

  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

### ORDINANCE NO. 13611 C.M.S.

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**ORDINANCE ADDING OAKLAND MUNICIPAL CODE (OMC) CHAPTER 5.72 TO ESTABLISH A PILOT PROGRAM TO PERMIT OCCUPANCY OF A RECREATIONAL VEHICLE ON UNDEVELOPED PROPERTY; MAKING CONFORMING CHANGES TO THE OMC AND OAKLAND PLANNING CODE; AND MAKING CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS.**

**WHEREAS**, in 2019, the Alameda County *EveryOne Count, Homeless Point-In-Time* counted approximately 4,071 individuals experiencing homelessness in the City of Oakland (City), of which, 861 were sheltered and the remaining 3, 210 individuals were unsheltered; and

**WHEREAS**, in 2019, The City's Department of Homelessness conducted a point-in-time count and found 703 people living in recreational vehicles (RVs); and

**WHEREAS**, of the nearly 112,000 parcels in the City, four percent, or 4,366, are deemed vacant, and of these vacant parcels, two-thirds are zoned for four units or less under the Oakland Planning Code; and

**WHEREAS**, on October 3, 2017, the City Council adopted Ordinance No.13456 C.M.S. declaring a shelter crisis in the 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; and

**WHEREAS**, on June 4, 2019, the City Council adopted Ordinance No. 13537 C.M.S permitting RV parking for temporary emergency housing on designated property owned or leased by the City during a declared shelter crisis, but not on private property; and

**WHEREAS**, on October 1, 2019, the City Council adopted Ordinance No. 13564, renewing the declaration of a shelter crisis for an additional two years based on new data of an increasing shelter crisis; and

**WHEREAS**, the California Special Occupancy Parks Act, Health and Safety Code Sections 18860-18874, regulates all private properties containing two or more recreational vehicles, and supersedes all local regulations relating to such property; and

**WHEREAS**, the California Special Occupancy Parks Act does not apply to properties with only one recreational vehicle, except that Health and Safety Code Section 18871 provides that it is unlawful to permit for occupancy any recreational vehicle (a) that is supplied with fuel, gas, water, electricity, or sewage connections unless those connections conform to the regulations of the California Department of Housing and Community Development; (b) that is not in compliance with standards for the design and safety of recreational vehicles; or (c) that is in an unsafe, unsanitary, or structurally unsound condition that does not protect its occupants from the elements; and

**WHEREAS**, recreational vehicles that accommodate residential uses are currently not permitted within the City of Oakland except in the S-6 Mobile Home Combining Zone or on designated City sites during a declared shelter crisis; and

**WHEREAS**, the proposed addition of Chapter 5.72 of the OMC would establish a pilot program to allow no more than one recreational vehicle 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 (the RV Pilot Program); and

**WHEREAS**, such RV Pilot Program would be administered through a new permit program (Temporary RV Occupancy Permit) by the Special Activity Permits Division in the City Administrator's Office; and

**WHEREAS**, the City Council is also considering the adoption of an Ordinance to amend the Master Fee Schedule, adopted on June 16, 2020 by Ordinance No. 13599, to add a new fee for the administration of the RV Pilot Program; and

**WHEREAS**, a Temporary RV Occupancy Permit would include health and safety conditions requiring maintenance of the RV and the undeveloped property in a safe, unblighted condition, and requiring sufficient utility services to meet the needs of the recreational vehicle occupants; 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 the neighboring residents of the undeveloped land subject to the RV Pilot Program; and

**WHEREAS**, the RV Pilot Program would limit residential occupancies in the portions of the "Very High Fire Hazard Severity Zone" that are accessed via streets less than 20 feet wide or dead-end streets longer than 600 feet in length due to life safety issues related to emergency access. These emergency access standards are consistent with minimum requirements in the Oakland Municipal Code for Fire Apparatus Access Roads (Chapter 15.12), and for blind streets (Section 16.16.025); and

**WHEREAS**, the proposed amendments to OMC Chapters 1.08, 1.12 and 1.16 add the RV Pilot Program to the list of OMC sections that may be enforced through those chapters; and

**WHEREAS**, the proposed amendment to OMC Section 8.24.020 clarifies that recreational vehicles authorized by a Temporary RV Occupancy Permit are not considered blighted property; and

