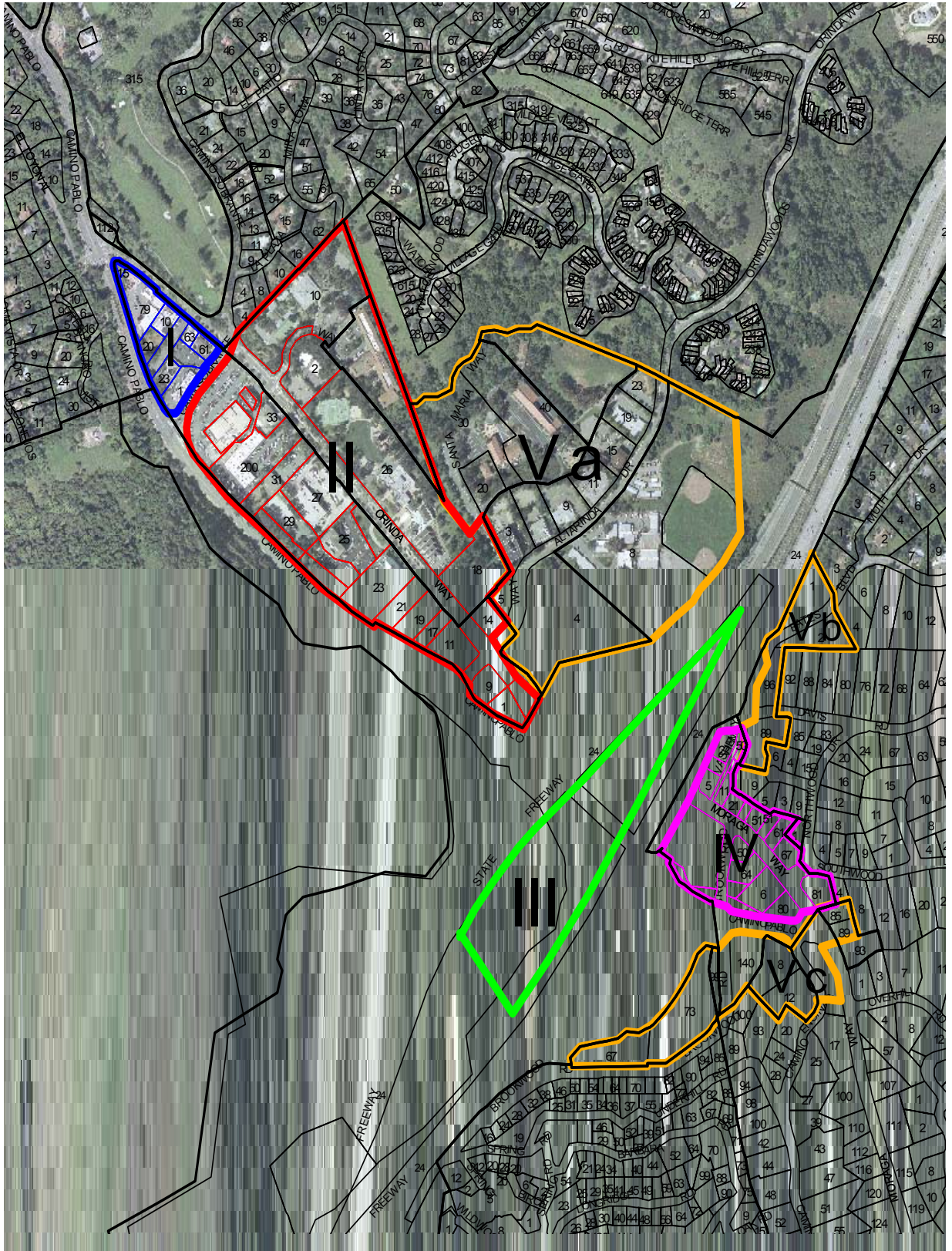


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Downtown Subcommittee Report

12/10/08

Commercial Committee Report



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Section I. - Mission

The mission of the Downtown Subcommittee is to review, analyze and make recommendations to the full Task Force and ultimately to the Orinda Planning Commission and City Council regarding the revitalization of downtown Orinda into a vibrant, pedestrian-oriented village with a mix of retail, residential, cultural and office uses.

Section II. – Executive Summary

This report identifies land use policy issues that have inhibited vibrancy in downtown Orinda. In addition to identifying issues, this report provides recommendations which are intended to guide implementation of amendments to the Orinda General Plan and to the zoning standards of the municipal code toward the end of revitalizing downtown Orinda.

Three primary objectives are interwoven in the recommendations contained in this report:

1. An infusion of housing into downtown Orinda, some stand alone, some mixed-use housing above retail/office with a two-fold goal of:
 - a. Creating easily accessible built-in downtown shoppers for retailers and
 - b. Serving Orinda “seniors” wishing to remain living their retirement years in Orinda and others wishing a more pedestrian-oriented, village lifestyle with alternative modes of transportation.
2. Incentivize retail revitalization through more flexible zoning standards, expansion of building height and support the redevelopment of outdated and underutilized properties.
3. Encourage landowner and merchant cooperation with a coordinated merchandising and leasing strategy.

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Section III. - Subcommittee Process

The subcommittee, consisting of Clark Wallace and Bruce Burrows met on 36 occasions between October 22, 2007 and November, 2008 to identify issues impeding revitalization of the downtown and to develop recommendations for downtown improvements¹. The subcommittee's recommendations address both physical and programmatic areas.

To aid the subcommittee in its understanding of the issues and potential solutions, the subcommittee met with four developers, several property owners, a representative of the Friends of Orinda Creeks, owner's representative of Theatre Square, a representative of a foundation being formed to acquire the historic Orinda Theatre, architects, and a panel established by the City Council in 2006 to select a consultant to develop a plan for revitalization of the downtown². In addition, individual subcommittee members spoke with developers and property owners regarding development or redevelopment potential, tenant leases, near-term plans and prospective tenants.

Subcommittee members reviewed the existing downtown policies of the general plan and the downtown development standards of the municipal code. Large aerial photographs of the downtown were a frequently used reference tool in the meetings.

Based on subcommittee members' extensive and long-term personal knowledge of the downtown, the subcommittee identified nine issues, divided the downtown into five geographic planning areas, and developed recommendations to address the issues identified in each respective geographic area. For purposes of this report "downtown" refers to property zoned Downtown Commercial (DC), Downtown Office (DO) and Residential – Medium Density (RM), as delineated in Figure 1. The subcommittee's recommendations, in part, are intended to formulate the basis for conceptual development plans for the downtown, and in part to explore opportunities and constraints for

¹ Although not a formal member of the subcommittee, John Banuelos attended nearly all of the subcommittee meetings and provided substantive comments and suggestions, many of which are reflected in the committee's report.

² The City was not awarded grant funding for a planning consultant and while the selection panel narrowed its selection to two finalists, a final recommendation was not made and a consultant was not retained.

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downtown development and as a preliminary analysis of the feasibility of proceeding with a formal public planning process with public input through workshops, and formal meetings with stakeholders. It is important to note that technical studies, which may be required to assess infrastructure issues depending on the intensity of development envisioned, were not prepared. The manner in which Planning Area 2 (Village Center) is redeveloped will be influenced to a great degree by the constraints imposed by the PG&E transmission towers. A short discussion regarding the PG&E easement and the Committee's recommendations is found in Section VI (p. 18) of this report.

This report describes in detail the five planning areas (Section IV), the nine issues identified by the subcommittee in the downtown and the areas in which these issues apply (Section V) and recommendations (Section VI)

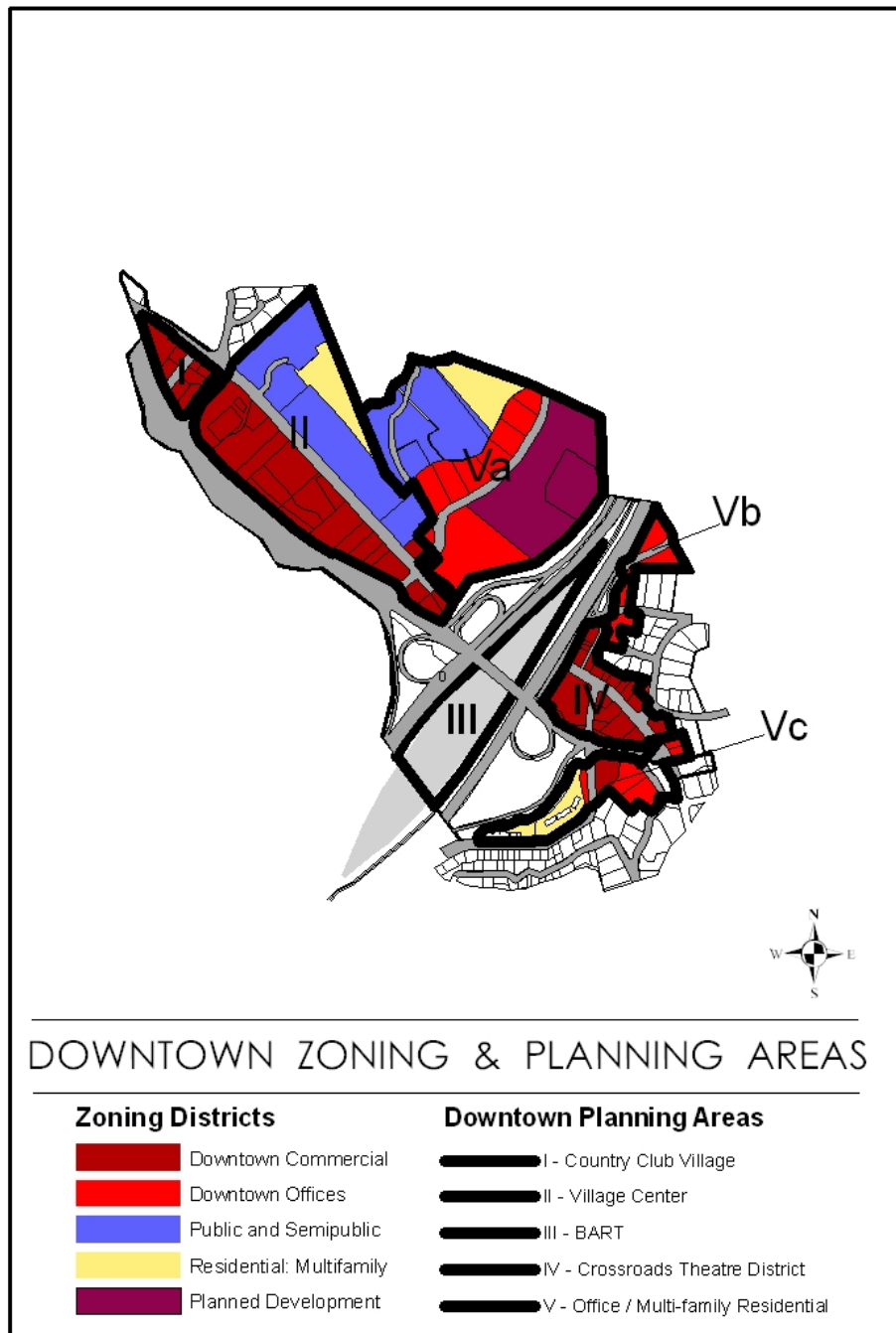
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Section IV. - Planning Areas

Figure 1 delineates the five planning areas: Area One – Country Club Village, Area Two- Village Center, Area Three- BART, Area Four – Crossroads Theatre District and Area Five – Office and Downtown Residential District.

Figure 1
Downtown Zoning and Planning Areas



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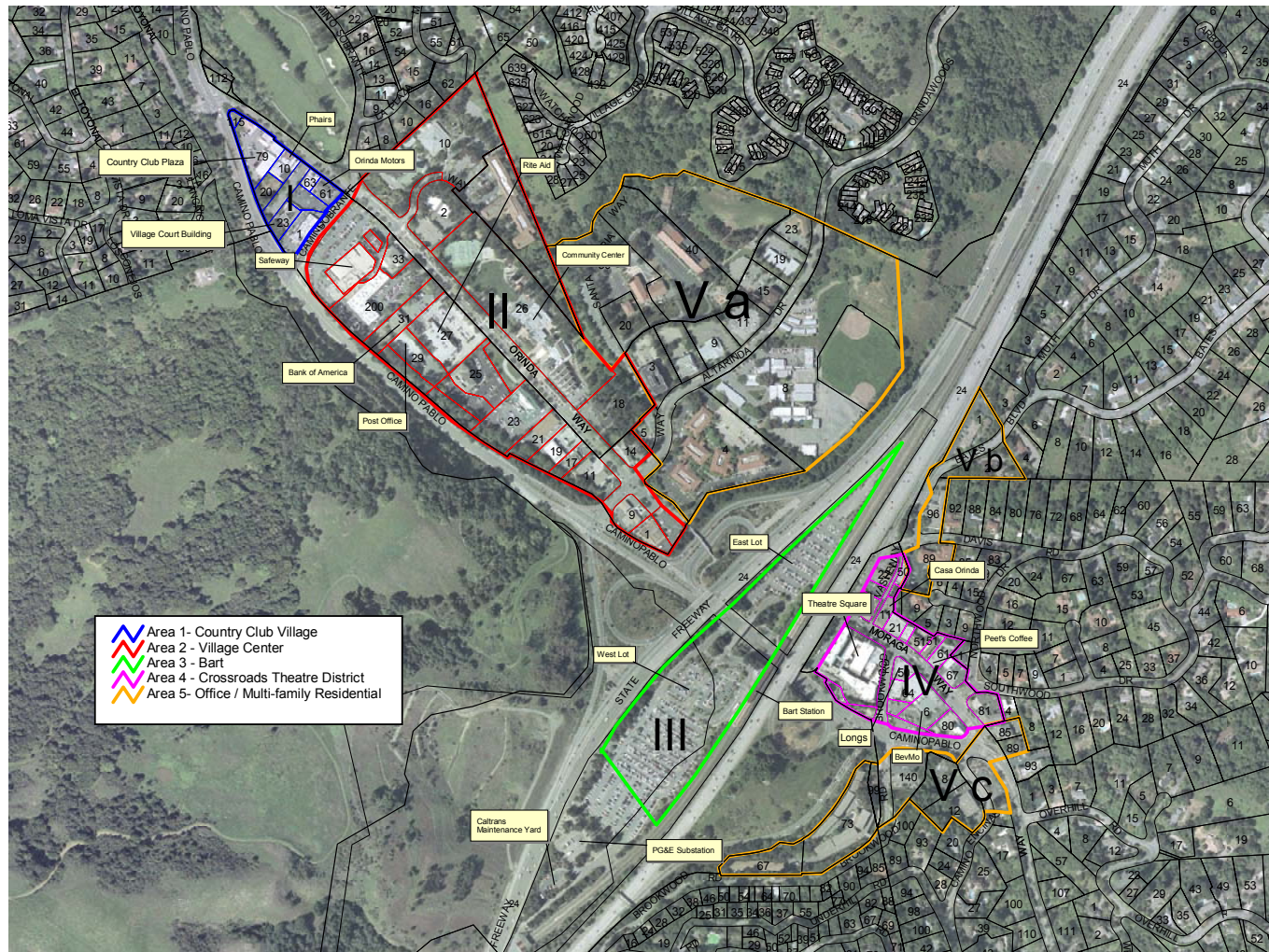


Figure 2 – Downtown and Surroundings

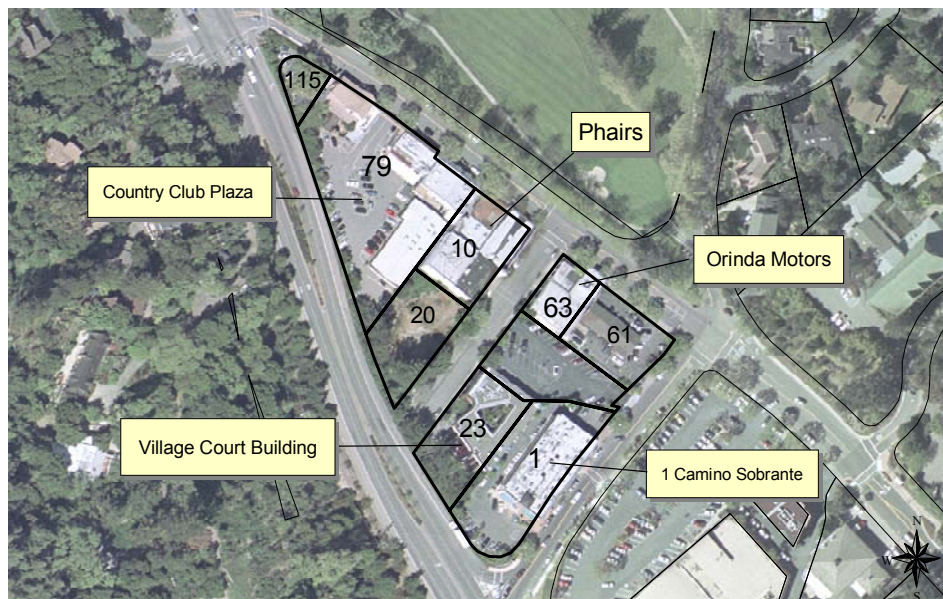
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Planning Area One – Country Club Village

Area One encompasses the approximately 4-acre triangular area formed by Camino Sobrante on the south, Camino Pablo on the west and Orinda Way on the east. (See Figure 1 – Village Area Aerial Photo). An approximately 650-foot long segment of San Pablo Creek runs through this area in a box culvert along Camino Pablo. With the exception of approximately 110 linear feet, the creek is currently covered with surface parking lots. Significant portions of this Planning Area are within the 100-year flood plain. There are nine parcels in this area and one internal roadway (Avenida de Orinda). One parcel is vacant (20 Avenida de Orinda) and one building is vacant (Phair's building and associated parking lot). Area One is just over 1/3rd mile north of Highway 24 and the Orinda BART station.

Figure 3
Planning Area I



This area is the area most likely to be redeveloped before any of the other three planning areas due to current and past developer interest in the Phair's property and in the abutting parcels. With consolidation of certain parcels, it is possible that portions of Avenida de Orinda could be abandoned and added to the land area available for development. The subcommittee believes that this area can be the catalyst to stimulate development in other parts of downtown Orinda and it is critical that a high quality development plan be implemented in this area.

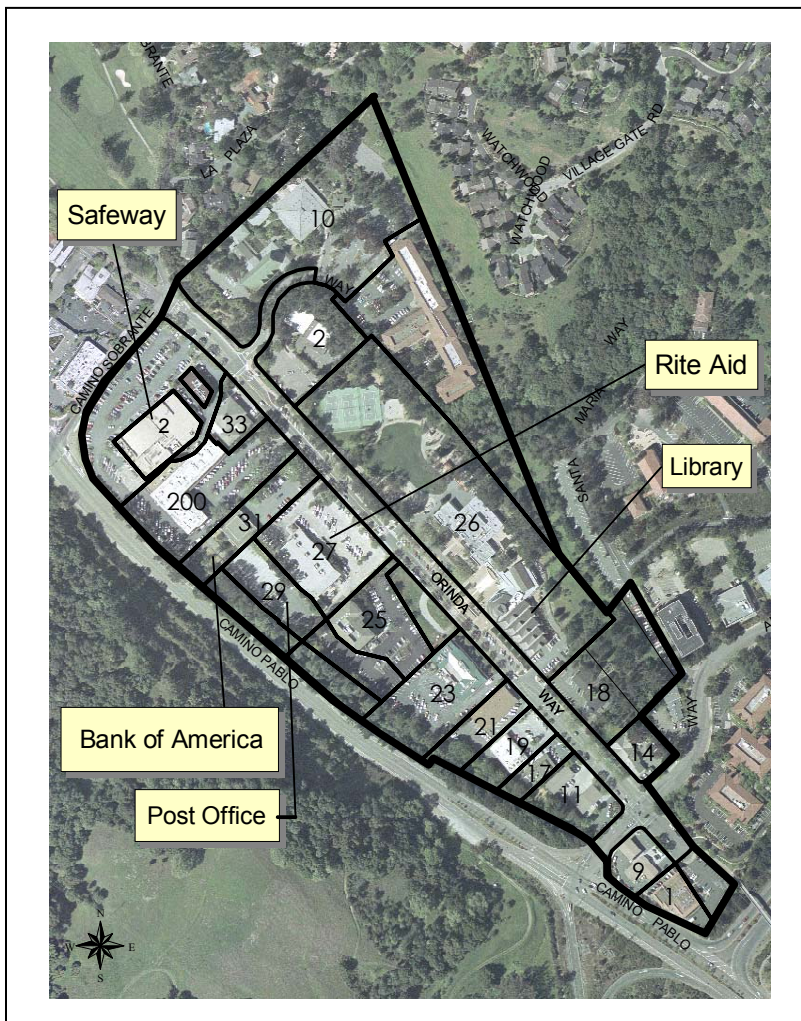
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Planning Area Two – Village Center

The Village Center includes the portion of downtown Orinda located south of Camino Sobrante and north of Highway 24 along both sides of Orinda Way. This area of downtown is also known as the “Heart” of the Orinda village. Properties in this area located on the west side of Orinda Way are zoned Downtown Commercial (DC) and all properties on the east side of Orinda Way except for the two office developments at the south end of this Planning Area are zoned Public Semi-public (PS). There is about 17.75 acres zoned DC, 15 acres zoned PS and 5.7 acres zoned Downtown Office (DO) in the Village Center. The south end of this area is adjacent to Highway 24 and the BART station.

Figure 4
Planning Area II



Some of the businesses and services in this planning area in the DC zone include (from north to south) Safeway, McCaulou's, Orinda Fire Station No. 45, the US Postal Office, Citi Bank, Bank of America, Rite Aid, the Vintage House office building, and Chevron and Shell service stations. There is one vacant ½ acre site across the street from the library plaza and community center. Along the east side of Orinda Way the Village

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Center is developed with the Orinda Community Church, the former library and future site of an affordable senior housing project, the 150-unit Orinda Senior Village, the community park and community center, the Orinda Library, city hall, the Christian Science Church and two office developments (14 Orinda Way and the Pine Grove office complex).

The subcommittee sees ample opportunity for potential revitalization in this planning area, particularly in the core area starting on the properties between Bank of America and the 23 Orinda Way building which houses Informa Gym, Siam Orchid and other tenants. Redevelopment of this area is likely to occur over the long-term and this area has already been the subject of considerable discussion and a number of studies over the years. There are several assets and development opportunities in the Village Center including:

- Proximity to Highway 24 and BART;
- Proximity to civic organizations including churches, public library, community center, park and city hall;
- Amenities possible with the restoration of San Pablo Creek such as pedestrian trails and seating areas, commercial and residential development oriented toward the creek, and water quality benefits associated with implementing the 2001 Creek Restoration Plan;
- The possibility to allow height increases without creating negative visual impacts on adjoining properties; and
- View of the scenic EBMUD-owned hills west of the Village Center.

