

2007 DEC -6 PM 5:05

City Attorney

**AMENDED
OAKLAND CITY COUNCIL**

ORDINANCE No. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER NANCY J. NADEL

AN ORDINANCE OF THE CITY OF OAKLAND ADDING CHAPTER 10.45 OF THE OAKLAND MUNICIPAL CODE ENTITLED "INTERIM MIXED USE PERMIT PARKING PROGRAM FOR THE JACK LONDON DISTRICT" TO IMPLEMENT A TEMPORARY, THREE (3) YEAR PREFERENTIAL PARKING PROGRAM

WHEREAS, in June 2006, the Jack London District Association requested that the City consider a permit parking program due to the immediate past and pending changes in the Jack London District and the consequent increase in on-street parking demand, including the closing of the Amtrak lot, the increased residential and commercial development and the large number of presently unregulated on-street parking spaces; and

WHEREAS, after a series of City Council meetings and community meetings, an agreement was reached on an interim mixed use permit parking program for a time period of not more than three years to account for the construction of a new parking garage on the Amtrak parking lot; and

WHEREAS, on June 6, 2007, the Finance and Management Committee of the City Council directed staff to prepare an ordinance establishing an interim mixed use permit parking program for the Jack London District roughly bounded by Brush Street, Embarcadero Street, Oak Street, and Fifth and Fourth Streets; and

WHEREAS, on October 16, 2007, a public hearing was held before the City Council to review and consider the ordinance establishing a mixed use permit parking program for the Jack London District; and

WHEREAS, the City Council finds that the establishment of this mixed use permit parking program will serve the public interest by regulating and managing approximately 1,000 currently unregulated parking spaces in the Jack London District, thereby creating turnover for increased retail and business activity, and accommodating the needs of employees, residents and visitors to the District through the permit parking system; and

WHEREAS, the City Council further finds that establishment of the mixed use permit parking program will result in better use of the limited supply of on-street parking and will provide opportunity for district residents and employees to use available spaces, and London’s Cabin to highlight Jack London and his association with the waterfront, as well as other historical features of Jack London Square and the waterfront, such as the Potomac; and

WHEREAS, the City Council affirms that the public safety, health, convenience, prosperity, and general welfare will be furthered by the establishment of the three year mixed use permit parking program so that there is an agreed upon solution to the temporary problem of increased demand for a limited number of on-street spaces used by residents, employees, and visitors of the Jack London District; and the Council finds that the Interim Mixed Use Permit Parking Program for the Jack London District will not adversely affect parking conditions for residents and merchants in the area; now, therefore

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

Section 1. The following chapter is hereby added to the Oakland Municipal Code entitled:

“Interim Mixed Use Permit Parking Program for the Jack London District.”

10.45.10 Legislative Purpose

The ordinance codified in this chapter is enacted in response to a severe, temporary problem within the Jack London District caused by the long term parking of motor vehicles on the streets of this District. Due to historic development patterns such as lot line to lot line warehouses and the designated historic importance of the district, many properties do not have off-street parking. As set forth in Section 10.44.020, such long term parking by people outside of the immediate area threatens the health, safety and welfare of the residents, employees and visitors to the Jack London District. This problem is exacerbated by the pending construction of a large parking structure on the land now occupied by the Amtrak surface parking lot, thereby further decreasing the overall amount of parking available to Amtrak users during the course of the construction. It is therefore temporarily necessary to manage the existing on-street parking supply more effectively through the establishment of two and four hour time restricted parking and at the same time establishing a mixed use permit parking system so that residents, employees and visitors to the District will be provided an opportunity to park near their residence, place of business or other commercial establishment. For the reasons set forth in this chapter, an interim system of mixed use permit parking shall not be applicable to any other area in the City until and unless another ordinance is enacted allowing such a system City-wide.