**WHEREAS**, the proposed amendment to Oakland Planning Code section 17.07.060 exempts recreational vehicles on undeveloped property to the extent authorized by a Temporary RV Occupancy Permit; and

**WHEREAS**, the proposed amendments together 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; and

**WHEREAS**, on July 15, 2020, the City Planning Commission conducted a public hearing to consider the proposed amendment to the Oakland Planning Code to allow for the RV Pilot Program; and

**WHEREAS**, the Planning Commission voted to recommend approval of the proposed amendment to the Planning Code, but had a number of concerns related to implementation of the RV Pilot Program as described in the Agenda Report accompanying this Ordinance; and

**WHEREAS**, each as a separate and independent basis, this action is exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15061(b)(3) (General Rule), 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 a Community Plan, General Plan, or Zoning), and no exceptions to the categorical exemptions apply;

**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. CEQA.** The City Council hereby determines, after independent review of the record, that the adoption of this Ordinance complies with the requirements of CEQA.

**SECTION 3. Recreational Vehicle on Undeveloped Property Pilot Program.** Chapter 15.72 of the Oakland Municipal Code is hereby added pursuant to *Exhibit A* attached hereto, incorporated into and made a part hereof.

**SECTION 4. Conforming Amendments to Oakland Municipal Code.** Titles 1 and 8 of the Oakland Municipal Code are hereby amended pursuant to *Exhibit B* attached hereto, incorporated into, and made a part hereof. Additions to the Oakland Municipal Code are shown as underline and omissions are shown as ~~strikethrough~~.

**SECTION 5. Amendment to the Oakland Planning Code.** Oakland Planning Code section 17.07.060.B is hereby added pursuant to *Exhibit C* attached hereto, incorporated into and made a part hereof.

**SECTION 6. NOE.** The City Administrator, or designee, shall cause to be filed a Notice of Exemption with the appropriate agencies.

**SECTION 7. Public Interest.** This Ordinance serves the public interest and is necessary to protect the health, safety and/or general welfare of the citizens of Oakland, and is enacted pursuant to the City of Oakland's general police powers, Section 106 of the Charter of the City of Oakland, and Article XI, Sections 5 and 7 of the California Constitution, and California Government Code Sections 8698.1 *et seq.*

**SECTION 8. 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 9. 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 10. 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.

IN COUNCIL, OAKLAND, CALIFORNIA,

**JUL 28 2020**

PASSED BY THE FOLLOWING VOTE:

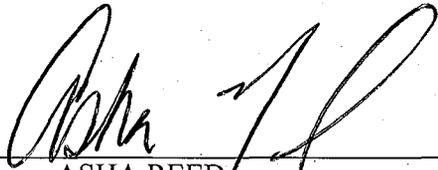
AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID,  
TAYLOR, THAO AND PRESIDENT KAPLAN - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:

  
ASHA REED

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

Date of Attestation: July 28, 2020

**Introduction Date**

**JUL 21 2020**

## Exhibit A

### ADDITION OF CHAPTER 15.72 TO THE OAKLAND MUNICIPAL CODE

#### **Chapter 5.72 - Recreational Vehicle on Undeveloped Property Pilot Program**

##### **5.72.010 – Title and Purpose.**

This Chapter shall be known as the Recreational Vehicle on Undeveloped Property Pilot Program Regulations, and establishes a pilot program to allow recreational vehicles to be parked and occupied on private, undeveloped property where residential activities are permitted within the City of Oakland under the Oakland Planning Code.

##### **5.72.020 – Definitions.**

When used in this Chapter, the following terms shall have the definitions provided herein, whether or not such terms are capitalized.

“Administrative Guidelines” means the document prepared by the City Administrator or his/her designee, used to administer the Recreational Vehicle on Undeveloped Property Pilot Program.

“Applicant” means the owner of undeveloped property who seeks a Temporary RV Occupancy Permit from the City of Oakland.

“Occupy” means to use as a place of residence and includes permitting another person or persons to use as a place of residence.

“OMC” means the City of Oakland Municipal Code.

“Recreational vehicle” or “RV” shall be as defined by Section 18010 of the California Health & Safety Code.

“Residential activities” shall have the same meaning as in Chapter 17.10 of the Oakland Planning Code.

