

INTRODUCED BY COUNCILMEMBER _____

APPROVED AS TO FORM
AND LEGALITY
OFFICE OF THE CITY CLERK
[Signature]
CITY ATTORNEY
2003 MAY 15 PM 4:36

ORDINANCE No. 12515 C.M.S.

**ORDINANCE AMENDING THE MASTER FEE SCHEDULE
(ORDINANCE NUMBER 9663 C.M.S.) TO EXTEND FOR AN
INDEFINITE PERIOD OF TIME THE GENERAL PLAN SURCHARGE
ON BUILDING AND DEMOLITION PERMITS AND PRIVATELY-
CONTRACTED PUBLIC IMPROVEMENT PROJECTS**

WHEREAS, the City of Oakland periodically updates its Master Fee Schedule to account for general cost of living increases and other program changes or costs; and

WHEREAS, on March 9, 1993, the City Council approved the General Plan Update Work Program prepared by the Office of Planning and Building, now known as the Community and Economic Development Agency; and

WHEREAS, on April 13, 1992 the Finance committee of the Oakland City Council approved the concept of a surcharge of 10 cents per \$100 dollars of construction value on building, demolition permits and private construction of public improvement ("P-Job") permits, to partially fund the General plan update, the ongoing maintenance of the General Plan and future preparation of additional General Plan Elements; and

WHEREAS, the City Council held a duly noticed public hearing on the proposed surcharge and the City Council approved the General Plan Surcharge on June 1, 1993; and

WHEREAS, on January 20, 1998 the City Council approved a further extension until 2001; and

WHEREAS, on June 5, 2001 the City Council approved a further extension through June 30, 2003; and

WHEREAS, on June _____ the City Council considered at a public hearing extending the General Plan Surcharge for an indefinite period of time; and

WHEREAS, the City Council finds and determines that there is a nexus between the General Plan and Zoning Code Update and the permits against which the surcharge will be assessed, in that both related to the City's physical development, and an adequate and up-to-date General Plan and Zoning Code is a necessary prerequisite to the issuance of such permits; and

WHEREAS, the City Council finds and determines that the fee charges shall not exceed the reasonable cost for which it is imposed (General Plan, Zoning Code update, neighborhood plans, transit village plans, design guidelines, and studies requested by the City Council); and

WHEREAS, the City Council finds and determines that the herein referenced modifications to the Master Fee Schedule are necessary to reimburse the City for the costs of performing the various municipal and regulatory functions; and now therefore

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


Section 1. The Master Fee Schedule as set in Ordinance Number 9336 C.M.S. and as amended by Ordinance Number 11592 C.M.S. and ordinance Number 12029 C.M.S. is hereby amended to impose extend the General Plan Surcharge indefinitely during any period of time that the City is incurring costs associated with the revision of any element of the General Plan, the adoption of any specific plan, or the revision or adoption of any land use ordinance or regulation, which costs may legally be passed on to developers pursuant to state law and which costs are reflected in the amount of the surcharge. This surcharge, which is assessed by the Community and Economic Development Agency of Oakland, is 10 cents per \$100 dollars of construction value on building permits and private construction of public improvements ("P-Job") permits, and 10 percent of the permit fee for demolition permits, shall be charged to applicants to cover the costs of maintaining current General Plan elements, citywide zoning code and maps, and to prepare other planning studies.

Section 2. This ordinance shall be effective upon approval by the City Council.

Introduction Date: JUN 17 2003

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 15 2003, 2003
PASSED BY THE FOLLOWING VOTE:

AYES-
NOES- 2
ABSENT- 2
ABSTENTION- 0
BROOKS, BRUNNER, CHANG,
NADEL, REID, QUAN, WAN
AND PRESIDENT DE LA FUENTE -8

ATTEST: 
CEDA FLOYD
City Clerk and Clerk of the Council of
the City of Oakland, California