

Location:	Citywide.
Item:	Proposed pilot program to allow a single recreational vehicle (RV) to be occupied on undeveloped properties in all zones that permit residential activities, with the exception of the S-9 Fire Safety Protection Combining Zone. The pilot program will be administered through the City Administrator's Office, involve the issuance of Temporary RV Occupancy Permits valid for one year, and include health and safety standards.
Applicant:	City of Oakland
Case File Number:	ZA20005
General Plan:	Citywide
Zoning:	Citywide
Environmental Determination:	The proposed amendments to the Planning and Municipal Codes are exempt from CEQA pursuant to CEQA Guidelines Sections 15301 (Existing Facilities), 15303 (New Construction or Conversion of Small Structures), 15304 (Minor Alterations of Land), 15311 (Accessory Structures), 15322 (In-Fill Development Projects), 15183 (projects consistent with General Plan and Zoning); and 15061(b)(3) (general rule, no significant effect on the environment).
Staff Recommendation:	Review, discuss and recommend approval to the City Council
For Further Information:	Contact case planner Ed Manasse at 510-238-7733 or emanasse@oaklandca.gov

SUMMARY

The city of Oakland is considering establishing a new pilot program administered through the City Administrator's office to allow no more than one recreational vehicle (RV) to be used for residential occupancy on private, undeveloped land in all zones of the City where residential activities are permitted by the Oakland Planning Code - with the exception of the S-9 Fire Safety Protection Combining Zone, which defines the areas within the "Very High Fire Hazard Severity Zone" that are also accessed via streets less than 20 feet wide or dead-end streets longer than 600 feet in length. In order for this proposed new pilot program to move forward, an amendment is required to the Oakland Planning Code that would exempt recreational vehicles on undeveloped property from all conflicting zoning regulations to the extent authorized by a Temporary RV Occupancy Permit issued under the proposed new City Administrator program.

BACKGROUND

On October 3, 2017, the City Council adopted Ordinance No.13456 C.M.S. declaring a shelter crisis in the City of Oakland ("City"); making findings that a significant number of persons are without the ability to obtain shelter, and that the situation has resulted in a threat to the health and safety of those persons. On October 1, 2019, the City Council renewed the declaration of a shelter crisis for an additional two years based on new data of an increasing shelter crisis.

The 2019 *Homeless Point-In-Time* counted approximately 4,071 individuals experiencing homelessness in the City of Oakland. Of which, 861 were sheltered, the remaining 3, 210 individuals were unsheltered.¹

To help meet the immediate need for housing to accommodate persons who have been displaced, and individuals experiencing homelessness, including living in recreational vehicles, the proposed addition of Chapter 5.72 to the Oakland Municipal Code (OMC) would establish a pilot program to allow no more than one Recreational Vehicle (RV) to be used for residential occupancy on private, undeveloped land in all zones of the City where residential activities are permitted by the Oakland Planning Code - with the exception of the S-9 Fire Safety Protection Combining Zone due to life safety issues related to emergency access. The pilot program will be administered through the City Administrator's Office and involve the issuance of Temporary RV Occupancy Permits valid for twelve (12) months year from the date of issuance. Temporary RV Occupancy Permits may be renewed annually upon submittal of a new application meeting all requirements of OMC Chapter 5.72 and any Administrative Guidelines to be published by the City Administrator's Office. A Temporary RV Occupancy Permit would be subject to state and local health and safety conditions providing for maintenance of the RV and the undeveloped property in a safe, unblighted condition, and require sufficient utility services to meet the needs of the recreational vehicle occupants.

Currently, recreational vehicles that accommodate residential uses are not permitted by the Oakland Zoning Code except in the S-6 Mobile Home Combining Zone and on designated property owned or leased by the City during a declared shelter crisis. The proposed amendment to Oakland Planning Code Section 17.07.060 would exempt recreational vehicles on undeveloped property from all conflicting zoning regulations to the extent authorized by a Temporary RV Occupancy Permit issued by the City Administrator's Office under this proposed new pilot program. No discretionary approvals from the Bureau of Planning would be required to obtain a Temporary RV Occupancy Permit if all requirements of Chapter 5.72 in the Oakland Municipal Code and any Administrative Guidelines are met. A Temporary RV Occupancy Permit would be temporary and revocable, and would not grant a permanent land use entitlement.

