APRIL 28, 2025, PLANNING BOARD WORKSHOP ON SHORT-TERM RENTALS

Feedback from the Planning Board and Public

GENERAL FEEDBACK

General feedback and questions from the Board:

- Policies and regulations generally:
    - How can the policy continue to adapt as conditions change?
    - Is the policy to address the current situation or the future?
    - Don't over-regulate STRs. Good regulation is not the same as more regulation. More regulation can mean more "red tape," as well as an enforcement burden on staff. Only write regulations that will actually be enforced.
    - Don't overregulate but have guideposts.
    - It's good that we're writing STR regulations to clarify what City will allow and disallow. Even if STRs not a big problem now, the regulations will help us get ahead of potential problems.
- STRs and housing:
    - Need more data on relationship between STRs and long-term housing units. How many long-term housing units are lost to STRs in Alameda?
    - Bigger issue of housing production problem in Bay Area. STR regulations might stem some loss of housing units but don't generate the additional units that are needed.
    - More data is needed to inform any time limits. Is there data that would help inform the number of days for un-hosted STRs?
    - STRs seem to be a small percent of the overall housing stock in Alameda.
    - Alameda is not a major tourist destination. Not sure if STRs represent a large % of housing stock or as much threat as in more tourist-oriented cities.
    - Concern with households trying to make things work (financially) by renting an STR on their properties for extra income. They're here, part of this community, and trying to make things work.
    - What are barriers to becoming landlords and renting to long-term tenants? How can we incentivize long-term rental? Education? Team up with California Apartment Association?
- STR characteristics and trends:
    - Need more information on hosted vs. un-hosted STRs: what direction is the trend going, toward more hosted or un-hosted? Maybe look on an annual basis.
    - STRs that are whole dwelling units offer a product type that is appealing.

- Financial impacts:
    - STR guests spend money in Alameda, but so do residents. This is hard to determine and shouldn't be the main consideration.
    - Concern with households trying to make things work (financially) by renting an STR on their properties for extra income.
- Implementation and enforcement:
    - It would be helpful to know more about how monitoring and enforcement work.
    - How does third-party monitoring work? Is possible for them to track number of days for un-hosted rentals?
    - Creating an infrastructure for implementing the ordinance. Would like to have a better picture of how enforcement will work and how the enforcement would be funded by business licenses fees or other fees.
    - Have other cities used a grandfathering program for existing STRs?

ISSUE 1: PRIMARY RESIDENCE AND OTHER HOST REQUIREMENTS

Recommended Approach. Staff recommends requiring that any dwelling unit to be rented as an STR be the primary, permanent residence of the STR host or on the same property as a host's primary residence. In order to operate an STR in Alameda, hosts would be required to present documents demonstrating that the STR address is their primary residence, such as a state ID or driver's license, motor vehicle registration, voter registration, income tax return, or property tax bill. A person would not be able to claim more than one address as their primary residence.

Alternatives. Additional measures and alternatives include:
In addition to requiring that STRs be the host's primary, permanent residence, adopt requirements for hosts such as:

- Limiting each host to one STR address within Alameda.
- Requiring that hosts be natural persons rather than corporations.
- Allow short-term rental of units that are not the host's primary residence.

Public feedback:

- Alameda resident who lives next door to an un-hosted STR spoke about nuisance impacts and the absentee owner who does not respond to complaints. Advocated for a primary residence requirement.

Board feedback:

- All Board members supported a primary residence requirement. They varied somewhat in whether this meant host must be living in same unit or just be on the same property.
- Supports primary residence be on same *property* as the STR. This measure alone would start to take STRs out of realm of speculative investment.
- Supports primary residence requirement. Either in same unit or on same property.

- Allow both owners and renters to be STR hosts, as long as they are primary occupant.
- Regarding individual persons vs. corporations, keep in mind that some families set up an LLC for property ownership. Don't exclude them from being STR hosts.

ISSUE 2: HOSTED VS. UNHOSTED RENTALS AND TIME LIMITS

Recommended Approach. Staff recommends allowing STRs with the following time limits:

- Un-hosted STRs: Maximum 90 days per year
- Semi-hosted STRs: Maximum 90 days per year
- Hosted STRs: No limit on number of days per year.

