

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

ORDINANCE AMENDING SECTION 5.72.190 OF THE OAKLAND MUNICIPAL CODE (OMC) TO TERMINATE THE RECREATIONAL VEHICLE (RV) ON UNDEVELOPED PROPERTY PILOT PROGRAM ON DECEMBER 31, 2021; AND MAKING CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

WHEREAS, in 2018, the City Council adopted Resolution No. 87129 C.M.S. to encourage development of expanded housing options such as tiny homes, shipping container homes, manufactured housing, recreational vehicles, and trailers; and

WHEREAS, the Special Occupancy Parks Act (Health and Safety Code sections 18860 *et seq.*) and the implementing regulations (Title 25 of the California Code of Regulations, sections 2000 *et seq.*) governs the design, permitting, utility installation, and occupancy of recreational vehicle (RV) parks, defined as lots containing more than one RV that will be held out for rent or lease, but lots containing only one RV, or multiple RVs when no rent is charged, are not subject to such State laws; and

WHEREAS, on July 28, 2020, the City Council adopted Ordinance No. 13611 C.M.S., which created a pilot program to allow one (1) RV on vacant land, subject to specific health and safety standards and a one-year operating permit (RV Pilot Program); and

WHEREAS, the RV Pilot Program was intended to be a temporary, short-term program that would terminate after three years unless extended by the City Council; and

WHEREAS, the limitations of the RV Pilot Program have resulted in only three permits issued under the program; and

WHEREAS, concurrently with this Ordinance, the City Council is considering amendments to the Oakland Planning Code creating a new facility type, Vehicular Residential Facilities, that would allow RVs to be used for permanent residential occupancy in all zones where residential uses are permitted (Proposed Amendments); and

WHEREAS, the Proposed Amendments would create a new chapter in the Planning Code to govern the density, separation, occupancy, utility connections, fire safety, health and

habitability standards, and parking requirements applicable to Vehicular Residential Facilities; and

WHEREAS, the development of the Proposed Amendments was informed by the results of the RV Pilot Program; the Proposed Amendments are considered permanent regulations that are more comprehensive than the RV Pilot Program; and the Proposed Amendments are intended to replace the RV Pilot Program; and

WHEREAS, the RV Pilot Program is no longer necessary once the Proposed Amendments are adopted; and

WHEREAS, on September 28, 2021, the Community and Economic Development Committee of the City Council conducted a duly noticed public meeting and voted to recommend approval of this OMC amendment terminating the RV Pilot Program, along with the Proposed Amendments considered concurrently with this Ordinance; and

WHEREAS, on [date of hearing], the City Council conducted a duly noticed public hearing to consider the proposed termination of the RV Pilot Program, and all interested parties were provided ample opportunity to participate in said hearing and express their views; 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);

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

SECTION 1. Recitals. The City Council finds and determines that the foregoing recitals are 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 the Ordinance complies with the requirements of CEQA.

SECTION 3. Amendments to Oakland Municipal Code. Section 5.72.190 of the Oakland Municipal Code shall be amended as set forth below. Deletions from the OMC are shown in ~~strike through~~ and additions are shown in double underline.

5.72.190 - Sunset.

~~Unless extended by the City Council, this Chapter shall expire three (3) years from final adoption. On December 31, 2021, this Chapter shall terminate and Temporary RV Occupancy Permits shall no longer be issued after this date.~~ 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.

SECTION 4. 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. However, the termination of the RV Pilot Program shall take effect on the date provided in OMC Section 5.72.190, as amended.

SECTION 5. 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.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES – FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS

NOES –
ABSENT –
ABSTENTION –

ATTEST: _____
ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California

Date of Attestation: _____

NOTICE AND DIGEST

ORDINANCE AMENDING SECTION 5.72.190 OF THE OAKLAND MUNICIPAL CODE (OMC) TO TERMINATE THE RECREATIONAL VEHICLE (RV) ON UNDEVELOPED PROPERTY PILOT PROGRAM ON DECEMBER 31, 2021; AND MAKING CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

This Ordinance would amend the Oakland Municipal Code (OMC) to terminate the Recreational Vehicle (RV) on Undeveloped Land Pilot Program contained in OMC Chapter 5.72 on December 31, 2021. This Ordinance makes findings under the California Environmental Quality Act.