10.45.20 Legislative Findings

A. Findings. The City Council finds, as a result of evidence and public testimony generated by staff and the Jack London District Association that the continued viability of the Jack London District depends on the preservation of safe, healthy and attractive neighborhoods and

commercial areas. The City Council further finds that one factor that has detracted from the safety, health and attractiveness of the Jack London District is the excessive and burdensome practice of non-residents to the Jack London District parking motor vehicles for extended periods of time therein on the streets within the District. Since at any one time a large surplus of motor vehicles over the available on and off street parking spaces exists in the Jack London District due to construction activities, changes in development patterns and the impending temporary loss of the Amtrak surface lot, this condition temporarily detracts from a healthy and vital urban community. An interim system of mixed use permit parking will serve to reduce the number of non-residents parking in the Jack London District and thus promote the general public welfare. The system of interim mixed use parking, as enacted by the ordinance codified in this chapter will serve to promote the safety and health of the residents, employees, business owners and visitors to the Jack London District by reducing vehicle travel, noise and pollution; promoting improvements in air quality, the convenience and attractiveness of urban residential living, and the increased use of mass transit facilities available now and in the future.

10.45.30 Definitions

All definitions as used in this chapter shall reference the definitions used in Chapter 10.44.020 with the following additions:

- a. "Jack London District Designated Mixed Use Permit Parking Area" means any street upon which the City Council imposes parking limitations pursuant to the authority granted by this chapter within the Jack London District.
- b. "Employee of Business" means an employee of an enterprise or establishment used for the purpose of conducting a business located in the designated Jack London District Designated Mixed Use Permit Parking Area.

10.45.40 Permit Parking Exemption

- a. A motor vehicle on which is displayed a valid Jack London District Designated Mixed Use Parking Permit, as provided for herein, shall be permitted to stand or be parked within the Jack London Mixed Use Parking Permit Area for which the permit has been issued without being limited by time restrictions established pursuant to this chapter. Any motor vehicle which does not display such permit shall be subject to the Jack London District Designated Mixed Use Parking Permit regulation and consequent penalties in effect for such area.
- b. A Jack London District Designated Mixed Use Parking Permit shall not guarantee or reserve the holder thereof an on-street parking space within the Jack London District Designated Mixed Use Parking Permit Area.
- c. This chapter shall not be interpreted or applied in a manner which shall abridge or alter regulations established by authority other than this chapter.
- d. This chapter shall not exempt the permit parking holder to leave standing his or her vehicle for more than seventy-two (72) hours.

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APPROVED AS TO FORM AND LEGALITY

City Attorney

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OAKLAND CITY COUNCIL
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WHEREAS, after a series of City Council meetings and community meetings, an agreement was reached on an interim mixed use permit parking program for a time period of not more than three years to account for the construction of a new parking garage on the Amtrak parking lot; and

WHEREAS, on June 6, 2007, the Finance and Management Committee of the City Council directed staff to prepare an ordinance establishing an interim mixed use permit parking program for the Jack London District roughly bounded by Brush Street, Embarcadero Street, Oak Street, and Fifth and Fourth Streets; and

WHEREAS, on October 16, 2007, a public hearing was held before the City Council to review and consider the ordinance establishing a mixed use permit parking program for the Jack London District; and

WHEREAS, the City Council finds that the establishment of this mixed use permit parking program will serve the public interest by regulating and managing approximately 1,000 currently unregulated parking spaces in the Jack London District, thereby creating turnover for increased retail and business activity, and accommodating the needs of employees, residents and visitors to the District through the permit parking system; and

WHEREAS, the City Council further finds that establishment of the mixed use permit parking program will result in better use of the limited supply of on-street parking and will provide opportunity for district residents and employees to use available spaces, and London's Cabin to highlight Jack London and his association with the waterfront, as well as other historical features of Jack London Square and the waterfront, such as the Potomac; and

WHEREAS, the City Council affirms that the public safety, health, convenience, prosperity, and general welfare will be furthered by the establishment of the three year mixed use permit parking program so that there is an agreed upon solution to the temporary problem of increased demand for a limited number of on-street spaces used by residents, employees, and visitors of the Jack London District; and the Council finds that the Interim Mixed Use Permit Parking Program for the Jack London District will not adversely affect parking conditions for residents and merchants in the area; now, therefore

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

Section 1. The following chapter is hereby added to the Oakland Municipal Code entitled:

“Interim Mixed Use Permit Parking Program for the Jack London District.”

