantee that a project may be built according to the approved plans if engineering plans for the proposed project are not approved. It is the applicant's choice to proceed in the discretionary review process without first obtaining engineering approvals.
5. If a request for a discretionary permit is based on soils problems, adequate proof (i.e., soils reports) must be provided to the City Engineer before the Planning Commission hearing to enable the City Engineer to assess the validity of the claim, obtain peer review if necessary, and to present a report to the Planning Commission on the subject.
6. Where soil stability is a factor, the soils engineer will be required as part of the application process to verify that the soils report meets city standards for soils reports and at the end of construction to verify that the grading and construction was accomplished as shown in the approved plans.
7. Applicant agrees to defend, indemnify, release and hold harmless the City of Orinda, its agents, officers, attorneys, employees, departments, boards and commissions (hereafter collectively “City”) from any claim, action or proceeding (hereafter collectively “proceeding”) brought against the City to attack, set aside, void or annul the City’s discretionary project approvals and/or any action relating to such project approvals, including actions taken to comply with the California Environmental Quality Act. This indemnification shall include, but not be limited to, any damages awarded against the City, the City’s attorneys’ fees and cost of suit, the cost of preparing the administrative record, any award of opposing counsel’s attorneys’ fees or costs of suit, and any other liabilities and expenses incurred in connection with such proceeding, whether incurred by the Applicant, the City, and/or the parties initiating or bringing such proceeding. Applicant acknowledges that the City may elect to retain its own counsel to represent it in such proceeding and agrees to reimburse the City for associated attorneys’ fees and costs of suit. Applicant further agrees to indemnify the City for all costs, attorneys’ fees, and damages, which the City incurs in enforcing this indemnification agreement. In the event any proceeding is brought, City shall promptly notify the Applicant of the proceeding, and City shall coordinate with Applicant regarding defense of the proceeding.

PROPERTY OWNER

Signature:

Date:

APPLICANT (If not the property owner)

Signature:

Date:



CITY OF ORINDA
Commercial Use Permit

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A Commercial Use Permit is required for the following uses in the downtown commercial (DC) zoning district:

1. **Class B uses:** service retail use in a Type I retail space
 - Class B service retail use is generally defined as the following types of business:
 - *Personal care* –beauty parlors, barber shops, fitness centers, dry cleaners, travel agencies, dance, music and martial arts studios (but excluding health care offices)
 - *Retail financial institutions* – banks, savings and loans, credit unions and free-standing automatic teller machines
 - *Automotive services*
 - Type I retail space is generally defined as ground floor retail space which faces the following streets and street segments, or face a plaza or parking lot adjacent to the following streets:
 - Avenida De Orinda (both sides of the eastern half and northern side of western half)
 - Brookwood Rd (between Moraga Way & Camino Pablo)
 - Bryant Way
 - Camino Pablo (east side between Highway 24 & Moraga Way)
 - Camino Sobrante
 - Moraga Way
 - Orinda Way
 - Santa Maria Way
2. **Class C uses:** office use in a Type II retail space
 - 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.
 - Type II retail space is general defined as ground floor/retail spaces which are *NOT* located on the streets listed above, such as those along the rear side of the Orinda Way commercial buildings.
3. **Other uses:** specific uses that require a commercial use permit

<ul style="list-style-type: none"> • Adult business • Animal sales and services • Bar and tavern • Commercial recreation and entertainment • Convenience market • Convenience market at a service station • Farmer’s market • Game center 	<ul style="list-style-type: none"> • Liquor Store • Live entertainment • Maintenance and repair services • Outdoor sales • Service stations • Vehicles sales and services • Visitor accommodations • Ancillary retail uses
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4. **Extended hours:** any use which operates before five a.m. or after eleven p.m.

FEES

Application Fee (select one):	
Class B use in Type I space	\$639.00 plus \$1.20/sq. ft. +
Modification or Expansion of existing business	\$814.00
Other Use	\$1,678.00
Mailing Fee	\$193.00
13% Surcharge fee [applied to application fee]	

+ Subject to a maximum application and square-footage fee of \$9,083.00.

SUBMITTAL REQUIREMENTS

1. Planning Application Form

2. Plan Set

One full-size (24"x36"), one half-size (11"x17"), and one PDF (electronic) set of plans. See the [Plan Set Checklist](#) for required plan set details. 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.

3. Written Description

A complete written description of the specific use, business or institution you are seeking approval to establish or expand; with such information (if applicable) as hours of operation, number of employees, size (in square feet) of space to be used, estimate of expected attendance/enrollees, etc.

4. Statement of Findings

Describe on a separate sheet how the project meets each of the Commercial Use Permit standards listed below.

COMMERCIAL USE PERMIT STANDARDS ([§17.36.1](#))

A commercial use permit may be granted if findings of fact are made to support each of the following standards:

- A. The use is of benefit to Orinda residents as well as to visitors;
- B. The use will promote a diversity and variety of commercial uses and will not contribute to an undue concentration of similar uses;
- C. The use will not adversely affect pedestrian and vehicular traffic;
- D. Adequate parking exists or will be provided for the use;
- E. The use will contribute to a vibrant, active pedestrian environment and an intimate-scale village ambience;
- F. The use does not create excessive noise, litter or other enforcement problems;
- G. 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;
- H. 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.