



City of South Lake Tahoe Special City Council Meeting Agenda

Tuesday, April 1, 2025 at 5:30 pm

City Hall - Council Chambers - 1901 Lisa Maloff Way, South Lake Tahoe

City Council

Tamara Wallace, Mayor
Cody Bass, Mayor Pro Tem
Scott Robbins, Councilmember
David Jinkens, Councilmember
Keith Roberts, Councilmember

Mission of the City Council

The City was established to provide essential, outstanding and cost-effective services that enhance environmental sustainability, economic vitality and the quality of life for our residents, businesses and guests.

Notice Requirements

Government Code section 54956 et seq. (The Brown Act) states that SPECIAL MEETINGS require twenty-four hour (24) notice be provided to members of legislative body and media outlets including brief general description of matters to be considered or discussed. The order of Agenda items are listed for reference and may be taken in any order deemed appropriate by the legislative body.

Public Participation

City Council meetings are held in person at the time and location listed on this agenda. Meetings are live-streamed on Channel 21, City website at www.cityofslt.us, YouTube at <https://www.youtube.com/channel/UC3LYne8lh-kTPLnnuyJW9SQ/live> and via ZOOM at this link <https://us02web.zoom.us/j/86505505741>

A public agenda packet is available for review at City Hall, 1901 Lisa Maloff Way, on the City's Website at www.cityofslt.us, or by contacting the City Clerk's Office, (530) 542-6005 or sblankenship@cityofslt.us

Providing Public Comment:

In Person: Public Comment for Special Meetings is limited to topics listed only on this agenda. For items on the agenda or in connection with any item which the City Council will consider, the public is given the opportunity to comment before or during the City Council's consideration of the item [Government Code Section 54954.3(a)].

Remote Participation: If you are joining the meeting via ZOOM and would like to make a comment, press the "raise a hand" button. If you are joining the meeting via Channel 21 or live stream and would like to make a comment, please call (530) 542-6500. The meeting Webinar ID is: 865 0550 5741. Press *9 to indicate a desire to make a comment. Press *6 to unmute your phone. The Clerk will call you by the last three digits of your phone number when it is your turn to speak. ***Note: The Mayor reserves the right to conduct the meeting with in-person public participation only, if there is a technology malfunction that precludes the use of remote public participation.***

In Writing: Written comments received by 3 p.m. the day before the meeting will be distributed to City Council prior to the meeting. Written public comment regarding any item on this agenda may be sent to PublicComment@cityofslt.us. When emailing comments, identify the agenda item number in the subject line to which your comments relate. Any such comment that is a public record and is emailed to PublicComment@cityofslt.us or otherwise provided to a majority of the City Council before the meeting will be made available for public inspection during normal business hours at the City Clerk's Office located at City Hall, 1901 Lisa Maloff Way, South Lake Tahoe [Government Code Section 54957.5(b)]. Written comments will not be read out loud during the meeting.

The City Council Chambers meeting facility is accessible to people with disabilities. Every reasonable effort will be made to accommodate any person needing special assistance to attend this meeting. Contact the City Clerk at (530) 542-6005 at least 48 hours in advance of the meeting for assistance [28 CFR 35.102.35.104 ADA Title II and Brown Act Government Code Sections 54953.2, 54954.1, 54954.2, and 54957.5].

Spanish Interpretations: The public may access Spanish interpretation for Regular meetings using the ZOOM link listed on the front of the Agenda from an internet device (smartphone, laptop, tablet, home computer) with audio capabilities and selecting the Spanish language option. Persons without an internet device may attend the meeting in-person and a device will be provided while supplies last. Requests for interpreter services to offer public comment may be made by contacting the City Clerk.

Land Acknowledgment

Land Acknowledgement - The City of South Lake Tahoe acknowledges the lands we occupy today are the lands and home of the Wašičiw, the people from here known today as the Washoe Tribe of Nevada and California, a sovereign nation. Since the beginning of time and for thousands of years before the arrival of any other people, the Washoe lived here and cared for this place, with values and intention that we can all learn from. On behalf of the City Council, I would like to acknowledge, thank, and honor the Indigenous Washoe Tribal Communities that are the past, present, and future stewards of the Lake Tahoe Basin.

Call to Order / Pledge of Allegiance

Roll Call

Closed Session

1. Conference with Legal Counsel – Existing Litigation – Government Code section 54956.9(d)(1)
Case: South Lake Tahoe Property Owners Group v. City of South Lake Tahoe, El Dorado County Superior Court Case No. SC20180243

Closed Session Report

New Business

2. *Note: If City Council votes to file an appeal in Closed Session, then this item will not be heard*
Urgency Ordinance to Establish Temporary Moratorium on Issuance of Vacation Home Rental Permits in Areas Where Permits Were Prohibited by Measure T
Requested Action / Suggested Motions: Pass an Urgency Ordinance Adopting a Temporary Moratorium on the Issuance of Vacation Home Rental Permits in Areas Where Permits Were Prohibited by Measure T
Responsible Staff Member(s): Heather Stroud, City Attorney
[01 - Staff Report - Moratorium.docx](#)
[02 - Urgency Ordinance - Moratorium.docx](#)
[03 - City Council Ord. No. 1114.pdf](#)
[04 - City Council Ord. No. 1120.pdf](#)

Adjournment

I, Susan Blankenship, City Clerk for the City of South Lake Tahoe, declare that the foregoing agenda for the Tuesday, April 1, 2025, Special City Council Meeting was posted and available for review on Friday, March 28, 2025, at City Hall, 1901 Lisa Maloff Way, South Lake Tahoe, CA 96150. The agenda was also available on the City's website at <https://www.cityofslt.us>.

