



FILED
OFFICE OF THE CITY CLERK
OAKLAND

2015 OCT 29 PM 2:01

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Margaret O'Brien
Interim Revenue & Tax
Administrator

SUBJECT: Supplemental Report
Amending the Fiscal Year 2015-16
Master Fee Schedule

DATE: October 29, 2015

City Administrator Approval

Date:

10/29/15

RECOMMENDATION

Staff Recommends That The City Council Adopt An Ordinance Amending Ordinance 13320 C.M.S. (The FY 2015-16 Master Fee Schedule, "MFS"), To Establish, Modify And Delete Fees And Penalties, and Issue Refunds Assessed By Offices, Departments, Bureaus, And Agencies Of The City Of Oakland.

REASON FOR SUPPLEMENTAL

At the Finance and Management Committee (FMC) held on October 27, 2015, regarding the amending of the FY 2015-16 Master Fee Schedule, Committee members instructed the Planning and Building Department for additional details of the department's fees. The Planning and Building Department responses to the FMC inquiries are found within **Attachment A**.

For questions regarding this report, please contact MARGARET O'BRIEN, INTERIM REVENUE & TAX ADMINISTRATOR, at 238- 7480.

Respectfully submitted,

Margaret O'Brien

MARGARET O'BRIEN
Interim Revenue & Tax Administrator
Revenue Management Bureau

Attachments (1):
Attachment A Planning and Building Department FMC Responses

Item: 9.1

City Council
November 3, 2015



INTER OFFICE MEMORANDUM

TO: Sabrina B. Landreth
City Administrator

FROM: Rachel Flynn /s/
Director, Planning and
Building Department

SUBJECT: Master Fee Schedule –
Planning and Building
Amendments

DATE: October 28, 2015

The Planning & Building Department (PBD) is responding to the following requests, following the October 27, 2015 Finance and Management Committee discussion:

Refunds to Appellants that Win their Cases

The annual loss in revenue per year is estimated to be approximately \$1,619.00 to \$1,887.00. If the City Council would like to authorize refunds to appellants that win their Appeal cases, a motion is required in order to amend the Master Fee Ordinance. PBD will work with City Administration and the City Attorney's Office to develop a procedure.

Reduce Appeal Report Filing fee to Planning Commission to \$890.00 and Reduce Appeal Notification Fee to \$524.00

Both appeal fees are being lowered due to constituent complaints to City Council. Please note that the newly proposed fees will not be cost covering. All appeals include both a Report Filing fee plus a Notification fee. In addition, there is a 14.5% Recordation and Technology fee that is applied to all base fees.

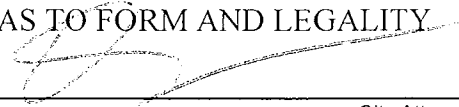
FEE DESCRIPTION	FEE (FY 2014-15) FEE UNIT	FEE as of July 1, 2015 FEE UNIT	Proposed FEE revision FEE UNIT
PLANNING & ZONING			
12 Appeals			
a. Administrative Appeal	524.00 Report	1,725.00	0.00 Report
b. Report Filing Fee: Appeal to City Planning Commission	524.00 Appeal	1,725.00	4424.00 Appeal 890.00
c. Report Filing Fee: Appeal to City Council	524.00 Appeal	2,458.00	1,124.00 Appeal
e. Notification Fee: Appeals to Planning Commission	524.00 Report	805.00	524.00 Report
f. Notification Fee: Appeals to City Council	524.00 Report	805.00	524.00 Report

/s/

Rachel Flynn
 Director, Planning and Building Department

Including Exhibit A thereto

APPROVED AS TO FORM AND LEGALITY



City Attorney

FILED
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OAKLAND
2015 OCT 29 PM 2:52

OAKLAND CITY COUNCIL
ORDINANCE No. _____ C.M.S.