Constraints and issues in this area include:

- Development constraints and aesthetic impacts created by the 100-foot wide PG&E easement and transmission towers; and
- Potential circulation issues created by the lack of a mid-Village connection from Orinda Way to Camino Pablo.

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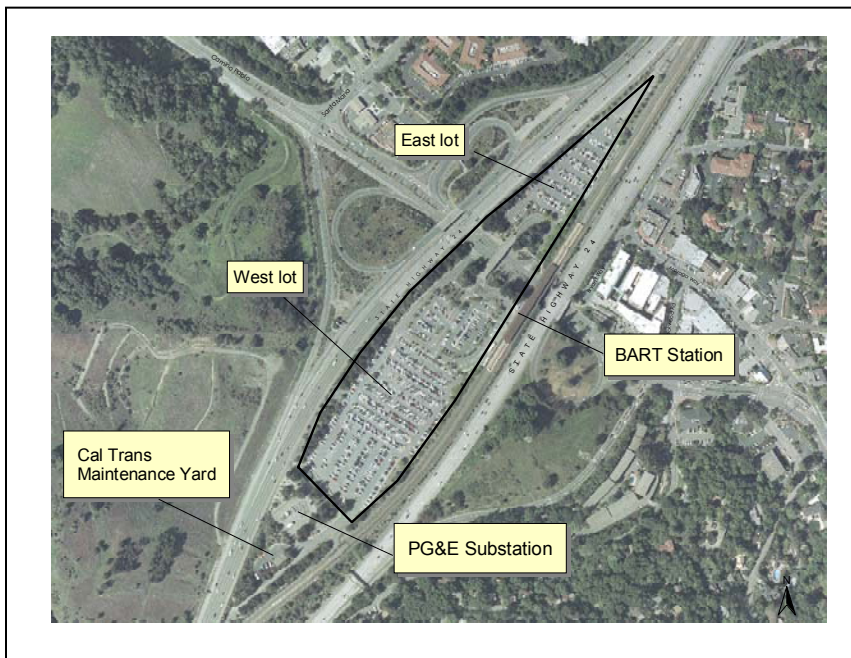
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Planning Area Three – BART Station

The Orinda BART station and parking lot occupy approximately 19.5 acres and, unlike other BART stations, both the station and associated parking lots are situated in a widened freeway median. The BART property measures approximately 2,775 feet long

Figure 5

Planning Area III



and 531 feet at its widest. The station and larger of the two BART parking lots with 1060 spaces are located west of Camino Pablo and a smaller 7.16- acre parking lot with 345 stalls is on the east side of Camino Pablo. Pedestrian

bridges provide access from the station to both the Theatre district to the south and the Village to the north.

Over the years since BART opened in the mid 1970's there have been occasional discussions regarding possible or potential development at various stations in the BART system, including Orinda. For example, in the late 1980s, the University of California School of Architecture/Environmental Design held a design competition for senior students regarding intensification of use at the Orinda BART station. Nothing tangible ever came of it, but the results were both very creative and fascinating.

While further development at Orinda BART is not likely in the short term and would probably only occur in conjunction with BART's consideration of expanding parking, some limited retail, office or residential uses above parking should not be summarily dismissed in any discussion regarding the revitalization of downtown Orinda.

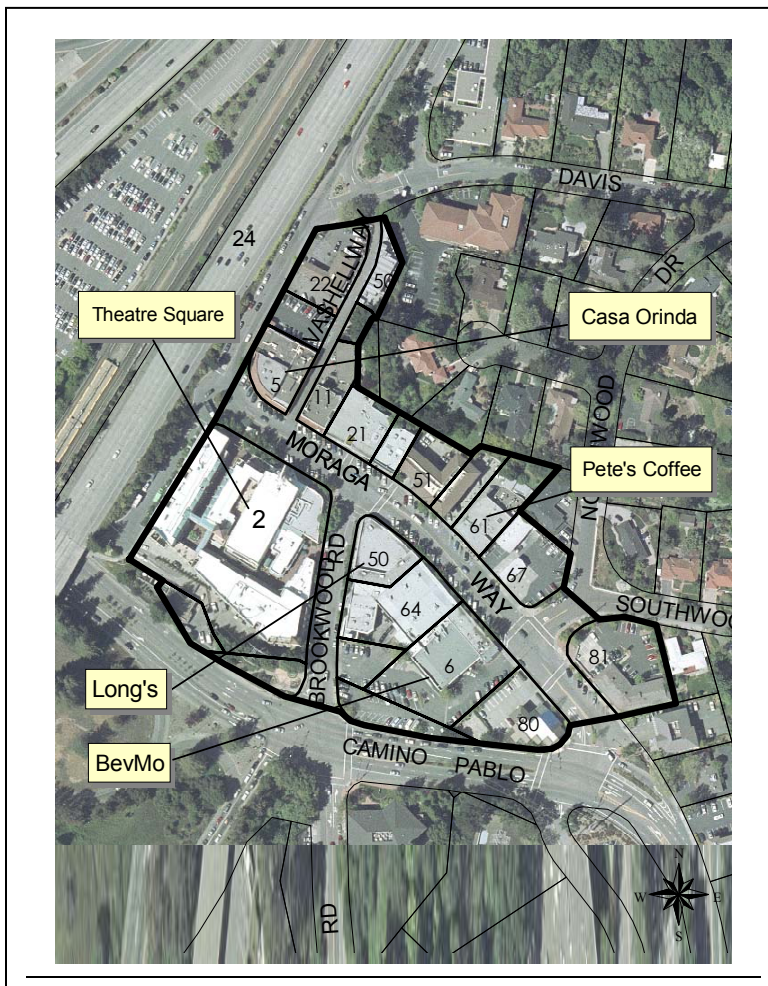
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Planning Area Four – Crossroads Theatre District

The Crossroads Theatre District occupies the southeast quadrant of the intersection of Highway 24 and Camino Pablo and is contiguous to the BART station. The area is accessible from both the east and west directions of Highway 24 via Brookwood Road and Camino Pablo, and by Moraga Way to the south. The Crossroads is identified by the Orinda Theater marquee and the intersection of Moraga Way and Brookwood Road is

Figure 6
Planning Area IV



perceived to be center of downtown Orinda.

The Crossroads Theatre District is approximately 13.5 acres and is bound by Highway 24 and the BART station on the north, single-family and commercial office uses on the east, and the Highway 24 eastbound off ramp and commercial office uses to the west.

With the exception of Theater Square, a 1990's redevelopment consisting of the Orinda Theater, restaurants, shops, service

uses and offices, the majority of the Crossroads is made up of 1930's to 1950's one and two story buildings. Of these buildings, the subcommittee believes the Breed/Howkins property, fronting Camino Pablo, Moraga Way and Brookwood Road, and consisting of 2.14 acres with more than 900' of street frontage, offers the best opportunity for downtown retail revitalization through a major development plan.

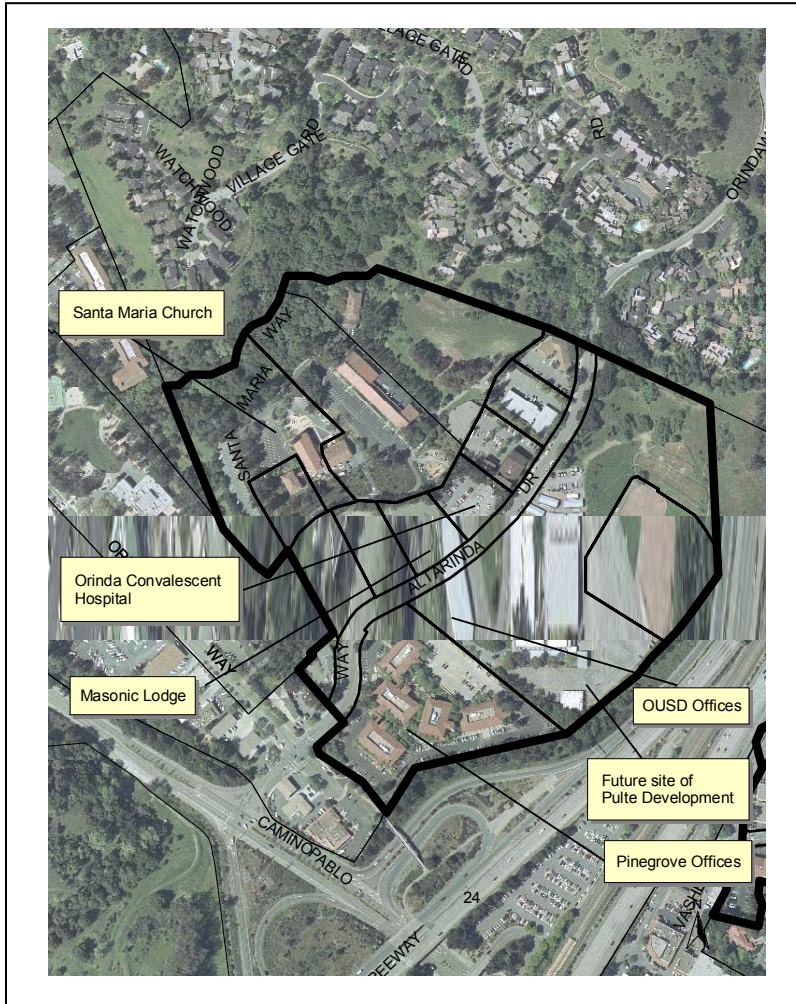
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Planning Area Five –Office and Downtown Residential District

Planning Area Five is separated into three geographical locations (herein “V.a, V.b and V.c) and consists of a mix of office, residential, and institutional uses surrounding the

Figure 7
Planning Area V.a



downtown retail districts. A majority of the development in Area Five (V.a) is on the hillside above and east of Area Two off of Altarinda Road and Santa Maria Way. This portion of Area Five includes the Pine Grove Office project, the Orinda Union School District administrative offices, the approved 73-unit Pulte Homes development, the Santa Maria Church, the Masonic Lodge, Orinda

