



City of South Lake Tahoe

"making a positive difference now"

STAFF REPORT PLANNING COMMISSION MEETING OF DECEMBER 8, 2016

TO: Planning Commission

FROM: Kevin Fabino, Zoning Administrator
Development Services Department

RE: Consideration of an appeal of VHR-01272 Application
439 Ala Wai, #166

RECOMMENDATION:

1. The Planning Commission could uphold the Zoning Administrator's decision.
2. The Planning Commission could overturn the Zoning Administrator's decision.
3. The Planning Commission could take no action and refer the matter to the City Council.

APPLICATION INFORMATION:

Project Number: VHR -01272
Application Type: New VHR application (escrow)
Location: 439 Ala Wai, #166, South Lake Tahoe, CA (See Attachment A, Location Map)
APN: 022-271-02-100
Property Owner: Susan J. Reynolds
Applicant: Dennis & Susan Daniel Daniels
Representative: Christine Dille, Vacasa of South Lake Tahoe

BACKGROUND:

The subject property located at 439 Ala Wai, #166, South Lake Tahoe, CA is being purchased by Dennis & Susan Daniel and is currently in escrow. The applicant submitted a Vacation Rental Permit application on September 22, 2016 for a new Vacation Home Rental (VHR) permit (See Attachment B, VHR Application).

Pursuant to the City of South Lake Tahoe Municipal Code a new VHR application is required when there is a "change of ownership or change of material fact" (SLT MC §3.50.430(A)). The Municipal Code requires the Zoning Administrator to render a decision to approve or deny a vacation home rental permit application for a property that is in escrow within 30 days of receipt of a complete application (SLT MC §3.50.430(C)).

For a new vacation home rental application in a residential zoned land the City's Municipal Code requires a noticing of affected properties located within 300-foot radius (SLT MC §3.50.460(A)).

Based upon the date the application was submitted and the requirement of the Municipal Code a Public Hearing was scheduled for October 19, 2016. This regular meeting of the Zoning Administrator was duly noticed and a Vacation Home Rental Notice of Application was sent to affected property owners within 300-foot radius of the subject property on September 29, 2016 (See Attachment C, Proof of Service By Mail). On October 5, 2016, the City received comments from Ms. Laurie Crane, via electronic mail, stating the application should be denied and including several reasons (See Attachment D, Electronic Mail).

On October 19, 2016, the Zoning Administrator call the public hearing to order, received a report from staff, and received public testimony. The owner's representative appeared and when asked about the allegation of noise from the staircase, provided minimal insight.

Based upon the adjacent owner's complaint and no new insight from the owner's representative, the Zoning Administrator denied the application.

FINDINGS:

In order for a Vacation Home Rental Application the Zoning Administrator and now the Planning Commission the following finding are to be made (SLTMC §3.50.430(B):

B. Findings Required. Where Zoning Administrator approval of a vacation home rental permit application is required, a permit shall only be issued where the Zoning Administrator finds all of the following:

- i. The site upon which the vacation home rental is to be established conforms to all standards of the plan area statement in which it is located except as allowed herein under existing nonconforming homes or residential structures, and that the site for the proposed use is adequate in size and shape to accommodate said use in conformance to all parking and other applicable requirements of the code.
- ii. The residential character of the neighborhood in which the use is located shall be maintained and preserved and that the issuance of the permit shall not be detrimental to the public health, safety and welfare of the residents within the neighborhood or injurious to the community within the vicinity in which the use is located. A factor in determining whether an application is detrimental to the public health, safety and welfare of the residents within the neighborhood or injurious to the community within the

vicinity in which the use is located may include the number of current VHR permits located within 300-foot radius of the subject property.

On October 26, 2016, Dennis and Patricia Daniel filed with the City Clerk an appeal of the decision of the Zoning Administrator (See Attachment G, City of South Lake Tahoe Appeal Form). This appeal provided new information that was not provided to the Zoning Administrator at the time of the hearing.

On November 29, 2016, staff received from Nick and Laurie Crane, via electronic mail, stating their interest in withdrawing their objections (See Attachment H, Electronic Mail).

ATTACHMENTS:

Attachment A, Location Map

Attachment B, VHR Application, dated September 22, 2016

Attachment C, Proof of Service By Mail, dated September 29, 2016

Attachment D, Electronic Mail from Ms. Laurie Crane, dated October 5, 2016

Attachment E, VHR Staff Report, dated October 19, 2016

Attachment F, Zoning Administrator Meeting Minutes - October 19, 2016

Attachment G, City of South Lake Tahoe Appeal Form, dated October 26, 2016

Attachment H, Electronic Mail from Ms. Laurie Crane, dated November 29, 2016

By:



Kevin Fabino, Zoning Administrator
Director of Development Services

ATTACHMENT A

Location Map



ATTACHMENT B

**VHR Application,
Dated September 22, 2016**

LEAVE NO IMPACT

Leave no impact is a set of beliefs promoting respect for South Lake Tahoe Neighborhoods; dispose of waste properly, leave what you find, respect wildlife, and be considerate of others.

- **Noise** – No excessive or unreasonable noise is permitted at any time.
- **Trash** - We would also like to remind you that we live in the forest. In the forest we have bears that are hungry and will go through your trash if you leave garbage bags outside of your VHR. Also, if you leave food inside of your vehicles, a bear may try to get to your food for a snack.
- **Occupancy** – Visitors must adhere to the maximum number of occupants in the VHR. Weddings and parties are not allowed in VHRs.
- **Pools/Spas/Hot tubs** – Use of pools, spas and hot tubs with the use of jets, blowers and other mechanical elements that produce noise are prohibited between the hours of 10pm and 7am.
- **Parking** – Parking at VHRs must be in compliance with all City and State parking regulations. The number of parking spaces at each VHR is posted on signage outside of the VHR.
- **Enforcement** – If the City of South Lake Tahoe VHR Enforcement Officer issues a citation for noise, parking, occupancy or trash complaints, fines range from \$250 - \$2,00.

**It is the responsibility of the property owner to ensure that renters adhere to the standards required by the City. Any violators will be cited and fined.*

This information should be made available to all renters, and can also be accessed through the City's website at cityofslt.us/vhr.

Signature of Applicant:



Name of Applicant (Printed):

Dennis Daniel

Date:

9/14/16

\$545.

VACATION HOME RENTAL CHECKLIST		
Applicant Information		
Applicant Name:	Dennis and Patricia Daniel	(For City Use Only) Application No:
Property APN:	022-271-02-100	
Property Address:	439 Ala Wai Blvd #166	
Applicant Use	Items Required with Application (applications lacking any of the following items will be not accepted)	Submitted
<input checked="" type="checkbox"/>	Completed City of South Lake Tahoe Vacation Home Rental Application with signatures.	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Application Fee. Please refer to the City of South Lake Tahoe Filing Fee Schedule available at the City Development Services Department or online at www.cityofslit.us .	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Signed Documentation if Property is in Escrow.	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Signed "Local Contact Responsibility" form.	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Signed "Leave No Impact" form.	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Written statement of findings (see "PRIOR TO APPLICATION SUBMITTAL" section above on page 2 of this application).	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Diagram or photo of onsite parking spaces that meet the City's Standard. (i.e., one space within the 20 foot setback where a garage is present.)	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Site Plan showing the following:	<input type="checkbox"/>
<input checked="" type="checkbox"/>	- Property Lines	<input type="checkbox"/>
<input checked="" type="checkbox"/>	- Dimensions of lot 18 x 42 847 sq ft or .0194	<input type="checkbox"/>
<input checked="" type="checkbox"/>	- Dimensions of structures on lot 18 x 42	<input type="checkbox"/>
<input checked="" type="checkbox"/>	- Setbacks 36'	<input type="checkbox"/>
The Following Items will be Included as Conditions of Approval and are Required Prior to Permit Acknowledgment		Submitted COA
<input type="checkbox"/>	Provide the URL link to online advertising and a screenshot of the online advertising which:	<input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/>	- Accurately represents the property in its current state	<input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/>	- Depicts the appropriate occupancy level	<input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/>	Provide photographs of all required signage (indoor, outdoor, hot tubs/spas, etc.)	<input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/>	Provide a copy of the indoor signage that includes the following:	<input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/>	- Maximum number of occupants	<input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/>	- Describes available off street parking besides garage	<input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/>	- Contact information for either local contact or agency	<input type="checkbox"/> <input type="checkbox"/>

LOCAL CONTACT RESPONSIBILITY AND OWNER AUTHORIZATION

The Development Services Department requires property owner authorization for the local contact to request and facilitate Vacation Home Rental (VHR) related inspections, address required corrections, and submit necessary applications to obtain and maintain a City permit to operate a VHR on the property indicated below.

Rental Property Physical Address: 439 Ala Wai Blvd #166 South Lake Tahoe

Property Owner: Dennis Daniel
(Print Name)

Declaration: I am the owner(s) of the subject property and hereby authorize the representative listed below to assume responsibility as the local contact and to represent me in acquiring and maintaining a VHR permit.

Property Owner Signature: _____

NOTE: A LOCAL CONTACT MAY NOT SCHEDULE OR CONDUCT VHR INSPECTIONS UNTIL THIS FORM IS SIGNED AND SUBMITTED TO THE DEVELOPMENT SERVICES DEPARTMENT.

