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Approved as to Form and Legality

DRAFT

City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

INTRODUCED BY COUNCILMEMBERS REBECCA KAPLAN AND DAN KALB

**A RESOLUTION ESTABLISHING COUNCIL POLICY TO
CREATE A REGISTRY FOR VACANT GROUND FLOOR
COMMERCIAL PROPERTIES AND FOR VACANT LOTS,
AND DIRECTING STAFF TO RETURN TO COUNCIL
WITHIN 90 DAYS OF ADOPTION OF THIS RESOLUTION,
WITH AN IMPLEMENTATION SYSTEM TO ACCOMPLISH
THIS GOAL**

WHEREAS, vacant ground floor commercial properties and lots that are vacant for lengthy periods create blight in the City's commercial corridors, attracting illegal activity such as vandalism and dumping, discouraging new businesses from moving to these commercial corridors, deterring customers to existing surrounding businesses, and depressing the economic vitality of the area, as well as decreasing potential business tax revenue for the City and draining City resources to address blight and related conditions; and

WHEREAS, Property owners of vacant ground floor commercial properties and lots in some cases let properties remain vacant until the market goes up, are not willing to lower the rent in order to fill the vacancy, or do not otherwise make reasonable efforts to productively use their property and be good neighbors in the community; and

WHEREAS, A ground floor vacant commercial property registration program can help to track various types of vacant properties, providing a data resource for the benefit of property owners, City agencies, and the public, and contribute to incentivizing the leasing or sale of properties and their productive use; therefore, be it

RESOLVED, The Oakland City Council directs the Administration to return to Council within 90 days with draft legislation and an implementation plan to create and administer a registry for vacant ground floor commercial storefronts and vacant lots; and be it

FURTHER RESOLVED, the requested legislation shall include the following components: (1) creation of a requirement that ground floor properties and lots which are vacant for more than six (6) months in any twelve (12) month period shall be required to register and pay an annual fee that finances the registration program; (2) a

definitions section, including a definition of "ground floor;" (3) clear standards for what properties qualify for registration, including possible registration exemptions, and criteria and procedures for determining hardship waivers for the registration fee; (4) registration procedures, including an online system and mandatory identification of a "marketing agent" for each property; (5) an online registration database and mapping system that can help owners, buyers, and those seeking to lease properties; (6) a proposed fee structure, including, if possible, variation based on property size or other factors contributing to variable City implementation costs; (7) online payment of the annual fee; (8) a sign posting requirement for the registered property that indicates that the property is registered as vacant and provides contact information; (9) a failure-to-register complaint intake system and penalties that apply for failure to register or comply with the ordinance; (10) a private enforcement option that gives residents or Oakland-based Business Improvement Districts, after proper notice to the violator and City, a waiting period, and continued inaction, the authorization to file suit to enforce the ordinance and collect legal costs; and be it

FURTHER RESOLVED, the report accompanying the staff proposals shall include (1) recommendations regarding an annual registration fee and legal issues related to the establishment of a fee, (2) suggested options for the provision of or resource referral for leasing or sale incentives or assistance to owners whose properties are in distress, and (3) an implementation plan, including modification of the annual business tax mailing to provide notice of the new requirement.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF, AND PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LATONDA SIMMONS
City Clerk and Clerk of the Council of the City
of Oakland, California