Alternatives. Alternatives include:

- Omit rules on hosted vs. un-hosted STRs from the ordinance and simply rely on the primary residence requirement.
- Allow un-hosted and semi-hosted STRs for a lesser or greater number of days per year, such as 60 days or 120 days.
- Allow semi-hosted STRs, in which the host stays in a separate unit from the guests but on the same property, for an unlimited time. For example, the host could live in one unit of a duplex, triplex, or multifamily dwelling and rent another unit as an STR or rent a separate basement or cottage space that is not a full dwelling unit. Note that per State law, STRs are not allowed in ADUs created after 2017, so the other unit would need to be a primary unit or have been developed pre-2017.

Public feedback:

- Alameda resident who lives next to a whole house being rented as an STR spoke about the noise and disturbance caused by the STR. Also shared an email he sent to staff and Planning Board members. Advocated that only hosted, not un-hosted, STRs be allowed.
- In follow-up email, this neighbor requested that "If any period of un-hosted STRs are allowed, PLEASE give the city some teeth to do something more to manage/regulate/punish those STR's that cause issues for neighbors. Allow for neighbor complaints, allow for review and revocation of permits based on those complaints or based on police calls to the STR, allow for city staff to contact and fine STRs where issue are occurring, require STR permit checklists to include explicit agreements to abide by all nuisance laws and acknowledge that permits will be revoked for failure to comply, allow something so that neighbors like us aren't still having to deal with guests coming and going."
- Several STR hosts spoke. All of them short-term rent a separate unit other than the one they live in. In two cases, they rent a backyard cottage. In one case, host rents one unit of her duplex and lives in the other unit. They argued that a) their STRs provide flexibility to use the unit for additional purposes such as visits from family and friends, and b) the income from the STR is necessary for them to cover their mortgage or living expenses. They also stated that they did not want to have long-term tenants on their properties.

Board feedback:

- Hosted vs. un-hosted generally:

    - Favor requiring host to be on site (at least on same property) during short-term rentals, regardless of type of unit. Type of unit is less important than having STRs be hosted.
    - Want more information on hosted vs. un-hosted. What direction is the trend going? Could look at info on a yearly basis.
- Hosted STRs:
    - Hosted rentals should be allowed for unlimited number of days.
- Semi-hosted STRs:
    - The idea of a 90-day restriction on semi-hosted doesn't make sense if trying to preserve housing stock.
    - Divide concept of "semi-hosted." If host present on property, allow for unlimited days. If host is away, prohibit this or limit the number of days.
    - Not convinced about allowing semi-hosted STR. Even if semi-hosted not currently a problem, it could become one. Allowing it might create a market for it. Why regulate so differently from peer cities? Would need more in order to justify semi-hosted.
    - Time limits not useful for semi-hosted STRs. Also, if we allow semi-hosted, how do we prevent more units from being converted from long-term to short-term rental? A maximum number of STR units per property might be one tool.
- Unhosted STRs:
    - Not convinced about un-hosted STRs being an allowable use. If un-hosted allowed, could see imposing a time limit on it. Would definitely need to be paired with a primary residence requirement.
    - Understands purpose of time limits for un-hosted STRs. How to enforce the hosting requirement without a limit? 90 days is a reasonable limit.
- Units that are not occupied by the STR host:
    - Allow people to rent 1 – 2 units on their property that are not their primary residence. (Wang)
    - Host should be on premises, regardless of whether in same unit.
    - One STR in Alameda at a time on same property.
- Time limits generally:
    - Doesn't support time limits.
    - Understands rationale of 90-day time limit, but time limits are difficult to enforce. Primary residence requirement more important. If we require host to be present, then time limit not important. However, if we want to allow host to be away during STR, then a time limit could make sense.
    - Want more information on how third-party enforcement works. Is it in fact possible to track number of days for un-hosted rentals?

ISSUE 3: TYPES OF BUILDINGS AND SPACES

Recommended Approach. Staff recommends the following:

- Allow rental of individual bedrooms within dwelling units, with the host staying in another room in the same dwelling unit.
- Allow rental of an entire dwelling unit, as long as the unit is the host's primary residence. (See section above on primary residence requirement.)
- Allow STRs in single-family and small multi-unit buildings, such as duplexes, where the host lives in one unit.
- Prohibit short-term rental of ADUs that were constructed after 2017, consistent with California law.
- Restrict STRs to habitable space. Specifically:
    - Do not allow short-term rental of spaces that are not considered habitable due to factors such as low ceiling height or unconditioned space.
    - Do not allow short-term rental of RVs, tents, yurts, tree houses, and other non-permanent structures.
    - Allow the rental of floating homes, but not of boats unless they are legal live-aboards.
    - Do not allow rental of buildings that only have certificates of occupancy for commercial use.