Signed March 28, 2025

\\sb\\ Susan Blankenship, Elected City Clerk



City of South Lake Tahoe

Report to City Council

Meeting Date: April 1, 2025

Title: Urgency Ordinance to Establish Temporary Moratorium on Issuance of Vacation Home Rental Permits in Areas Where Permits Were Prohibited by Measure T

Location: Citywide

Responsible Staff Members: Heather Stroud, City Attorney (530) 542-6046

Background: Measure T was a citizens initiative that passed in South Lake Tahoe in the election of November 6, 2018. Beginning after a phase-out period, Measure T prohibited vacation home rentals ("VHRs") in certain areas of the City where they had previously been permitted, including residentially-zoned areas, multifamily dwellings, and areas added to the Tourist Core after 2017. An organization called South Lake Tahoe Property Owners Group filed a lawsuit challenging Measure T on various grounds. In February 2021, Measure T was upheld in its entirety by the El Dorado County Superior Court, and Plaintiff filed an appeal. The court of appeal affirmed the trial court's judgment upholding Measure T, except that it remanded the case for the trial court to consider whether the "permanent resident" exception in the Qualified VHR provisions of Measure T violates the dormant Commerce Clause of the U.S. Constitution. On March 13, 2025, the El Dorado County Superior Court issued a ruling finding that the Qualified VHR provisions are unconstitutional because they impermissibly discriminate against interstate commerce, and that these provisions are not severable from the remainder of Measure T, requiring that Measure T be struck down in its entirety.

The City Council considered whether to file an appeal in closed session on March 25, but did not make a decision at that time and requested that another closed session be held on April 1 on this matter. If City Council does not vote to file an appeal, then staff recommends that City Council consider adopting an urgency ordinance to establish a temporary moratorium on issuing VHR permits in areas that are affected by the recent Measure T decision. This would provide time for City Council to study and make any desired changes to the pre-Measure T VHR regulations to address some of the nuisance concerns that led to the passage of Measure T, and allow for an orderly implementation of permitting. If the City Council elects to file an appeal, then the urgency ordinance would not be necessary because the appeal would stay the judgment and preserve the status quo while the appeal is pending.

Issue and Discussion: Under Government Code section 65858(a), the City is authorized to adopt an interim urgency ordinance to protect the public health, safety, and welfare by establishing a temporary moratorium on uses that may be in conflict with a land use measure proposal that the City Council is studying or intends to study in a reasonable time. A four-fifths vote of City Council is required to pass such an ordinance. The interim urgency ordinance shall be

in effect for no more than 45 days from its adoption, but can be extended if needed after notice and a public hearing. An urgency ordinance is effective immediately upon adoption.

Without a moratorium, once the trial court enters judgment, the result would be an immediate reversion to the pre-Measure T VHR regulations that were in place as of November 2018. The applicable regulations are in City Council Ordinance No. 1114 as amended by City Council Ordinance No. 1120. This will result in the following:

- All current Qualified VHR permits are void.
- Properties in residential areas will be eligible for VHR permits.
- Multi-family dwellings that had a VHR permit prior to September 1, 2016 will be eligible for VHR permits.
- Properties in areas added to the Tourist Core after 2017 will be eligible for VHR permits.
- Outside of the Tourist Core, the cap of 1400 VHR permits will apply.

The proposed interim urgency ordinance would establish a 45-day moratorium on issuing VHR permits in these areas to provide the City Council with time to study this issue and make amendments to the 2018 VHR regulations to address nuisance issues and ensure proper enforcement measures are in place before beginning to issue VHR permits in areas where they were prohibited by Measure T.

Such amendments could possibly include:

- Establish a lower cap on VHR permits outside the Tourist Core.
- Establish a buffer between VHRs, similar to El Dorado County's recent amendments, to avoid saturation of VHRs in neighborhoods.
- Prohibit or limit VHRs in certain residential areas.
- Require VHR owners to use local property management company.
- Prohibit VHRs in all multi-family dwellings to preserve their use as housing.
- Increase consequences for violations.
- Review VHR permit fee for non-Tourist Core areas to ensure it reflects complete cost recovery, including application processing, inspection, and enforcement.
- Provide permitting preference, for example, for prior VHR permit holders who were in good standing and lost their permit because of Measure T, and for prior Qualified VHR permit holders who are in good standing and who are losing their permit because of the recent court ruling.