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10.45.20 Legislative Findings

A. Findings. The City Council finds, as a result of evidence and public testimony generated by staff and the Jack London District Association that the continued viability of the Jack London District depends on the preservation of safe, healthy and attractive neighborhoods and

commercial areas. The City Council further finds that one factor that has detracted from the safety, health and attractiveness of the Jack London District is the excessive and burdensome practice of non-residents to the Jack London District parking motor vehicles for extended periods of time therein on the streets within the District. Since at any one time a large surplus of motor vehicles over the available on and off street parking spaces exists in the Jack London District due to construction activities, changes in development patterns and the impending temporary loss of the Amtrak surface lot, this condition temporarily detracts from a healthy and vital urban community. An interim system of mixed use permit parking will serve to reduce the number of non-residents parking in the Jack London District and thus promote the general public welfare. The system of interim mixed use parking, as enacted by the ordinance codified in this chapter will serve to promote the safety and health of the residents, employees, business owners and visitors to the Jack London District by reducing vehicle travel, noise and pollution; promoting improvements in air quality, the convenience and attractiveness of urban residential living, and the increased use of mass transit facilities available now and in the future.

10.45.30 Definitions

All definitions as used in this chapter shall reference the definitions used in Chapter 10.44.020 with the following additions:

- a. "Jack London District Designated Mixed Use Permit Parking Area" means any street upon which the City Council imposes parking limitations pursuant to the authority granted by this chapter within the Jack London District.
- b. "Employee of Business" means an employee of an enterprise or establishment used for the purpose of conducting a business located in the designated Jack London District Designated Mixed Use Permit Parking Area.

10.45.40 Permit Parking Exemption

- a. A motor vehicle on which is displayed a valid Jack London District Designated Mixed Use Parking Permit, as provided for herein, shall be permitted to stand or be parked within the Jack London Mixed Use Parking Permit Area for which the permit has been issued without being limited by time restrictions established pursuant to this chapter. Any motor vehicle which does not display such permit shall be subject to the Jack London District Designated Mixed Use Parking Permit regulation and consequent penalties in effect for such area.
- b. A Jack London District Designated Mixed Use Parking Permit shall not guarantee or reserve the holder thereof an on-street parking space within the Jack London District Designated Mixed Use Parking Permit Area.
- c. This chapter shall not be interpreted or applied in a manner which shall abridge or alter regulations established by authority other than this chapter.
- d. This chapter shall not exempt the permit parking holder to leave standing his or her vehicle for more than seventy-two (72) hours.

10.45.50 Jack London District Designated Mixed Use Permit Parking Area

This chapter hereby designates the Jack London District Designated Mixed Use Permit Parking Area, as set forth in Exhibit A to this ordinance, for a period not to exceed three years from the effective date of the ordinance. The effective date of the ordinance shall be defined as either the date of program implementation or not later than 120 days after adoption, whichever occurs first.

10.45.060 Modification after Designation of the Jack London District Designated Mixed Use Permit Parking Area

The City Council may, by resolution, modify the existing boundaries of the Jack London District Mixed Use Permit Parking Area based upon documentation from the Traffic Engineering Services Division, the Jack London District Association or other party that it is in the public interest to modify the boundary during the three year period of operation of the Jack London Mixed Use Parking Permit Program.

10.45.70 Issuance of Jack London District Mixed Use Parking Permits

- a. Jack London District mixed use parking permits shall be issued by the Finance and Management Agency in accordance with requirements set forth in this chapter. Each such permit shall be designed to state or reflect thereon identification of the Jack London District Mixed Use Parking Permit Area as well as the license number of the motor vehicle for which it is issued. No more than one Jack London District mixed use parking permit shall be issued to each motor vehicle owned or leased for which application is made.
- b. The Finance and Management Agency shall issue Jack London District mixed use parking permits with a term of one year from the date the Jack London District Designated Mixed Use Parking Permit Area becomes effective.
- c. One Jack London District mixed use parking permit may be issued for each vehicle owned, leased or under the continuing custody of any person who can demonstrate that they are currently a resident, employee, business owner or a representative of a neighborhood serving establishment located within the Jack London District Designated Mixed Use Parking Permit Area.
- d. Renewal of Jack London District mixed use parking permits shall be subject to the same conditions imposed on new permits.
- e. The Finance and Management Agency is authorized to issue such rules and regulations, not inconsistent with this chapter, governing issuance and display of Jack London District mixed use parking permits.
- f. Any person to whom a Jack London District mixed use parking permit has been issued pursuant to this chapter shall be deemed to be a Jack London District mixed use parking permit holder.