Together, the proposed amendments to the Oakland Planning and Municipal Codes will allow the City to more quickly and efficiently respond to the continued and increasing shelter crisis by providing a process for approving temporary residential occupancy of recreational vehicles on private property, subject to health and safety standards.

KEY ISSUES AND IMPACTS

The City of Oakland and Bay Area region has a deep and growing problem of the lack of affordable housing and a rising homelessness crisis. A 2018 report by the League of California Cities stated that California "does not have enough affordable housing stock to meet the demand of low-income households" and "the state's 2.2 million extremely and very low-income renter households compete for 664,000 affordable rental homes". In 2019, Alameda County's Homeless Persons Point-In-Time Count found a 47% increase in homelessness in the City of Oakland.

There is an immediate need for housing to accommodate persons who have been displaced, and individuals experiencing homelessness, including living in recreational vehicles due to the city of Oakland's shortage of affordable housing and/or below-market rate-housing. The proposed addition of Chapter 5.72 to the OMC will establish the circumstances under which persons displaced by the shortage of affordable housing, may move onto underdeveloped property with permitted recreational vehicles. The proposed amendment to Oakland Planning Code Section 17.07.060 is required to exempt recreational vehicles on undeveloped

¹ 2019, Alameda County, City of Oakland Homeless Count & Survey, Comprehensive Report, https://everyonehome.org/wp-content/uploads/2019/12/2019HIRDReport_Oakland_2019-Final.pdf

property from all conflicting zoning regulations to the extent authorized by a Temporary RV Occupancy Permit issued by the City Administrator's Office under this proposed pilot program.

An applicant for a Temporary RV Occupancy Permit would be required to show evidence that the RV and the property can meet certain safety and sanitary conditions. The permit holder would be required to provide electricity, water, garbage pick-up, and sewage disposal sufficient to meet the needs of the RV occupants, to the satisfaction of the City Administrator. The program would also require the RV and the undeveloped property to be maintained in a safe and unblighted condition, subject to the City's nuisance, noise, and blight ordinances. All separation requirements applicable to a single-family dwelling in the applicable zone would apply to the placement of the RV, and no accessory structures would be permitted. Occupancy of an RV would be on a thirty (30) day or longer basis, and could not be used as transient habitation. Enforcement would be through OMC Chapters 1.12 and 1.16.

These proposed amendments to the Oakland Planning and Municipal Codes are being considered by the City Council to allow the fastest transition of persons currently living in recreational vehicles on public streets to interim and long-term safe location on private undeveloped property. The proposed addition of Chapter 5.72 to the OMC will establish a pilot program administered through the City Administrator's Office to allow the issuance of Temporary RV Occupancy Permits.

LEGISLATIVE HISTORY

The City of Oakland consist of "nearly 112,000 parcels of land, which 4 percent, or 4,366 are deemed vacant. Two-thirds are vacant land zoned for four units or less."² In 2019, Measure W (Vacant Property Tax) Implementation Ordinance was passed to provide an incentive and nudge for property owners to develop underdeveloped (vacant lots) property to be utilized for residential or commercial-use as zoned. Underdeveloped property would be issued a Vacant Property Tax on parcels used less than 50 days per year, at annual rates of \$6,000 per parcel, \$3,000 for condominium units, and other specified rates. Pursuant to Oakland City Council Ordinance No. 13571, the city adopted ten (10) allowable exemptions and clarified how properties would be considered "in use" and thus not subject to the Vacant Property Tax.

One incentive for property owners of undeveloped land to participate in this proposed RV pilot program is that they will not have to pay a Vacant Property Tax, because a permitted and occupied RV on the property would be expressly considered "in use". An additional incentive for property owners to participate would be the opportunity to generate household revenue, similar to an Accessory Dwelling Unit (ADU).