AN ORDINANCE AMENDING ORDINANCE 13320 C.M.S. (THE FY 2015-16 MASTER FEE SCHEDULE, OR "MFS"), TO ESTABLISH, MODIFY AND DELETE FEES AND PENALTIES, AND ISSUE FEE REFUNDS ASSESSED BY OFFICES, DEPARTMENTS, BUREAUS, AND AGENCIES OF THE CITY OF OAKLAND

WHEREAS, the City of Oakland periodically amends City Council Ordinance No. 13320 and updates its Master Fee Schedule to account for the various cost increases relating to and municipal programs, services and activities; and

WHEREAS, the City has experienced and anticipates continuing increases in the costs to operate and maintain municipal government citywide; and

WHEREAS, City staff in the Office of the City Attorney, Office of the City Clerk, Office of the City Auditor, Oakland Public Works, Housing and Community Development, the Revenue Management Bureau, Human Resources Department, and Planning and Building Department ("the Departments"), undertook analysis and evaluation of the revenue requirements to fund ongoing municipal services, programs and activities and the fee structure necessary to proportionately allocate the costs of providing these government services and programs; and

WHEREAS, the Agenda Report including Attachments A-1, A-2, A-3, A-4, A-5, A-6, A-7, and A-8, and B (herein "the Agenda Report") dated , October 1, 2015, provided by staff of the Departments in support of the amendments to this ordinance, was prepared for fee revisions and deletions for continuing to provide the various government services; and

WHEREAS, the investigations conducted by staff of the Departments reflected in the Agenda Report show that existing revenues are and will be insufficient to cover the current and projected costs of operating and maintaining identified City government activities, services and programs; and

WHEREAS, the fee modifications and additions proposed by the Departments, and the facts and analysis in support thereof are identified in the Agenda Report; and

WHEREAS, the proposed amendments to the Master Fee Schedule reflect the deletion of certain fees and the transfer of certain fee categories to appropriate departments managing, performing

9.1

MEETING OF THE
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NOV 03 2015

the function, and/or providing the services without modification to the fees with such functions or services certain; and

WHEREAS, the Planning and Building Department has modified the “Plan Checking and/or Processing of Application”, “Zoning Conditions of Approval Compliance”, and “Planning & Zoning Appeals” fees as follows:

FEE DESCRIPTION	FEE	FEE as of July 1, 2015	Proposed FEE revision
	(FY 2014-15) FEE UNIT	FEE UNIT	FEE UNIT
PLAN CHECK			
A. PLAN CHECKING AND/OR PROCESSING OF APPLICATION			
1 Processing Fee Project Value \$5001 or above			84.00 Permit
2 Plan Checking Project Value \$2,001 5,001 or Above	90% Building Fee	132% Building Fee	118% Inspection Fee
3 Building Permit Fee on Projects Approved by Department to be Checked by Authorized Engineering Firm	64% Building Fee	Building Fee	37% Building Fee
4 Enforcement of State of California Regulations, Oakland-	33% Permit Fee	130% Permit Fee	
R. ZONING COIDITIONS OF APPROVAL COMPLAIICE			
1 New Construction Up to \$200,000 \$300,000	262.00 Permit	2,414.00 Permit	245.00 Permit
R. ZONING CONDITIONS OF APPROVAL COMPLIANCE			
1 New Construction Up to \$300,000	262.00 Permit	2,414.00 Permit	245.00 Permit

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c. Report Filing Fee: Appeal to City Council	524.00 Appeal	2,458.00	1,124.00 Appeal
e. Notification Fee: Appeals to Planning	524.00 Report	805.00	524.00 Report
f. Notification Fee: Appeals to City Council	524.00 Report	805.00	524.00 Report
PLANNING & ZONING			
12 Appeals			
a. Administrative Appeal	524.00 Report	1,725.00 Report	0.00 Report
b. Appeal to City Planning Commission (CPC)	524.00 Appeal	1,725.00 Appeal	1,124.00 Appeal
c. Appeal to City Council	524.00 Appeal	2,458.00 Appeal	1,124.00 Appeal

