



# Guide to Vehicular Residential Facilities (VRFs) (Recreational Vehicles [RVs] and Tiny Homes on Wheels)

## Overview

On November 16, 2021, the Oakland City Council adopted the Construction Innovation and Expanded Housing Options Ordinance to promote cost-effective construction methods and housing types. Among other things, the Ordinance updated the City’s zoning regulations to authorize residential occupancy of recreational vehicles (RVs) and tiny homes on wheels by creating a new residential facility type in the Oakland Planning Code called “Vehicular Residential Facilities.”

### What is a Vehicular Residential Facility?

Vehicular Residential Facilities (VRFs) are residential dwelling units constructed on a vehicle chassis and are defined in Oakland Planning Code Section 17.10.700 as RVs under State law (Health and Safety Code Section 18010). VRFs include motorhomes, trailers, and tiny homes on wheels. They contain less than 320 square feet of internal living area and 400 square feet or less of gross horizontal area.



## Design and Development Standards

The following design and development standards apply to VRFs:

### Setbacks and Separation

Front, side, or rear setbacks are not required.

When located in a normally required front yard setback, VRFs must be located on an existing driveway and not extend over the property line or adjacent sidewalk.

Six feet minimum separation is required between multiple VRFs and between a VRF and a building on the same or adjacent lot.

In certain commercial zones and special districts, VRFs must be set back 30 feet from the street or located behind a building, in addition to the separation requirement above.

### Ground surface

An all-weather ground surface (e.g., asphalt, concrete, pavers, decomposed granite, gravel) is required under each VRF and pedestrian pathways.

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### Parking

VRFs must provide the amount of off-street parking required by the zone in which they are located.

Off-street parking is not required for:

- (1) Self-propelled VRFs (e.g., motorhomes); or
- (2) Sites located within (a) ½ mile of a public transit stop, (b) an Area of Primary Importance (API) or Area of Secondary Importance (ASI) as defined by the Historic Preservation Element of the General Plan, or (c) one block of a car share parking space.

Bicycle parking is not required.

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### Habitability

VRFs must comply with all applicable State and local habitability and tenantability standards including, but not limited to, standards contained in [California Civil Code Section 1941.1](#) and the [Oakland Building Maintenance Code](#).

VRFs must include provisions for living and sleeping within the unit including adequate heating and lighting.

All occupants must have 24-hour on-site access to hot and cold potable water, a kitchen, a toilet, bathing facilities, and a lavatory sink under the occupants' control.

For VRFs subject to the State RV park rules (see below), potable water, kitchens, toilets, bathing facilities, and lavatory sinks must be provided within each unit.

For VRFs not subject to the State RV park rules, potable water, kitchens, toilets, bathing facilities, and lavatory sinks may be provided within the unit or elsewhere on the property (e.g., shared kitchen and bathroom within a separate building). If not provided within the unit, a minimum of one toilet, one bathing facility, and one lavatory sink is required for every five VRFs.

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### Potable water

All plumbing facilities – both located within the VRF and outside of the VRF – must be connected to the public water system.

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### Wastewater disposal

All plumbing facilities – both located within the VRF and outside of the VRF – must be connected to the public sewer system.

Graywater discharge for landscape irrigation is allowed in accordance with State and City regulations. This only applies to bathtubs, showers, bathroom sinks, and laundry washing machines, not to toilets, kitchen sinks, or dishwashers.

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### Power supply

VRFs must be connected to the electrical or gas grid, or to an on-site, off-grid, alternative system such as solar power, wind power, or propane fuel that supplies sufficient energy to meet the demand

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	of the unit and all connected loads at all times. Fuel-powered generators are not allowed.
<b>Health and safety standards</b>	<p>VRFs must comply with health and safety standards contained in State law (Health and Safety Code Section 18027.3).</p> <p>RVs manufactured before July 14, 2005, must comply with American National Standards Institute (ANSI) A119.2 standards.</p> <p>RVs manufactured on or after July 14, 2005, must comply with National Fire Protection Association (NFPA) 1192 standards.</p> <p>RVs manufactured as “park trailers” must comply with ANSI A119.5 standards.</p> <p>VRFs must bear a label or insignia certifying compliance with the applicable standards.</p> <p>VRFs may be built in a certified factory or certified by a third-party inspector.</p> <p>All heating and liquid propane gas storage and delivery systems must be maintained in accordance with the manufacturer’s requirements.</p> <p>Sleeping areas and hallways providing access to sleeping areas must contain smoke detectors.</p> <p>Street address number(s) visible from the street must be posted to identify the property address.</p>
<b>Solid waste</b>	Refuse collection service is required.

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### Approval Process

#### Step 1: Zoning approval

- 1-4 VRFs: Design Review Exemption required.
  - Application form, plans, and materials required.
  - No public notice.
  - Decision by Zoning staff; not appealable.
  
- 5+ VRFs: Regular Design Review required.
  - Application form, plans, and materials required.
  - Public notice required.
  - Decision by Zoning Manager; appealable to Planning Commission.

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### Step 2: Site permits

- Apply for site permits to prepare the site (e.g., grading permit) and install utilities (e.g., plumbing permit, electrical permit) if required. If State RV park rules apply (see below), these permits are issued by the State. Also, apply for any required utility service permits from other agencies (e.g., PG&E, EBMUD).

### Step 3: Install VRF(s)

- Install the VRF(s) per the approved plans and permits.
- The City will conduct a zoning compliance inspection and utility connection inspections, if required.

