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2012 JUN 28 PM 4:34

## OAKLAND CITY COUNCIL

Approved as to Form and Legality



City Attorney

RESOLUTION No. 83989 C.M.S.

Introduced by: Council Members Brunner and De La Fuente

**A RESOLUTION EXTENDING UNTIL DECEMBER 31, 2013 THE EXPIRATION DATE OF PERMITS ISSUED UNDER THE AUTHORITY OF TITLE 17 OF THE OAKLAND MUNICIPAL CODE (PLANNING CODE) AND CREEK PROTECTION PERMITS ISSUED UNDER THE AUTHORITY OF CHAPTER 13.16 OF THE OAKLAND MUNICIPAL CODE THAT OTHERWISE WOULD EXPIRE ON OR PRIOR TO JANUARY 1, 2013 UPON REQUEST AND PAYMENT OF ADMINISTRATIVE FEE**

**WHEREAS**, the extraordinary economic downtown, housing market decline, and difficulty of obtaining loans has resulted in construction projects being stalled, despite having completed the planning approvals process which often entails substantial costs and time; and

**WHEREAS**, the City Council wishes to encourage investment and revitalization activities in our neighborhoods, and encourage the improvement of vacant land and deteriorated buildings; and

**WHEREAS**, Senate Bill 1185, approved by the Governor on July 15, 2008, provided one year extension to approvals of tentative maps, which allows cities to preserve development application that are set to expire and that cannot be processed presently due to prevailing adverse economic conditions in the construction industry; and

**WHEREAS**, on July 15, 2009, the Governor signed AB 333, which further extended by 2 years the life of vesting tentative and tentative maps that had not already expired and that otherwise would have expired before January 1, 2012; and

**WHEREAS**, On July 15, 2011, the Governor signed AB 208, which extends the expiration date of tentative subdivision maps and vesting subdivision tentative maps that would have expired between the bill's passage date and January 1, 2014 and also applies to projects that were extended pursuant to AB 333; and

**WHEREAS**, extending the validity of planning approvals granted by the City would help retain investment in Oakland at no cost to the City; now, therefore, be it

**RESOLVED:** That the expiration date of permits issued under the authority of the Oakland Municipal Code Title 17 (Planning Code) and Creek Protection Permits issued under the authority of the Oakland Municipal Code Section 13.16 expiring on or before January 1, 2013 is hereby extended through December 31, 2013 upon request and payment of the administrative extension fee in the Master Fee Schedule (Ordinance 12880 CMS); and be it

**FURTHER RESOLVED:** That this extension shall not apply to properties that have been issued an administrative citation under Oakland Municipal Code Chapter 1.12 ("blighted property"). Furthermore, in the event that a property included in a permit that has been extended pursuant to this resolution receives an administrative citation under Oakland Municipal Code Chapter 1.12 ("blighted property") that is not corrected, the City may terminate said extension; and be it

**FURTHER RESOLVED:** That this extension shall not apply to permits that have already expired: and be it

**FURTHER RESOLVED:** That the appeal section contained in Oakland Municipal Code Chapter 17.132 applies to the administrative determination and interpretations made pursuant to this Resolution; and be it

**FURTHER RESOLVED:** That the City Council may grant further extensions to planning approvals if necessitated by economic circumstances.

**JUL 17 2012**

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

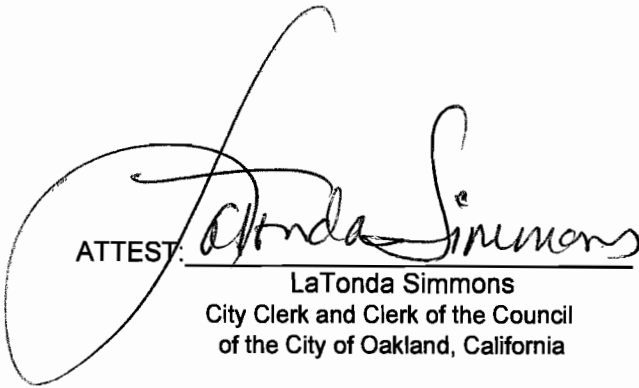
AYES - BROOKS, ~~BRUNNER~~, DE LA FUENTE, ~~KAPLAN~~, KERNIGHAN, NADEL, SCHAAF, and PRESIDENT REID - 6

NOES - 0

ABSENT - Brunner - 1

ABSTENTION - 0

Excused - Kaplan - 1

ATTEST:   
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California

Date of Attestation: \_\_\_\_\_