**Important information regarding impact fees**

In accordance with Oakland Municipal Code (OMC) *Sections 15.72.040/15.74.040 - Applicability and 15.72.050/15.74.050 – Amount of Impact Fees, the Oakland Planning and Building Department (PBD)* increases the Affordable Housing, Transportation and Capital Improvement impact fees each fiscal year in accordance with the Marshall and Swift cost index. Those increases are legislatively enacted through the adoption of the City of Oakland Master Fee Schedule.

Any applicant for a development project for which a building permit application is submitted on or after September 1, 2016, must pay the impact fee in effect at the time of building permit submittal. Further, if at any time a development project does not meet all the criteria listed in *OMC 15.72.040/15.74.040 subsection B items 1-4* (listed below), the applicant must pay the fees in effect at the current rate:

1. The building permit is issued within one year of submittal of the complete building permit application;
2. The development project is diligently pursued toward completion, as reasonably determined by the Building Official or designee;
3. The building permit does not expire, although it may be extended for up to one year; and
4. A certificate of occupancy or temporary certificate of occupancy is issued within three (3) years of the building permit being issued.

Prior to scheduling the final inspection, your project will be subject to an impact fee review. Provided that you have met all timelines listed in criteria above, your project will be released for the final inspection. If it is determined that all the criteria have not been met, the project will be subject to reassessment to the fees that are in effect before a certificate of occupancy will be issued.

The City Administrator does acknowledge specific circumstances when the issuance of a certificate of occupancy or temporary certificate of occupancy cannot be met within the 3-year deadline due to delays beyond the reasonable control of the Applicant.  In such cases, a waiver may be granted for a deadline extension to obtain a certificate of occupancy or temporary certificate of occupancy. Please note that for such a waiver request, the Applicant must: raise the issue of delay as soon as possible; diligently resolve the delay; diligently pursue the Development Project to completion; and demonstrate such to the reasonable satisfaction of the Chief Building Official (CBO) or the CBO’s designee. A waiver application submitted after the three-year deadline has already passed will generally not be approved.

For more information regarding impact fees and/or delay waivers please review the Oakland Administrative Regulations and Manual which can be found on the Impact Fees web page.

<https://www.oaklandca.gov/Planning-Building/Building-Inspections/Impact-Fees>

For additional information regarding impact fees please contact us at impactfees@oaklandca.gov.

**15.72.040 - Applicability.**

The regulations, requirements and provisions of this Chapter shall apply to any development project, unless exempt from this Chapter. The applicant for any development project, unless exempt from this Chapter, as a condition of the building permit, must pay to the City the required impact fees, or the applicant may elect to comply with those requirements through the provision of on-site or off-site affordable housing units as permitted under Sections[15.72.100](https://library.municode.com/ca/oakland/codes/code_of_ordinances?nodeId=TIT15BUCO_CH15.72AFHOIMFE_ARTIIITEOTEAFHOOP_15.72.100TEAFHOOP) and[15.72.110](https://library.municode.com/ca/oakland/codes/code_of_ordinances?nodeId=TIT15BUCO_CH15.72AFHOIMFE_ARTIIITEOTEAFHOOP_15.72.110OTEAFHOOP) of this Chapter.

1. Effective Date. Any applicant for a development project for which a complete building permit application is submitted on or after September 1, 2016, must pay the impact fee in effect at the time of building permit submittal. If the development project fails to meet all of the criteria listed in Subsection B. below, the applicant must pay the impact fee in effect at the time that the development project does meet all the criteria.
2. Exemptions Based on Submittal Date. Any development project for which complete building permit application is submitted prior to September 1, 2016, shall be exempt from this Chapter if all of the following criteria are met:
3. The building permit is issued within one year of submittal of the complete building permit application;
4. The development project is diligently pursued toward completion, as reasonably determined by the Building Official or designee;
5. The building permit does not expire, although it may be extended for up to one year; and
6. A certificate of occupancy or temporary certificate of occupancy is issued within three (3) years of the building permit being issued.

**15.72.050 Amount of impact fees.**

The impact fees shall be calculated for each development project as follows, pursuant to the impact fee amounts as stated in the Master Fee Schedule in effect at the time of a complete building permit application:

Residential Projects: Impact Fee = Fee Per Housing Unit x Additional Housing Units

The impact fee amount shall automatically be adjusted upward annually for inflation on July 1st, beginning on July 1, 2021, by the City Administrator in accordance with the percentage increase from January to January in the residential building cost index published by Marshall and Swift, or if such index ceases to be published, by an equivalent index chosen by the City Administrator, with appropriate adjustments for regional and local construction costs as necessary. The adjustment shall be automatically effective whether or not the Master Fee Schedule has been amended to reflect the adjustment.

(Ord. No. 13365, § 4, 5-3-2016)