According to City Code: 3.50 – Local Contact Person:

Each owner of a vacation home rental shall designate a local person within a 30-mile radius or licensed property manager/agent as a local contact person who has access and authority to assume management of the unit and take remedial measures. The local contact person or local property manager shall be available 24 hours a day to respond to tenant and neighborhood questions or concern and must have a Text enabled phone. An owner of a vacation home rental who resides at the South Shore of Lake Tahoe may designate himself/herself as the local contact person. Any change in the local contact person's address or telephone number shall be promptly furnished to the city vacation rental permit technician.

Due to the language "assume management of the unit and take remedial measures", you are responsible for contacting the renters when you have been notified of noise or parking complaints. You may be contacted by the South Lake Tahoe Police Department to secure the property as needed. Therefore, your phone number will be available upon request to police staff responsible for operating the Vacation Home Rental program, and will be posted on the Vacation Home Rental permit for the renters and police.

Local Contact Name: Christie Dille

Local Contact Signature: Christie Dille

Local Contact Address: Vacasa of South Lake Tahoe

Text Enabled Phone: 775 377 4603

Date: 9/15/16

APPLICATION AFFIDAVIT

I, Dennis Daniel, certify that all information contained herein is accurate, to the best of my knowledge. I DD (initial) certify this operation of a vacation home rental, and agree to comply with all conditions of the Vacation Home Rental (VHR) Permit issued by the City of South Lake Tahoe. I DD (initial) certify that all designated bedrooms meet all local and safety building code requirements. I DD (initial) acknowledge that I will post the notices required in South Lake Tahoe City Code 3.50 Article VII in this VHR. I DD (initial) acknowledge that prior to using this property as a vacation home rental, I must adhere to all VHR requirements including, but not limited to, Permit, Fees and Taxes, Noise, Parking and Trash requirements and keep my permit current. I will notify the City of changes to the permit, management, mailing address, change of ownership, etc. I DD (initial) understand that change of ownership is non-transferrable. I am aware of penalties, citations and fees for violations by my renters and their guests, and they may adversely affect my annual renewal.

Signature of Applicant:



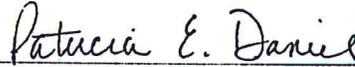
Name of Applicant (Printed):

Dennis Daniel

Date:

9/14/16

Signature of Spouse/Partner/Co-owner:



Name of Spouse/Partner/Co-owner (printed):

Patricia E. Daniel

Date:

9/14/16



CALIFORNIA ASSOCIATION OF REALTORS

RESIDENTIAL INCOME PROPERTY PURCHASE AGREEMENT AND JOINT ESCROW INSTRUCTIONS (C.A.R. Form RIPA, Revised 12/15)

Date Prepared: May 27, 2016

1. OFFER:

- A. THIS IS AN OFFER FROM Dennis E. Daniel, Patricia E. Daniel ("Buyer").
B. THE REAL PROPERTY to be acquired is 439 Ala Wai Boulevard #166, situated in South Lake Tahoe (City), El Dorado (County), California, 96150 (Zip Code), Assessor's Parcel No. 022-271-02 ("Property").
C. THE PURCHASE PRICE offered is Four Hundred Eighty Thousand Dollars \$ 480,000.00
D. CLOSE OF ESCROW shall occur on August 30, 2016 (date) (or Days After Acceptance).
E. Buyer and Seller are referred to herein as the "Parties." Brokers are not Parties to this Agreement.

2. AGENCY:

- A. DISCLOSURE: The Parties each acknowledge receipt of a "Disclosure Regarding Real Estate Agency Relationships" (C.A.R. Form AD).
B. CONFIRMATION: The following agency relationships are hereby confirmed for this transaction: Listing Agent Coldwell Banker McKinney & Associates (Print Firm Name) is the agent of (check one): the Seller exclusively; or both the Buyer and Seller. Selling Agent Chase International South Tahoe Realty (Print Firm Name) (if not the same as the Listing Agent) is the agent of (check one): the Buyer exclusively; or the Seller exclusively; or both the Buyer and Seller.
C. POTENTIALLY COMPETING BUYERS AND SELLERS: The Parties each acknowledge receipt of a "Potential Representation of More than One Buyer or Seller - Disclosure and Consent" (C.A.R. Form PRBS).

3. FINANCE TERMS: Buyer represents that funds will be good when deposited with Escrow Holder.

- A. INITIAL DEPOSIT: Deposit shall be in the amount of \$ 14,400.00
(1) Buyer Direct Deposit: Buyer shall deliver deposit directly to Escrow Holder by electronic funds transfer, cashier's check, personal check, other within 3 business days after Acceptance (or);
OR (2) Buyer Deposit with Agent: Buyer has given the deposit by personal check (or) to the agent submitting the offer (or to), made payable to . The deposit shall be held uncashed until Acceptance and then deposited with Escrow Holder within 3 business days after Acceptance (or). Deposit checks given to agent shall be an original signed check and not a copy.

(Note: Initial and increased deposits checks received by agent shall be recorded in Broker's trust fund log.)

- B. INCREASED DEPOSIT: Buyer shall deposit with Escrow Holder an increased deposit in the amount of \$ within Days After Acceptance (or). If the Parties agree to liquidated damages in this Agreement, they also agree to incorporate the increased deposit into the liquidated damages amount in a separate liquidated damages clause (C.A.R. Form RID) at the time the increased deposit is delivered to Escrow Holder.

- C. ALL CASH OFFER: No loan is needed to purchase the Property. This offer is NOT contingent on Buyer obtaining a loan. Written verification of sufficient funds to close this transaction IS ATTACHED to this offer or Buyer shall, within 3 (or) Days After Acceptance, Deliver to Seller such verification.

D. LOAN(S):

- (1) FIRST LOAN: in the amount of \$ 384,000.00
This loan will be conventional financing or FHA, VA, Seller financing (C.A.R. Form SFA), assumed financing (C.A.R. Form AFA), subject to financing, Other . This loan shall be at a fixed rate not to exceed 4.250 % or, an adjustable rate loan with initial rate not to exceed % . Regardless of the type of loan, Buyer shall pay points not to exceed 0 % of the loan amount.
(2) SECOND LOAN in the amount of \$
This loan will be conventional financing or Seller financing (C.A.R. Form SFA), assumed financing (C.A.R. Form AFA), subject to financing, Other . This loan shall be at a fixed rate not to exceed % or, an adjustable rate loan with initial rate not to exceed % . Regardless of the type of loan, Buyer shall pay points not to exceed % of the loan amount.
(3) FHA/VA: For any FHA or VA loan specified in 3D(1), Buyer has 17 (or) Days After Acceptance to Deliver to Seller written notice (C.A.R. Form FVA) of any lender-required repairs or costs that Buyer requests Seller to pay for or otherwise correct. Seller has no obligation to pay or satisfy lender requirements unless agreed in writing. A FHA/VA amendatory clause (C.A.R. Form FVAC) shall be a part of this transaction.

E. ADDITIONAL FINANCING TERMS:

- F. BALANCE OF DOWN PAYMENT OR PURCHASE PRICE in the amount of \$ 81,600.00 to be deposited with Escrow Holder pursuant to Escrow Holder instructions.
G. PURCHASE PRICE (TOTAL): \$ 480,000.00

Buyer's Initials (DP) (PLD)
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RIPA REVISED 12/15 (PAGE 1 OF 11)

Seller's Initials (SK) ()



RESIDENTIAL INCOME PROPERTY PURCHASE AGREEMENT (RIPA PAGE 1 OF 11)



CALIFORNIA ASSOCIATION OF REALTORS

EXTENSION OF TIME ADDENDUM (C.A.R. Form ETA, Revised 4/06)

The following terms and conditions are hereby incorporated in and made a part of the: [] California Residential Purchase Agreement, [] Manufactured Home Purchase Agreement, [] Probate Purchase Agreement, [X] Residential Income Property Purchase Agreement, [] Vacant Land Purchase Agreement, [] Commercial Property Purchase Agreement, [] Business Purchase Agreement, [] other

dated May 27, 2016, on property known as 439 Ala Wai Boulevard #166, South Lake Tahoe, CA 96150 ("Property"), in which Dennis E. Daniel, Patricia E. Daniel is referred to as ("Buyer") and Loreyn LLC is referred to as ("Seller").

- 1. EXTENSION OF ESCROW: The scheduled Close Of Escrow is extended to September 23, 2016 (Date).
2. EXTENSION OF CONTINGENCY(IES): The following contingency(ies), if checked, is/are extended to (Date) [] Buyer Investigation of Property Condition [] Loan [] Other
3. OTHER EXTENSION(S): The time for is/are extended to (Date).
4. ADDITIONAL TERMS:

By signing below, Buyer and Seller acknowledge that each has read, understands, and received a copy of and agrees to the terms of this Extension of Time Addendum.