“Temporary RV Occupancy Permit” is the City of Oakland’s annual or temporary permit required to store, maintain, occupy, or permit to occupy a recreational vehicle on a private, undeveloped property within the Oakland city limits. Only one (1) recreational vehicle shall be permitted per permit and per parcel.

“Undeveloped property” means a contiguous unit of real property, under one ownership and consisting of any number of legal parcels, upon which no permanent improvements have been constructed or placed, notwithstanding any adjacent developed parcel(s) under the same ownership.

**5.72.030 – Administrative Guidelines.**

The City Administrator or his/her designee is hereby authorized to adopt rules and regulations consistent with this Chapter as needed to implement this Chapter, subject to the review and approval of the Office of the City Attorney, and to develop all related forms and/or other materials and take other steps as needed to implement this Chapter, and make such interpretations of this Chapter as he or she may consider necessary to achieve the purposes of this Chapter.

**5.72.040 – Permit required.**

A. Except as may be allowed within a lawfully permitted mobile home park, it shall be unlawful for any individual, group, or legal entity to occupy, or permit to occupy a recreational vehicle on private property in the City of Oakland without first obtaining a Temporary RV Occupancy Permit as specified in this Chapter. Permitting occupancy of a recreational vehicle on private property without such a valid form of city permission is a public nuisance, as defined in this Code.

B. Any individual, group, or legal entity owning undeveloped property and desiring to occupy or permit to occupy a recreational vehicle on such undeveloped property shall first file an application with the City Administrator pursuant to the procedures established in this Chapter and/or in the Administrative Guidelines to this Chapter.

C. No discretionary approvals from the Bureau of Planning shall be required to obtain a Temporary RV Occupancy Permit if all requirements of this Chapter and any Administrative Guidelines are met.

D. Application for a Temporary RV Occupancy Permit shall be made by the applicant, or his or her authorized agent, on a form provided by the City Administrator, and shall contain all information reasonably required by the City Administrator to determine compliance with this Chapter.

**5.72.050 – Conflicting provisions.**

Where a conflict exists between the regulations or requirements in this Chapter and applicable regulations or requirements contained in other Chapters and Titles of the OMC, including but not limited to the Oakland Planning Code (Title 17), the applicable regulations or requirements in this Chapter shall prevail. Recreational vehicles occupied on private property pursuant to a valid Temporary RV Occupancy Permit shall be considered permitted facilities.

**5.72.060 – Permitted area and location of recreational vehicles.**

Temporary RV Occupancy Permits shall be subject to the following location requirements:

A. Occupancy of a recreational vehicle shall only be permitted on vacant property that is located within a zoning district that permits residential activities; provided however, that no

Temporary RV Occupancy Permit shall be granted on property located within the S-9 Fire Safety Protection Combining Zone defined in Chapter 17.88 of the Oakland Planning Code.

B. No more than one (1) recreational vehicle may be occupied per undeveloped property.

C. All site development standards and separation requirements set forth in the Oakland Planning Code applicable to single-family dwellings in the applicable zoning district shall apply to the placement of the recreational vehicle. No ancillary structures may be permitted.

**5.72.070 – Health and safety standards.**

A. Appearance and condition of the recreational vehicle.

1. A recreational vehicle used for temporary occupancy shall be structurally sound and protect its occupants against the elements.

2. The recreational vehicle shall be set up in compliance with the manufacturer's minimum specifications including compliance with the American National Standards Institute and National Fire Protection Association standards.

3. A current Department of Motor Vehicle registration and operating permit shall be required and maintained on the recreational vehicle at all times.

B. Utilities.

1. The applicant shall certify and provide evidence of sufficient water supply and sewage disposal to serve the water and sanitation needs of the occupants of the recreational vehicle. Such service may be evidenced by contracts for regular water delivery and sanitation services, existing sewer and water supply to the undeveloped property, new utility connections, or other means described in the Administrative Guidelines.

2. The applicant shall certify and provide evidence of sufficient electrical capacity provided to the recreational vehicle. Solar power shall be preferred, and fuel-powered generators may not qualify as a source of electricity.

3. If the applicant will provide new water, sewage drain, electrical, fuel supply or other utility connection to the undeveloped property or the recreational vehicle as means of compliance with this section, such connection and installation shall conform to State and local regulations and require such permits and inspections as described in OMC Title 15.

C. Refuse, trash, and debris maintenance.

1. The undeveloped property and the immediate area of the recreational vehicle shall be maintained in a safe and clean manner at all times, and in compliance with OMC Chapter 8.24.