The moratorium would not affect the impact of the judgment on Qualified VHR permits, which will become void immediately. There are currently 31 Qualified VHR permits.

If City Council adopts the proposed Urgency Ordinance establishing a moratorium, staff will place an item on the City Council agenda for the next available meeting on April 22 to discuss potential amendments to the 2018 VHR regulations.

Environmental Considerations: The proposed interim urgency ordinance does not require review under the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15060(c)(2) (activity will not result in the direct or reasonably foreseeable indirect physical changes in the environment); 15060(c)(3) (the activity is not a project as defined in Section 15378); and 15061(b)(3), because the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The proposed ordinance maintains the status quo and prevents changes in the environment pending

the completion of the potential amendments to the VHR provisions of the City Code. Because there is no possibility that this ordinance may have a significant adverse effect on the environment, the adoption of the ordinance is not a project requiring review under CEQA.

Financial Implications: The proposed ordinance would preserve the status quo temporarily, such that there are no immediate financial implications.

Policy Implications: The proposed ordinance would protect public health, welfare, and safety while City Council studies and considers potential changes to the pre-Measure T VHR regulations, consistent with Government Code section 65858(a).

Ordinance 2025-XXX

**Adopted by the City of South Lake Tahoe
City Council**

April 1, 2025

An Urgency Ordinance Adopting a Temporary Moratorium on the Issuance of Vacation Home Rental Permits in Areas Where Permits Were Prohibited by Measure T

FINDINGS

- A. Pursuant to Article XI, Section 7 of the California Constitution, the City may make and enforce all regulations and ordinances using its police powers.
- B. Measure T was a citizens initiative that passed in the election of November 6, 2018. Beginning after a phase-out period, Measure T prohibited Vacation Home Rentals (“VHRs”) in certain areas of the City where they had previously been permitted, including residentially-zoned areas, multifamily dwellings, and areas added to the Tourist Core after 2017.
- C. Prior to Measure T, the City Council, staff, and community members had expressed concern about excessive noise, disorderly conduct, vandalism, overcrowding, traffic, congestion, illegal parking, and accumulation of trash and refuse at or around VHRs located outside the Tourist Core.
- D. Prior to Measure T, the City expended resources in responding to numerous citizen complaints pertaining to VHRs, which required rapid response from police, fire, paramedic, and other City personnel.
- E. Between 2015-2018, the City Council held more than 17 public meetings with dozens of hours of public comment at which the City Council deliberated regulations related to, nuisances created by, and the benefits and costs of VHRs within the City.
- F. Soon after Measure T passed, an organization called South Lake Tahoe Property Owners Group filed a lawsuit challenging Measure T on various grounds, El Dorado County Superior Court Case No. SC20180243. In February 2021, Measure T was upheld in its entirety by the El Dorado County Superior Court, and Plaintiff filed an appeal. The court of appeal affirmed the superior court’s judgment upholding Measure T, except that it remanded the case for the trial court to consider whether the “permanent resident” exception in the Qualified VHR provisions of Measure T violates the dormant Commerce Clause of the U.S. Constitution. At no time during the lawsuit was an injunction in place prohibiting the implementation of Measure T’s prohibition on VHRs in certain areas of the City including residentially-zoned areas, multifamily

dwelling, and areas added to the Tourist Core after 2017, such that VHRs in these areas were phased out by the end of 2021 as required by Measure T.

- G. On March 13, 2025, the El Dorado County Superior Court issued a ruling finding that the Qualified VHR provisions are unconstitutional because they impermissibly discriminate against interstate commerce, and that these provisions are not severable from the remainder of Measure T, requiring that Measure T be struck down in its entirety.
- H. California Government Code section 65858(a) provides that for the purpose of protecting the public health, safety, and welfare, the City Council may adopt, as an urgency ordinance, an interim ordinance preventing any uses that may be in conflict with a land use measure proposal that the City Council is studying or intends to study in a reasonable time.
- I. In the absence of this Ordinance, the City would be required to immediately revert to implementation of the pre-Measure T VHR regulations that were in place as of November 2018, which are City Council Ordinance No. 1114 as amended by City Council Ordinance No. 1120, resulting in properties in residential areas, multi-family dwellings that had a VHR permit prior to September 1, 2016, and properties in areas added to the Tourist Core after 2017 immediately being eligible for VHR permits and resulting in up to 1,400 VHRs outside of the Tourist Core where there are very few currently, and are only in commercial and recreational zoned areas and not in residential areas.
- J. The City Council recognizes that VHRs raise issues of public health and safety and warrant careful consideration and thorough study.
- K. To avoid an imminent risk to the public health, safety, and welfare that would be caused by the immediate reversion to implementation of the 2018 VHR regulations, including issuing up to 1400 VHR permits outside the Tourist Core in a very short period of time, it is necessary for the City Council to study the potential impacts of implementing the 2018 VHR regulations and consider making amendments to those regulations prior to issuing VHR permits in areas where such permits were prohibited by Measure T and have not been in place for more than three years, and to establish a temporary moratorium on issuance of VHR permits in these areas, namely residentially-zoned areas, multifamily dwellings, and properties added to the Tourist Core after 2017, to allow time to make such amendments to mitigate nuisance issues that existing when VHRs were allowed in these areas prior to Measure T.
- L. Absent the adoption of this Ordinance, the number and location of VHRs is certain to increase substantially and the number of citizen complaints, including complaints regarding nuisance issues such as noise, trash, litter, parking, and density concerns is likely to also increase thereby increasing nuisance conditions negatively affecting the well-being of the community by diminishing community character, peace, and quiet existence and placing an additional burden on City resources.

