



**PUBLIC HEARING**

**Agenda Item # 7**

**AGENDA REPORT SUMMARY**

**Meeting Date:** March 9, 2021

**Subject:** An Ordinance of the City Council of the City of Los Altos amending Los Altos Municipal Code Chapter 14.02 (General Provisions) and adding chapter 14.31 (Boardinghouses) to regulate boardinghouses. The project is exempt from CEQA per Section 15031 of the CEQA Guidelines.

**Prepared by:** Guido F. Persicone, Planning Services Manager, AICP

**Reviewed by:** Jon Biggs, Community Development Director and  
Jolie Houston, City Attorney

**Attachment(s):**

- A. October 2020 Ordinance
- B. Draft Ordinance

**Initiated by:**  
City staff/City Council

**Previous Council Consideration:**  
August 16, 2019. 2018

**Fiscal Impact:**  
No direct fiscal impact is anticipated.

**Environmental Review:**

Based on all the evidence presented in the administrative record, including but not limited to the staff reports, the proposed ordinance relates to organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment and therefore is exempt from California Environmental Quality Act ("CEQA") CEQA Guidelines Section 15061(b)(3), which states the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment." The proposed ordinance has no potential to result in a direct or reasonably foreseeable indirect impact on the environment. The Community Development Director or designee is hereby directed to prepare and file a notice of exemption in connection with this ordinance, pursuant to CEQA Guidelines Section 15062.

**Policy Question(s) for Council Consideration:**

- Do the proposed code amendments achieve the level of protection for residential neighborhoods the City Council desires?



**Subject:** Boardinghouse Ordinance

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**Summary:**

- The ordinance would regulate boardinghouses to help preserve the character of residential neighborhoods.

**Staff Recommendation:**

Staff suggests that the City Council waive the first reading and introduce an ordinance 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.

**Purpose**

The establishment of boardinghouses has the potential to result in overcrowding, excessive noise, traffic congestion, illegal parking, and other potential impacts to residential neighborhoods. Shared living platforms have contributed to a rise in the number of single-family homes being used in the Bay Area as boardinghouses, the residents of which may be made to pay excessive rents to live in overcrowded conditions. This trend is not in furtherance of the City's interest in preserving the character of its residential neighborhoods or in maintaining an adequate supply of for-sale residential dwelling units.

**Background**

“It is now well settled that a city has broad authority to adopt zoning ordinances to protect the health and general welfare of its residents. Municipalities may establish strictly residential zoning districts as part of a general comprehensive zoning plan and maintenance of the character of residential neighborhoods is a proper use of the city's police powers. More specifically, the courts of the state have stated that the operation of boarding houses businesses may be excluded for residential zones. In short, preserving the residential character of a neighborhood is a legitimate government purpose that may be reasonable achieved by prohibiting commercial enterprises such as operating a boarding house business.”<sup>1</sup>

As the City Council is aware, there are several unpermitted boarding houses operating in Los Altos. However, the Los Altos Municipal Code does not contain provisions relating to boardinghouses, which makes enforcement difficult. Therefore, the City should consider a clarifying amendment to the code to tighten up relevant land-use definitions by eliminating ambiguous overlap and needless gaps and to regulate what is now only implicitly prohibited by omission. This will aid in the city's enforcement efforts.

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<sup>1</sup> Opinion of the Attorney General Bill Lockyer, No 01-402, March 19, 2003



**Subject:** Boardinghouse Ordinance

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### **Planning Commission Action**

On October 15, 2020, a draft ordinance was provided to the Planning Commission for review (see Attachment A). Upon review, the consensus of the commission was that a prohibition of boardinghouses could limit housing options and may impact the ability of some to have access to housing in Los Altos. Due to this consensus, the Planning Commission recommended that instead of prohibiting boardinghouses, they must be regulated like Home Occupation Permits. Under this process, applicants are required to register their business with the City and agree to the terms of the city's codes. Additional conditions of approval can be added to these permits if it is in the public interest. A similar process would be followed for Boardinghouses, with the added process that the Community Development Director could refer applications for which he had a concern to the Planning Commission for review. (see Attachment B, subsection 14.31.030(d) of the revised ordinance).