2. An occupant of a recreational vehicle shall not throw, deposit, discharge, leave, or permit to be thrown, deposited, discharged, or left, any oil, grease, refuse, garbage, or other discarded or abandoned objects, articles, and accumulations, in or upon any street, alley, sidewalk, gutter, storm drain, inlet, catch basin, conduit or other drainage structure, or upon any public or private parcel of land in the City.

3. The applicant shall certify and provide evidence of regular refuse collection service available to the occupant of the recreational vehicle during the term of the Temporary RV Occupancy Permit.

D. Noise and odors.

1. Noise and odor levels shall not exceed the City's performance standards as prescribed by Oakland Planning Code Chapter 17.120.

2. Noise and odors shall be contained within undeveloped property and within the immediate area of the recreational vehicle.

E. Fire Safety.

1. Undeveloped property that is located within a mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or land covered with flammable material, shall comply with the vegetation clearance requirements of California Public Resources Code 4291.

2. Liquid propane gas storage and delivery system shall be maintained in accordance with the manufacturer's requirements.

3. Heating systems shall be maintained in accordance with the manufacturer's requirements.

4. Every sleeping area and the hallway providing access to the sleeping area shall be provided with operable smoke detectors. If an internal combustion generator powers the recreational vehicle, and such generator is incorporated into or within 10 feet of the recreational vehicle, a minimum of one carbon monoxide monitor/alarm shall be required.

**5.72.080 – Occupancy of recreational vehicle and rent.**

A. Occupancy of a recreational vehicle permitted by a Temporary RV Occupancy Permit shall be on a thirty (30) days or longer basis only and shall not be used as Transient Habitation Commercial Activities as defined in the Oakland Planning Code.

B. The holder of a Temporary RV Occupancy Permit may rent the undeveloped land on which a recreational vehicle will be permitted, but shall not rent a recreational vehicle as a dwelling unit.

**5.72.090 – Decisions regarding the approval or denial of a Temporary RV Occupancy Permit.**

A. An application for a Temporary RV Occupancy Permit shall be granted ministerial approval when it complies with all applicable zoning regulations for the zone in which the undeveloped property is located and all requirements of this Chapter and any Administrative Guidelines.

B. The City Administrator is authorized to require inspection of the undeveloped property or a recreational vehicle prior to approval of a Temporary RV Occupancy Permit if compliance

with this Chapter and Administrative Guidelines cannot be determined by the information provided in the application.

C. Decisions regarding a Temporary RV Occupancy Permit application shall be effective immediately and are not appealable.

**5.72.100 – Temporary RV Occupancy Permit not a land use entitlement.**

A. No City action related to issuance and/or renewal of a Temporary RV Occupancy Permit shall be interpreted to confer any form of permanent land use entitlement to the person, group, entity, or property associated with such permit.

B. A Temporary RV Occupancy Permit cannot be transferred or conveyed from the permit applicant, or otherwise assigned to another person or entity without written permission from the City Administrator or his or her designee.

C. No recreational vehicle shall become a permanent fixture and shall not be considered an improvement to real property.

**5.72.110 – Temporary RV Occupancy Permit expiration and renewal.**

Each Temporary RV Occupancy Permit shall be valid for twelve (12) months from the date of issuance and may be renewed only upon submittal of a new application meeting all requirements of this Chapter and Administrative Guidelines.

**5.72.120 – Determination of vacancy.**

Undeveloped property that contains an occupied recreational vehicle permitted by a valid Temporary RV Occupancy Permit shall be considered in use for the purposes of determining whether a property is vacant under OMC Section 4.56.020.

**5.72.130 – Liability and indemnification.**

A. To the fullest extent permitted by law, any actions taken by a public officer or employee under the provisions of this Chapter shall not become a personal liability of any public officer or employee of the City.

B. To the maximum extent permitted by law, the holder of a Temporary RV Occupancy Permit under this Chapter shall defend (with counsel acceptable to the City), indemnify and hold harmless the City of Oakland, the Oakland City Council, the Oakland City Planning Commission, and their respective officials, officers, employees, representatives, agents and volunteers (hereafter collectively called "City") from any liability, damages, actions, claims, demands, litigation, loss (direct or indirect), causes of action, proceedings or judgment (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul, any food vending- related approvals and actions or implementation of such approvals and

actions, including conditions of approval, if any. The City may elect, in its sole discretion, to participate in the defense of said Action and the permit holder shall reimburse the City for its reasonable legal costs and attorneys' fees.

