



# AGENDA REPORT

## **RECOMMENDATION**

**TO CONDUCT A PUBLIC HEARING, AND UPON CONCLUSION, ADOPT THE FOLLOWING PIECES OF LEGISLATION:**

**(1) AN 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;**

**(2) AN 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.**

## **EXECUTIVE SUMMARY**

The City of Oakland has a deep, growing and undeniable problem due to the rising homelessness crisis. The *2019 EveryOne Count, Homeless Point-In-Time* counted approximately 4,071 individuals experiencing homeless in the City of Oakland. Of which, 861 were sheltered, the remaining 3,210 were unsheltered.<sup>1</sup> In 2019, Alameda County's Homeless Persons Point-In-Time Count found a 47% increase in homelessness in the City of Oakland.

Due to people losing their housing, there was an accompanying rise in people living in recreational vehicles (RVs) parked on Oakland streets. Unfortunately, these RVs did not have access to necessary sanitation or sewage, so they became a blight in our community while the people living in the RVs were living in unsafe and unsanitary conditions. At the same time, as the Turner Center's 2018 study made clear, there are thousands of vacant residential lots in Oakland.<sup>2</sup> These vacant lots sit unused and easily fall into blighted conditions.

The policy proposed by these amendments is a win for all involved. As proposed, there will be a regulated allowance for one RV on an undeveloped residential lot with conditions to protect health and safety of the RV occupants and of the neighbors of these RVs.

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<sup>1</sup> 2019, Alameda County, City of Oakland Homeless Count & Survey, Comprehensive Report, [https://everyonehome.org/wp-content/uploads/2019/12/2019HIRDReport\\_Oakland\\_2019-Final.pdf](https://everyonehome.org/wp-content/uploads/2019/12/2019HIRDReport_Oakland_2019-Final.pdf)  
<sup>2</sup>2018, /Turner Center for Housing Innovation, Mapping Oakland's Vacant Parcels <https://turnercenter.berkeley.edu/blog/vacant-parcels-tax-oakland>

## **BACKGROUND / LEGISLATIVE HISTORY**

The City Council declared in Resolution No. 87111 C.M.S. a local emergency due to the existence of the city's homelessness crisis. on January 5, 2016, October 6, 2017, and October 1, 2019, the Oakland City Council adopted Ordinances (No. 13348, No. 13456, and No. 13564 respectively), that declared a shelter crisis due to a "significant number of persons...without the ability to obtain shelter, resulting in a threat to their health and safety."

The California Special Occupancy Parks Act (Health & Safety Code section \_\_\_\_ *et seq.*) requires all properties containing more than one RV to comply with specific rent, safety, and State registration requirements. However, the State law requirements applying to properties with only one RV are more limited – single RVs must be safe and structurally sound, and must protect the occupants from the elements. This pilot program would permit only one recreational vehicle per property, defined as a contiguous unit of real property under one ownership.

Recreational vehicles are currently not permitted for residential occupancy in the City of Oakland Code except in mobile home parks and on designated property owned or leased by the City during a declared shelter crisis. On July 15, 2020, the Planning Commission held a public hearing to consider amendments to the Oakland Planning Code to exempt recreational vehicles from this prohibition if authorized by a Temporary RV Occupancy Permit established by this Ordinance. The Planning Commission discussed that the pilot program is a step toward a possible solution to the housing crisis but that implementation could cause consequences and conflicts between property owners and RV occupants. The Planning Commission voted to recommend adoption of the Planning Code amendment, subject to the following concerns for the City Council to consider:

1. Consider the respective rights and obligations of the RV occupants and land owners.
2. The rights of RV occupants should be included in the application form.
3. Consider moving the program to the Planning Code if extended beyond the pilot program.
4. Requirements could be onerous on the applicant as well as the occupant.
5. Consider how to determine if nuisance complaints are the responsibility of the owner or the occupant.
6. Consider potential squatters rights if more than one RV found on the property.

## **POLICY ANALYSIS**

This action would adopt an Ordinance amending the Oakland Municipal Code (OMC) to add Chapter 5.72 to establish a pilot program to allow no more than one recreational vehicle to be used for residential occupancy on vacant, residential lots. This program is best for the lot owners and the unsheltered living in recreational vehicles. This ordinance will provide a safe location for individuals residing in recreational vehicles to park and shelter, while clearing and relieving city streets from the congestion of bulky recreational vehicles.

The pilot program would be administered through the City Administrator's Office and would involve the issuance of Temporary RV Occupancy Permits by the City Administrator's Office. 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 the property owner to provide sufficient utility services to meet the needs of the recreational vehicle occupants. The Ordinance would authorize Administrative Guidelines implementing the program, including the application requirements and specific utilities

The action also would adopt an Ordinance amending the Master Fee Schedule, which was adopted on June 16, 2020 in Ordinance 13599, to add a permit fee of \$150 per application and an annual fee of \$500 to cover some, but not all, of the costs associated with administering the pilot program. The analysis from the City Administrator's Office justifying the amounts of the new fees is attached to this report as *Attachment A*.

### **FISCAL IMPACT**

The fiscal impact of the "recreational vehicles on undeveloped property" pilot program would result in net losses for the City due to loss of vacant property tax and administrative costs of the program but would achieve several policy goals. The City would forego up to \$6,000 per parcel in vacant property taxes currently applied to each undeveloped property, although the total amount depends on the number of property owners that make use of this pilot program. The intent of the vacant property tax was to encourage undeveloped properties to be put to productive use, so the pilot program is within the spirit of the vacant property tax legislation.

The proposed amendment to the Master Fee Schedule would set the Temporary RV Occupancy Permit fee at \$150 per application and \$500 per year, but the revenue generated would not fully cover the administrative costs of the program. The intent of the lower fee is to encourage property owners to take advantage of the pilot program and to offer their undeveloped property to unsheltered individuals. Further, the costs associated with uncontrolled trash and waste along city streets from RVs will be reduced due to this proposal.

The program would sunset after three years unless the City Council takes action to extend the program, so the Council will have an opportunity to re-evaluate the fiscal impact of the program.

### **SUSTAINABLE OPPORTUNITIES**

#### ***Environmental:***

This ordinance will relieve neighborhoods of abandoned, vacant, and undeveloped property that could become public nuisances that affect health and the environment.

Ordinance will decrease the number of recreational vehicles parked on the city of Oakland's arterial, collector, and residential streets, which will assist with street cleaning city-wide.

#### ***Race & Equity:***

Ordinance will increase access to interim housing by those experiencing high rates of homelessness who shelter in recreational vehicles, including for African Americans, Latinx, and other people of color.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS**

Each as a separate and independent basis, the actions authorized by the Ordinance amending the OMC and Planning Code and the Ordinance amending the Master Fee Schedule are 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

Attachment A: Fee Memo and Analysis