Now, Therefore, the City Council of City of South Lake Tahoe does ordain as follows:

SECTION 1. Urgency. The recitals to this Ordinance are true and correct, constitute a substantive part of this Ordinance, and are incorporated herein by reference. Based on those facts, the City Council finds, determines, and declares that this Ordinance is necessary as an emergency measure for the immediate preservation of the public peace, health, and safety pursuant to, and as authorized by, California Government Code section 65858(a). Accordingly, this Ordinance shall become effective immediately upon adoption.

SECTION 2. Moratorium. For the reasons set forth in the recitals, it is necessary to establish a temporary, forty-five (45) day moratorium on the issuance of Vacation Home Rental permits for Vacation Home Rentals in areas where such permits were prohibited by Measure T, including residentially-zoned areas, multifamily dwellings, and areas added to the Tourist Core after 2017, pending study and completion of possible amendments to Article V (Vacation Home Rentals) of Chapter 3.50 of Title 3 of the South Lake Tahoe City Code.

SECTION 3. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 4. CEQA. The City Council finds that this Ordinance does not require review under the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15060(c)(2) (activity will not result in the direct or reasonably foreseeable indirect physical changes in the environment); 15060(c)(3) (the activity is not a project as defined in Section 15378); and 15061(b)(3), because the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The proposed ordinance maintains the status quo and prevents changes in the environment pending the completion of the potential amendments to the VHR provisions of the City Code. Because there is no possibility that this ordinance may have a significant adverse effect on the environment, the adoption of the ordinance is not a project requiring review under CEQA.

SECTION 5. Publication. The City Clerk is directed to certify this Ordinance and cause it to be published in the manner required by law.

SECTION 6. Effective Date. This Ordinance is an Urgency Ordinance enacted under California Government Code section 65858, and is therefore immediately effective upon adoption by a four-fifths (4/5) vote of the City Council.

Adopted by the City of South Lake Tahoe City Council on April 1, 2025 by the following vote:

Yes:

No:

Abstain:

Absent:

Date: _____

Tamara Wallace, Mayor

Attest:

Susan Blankenship, City Clerk

Published:

Effective:

The presence of electronic signature certifies that the foregoing is a true and correct copy as approved by the South Lake Tahoe City Council.

ORDINANCE NO. 1114**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH LAKE TAHOE REPEALING ARTICLE 5 (VACATION HOME RENTALS) OF CHAPTER 3.50 OF TITLE 3 OF THE SOUTH LAKE TAHOE CITY CODE; ENACTING ARTICLE 5 (VACATION HOME RENTALS) OF CHAPTER 3.50 OF TITLE 3 OF THE SOUTH LAKE TAHOE CITY CODE; AND FINDING ADOPTION OF THE ORDINANCE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

The City Council of the City of South Lake Tahoe finds and declares as follows:

WHEREAS, vacation home rentals expand the number and type of lodging facilities available to tourists and assist owners of vacation home rentals by providing revenue which may be used for maintenance, upgrades, and deferred costs.

WHEREAS, the City continues to respond to numerous citizen complaints involving excessive noise, disorderly conduct, vandalism, overcrowding, traffic, congestion, illegal parking and accumulation of trash and refuse at vacation home rentals.

WHEREAS, citizen complaints require response from police, fire, paramedic and other City personnel.

WHEREAS, the City Council initiated an independent socio-economic report, which had been received and publicly vetted. The purpose of the report was to assist the City Council in furthering its legislative and regulatory efforts of the vacation home rental industry.

WHEREAS, the provisions of this Article are necessary to address the continued impacts on city services and City residents posed by vacation home rentals.

WHEREAS, the City Council of the City of South Lake Tahoe held a duly noticed public hearing on the Ordinance on November 7, 2017 at which time it introduced Ordinance No. 1114.

WHEREAS, the City Council finds and determines that this ordinance is not subject to CEQA because it is not a project, as that term is defined in Section 15378 of the State CEQA Guidelines.

WHEREAS, the City Council finds and determines that the regulation of Vacation Home Rentals in accordance with this ordinance is a matter of City-wide importance and necessary for the preservation and protection of the public peace, health, safety and/or welfare of the community and is a valid exercise of the local police power and in accord with the public purposes and provisions of applicable State and local laws and requirements.