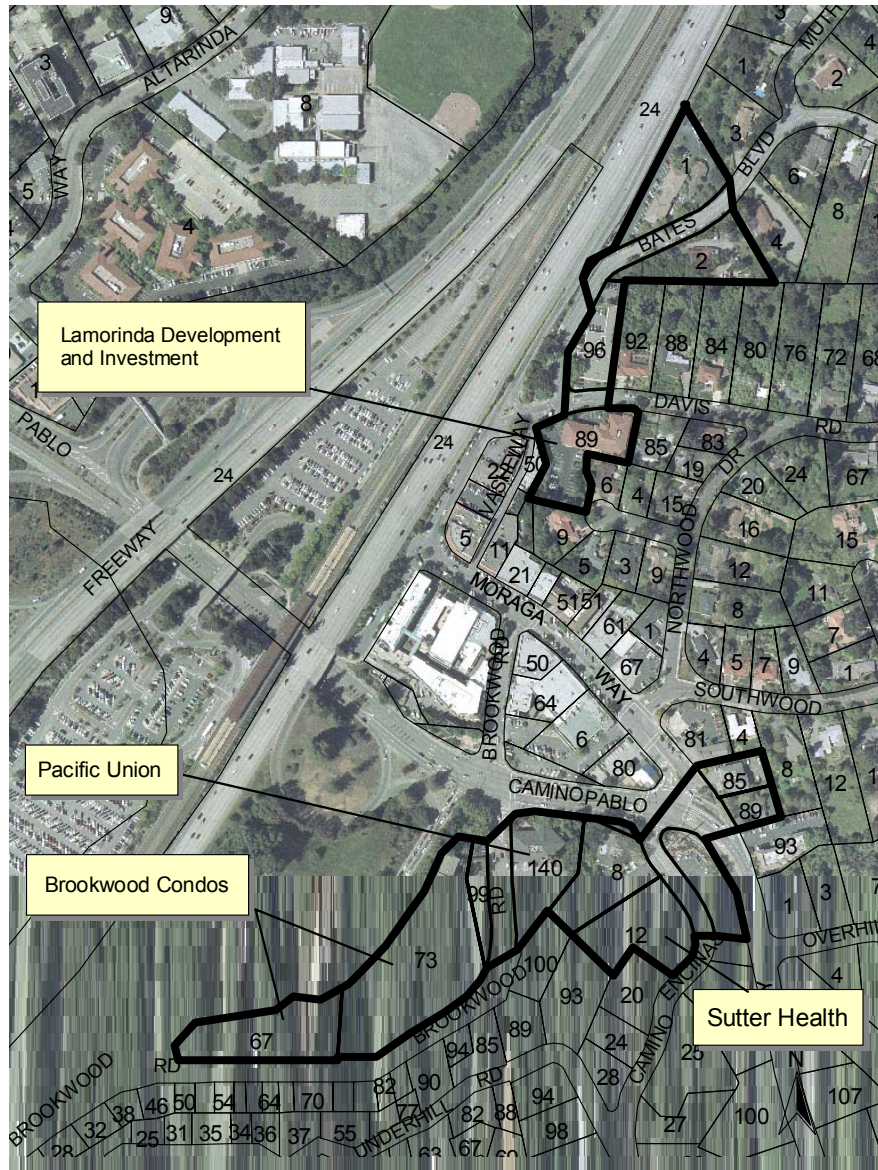
Convalescent Hospital, a private high school academy, and several office buildings. The other two portions of Area Five are south of Highway 24. Area V.b contains 3.42 acres, is located along the lower portions of Bates Boulevard and Davis Road and is made up of small- to medium-scale office buildings. Area V.c is south of Area Four and consists of the condominiums along Brookwood Road, the office buildings across from the BevMo parking lot and along Camino Encinas and the office buildings adjacent to the south side of the Mechanics Bank building. Area Five consists of a total of approximately 48.5 acres with 41 acres in V.a, 3.42 acres in V.b and 4.08 acres in V.c.

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Figure 8

Planning Area V.b and V.c



The Task Force has not identified any issues and does not recommend any changes to Area V at this time. However, the Task Force does acknowledge that this area is an important component of the downtown and recommends that as a part of a general plan update, that the goals and objectives for development in this area, including land uses and densities be carefully considered as they relate to the core of downtown and as this area serves as a transition between the downtown core and the surrounding single-family residential neighborhoods.

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Section V. - Issues Identified

Table One contains a list and description of the issues identified by the Task Force and lists the applicable planning area for each issue.

Table One

| No. | Issue | Description | Planning Area |
|---|---|--|---------------|
| Development Standards and Land Use | | | |
| 1. | Restrictive development standards | Property development standards such as building set backs, building height, residential density limits and parking requirements may be too restrictive to make redevelopment feasible. | 1, 2, 4 |
| 2. | Underutilization of property | Several properties in the downtown, including the BART parking lot, are underdeveloped or improved with dated structures that do not attract retailers, restaurateurs or their customers. | All |
| 3. | Lack of downtown housing | Currently, there are no housing opportunities for local residents that wish to downsize and remain in Orinda. According to the 2000 US Census, over 23% of Orinda's population was 60 years or older, and by 2013 almost 30% of the population is projected to be over 55 years old. | 1, 2, 4 |
| 4. | PG&E transmission towers | The towers and lines result in a significant loss of development potential and vibrancy on prime centrally located land in Planning Area Two. | 2 |
| 5. | Lack of pedestrian interface at corner of Brookwood Road and Moraga Way | This intersection is at the core of the Crossroads Theatre district at what should be the busiest retail corner in Orinda. However, with pedestrian-deficient retailing, blank walls and covered-window storefronts facing the sidewalks, throw-away architectural quality, inappropriate building design and scale, and lack of pedestrian amenities makes the intersection decidedly unfriendly to shoppers. | 4 |
| Code Administration | | | |
| 6. | Barriers to entry into the market | Depending on their location, new businesses may require approval of a discretionary Commercial Use Permit. The uncertainty associated with the CUP process and CUP fees have generated negative attitudes about opening a business in Orinda. | 1, 2, 4 |
| 7. | Parking and circulation issues | There is a perceived lack, and in some areas, actual lack of parking spaces, lax enforcement of time limits and employees parking in prime storefront retail spaces. | 4 |
| 8. | Illegal signs | Proliferation of illegal signs on a handful of businesses detracts from the image of the downtown. Currently, efforts to enforce the sign ordinance are on a complaint basis. | 1, 2, 4 |
| Retail Marketing - Coordination | | | |
| 9. | Lack of comprehensive leasing strategy | Owners of retail properties in the downtown do not appear to have a leasing or marketing strategy in place leading to mismatched retailers with little synergy. | 1, 2, 4 |

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Section VI. - Recommendations

A. Development Standards and Land Use

Issue No. 1. - Restrictive development standards.

The 1987 Orinda General Plan designates the downtown commercial area “community business” and envisions “village character” development containing commercial retail and service uses intended to primarily serve local markets rather than regional markets. Limited office development in the community business area is also envisioned in the General Plan with the majority of office development planned for the areas surrounding the downtown commercial core and designated in the general plan as “Businesses and Professional Offices.” (See Exhibit A – Downtown Inset, Orinda General Plan). Large scale big-box development is not a part of the Orinda General Plan. “Village character” is defined in the General Plan as *“A commercial area of relatively low density with a predominance of small-scale, low-lying buildings with varying architectural styles (generally not exceeding two stories) fronting on streets or landscaped plaza-like spaces.”*

With the 2004 update of the Housing Element of the Orinda General Plan, implementation measures directing the study of feasibility of increasing density of development in the downtown were adopted³. Prior to the 2004 Housing Element Update, the General Plan had not envisioned housing in the downtown although the zoning code allows, with a conditional use permit, residential development at 10 units per acre in the downtown commercial core.

Title 17 – Planning and Zoning of the Municipal Code implements the current General Plan policies through 1) quantitative standards (such as building height, setback, lot coverage, landscape, and land use standards) and 2) qualitative design

³ Implementation Measure 3-6 states: “Through the planning process study the feasibility of amending the zoning regulations to allow residential development in a mix-used, commercial/residential, configuration in the Downtown Commercial district at densities greater than 10 units per acre, as appropriate.” Implementation Measure 3-14 states: “Identify sites in the downtown commercial districts that are appropriate for three (3) – story construction in a mixed-use (commercial/residential) configuration.”

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review standards. The design review standards of Title 17 were developed with residential development in mind and although they also apply to commercial development, they are not entirely appropriate or an effective tool for evaluating commercial development.

Existing property development standards such as building set backs, building height, residential density limits, and parking requirements may be too restrictive to make redevelopment feasible and in many instances existing structures do not meet the current development standards. For example, the historic Orinda Motors building could not be constructed under existing standards unless variances for front, corner side and rear yard setbacks were granted. The same is true for most buildings in Planning Area 4 which have zero front and side yard setbacks.

Applicable Planning Areas: 1, 2, 4.

Recommendations:

The subcommittee recommends an approach to downtown development standards that will a) set the tone for revitalization of downtown, b) provide housing, c) take advantage of opportunities presented by San Pablo Creek and c) encourage and incentivize individual property owners to creatively develop their properties.

To accomplish these objectives, the General Plan should be amended to allow downtown residential development in a mixed-use configuration with street-facing retail uses and the development code should be amended to contain both quantitative and qualitative standards that better implement existing policies of the general plan and new policies of the general plan. The *quantitative* standards will establish, among other things 1) a maximum building envelope (setbacks and height), 2) parking requirements, 3) land use designations, and 4) minimum landscape requirements. The *qualitative* standards will establish objectives that guide the arrangement of the components of a development within the framework established by the numerical quantitative standards.

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Table Two lists the existing quantitative development standards which apply to Areas 1, 2 and 4 with corresponding recommendations for Areas 1, 2 and 4.

Table Two

Existing and Recommended Development Standards

| Development Standards | Existing Code | Recommended | Applicable Areas |
|---|---------------|--|------------------|
| Building Setbacks | | | |
| <ul style="list-style-type: none"> Front | 10 feet | Within 27 feet of ground level, setback 10 feet from face of curb or more than 10 feet as necessary to preserve canopy of existing street trees. Portions of building above 27 feet shall be designed to step back in compliance with the qualitative standards that follow Table One. | 1, 2, 4 |