10.45.80 Visitor Permits

The Finance and Management Agency shall issue visitor parking permits for the Jack London District Designated Mixed Use Parking Permit Area in accordance with chapter 10.44.080 of the Oakland Municipal Code.

10.45.90 Parking Permit Fees

Initial purchase, renewal, replacement of lost, stolen or damaged Jack London mixed use parking permits shall be subject to the fees set forth in the City of Oakland Master Fee Schedule. The fee for each visitor parking permit shall be as set forth in the City of Oakland Master Fee Schedule.

10.45.100 Posting of Jack London District Designated Mixed Use Parking Permit Area

Upon adoption of this ordinance, the Director of Public Works shall cause appropriate signs to be erected in the Jack London District Designated Mixed Use Parking Permit Area, indicating prominently thereon the time limitation, period of day for its application, and conditions under which permit parking shall be exempt therefrom.

10.45.110 Revocation of Jack London District Mixed Use Parking Permit

The revocation provision set forth in Chapter 10.44.110 shall apply to the Jack London District Mixed Use Parking Permit Program.

10.45.120 Violation and Penalty

The violations and penalty provision set forth in Chapter 10.44.120 shall apply to the Jack London District Mixed Use Parking Permit Program.

10.45.130 Chapter Interpretation

The Community and Economic Development Agency Director or his or her designee shall have the discretion in the implementation and interpretation of this chapter.

10.45.140 Three Year Time Limit

This ordinance shall terminate and become null and void three years after it becomes effective. The effective date of the ordinance shall be defined as either the date of program implementation or not later than 120 days after adoption, whichever occurs first.

Section 2. Except as specifically set forth herein, this ordinance suspends and supercedes all conflicting resolutions, ordinances, plans, codes, laws and regulations.

Section 3. If any provisions of this ordinance or application thereof to any person of circumstances is held invalid, the remainder of this ordinance and the application of provisions to the other persons and circumstances shall not be affected thereby.

Section 4. This Ordinance shall be codified in the Oakland Municipal Code.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

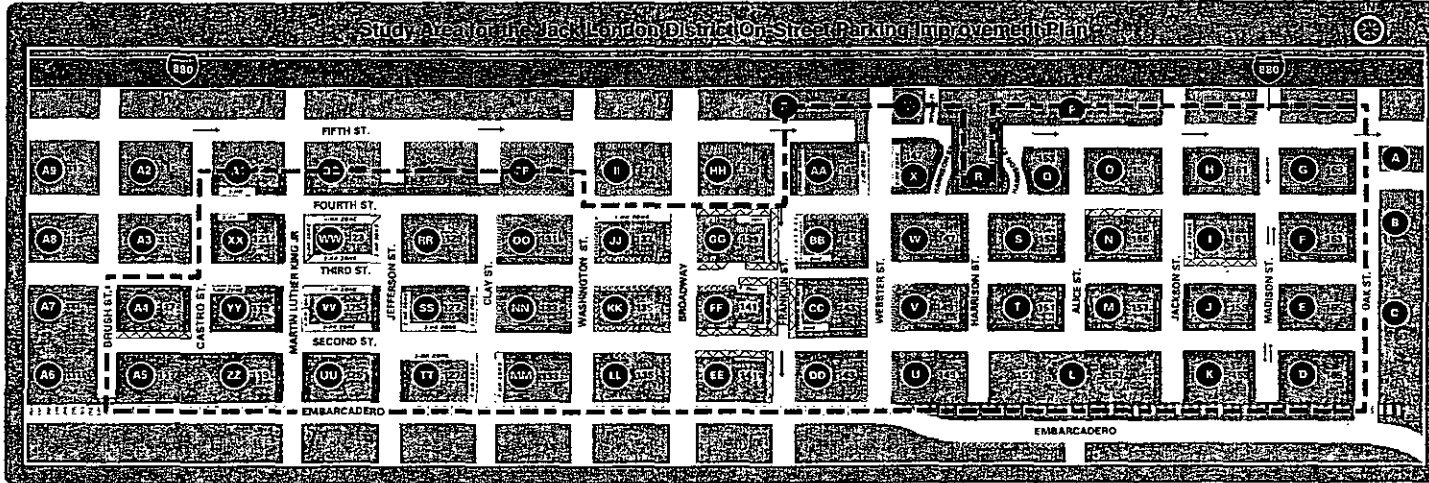
ABSTENTION-

ATTEST: _____

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

JACK LONDON DISTRICT MAP: PROPOSED TIME-LIMITED PARKING ZONES AND PROPOSED MIXED USE DISTRICT PERMIT PARKING (as of 11/30/2006)

