



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)

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

PROJECT DESCRIPTION

Does the project include new landscaping or rehabilitating existing landscaping? If yes, indicate:	☐ Yes	☐ No
<i>Total Square-feet (sf) of New Landscaping:</i>	_____ sf	
<i>Total Square-feet (sf) of Rehabilitated Existing Landscaping:</i>	_____ sf	
Is the property located:		
<i>In the Ridgeline and Environmental Preservation Overlay District?</i>	☐ Yes	☐ No
<i>On a Severely sloped site? (average slope of 20% or greater)</i>	☐ Yes	☐ No

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

Exception Permit

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An exception permit is intended to provide design flexibility from certain quantitative regulations when there is no adverse impact. A wide variety of lot sizes, shapes, and topography exist within a single zoning district. Additionally, there are many older homes and other buildings built prior to zoning regulations. Due to these variations, exceptions are permitted for the preservation of the semi-rural character of Orinda.

An exception from the development standards for setbacks, building height, the number of stories, fences and retaining walls, single-family residential parking requirements, number of replacement trees, and for maximum lot coverage and minimum landscape area may be granted. A list of examples may be found in [§17.32.2](#).

FEES

Application Fee (select one):	
Exception Permit only*	\$1,500.00 (deposit) ¹
Combined with other discretionary permit(s)*	\$959.00
Mailing Fee	\$213.00
Landscape Water Efficiency Checklist Review (if applicable)*	\$132.00
13% Surcharge fee [applied to all fees marked with an asterisk (*)] (Surcharge fee for deposit: \$228.00)	\$

¹A deposit reflects the average amount of time spent to process an application. When you pay a deposit, an account will be set-up for the project that will be charged at the hourly rate for staff time. In some instances, complex projects may exceed the deposit amount, which would require the deposit to be replenished. Any deposit amount remaining at the end of the project will be refunded to the applicant.

SUBMITTAL REQUIREMENTS

How To Submit Your Application – Applications are only accepted electronically. Submit your complete application online at <https://www.cityoforinda.org/527/Application-Submittal>.

1. Planning Application Form

2. Plan Set

One PDF (electronic) set of plans. See the [Plan Set Checklist](#) for required plan set details.

3. Preliminary Title Report

A title report not more than six months old for staff to verify any easements on the property.

4. Statement of Findings

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

5. Arborist Report (if applicable)

A written recommendation from a certified arborist that discusses the species, size, location, and health of any protected tree(s) at risk of being damaged or proposed for removal as part of this project.

6. Landscape Water Efficiency Checklist (if applicable)

The [Landscape Water Efficiency Checklist](#) must be submitted with your application if the project meets any of the following criteria:

1. New construction projects with a landscape area greater than 500 square-feet,
2. Rehabilitated landscape projects with a landscape area greater than 2,500 square-feet,
3. Existing landscapes installed prior to December 2015, that are greater than 1 acre in size, or
4. Cemeteries.

7. Story Poles (if applicable)

A [Story Pole Plan](#) shall be submitted with the plan set. Story poles must be installed to deem the applicable complete.

EXCEPTION PERMIT STANDARDS ([§17.32.4](#))

An exception may be granted if findings of fact in support of each of the following standards are made, except that subsection D only applies to signs:

A. The strict application of the respective zoning regulations will either:

(1) deprive the subject property of rights enjoyed by other properties in the vicinity and within the identical land use district, because the site's unique characteristics, such as an irregular or constrained size, shape or topography, or limitations created by the site's existing development, limit design options available to the subject property; or

(2) serve no land use planning purpose under this title or the general plan because of the absence of any negative impact whatsoever on the semi-rural character of Orinda or on the privacy, views and general well-being of neighboring properties as a result of the size, shape, location or topography of the site.

B. The exception will result in development which substantially complies with the intent and purpose of the requirements, including design review, of the land use district in which the subject property is located.

C. For a project affecting an existing structure:

1. The exception does not substantially increase the degree of an existing nonconformity; and
2. The exception is necessary to preserve or enhance a feature of the existing structure which is architecturally or functionally appropriate.

D. An exception from sign size limitations is necessary for the sign to remain proportional to preexisting architectural features or site conditions.