### **Draft Revised Ordinance**

“Boardinghouse” is defined by the ordinance to include any housing unit where lodging is furnished for compensation, other than as a short-term rental, to more than two individuals, which allows a homeowner or renter to take on up to two boarders without having the home defined as a boardinghouse. This is recommended as a matter of policy in that renting a spare bedroom to one or two individuals is a relatively common practice that is unlikely to have significant community impacts. Allowing up to two lodgers will also preserve code enforcement resources.

For clarity, the definition of “boardinghouse” expressly excludes certain kinds of housing. These include residential care facilities for six or fewer individuals, which Health & Safety Code Section 1566.3 mandates be excluded from the definition in any local zoning ordinance of a boardinghouse. Also excluded is any type of housing not provided in a “housing unit,” including, for example, nursing homes and dormitories, as well as hotels and motels, which are expressly identified. Finally, providers of supportive, transitional, and emergency housing will sometimes ask residents to contribute what they can to the cost of their housing once they acquire the means. To the extent that such contributions could be considered “compensation,” these forms of housing are also excluded from the definition of “boardinghouse.”

Unique circumstances sometimes arise where it is necessary to provide additional exceptions to a boardinghouse ordinance to comply with state and federal disability access laws, including the



**Subject:** Boardinghouse Ordinance

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Americans with Disabilities Act. The proposed ordinance therefore includes a procedure to request such an accommodation, which could be granted by the Community Development Director.

The definition of “lodging” currently provided in Municipal Code Section 14.02.070 refers to furnishing accommodations to individuals who are not “members of the family residing in the dwelling unit.” According to the court in *Santa Barbara v. Adamson* (1980) 27 Cal.3d 123, a community’s zoning laws must treat groups of unrelated individuals who choose to live together in a family-like atmosphere the same as families bound together by blood, marriage, or adoption. However, the court in *Barrett v. Lipscomb* (1987) 194 Cal.App.3d 1524 clarified that the rule in *Adamson* does not extend to a “commercial venture in which persons are brought together not by social or compatibility bonds but as paying tenants.”

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.

### **Planning Commission Action**

Per Section 2.08.060 of the Los Altos Municipal Code, the Planning Commission is the land use advisory body to the City Council. On December 9, 2020, the Commission took two separate actions related to the boardinghouse regulations:

Motion #1-Regarding the ordinance proposed in Attachment A to the December 9, 2020 Staff Report to the Planning Commission:

*Move that the ordinance proposed in Attachment A, amending Chapters 14.02 and 14.30 to define and prohibit boardinghouses and to make certain findings pursuant to CEQA, be approved as to form and referred to the Council in the alternative; and, further, that this Commission recommends that this ordinance prohibiting boardinghouses. This motion was denied by the Commission.*

The failure of this motion results in the Planning Commission not recommending this ordinance to the City Council and in the alternative the following motion was taken:

Motion #2-Motion with respect to the ordinance proposed in Attachment B to the December 9, 2020 Staff Report to the Planning Commission:

*Move that the ordinance proposed in Attachment B, amending Chapter 14.02 and adding Chapter 14.31 to define and regulate boardinghouses and to make certain findings pursuant to CEQA, be approved as to form and referred to*



**Subject:** Boardinghouse Ordinance

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*the Council in the alternative; and, further, that this Commission recommends that this ordinance regulating boardinghouses be adopted. This motion was approved by the Commission.*

As the final legislative body, the City Council can choose not to follow the recommendation of the Planning Commission and adopt an ordinance prohibiting boardinghouses. Therefore, city staff have provided both ordinances, one prohibiting and the other regulating boardinghouses for review by the City Council.

### **Los Altos General Plan Conformance**

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.

### **Options**

- 1) Approve Zoning Text Amendment 20-0002.

**Advantages:** Provide greater protection to residential districts

**Disadvantages:** Restricts use of residential properties

- 2) Deny Zoning Text Amendment 20-0002.

**Advantages:** There is no advantage to denying this ordinance as use of residential properties in a manner that is inconsistent with a neighborhood is contrary to the Los Altos General Plan.

### **Recommendation**

The Planning Commission has recommended adoption of the ordinance that regulates rather than prohibits, boarding houses.

