



CITY OF OAKLAND
REDUCTION, WAIVER, AND/OR APPEAL FORM
FOR TRANSPORTATION AND/OR CAPITAL
IMPROVEMENTS IMPACT FEES

PROJECT INFORMATION

Case No. of Project: _____

Project Address: _____

APN: _____

Assigned Case Planner/City Staff: _____

APPLICANT INFORMATION:

Name: _____ Phone Number: _____

Mailing Address: _____ Alternate Contact Number: _____

City/Zip Code _____ Representing: _____

Email: _____

One or More of The following is hereby submitted (please choose all that are applicable and state the detailed reasons below):

- Reduction of the Transportation and/or Capital Improvements Impact Fees**
 - Waiver of the Transportation and/or Capital Improvements Impact Fees**
 - Appeal of the Transportation and/or Capital Improvements Impact Fees**
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Oakland Municipal Code Section 15.74.080 – Reductions, Waivers, and Appeals.

A. Reductions, Waivers and Appeals of the Impact Fees. Reduction, waiver and/or appeals of the Impact Fees may be granted by the City Administrator to a Development Project under any one of the following scenarios:

1. The Development Project is rendered infeasible by imposition of all or a portion of the Impact Fee because there are demonstrated special circumstances unique to the financing or economics of the Development Project and not generally applicable to other projects of similar type and size, and no feasible alternative means of compliance are available which would be more effective in attaining the purposes of this chapter than the relief requested. For purposes of this paragraph, "infeasible" means incapable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors;
2. The Development Project will not generate any need for transportation or capital improvements infrastructure, or the increase in such need will be limited so as to justify a reduced Impact Fee;

3. The Development Project is subject to a higher Impact Fee than what would otherwise apply under normal circumstances solely and exclusively due to unusual delays, beyond the reasonable control of the Applicant, related to an appeal, litigation and/or other similar circumstances;
4. The requirements of this chapter have been incorrectly applied to a Development Project; and/or
5. That application of the requirements of this chapter to a Development Project is unlawful under and/or conflict with federal, state, or local law and/or regulation, including constituting an unlawful taking of property without just compensation.

B. Applications for reductions, waivers and/or appeals. Application for reduction, waivers and/or appeals of the Impact Fee must be made no later than the date of application for the building permit for the Development Project on a form provided by the City, and shall include payment of fees as established in the Master Fee Schedule. **The burden of establishing by satisfactory factual proof the applicability and elements of this Section shall be on the Applicant. The Applicant must submit full information in support of their submittal as requested by the City Administrator. Failure to raise each and every issue that is contested in the application and provide appropriate supporting evidence will be grounds to deny the application and will also preclude the Applicant from raising such issues in court. Failure to submit such an application shall preclude such person from challenging the Impact Fees in court.** The City Administrator may require, at the expense of the Applicant, review of the submitted materials by a third party.

C. The City Administrator shall mail the Applicant a final, written determination on the application for a reduction, waiver and/or appeal. The City Administrator’s decision is final and not administratively appealable.

The reduction, waiver and/or appeal is based on the following: *(Attach additional sheets as needed.)*

Supporting Evidence and/or Documents must be attached. The applicant must submit all supporting evidence and present all issues along with this Reduction, Waiver, and/or Appeal Form (see above).

*Signature of Appellant or Representative of
Appealing Organization*

Date

TO BE COMPLETED BY STAFF BASED ON REDUCTION, WAIVER, AND/OR APPEAL TYPE AND APPLICABLE FEE

REDUCTION, WAIVER, AND/OR APPEAL FEE:\$ _____

Fees are subject to change without prior notice. The fees charged will be those that are in effect at the time of filing the reduction, waiver, and/or appeal. All fees are due at the time of filing the reduction, waiver, and/or appeal.

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Date/Time Received Stamp Below:

Below For Staff Use Only

Cashier's Receipt Stamp Below: