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City Attorney

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OAKLAND CITY COUNCIL

RESOLUTION No. 81723 C.M.S.

Introduced by: Council Member De La Fuente
Amended by Council November 18, 2008

A RESOLUTION EXTENDING ~~FOR ONE YEAR~~ UNTIL DECEMBER 31, 2011 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 EXPIRE PRIOR TO JANUARY 1, 2010 UPON REQUEST AND PAYMENT OF ADMINISTRATIVE FEE

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, 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, 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 before January 1, 2010~~1~~ is hereby extended ~~one year~~ through December 31, 2011 upon request and payment of the administrative extension fee in the Master Fee Schedule (Ordinance 12880 CMS); and be it

FURTHER RESOLVED: ~~This additional one year exception- extension~~ shall not apply to properties that have been issued an administrative citation under Oakland Municipal Code Chapter 1.12 ("blighted property"). ~~or to properties where an administrative citation is issued between the adoption date of this Resolution and January 1, 2010~~ 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: 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.


DEC 9 2008

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE - 8
NOES - 0
ABSENT - 0
ABSTENTION - 0

ATTEST:


LATONYA SIMMONS
CITY CLERK AND CLERK
OF THE COUNCIL OF
THE CITY OF OAKLAND