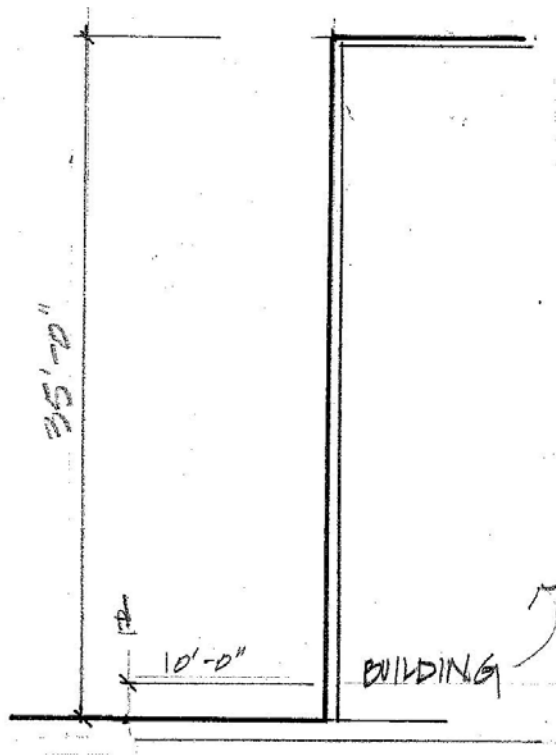


Figure 8.a
Existing

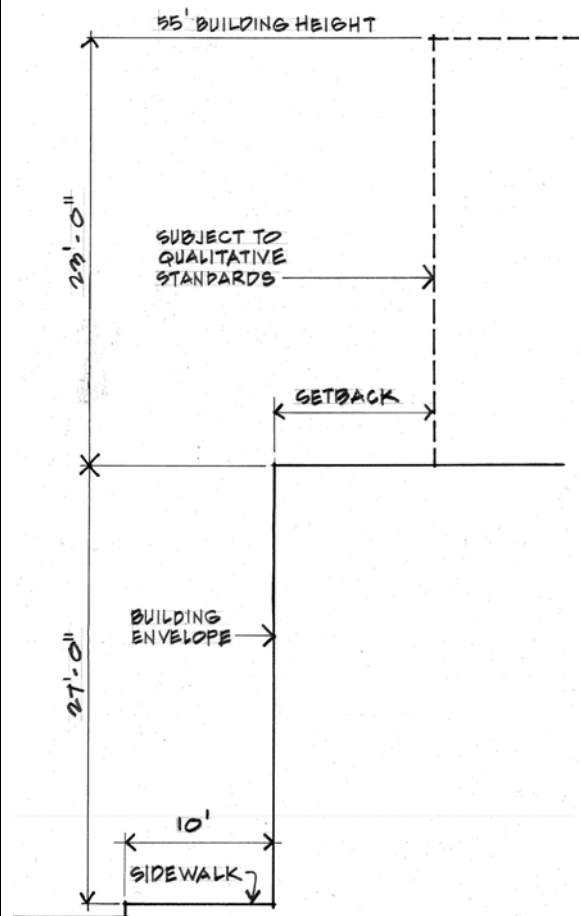


Figure 8.b
Recommended

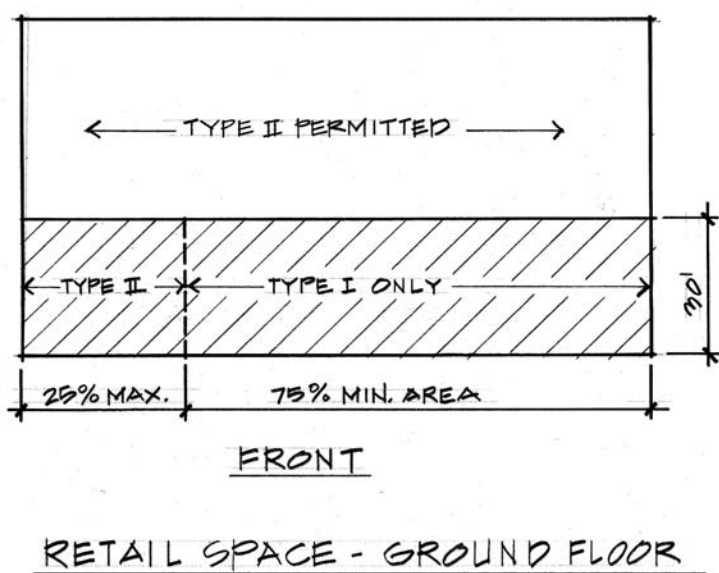
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| Development Standards | Existing Code | Recommended | Applicable Areas |
|-----------------------------|---------------|---|------------------|
| • Side | 10 feet | Zero. | 1, 2, 4 |
| • Corner side | 10 feet | Same as front. | 1, 2, 4 |
| • Rear | 10 feet | Zero. | 1, 2, 4 |
| Maximum Building Height | 35 feet | <ul style="list-style-type: none"> Twenty-seven feet at front setback line, or lower if necessary to preserve canopy of existing street trees, with a height of up to 55 feet (as measured to the center of the gable) for portions setback more than 10 feet from the face of street curb and designed to meet the qualitative standards that follow Table One. For the portions of Area 2 south of Santa Maria Way (Shell block), the maximum building height shall be up to 35 feet. | 1, 2 |
| | | Same as Area 1 and 2 for the block bound by Camino Pablo, Moraga Way and Brookwood Road (BevMo, Longs, Orinda Hardware, etc) and 35 feet maximum height for all other areas of Area 4. | 4 |
| Minimum site landscaping | 20% | <ul style="list-style-type: none"> From the north side of 1 Camino Sobrante property line to Orinda Way bridge, a landscaped buffer between the east side of the creek channel and Camino Pablo shall be provided. The plan shall include pedestrian and bicycle paths. | 1 |
| | | <ul style="list-style-type: none"> Between Santa Maria Way and the north property line of 31 Orinda Way (Bank of America), the Partially Restored Creek Alternative of the <i>San Pablo Creek Through Downtown Orinda Preliminary Restoration Plan</i> (July 2, 2001,) shall be implemented. (Exhibit B) | 2 |
| | | <ul style="list-style-type: none"> Five percent of plaza level floor area and of surface parking lots. Within 3 feet of property line with street frontage 20 % shall be landscaped, except as otherwise required for creek restoration. | 1, 2, 4 |
| Maximum lot coverage | 50% | 1 st floor 100% less area required for setbacks, landscape, and access; 2 nd floor 100% of 1 st floor; 3 rd floor 80% of 1 st floor and above 3 rd floor 60% of 1 st floor. | 1, 2, 4 |
| Maximum Stories | 2½ | Based on the building code requirements for minimum floor to ceil height and structural requirements between floors. | 1, 2, 4 |
| Maximum residential density | 10 du/ac | Maximum determined by parking requirements, building envelope requirements, minimum unit size requirements of the building code, and infrastructure capacity. | 1, 2, 4 |
| Private outdoor open space | none | 150 sq ft directly accessible from each unit with minimum dimension of six feet. | 1, 2, 4 |

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| Development Standards | Existing Code | Recommended | Applicable Areas |
|---|---|--|------------------|
| Land use | See Exhibit C for details and summary below.* | <ul style="list-style-type: none">Buildings in the DC District Fronting Camino Sobrante, Orinda Way and Santa Maria Way or a parking lot or plaza fronting said streets: Ground floor within 30 feet of the façade of a building is Type I except that no more than 25% of the floor area within 30 feet of the façade of a building and no more than 25% of the linear frontage of the building façade may be Type II space. Areas of a building more than 30 feet from the façade of a building are Type II space. | 1, 2 |
| | | <ul style="list-style-type: none">Buildings in the DC District Fronting all Roads in Area IV except for the north and west (Bryant and Camino Pablo) sides of Theatre Square: Ground floor within 30 feet of the façade of a building is Type I except that no more than 25% of the floor area within 30 feet of the façade of a building and no more than 25% of the linear frontage of the building façade is Type II space. | 4 |
| <div></div> | | | |
| | | <ul style="list-style-type: none"><u>Plaza level</u> - Type II.<u>Above ground floor</u> – Type III and residential. (See Figure 4)<u>Add boutique hotel; congregate care; downtown residential; convalescent facilities and pedestrian generating service office uses such as real estate sales offices, brokerages, and title companies to</u> | 1, 2, 4 |

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| Development Standards | Existing Code | Recommended | Applicable Areas |
|-----------------------|---|---|------------------|
| | | <u>Class B uses.</u> | |
| Parking | See Exhibit D Retail and office 1 space/ 250 sq ft Multi-Family Residential Studio-1/du 1 bd-1.5/du 2+db-2/du Guest-0.25/du | Use existing requirements except <ul style="list-style-type: none"> • allow tandem and valet parking for 50% of required office parking, • allow residential guest parking to be shared with retail or office uses • reduce parking for affordable senior housing to 0.5 spaces per residential unit and 1 space per unit for market rate senior housing • allow additional parking reductions either on a case-by-case basis if the developer implements parking demand reduction measures such as car-share, parking lifts, van/car pool etc. or district wide if a parking district is formed. | 1, 2, 4 |

*Existing code classification of Types of Spaces and Classes of Uses.

| | Type I Space | Type II Space | Type III Space |
|-------------|------------------|------------------|----------------|
| Class A Use | Allowed | Allowed | Allowed |
| Class B Use | Allowed with CUP | Allowed | Allowed |
| Class C Use | Not Allowed | Allowed with CUP | Allowed |

Type I: Ground floor street facing or parking lot on street, Type II: Ground floor that is not Type I, and Type III: above ground floor.

Class A: Retail and restaurant, Class B: Personal care, personal development services (excluding health care), and business and automotive services, including service stations, if the use will tend to create substantial pedestrian interaction with surrounding businesses (including but not limited to beauty parlor, barber shop, fitness center, dry cleaners, travel agency, dance, music and martial arts studio) and retail financial institutions such as banks, savings and loans, credit unions and free-standing automatic teller machines and Class C: Medical and professional offices, real estate sales and financing

Qualitative Standards

The Task Force recommends that development proposals are in substantial compliance with the following objectives. The Task Force recognizes that these objectives are relatively broad and therefore also recommends that through a public review process greater detail be developed for each of these objectives to help guide applicants, decision-makers and the community in their application.

1. Development shall be designed in a village character to be pedestrian and bicycle oriented with creative and inviting storefronts.

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2. Mixed-use retail/office/residential development is strongly encouraged, and may vary depending on location.
3. Common open space areas proportional to the size and use of buildings and which take surrounding development and open spaces into consideration shall be encouraged.
4. Development should be designed to take advantage of the natural and man-made context of the site including views of the hills and open space areas; solar orientation; creek preservation, restoration and orientation; preservation of street trees and, in Area One, golf course orientation.
5. Parking should not overwhelm the village character of development or detract from the pedestrian and bicycle environment.
6. Building facades shall be designed to provide a strong relationship with the sidewalk and the street(s) to create a pedestrian friendly environment.
7. Buildings shall be designed to minimize visible massing.
8. Development abutting existing residential neighborhoods shall be designed to respect the scale, privacy, views and tranquility of neighboring properties.
9. Large parcels (in excess of 1 acre) shall be designed to avoid monolithic undifferentiated building masses and shall evoke a traditional street, block and building pattern found in downtowns with a traditional village character.
10. Environmentally sustainable building techniques shall be employed in building design, construction and ongoing operation.

To implement the qualitative standards, the committee recommends that the existing commercial conceptual development review process be modified to include design and commercial development professionals, along with staff, in the review of schematic design proposals which are submitted prior to submittal of formal development applications.

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Issue No. 2. - Underutilization of property.

Several properties in the downtown are underdeveloped or improved with dated structures that do not attract retailers, restaurateurs or their clients.

Applicable Planning Areas: 1, 2, 4.

Recommendations:

- a. Revise the zoning standards and general plan to incentivize and make property redevelopment feasible. (See Issue No. 1)
- b. Facilitate development of a coordinated merchandising and leasing strategy. (See Issue No. 9 and Exhibit E – *Merchandise and Lease Proactively*)
- c. With the next update of the downtown section of the General Plan consider a long term and comprehensive plan for development of a mix of retail, office, residential, entertainment, and utilitarian uses the BART property. Opportunities for pedestrian and shuttle connections between the BART station and the Crossroads Theatre District and the Village Center area should be considered with plans to develop the Orinda BART station property.
- d. Amend the Theatre Square development agreement to remove the prohibition on certain Class C uses on the ground floor plaza level in areas recommended to receive the Type II land use designation. (See Table 2 - Land Use section). The combination of these two changes will allow office uses, subject to a commercial use permit, behind the Theatre and in spaces more than 30 feet from the Brookwood Road and Moraga Way building facades.

Issue No. 3 – Lack of downtown housing.

Currently, there are no housing opportunities for local residents that wish to downsize and remain in Orinda. According to the 2000 US Census, over 23% of Orinda's population was 55 years or older and by 2013 almost 30% of the population is projected to be over 55 years old.

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Applicable Planning Areas: 1, 2, 4.

Recommendations:

Increase housing density in the downtown to a level compatible with good design parameters. Density limits should be based on infrastructure carrying capacity and all other development standards such as height, setback, landscape and parking must be met.