EXHIBIT A



SUMMARY OF JLDA's PERMIT PARKING PROGRAM PROPOSAL

1. Within the boundary of the proposed Mixed-Use District Permit Parking Program (dashed red line), wherever curb and gutter has been installed and parking is currently unregulated by meters or signs, JLDA proposes that the City install signs indicating that this is a time-limited parking zone.
2. Wherever parking is currently unregulated by meters or signs, JLDA proposes the City install signs indicating a default time limit of 4-hour parking (green line); apparently this was approved June 1, 2004 by City Council (Agenda Item S-22) but has never been implemented.
3. JLDA proposes that business owners and residents in the district be eligible to purchase parking permits to exempt vehicles from posted 4-hour time limits. Vehicles would not be exempted from parking meter, painted curb, or street sweeping violations, or from 1-hour and 2-hour parking zones.
4. JLDA proposes new 1-hour and 2-hour parking zones be installed wherever a majority of existing restaurants, retailers, and other businesses request them. Several blocks are shown on the map where discussions have already taken place (yellow line). Others may be requested and should be considered on a case by case basis.

KEY: TIME-LIMITED PARKING & PERMIT PARKING PROGRAM

- Existing Time-Limited Parking Zones
- Existing Parking Meters
- Proposed New 1-HR & 2-HR Parking Zones (Permit Parking Prohibited)
- Proposed New 4-HR Parking Zones (Permit Parking Permitted)
- Proposed Boundary of Mixed-Use District Permit Parking Program

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APPROVED AS TO FORM AND LEGALITY

City Attorney

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- b. A Jack London District Designated Mixed Use Parking Permit shall not guarantee or reserve the holder thereof an on-street parking space within the Jack London District Designated Mixed Use Parking Permit Area.
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10.45.50 Jack London District Designated Mixed Use Permit Parking Area

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10.45.060 Modification after Designation of the Jack London District Designated Mixed Use Permit Parking Area

The City Council may, by resolution, modify the existing boundaries of the Jack London District Mixed Use Permit Parking Area based upon documentation from the Traffic Engineering Services Division, the Jack London District Association or other party that it is in the public interest to modify the boundary during the three year period of operation of the Jack London Mixed Use Parking Permit Program.

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- d. Renewal of Jack London District mixed use parking permits shall be subject to the same conditions imposed on new permits.
- e. The Finance and Management Agency is authorized to issue such rules and regulations, not inconsistent with this chapter, governing issuance and display of Jack London District mixed use parking permits.
- f. Any person to whom a Jack London District mixed use parking permit has been issued pursuant to this chapter shall be deemed to be a Jack London District mixed use parking permit holder.

10.45.80 Visitor Permits

The Finance and Management Agency shall issue visitor parking permits for the Jack London District Designated Mixed Use Parking Permit Area in accordance with chapter 10.44.080 of the Oakland Municipal Code.

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10.45.100 Posting of Jack London District Designated Mixed Use Parking Permit Area

Upon adoption of this ordinance, the Director of Public Works shall cause appropriate signs to be erected in the Jack London District Designated Mixed Use Parking Permit Area, indicating prominently thereon the time limitation, period of day for its application, and conditions under which permit parking shall be exempt therefrom.

10.45.110 Revocation of Jack London District Mixed Use Parking Permit

The revocation provision set forth in Chapter 10.44.110 shall apply to the Jack London District Mixed Use Parking Permit Program.

10.45.120 Violation and Penalty

The violations and penalty provision set forth in Chapter 10.44.120 shall apply to the Jack London District Mixed Use Parking Permit Program.

10.45.130 Chapter Interpretation

The Community and Economic Development Agency Director or his or her designee shall have the discretion in the implementation and interpretation of this chapter.

10.45.140 Three Year Time Limit

This ordinance shall terminate and become null and void three years after it becomes effective. The effective date of the ordinance shall be ~~120 days after adoption~~ defined as either the date of program implementation or not later than 120 days after adoption, whichever occurs first.

Section 2. Except as specifically set forth herein, this ordinance suspends and supercedes all conflicting resolutions, ordinances, plans, codes, laws and regulations.