ENVIRONMENTAL DETERMINATION

The proposed amendments to the Oakland Planning and Municipal Codes are exempt from CEQA pursuant to CEQA Guidelines Sections 15301 (Existing Facilities), 15303 (New Construction or Conversion of Small Structures), 15304 (Minor Alterations of Land), 15311 (Accessory Structures), 15322 (In Fill Development Projects), 15183 (projects consistent with General Plan and Zoning); and 15061(b)(3) (general rule, no significant effect on the environment).

² Steven Tavares, Oakland's Vacant Lot Tax Sowing Confusion. East Bay Express, October 2, 2019.
<https://www.eastbayexpress.com/oakland/oaklands-vacant-lot-tax-sowing-confusion/Content?oid=27680727>

STAFF RECOMMENDATION

For the reasons described in this report, staff recommends that the Planning Commission:

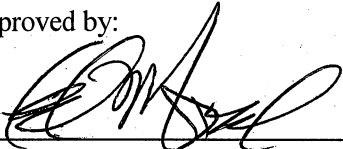
1. Affirm staff's environmental determination; and
2. Recommend that the City Council approve the proposed Planning Code amendments.

Prepared by:



Ed Manasse, Deputy Director of Planning
Department of Planning and Building

Approved by:



Ed Manasse, Deputy Planning Director
Department of Planning and Building

ATTACHMENTS:

- A. Proposed Planning Code Amendments

ATTACHMENT A:

PROPOSED AMENDMENTS TO THE PLANNING CODE

The following are the Planning Code amendments proposed by staff. Deletions are in ~~strike-out~~ and additions are underlined. Portions of code sections not cited or not shown in underline or ~~strikeout~~ are not changed.

Chapter 17.07 TITLE, PURPOSE AND SCOPE OF THE ZONING REGULATIONS

Sections:

17.07.060 Conformity with zoning regulations required.

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Except as otherwise allowed by Subsections A. and B below, Section 17.114.030 and by the Nonconforming Use regulations in Chapter 17.114, or as authorized under Section 17.138.015, the Development Agreement procedure in Chapter 17.138, or the Variance procedure in Chapter 17.148, no activities or facilities shall be established, substituted, expanded, constructed, altered, moved, maintained, or otherwise changed, and no lot lines shall be created or changed, except in conformity to the zoning regulations.

- A. Notwithstanding any contrary provisions in the zoning regulations or the Land Use and Transportation Element of the General Plan, for the duration of a state of emergency or local emergency (defined in California Government Code § 8558) or a shelter crisis (defined in Government Code §§ 8698.1 et seq.) declared by the City Council, Emergency Shelter Residential Activities, as defined in Section 17.10.118 of the Oakland Planning Code, and Emergency Housing and Emergency Housing Facilities, as defined in Section 15.04.3.2400 of the Oakland Building Code, shall be permitted by right with no discretionary approvals, including design review, on all properties owned or leased by the City that are designated by the City Administrator for use as temporary emergency housing sites. Facilities under this Subsection must meet the standards codified in Section 15.04.3.2400 of the Oakland Building Code, as may be amended. An informational report will be submitted to Planning Commission and City Council within ninety (90) days of the commencement of operation of each temporary emergency housing site authorized under this section. After the expiration of a declaration of a state of emergency, local emergency, or shelter crisis, all temporary uses permitted by this Section must be removed within ninety (90) days unless approved for continued use in conformity to the zoning regulations.
- B. For the duration of a valid Temporary Recreational Vehicle (RV) Occupancy Permit issued pursuant to the Recreational Vehicle on Undeveloped Property Pilot Program described in Oakland Municipal Code (OMC) Chapter 5.72, the applicable regulations or requirements in OMC Chapter 5.72 shall prevail over the regulations or requirements in the Oakland Planning Code (Title 17); and Recreational Vehicles, as defined by

Section 18010 of the California Health & Safety Code, that are occupied on private property pursuant to a valid Temporary RV Occupancy Permit shall be considered permitted Residential Facilities. Facilities subject to the Recreational Vehicle on Undeveloped Property Pilot Program must meet the standards codified in OMC Chapter 5.72, as may be amended. After the expiration of this Pilot Program in OMC Chapter 5.72, all permitted temporary uses must be removed no later than the termination of the Temporary RV Occupancy Permit issued prior to expiration of the Pilot Program, unless approved for continued use in conformity to the zoning regulations.