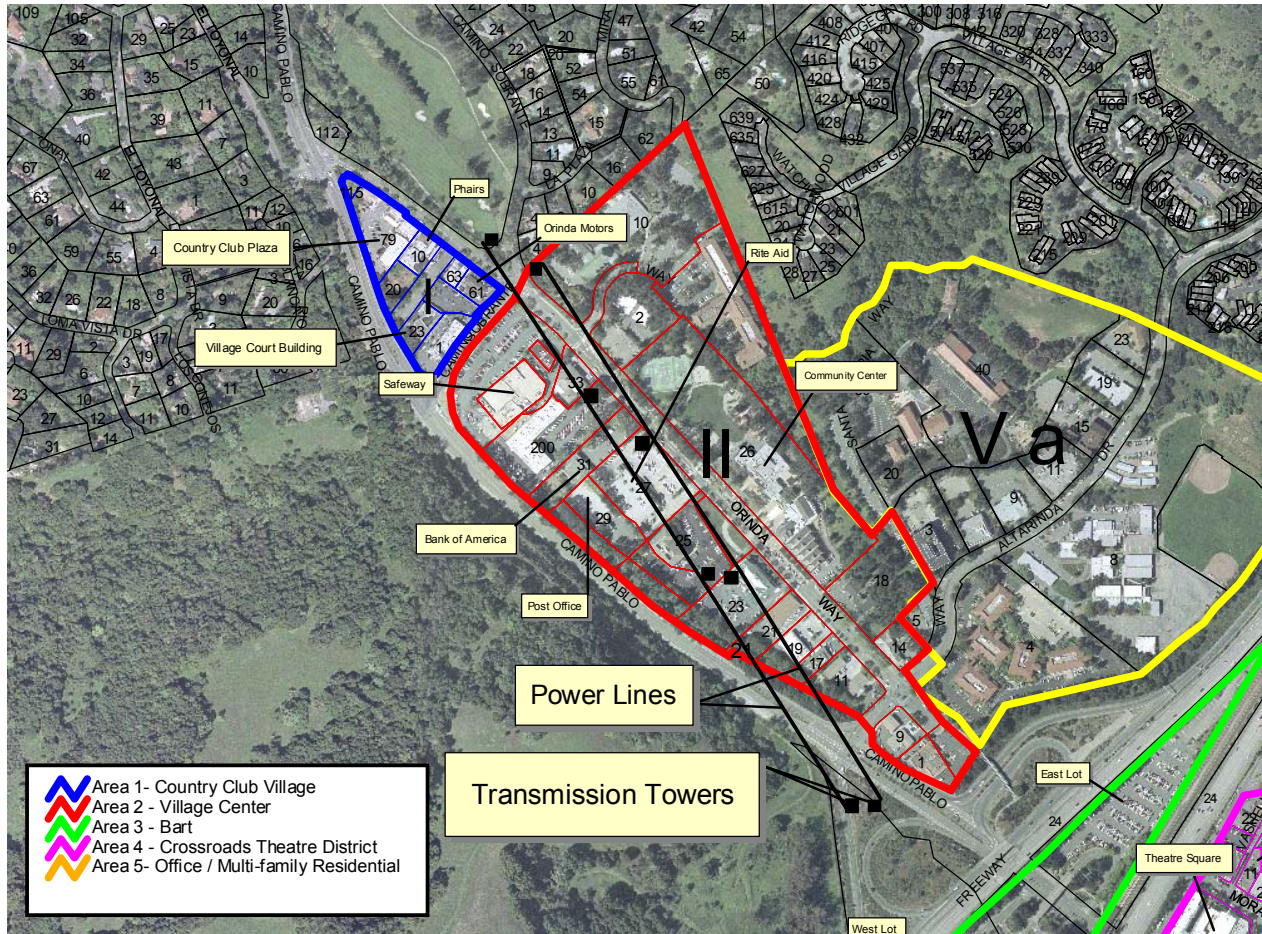
Issue No. 4 – PG&E transmission towers.

The towers and lines inhibit opportunities to revitalize prime centrally located land in the Village Center (Area Two) with of a mix of vibrant retail, residential and office uses

The PG&E towers and 100-foot wide right-of-way easement traverse the Village Center (Area Two) in a diagonal north-south alignment and pose limitations on the extent to which the Village Center can be redeveloped. They enter the Village Center at the west side of the property at 19 Orinda Way and exit the Village Center at the MOFD fire station. There are four towers (two sets) in the Village Center and the entire PG&E easement occupies approximately 89,800 square feet of developable land area. The first set of towers located outside the south end of the Village Center are in a Cal Trans landscaped area on the north side of Highway 24 and at the north end of the Village there is a tower in front of the Community Church and on the 16th fairway of the golf course near the intersection of Orinda Way and Camino Sobrante. (Figure 9)

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Figure 9
**Alignment of PG&E Transmission
Easement through Area II**



In May 2008, the City obtained a proposal from PG&E to explore options to address the development constraints imposed by the towers and the feasibility of the various options that may exist. The City did not direct PG&E to proceed with the study at that time.

Applicable Planning Areas: 2

Recommendations:

While the PG&E easement and towers are a major physical feature in the Village Center, the Commercial Committee did not focus its discussion on this issue and determined that their recommendations for development standards for the Village Center remain the same whether or not the PG&E easement or the type of towers

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located in the Village Center change. The Committee believes that if the City adopts reasonable development standards for the downtown, in time, proposals by property owners to address the land development constraints posed by the PG&E easement will emerge. However, the Subcommittee recommends a proactive approach to address the constraints imposed by the easement and towers that entails a public/private partnership consisting of, at minimum, the City of Orinda, PG&E, downtown property owners and the community. Consistent with the 2004 update to the Housing Element of the General Plan, only options which have no significant adverse environmental impacts on residential areas are to be considered. (2004 Housing Element Implementation Measure 3-9) In addition, the Committee recommends that only options which will not result in net financial costs to the City should be considered.

Issue No. 5 lack of pedestrian interface at corner of Brookwood Road and Moraga Way.

This intersection is at the core of the Crossroads Theatre district at what should be the busiest retail corner in Orinda. However, with pedestrian-deficient retailing, blank walls and covered-window storefronts facing the sidewalks, throw-away architectural quality, inappropriate building design and scale, and lack of pedestrian amenities makes the intersection decidedly unfriendly to shoppers.

Applicable Planning Area – 4

Recommendations:

The Committee's recommendations are for both interim and long-term actions and are as follows:

1. Facilitate a meeting between representatives of the City and the owners of the key properties and tenants at this intersection to explore interim options available to revitalize the intersection;
2. Encourage the owners of the block bound by Camino Pablo, Brookwood Road and Moraga Way (Breed/Howkins property) to consider a long-term redevelopment plan;

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3. Encourage the owners of Theatre Square to consider replacing Theatre No. 2 (located at the corner in the Former Wells Fargo Bank building) with retail or restaurant use; and

B. Code Administration

Issue No. 6 - Barriers to entry into the market.

Depending on their location, new businesses may require approval of a discretionary Commercial Use Permit (CUP). The uncertainty associated with the CUP process and CUP fees have generated negative attitudes about opening a business in Orinda.

Applicable Planning Areas: 1, 2, 4.

Recommendations:

- a. Change the designation of Type I spaces for the areas described in Table 2 as follows: Ground floor within 30 feet of the façade of a building is Type I except that no more than 25% of the floor area within 30 feet of the façade of a building and no more than 25% of the linear frontage of the building façade may be Type II space. Areas of a building more than 30 feet from the façade of a building are Type II space.
- b. Adjust CUP fees to account for the size of the floor area of the proposed business. (i.e. base fee of \$500 plus \$1/sq ft, maximum fee \$3,500). Generally, CUP's for businesses in large retail tenant spaces have required more City staff time and resources to process than smaller businesses. Currently, there is a flat fee of \$2,210 to file a CUP application, regardless of the size of the business.

Issue No. 7 – Parking problems.

There is a perceived, and in some areas, actual lack of spaces, lax enforcement of time limits and employees parking in prime storefront retail spaces.

Applicable Planning Areas: Portions of 2 and all of 4

Recommendations:

Conduct an in depth study of the parking problems and develop possible solutions to address the problems.

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Issue No. 8. - Illegal signs

Proliferation of illegal signs on a handful of businesses detracts from the image of the downtown. Currently, efforts to enforce the sign ordinance are on a complaint basis.

Applicable Planning Areas: 1, 2, 4.

Recommendation:

Complete the revisions to the sign standards which were initiated in August 2007 by the Planning Department and proactively enforce the new sign code.

C. Retail Marketing – Coordination.

Issue No. 9. - Lack of comprehensive leasing strategy

Owners of retail properties in the downtown do not appear to have a leasing or marketing strategy in place leading to mismatched retailers with little synergy.

Applicable Planning Areas: 1, 2, 4.

Recommendations:

Educate local business owners and commercial property owners of the importance of developing and implementing a coordinated merchandising and leasing strategy through:

- Distribution to the Chamber of Commerce of the attached guide to proactive merchandising and leasing (Exhibit E);
- With the sponsorship of the City, Chamber of Commerce, professional associations, local service clubs, etc., hold workshops led by professionals in the retail leasing, merchandising and marketing fields; and
- Encourage the establishment of property owners' associations, which could be organized by Planning Subareas.

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Section VII. - Summary and Conclusion

This report represents the Commercial Committee's one-year study of downtown Orinda with the goal of developing a set of recommendations that will revitalize the downtown into a vibrant village with a mix of retail, residential and office uses. Many of the recommendations in this report can be implemented without much further analysis while other recommendations will require update of the Orinda General Plan along with further detailed analysis and technical studies.

As a part of an update of the General Plan, the following studies are required:

1. Analysis and recommendations for downtown parking and traffic circulation solutions;
2. Infrastructure carrying capacity studies to help establish appropriate downtown land use densities and improvements necessary to accommodate planned improvements;
3. Study of land uses and densities appropriate at the Orinda BART station property.
4. Infrastructure and program improvement study for pedestrian, bicycle and shuttle connections, including way-finding (signs), to encourage and provide alternative forms of transportation between the BART station, all four downtown Planning Areas and existing office and residential development adjacent to the Planning Areas.

As a part of an update of the General Plan, the appropriate level of environmental review, as required by the California Environmental Quality Act (CEQA), will be performed. Changes to the zoning code which do not conflict with existing General Plan goals and policies may be adopted by ordinance by the City Council without amendment of the General Plan. In addition to preparing the proper CEQA review, as a part of a general plan update for the downtown, it is important that the goals and objectives for development in Area Five be carefully considered as they relate to the core of downtown and to the surrounding single-family residential neighborhoods.

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In addition to the studies listed above the following tasks should also be completed in order to fully implement the recommendations in this report:

1. Elaborate on the qualitative development standards;
2. Develop and implement a merchandising and leasing program; and
3. Study of the options available to address the PG&E transmission towers.

Section VIII. List of Exhibits

- Exhibit : A Downtown Inset, Orinda General Plan
- Exhibit : B San Pablo Creek Through downtown Orinda Preliminary Restoration Plan, July 2, 2001
- Exhibit : C Downtown commercial district--Use restrictions, Orinda Municipal Code Section 17.8.5
- Exhibit : D Off-street parking and loading spaces required, Orinda Municipal Code Section 17.16.4
- Exhibit : E Merchandise and Lease Proactively

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Exhibit A

Downtown Inset, General Plan

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Exhibit B

San Pablo Creek through Downtown Orinda Preliminary Restoration Plan

July 2, 2001

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Exhibit C

Orinda Municipal Code (Excerpt)

17.8.5 Downtown commercial district--Use restrictions.

In the downtown commercial district, certain uses are permitted, permitted with a use permit, or prohibited in certain locations as follows.