Buyer Dennis E. Daniel Date 18-Jul-2016 | 09:00:47 PDT
Buyer Patricia E. Daniel Date 18-Jul-2016 | 08:31:32 PDT
Seller Loreyn LLC Date 19-Jul-2016 | 05:28:29 PDT

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Reviewed by Date



Written Statement of Findings - VHR

439 Ala Wai Blvd #166

1. The proposed VHR is necessary or desirable on the specific parcel:

This townhouse is desirable as a VHR because it is in a community that is perfectly suited for *vacationing outdoors-related guests*. It is located in a quiet cove of several vacation home rentals and is within walking distance of the lake, boat docks, the marina, property owners' association beach, tennis courts, and walking paths. This parcel is perfect for anyone seeking to enjoy all of the many attributes of South Lake Tahoe. The VHR is necessary for the owner to help pay for the costs of owning a vacation house such as property taxes, homeowner's association fees, utilities, and other recurring costs of owning property in South Lake Tahoe.

2. The proposed VHR is not injurious to the neighborhood:

This property is a small townhouse with a current VHR permit. The unit sleeps 6-8 comfortably, and was designed and will be marketed towards small families and/or 2 or 3 couples. Vacasa, the property management company, will ensure that advertising targets quality guests and rigorous screening takes place prior to approval. The rules of the home and the VHR permit will be stressed and explained verbally to ensure compliance. Such things as occupancy, parking, noise, no pets, trash disposal and other general codes of conduct will be thoroughly discussed. Guests will verify their understanding and agreement to abide by all rules at the risk of possible eviction, citations, civil fines, and additional charges to their accounts.

Vacasa will ensure all trash is properly disposed of in the large dumpster provided in the parking lot adjacent to the unit.

Rental agreements will include a "No Pets" clause to ensure that all neighborhood landscaping is not affected and no excess noise is encountered by neighbors.

The Tahoe Keys area is heavily populated with vacation home rentals. This ensures the proper upkeep of the property and that the neighborhoods have people present and not allowed to deteriorate.

3. The proposed VHR is consistent with the intent of Chapter 6.55 of the code:

As mentioned in chapter 6.55.100 Definitions – Enumeration: "Residential means uses, facilities, and activities primarily pertaining to the occupation of buildings on a permanent basis for living, cooking, and sleeping, which are allowed to be used or rented on a periodic basis."

The plan area statement was designed for all residential and commercial activities to be available to all people whether they are tourists or people that live here permanently. It is to the advantage of South Lake Tahoe to accommodate new visitors and those who have been there before who experience Lake Tahoe and all of the businesses the community has to offer.

4. **The proposed VHR is consistent with the permitted uses in the plan area:**

The plan area allows homes to be rented on a periodic basis. Further, the TRPA Regional Plan includes the following:

Policies: LU-3.1 all persons shall have the opportunity to utilize and enjoy the region's natural resources and amenities.

LU-3.4 existing development patterns in residential neighborhoods outside of centers and environmentally-sensitive lands should be maintained with no significant change.

Tourist areas are urban areas that have the potential to provide intensive tourist accommodations and services or intensive recreation. This land use classification also includes areas recognized by the Bi-State Compact as suitable for gaming. These lands include areas that are: 1) already developed with high concentrations of visitor services, visitor accommodations, and related uses; 2) of good to moderate land capability (land capability districts 4-7); 3) with existing excess land coverage; and 4) located near commercial services, employment centers, public services and facilities, transit facilities, pedestrian paths, and bicycle connections

5. **The proposed VHR site conforms to all standards of the plan area statement:**

The property conforms to requirements under the city code of setback, lot coverage, and building height, parking, and land use. This home will not be used for commercial activities but only as a residential unit for the owners' personal use and to be rented on a periodic basis.

The home is perfect in size (~1480 square feet) and shape (3 bedroom, 2.5 baths) to accommodate 6-8 people comfortably without overcrowding.

6. **The residential character of the neighborhood shall be maintained and preserved and the VHR permit shall not be detrimental to public health, safety, and welfare of residents:**

The vacation home will be rigorously maintained to ensure cleanliness and comfort. The Property Owners' Association maintains the landscaping and exterior aesthetics. All requirements contained within the VHR special use permit will be monitored to ensure that health and safety are maintained for all residents and neighbors.

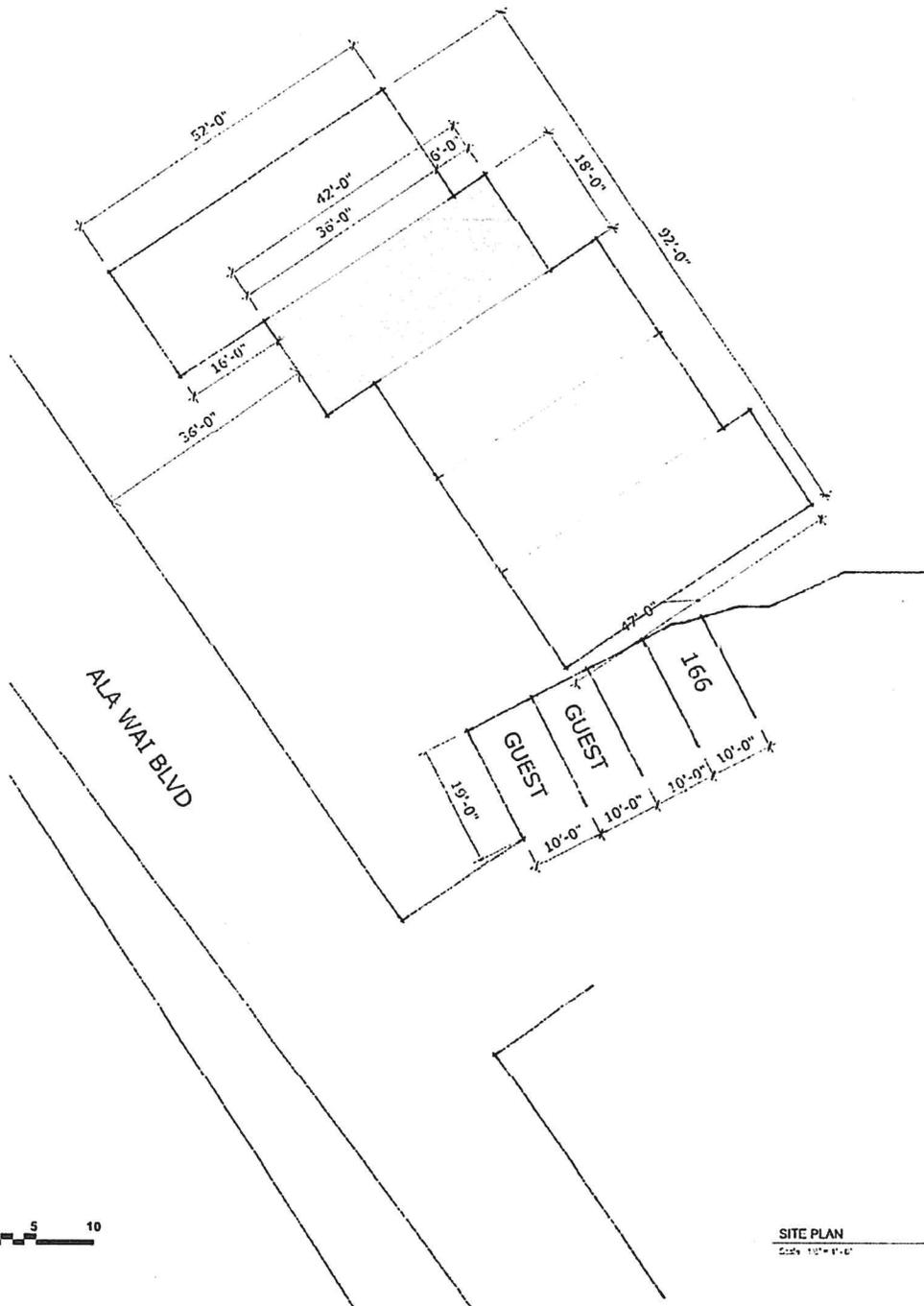
Emergency exit maps, emergency exit lighting, and fire extinguishers are present and will be properly maintained throughout the home according to the permit.

Vacasa will act as property manager and will maintain 24 hour office accommodations for guests to check-in and receive instructions prior to entering the neighborhood. The Code of Conduct, noise rules, occupancy numbers, and parking will be explained with the accompanying sanctions.

Contact information for Vacasa will be posted to ensure neighbors have access to Vacasa should any situation arise requiring attention.

Occupancy will conform to the required numbers at all times to ensure a quiet, family oriented rental that will complement the area and its residents

Dennis and Patricia Daniel
439 Ala Wai Blvd, #166
APN: 022-271-02-100
Permit no.



ATTACHMENT C

**Proof of Service By Mail,
Dated September 29, 2016**



City of South Lake Tahoe
"making a positive difference now"

CITY OF SOUTH LAKE TAHOE
DEVELOPMENT SERVICES DEPARTMENT

PLANNING DIVISION

Proof of Service by Mail
(required as per SLT Municipal Code Section 6.55.640)

SUBJECT: VHR Hearing ADDRESS: 439 Ala Wai #166
APN: 622-271-62-0100

STATE OF CALIFORNIA
COUNTY OF EL DORADO
CITY OF SOUTH LAKE TAHOE

I am an employee of the City of South Lake Tahoe, Development Services Department. On September 29, 2016, I served the attached notice pursuant to Section 6.55.640 of the South Lake Tahoe Municipal Code on the persons named thereon or attached thereto by placing a true copy thereof with postage thereon fully prepaid in the United States mail. I declare, under penalty or perjury, that the foregoing is true and correct.