#### State RV Park Rules

Two or more VRFs on a site are considered a “Special Occupancy Park” under State law and must comply with the State RV park rules contained in the Special Occupancy Parks Act and the Special Occupancy Park Regulations. New parks must obtain a permit from the State to construct and operate after obtaining zoning approval from the City of Oakland.

The following are exempt from State RV park rules:

- Sites with only one VRF;
- Sites with two or more VRFs if the VRFs will not be held out for rent or lease (including monetary or other consideration in exchange for the use and/or occupancy of the facility); and
- Sites with two or more VRFs if the park is owned, operated, and maintained by a nonprofit entity. This exemption only applies if the nonprofit entity is a registered 501(c)(3) organization based in Alameda County and the park is not owned, operated, or managed by a limited liability corporation with a for-profit partner.

Projects with two or more VRFs exempt from State RV park rules will be required to record a Notice of Limitation with the Alameda County Recorder after approval stating that State law requirements will apply in the event rent is later charged or the park is no longer owned, operated, and maintained by a nonprofit entity.

More information about State RV park rules can be found at: <https://www.hcd.ca.gov/manufactured-mobile-home/mobile-home-parks/laws-and-regulations.shtml>.

### Frequently Asked Questions

#### 1. Where are VRFs allowed?

VRFs are allowed in all zoning districts where residential facilities are allowed.

#### 2. How many VRFs are allowed on a property?

Each VRF counts as one dwelling unit and the maximum number of dwelling units allowed is specified by the zoning district where the property is located.

#### 3. Are VRFs the same as manufactured homes or mobile homes?

VRFs are not the same as manufactured homes or mobile homes. “Manufactured homes” (previously called “mobile homes” prior to 1976) are homes constructed on a chassis that contain 320 square feet or more of living area and comply with the U.S. Department of Housing and Urban Development standards. In Oakland they are regulated as single-family homes.

#### 4. Do VRFs require a building permit?

VRFs are considered vehicles, not buildings. They are not regulated under the Building Code so no building permit is required to construct or install them. However, buildings associated with VRFs (e.g., kitchen and bathroom buildings) may require a building permit. Also, building-related permits to prepare the site (e.g., grading permit) and install utilities (e.g., plumbing permit, electrical permit) may be required. If State RV park rules apply (see above), these building-related permits are issued by the State.

#### 5. Can VRFs be considered Accessory Dwelling Units (ADUs)?

VRFs are not considered ADUs under State law because they are not permanent buildings, but they can be considered ADUs under Oakland’s laws if they meet the definition of an ADU in the Oakland Planning Code. To be considered an ADU, a VRF must provide potable water, a kitchen, a toilet, bathing facilities, and a lavatory sink within the unit. The development standards that normally apply to ADUs don’t apply to VRFs because VRFs have their own development standards, except that the restriction on ADUs in certain locations for life safety reasons and the maximum density allowed for ADUs do apply to VRFs.

#### 6. After a VRF is installed and successfully passes the installation inspection, are there any future inspections?

Every year the City will inspect a subset of previously installed VRFs to verify ongoing compliance with operation and maintenance requirements.

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### **7. Do the City's development impact fees apply to VRFs?**

VRFs are exempt from the City's Affordable Housing Impact Fee, Transportation Impact Fee, and Capital Improvements Impact Fee.

### **8. Do tenant protection laws apply to VRFs?**

The City's Rent Adjustment Ordinance (i.e., rent control) applies to VRFs, both the rental of a VRF to a tenant and the rental of land to a VRF owner upon which the VRF is located. The City's Just Cause for Eviction Ordinance and Tenant Protection Ordinance apply to the rental of a VRF to a tenant but not to the rental of land to a VRF owner. When a VRF is rented to a tenant or land is rented to a VRF owner, the landlord must register the rental unit with the City, pay the annual Rent Adjustment Program fee, and provide the tenant with the Rent Adjustment Program notice. For more information about Oakland's tenant protection laws, please visit: <https://www.oaklandca.gov/topics/rent-adjustment-program>.

### **9. Do the VRF rules apply when parking an unoccupied RV on private property?**

The VRF rules only apply to RVs used for residential purposes. They do not apply to parked, unoccupied RVs. RV parking on private property is regulated by the City's Blight Ordinance which prohibits parking of RVs in areas zoned for residential use in the front or side yard areas for more than 72 hours.

### **10. Do the VRF rules apply to RVs occupied as temporary guest quarters on private property?**

Pursuant to the City's Blight Ordinance, RVs parked on private property may be occupied by guests of a City resident for up to 72 hours, and do not need to comply with the VRF rules. RVs occupied for more than 72 hours must comply with the VRF rules. (See question 12 below for guidance on short term rentals.)

### **11. Are VRFs allowed on city streets?**

The VRF regulations pertain to parcels of land (i.e., private property); they do not apply to RVs parked on the street or in the public right-of-way.

### **12. What types of activities can VRFs be used for?**

VRFs are restricted to Residential Activities, including Permanent Residential Activities, Transitional Housing, and Emergency Shelters for people experiencing homelessness. They are not authorized to be used for commercial activities, hotels/motels, or short-term residential rentals of less than 30 days (e.g., Airbnb, VRBO). RVs and tiny homes on wheels located on land owned or leased by the City of Oakland and used as emergency housing to shelter people experiencing homelessness are exempt from zoning and building regulations, including VRF rules, in accordance with the City's shelter crisis declaration under State law. In those cases, Emergency Housing Standards apply.