A. Classification of Interior Spaces. There are three classes of interior commercial space in the downtown commercial district:

1. Type I Space. Type I space is a retail floor in a building or a portion of a building which:

a. Faces or abuts a street or street segment listed below; or

b. Faces a mall, plaza or parking lot which faces or abuts a street or street segment listed below.

Type I space excludes a retail floor in a building which meets the criteria listed in subsection (A)(1)(a) or (A)(1)(b) of this section solely because of driveway access to such a street or street segment.

Type I spaces are located on the following streets and street segments within the downtown commercial zoning district: Orinda Way; Avenida De Orinda (both sides of the eastern half and the north side of the western half); Camino Sobrante; Santa Maria Way; Moraga Way; Bryant Way; Brookwood Road (between Moraga Way and Camino Pablo); Camino Pablo (east side between Highway 24 and Moraga Way).

2. Type II Space. Type II space is a retail floor which is not in a building or a portion of a building which faces or abuts any of the streets and street segments listed in subsection A of this section or a building or portion of a building which faces or abuts a mall, plaza or unenclosed parking lot facing or abutting any of the streets and street segments listed above. Examples include but are not limited to the rear side of buildings along the west side of Orinda Way, Camino Pablo's west side south of Brookwood Road, and Brookwood Road west of Camino Pablo.

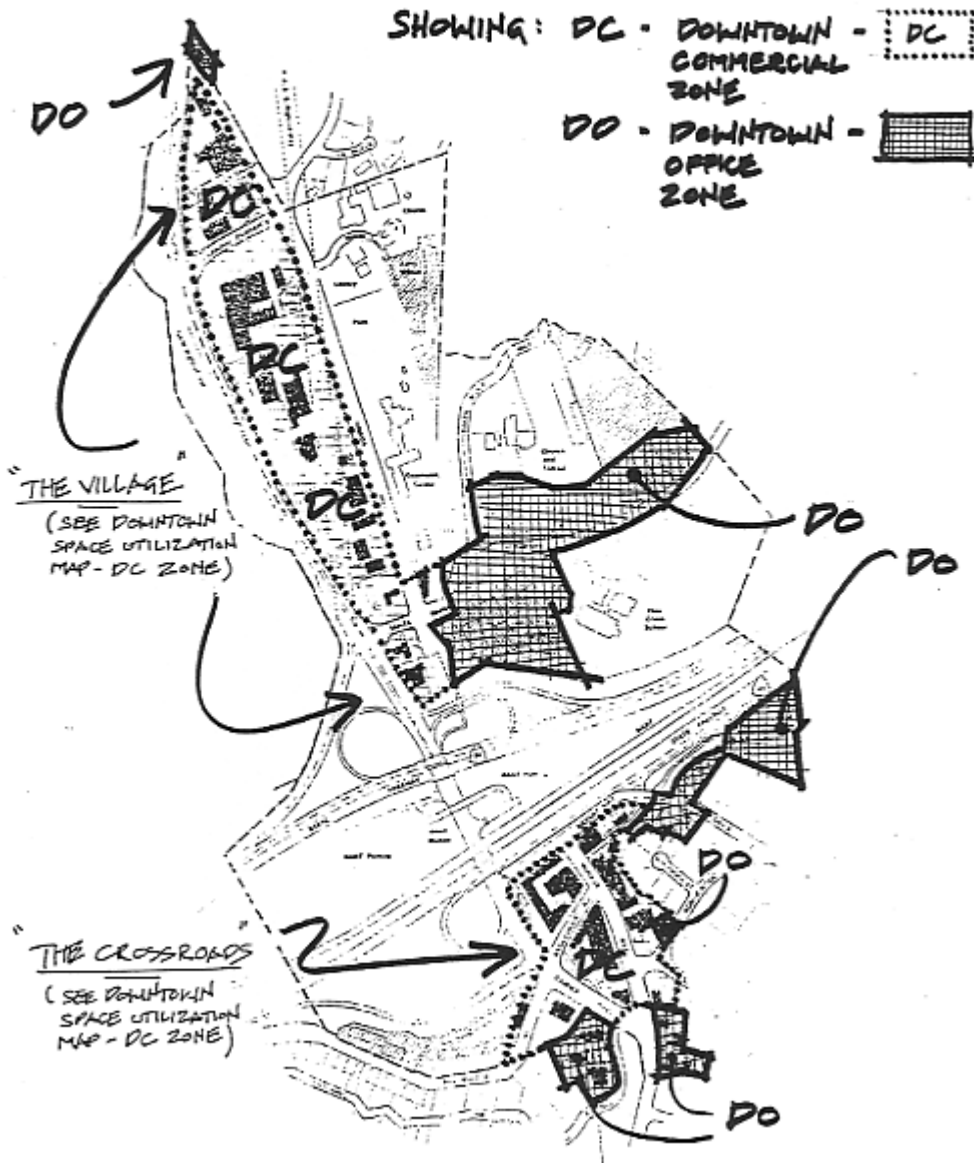
3. Type III Space. Type III space is any other space in the downtown commercial district.

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Section 17.8.5 Graphics

DOWNTOWN AREA MAP —

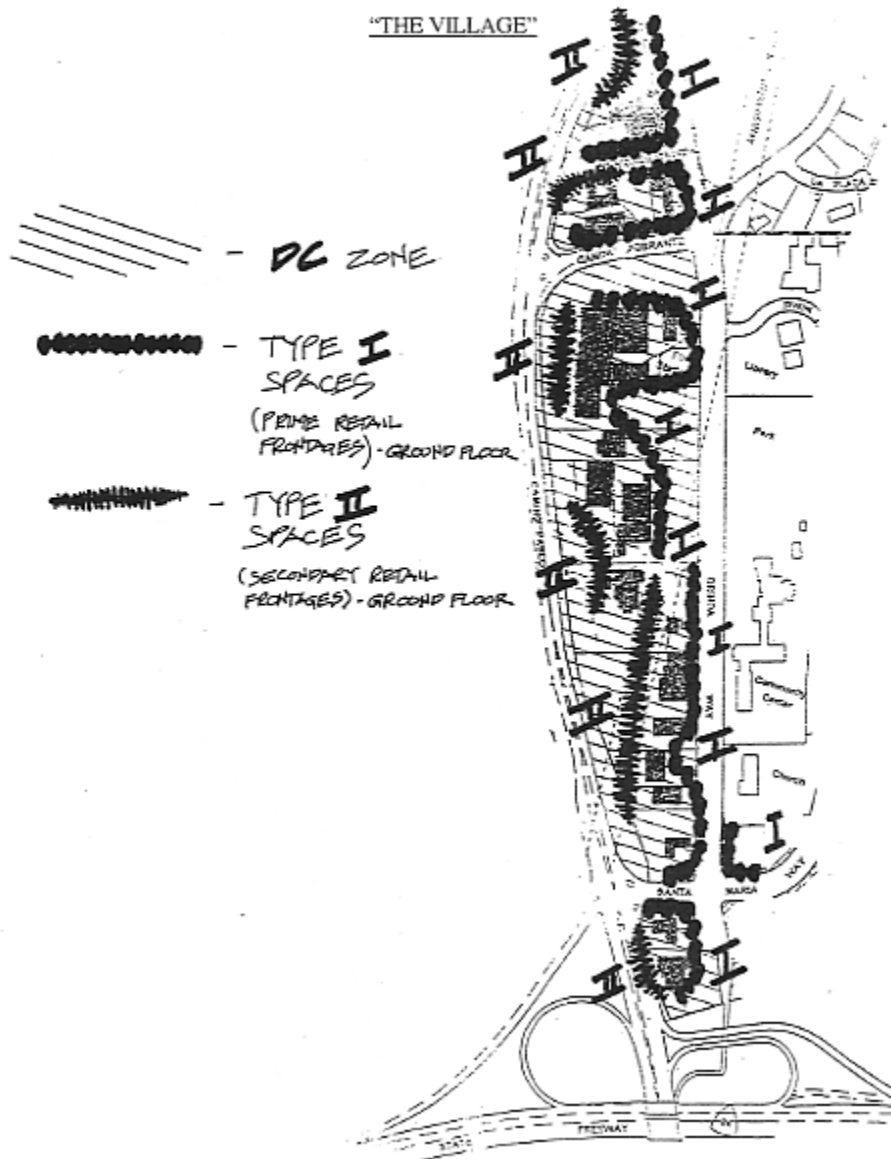


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Section 17.8.5 Graphics

DOWNTOWN SPACE UTILIZATION MAP



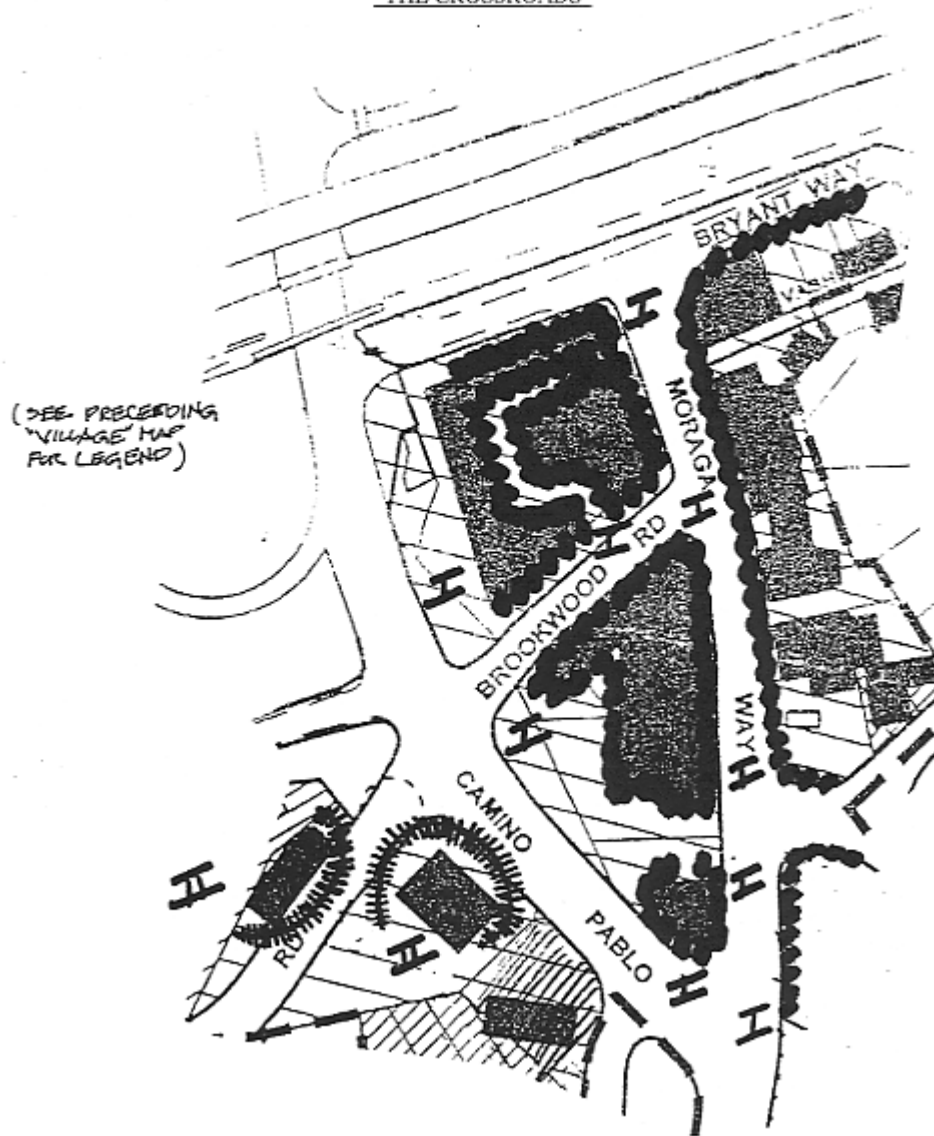
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Section 17.8.5 Graphics

DOWNTOWN SPACE UTILIZATION MAP

"THE CROSSROADS"



B. Classification of Commercial Uses. There are three general classes of uses permitted in the downtown commercial district.

