

Boardinghouse Ordinance

Tuesday, March 9, 2021
City Council Presentation



Boardinghouse

Boardinghouse” means any housing unit where lodging is furnished for compensation to more than two (2) individuals for a period of more than thirty (30) consecutive calendar days. A “boardinghouse” does not include: (i) housing described in Health & Safety Code Section 1566.3; (ii) a city-approved hotel or motel; (iii) transitional, supportive, or emergency housing that is city-approved or otherwise permitted to operate pursuant to applicable law; or (iv) any housing not provided in a housing unit

Lodging Defined

The proposed ordinance amends the definition of “lodging” and adds additional definitions to Section 14.02.070 to clarify and reflect this distinction. The proposed definition of “lodging” is intended to be broad enough to encompass a group of individuals brought together through a shared living platform to rent a single home, but it would exclude a group of individuals who have chosen to live together in a family-like atmosphere.

Why Now?

- Several unpermitted boardinghouses in Los Altos.
- Enforcement is difficult without a more clearly defined ordinance.

Preservation of Residential Neighborhoods

- Appropriate use of the City's police powers.
- Attorney General legal opinion states boardinghouses can be regulated by a city.

Planning Commission Actions

- October 2020 Planning Commission-regulate boardinghouses do not prohibit.
- December 2020-regulate like a Home Occupation permit requiring registration and monitoring by City staff.

Regulatory Schemes

Ministerial

Boardinghouse

CUP

Sign Permits

Home Occupation

Tree Permits

Administrative Use Permit



Home Occupation Permit

APPLICATION FOR HOME OCCUPATION ZONING COMPLIANCE VERIFICATION

PROCESSING FEE: \$110.00
(Non-refundable)

Home Occupation Address: _____

Owner's Name: _____ Phone Number: _____

Name of Business: _____

1. Type of business. Please be specific. *(i.e. mail-order sales, computer consultant, etc.)*

2. Please describe **in detail** what business activities will take place **on the property**. *(if more space is needed, include on a separate sheet)* _____

3. Will clients/customers be visiting the property related to the operation of the business? If yes, how many are anticipated on a weekly/monthly basis? _____
4. The following requirements apply to businesses that are seeking approval as a Home Occupation:
 - The business operator will live in the dwelling as their primary residence;
 - No employees will work at the dwelling who do not live there as their primary residence;
 - The business will be clearly incidental to the residential use of the dwelling, and not adversely affect the surrounding neighborhood where the dwelling is located (i.e. no exterior signage, significant traffic, etc.);
 - There will not be any products sold from the dwelling that are not produced on the premises; and
 - There will not be any indoor or outdoor storage of materials, equipment, and/or supplies, other than those necessary for domestic purposes.

Do you confirm that the business will meet all of the requirements as outlined above? _____

◆-----◆
I HEREBY AFFIRM THAT THE ABOVE INFORMATION IS TRUE TO THE BEST OF MY KNOWLEDGE.

Date

Signature




Registration and Revocation

Registration Provision-14.31.030-conditions can be added.

Revocation Provision-14.31.040

Exceptions

- Residential care facilities
- Reasonable Accommodations to comply with Fair Housing Laws
- Transitional, supportive, or emergency housing



Boardinghouse
ordinance scenarios

Prakash, Neil, and Maria live in the same home. They were brought together by a shared living platform.

Registration required. Roommates brought together as part of a commercial enterprise.

Omar and Fred responded to an ad to rent rooms in a house owned by Ms. Jones. Ms. Jones is an absentee landlord.

Registration not required. Only two lodgers.

This time Omar and Fred respond to the ad with their friend Khalil. The three men attend college together and are best friends. They share living expenses and consider themselves a single housekeeping unit.

Registration technically not required, but Ms. Jones encouraged to register in case the composition of the household changes in the future.

Same facts, except Khalil graduates and moves away. Omar and Fred advertise for a third roommate. They find Frankie, with whom they do not have a preexisting friendship or relationship.

Registration required. Lodging includes leasing non-owner-occupied housing to more than one family, and there are more than two lodgers here.