Alternatives. Alternatives include:

- Allow rental of different rooms within a dwelling unit to different parties without a host staying there, i.e., a rooming house.
- Allow short-term rental of RVs, tents, yurts, tree houses, and other nonpermanent structures.

Public feedback:

- Two STR hosts who short-term rent a backyard cottage on their property spoke. They argued that their STRs provide flexibility to use the cottage unit for additional purposes such as visits from family and friends. They also stated that they did not want to have long-term tenants in their units.

Board feedback:

- Doesn't support entirely excluding ADUs as a category. State law already excludes ADUs created after 2017 from being used as STRs, so maybe there's no need to address this in City's regulations.
- Backyard cottages as "swing space" that can be used for multiple purposes. Provides flexibility for families/households.
- City should stay consistent with State law regarding ADUs.
- ADUs are supposed to be a source of affordable housing, which is why there is special State legislation for them. Look into purpose of state law limiting STRs in ADUs. They get streamlining in return for creating affordable housing. Also look into SB 9 and STRs.

- ADUs are an affordability issue on two levels. Source of affordable long-term housing but can also be a source of income for households.
- Favor requiring host to be on site (at least on same property) when an ADU is being rented.
- City's regulations should be consistent with State law regarding ADUs constructed from 2017 on. For units constructed before 2017, including old carriage houses and other structures, supports allowing them to be used for STR.
- Consider allowing boats and alternative structures (yurts, tree houses), as they offer unique stays. There are some boats being rented as STRs in Alameda. Keep an open mind in this area.
- Type of unit rented less important than question of whether a host is onsite.

ISSUE 4: TENANT PROTECTIONS AND AFFORDABLE HOUSING

Recommended Approach. Staff recommends the following:
- Prohibit deed-restricted affordable housing from being used as STRs.
- Prohibit the use of units from which tenants have been evicted under the Ellis Act or for owner move-ins from being used as STRs.

Alternatives. The Board may also want to discuss whether certain rent-controlled units (such as sites with more than one unit built before February 1, 1995) should be excluded as well.

Board feedback:

- Agrees with staff recommendation (deed-restricted affordable housing, Ellis Act evictions cannot be used as STRs.

ISSUE 5: OPERATING AND PERFORMANCE STANDARDS

Recommended Approach. Include operating standards in the STR ordinance that foster safety and minimize potential nuisance impacts. Recommended standards include:
- Set a maximum number of guests per bedroom or unit.
- Prohibit special events like weddings, parties, or other large gatherings, in other words, events attended by people other than the STR guests.
- Reference the City's existing noise ordinance and state that STRs shall operate in compliance with the noise ordinance.
- Require that a contact person be available to respond to complaints within a certain period of time or located within a certain distance of any STR. The contact person would be identified on the application for an STR permit. It could be the same as the host or an additional back-up person.
- Require safety features such as fire extinguishers and smoke/CO2 alarms.

Alternatives. In addition to or instead of the above standards, the ordinance could include:
- Establish curfews on outdoor activities.

- Adopt special noise regulations for STRs instead of simply referencing the existing noise ordinance.
- Advise/educate hosts on how to be good neighbors as part of the STR permit or zoning clearance application.
- Require that hosts have liability insurance. Some platforms already provide a level of insurance to their hosts.
- Set parking standards for STRs.

Public feedback:

- An Alameda resident who lives next door to a whole house rented full time as an STR (with no regular/primary occupant) talked about the noise and disturbance caused by the STR and the lack of tools for dealing with the impacts when no STR regulations are currently in place. Advocated for only allowing hosted rentals and having operational standards. The current noise and other nuisance regulations (that apply generally to all uses) are insufficient to address the impacts of STRs.

- Same Alameda resident followed up with an email after the meeting and requested that the ordinance include guest limits. Recommended two guests per bed.

- Three STR hosts spoke, saying they've had no nuisance complaints from neighbors.

Board feedback:

- As a category, have STRs been generating more noise, parking, etc. problems than other uses? Is this really a land use issue? Maybe no legislative fix needed for noise, parking, or operational standards.