Executed on September 29, 2016, by

Cathy White
Development Service Department
1052 Tata Lane
South Lake Tahoe, CA 96150-6251

Attachments: 1. Legal Notice
2. Boundary Map
3. Property List



City of South Lake Tahoe

"making a positive difference now"

CITY OF SOUTH LAKE TAHOE VACATION HOME RENTAL NOTICE OF APPLICATION

September 28, 2016

Dear Property Owner:

The City of South Lake Tahoe Zoning Administrator is considering approval of a Vacation Home Rental application for the property at **439 Ala Wai #166** on **Wednesday, October 12, 2016 at 2:00 PM** in the City Council Chambers, 1901 Airport Road, South Lake Tahoe, CA. A public hearing shall be held only if written opposition is received by **Monday, October 10, 2016 at 4:00 PM**. If no written request is received, the Zoning Administrator may review the application and all documentation in approving or denying a vacation home rental permit application without holding a public hearing.

Any appeal of the Zoning Administrator's decision may be limited to raising only those items you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the City Planning Division prior to the Public Hearing.

Please submit hearing requests to vhr@cityofslt.us or by mail at 1052 Tata Lane, South Lake Tahoe, CA 96150.

*You are receiving this notice because you live within 300' of a pending Vacation Home Rental application within the City of South Lake Tahoe.



