

ORDINANCE NO. 2018-441

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS
ALTOS AMENDING CHAPTER 1.20, VIOLATIONS, OF TITLE 1,
GENERAL PROVISIONS, BY ADDING PROHIBITIONS ON
ADVERTISING ILLEGAL ACTIVITY OR USES, AND ADDING
CHAPTER 14.30, SHORT TERM RENTAL PROHIBITION, TO TITLE 14,
ZONING, OF THE LOS ALTOS MUNICIPAL CODE**

WHEREAS, the City of Los Altos has a unique arrangement of land uses that require regulations and standards that preserve the character of the community and provide for compatibility of adjacent uses; and

WHEREAS, under the City's police power, the City may enact comprehensive land-use and zoning regulations to promote community values, beauty, health, safety, and welfare; and

WHEREAS, the City may establish residential districts for the quiet enjoyment of its residents, and it may restrict discordant uses that would ultimately destroy the character and benefits of those districts, and it has done so for exactly those reasons; and

WHEREAS, the City has a legitimate interest in fostering and preserving the long-term residential character of its residential neighborhoods; and

WHEREAS, the City's municipal code states that "[l]and uses that are not provided for herein as permitted uses, conditional uses, or limited conditional uses, are prohibited" (LAMC § 14.02.050); and

WHEREAS, aside from permitted home occupations, commercial uses are not expressly permitted in the City's residential districts, so they are prohibited; and

WHEREAS, transitory lodgings, whether in the form of short-term rentals or hotels, are a commercial use of residential property, and they are not expressly permitted by the City's zoning ordinance in any residential district, so they are currently prohibited in accordance with LAMC section 14.02.050; and

WHEREAS, the City's zoning ordinance already defines "hotel" to include any "structure in which there are three or more guest rooms or suites, where lodging ... is provided for compensation"; and

WHEREAS, the City's definition of "hotel" applies to, among other things, any boardinghouse-type use of residential property where three or more rooms are rented separately from the rest of the house; and

WHEREAS, the municipal code does not currently expressly define short-term rentals; and

WHEREAS, with the rising popularity of online advertising, promoting, and facilitating of both short-term rentals and longer-term boardinghouses, City staff is increasingly asked about the permissibility and regulation of these transitory-lodging uses; and

WHEREAS, to help the public, as well as City staff, to more clearly understand the City’s existing restrictions on transitory-lodging uses, the City desires to make the current prohibition-by-omission express; and

WHEREAS, this prohibition helps maintain adequate housing stock for permanent residents while ensuring that short-term-rental and other transitory-lodging activities do not become a nuisance or threaten the public health, safety, or welfare due to excessive noise, disorderly conduct, overcrowding, traffic congestion, illegal parking, the accumulation of refuse, and other effects related to transitory lodgings; and

WHEREAS, staff has thus prepared an ordinance that makes the current prohibition of short-term rentals express in an effort to better preserve the unique character and mix of land uses in the City; and

WHEREAS, the purpose of these transitory-lodging regulations is to help maintain the long-term residential character of our neighborhoods that comprise most of the City; and

WHEREAS, State CEQA Guidelines sections 15378(b)(2) and 15378(b)(5) provide that ongoing administrative activities and organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment do not constitute a “project” as defined by the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) and therefore are exempt from CEQA and no further environmental review is required.

NOW THEREFORE, the City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. FINDINGS. After considering the record before it, including but not limited to the agenda report, presentation of staff, public comment, and discussion, the City Council hereby finds that adoption of this Ordinance will help protect and promote public health, safety, comfort, convenience, prosperity, and welfare by clarifying the City’s existing regulations.

SECTION 2. AMENDMENT OF CODE. The following Section, is hereby added to Chapter 1.20, Violations, of Title 1, General Provisions, of the Los Altos Municipal Code.

1.20.060 Advertising an illegal activity or use.

It is a violation of this code for a responsible party to advertise any activity or use that violates this code or state or federal law or regulation and that is advertised to take place within the City. For purposes of this provision, a responsible party includes a property owner, business owner, operator, manager, lessor, lessee, and any other person that conducts or offers to conduct the illegal activity or use; but it does not include a person who publishes the advertisement, such as a newspaper or online booking service.

SECTION 3. AMENDMENT OF CODE. The following, Chapter 14.30, Short-term Rental Prohibition, is hereby added to Title 14, Zoning, of the Los Altos Municipal Code.

Chapter 14.30

SHORT-TERM RENTAL PROHIBITION

14.30.010 Purpose and intent.

The purpose of this chapter is to establish regulations governing the short-term rental of residential property within the city of Los Altos. The City has a legitimate interest in fostering and preserving the long-term residential character of its residential neighborhoods. The establishment of these regulations will help maintain adequate housing stock for permanent residents while ensuring that short-term-rental activities do not become a nuisance or threaten the public health, safety, or welfare due to excessive noise, disorderly conduct, overcrowding, traffic congestion, illegal parking, the accumulation of refuse, and other effects related to short-term rentals.

14.30.020 Definitions.

For purposes of this chapter, the following definitions apply:

"Short-term rental" means a use that provides lodging in a dwelling unit, for compensation, for a period of fewer than thirty consecutive calendar days. "Short-term rental" does not include transient lodging in city-approved hotels and motels.

14.30.030 Short-term rentals prohibited.

A short-term rental is a prohibited use in every zoning district in the city.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 5. COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. Based on all the evidence presented in the administrative record, including but not limited to the staff report for the proposed ordinance, the City Council hereby finds and determines that the proposed ordinance is not a "project" for purposes of CEQA and is exempt from further CEQA review under State CEQA Guidelines sections 15378(b)(2) and 15378(b)(5). Specifically, this ordinance clarifies already existing Municipal Code provisions, will allow the City to better enforce existing prohibitions, and will not allow any new or different land uses than are already permitted in the City's Zoning Code. Therefore, this Zoning Amendment constitutes ongoing administrative activities and will not result in any direct or indirect physical changes in the environment. No further environmental review is necessary at this time.

SECTION 6. CUSTODIAN OF RECORDS. The documents and materials associated with this Ordinance that constitute the record of proceedings on which the City Council's findings and determinations are based are located at Los Altos City Hall, One North San Antonio Road, Los Altos, California. The City Clerk is the custodian of the record of proceedings.

SECTION 7. NOTICE OF EXEMPTION. The City Council hereby directs City staff to prepare and file a Notice of Exemption with the County, County Clerk within five working days of the adoption of this ordinance.

SECTION 8. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 9. EFFECTIVE DATE. This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on May 8, 2018 and was thereafter, at a regular meeting held on May 22, 2018 passed and adopted by the following vote:

AYES: BRUINS, LEE ENG, MORDO, PEPPER, PROCHNOW
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

Jean Mordo

Jean Mordo, MAYOR

Attest:

Jon Maginot
Jon Maginot, CMC, CITY CLERK



STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA) CERTIFIED COPY OF ORDINANCE
CITY OF LOS ALTOS) SECOND READING/ADOPTION

I, Jon Maginot, City Clerk for the City of Los Altos in said County of Santa Clara, and State of California, do hereby certify that the attached is a true and correct copy of Ordinance No. 2018-441, adopted by the Los Altos City Council on May 22, 2018 by the following vote:

AYES: BRUINS, LEE ENG, MORDO, PEPPER, PROCHNOW
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

I hereby further certify that a summary of the ordinance was published in accordance with Government Code Section 36933 on the following dates: May 16, 2018 and June 6, 2018. Said ordinance shall be effective June 22, 2018.

Dated this 22 day of August, 2018.

Jon Maginot
Jon Maginot, CMC
City Clerk