NOW, THEREFORE, the City Council of the City of South Lake Tahoe does ordain as follows:

Section 1. Recitals. The City Council of the City of South Lake Tahoe does hereby find

that the above referenced recitals are true and correct and material to the adoption of this Ordinance.

Section 2. Repealed. Article 5 of Chapter 3.5 of Title 3 of the South Lake Tahoe City Code (Vacation Home Rentals) is hereby repealed.

Section 3. Enacted. Article 5 of Chapter 3.5 of Title 3 of the South Lake Tahoe City Code (Vacation Home Rentals) is hereby enacted as follows:

Article V. Vacation Home Rentals

3.50.370 Definitions.

“Agent” shall mean a person engaged or appointed by an owner to represent and act on behalf of an owner (as defined in these definitions) and to act as an operator, manager and/or local contact person of a dwelling used or to be used as a short-term rental unit or short-term rental property and designated as such by the owner.

“Bear Box” shall mean a locked container affixed to the ground which is utilized for the storage of trash and is designed to prevent access to its content by wildlife.

“Condominium” shall mean a dwelling unit in a residential development that is under a legal arrangement specifying that the unit is individually owned but the common areas are owned, controlled, and maintained through an organization consisting of all individual owners.

“Director of Development Services” shall mean the City’s Director of Development Services or his/her designee. In the event the Director of Development Services position is vacant or ceases to exist, “Director of Development Services” shall mean the City Manager or his/her designee.

“Dwelling” shall mean a building, or portion thereof, designed exclusively for residential purposes, including single-family and multifamily dwellings, condominiums, and timeshares but not including hotels, motels, boardinghouses and lodging houses. “Dwelling” shall also mean a dwelling unit on the same parcel as a legally established single-family dwelling that has its own complete independent living accommodations and facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. “Multifamily dwelling” shall mean a dwelling in which multiple separate housing units for residential inhabitants are contained within one building or several buildings within one complex.

“Occupant” shall mean any person who is on or in a short-term rental property other than service providers or the owner, whether or not the person stays overnight.

“Operator” shall mean the owner or the designated agent of the owner who is responsible for compliance with this chapter.

“Owner” shall mean the person(s) or entity(ies) that hold legal or equitable title to a dwelling.

“Pending application” shall mean a complete application for a vacation home rental permit filed with the Development Services Director that has not been approved or denied by the city prior to December 21, 2017.

“Renewal Application” shall mean an application for a renewed vacation home rental permit which application may be submitted by the vacation home rental applicant.

“Rent” shall have that definition set forth in SLTCC section 3.00.010.

“Vacation Home Rental” shall mean the rent or rental of an entire dwelling, by the owner or operator to another person or group of persons for occupancy, dwelling, lodging or sleeping purposes for a period of less than thirty (30) consecutive calendar days. The rental of units within city-approved hotels, motels, and bed and breakfasts shall not be considered to be vacation home rentals.

“Vacation Home Rental Applicant” shall mean the person(s) or entity(ies) who apply for a vacation home rental permit by submitting and signing a vacation home rental application. A vacation home rental applicant may be an owner(s) of the dwelling unit, an agent(s), or another authorized representative(s) of an owner of the dwelling unit.

“Vacation Home Rental Permit” shall mean a permit issued to the property owner and pursuant to the provisions of this chapter that allows the use of a dwelling as a short-term rental.

“Vacation Home Rental Property” shall mean a parcel of real property, as shown on the latest equalized tax assessment roll as maintained by the assessor of the County of El Dorado, upon which a vacation home rental(s) is (are) maintained. “Vacation home rental property” includes the premises upon which a vacation home rental is located, including parking areas, driveways, landscaping, accessory structures, fences, walls, swimming pools, hot tubs, spas, tennis and paddleboard courts, and other similar and related improvements.

“Vacation Home Rental Waitlist” shall mean when the number of permits issued by the City exceeds the Cap, the Development Services Department will accept applications to be placed on a list to be used when permits for issuance become available.

3.50.380 Vacation Home Rentals – General Provisions.

A. Vacation Home Rentals Allowed.

Subject to the provisions of this article, vacation home rentals shall be permitted within the city.

B. Vacation Home Rental Permit Required to Operate.

It shall be unlawful for any person or entity to rent, maintain, facilitate, advertise or list a dwelling unit as a short term rental without a valid vacation home rental permit issued pursuant to this article.

C. Vacation Home Rental Permits Nontransferable.

1. Permit – Site Specific. It shall be unlawful for any person to give, grant or otherwise transfer a vacation home rental permit from one dwelling unit to another.

2. Transfer of Permits Prohibited. All permits issued by the City pursuant to this Article shall be non-transferable to a different person or entity to whom said permit was issued.

(a) Notwithstanding subsection (2) herein, a permit may be transferred from one owner of a vacation home rental to another owner of the vacation home rental as long as the transferee was an owner of the vacation home rental at the time the vacation home rental application was submitted to the City.