A & B YIM LTD
90 VASQUEZ AVE
SAN FRANCISCO CA 94127

GOULD GRANT W
022-271-01
3443 VALLEY VIEW RD
RESCUE CA 95672

RUSS LINDA S
022-271-04
3592 CENTERVILLE RD
FERNDALE CA 95536

HIGGINS STEPHEN T TR
022-271-07
27833 NORTH 91ST ST
SCOTTSDALE AZ 85262

FELDMAN CHARLES ALAN TR
022-271-10
791 CHRISTINE DR
PALO ALTO CA 94303

COOPER KEVIN G TR
022-271-13
19055 HAYES ST
CASTRO VALLEY CA 94546

KIRIAZE RONALD SUCC TR
022-271-16
2905 SPRINGVALE WAY
CONCORD CA 94518

TOROK STEVEN TR
022-271-19
151 N SUNRISE AVE #1116
ROSEVILLE CA 95661

PRATT DENNIS G TR
022-271-22
15449 COLLEEN CT
RIVERSIDE CA 92508

CROWDER LEWIS F TR
022-281-02
1675 8TH AVE
SACRAMENTO CA 95818

CICHOWSKI SASHA
022-281-05
17958 REDWOOD DR
LOS GATOS CA 95033

LOREYN LLC
022-271-02
6204 PLEASANT GROVE RD
PLEASANT GROVE CA 95668

TURNERY PAUL DOUGLASS TR
022-271-05
P O BOX 421
CLAYTON CA 94517

FREDERICK CARL
022-271-08
9612 PASTURE ROSE WY
ELK GROVE CA 95624

SAFFARIAN TAUBEH
022-271-11
48817 DEER VIEW TER
FREMONT CA 94539

LAMPH LEWIS E TR
022-271-14
3107 BARRYMORE DR
CONCORD CA 94518

FILHO ALBINO PEREIRA DE
MATTOS
022-271-17
RUA CORONEL MORAIS 381
PARI SAO PAULO SP CEP

JONES CONSTANCE M
022-271-20
2430 ROCK HILL CIR
RENO NV 89509

TAHOE KEYS HOME OWN ASSN
022-271-23
P O BOX 1239
SOUTH LAKE TAHOE CA 96156

DIAMOND STEPHEN EARL
022-281-03
439 ALA WAI BLVD #109
SOUTH LAKE TAHOE CA 96150

KAY STEPHEN ARMAND TR
022-281-06
18303 FITZPATRICK LANE
OCCIDENTAL CA 95465

ROSS STEVEN
022-271-03
25870 WESTVIEW WAY
HAYWARD CA 94542

RAS CONSULTING SERVICES LLC
022-271-06
3388 WHITE MOUNTAIN CT
RENO NV 89511

WOLPER MARK M CO TR
022-271-09
4000 WARNER BLVD BLDG 14 RM
X
BURBANK CA 91522

HEARST ALAN
022-271-12
439 ALA WAI BLVD #150
SOUTH LAKE TAHOE CA 96150

HAIR WILLIAM H TR
022-271-15
8049 STONE PLACE
VENTURA CA 93004

AVILA JOHN V TR
022-271-18
1525 DE VE AVE
MODESTO CA 95350

MARSDEN BARBARA SURV TR
022-271-21
915 COMSTOCK WAY
SOUTH LAKE TAHOE CA 96150

TAHOE KEYS PROP OWN ASSN
022-281-01
P O BOX 1239
SOUTH LAKE TAHOE CA 96151

MONEY LYDIA M TR
022-281-04
1322 SULPHUR SPRINGS RD
SAINT HELENA CA 94574

SVANBERG JEANNE M TR
022-281-07
256 WHITE FANG WAY
LIVERMORE CA 94550

NAKAJI MARJORIE SUGAKO TR
022-281-08
%18580 ANNIE LN
SAN JOSE CA 95120

SOMMER MELVIN R TR
022-281-09
1838 KIRKMONT DR
SAN JOSE CA 95124

LEE ANTHONY WON HYUNG TR
022-281-10
14649 WYRICK AVE
SAN JOSE CA 95124

BRANDSTETTER HYNIE L SUC CO
TR
022-281-11
%SC PROP 311 S ELLSWORTH AVE
SAN MATEO CA 94401

D'AMATO NICHOLAS L TR
022-281-12
5636 BOLTON WAY
ROCKLIN CA 95677

HANKERMAYER KENNETH G CO
TR
022-281-13
3050 COUNTRY CLUB CT
PALO ALTO CA 94304

ADACHI KENNETH S SUC CO TR
022-281-14
103 BRISTOL
HERCULES CA 94547

BOETTCHER JEANNINE L
022-281-15
158 KENSINGTON WAY
LOS GATOS CA 95032

BAILEY DOUGLAS B
022-281-16
8024 GARRY OAK DR
CITRUS HEIGHTS CA 95610

AUVINEN VICTOR
022-281-17
4970 SLEEPY HOLLOW RD
SHINGLE SPRINGS CA 95682

SIMMONS MOSBY
022-281-18
797 CANOAS CREEK CIR
SAN JOSE CA 95136

A & B YIM LTD
022-281-19
90 VASQUEZ AVE
SAN FRANCISCO CA 94127

ALVAREZ ELIZABETH ANN TR
022-281-20
8666 VELMA LN
TRACY CA 95376

JACOBS STEVEN H TR
022-361-01
5304 ENGLE RD
CARMICHAEL CA 95608

NOREM DANIEL B TR
022-361-02
9900 WILBUR MAY PKWY APT 3704
RENO NV 89521

THOMPSON DANIEL E
022-361-03
1214 HIGHLAND DR
NOVATO CA 94949

ULLO JAMES J
022-361-04
4365 WILD EAGLE TERRACE
RENO NV 89511

LACINA GERTRUDE D TR
022-361-05
824 18TH AVE
MENLO PARK CA 94025

LEE GREGORY Y
022-361-06
68 SUNLIT CIR
SACRAMENTO CA 95831

RUSSO PAUL M TR
022-361-07
13050 LA PALOMA RD
LOS ALTOS HILLS CA 94022

HAROUNI PARTNERS DE LLC
022-361-08
815 LAKE OAK CT
SACRAMENTO CA 95864

WEISS FREDERICK DOUGLAS
022-361-09
1770 MARY ROSE LN
LINCOLN CA 95648

BAER HENRY
022-361-10
PO BOX 2418
SAUSALITO CA 94966

ANDRUS ERIC W
022-361-11
%2105 TOSCANA PLACE
AUBURN CA 95603

ROCCA LEONARD R
022-361-12
42400 BOYCE RD #C
FREMONT CA 94538

BOWLING RICHARD & JEAN LEE
TR
022-361-13
3426 STREAMSIDE CIR
PLEASANTON CA 94588

LAMBERSON DAVID E TR
022-361-14
870 OLD FARM LN
APTOS CA 95003

HIRAHARA CARLE C SURV TR
022-361-15
89 DAVIS RD STE 160
ORINDA CA 94563

SARRAF YAZDI ALI TR
022-361-16
1326 SOUTHWIND CIR
THOUSAND OAKS CA 91361

SLH MGMNT SERVICES NV LLC
022-361-17
3683 TIFFANI COURT
SANTA CRUZ CA 95065

KIDD ELDON M TR
022-361-18
1900 YELLOW OAK DR
MODESTO CA 95354

MEISER VERNON MELVILLE TR
022-361-19
315 FREEPORT BLVD
SPARKS NV 89431

ROCCA LEONARD
022-361-20
42400 BOYCE RD
FREMONT CA 94538

SUE VERNON W TR
022-361-21
%1213 HIGHLAND DR
PORTERVILLE CA 93257

HAYES JOHN A
022-361-22
8080 COUNTRY TRAIL DR
ORANGEVALE CA 95662

REYNOLDS JERRY O TR
022-361-23
1003 CHAFFIN CT
ROSEVILLE CA 95661

POLAND DOYLE A TR
022-361-24
238 JACKSON ST
SANTA CRUZ CA 95060

DWYER RICHARD E TR
022-361-25
3320 WONDER VIEW DR
LOS ANGELES CA 90068

PON JEANNE L SUCC CO TR
022-361-26
1045 HOLLY ST
ALAMEDA CA 94502

HILDEBRAND FRANK W TR
022-361-27
4180 PLEASANT VALLEY RD
PLACERVILLE CA 95667

MARKOE GEORGE J TR
022-361-28
P O BOX 553
ANGELS CAMP CA 95222

FINDARLE JOHN W TR
022-361-29
2121 PARK RIDGE DR
RIVERBANK CA 95367

MCALOON PAULETTE MYREE TR
022-361-30
13610 WILLOW RD
LAKESIDE CA 92040

FIORE TERESA
022-361-31
439 ALA WAI BLVD #115
SOUTH LAKE TAHOE CA 96150

GREEN & GREEN INVESTMENTS
LLC
022-361-32
PO BOX 686
WINTERS CA 95694

FIFE ROBERT K TR
022-361-33
78 ALPINE AVE
DALY CITY CA 94015

STONE RALPH F TR
022-361-34
68 LEMON TREE CIR
VACAVILLE CA 95687

CAUDLE JACQUELINE ANN TR
022-361-35
2000 ATRIUM PKWY APT 2201
NAPA CA 94559

TAHOE KEYS PROP OWN ASSN
022-361-36
P O BOX 1239
SOUTH LAKE TAHOE CA 96156

ATTACHMENT D

**Electronic Mail from Ms. Laurie Crane,
Dated October 5, 2016**

Krishna Penollar

From: Laurie Crane <lhc2627@sbcglobal.net>
Sent: Wednesday, October 05, 2016 10:15 AM
To: VHR
Subject: Appeal of zoning for vacation home rental

Categories: Red Category

Hello city of Southlake Tahoe,

We received your letter notifying us in regards of considering approval of vacation home rental for the property 439 Ala Wai #166. Unfortunately we will not be able to attend the meeting.

We would like to voice our opinion. We would like to see a long-term rental for the space and not a vacation rental. We strongly feel that vacation rentals have deteriorated our cove. We bought our property for peace and relaxation.. the unit next to ours is a rental and we've experienced people running up and down the staircase at all hours of the night.. please make this unit a long-term rental and not a vacation rental!

Kind regards,

Laurie & Nick Crane

Sent from my iPad

ATTACHMENT E

**VHR Staff Report
Dated October 12, 2016**



City of South Lake Tahoe

"making a positive difference now"

City of South Lake Tahoe Vacation Home Rental City Permit

Owner: Dennis & Patricia Daniel
Project Number: VHR-01272
Project Name: Daniel Vacation Rental
Property Address: 439 Ala Wai Blvd. #166
APN: 022-271-02
Prepared By: Jay Kniep, Planning Consultant

PROJECT DESCRIPTION

Operation of a Vacation Home Rental (VHR) to be located at 439 Ala Wai Blvd. #166 with a maximum occupancy of eight.

SUBMITTAL

- Vacation Home Application Received 9/22/2016
- Application Fee Received 9/22/2016
- Signed Documents of Property in Escrow dated 5/27/2016
- Vacation Home Rental inspection Pending Inspection

CONDITIONS

1. This permit is for a special use Vacation Home Rental in which the property owner will abide by all standards to preserve the integrity of the neighborhood in which the property is located.
2. This approval is based on the permittee's representation that all information contained in the subject application is true and correct. Should any information or representation submitted in connection with the project application be incorrect or untrue, the City may rescind this approval or take other appropriate action.
3. This permit shall be subject to the standard conditions in South Lake Tahoe City Code § 3.50.460 as listed in Attachment A.

PRIOR TO FINAL STAFF ACKNOWLEDGMENT

4. The applicant shall pass the required VHR Compliance Inspection.

SPECIAL CONDITIONS

5. This permit shall expire and become null and void one year, on the last day of the month, from the month of issuance.

6. The permit shall become effective and will be issued no sooner than five business days after the date of granting the permit. If prior to the expiration such five-day period an appeal is filed, the permit shall not be issued until the granting of the permit is affirmed on appeal.
7. The permittee shall comply with the inclusion of the appropriate signage for both inside and outside of the property following the standards set forth by the City of South Lake Tahoe Municipal Code.
8. The permittee shall comply with the inclusion of an emergency exit map, clearly displayed for renters.
9. This permittee shall comply with the required emergency exit lighting.

City Approval Signature

Date of Decision

APPLICANT'S ACKNOWLEDGEMENTS

I have read and understand the above conditions and agree to implement them.

I have read and understand the appeal process.

Applicant's Signature

Date

PROPERTY OWNER'S ACKNOWLEDGEMENTS

I have read and understand the above conditions and agree to implement them.

I have read and understand the appeal process.

Property Owner's Signature

Date

STAFF ACKNOWLEDGEMENT

The applicant / property owner has submitted the necessary documentation of compliance with the above permit conditions.

Planner's Signature

Date

CITY APPEAL OPPORTUNITY

Pursuant to Section §3.50.610 (E) appeals shall be limited to those parties or individuals that raised objections to the application by submission of written opposition as noted in §3.50.310 (D). Appeals from the Zoning Administrator's grant, modification or denial of a permit shall be appealed by any affected party to the Planning Commission. Appeals from the Planning Commission's grant, modification or denial of a permit shall be appealed to the City Council.

ATTACHMENT A

3.50.460 Permit conditions

A. All permits issued pursuant to this chapter are subject to the following standard conditions:

1. The owner shall, by written agreement, limit occupancy of the vacation home rental to the specific number of occupants designated in the permit, with the number of occupants not to exceed two persons per bedroom meeting building code requirements, plus four additional persons per residence. Minors under the age of 10 are excluded from occupancy conditions. A studio unit shall be limited to a maximum of two persons. One bedroom units shall be limited to a maximum of four persons per residence.
2. The owner shall, by written agreement, limit the number of vehicles to the number of on-site parking spaces. Each parking spot must be at least nine feet wide and 19 feet long.
3. The owner shall, by written agreement, notify the vacation home occupants that their rented use of the private residence precludes its use for commercial activities, including, but not limited to, weddings, receptions and large parties and failure to comply with the city's VHR regulations will result in the fines and/or penalties set forth for the VHR program.
4. The owner shall use best efforts to ensure that the occupants and/or guests of the vacation home rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this code or any state law pertaining to noise or disorderly conduct, by notifying the occupants of the rules regarding vacation home rentals and responding when notified that occupants are violating laws regarding their occupancy. It is not intended that the owner, local agent or contact person act as a peace officer or place himself or herself in harm's way.
5. The owner shall, upon notification that occupants and/or guests of his or her vacation home rental have created unreasonable noise or disturbances, engaged in disorderly conduct or violated provisions of this code or state law pertaining to noise or disorderly conduct, promptly use best efforts to prevent a recurrence of such conduct by those occupants or guests.

6. The owner of the vacation home rental shall use best efforts to achieve compliance with all the provisions of Chapter 4.150 SLTCC, Articles I through V (Refuse and Garbage).

7. The owner of the vacation home rental shall use best efforts to achieve compliance with all the provisions of Chapter 4.25 SLTCC, Article V (Stopping, Standing and Parking). Snow conditions are enforced by the police department against the owner of the offending vehicle.

8. The owner of the vacation home rental shall post a copy of the permit and a copy of the conditions set forth in this section in a conspicuous place within the vacation home rental.

9. All marketing must publish the permit number on any advertising.

10. The owner shall agree to and authorize the city to enter the vacation home rental for the purpose of inspections when the city has received complaints of substandard housing conditions and/or has been made aware of substandard housing conditions.

11. If a pool, spa or hot tub is located on the property and under the control and care of the property owner, the owner shall comply with all federal, state and local regulations. Further, use of all spas or hot tubs shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m. and to operate without the use of jets, blowers or other mechanical elements that produce noise.

12. The payment of the appropriate fee as set by resolution of the city council, which shall be based on a lower fee for VHR owners with fewer violations issued to guests or occupants in a 12-month period.

B. The city council at a duly noticed meeting shall have the authority to impose additional standard conditions, applicable to vacation home rentals, as necessary to achieve the objectives of this chapter.