Section 3. If any provisions of this ordinance or application thereof to any person of circumstances is held invalid, the remainder of this ordinance and the application of provisions to the other persons and circumstances shall not be affected thereby.

Section 4. This Ordinance shall be codified in the Oakland Municipal Code.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20____

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

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

CITY OF OAKLAND
OFFICE OF THE CITY CLERK
OAKLAND
AGENDA REPORT

2007 DEC -6 . PM 5: 03

TO: Office of the City Administrator
ATTN: Ms. Deborah Edgerly
FROM: Office of the City Administrator, Special Activity Unit
DATE: December 18, 2007

RE: Adopt an Ordinance Amending Ordinance Number 12809 C.M.S. (Master Fee Schedule), as Amended, to Establish a Notification Fee for Business Permit Applications Subject to Title 5, "Business Taxes, Permits, And Regulations", of the Oakland Municipal Code that Involve the Ongoing Use of Property

SUMMARY

On November 13, 2007, the Public Safety Committee considered proposed amendments to Oakland Municipal Code (OMC) Chapter 5.02 to provide better notification regarding public hearings on permit applications under Title 5 of the OMC. Among the options proposed by staff was the notification of property owners within 300 feet of the applicant property by mail and the posting of notices within 300 feet of the applicant property. The Committee amended these proposals to include mailed notice to residents, as well as owners, within 300 feet of the applicant property and included a provision that the cost of the notification process be an additional separate fee collected with the application fee. The Committee indicated that the fee of \$600, currently charged by the Planning and Zoning Department to provide similar notification within the same distance range, was a reasonable amount to cover the costs associated with the proposed notification process.

FISCAL IMPACT

The proposed fee would apply only to new permits that involve the ongoing use of property for the operation of the permit. An average of approximately two of these permits are processed per month. At the proposed rate of \$600 per application, this number would result in annual revenues to the City of approximately \$14,400. These additional revenues will be deposited in The General Purpose Fund (1010), City Administration Organization (02111), Police Permits Account (42411).

KEY ISSUES AND IMPACTS

- *Expanded Noticing Requirements*

OMC Section 5.02.050 currently requires minimal notification regarding the public hearings conducted on applications for permits under OMC Title 5. Application notices must be posted on the premises, in the newspaper, and on the City bulletin board three only (3) days before the

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hearing. The result is that nearby residents are often unaware of the application until the hearing has been conducted and the permit approved, with no or little input from the public.

To rectify this situation, staff proposes to extend the posting time to 30 days before the hearing. Staff also presented an option that would utilize the Oakland Planning Code's method of, in addition to posting the premises, posting notices within 300 feet of the premises and notifying property owners in writing, by U. S. Mail, who own property within 300 feet of the applicant property of the hearing date.

▪ ***Cost of Notification and Responsibility for Payment for Notification Process***

The Public Safety Committee decided that both the extended posting time and the additional methods of notification should be used, and that residents should also be notified. The discussion then turned to the issues of cost and payment. The Committee expressed their belief that the costs of notification should be borne by applicants. Staff explained that the City's Zoning Department, which utilizes the proposed method for hearing notification, has determined that a fee of \$600 covers the cost of materials and staff time for the notification process.

Staff expressed a concern that this is a substantial cost relative to the current application filing fees for permits under this title. The most frequently processed applications that would be affected by the notification fee¹ and the application filing fees for these permits are:

<u>Permit Type</u>	<u>Application Fee</u>
Pet Shop, Animal Hospital, Kennel	\$ 400
Cabaret	600
Pool Room or Bowling Alley	400
Massage Establishment	400
Pawn Broker	310
Bingo Hall	1,000
Medical Cannabis	10,000 - 30,000 ²

Additionally, applicants must pay for inspections and other processes that may add several hundred dollars to the application costs. The Committee considered this, and concluded that the \$600 fee was justified to cover the City's costs.

¹ It is not anticipated that the notification process would be used for Title 5 permit applications that are primarily for personal services, such as massage therapists and taxi drivers. Nor is it anticipated that the process would be used for permits that utilize property only on a very transient basis, such as carnivals or charitable solicitation events.

² This fee is dependent upon the number of patients served by the dispensary.