3. Upon any change of ownership of a vacation home rental property, an initial vacation home rental application shall be submitted pursuant to SLTCC section 3.50.390(A).

D. Multifamily Dwellings.

1. It shall be unlawful to rent, lease, use or operate a multifamily dwelling as a vacation home rental.

2. Notwithstanding SLTCC section 3.50.380(D)(1), owners of multifamily dwelling units with a valid vacation home rental permit on September 1, 2016 may continue to apply for a renewed vacation home rental permit for said multifamily dwelling and will be issued or denied a renewal permit based on the criteria of SLTCC sections 3.50.410.

E. Agency.

An owner may retain an agent, local representative or local contact person to comply with the requirements of this article, including, without limitation, the filing of an application for a vacation home rental permit, the management of the vacation home rental and the compliance with the conditions of the permit. The owner of the vacation home rental is responsible for compliance with the provisions of this article and the failure of an agent, representative, or local contact person to comply with this article shall not relieve the owner of his/her obligations as set forth in this article.

F. Cap. The total number of vacation home rental permits issued to dwellings outside of the Tourist Core Area Plan shall not exceed 1,400.

G. Taxes.

1. Business and professions taxes, as set forth in SLTCC Chapter 3.35, shall be assessed for vacation home rentals.

2. Transient occupancy tax shall be assessed for vacation home rentals.

H. Permits and fees not exclusive.

Permits and fees required by this article shall be in addition to any license, permit or fee required under any provision of the City Code. The issuance of any permit pursuant to this article shall not relieve the owner or operator of the vacation home rental from his/her obligation to comply with all other provisions of the City Code pertaining to use and occupancy of the vacation home rental.

I. Pending Applications.

Pending applications shall be reviewed under the provisions of this ordinance. Applicants of pending applications shall have no right, entitlement, or expectation of issuance of a vacation home rental permit.

3.50.390 Vacation Home Rental Application Procedures.

A. Initial Applications

1. All persons or entities interested in operating a vacation home rental may submit a vacation home rental application along with the application fee in an amount set forth in the City's Master Fee Schedule.

2. It shall be the applicant's responsibility to provide all information and materials required to comply with the vacation home rental application submittal requirements.

3. The filing date of the vacation home rental application shall be the date when the Director of Development Services officially receives the last submission of information or materials required by SLTCC section 3.50.390(B) and the application is deemed complete. If the Director of Development Services determines an application submittal is incomplete, a vacation home rental applicant shall be notified of such incompleteness within thirty (30) calendar days of receipt of the vacation home rental application by the Development Services Department. If the Director of Development Services does not receive a complete application within the additional thirty (30) days, he/she shall no longer consider that application and instead, he/she shall continue to review applications on the VHR Waitlist.

4. All vacation home rental applications which have been deemed complete by the Director of Development Services shall be placed on the South Lake Tahoe Vacation Home Rental Waitlist ("VHR Waitlist") in the order of the application's filing date. Vacation home rental applications shall only be reviewed by the Development Services Director in the order of ranking as established by the VHR Waitlist.

5. Where vacation home rental permits are available subject to SLTCC section 3.50.380(F), applications on the VHR Waitlist shall be considered on a quarterly basis by the Director of Development Services in the order of ranking as established by the VHR Waitlist. Once a vacation home rental permit becomes available and the application is deemed complete, the Director of Development Services shall conduct an inspection of the vacation home rental within fourteen (14) days. Vacation home rental applicants shall have forty-five (45) days to make all changes and improvements to the vacation home rental which are required by the City pursuant to the inspection. If the vacation home rental applicant fails to make all changes and

improvements to the vacation home rental within forty-five (45) days of the inspection, said applicant's vacation home rental application shall be placed on the bottom of the VHR Waitlist.

6. The Director of Development Services shall continue to review applications and inspect vacation home rental properties until all applications on the VHR Waitlist have been reviewed or until the city can issue no further vacation home rental permits based on SLTCC section 3.50.380(F).

7. Inspections.

(a) The Director of Development Services shall inspect all dwelling units prior to issuing a vacation home rental permit for said dwelling unit.

(b) Vacation home rental permit applicants may be required to make improvements or changes to the proposed vacation home rental property in order to ensure that the proposed vacation home rental property conforms with all plan area statements and building code standards which were in effect at time of construction of the vacation home rental property and that no health and safety violations which threaten the wellbeing of guests, neighbors or the community are present at the vacation home rental property.

(c) Notwithstanding SLTCC sections 3.50.390(A)(7)(a) and (b), inspections shall not be required for VHR renewal applications.

(d) Notwithstanding SLTCC sections 3.50.390(A)(7)(a) and (b), inspections shall not be required for vacation home rentals located in the Tourist Core Area Plan.

(e) Notwithstanding SLTCC sections 3.50.390(A)(7)(a) and (b), inspections shall not be required for timeshares.