C. The city manager or designee shall have the authority to impose additional conditions on any permit in the event of any violation of the conditions to the permit or the provisions of this chapter subject to compliance with the procedures set forth in SLTCC 3.50.530. (Ord. 928; Ord. 936 § 1; Ord. 990 § 1; Ord. 991 § 1; Ord. 1030 § 1 (Exh. A); Ord. 1046 § 1 (Exh. A); Ord. 1067 § 1 (Exh. A); Ord. 1086 § 1 (Exh. A). Code 1997 § 28A-73)

ATTACHMENT F

Zoning Administrator Meeting Minutes (October 12, 2016)

ALL CITY ZONING ADMINISTRATOR MEETINGS ARE OPEN TO THE PUBLIC AND
PUBLIC PARTICIPATION IS ENCOURAGED



CITY OF SOUTH LAKE TAHOE
ZONING ADMINISTRATOR
MEETING AGENDA
October 12, 2016, at 2:00 p.m.
1901 Airport Rd.
South Lake Tahoe, California

Zoning Administrator

Kevin Fabino, Zoning Administrator
Krisha Penollar, Development Services Technician

PLEASE NOTE: THE MEETING LOCATION IS ACCESSIBLE TO PEOPLE WITH DISABILITIES. EVERY REASONABLE EFFORT WILL BE MADE TO ACCOMMODATE ANY PERSON NEEDING SPECIAL ASSISTANCE TO ATTEND THIS MEETING; PLEASE CONTACT LYDIA ZUNIGA, RECORDING SECRETARY AT (530) 542-7417 AT LEAST 24 HOURS IN ADVANCE OF THE MEETING FOR ASSISTANCE (Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132) & Brown Act Government Code Sections 54953.2, 54954.1, 54954.2, and 54957.5)

Any writings or documents provided to the Zoning Administrator regarding any open session item on this agenda will be made available for public inspection during normal business hours at the Services Center located at 1052 Tata Lane, So. Lake Tahoe, California (SB 343)

1. ROLL CALL:
2. ADOPTION OF THE AGENDA:
3. COMMUNICATION FROM THE AUDIENCE ON BRIEF-NON-AGENDA ITEMS:
4. NEW BUSINESS:
 - a. New VHR- 1468 Ski Run
 - i. Recommended Actions:
 1. State findings for approval of the VHR permit based on the staff report and public record, subject to the conditions in the draft permit; or
 2. State findings for denial of the VHR permit based on the staff report and public record, subject to the conditions in the draft permit
 - b. New VHR- 2026 Venice
 - i. Recommendation: Approve with Conditions
 - c. New VHR- 2124 West Way
 - i. Recommendation: Approve with Conditions
 - d. New VHR- 3689 Spruce
 - i. Recommendation: Approve with Conditions
 - e. New VHR- 439 Ala Wai #166
 - i. Recommended Actions:
 1. State findings for approval of the VHR permit based on the staff report and public record, subject to the conditions in the draft permit; or
 2. State findings for denial of the VHR permit based on the staff report and public record, subject to the conditions in the draft permit
 - f. New VHR- 565 Lucerne
 - i. Recommended Actions:
 1. State findings for approval of the VHR permit based on the staff report and public record, subject to the conditions in the draft permit; or
 2. State findings for denial of the VHR permit based on the staff report and public record, subject to the conditions in the draft permit
 - g. New VHR- 910 Council Rock
 - i. Recommended Actions:
 1. State findings for approval of the VHR permit based on the staff report and public record, subject to the conditions in the draft permit; or
 2. State findings for denial of the VHR permit based on the staff report and public record, subject to the conditions in the draft permit

5. OLD BUSINESS:

a. 1886 Cascade

i. Recommended Actions:

1. State findings for approval of the VHR permit based on the staff report and public record, subject to the conditions in the draft permit; or
2. State findings for denial of the VHR permit based on the staff report and public record, subject to the conditions in the draft permit

6. PUBLIC HEARING:

7. ZONING ADMINISTRATOR REPORTS:

8. STAFF REPORTS:

9. ADJOURNMENT:

Pursuant to City Code § 2.45.010.A, decisions of the Zoning Administrator which relates to nuisance abatements may be appealed to the City Council by anyone adversely affected by such decision. Any person dissatisfied with the decision of the zoning administrator which relates to matters of planning and/or zoning and Vacation Home Rental permits shall first file an appeal to be heard by the Planning Commission. Appeals shall be filed by submitting a written notice of appeal with the City Clerk, accompanied by the appropriate application fees, within five (5) working days after the date the decision was rendered.

**SUMMARY MINUTES OF ACTION FOR THE ZONING ADMINISTRATOR
HEARING OF OCTOBER 19, 2016**

To: All Interested Parties

Any person dissatisfied with the decision of the Zoning Administrator may file with the City Clerk a written appeal within fifteen days of the decision, pursuant to City of South Lake Tahoe Municipal Code, Title 2, Chapter 2.35. The appeal form shall also be accompanied with the fees, pursuant to the Master Fee Schedule in effect at the time the appeal is filed (SLT MC §2.35.040).

ITEM I: Roll Call

Staff in Attendance: Kevin Fabino, Zoning Administrator
Krisha Penollar, Development Services Technician
Robin Sanders, Recording Clerk

ITEM II: Adoption of Agenda

Staff recommends removing 1205 Timber Lane from the agenda. No request for public hearing for items 5b (2026 Venice), 5d (3689 Spruce) and 5h (477 Ala Wai Blvd, #84).

ITEM III: Communication from the audience on brief- non-agenda items

ITEM IV: Old Business

- a. New VHR: 1886 Cascade Court.

Let the record show that the Zoning Administrator has reviewed the staff report. Nothing more to be added to the staff report.

In support of the VHR:

- Kathy Jo Liebhart, Tahoe Destination Rentals – representing the owner, Ashley Cooley. Also representing Brandy Brown, her neighbor. Kathy has another house she manages that is five houses down. She's had no complaints in the last 6 years for this property. All the neighbors surrounding this house have her phone number and know they can call her if needed. She has letters from Ashley and Brandy Brown which the ZA also has. They are in the record and so noted. Police have had no complaints within 300 feet of the property other than a bear sleeping on a deck. Regarding the letter of complaint, it was when the owner had a 30th birthday party several years ago and there was some noise from it from the celebration. Photos have been sent in showing the appropriate parking.

ZA reflects that it has not been a VHR before. ZA approves application for a period of 365 days. Because of the objection letter, he wants to make sure she comes before the ZA in one year. If no problems, then the ZA can decide fully what will happen next. ZA approves conditionally.

ITEM V: New Business

a. New VHR: 1468 Ski Run Blvd.

Let the record show that the Zoning Administrator has reviewed the staff report. Nothing more to be added to the staff report.

In support of the VHR:

- Bob McIntyre, builder of the property. He soundproofs all the noisy areas, puts air conditioning in them so windows don't need to be open, there are cameras that he uses to see parking areas and backyards that they can also listen to the noise and they can respond accordingly. South Tahoe Rentals has their own security patrol between 7pm to 3am. They can be there within moments of a phone call. It's on a half-acre parcel so there is separation between houses. They build them to keep the noise inside. Feels better when people are in the homes (i.e. renters) instead of empty houses. The alternative is a long term ski lease where there are no rules or regulations governing them. Instead of a clanging noise of a horseshoe pit, they could substitute a bean bag game.
- Michael Keller, real estate agent representing purchaser of 1468 Ski Run Blvd. Owner has had other rental properties in the past. If it's a condition of the permit, he would do the requirements. They can remove the bocce ball and horseshoe pit if they aren't being managed reasonably. They can make sure their renters adhere to the outdoor space policies. Owner's intentions are good. If there are any issues, they will make any reasonable accommodations.
- Mark Salmon, Pinnacle Real Estate Group representing Bob McIntyre in the sale of his home. Requests amount of complaints in the last year. Krisha Penollar says there were two party disturbance calls in 2015 within 300 feet of the proposed property at 3606 Mackedie and 3603 Mackedie. Mr. Salmon asks if the house meets all the regulations and Ms. Penollar says it does. Mr. Salmon states it not fair to the people who have invested a lot of money in a project for it to be rejected.
- Melissa Wong – the changing of a neighborhood is subjective. Some people enjoy having a vacation home next door. She prefers VHRs to long term rental.

In opposition of the VHR:

- Debra Mortenson, owner of 3584 Mackedie – Area is saturated. Most VHRs in this area are 4-5 bedroom homes. When fully occupied, this increases the population by 112 people in the neighborhood. Homes that hold 24 people is not a single family dwelling, it's a party house. Approval would impact neighborhood through too many people and cars. If this home is approved for a VHR, she would like filtering landscape, the bocce ball and horseshoe pit removed and outdoor living rules.
- Richard Mortenson – involved with this property since 1969. He's seen VHRs take over the whole block. They have ruined the peace and quiet, there have been lots of complaints and citations, and parking problems in the area. Any holiday weekend, you can't hear yourself talk on your own deck.

- Noel Farmer, lives in vicinity of property. Presents page for the record to ZA. There is a parking issue here. Saddle Road is no parking whatsoever, so parking spills over to Mackedie. There are 42 VHRs – 9 are megahouses – which brings 506 people and 118 cars for this one block area. Some houses have indoor pools and elevators. He submits that this is another commercial property being developed in a residential area and should not be permitted. Tourists causing trouble are never arrested but ski lease people can be arrested.
- Jerry Goodman – Asked if there are rules about cluster or any regulations about percentage in a given area. Mr. Goodman said it sounds like the character of the neighborhood is being changed quite a bit and there should be some kind of rules about clustering. He feels that there is a reason to rubber-stamp the process. It's not working for the residents, it's working for the vacation rental agencies. Is the weight the same for those in favor of VHRs vs. those who aren't?

ZA said is reasonable to say that it is weighted and based on direct impact. If you live 8 miles away, yes it's going to be weighted that what is the direct impact on that person 8 miles away.

- Cynthia Mortenson – grew up in the neighborhood. Concerned about saturation. Why are large megahouses being built and not called a hotel? What is the ruling? Some kind of line should be drawn.