C. Within ten (10) calendar days of the service of the pleadings upon the City of any Action as specified in Subsection B above, the permit holder shall execute a Letter of Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Letter of Agreement shall survive termination, extinguishment or invalidation of the food vending-related approval. Failure to timely execute the Letter of Agreement does not relieve the permit holder of any of the obligations contained in this Section or any other requirements or performance or operating standards that may be imposed by the City.

#### **5.72.140 – Enforcement.**

The City Administrator or his/her designee shall be responsible for enforcing this Chapter. Upon request of a City of Oakland code enforcement officer investigating any complaint, satisfactory evidence shall be presented of continuing compliance with the applicable standards of this Chapter. If periodic inspections are necessary to monitor compliance, inspection fees per the Master Fee Schedule shall be assessed against the responsible party.

#### **5.72.150 – Violation.**

Failure to comply with any of the provisions of this Chapter is declared to be prima facie evidence of an existing violation, a continuing blight and a declared public nuisance and may be abated by the City Administrator or his/her designee, in accordance with the provisions of this Chapter.

#### **5.72.160 – Revocation of Temporary RV Occupancy Permits.**

The City of Oakland reserves the right to revoke any Temporary RV Occupancy Permit at any time if it is found that the approved activity is violating any of the provisions of the OMC or causing a public nuisance, in accordance with OMC Chapter 1.16. Revocation shall be immediately effective upon written notice of the revocation by the City Administrator or his/her designee.

#### **5.72.170 – Abatement.**

A. Failure to permanently remove a recreational vehicle and failure to cease occupation of a recreational vehicle after the termination, revocation, expiration, or suspension of any permit issued pursuant to this Chapter shall constitute a public nuisance, and shall be subject to enforcement and abatement procedures set forth in Chapter 1.16 of this Code.

B. When the City Administrator or his/her designee determines that a property or recreational vehicle has been used as an instrument for, or has contributed substantially to a

violation of this Chapter, the City Administrator or his/her designee may deem the violation a public nuisance and issue a notice to abate the nuisance, and direct the responsible party to:

1. Comply with the notice to abate;
2. Comply with a time schedule for compliance; and
3. Take appropriate remedial or preventive action to prevent the violation from recurring.

C. Any person violating or failing to comply with any of the provisions of this Chapter shall be subject to the abatement procedure set forth in Title 1 of the OMC.

**5.72.180 – Penalties for violation.**

A. Any person violating or failing to comply with any of the provisions of this Chapter shall be guilty of an infraction.

B. Any violation of this Chapter may be charged as a civil penalty or administrative citation as provided for in Chapters 1.08 and 1.12 of the OMC. Enforcement action specifically authorized by this Section may be utilized in conjunction with, or in addition to, any other statutory, code, administrative or regulatory procedure applicable to this Chapter. In addition, nothing in this Section shall be interpreted to preclude or limit the City from seeking injunctive or other judicial relief.

**5.72.190 – Sunset.**

Unless extended by the City Council, this Chapter shall expire three (3) years from final adoption. Temporary RV Occupancy Permits issued prior to expiration of this Chapter shall remain in effect until the expiration or termination of such permit but shall not be renewed.

## EXHIBIT B

### MUNICIPAL CODE TEXT AMENDMENTS

Chapters 1.08, 1.12, 1.16 and 8.24 of the Oakland Municipal Code are amended to add, delete, or modify sections as set forth below. Deletions to the Municipal Code text are in ~~strikeout~~ and additions are underlined. Portions of code sections not cited or not shown in underline or ~~strikeout~~ are not changed.