1. Retail sales and restaurants (Class A uses);
2. Personal care, personal development services (excluding health care), and business and automotive services, including service stations, if the use will tend to create substantial pedestrian interaction with surrounding businesses (including but not limited to beauty parlor, barber shop, fitness center, dry cleaners, travel agency, dance, music and martial arts studio) and retail financial institutions such as banks,

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savings and loans, credit unions and free-standing automatic teller machines (Class B uses); and

3. Office uses compatible with a village atmosphere such as medical and professional offices, real estate sales and financing (Class C uses).

C. Uses Not Requiring a Commercial Use Permit. Except as otherwise provided in subsection G of this section, in all spaces, Class A uses are allowed without a commercial use permit. Class B uses are allowed without a commercial permit in Type II and III spaces; and Class C uses are allowed without a commercial use permit in Type III spaces. Where a single space has multiple frontages which, considered separately, would be classed as more than one space type, the entire space is subject to the rules applicable to the higher type, e.g., Type I rather than Type II. Where a single space is proposed to be divided into more than one space, creating one or more new and less-restrictive spaces, a commercial use permit is required.

D. Commercial Use Permit Requirement.

1. Class B Uses. A use permit under Chapter 17.36 is required for a Type B use in a Type I ground floor space.
2. Class C Uses. A use permit under Chapter 17.36 is required for a Class C use in Type II spaces. A Class C use is prohibited in Type I space.
3. Other Uses. Certain uses described in subsection G of this section require a use permit under Chapter 17.36.
4. Extended Hours. A commercial use permit is required for any use which operates before five a.m. or after eleven p.m.

E. Use Prohibition. All uses not specifically permitted in this Chapter 17.8 are prohibited.

F. Space Utilization Chart. The following chart illustrates the provisions of Sections 17.8.5(C) and (D).

| Ground Floor | any Ground Floor | Ground Floor Throughout the DC District |
|-----------------------------|-----------------------------|---|
| “I” | “II” | “III” |
| allowed | allowed | allowed |
| not allowed with use permit | allowed | allowed |
| not allowed | not allowed with use permit | allowed |

G. Supplemental Restrictions for Specific Uses. The following specific uses are also permitted in the downtown commercial district, subject to the contents of the chart above and subject to obtaining a commercial use permit under Chapter 17.36. Those uses marked by an asterisk are subject to additional regulations set forth in Section 17.8.5(H):

1. Adult business;*
2. Animal sales and services;
3. Bar and tavern;
4. Commercial recreation and entertainment;
5. Convenience market;
6. Convenience market at a service station;*
7. Farmer’s market;
8. Game center;*
9. Liquor store;

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- 10. Live entertainment;*
- 11. Maintenance and repair services;
- 12. Outdoor dining and sales;*
- 13. Restaurants with take-out;*
- 14. Service stations;*
- 15. Vehicle sales and services;
- 16. Visitor accommodations;
- 17. Ancillary retail uses.*
- 17.8.5

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Exhibit D

Orinda Municipal Code (Excerpt)

A. Off-street parking and loading spaces shall be provided in accord with Schedule 17.16.4A entitled "Off-Street Parking and Loading Spaces Required." For off-street loading, references are to Schedule 17.16.4B, which sets space requirements and standards for different groups of use classifications and sizes of buildings. References to spaces per square foot are to be computed on the basis of gross floor area unless otherwise specified, and shall include allocations of shared restroom, halls and lobby area, and mechanical equipment or maintenance areas, but shall exclude area for vertical circulation, stairs or elevators.

B. Where the use is undetermined, or not specified herein, the Zoning Administrator shall determine the probable use and the number of parking and loading spaces required. In order to make this determination, the Zoning Administrator may require the submission of survey or other data from the applicant or have data collected at the applicant's expense.

Schedule 17.16.4A Off-street Parking and Loading Spaces Required

| Use Classifications | Schedule A Off-Street Parking Spaces | Off-Street Loading Spaces per Group Classification on Schedule B |
|--|--|--|
| Residential | | |
| Congregate Care | 0.5 per sleeping room, or as specified by use permit | |
| Day Care, Limited | One per six children; maximum enrollment based on maximum occupancy load | |
| Group Residential | One per sleeping room plus one per 100 sq. ft. used for assembly purposes or for common sleeping areas | |
| Multifamily Residential: | | |
| Studio | One covered/unit | |
| One Bedroom | 1.5 covered/unit | |
| 2+ Bedrooms | Two covered/unit | |
| Guest Parking | 0.25/unit | |
| Single-family Dwelling and Manufactured Home on Individual Lot | Four: two enclosed/two unenclosed | |

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| | | |
|--|--|---------|
| Second Dwelling Unit | Two: one enclosed/one unenclosed | |
| Residential Care | One per three licensed beds | |
| Commercial | | |
| Adult Businesses | As specified by use permit | A |
| Animal Services | One per 400 sq. ft. | A |
| Commercial Recreation: | | |
| Electronic Game Centers | One per 400 sq. ft. | |
| Theaters | One per four fixed seats, or one per 35 sq. ft. seating area if there are no fixed seats. | B |
| Restaurants | One per three seats | |
| Restaurants, Take-out | One per 150 sq. ft. | A |
| Bar/Tavern | One per 50 sq. ft. of seating area | A |
| Bar with Live Entertainment/Dancing | One per 50 sq. ft. of seating area; plus one per 50 sq. ft. of dance floor | A |
| Home Improvement Sales and Service | One per 500 sq. ft. plus one per 1,000 sq. ft. of outdoor sales and storage area | |
| Laboratory, Limited | One per 500 sq. ft. | A |
| Maintenance and Repair Services | One per 400 sq. ft. | A |
| Nursery | One per 1,000 sq. ft. lot area for first 10,000 sq. ft.; one per 5,000 sq. ft. thereafter, plus one per 250 sq. ft. sales floor area | 17.16.4 |
| Offices, Business and Professional, including Medical and Dental | One per 250 sq. ft. | B |
| Personal Services (Barber, Beauty Shop) | Two spaces per chair | |
| Retail Sales, General | One per 250 sq. ft. | A |
| Bank and Savings and Loan | One per 200 sq. ft., plus three spaces for each walk-up teller window and ATM | B |
| With Drive-Through Service | Queue space for five cars per teller | |
| Vehicles Sales and Service: | | |
| Automobile Repair, Limited | One per 200, but not less than five | |
| Auto Rentals | One per 400 sq. ft.; plus two vehicle drop-off | A |

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| | | |
|-------------------------------------|--|---|
| | spaces | |
| Auto Washing | One per 200 sq. ft. of sales, office, or waiting area; plus on-site queue for three cars | |
| Service Stations | One per 2,500 sq. ft. of lot area; plus one per 500 sq. ft. of service bay and storage area (Pump spaces are not counted) | |
| Vehicle Equipment Sales and Service | One per 1,000 sq. ft. of lot area | |
| Visitor Accommodations | One per guest room; plus one per 50 sq. ft. banquet seating area plus parking for other uses and facilities as required by this schedule | A |
| Public and Semi-Public | | |
| Cemetery | As specified by permit | |
| Club and Lodge | One per 50 sq. ft. used for assembly purposes | C |
| College, Public or Private | One per three classroom seats, or as specified by use permit | |
| Congregate Care | Per use permit | |
| Convalescent Hospital | As specified by use permit | A |
| Cultural Institution | One per 300 sq. ft. | C |
| Day Care, General | Three plus on per ten children | C |
| Government Office | One per 200 sq. ft. | C |
| Hospitals | One per two licensed beds | A |
| Park and Recreation Facilities | As specified by use permit | |
| Public Safety Facility | As specified by use permit | A |
| Religious Assembly | One per 50 sq. ft. seating area | |
| Schools, public and private | As specified by use permit | |
| Utilities, Major | As specified by use permit | |
| Vocational Schools | As specified by use permit | |

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Exhibit E

MERCHANDISE AND LEASE PROACTIVELY

1. Retailers are the soul of the neighborhood commercial street; getting the right tenant mix and quality will give the street its unique character and diversity of products offerings to compete successfully with more established retail destinations.
2. Neighborhood commercial streets must be managed like a shopping center, but recognize that having multiple landowners and operating in the public realm greatly complicate these tasks.
3. Landlords along the street need to band together and work proactively with the public sector to merchandise and lease their street in a coordinated and mutually supportive way:
 - Establish a quasi-public retail leasing and management agency to plan and coordinate the street's leasing strategy, actively recruit tenants (and real estate brokers exclusively representing retailers), and direct them to appropriate landlords and property owners.
 - First priority, hire a leasing and management professional to can "sell" the street, and has a sophisticated understanding not only of retail leasing but retailers, both chains and strong local/regional . Leasing professional should be part of the street's planning and design team.
 - Develop a comprehensive leasing plan that is flexible and builds on the strengths and competitive advantages of the street and neighborhood. The plan will need to be adjusted to reflect changing market conditions.
 - Recognize what the street is now, and what it can become: market space realistically with an eye to the future.
 - Lead the leasing effort with destination and neighborhood appropriate retailers which will lay the foundation for more intense commercial activity as the street matures.
 - Initiate the leasing program along one or two blocks that have the GREATEST POTENTIAL. Creating a successful retail nucleus to build around will give momentum and give the street a recognizable retail destination.
4. Neighborhood retailing will not spontaneously regenerate. Miracles happen in the movies, but they rarely happen in real life. In many communities, market conditions that caused neighborhood commercial streets to decline are still in place, and it takes an aggressive commitment by the public sector in partnership with the private stakeholders to address negative influences before sustainable retail revitalization will occur.
5. It is important for the public/private partnership to engage in a shared vision.
 - Do not allow the rebuilding process to be "hijacked" by any one group or individual—even the residents.
 - Create momentum for the vision by assigning specific roles to each stakeholder and getting them to buy in to the plan.

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- Identify negative influences that are hindering the redevelopment process effort and neutralize or eliminate them as soon as possible; they could be a person, a building or a neighborhood condition.
 - Hire a retail leasing professional from day one to coordinate management and recruitment of retail tenants. Recognize that retailers will “vote” on the soundness of the redevelopment’s vision by deciding whether or not to rent.
 - Neighborhood streets can compete by providing goods and services tailored to the specific needs of the community in an environment that is convenient, service-oriented, pedestrian-scaled, and connected to the urban lifestyles of the neighborhood’s residents.
6. Successful rebuilding of a neighborhood shopping street will be incremental, so it must be based on a shared vision that provides a strategic framework. The champion of a rebuilding effort is the one best positioned to pull together the diverse partnership of stakeholders to create the long-term vision for the street.
 7. Too often, communities have followed the loudest voices and pursued plans that cannot be sustained economically, leading to disappointment and failure. Often there is a great difference between what one group of stakeholders may want and what the market will support.
 8. Strive to what you really can be.