ORDINANCE NO. 2020-\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS AMENDING LOS ALTOS MUNICIPAL CODE CHAPTERS 14.02 (GENERAL PROVISIONS) AND 14.30 (SHORT TERM RENTAL PROHIBITION) TO PROHIBIT BOARDINGHOUSES, AS DEFINED, AND MAKING FINDINGS PURSUANT TO CEQA**

**WHEREAS**, the California Constitution, Article XI, Section 7, confers on the City the power to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws; and

**WHEREAS**, the City finds that the regulation of boardinghouses is necessary to preserve the health, safety, or welfare of the general public; and

**WHEREAS**, the City further finds that it has a legitimate interest in preserving the character of its residential neighborhoods; and

**WHEREAS**, the City also has an interest in maintaining an adequate stock of for-sale residential dwelling units; and

**WHEREAS**, the establishment of boardinghouses has the potential to result in overcrowding, excessive noise, traffic congestion, illegal parking, and other effects; and

**WHEREAS**, shared living platforms have contributed to a rise in the number of single-family homes being used in the Bay Area as boardinghouses, the residents of which are often made to pay excessive rents to live in overcrowded conditions; and

**WHEREAS**, this trend is not in furtherance of the City's interest in preserving the character of its residential neighborhoods or in maintaining an adequate supply of for-sale residential dwelling units.

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

**SECTION 1. AMENDMENT OF CHAPTER 14.02:** Los Altos Municipal Code Section 14.02.070 is hereby amended in relevant part as follows, underlined text indicating additions and stricken text indicating deletions:

For the purposes of this chapter, certain words and phrases used in this chapter are defined as follows:

[no changes to definitions of “abut” to “enclosed accessory structure”]

“Family” means (i) two or more individuals residing together as a single housekeeping unit, whether or not related by blood, marriage, or adoption; or (ii) an individual who resides alone, or who shares housing with other individuals who do not form a single housekeeping unit with that individual.

## ATTACHMENT A

[no changes to definitions of “family daycare home” to “hotel”]

“Housekeeping unit” means a group of people residing together, the makeup of which is determined exclusively by the individuals themselves without the participation of a landlord, shared living platform, property manager, or the like, who have made economic and social commitments to each other, and who jointly use common areas and share responsibility for household activities and chores.

“Housing unit” means a transient or a nontransient housing unit.

"Housing unit, nontransient" means a dwelling, mobile home or trailer, single room, or group of rooms that is occupied as separate living quarters for a period of more than thirty (30) consecutive days or, if vacant, intended for occupancy as separate living quarters for a period of more than thirty (30) consecutive days. Separate living quarters are those in which the occupants live and eat separately from any other persons in the building and which have direct access from outside the building or through a common hall.

"Housing unit, transient" means a dwelling, mobile home or trailer, single room, or group of rooms that is occupied as separate living quarters for a period of thirty (30) consecutive days or less or, if vacant, intended for occupancy as separate living quarters for a period of thirty (30) consecutive days or less. Separate living quarters are those in which the occupants live and eat separately from any other persons in the building and which have direct access from outside the building or through a common hall.

[no changes through to the definition of “lodging”]

“Lodging” means the furnishing of rooms or groups of rooms within a ~~dwelling unit or an accessory structure~~ housing unit to persons other than members of the family residing in said ~~dwelling~~ housing unit; or in the case of an accessory structure, a ~~dwelling unit on the same site~~, for overnight occupancy on a residential occupancy basis, whether or not meals are provided to such persons. This includes the hiring of rooms in an owner-occupied housing unit, or the subleasing of rooms in a renter-occupied housing unit, to boarders or lodgers on a short or long-term basis. “Lodging” also means the leasing of a non-owner-occupied housing unit for occupancy by more than one family, but does not include the furnishing of room or board to a domestic employee or personal caretaker.

[no additional changes]

**SECTION 2. AMENDMENT OF CHAPTER 14.30:** Los Altos Municipal Code Section 14.30 is hereby amended as follows, underlined text indicating additions:

**Chapter 14.30 - SHORT-TERM RENTAL AND BOARDINGHOUSE PROHIBITION**

**14.30.010 - Purpose and intent.**

The purpose of this chapter is to establish regulations governing boarding houses and 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 and boardinghouses 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:

“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.