#### **Section 1.08.020.A – Scope.**

A. This Chapter authorizes the administrative assessment of civil penalties to effect abatement of:

1. Any violations of provisions of the following Oakland Municipal Codes: Oakland Building Code (O.M.C. Chapter 15.04), the Oakland Housing Code (O.M.C. Chapter 15.08), Uniform Fire Code (O.M.C. Chapter 15.12), Fire Damaged Area Protection and Improvement Code (O.M.C. Chapter 15.16), Mandatory Seismic Evaluation and Retrofit of Certain Multi-Unit Residential Buildings (O.M.C. Chapter 15.27), Bedroom Window Security Bar and Smoke Detector Permit Code (O.M.C. Chapter 15.64), Oakland Planning Code (O.M.C. Title 17), Transient Occupancy Tax Code (O.M.C. Chapter 4.24), Hotel Rates and Register Code (O.M.C. Chapter 5.34), Recreational Vehicle on Undeveloped Property (OMC Chapter 5.72), Animal Code (O.M.C. Title 6), Health and Safety Code (O.M.C. Title 8), Public Peace, Morals and Welfare Code (O.M.C. Title 9), Vehicles and Traffic Code (O.M.C. Title 10), Streets, Sidewalks and Public Places Code (O.M.C. Title 12), Creek Protection, Storm Water Management and Discharge Control Code (O.M.C. Chapter 13.16) and the Oakland Sign Code (O.M.C. Chapter 14); or

2. The occurrence of anything which is injurious to health, including, but not limited to, the illegal sale of controlled substances, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin, or any public park, square, street, or highway, which affects-at-the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal; or

#### **Section 1.12.020.A – Scope.**

A. This chapter authorizes the administrative assessment of citations to effect abatement of:

1. Any violations of the following provisions of the Oakland Municipal Code: the Oakland Building Code (CIVIC Chapter 15.04), the Oakland Housing Code (OMC Chapter 15.08), Uniform Fire Code (CIVIC Chapter 15.12), Fire Damaged Area Protection and Improvement Code (CIVIC Chapter 15.16) Bedroom Window Security Bar and Smoke Detector Permit Code (CIVIC Chapter 15.64), Oakland Planning Code (CIVIC Title 17), Oakland Sign Code (OMC Chapter 146), Transient Occupancy Tax Code (OMC Chapter 4.24), Unattended Donation/Collection Boxes (OMC Chapter 5.19), Hotel Rates and Register Code (CIVIC Chapter 5.34), Food Vending Program (OMC Chapter 5.51), Recreational Vehicle on

Undeveloped Property (OMC Chapter 5.72), Animal Code (OMC Title 6), Health & Safety Code (OMC Title 8), Public Peace, Morals and Welfare Code (OMC Title 9), Vehicles and Traffic Code (OMC Title 10), Streets, Sidewalks and Public Places Code (OMC Title 12) and Creek Protection, Storm Water Management and Discharge Control Code (OMC Chapter 13.16); or

2. The occurrence of anything which is injurious to health, including, but not limited to, the illegal sale of controlled substances, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin, or any public park, square, street, or highway, which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal; or

3. The occurrence of any public nuisance as known at common law or in equity jurisprudence.

4. The violation of any state or federal law or regulations under which such violation is deemed a public nuisance.

#### **Section 1.16.020.A – Scope.**

A. This chapter permits the administrative limitation of the use of property by authorizing the recordation of notices of violation and by authorizing the revocation, suspension, and/or withholding of permits as appropriate to effect abatement of:

1. Any violations of the Oakland Building Code (OMC Chapter 15.04), Oakland Housing Code (OMC Chapter 15.08), Uniform Fire Code (OMC Chapter 15.12), Fire Damaged Area Protection and Improvement Code (OMC Chapter 15.16) Bedroom Window Security Bar and Smoke Detector Permit Code (OMC Chapter 15.64), the Oakland Planning Code (OMC Title 17), Transient Occupancy Tax Code (OMC Chapter 4.24), Hotel Rates and Register Code (OMC Chapter 5.34), Food Vending Program (OMC Chapter 5.51), Recreational Vehicle on Undeveloped Property (OMC Chapter 5.72), Animal Code (OMC Title 6), Health and Safety Code (OMC Title 8), Public Peace, Morals and Welfare Code (OMC Title 9), Vehicles and Traffic Code (OMC Title 10), Streets, Sidewalks and Public Places Code (OMC Title 12), Creek Protection, Storm Water Management and Discharge Control Code (OMC Chapter 13.16) and Oakland Sign Code (OMC Chapter 14; or

2. The occurrence of anything which is injurious to health, including, but not limited to, the illegal sale of controlled substances, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin, or any public park, square, street, or highway, which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal; or