WHEREAS, the Planning and Building Department is requesting Council authorization to issue refunds to said customers for the net difference between the July 1, 2015 and the above revised “Plan Checking and/or Processing of Application”, Zoning Conditions of Approval Compliance”, and “Planning & Zoning Appeals” fee amounts; and

WHEREAS, the Agenda Report shows that revenues derived from the proposed fees and charges will not exceed the funds required to provide the related government activities, services and programs of the Departments; and

WHEREAS, the Agenda Report shows that the amounts of the proposed fees and charges will not exceed the proportional cost of service provided or benefit attributable to each fee payer; and

WHEREAS, the Agenda Report shows that the proposed fees and charges for a product, benefit or service are imposed for a specific government service, benefit or product provided directly to

the payer that is not provided to those not charged, and does not exceed the reasonable costs to the City of providing the service, benefit or product; and

WHEREAS, at the Public Hearing held on November 3, 2015, the Council reviewed and considered the proposed fee changes; and

WHEREAS, based upon all written and oral reports and presentations to Council, including the Agenda Report and each of the Attachments thereto, the City Council finds and determines that the proposed modifications and additions to the Master Fee Schedule set forth herein are necessary to reimburse the City for the costs of performing the various municipal and regulatory functions, and that these fees do not exceed the proportional cost of the service or benefit attributable to the fee payer; now, therefore

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

Section 1. The City Council finds and determines that the foregoing recitals are true and correct and are hereby incorporated herein as findings and determinations of the City Council.

Section 2. The Master Fee Schedule as set forth in Ordinance Number 13320 C.M.S. as amended, is hereby amended to modify and establish the fees assessed by the Office of the City Attorney, Office of the City Clerk, Office of the City Auditor, Oakland Public Works, Housing and Community Development, Revenue Management Bureau, Human Resources Department, and Planning and Building Department, as set forth in Exhibit A, attached hereto, incorporated into and made a part hereof.

Section 3. If any section, subsection, subdivision, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remainder of the Ordinance or any part thereof.

Section 4. The fees imposed by this ordinance shall be effective ~~on November 3, 2015, or if the ordinance becomes effective after November 17, 2015,~~ on the date this ordinance becomes final and effective.

Section 5. This ordinance shall be effective immediately upon passage if it receives affirmative votes of six or more Councilmembers; otherwise, it shall effective upon the seventh day following adoption.

Section 6. The City Council authorizes the City Administrator, or her designee, to issue refunds to said customers for the net difference between the July 1, 2015 and revised "Plan Checking and/or Processing of Application", Zoning Conditions of Approval Compliance", and "Planning & Zoning Appeals" fee amounts shown above.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2015

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GUILLEN, KALB, KAPLAN, REID, CAMPBELL WASHINGTON,
PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

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

DATE OF ATTESTATION: _____

9.1
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NOV 03 2015

Including Exhibit A thereto

APPROVED AS TO FORM AND LEGALITY

City Attorney

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WHEREAS, the Agenda Report including Attachments A-1, A-2, A-3, A-4, A-5, A-6, A-7, and A-8, and B (herein "the Agenda Report") dated , October 1, 2015, provided by staff of the Departments in support of the amendments to this ordinance, was prepared for fee revisions and deletions for continuing to provide the various government services; and

WHEREAS, the investigations conducted by staff of the Departments reflected in the Agenda Report show that existing revenues are and will be insufficient to cover the current and projected costs of operating and maintaining identified City government activities, services and programs; and

WHEREAS, the fee modifications and additions proposed by the Departments, and the facts and analysis in support thereof are identified in the Agenda Report; and

WHEREAS, the proposed amendments to the Master Fee Schedule reflect the deletion of certain fees and the transfer of certain fee categories to appropriate departments managing, performing

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IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2015

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GUILLEN, KALB, KAPLAN, REID, CAMPBELL WASHINGTON,
PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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

DATE OF ATTESTATION: _____

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