"Short-term rental" means a use that provides lodging in a dwelling unit, for compensation, for a period of fewer than thirty (30) 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.

**14.30.040 – Boardinghouses prohibited.**

A boardinghouse is a prohibited use in every zoning district of the city. The planning director shall grant an exception to this prohibition if he or she finds that such exception:

1. Is necessary to make housing available to persons with disabilities;
2. Would not place an undue financial or administrative burden on the city; and
3. Would not require a fundamental alteration in the nature of a city program or law, including land use and zoning.

**SECTION 3. SEVERABILITY.** If any section, subsection, sentence, clause or phrase of this code is for any reason held by a court of competent jurisdiction to be invalid or unenforceable, such decision shall not affect the validity of the remaining portions hereof.



**SECTION 4. CEQA.** The City Council finds the adoption of this ordinance to be 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. The Community Development Director or designee is hereby directed to prepare and file a notice of exemption in connection with this ordinance, pursuant to CEQA Guidelines Section 15062.

**SECTION 5. PUBLICATION.** This ordinance shall be published as provided in Government Code section 36933. Within 15 days of the passage of this ordinance, the City Clerk shall cause the full text of the ordinance, with the names of those City Council members voting for and against the ordinance, to be published in an adjudicated newspaper. In lieu of publishing the full text of the ordinance, the City Clerk, if so directed by the City Attorney and within 15 days, shall cause a summary of the ordinance, prepared by the City Attorney and with the names of the City Council members voting for and against the ordinance, to be published in an adjudicated newspaper, and shall post in the office of the City Clerk a certified copy of the full text of the ordinance, along with the names of those City Council members voting for and against the ordinance. The publication of a summary of the ordinance in lieu of the full text of the ordinance is authorized only where the requirements of Government Code Section 36933(c)(1) are met.

**SECTION 6. 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 \_\_\_\_\_, 2020 and was thereafter, at a regular meeting held on \_\_\_\_\_, 2020 passed and adopted by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Janis C. Pepper, MAYOR

Attest:

\_\_\_\_\_  
Andrea Chelemengos, MMC, CITY CLERK

ORDINANCE NO. 2020-\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
AMENDING LOS ALTOS MUNICIPAL CODE CHAPTER 14.02 (GENERAL  
PROVISIONS) AND ADDING CHAPTER 14.31 (BOARDINGHOUSES)  
TO REGULATE BOARDINGHOUSES, AS DEFINED,  
AND MAKING FINDINGS PURSUANT TO CEQA**

**WHEREAS**, the California Constitution, Article XI, Section 7, confers on the City the power to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws; and

**WHEREAS**, the City finds that the regulation of boardinghouses is necessary to preserve the health, safety, or welfare of the general public; and

**WHEREAS**, the City further finds that it has a legitimate interest in preserving the character of its residential neighborhoods; and

**WHEREAS**, the City also has an interest in maintaining an adequate stock of for-sale residential dwelling units; and

**WHEREAS**, the establishment of boardinghouses has the potential to result in overcrowding, excessive noise, traffic congestion, illegal parking, and other effects; and

**WHEREAS**, shared living platforms have contributed to a rise in the number of single-family homes being used in the Bay Area as boardinghouses, the residents of which are often made to pay excessive rents to live in overcrowded conditions; and

**WHEREAS**, this trend is not in furtherance of the City's interest in preserving the character of its residential neighborhoods or in maintaining an adequate supply of for-sale residential dwelling units.

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

**SECTION 1. AMENDMENT OF CHAPTER 14.02:** Los Altos Municipal Code Section 14.02.070 is hereby amended in relevant part as follows, underlined text indicating additions and stricken text indicating deletions:

For the purposes of this chapter, certain words and phrases used in this chapter are defined as follows:

[no changes to definitions of “abut” to “enclosed accessory structure”]

“Family” means (i) two or more individuals residing together as a single housekeeping unit, whether or not related by blood, marriage, or adoption; or (ii) an individual who resides alone, or who shares housing with other individuals who do not form a single housekeeping unit with that individual.