ZA would like to give the owner and neighbors a chance to work out details. ZA doesn't want to rush to judgment but wants to get it right. ZA says to continue this until November 9, 2016.

b. New VHR: 2026 Venice Drive – approved

c. New VHR: 2124 West Way

- Joan Pillar – Pyramid Peak Properties – representing Richard and Page Horn, owners. They don't want loud parties in the neighborhood. They will have no hesitation to call the police if necessary. This home, although a 4 bedroom, they will self-limit it to only 8 people. Owner should be given an opportunity to use their property to its fullest potential. They will work with neighbors on any problems. Owner couldn't get here for the hearing as they just received notice yesterday about the hearing. The homeowners are passionate about their home and they want to use it more so that's why a VHR instead of long term lease. They are also putting a higher rental price on this property so they can get a higher quality of renter and not just occupancy.

ZA – Krisha asked to provide the representative with a copy of the email sent. ZA asked Krisha if she knows where the person who sent the letter is in relation to the property? Ms. Penollar said she wasn't able to get that but their primary residence is in Carmel.

Seeing as how this is the second VHR in the neighborhood, but the other VHR is a significant distance away from this one, ZA approves the VHR application for 2124 West Way.

- d. NEW VHR: 3689 Spruce – Approved as no comment made.
- e. NEW VHR: 439 Ala Wai Blvd., #166

Staff noted that out of 76 units, 22 of them are VHRs.

- Reid Van Noate – Works for Vacasa which represents the owner. The person objecting to this VHR application has concern about noise from the stairs. Wanted to know if this person is next door? The stairs are carpeted so he doesn't know how there can be noise from the stairs.

ZA's concern is there are any police calls or reports? Ms. Penollar stated there were no calls or citations for this unit, but there were calls for other units in the condo complex regarding #94, #137 and #156. Other units had not calls or complaints.

ZA – in light of the number of units in this complex and what appears to be some propensity for problems in VHR units at this location, and coupled with the objection from the adjacent owner, ZA denies this application.

- f. NEW VHR: 565 Lucerne Way

Staff noted that the person who requested the public hearing, who lives at 2156 Morro, is unable to attend today.

- Andy Mora, owner of this property – He received the opposition letter from Ms. Penollar. The letter of objection says there is constant noise, which is wrong. It was previously occupied by a 90 year old lady for the last 15 or 20 years. House has been vacant since then. He lives across the street and knows there has been no parties or loud noise because no one has been in that house. He requests the letter be thrown out because it is false.

ZA is concerned that there are several other VHRs in the area, thinks in fairness, he will conditionally approve the application for 365 days. The owner is to come back in one year and if there have been no problems, the ZA can then decide what to do at that time.

- g. NEW VHR: 910 Council Rock Road

- Jacob Cerovski – local representative of the owner. Owners gave him a letter he would like to present. The owners vacation here a lot. They understand renters need to be respectful of the neighborhood. They will set clear guidelines and won't hesitate to remove renters from property if problems.

ZA requests he give Ms. Penollar a copy of the letter. ZA asks Mr. Surosky if he has seen the appeal. Yes, it was sent to Caleb. ZA asks if there is a bear box on site.

Mr. Cerovski says yes, a small one.

- Jamie Welch-Ward – Owner of 912 Council Rock, opposes this VHR and sent the letter. She currently lives here about 6 months of the year, but is thinking of moving here as she can work from anywhere. Her concern is although there is a bear box, it only holds one trashcan. If someone is here for a week, they will generate more than this trashcan can hold. She's had trouble with trash blowing onto her property. Also concerned that she now has no privacy because this is the first 2 story home and it butts up against their property. She searched for 3 months for a home away from VHRs, and bought this home in particular because there weren't any VHRs in the neighborhood.

ZA noted this would be the first VHR on the block. In light of no other VHRs on this block, please exchange contact information. ZA approves this application for one year. ZA will require owners to install a larger bear box or have trash picked up more often. Conditionally approved for 365 days.

ITEM VI: Public Hearing - None

ITEM VII: Zoning Administrator Reports - None

ITEM VIII: Staff Reports - None

ITEM IX: Adjournment

3:17 p.m.



Robin Sanders
Recording Clerk



Kevin Fabino
Zoning Administrator

ATTACHMENT G

**City of South Lake Tahoe Appeal Form,
Dated October 19, 2016**

**CITY OF SOUTH LAKE TAHOE
APPEAL FORM**

APPEAL FROM DECISION OF: 10/19/16

DATE DECISION RENDERED: _____

SUBJECT: VHR Permit Application Appeal
439 Ala Wai Blvd #166

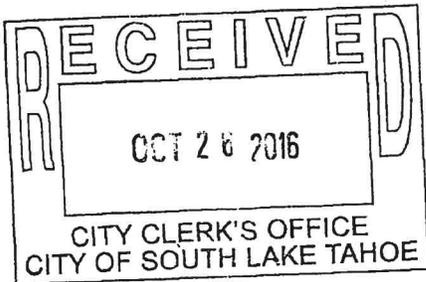
ACTION TAKEN: Zoning Administration denied application

REASON FOR APPEAL: spoke with Zoning Administrator, after hearing
he did not have sufficient information, we were unable
to attend due to short notice meeting change,
we were not represented well, wish to provide more
information to support application

_____ Appeal Fee Received in the Amount of \$ 300

Ellen Palomby
City Clerk's Dept. (Signature)

Date Stamp



Patricia + Dennis Daniel
Applicant Name

3417 Strolling Hills Road
Mailing Address Cameron Park CA 95682

916 201 9748
Telephone Number

none
Fax Number

1pattydaniel@gmail.com
Email address

October 25, 2016

To:
City Clerk
City of South Lake Tahoe
1901 Airport Road
South Lake Tahoe, CA 96150

From:
Patricia and Dennis Daniel (owners of subject property)
3417 Strolling Hills Road
Cameron Park, CA 95682

Subject: Appeal of Zoning Administrator's Denial of VHR permit for 439 Ala Wai Blvd, #166, South Lake Tahoe, CA 96150

We are appealing the decision by the Zoning Administrator to deny our request for a Vacation Home Rental (VHR) permit for our property at 439 Ala Wai Blvd, #166. We are basing our appeal on the following:

We know that our initial application was prepared hastily and, unfortunately, we were not represented effectively at the Zoning Administrator's hearing. We now have a more clear understanding of the permit process and the Zoning Administrator's role. We have rewritten our "Written Statement of Findings" (attached) and spoken at length with the Zoning Administrator.

We understand that the Zoning Administrator had 3 concerns he brought up at the hearing:

- a. Maintaining the character of the neighborhood and the high number of VHR permits already in place. (I believe he said approximately 75%)
- b. The objection by a neighbor that was not adequately addressed by our representative
- c. Three police calls made in the Tahoe Keys neighborhood in the previous calendar year

In response to the Mr. Fabino's concerns, we note the following:

Reference a) The number of VHR permits in the neighborhood and maintaining the neighborhood character – of the 29 townhomes in our immediate development, only three have the required signage posted indicating they are being used as VHR's in accordance with the City of South Lake Tahoe's VHR requirements. I spoke with the Tahoe Keys Property Owner's Association General Manager who noted that many owners rushed to obtain or keep a permit in place prior to the change in requirements but that many aren't using their homes for VHRs. We imagine that it is possible that some are using their homes as VHRs without adhering to the proper requirements.

Reference b) The objection by a neighbor – the neighbor's objection requested that we make the property a long term rental rather than a VHR to ensure a quieter environment. We understand and appreciate the neighbor's comments. It is not our intent for this townhome to be a full time rental, nor do we desire that there be any tenants who negatively affect the neighborhood. We want our townhome to be an upscale residence that reflects well on the other properties in the neighborhood. We have contracted with a nationally known, local property management company with the intent that

tenants pay a premium rent, are well instructed on the neighborhood rules, are made aware of the quiet hours, understand the limits in occupancy, and adhere to all other rules and restrictions.

Reference c) The three police calls made in the Tahoe Keys neighborhood – At the time we spoke, Mr. Fabino did not know the nature of the three police calls into the neighborhood and did not have information verifying that the three calls were VHR related. We do know that there was a very large fire in the adjacent complex in the past 12 months so that may have been at least one of the calls. By requesting and adhering to a VHR permit, provisions are in place to address any issue via our property manager before any need for a police call is necessary. We appreciate this provision and have a strong desire to avoid any contact with the police by seeking responsible tenants, adherence to City ordinance and VHR requirements, and by contracting with a responsible, knowledgeable property management company. We cannot speak for past calls of unknown origin, but we can say that it's our intent to be responsible property owners, neighbors, and VHR permit users.

Unfortunately, due to a very short notice change in hearing dates and times, we were not able to attend the Zoning Administrator's hearing and we were not available to speak for ourselves and appropriately respond to the above items raised by the Zoning Administrator. In hindsight, we should have been there.