- Doesn't feel strongly about whether to allow special events or not.

- Have applicants sign a form acknowledging that they will abide by good neighbor policies

- Limit number of guests rather than limiting parties per se. Limiting the number of people and rental units on a property will address potential nuisance impacts.

- No need for special noise or parking standards.

- Beware of government overreach with operating standards. Don't set outdoor curfews; instead, defer to property owners/STR hosts. No need to repeat noise ordinance.

- Don't limit number of guests.

ISSUE 6: HEALTH AND SAFETY COMPLIANCE

Recommended Approach. Staff recommends:

- Require STR hosts to self-certify that they will comply with all safety requirements. A good example of a safety checklist is the City of Berkeley's rental housing safety checklist (Exhibit 4).

Alternatives. Alternatives include:

- Inspect all STRs prior to issuing permits for STRs.

- Inspect a percentage of randomly selected registered STRs each year.

Board feedback:

- Likes Berkeley's self-certification checklist. Inspections would seem overly regulatory.
- Likes self-certification because it helps lower staff time and workload. Keep the checklist as simple as possible for people to understand. Maximum one page. Phrase as "yes"/"no" instead of "pass"/"fail." Keep in mind what we're trying to regulate. Berkeley's checklist might be a little too detailed. For example, not every unit has to be ADA accessible. Also Berkeley's question about leaks could be complicated—how far back down the water line do you have to go?

ISSUE 7: TYPE OF PERMIT REQUIRED

Recommended Approach. Staff recommends:

- Ensure that all STR hosts obtain a business license, pay applicable registration fees, and maintain a TOT remittance account if required (if they rent to visitors separately from a platform). This is in keeping with existing regulations in the AMC, but greater compliance is needed.
- Require each STR host to obtain a zoning clearance, or similar over-the-counter permit, from the Planning Division prior to obtaining a business license. Provide hosts with a copy of the regulations governing STRs and require them to acknowledge that they have reviewed and agree to operate in accordance with the regulations.
- Require hosting platforms not to list a STR unless the host provides evidence of a valid City business license and require that the business license number be displayed on the host's rental profile, for the purpose of monitoring and enforcement.

Alternatives. Alternatives include:

- Establish a new type of minor permit for short-term rentals. This would be a minor planning permit that staff take in and review, not an over-the-counter permit.

Public feedback:

- STRs hosts spoke, mentioning that they *had* obtained business licenses for their STRs, but that it was unclear what business category they should register for.

Board feedback:

- An STR permit could allow more enforceability than a zoning clearance. A permit can be revoked.
- Make business license process simple and easy for people to understand.
- Likes idea of requiring platforms to require hosts to list their business license number. Helps make the biz license requirement self-enforcing.

ISSUE 8: BUSINESS PROCESS FOR STR REGISTRATION

Recommended Approach. Staff recommends registering STRs and closing loopholes for unregistered STRs. This can include:

- Coordinate with the Finance Department to ensure a zoning clearance is obtained prior to issuance of a business license for an STR.
- Coordinate with the Rent Program to ensure that property owners are not improperly registering their properties as "vacant" if they are actually being used as STRs.

Alternatives. Staff has not identified alternatives to the recommended approach.

ISSUE 9: MONITORING AND ENFORCEMENT

Recommended Approach. Staff recommends using a range of enforcement tools, including both voluntary and proactive enforcement:

    - Voluntary compliance tools, including self-certification and acknowledgement of rules by STR operators when they apply for a zoning clearance or STR permit.
    - As-needed enforcement, including responding to and resolving citizen complaints about specific STRs, including:
- Use existing platforms such as 311/SeeClickFix to register complaints.
- Send Code Enforcement staff to respond to citizen complaints. Following up to see that violations are corrected.
- Rely on the Police Department to respond to 911 and police nonemergency calls.
    - Proactive enforcement, including contracting with a third-party monitoring firm to track STRs listings to identify unregistered STRs or those violating the regulations. Additional funding and staffing would be required.

Alternatives. Alternatives include:

- Rely on voluntary compliance by STR hosts, as well as complaint-based enforcement of individual problem cases. Do not proactively monitor STR listings.
- Monitor STR listings but have City staff, instead of a third-party, do the monitoring.
- Set up a special hotline for STR complaints.

Board feedback: See questions on enforcement under "General Feedback" section.