[no changes to definitions of “family daycare home” to “hotel”]

“Housekeeping unit” means a group of people residing together, the makeup of which is determined exclusively by the individuals themselves without the participation of a landlord, shared living platform, property manager, or the like, who have made economic and social commitments to each other, and who jointly use common areas and share responsibility for household activities and chores.

“Housing unit” means a transient or a nontransient housing unit.

"Housing unit, nontransient" means a dwelling, mobile home or trailer, single room, or group of rooms that is occupied as separate living quarters for a period of more than thirty (30) consecutive days or, if vacant, intended for occupancy as separate living quarters for a period of more than thirty (30) consecutive days. Separate living quarters are those in which the occupants live and eat separately from any other persons in the building and which have direct access from outside the building or through a common hall.

"Housing unit, transient" means a dwelling, mobile home or trailer, single room, or group of rooms that is occupied as separate living quarters for a period of thirty (30) consecutive days or less or, if vacant, intended for occupancy as separate living quarters for a period of thirty (30) consecutive days or less. Separate living quarters are those in which the occupants live and eat separately from any other persons in the building and which have direct access from outside the building or through a common hall.

[no changes through to the definition of “lodging”]

“Lodging” means the furnishing of rooms or groups of rooms within a ~~dwelling unit or an accessory structure~~ housing unit to persons other than members of the family residing in said ~~dwelling housing unit; or in the case of an accessory structure, a dwelling unit on the same site~~, for overnight occupancy on a residential occupancy basis, whether or not meals are provided to such persons. This includes the hiring of rooms in an owner-occupied housing unit, or the subleasing of rooms in a renter-occupied housing unit, to boarders or lodgers on a short or long-term basis. “Lodging” also means the leasing of a non-owner-occupied housing unit for occupancy by more than one family, but does not include the furnishing of room or board to a domestic employee or personal caretaker.

[no additional changes]

**SECTION 2. CHAPTER 14.31 ADDED:** The Los Altos Municipal Code is hereby amended to add the following new Chapter 14.31:

**Chapter 14.31 - BOARDINGHOUSES**

**14.31.010 - Purpose and intent.**

The purpose of this chapter is to establish regulations governing boardinghouses 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 boardinghouses 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.

**14.31.020 - Definitions.**

As used in this chapter, the following terms have the following meanings:

“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.

“Lodger” means an individual to whom lodging is made available at a boardinghouse.

“Registrant” means a person operating a boardinghouse on property owned or leased by him or her, and who has registered the boardinghouse as required by this chapter.

**14.31.030 – Registration Required.**

- A. The planning director shall establish procedures for registering boardinghouses within the city limits, and shall charge a fee in an amount set by resolution of the city council. The registration procedures shall be posted on the city’s official website once established, and thereafter no person shall commence or continue to operate a boardinghouse within the city limits without first registering the boardinghouse pursuant to the registration procedures. Registration is personal to the registrant, and shall not run with the land.
- B. As part of the registration process, each registrant shall be required to execute a written statement agreeing to comply with the following regulations in the operation of the boardinghouse, and to comply with any standard conditions of approval established by the director and set forth in the registration procedures described in subsection A, above:

## ATTACHMENT B

1. Not more than one lodger may be housed in a single bedroom, except that two lodgers who are part of the same housekeeping unit may share a bedroom of any size, and three lodgers who are part of the same housekeeping unit may share a bedroom that is at least 250 square feet in size.
  2. Lodgers shall have the exclusive use of bedrooms assigned to them.
  3. No unpermitted structural changes shall be made to the housing unit to accommodate lodgers.
  4. The registrant shall be responsible for his or her lodgers, and shall ensure that lodgers and other occupants of the boardinghouse do not cause excessive noise, engage in disorderly conduct, park illegally in city streets or on private property, cause or allow the accumulation of refuse, or otherwise cause or allow anything that would constitute a nuisance pursuant to Civil Code Section 3479.
  5. The registrant shall comply with all federal, state, and local laws in the operation of the boardinghouse.
- C. The city council may adopt additional regulations applicable to boardinghouses by resolution, which shall be posted on the city's official website.
- D. If the director finds that unique conditions exist with respect to a specific property for which registration is sought, the director may impose such additional conditions of approval as may be necessary to avoid adverse impacts upon the public health, safety, or welfare. Alternatively, the director may refer the application for registration to the planning commission. The planning commission may impose such conditions of approval upon the boardinghouse as may be necessary to avoid adverse impacts upon the public health, safety, or welfare; provided, however, that if the planning commission finds that such impacts cannot be mitigated feasibly through conditions of approval, it shall deny the applicant's request to register the boardinghouse. A determination of the director or of the planning commission pursuant to this subsection D may be appealed as set forth in chapter 1.12 of this code.
- E. The determination to register a boardinghouse shall be exempt from review under the California Environmental Quality Act pursuant to California Code of Regulations, title 14, section 15301 (Existing Facilities), unless the approval authority finds that an exception applies pursuant to California Code of Regulations, title 14, section 15300.2. The decision to register a boardinghouse without environmental review shall constitute an implied finding by the approval authority that no such exception applies.

### **14.31.040 – Revocation of Registration**

If a registrant violates any requirement imposed upon the boardinghouse pursuant to section 14.31.30, the planning director shall provide the registrant with notice of the

violation by first class mail or personal delivery at the address of the boardinghouse. Unless the violation is of such a nature that it cannot be cured, the notice of violation shall establish a date by which the violation shall be cured. Except in cases of emergency, the time within which to cure a violation shall be not less than thirty (30) days from the date notice is sent to the registrant. If the violation is not cured within the time allowed, or if the violation is not capable of cure, then the planning director shall provide the registrant with notice that registration of the boardinghouse is revoked, and that a boardinghouse may no longer be operated by the registrant at the subject property for a period of at least one (1) year and until the violation is cured. The notice of revocation shall provide the registrant with notice of the registrant's right to appeal the planning director's decision pursuant to chapter 1.12 of this code. The remedies set forth in this section shall be cumulative and not exclusive of any other civil, criminal, or administrative remedies available pursuant to applicable law, including the provisions of this code.

**14.31.050 – Reasonable Accommodations**

Upon the written request of a property owner or other person subject to this chapter, the planning director shall grant an exception to any requirement of this chapter if he or she finds that the exception:

- A. Is necessary to make housing available to persons with disabilities;
- B. Would not place an undue financial or administrative burden on the city; and
- C. Would not require a fundamental alteration in the nature of a city program or law, including land use and zoning.

The director may refer any request for an accommodation to the planning commission.

**SECTION 3. SEVERABILITY.** If any section, subsection, sentence, clause or phrase of this code is for any reason held by a court of competent jurisdiction to be invalid or unenforceable, such decision shall not affect the validity of the remaining portions hereof.

**SECTION 4. CEQA.** The City Council finds the adoption of this ordinance to be 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. The Community Development Director or designee is hereby directed to prepare and file a notice of exemption in connection with this ordinance, pursuant to CEQA Guidelines Section 15062.

**SECTION 5. PUBLICATION.** This ordinance shall be published as provided in Government Code section 36933. Within 15 days of the passage of this ordinance, the City Clerk shall cause the full text of the ordinance, with the names of those City Council members voting for and against the ordinance, to be published in an adjudicated newspaper. In lieu of publishing the full text of the ordinance, the City Clerk, if so directed by the City Attorney and within 15 days, shall cause a summary of the ordinance, prepared by the City Attorney and with the names of the City Council members voting for and against the ordinance, to be published in an adjudicated newspaper, and shall post in the office of the City Clerk a certified

**ATTACHMENT B**

copy of the full text of the ordinance, along with the names of those City Council members voting for and against the ordinance. The publication of a summary of the ordinance in lieu of the full text of the ordinance is authorized only where the requirements of Government Code Section 36933(c)(1) are met.

**SECTION 6. 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 \_\_\_\_\_, 2020 and was thereafter, at a regular meeting held on \_\_\_\_\_, 2020 passed and adopted by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

\_\_\_\_\_  
Janis C. Pepper, MAYOR

Attest:

\_\_\_\_\_  
Andrea Chelemengos, MMC, CITY CLERK