Nadia and Maya are a married couple. Maya's best friend, Rolando, needs a place to live. Nadia and Maya invite him to live in their guest room. The three socialize together and share living expenses and chores.

Registration not required because the three form a single family.

Same facts, except that Rolando's girlfriend Jeong and their daughter Anna also move in with Nadia and Maya.

Registration not required because the five form a single family.

Same facts, except that Nadia and Maya do not have a preexisting relationship with Rolando, Jeong, and Anna.

Registration required. Lodging occurs when the family living in the home rents to another family. Here, there are more than two lodgers.

- Hotels
- Transitional or emergency housing
 - Nursing homes
- Licensed group living home (6 or fewer persons)
 - College dormitories
 - Etc.

Registration also not required.

Questions-After Publication of the Staff Report

Question	Staff Response
YIMBY Letter	The City Attorney will respond
How many boarding houses at this time	Undetermined at this time
Why this ordinance now?	Ordinance is needed to for ease of enforcement and tracking purposes
What is a shared living platform	A shared living platform is a technology company that leases out single-family homes to multiple individuals or households on behalf of the owners of those homes.
What boardinghouse ordinances have other cities adopted in our vicinity?	Approaches vary from just registration to full CUPs required.
What would be the cost to register	To encourage submittal the fee should be similar to a home occupation license fee of 115

Questions-After Publication of the Staff Report

Question	Staff Response
Why is a boardinghouse “not in furtherance of the City’s interest	There have been documented instances where individual occupants’ combined rents for shared living under such arrangements exceed what a single household would pay for the same unit. This creates incentives for causing occupants to live in overcrowded conditions that can result in nuisance conditions.
Outreach	3 public hearings

California Environmental Quality Act (CEQA)

Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) because the adoption of the ordinance will not result in a foreseeable significant environmental effect.

General Plan Consistency

General Plan Goal 1: Preserve and enhance the identify and unique character of Los Altos

General Plan Land Use Goal 2: Plan for a compatible and harmonious arrangement of land uses by providing a mix of uses consistent with projected future social and economic conditions of Los Altos.

General Plan Land Use Element Policy 2.1: Continue to apply land use designations which recognize existing development patterns and expected future conditions.

City Council

Option #1-overturn the Commission's recommendation and prohibit boardinghouses

Option #2-affirm the Commission's decision and regulate boardinghouses.

Option 3-not adopt an ordinance

Recommendation

1-Find that the project is exempt from CEQA per Section 15061(b)(3) of the CEQA Guidelines

2-Recommend that City staff file a Notice of Exemption after the second reading by the City Council.

3-Recommend approval of Zoning Text Amendment 20-0002 to the City Council affirming the Commission recommendation to regulate boardinghouses

4-Change the ordinance to reflect Mayor Neysa Fligor

Agenda Language-Regulating

Ordinance No 2021-474 Regulation of Boardinghouses: Hold Public Hearing to Introduce, and Hold first reading, as read by title only, and waive further reading, of an ordinance of the City of Los Altos **regulating** boardinghouses by amending Chapter 14.02 (General Provisions) and adding Chapter 14.31 (Boardinghouses) to the Los Altos Municipal Code and further find that adoption of the ordinance is exempt from CEQA pursuant to 15061(b)(3) of the CEQA Guidelines. (G. Persicone)

Process

The city attorney shall frame an ordinance or resolution required by the legislative body-GC 41802

Under California's Planning and Zoning Law (*Gov. Code, § 65000 et seq.*), when a zoning ordinance or an amendment to a zoning ordinance is proposed, the planning commission must hold a public hearing. (*§ 65854.*) “Upon receipt of the recommendation of the planning commission,” the legislative body must hold a public hearing. (*§ 65856, subd. (a).*)

Notice of the legislative body's public hearing must be given at least 10 days before the hearing (*§§ 65856, subd. (b), 65090, subd. (a)*) and contain “a general explanation of the matter to be considered” (*§ 65094*).

Emails-Boardinghouse

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