

INTRODUCED BY COUNCIL PRESIDENT REBECCA KAPLAN AND
COUNCILMEMBER LOREN TAYLOR


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

ORDINANCE NO. 13612 C.M.S.

ORDINANCE AMENDING ORDINANCE NO. 13599 C.M.S., WHICH ADOPTED THE FY 2020-2021 MASTER FEE SCHEDULE, TO ADD A NEW FEE FOR ADMINISTRATION OF A PILOT PROGRAM TO PERMIT OCCUPANCY OF A RECREATIONAL VEHICLE ON UNDEVELOPED PROPERTY.

WHEREAS, on June 16, 2020, the City Council adopted Ordinance No. 13599 establishing the FY 2020-2021 Master Fee Schedule, effective as of July 1, 2020; and

WHEREAS, the City of Oakland periodically amends and updates its Master Fee Schedule, after adoption, to amend adopted fees as well as to establish new fees relating to new or expanded municipal programs, services and activities; and

WHEREAS, the City Council is considering the adoption of an Ordinance adding Chapter 5.72 to the Oakland Municipal Code (OMC), which would establish a pilot program to allow no more than one recreational vehicle (RV) to be used for residential occupancy on private, undeveloped property in all zones of the City where residential activities are permitted by the Oakland Planning Code (RV Pilot Program); and

WHEREAS, the RV Pilot Program would be administered through the issuance of a newly established permit program (Temporary RV Occupancy Permit) by the City Administrator's Office and enforced by the City's Nuisance Abatement Unit; and

WHEREAS, reviewing and processing applications and permits, as well as onsite education and monitoring to ensure compliance with public health and safety standards would involve staff time and costs as described in the Agenda Report accompanying this Ordinance; and

WHEREAS, it is in the public interest for the City to regulate the occupancy of recreational vehicles to protect the public health and safety of the RV occupants and neighboring residents of the undeveloped properties subject to the RV Pilot Program; and

WHEREAS, the Ordinance adopting the Pilot Program would also amend OMC Chapters 1.08 and 1.12 to add the RV Pilot Program to the list of OMC sections that may be enforced through those chapters; and

WHEREAS, the City Administrator's Office undertook analysis and evaluation of the revenue requirements to fund the issuance, inspections, and enforcement of the proposed Temporary RV Occupancy Permit, and the fee structure necessary to proportionally allocate the costs of providing this program; and

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

WHEREAS, the Agenda Report shows that the proposed fee is imposed for a specific government service, benefit or permit 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 permit; and

WHEREAS, based on all written and oral reports and presentations to the Council, the City Council finds that the proposed addition to the FY 2019-2020 Master Fee Schedule is necessary to reimburse the City for the costs of performing the municipal and regulatory functions related to the RV Pilot Program; and

WHEREAS, this action is exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) (general rule for projects that have no direct or reasonably foreseeably indirect physical change to the environment);

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The City Council finds and determines the foregoing recitals to be true and correct and an integral part of the City Council's decision, and hereby adopts such recitals as findings.

SECTION 2. Master Fee Schedule. Conditioned upon the City Council's adoption of an Ordinance establishing the RV Pilot Program and such Ordinance becoming effective, the FY 2020-2021 Master Fee Schedule as set forth in Ordinance No. 13599 C.M.S. is amended to establish a new fee as set forth in *Exhibit A* attached hereto, incorporated into and made a part hereof.

SECTION 3. Revenue. Fees collected pursuant to the RV Pilot Program, per the Master Fee Schedule as amended by this Ordinance, shall be deposited and appropriated in the General Purpose Fund (1010); any fines or penalties collected pursuant to OMC Chapters 1.08 and 1.12 shall be deposited in the same fund.

SECTION 4. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

SECTION 5. Technical Changes. The City Council hereby authorizes the City Administrator or designee to make non-substantive, technical conforming changes (essentially correction of typographical and clerical errors), prior to formal publication of the amendments in the Oakland Municipal Code.

SECTION 6. Effective Date. This ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption; provided that the Ordinance establishing the RV Pilot Program has become adopted and made effective.

IN COUNCIL, OAKLAND, CALIFORNIA,

JUL 28 2020

PASSED BY THE FOLLOWING VOTE:

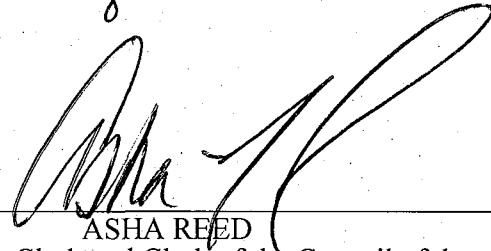
AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID,
TAYLOR, THAO AND PRESIDENT KAPLAN - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



ASHA REED

Acting City Clerk and Clerk of the Council of the
City of Oakland, California

Introduction Date

JUL 21 2020

Date of Attestation:

July 31, 2020

Exhibit A

DEPARTMENT PROPOSED FEE

Proposed changes to FY 2020-2021 Master Fee Schedule Ordinance No. 13599



**City of Oakland
Master Fee Schedule**

CITY ADMINISTRATOR

FEE DESCRIPTION

SPECIAL ACTIVITIES

FEE DESCRIPTION

FEE UNIT

**A. APPLICATION FILING FEE FOR A SPECIAL ACTIVITY PERMIT AS
REQUIRED BY OAKLAND MUNICIPAL CODE**

25. Temporary RV Occupancy Permit

a. Permit application fee

\$150.00 Application

b. Annual fee

\$500.00 Permit

NOTICE AND DIGEST

ORDINANCE AMENDING ORDINANCE NO. 13599 C.M.S., WHICH ADOPTED THE FY 2020-2021 MASTER FEE SCHEDULE, TO ADD A NEW FEE FOR ADMINISTRATION OF A PILOT PROGRAM TO PERMIT OCCUPANCY OF A RECREATIONAL VEHICLE ON UNDEVELOPED PROPERTY.

The City of Oakland is considering a new pilot program to allow occupancy of a recreational vehicle on undeveloped property through an annual permit administered by the City Administrator's Office. This Ordinance would amend the 2019-2020 Master Fee Schedule adopted by Ordinance No. 13599, to add a new fee to fund the issuance, inspections, and enforcement of the proposed annual permit to proportionally allocate the costs of providing this program.