B. Vacation Home Rental Application and Renewal Application Filing Requirements.

1. Vacation home rental applications and renewal applications shall be submitted on forms provided by the City and shall include, but not limited to, the following information:

- (a) Owner(s) name(s).
- (b) Local contact information, management agency contact information or authorized representative contact information.
- (c) Square footage of home.
- (d) Owner mailing address.
- (e) Proposed vacation home rental address and assessor's parcel number.

- rental.
- (f) Vacation home rental permit number, if existing vacation home
- (g) Maximum occupancy of vacation home rental.
- property.
- (h) Number of paved parking spaces on the vacation home rental
- (i) Identification of outdoor hot tub, if any.
- (j) Local contact number with 24 hour availability for reporting violations.

2. Vacation home rental applications and renewal applications filed by agents, representatives, or authorized representatives of the owner of the vacation home rental property shall include a declaration that such application is being made with the consent of the vacation home rental owner.

3. Vacation home rental applications and renewal applications shall be accompanied by a declaration that any and all applicable covenants, conditions and restrictions are consistent with and would not prohibit issuance of a vacation home rental permit for the proposed property.

4. The vacation home rental application and renewal application shall be accompanied by an application fee in an amount set forth by separate resolution of the City Council which amount is calculated to recover the City's full cost of reviewing, issuing and administering said permit.

5. If a renewal application is denied, and the applicant wishes to operate a vacation home rental, he/she must initiate a vacation home rental application by filing an initial application and complying with the procedures of SLTCC section 3.50.390(A).

3.50.400 Expiration and Renewal of Vacation Home Rental Permits

- A. Vacation home rental permits shall expire one year after their issuance.
- B. Vacation home rental permits must be renewed on an annual basis prior to expiration by filing with the Director of Development Services a renewal application and a renewal fee.
- C. If a timely renewal application is filed, the vacation home rental permit shall not expire until the date that the Director of Development Services approves or denies the renewal application. If a timely renewal application is not filed, the vacation home rental permit shall expire and shall be considered null and void.
- D. A renewal application shall be subject to all filing requirements set forth in SLTCC section 3.50.390(B).

E. The Director of Development Services shall issue or deny a renewal application in accordance with the provisions of SLTCC section 3.50.410(C).

3.50.410 Review, Issuance and Denial of Vacation Home Rental Permit Applications

A. Vacation home rental permits shall only be issued to the owner(s) of the vacation home rental property.

B. Criteria for Issuance – Initial Application

The Director of Development Services shall issue a vacation home rental permit where he/she makes all of the following findings:

1. The vacation home rental application is complete and the applicant has complied with the submittal requirements of SLTCC section 3.50.390(B).

2. Inspection of the vacation home rental property has shown that the proposed vacation home rental property conforms with all plan area statements and building code standards which were in effect at time of construction of the vacation home rental property and that no health and safety violations which threaten the wellbeing of guests, neighbors or the community are present at the vacation home rental property.

3. Neither the vacation home rental property, nor the vacation home rental applicant has received three or more upheld citations for violations of the City Code. For purposes of this section, upheld citations means citations which were neither overturned on appeal nor dismissed.

4. The vacation home rental property contains sufficient paved parking spaces to accommodate the maximum number of occupants. All required parking shall be constructed on the vacation home rental property prior to operation as a vacation home rental.

5. The proposed vacation home rental will not exceed the cap of 1,400 vacation home rentals within the City.

(a) Notwithstanding SLTCC (section directly above) vacation home rentals located in the Tourist Core Area Plan shall not be subject to the cap of 1,400 vacation home rentals within the city.

C. Criteria for Issuance – Renewal Application

The Director of Development Services shall issue a renewed vacation home rental permit where he/she makes all of the following findings:

1. The renewal application is complete and the applicant has complied with the submittal requirements of SLTCC section 3.50.390(B).

2. There have not been three or more upheld citations issued for violations of the City Code at the vacation home rental property within any twenty-four (24) month period.

For purposes of this subsection, upheld citations means citations which were neither overturned on appeal nor dismissed.

3. The vacation home rental permit has not lapsed, expired, been revoked, or suspended.

4. The vacation home rental is current on transient occupancy taxes and has paid all said taxes to the city in full by the date upon which said taxes became due.

5. The vacation home rental permit has not been transferred to another person, entity, or property.

D. Criteria for Denial

Vacation home rental permits shall not be issued or renewed where the Director of Development Services confirms that one or more of the criteria for issuance set forth in SLTCC sections 3.50.410(B) and (C) have not been met. If the Director of Development Services denies the vacation home rental application or renewal application, he or she shall specify in writing the reasons for the denial and notify the applicant that the decision shall become final unless the applicant seeks an appeal pursuant to SLTCC section 3.50.430.

3.50.420 Revocation of Vacation Home Rental Permit

A. A vacation home rental permit issued under the terms of this Article shall be revoked by the Director of Development Services at any time if he or she concludes any of the following:

1. The vacation home rental is not current on transient occupancy taxes and has not paid all said taxes to the City in full by the date upon which said taxes became due.