Additionally, please consider the following:

- 1) We purchased this property via an IRS 1031 exchange and therefore must use the property as income property.
- 2) We prefer to use the property as a VHR on a part time basis and have the property available to us at least 60% of the year.
- 3) We understand the requirements set forth by the City of South Lake Tahoe in the VHR ordinances and appreciate the control the ordinance allows us by ensuring a property manager is available 24/7, occupancy numbers are well defined, parking is provided for but limited, and trash is appropriately disposed of.
- 4) We have had long term rental property on the West Shore for over 30 years and now that one of us is retired and the other will retire soon, we want to have access to our townhome on both a short term notice and by planning ahead. A VHR arrangement allows us to use the property in this manner.
- 5) The interior of this townhome has been allowed to deteriorate and is in desperate need of updating and care. Some income will allow us to be able to afford to make improvements to the property such as changing out the wood burning fireplace for a gas insert, modernizing the kitchen, installing new window coverings, carpet, paint, upgrade the bathrooms, etc.
- 6) We do not want to rent the property via ski lease, but that is the only real option without a VHR permit. We believe a ski lease would be far worse for the neighborhood because it does not provide the signage for whom to contact, does not ensure occupancy numbers, does not set forth a no pets rule, and does not control noise as effectively as the VHR ordinance does.
- 7) Our periodic residence in our townhome will allow neighbors to let us know if any difficulties are being encountered by the VHR and restrictions can be put on any tenants who are bothersome to the neighbors to ensure they are never allowed to rent our home in the future.
- 8) If Vacasa proves to be inadequate as property managers, we will not hesitate to change property managers to ensure that only tenants of the highest quality are allowed to rent our townhome, the quality of the neighborhood and the character are not adversely affected, and no issues arise that may involve police calls.

We understand the need for the VHR permits and we appreciate the rules associated with them. We only want to work within the system and be great neighbors and property owners as well as good citizens of South Lake Tahoe. We are asking that, considering the information above, the permit denial be reconsidered and we be granted a VHR as requested.

If you have any questions or we have not adequately addressed the City's concerns, please do not hesitate to contact us. We will make every effort to attend the Planning Commission meeting once we know the schedule.

Sincerely,



Patricia and Dennis Daniel
3417 Strolling Hills Road
Cameron Park, CA 95682
1pattydaniel@gmail.com
916 201 9748 (cell)

Written Statement of Findings - VHR

439 Ala Wai Blvd #166

1. **The proposed VHR is necessary or desirable on the specific parcel:**

The proposed VHR is necessary because we purchased the townhouse in an IRS 1031 exchange and transferred our equity and tax liability from another income property to this property. For this reason, we are required to use the property as investment/income property.

This leaves us three options: long term rental, ski lease, or vacation home rental.

A Vacation Home Rental (VHR) is much more desirable for several reasons:

- 1) We would like to use the property for our personal use approximately 60% of the time. A long term rental does not provide for our personal use.
- 2) The City of South Lake Tahoe has strict provisions in place for VHRs that do not exist for either long term rentals or ski leases
- 3) The VHR requirements allow for control of the number of occupants, pets, amount of noise, parking restrictions, and trash management with a process in place for correcting any issues that may come up due to problems with tenants. Neither long term rentals or ski leases provide for the same amount of control of tenant usage and behavior.
- 4) Our home will be used more often than we can use it and by more family oriented and responsible short term tenants who pay a higher rent, a high cleaning fee and safety deposit.
- 5) Ski Lease tenants are generally younger and tend to be noisier, more destructive, less respectful of the neighborhood and property, bring in more friends, and want to party late into the night.
- 6) Our home will be kept in working order with regular cleanings and regular maintenance
- 7) We will be able to use the townhome often and ensure that all aspects and requirements of both the City of South Lake Tahoe and Tahoe Keys Property Owners Association are met
- 8) Our townhome will be managed by a local property management company with 24/7 managers in place
- 9) Our townhome will get much more attention than it has had in the past and we will be able to make upgrades to the property by receiving some rental income.
- 10) We can offset the costs of utilities and homeowners' fees by renting the property a portion of each year.

2. **The proposed VHR is not injurious to the neighborhood:**

By renting the townhome as a VHR and adhering to the requirements set forth by the City of South Lake Tahoe, the VHR is far less injurious to the neighborhood than renting the townhome via ski lease. The parking, trash, noise, and management requirements set forth by the City of

SLT provide for a process to be in place to ensure that the neighborhood is not adversely affected. Neither a long term nor a ski lease have the same requirements or high fines associated with infractions. The signs on the townhouse and in the windows state the contact information of the property management 24/7 contact information. Long term leases and ski leases do not ensure any contact information is available.

This property is a small townhouse with a current VHR permit. The unit sleeps 6-8 comfortably, and was designed and will be marketed towards small families and/or 2 or 3 couples. Vacasa, the property management company, will ensure that advertising targets quality guests and rigorous screening takes place prior to approval. The rules of the home and the VHR permit will be stressed and explained verbally to ensure compliance. Such things as occupancy, parking, noise, no pets, trash disposal and other general codes of conduct will be thoroughly discussed. Guests will verify their understanding and agreement to abide by all rules at the risk of possible eviction, citations, civil fines, and additional charges to their accounts.

Vacasa will ensure all trash is properly disposed of in the large dumpster provided in the parking lot adjacent to the unit.

Rental agreements will include a "No Pets" clause to ensure that all neighborhood landscaping is not affected and no excess noise is encountered by neighbors.

The Tahoe Keys area is populated with vacation home rentals. This ensures the proper upkeep of the property and that the neighborhoods have people present and are not allowed to deteriorate.

3. The proposed VHR is consistent with the intent of Chapter 6.55 of the code:

As mentioned in chapter 6.55.100 Definitions – Enumeration: "Residential means uses, facilities, and activities primarily pertaining to the occupation of buildings on a permanent basis for living, cooking, and sleeping, which are allowed to be used or rented on a periodic basis."

The plan area statement was designed for all residential and commercial activities to be available to all people whether they are tourists or people that live here permanently. It is to the advantage of South Lake Tahoe to accommodate new visitors and those who have been there before who experience Lake Tahoe and all of the businesses the community has to offer.

4. The proposed VHR is consistent with the permitted uses in the plan area:

The plan area allows homes to be rented on a periodic basis. Further, the TRPA Regional Plan includes the following:

Policies: LU-3.1 all persons shall have the opportunity to utilize and enjoy the region's natural resources and amenities.

LU-3.4 existing development patterns in residential neighborhoods outside of centers and environmentally-sensitive lands should be maintained with no significant change.

Tourist areas are urban areas that have the potential to provide intensive tourist accommodations and services or intensive recreation. This land use classification also includes areas recognized by the Bi-State Compact as suitable for gaming. These lands include areas that

are: 1) already developed with high concentrations of visitor services, visitor accommodations, and related uses; 2) of good to moderate land capability (land capability districts 4-7); 3) with existing excess land coverage; and 4) located near commercial services, employment centers, public services and facilities, transit facilities, pedestrian paths, and bicycle connections

5. The proposed VHR site conforms to all standards of the plan area statement:

The property conforms to requirements under the city code of setback, lot coverage, and building height, parking, and land use. This home will not be used for commercial activities but only as a residential unit for the owners' personal use and to be rented on a periodic basis.

The home is perfect in size (~1480 square feet) and shape (3 bedroom, 2.5 baths) to accommodate 6-8 people comfortably without overcrowding.

6. The residential character of the neighborhood shall be maintained and preserved and the VHR permit shall not be detrimental to public health, safety, and welfare of residents:

The vacation home will be rigorously maintained to ensure cleanliness and comfort. The Property Owners' Association maintains the landscaping and exterior aesthetics. All requirements contained within the VHR special use permit will be monitored to ensure that health and safety are maintained for all residents and neighbors.

Emergency exit maps, emergency exit lighting, and fire extinguishers are present and will be properly maintained throughout the home according to the permit.

Vacasa will act as property manager and will maintain 24 hour means for guests to check-in and receive instructions prior to entering the neighborhood. The Code of Conduct, noise rules, occupancy numbers, and parking will be explained with the accompanying sanctions.

Contact information for Vacasa will be posted to ensure neighbors have access to Vacasa should any situation arise requiring attention.

Occupancy will conform to the required numbers at all times to ensure a quiet, family oriented rental that will complement the area and its residents

The VHR application process and requirements ensure that the property is maintained and the neighborhood is preserved by providing for stringent rules and high fines for any infraction whereas a long term or ski lease rental is not subject to the same requirements. A VHR is superior, in this neighborhood, to other forms of rentals as it provides better control over the number of occupants, noise levels, parking, pets, and trash management.

ATTACHMENT H

**Electronic Mail from Nick and Laurie Crane,
dated November 29, 2016**

Kevin Fabino

From: Nick Crane <ncrane2627@sbcglobal.net>
Sent: Tuesday, November 29, 2016 7:26 AM
To: Kevin Fabino
Cc: Krisha Penollar; Laurie Crane; 1pattydaniel@gmail.com
Subject: Re: 439 Ala Wai Blvd #166 Vacation Rental Permit

Dear Mr. Fabino,

A little over a month ago, we responded to the above VHR application with rather strong objections. However, after communicating with the unit's owners, Patty and Dennis Daniel, we have chosen to withdraw our objections.

While we are frequently disappointed by the behavior of some vacation renters, the Daniels have provided reasonable assurances that this won't be a significant problem in their case. We sincerely thank you for your diligence in reviewing these applications and for considering input from those neighbors who might be affected by the granting of VHR permits.

Regards, Nick & Laurie Crane