

REVISED

FILED
OFFICE OF THE CITY CLERK
APPROVED AS TO FORM AND LEGALITY

Seth C. R. Jackson
Deputy City Attorney

08 JAN -3 PM 12: 38

INTRODUCED BY CITY COUNCIL MEMBER _____

ORDINANCE NO. 12856 C.M.S.

ADOPT AN ORDINANCE AMENDING OAKLAND MUNICIPAL CODE CHAPTER 5.02 TO PROVIDE MORE NOTICE TO RESIDENTS AND COMMUNITY GROUPS OF BUSINESS PERMIT APPLICATIONS

WHEREAS, currently the City is required to give residents only three days notice, by posting on the premises and by notification in the official newspaper of the City, of hearings on applications for Business Permits under this Chapter; and

WHEREAS, three days is frequently insufficient time for residents to see the notice posted on the premises, to notify others, or to make arrangements to attend the hearing; and

WHEREAS, thirty days would provide more reasonable notice of hearings conducted under this chapter; and

WHEREAS, providing thirty days of posted notice would require conducting the hearing more than the currently required thirty days following completion of the application;

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. It is the intent of the City Council in enacting this ordinance, to facilitate community feedback on business permit applications.

SECTION 2. The City Council finds and determines the forgoing recitals to be true and correct and hereby makes them a part of this ordinance.

SECTION 3. The City Council finds and determines that the adoption of this Ordinance is exempt from CEQA under Sections 15061(b)(3) of the State CEQA Guidelines and authorizes the filing of a Notice of Exemption with the Alameda County Clerk.

SECTION 4. Oakland Municipal Code Chapter 5.12 is hereby amended to read as follows; additions are indicated by underscoring and deletions are indicated by ~~strike-through type~~; portions of the regulations not cited or not shown in underscoring or strike-through type are not changed:

Oakland Municipal Code Chapter 5.02 is amended as follows; additions are indicated by underscoring and deletions are indicated by ~~strike-through type~~; portions of

ordinances not cited or not shown in underscoring or strike-through type are not changed:

5.02.030 Procedure on application.

Immediately on the filing of any application for a permit as provided in Sections 5.02.010 and 5.02.020, the City Clerk shall place the acknowledged copy in the permanent records of his office, refer one copy to the ~~City Manager~~ City Administrator and one copy to such official of the city the administrative functions of whom are those primarily concerned with the granting or denying of such permit, which latter official, hereinafter in this chapter referred to as the "investigating official," shall make such investigation of the applicant and of the facts set forth in such application as he or she shall deem advisable, and shall make a written report of such investigations, together with his or her recommendations relative to disposal of the application, to the ~~City Manager~~ Administrator, who shall proceed to act upon said application after a hearing set by the City Clerk for a day certain, not ~~less than five days nor more than thirty (30)~~ forty-five (45) days from the date of filing completed said application. At such hearing all persons interested shall be entitled to file objections, protests or recommendations in the premises. Such hearing may, by the ~~City Manager~~ Administrator, be continued over from time to time as circumstances may require; provided, however, that if hereinafter in this chapter specifically provided, the investigating official may grant the permit applied for without referring the same to the ~~City Manager~~ Administrator, and with or without a hearing thereon, as may be provided.

5.02.050 Notice of hearing on application.

The City Clerk shall in every case of application for permit, ~~if a hearing is to be held thereon~~, notify the applicant of the time and place of such hearing to be held therein as in Section 5.02.030 provided, and such notice shall be given at least ~~three~~ thirty (30) days before the date of such hearing.

In the event that a public notice of the hearing on any application for a permit may be hereinafter in this chapter required, the City Clerk shall cause a notice to be published once in the official newspaper of the city at least ~~three~~ thirty (30) days before said hearing date, and cause a copy thereof to be posted upon the premises to be primarily affected by the granting of such permit, and a copy on the bulletin board near the Council Chambers. Such notice shall set forth the fact that such application has been filed, the name of the applicant, the nature of the thing to be permitted, and the time and place of hearing upon such application.

For applications involving the ongoing use of property, notice of the hearing shall be given by posting notices thereof within three hundred (300) feet of the property involved in the application. Notice of the hearing shall also be given by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property in the city within three hundred (300) feet of the property involved and to all addresses

within three hundred (300) feet of the property and to registered community groups. All such notices shall be given not less than seventeen (17) days prior to the date set for the hearing. The fee for the notification process, as established by the Master Fee Schedule, shall be a separate charge in addition to the application fee.

IN COUNCIL, OAKLAND, CALIFORNIA, JAN 15 2008, 20

PASSED BY THE FOLLOWING VOTE:

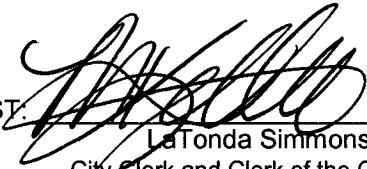
AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and ~~PRESIDENT DE LA FUENTE~~ - 7

NOES- 0

ABSENT- 0

ABSTENTION- 0

Excused- De La Fuente- 1

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

Introduction Date: **DEC 18 2007**

DATE OF ATTESTATION: 1/24/08

Notice & Digest

Adopt An Ordinance Amending Oakland Municipal Code Chapter 5.02 to Provide More Notice to Residents and Community Groups of Business Permit Applications

This is an ordinance amending OMC Chapter 5.02 to require 30 days notice to the public of Business Permit hearings and requiring hearings to be set with 45 days of completion of applications for these permits. Mailed notice of the hearing will also be provided to property owners and residents within 300 feet of the applicant property and to registered community groups.