



Revocable Encroachment Application (Encroachment into the Public Right-Of-Way)

Planning

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A public right of way is public property held for the benefit of the public. Individuals and entities do not have the right under the law to interfere with the use, possession and enjoyment of the public right of way without the permission of the City. A revocable encroachment agreement under O.M.C. section 12.08.040 is required to encroach into the public right of way. Before obtaining a permit for a permanent encroachment that is not entirely below ground, an encroachment agreement must be signed by each permittee, as set forth in section 12.08.050. Project approval is determined either by the Zoning Administrator or by the Planning Commission if the encroachment is part of a larger project requiring design review.

Design review. Before obtaining a revocable encroachment agreement for an encroachment that is partially or completely above ground, design review approval of the encroachment must be obtained as set forth in section 12.08.060. Revocable encroachments include but are not limited to a fence, gate, post, or wall; a driveway bridge or similar structure; and any other above-ground improvement of a “permanent” nature which has the potential to interfere with or otherwise adversely affect the current or future public use and benefit of a right of way, has an impact on the visual context of the right of way, or has the potential to otherwise adversely affect the public welfare.

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.

After you have submitted your application, it will be assigned to a project planner for processing. Your project planner, along with the Department of Public Works and the Moraga-Orinda Fire District, will then review your application for completeness. You will be notified within 30 days as to whether or not any additional information or plans will be required by staff to complete the processing of your application.

APPLICATION CHECKLIST

I. Informational Forms / Materials

- Completed General Application Form and the attached specific application form.
- Completed checklist signed and dated (this list).
- Payment of the application fee(s):

Not associated with a project subject to Design Review	\$1,554 + \$183 for mailing <i>(City will prepare the mailing)</i>
When associated with a project Subject to Design Review	\$259 + \$183 for mailing <i>(City will prepare the mailing)</i>
- Project site must be marked with an identification sign (address or lot number).
- All trees with a trunk diameter of six (6) inches or greater measured at 4½ feet above grade which will be, or are at risk of being damaged or removed, must be flagged.
- One (1) full-size, one (1) 11”x17”and an electronic (.PDF) set of plans must be submitted with your application.
 - Full size plans shall be on sheets no larger than 24” x 36”.
 - Electronic (.PDF) plans must be provided on a flash/thumb drive.

II. Plans

SITE PLAN

- Drawn to scale.
- Include a north arrow.
- All property lines shown and dimensioned with metes and bounds.
- Show all public and private roads, right-of-ways, and easements, within and adjacent to the parcel, fully dimensioned. Indicate whether public or private. Indicate nature of easements.
- Show footprints of all existing and proposed structures with dimensions to all property lines.
- Indicate the trunk location, dripline, and species type and size of all existing trees with a trunk diameter of six (6) inches or greater measured at 4½ feet above grade, if a proposed site improvement will encroach upon the dripline. If there are no trees on site, state on plans that "No trees are present on site."
- Mark any trees listed under item #7 above, which are to be removed, with an "X".
- Show any significant drainage features, including swales, creeks (with required creek setbacks shown in plan and section view), and riparian habitat. Note on plans if there are no existing and/or proposed drainage improvements.
- Show all existing and proposed impervious surfaces, including but not limited to sidewalks, roofs, patios, stairs, pool decks, and driveways, with square footage of all existing and new impervious surfaces noted.
- Indicate location and dimensions of existing and proposed retaining walls and fences.

ELEVATIONS

- Drawn to scale.
- Include dimensions of all proposed structures.
- Indicate both existing and finished grade.
- Include elevations/profiles for all proposed structures, indicating heights, colors, and materials.

The above checklist outlines the minimum information and plans that must be submitted as part of your Design Review for Encroachment into the Public Right-of-Way. Please keep in mind that the project planner may require additional information or materials for certain large or complex projects.

City staff and either the Zoning Administrator or members of the Planning Commission will 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.

**I have read and understand my obligations regarding
the information necessary for a Revocable
Encroachment Application:**

Signature of Owner or Authorized Agent

Date

STATEMENT FOR FINDINGS RELATING TO STANDARDS FOR DESIGN REVIEW:

Standards. The Permit Officer shall approve the design of an encroachment if written findings are made that it meets all of the following standards. Complete the following statements as they relate to your project. They will be used by the decisionmaker to evaluate your request. Attach additional sheets of paper as necessary. [Section 12.08.060, Orinda Municipal Code]

1. Aesthetics. The encroachment is designed so that it blends into the existing streetscape, reflecting the dominant visual character of the natural and man-made context.

2. Function. The design and location will not adversely affect the use and enjoyment of neighboring properties and structures.

3. Other Code Requirements. The encroachment meets all other applicable requirements of this Code.

CERTIFICATION

Each person signing this application declares that s/he has read the application and the guidelines preceding the form and that the contents of the application are true and accurate to the best of his or her knowledge and belief.

Date

Signature of applicant

Date

Signature of owner (if not the applicant)