3. The occurrence of any public nuisance as known at common law or in equity jurisprudence.

4. The violation of any state or federal law or regulations under which such violation is deemed a public nuisance.

**Section 8.24.020.F – Blighted property defined.**

**F. Parking, Storage or Maintenance of the Following in Areas Zoned for Residential Use.**

1. Any construction or commercial equipment, machinery, material, truck or tractor or trailer or other vehicle having a weight exceeding seven thousand (7,000) pounds, or recyclable materials, as defined in this Chapter, except that such items may be temporarily kept within or upon residential property for the time required for the construction or installation of improvements or facilities on the property,
2. Except where lawfully permitted by provisions of the Oakland Municipal Code, trailers, campers, recreational vehicles, boats, and other mobile equipment for a period of time in excess of seventy-two (72) consecutive hours in front or side yard areas.
  - a. Any parking, keeping or storing of these items in the side or rear yard areas shall be either in an accessory building constructed in accordance with the provisions of this code or in an area which provides for a five-foot setback from any property line.
  - b. In addition to the setback requirement, fifteen hundred (1,500) square feet or at least sixty (60) percent of the remaining rear yard area, whichever is less, must be maintained as usable outdoor recreational space.
  - c. No item shall be parked, stored or kept within five feet of any required exit, including existing windows,
3. Any motor vehicle which has been wrecked, dismantled or disassembled, or any part thereof, or any motor vehicle which is disabled or which may not be operated because of the need for repairs or for any other reason for a period of time in excess of seventy-two (72) consecutive hours,
4. Any refrigerator, washing machine, sink, stove, heater, boiler, tank or any other household equipment, machinery, furniture, or other than furniture designed and used for outdoor activities, appliance or appliances, or any parts of any of the listed items for a period of time in excess of seventy-two (72) consecutive hours.

This subsection does not prohibit the following:

- a. Machinery installed in the rear setback areas for household or recreational use,
  - b. Furniture designed and used for outdoor activities,
  - c. Any item stored or kept within an enclosed storage structure or unit. For the purpose of this subsection, a storage unit is a prefabricated enclosure which is not required to have a building permit and is not permanently affixed to the ground, but which is not on wheels or mobile,
5. Storing or keeping packing boxes, lumber, dirt and other debris, except as allowed by this code for the purpose of construction, in any setback areas visible from

public property or neighboring properties for a period of time in excess of seventy-two (72) consecutive hours;

6. No item covered by this section shall be parked, stored, or kept between the front lot line and the front wall of the facility, including the projection of the front wall across the residential property lot line, except where such item is located in an approved driveway or approved parking space.

## Exhibit C

### PLANNING CODE TEXT AMENDMENTS

Section 17.07.060 of the Oakland Municipal Code is amended to add, delete, or modify sections as set forth below. Deletions to the text are in ~~strikeout~~ and additions are underlined. Portions of code sections not cited or not shown in underline or strikeout are not changed.

17.07.060 - Conformity with zoning regulations required.

Except as otherwise allowed by Subsections A. and B. below, by 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.

## NOTICE AND DIGEST

### **ORDINANCE ADDING OAKLAND MUNICIPAL CODE (OMC) CHAPTER 5.72 TO ESTABLISH A PILOT PROGRAM TO PERMIT OCCUPANCY OF A RECREATIONAL VEHICLE ON UNDEVELOPED PROPERTY; MAKING CONFORMING CHANGES TO THE OMC AND OAKLAND PLANNING CODE; AND MAKING CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS.**

This Ordinance would amend the Oakland Municipal Code (OMC) by adding OMC Chapter 5.72 to establish a pilot program whereby owners of undeveloped property in the City of Oakland could apply for a Temporary RV Occupancy Permit from the City Administrator to allow occupancy of a single recreational vehicle (RV) on the undeveloped property. Properties with occupied recreational vehicles allowed by a Temporary RV Occupancy Permit would not be subject to the vacant property tax under OMC Chapter 4.56. The Ordinance would also make conforming changes to OMC Chapters 1.08, 1.12 and 1.16 to add the pilot program to the enforcement provisions of the OMC. Finally, the Ordinance would amend Title 17, the Oakland Planning Code to exempt RVs from the provisions of the Planning Code where authorized by a Temporary RV Occupancy Permit. On July 15, 2020, the Planning Commission recommended the adoption of the Planning Code amendment and relayed questions for the City Council to consider, as described in the Agenda materials.