SUSTAINABLE OPPORTUNITIES

Economic

The business permits issued under Title 5 of the OMC generate jobs and tax revenues for the City. It is not anticipated that the notification fee would have a chilling effect on the number of businesses that apply for these types of permits.

Environmental

There are no known environmental impacts of the proposed notification fee.

Social Equity

Notification of individual property owners and residents of public hearings on permit applications submitted in their area will facilitate the important purpose of generating public dialogue on these permits. Increased public dialogue should, in turn, result in permitting decisions based upon more and better information.

DISABILITY AND SENIOR CITIZEN ACCESS

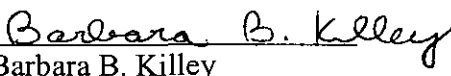
There are no known disability or senior citizen access issues.

ACTION REQUESTED OF THE CITY COUNCIL

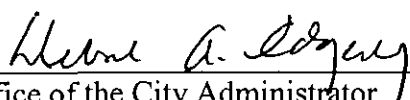
Staff requests that the City Council:

1. Accept this Staff Report
2. Adopt the ordinance amending Ordinance Number 12809 C.M.S. (Master Fee Schedule), as amended, to establish a notification fee for business permit applications subject to Title 5 of the Oakland Municipal Code that involve the ongoing use of property.

Respectfully submitted,


Barbara B. Killey
Assistant to the City Administrator

APPROVED AND FORWARDED THE
THE CITY COUNCIL.


Office of the City Administrator

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December 18, 2007

Seth R. Jackson
City Attorney

INTRODUCED BY COUNCILMEMBER _____

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

2007 DEC -5 PM 5:03
ORDINANCE No. _____ C.M.S.

AN ORDINANCE AMENDING ORDINANCE NUMBER 12809 C.M.S. (MASTER FEE SCHEDULE), AS AMENDED, TO ESTABLISH A NOTIFICATION FEE FOR BUSINESS PERMIT APPLICATIONS SUBJECT TO TITLE 5, "BUSINESS TAXES, PERMITS, AND REGULATIONS", OF THE OAKLAND MUNICIPAL CODE THAT INVOLVE THE ONGOING USE OF PROPERTY

WHEREAS, Oakland Municipal Code Chapter 5.02 defines the application process for specified types of business permits; and

WHEREAS, part of the application process requires conducting a public hearing on the application; and

WHEREAS, Oakland Municipal Code Chapter 5.02 was recently amended to provide that "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

WHEREAS, the amendment also specified that, "The fee for the notification process, as established by the Master Fee Schedule, shall be a separate charge in addition to the application fee."; and

WHEREAS, the City's Zoning Department utilizes a similar process, when required for notification of permit applications within their purview, and has determined that the current average cost of such notification is \$600.00; now, therefore

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

SECTION 1. The Master Fee Schedule as set forth in Ordinance Number 12809 C.M.S., as amended, is hereby amended to establish a notification fee for business permit applications subject to Title 5 of the Oakland Municipal Code that involve the ongoing use of property, as set forth in Exhibit A, attached hereto and made a part hereof.

SECTION 2. This ordinance shall be effective immediately upon final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption by the Council of the City of Oakland.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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

Notice & Digest

AN ORDINANCE AMENDING ORDINANCE NUMBER 12809 C.M.S. (MASTER FEE SCHEDULE), AS AMENDED, TO ESTABLISH A NOTIFICATION FEE FOR BUSINESS PERMIT APPLICATIONS SUBJECT TO TITLE 5, "BUSINESS TAXES, PERMITS, AND REGULATIONS", OF THE OAKLAND MUNICIPAL CODE THAT INVOLVE THE ONGOING USE OF PROPERTY

This is an ordinance amending Ordinance No. 12809 C.M.S., Oakland's Master Fee Schedule ordinance, to establish a fee to cover the cost of notification of applications for business permits subject to Oakland Municipal Code Title 5 that involve the ongoing use of property. Mailed and posted notice of the public hearing on such applications will also be provided to property owners and residents within 300 feet of the applicant property. The fee is proposed to be established at \$600.00 per application.

CITY ADMINISTRATOR

City of Oakland

Amendment to the Master Fee Schedule

<u>Fee Description</u>	<u>Fee</u>	<u>Unit</u>
SPECIAL ACTIVITIES		
H. HEARING NOTIFICATION FEE	\$600.00	Permit