2. There have been three or more upheld citations for violations of the City Code at the vacation home rental property within a twenty-four (24) month period. For purposes of this subsection, upheld citations means citations which were neither overturned on appeal nor dismissed.

3. The vacation home rental applicant has submitted a vacation home rental application containing a material misrepresentation or omission of material facts.

4. There has been a transfer or an attempt to transfer a vacation home rental permit to another person, entity or property.

B. A vacation home rental permit suspended or revoked pursuant to this subsection shall be deemed to be expired and shall no longer authorize the operation of a vacation home rental.

3.50.430 Appeal from Director of Development Services' Determination

An applicant or any interested party who disagrees with the Director of Development

Services' decision to issue, deny, revoke, or suspend a vacation home rental permit may appeal that decision to the Planning Commission in accordance with the appeal provisions of SLTCC section 2.35.

3.50.440 Conditions of Operation.

All vacation home rentals shall be operated, maintained and managed on a day-to-day basis in compliance with the following operational conditions and requirements:

A. Maximum Occupancy.

1. Occupancy of the vacation home rental shall be limited by (1) the number of paved parking spaces on the vacation home rental property as shown in Table One of this subsection, and (2) the number of bedrooms in the property as shown in Table Two of this subsection, whichever is lesser. For purposes of this subsection, occupancy shall be calculated by the number of persons present at the vacation home rental property at any given time.

Table One (1). Number of Paved Parking Spaces Establishing Maximum Occupancy	
Number of Parking Spaces	Maximum Occupancy
1	4
2	8
3	12
4	16
5	20

Table Two (2). Number of Bedrooms Establishing Maximum Occupancy	
Number of Bedrooms	Maximum Occupancy
Studio	4
1	6
2	8
3	10
4	12
5	14

Where the maximum occupancy for a vacation home rental is based upon the number of

bedrooms, occupancy of a vacation home rental with more than one bedroom shall be calculated by multiplying the number of bedrooms by two and adding four.

The voluntary reduction of occupancy in order to reduce fees is not permitted.

B. Each parking space required for a vacation home rental permit shall remain available for vacation home rental occupants. Each parking space shall be no less than nine feet wide and 19 feet long.

C. Commercial Activity Prohibited.

Vacation home rentals shall not be used for commercial activities, including, but not limited to, weddings, receptions and large parties. All occupants of the vacation home rental shall be notified of the prohibition against commercial activities prior to the reservation, rental, or lease of a vacation home rental.

D. The owner of the vacation home rental shall be responsible for compliance with all provisions of the South Lake Tahoe City Code.

E. 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 property.

F. All marketing and advertising of the vacation home rental shall include the vacation home rental permit number issued by the City.

G. 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.

H. Use of all outdoor spas or hot tubs shall be prohibited between the hours of 10:00 p.m. and 8:00 a.m.

I. Interior Signage. Vacation home rentals shall have a clearly visible and legible notice posted on or directly adjacent to the inside of the front door, containing the following information:

1. The name of the managing agency, authorized representative, property manager, or local contact person, and a telephone number enabled for text messaging at which that person may be reached on a 24-hour basis. Any change in this contact person's address or telephone number shall be promptly furnished to the city Development Services Department.

2. The maximum number of occupants for the vacation home rental;

3. The maximum number of vehicles permitted to be parked on the vacation home rental property;

4. The parking rules for seasonal snow removal;

5. The trash pickup day and notification that trash and refuse shall not be left or stored on the exterior of the property except in a bear-box;

6. Notification that an occupant may be cited and fined for creating a disturbance or for violating any provision(s) of this article; and

7. Notification that failure to conform to the parking and occupancy limits of the vacation home rental is a violation of this article.

J. Exterior Signage. Vacation home rentals shall have a clearly visible and legible exterior sign, posted in a location which is visible from the adjacent right-of-way, containing the following information:

1. The name of the managing agency, authorized representative, property manager, local contact person or owner of the vacation home rental, and a telephone number at which that party may be reached on a 24-hour basis;

2. The maximum number of occupants for the vacation home rental;

3. The maximum number of vehicles permitted to be parked on the vacation home rental property;

4. The telephone number of the police department vacation home rental hotline, and the police department's e-mail address.

5. This section of the South Lake Tahoe City Code.

K. Parking. Occupants of vacation home rentals shall only park vehicles on the vacation home rental property and shall only park on paved surfaces designated as parking spaces.

L. Noise. In addition to all noise standards set forth in the City Code and TRPA Code, the use of any equipment generating noise and the use of outdoor amplified music, speakers or other amplified equipment is prohibited between the hours of 10:00 p.m. and 8:00 a.m.

M. Emergency lighting (which may consist of plug-in or permanently installed systems) shall be installed, maintained and functional within the home at all times.

N. Any lights used to illuminate a vacation home rental property shall be designed so as to not spray onto adjoining properties and adjacent rights-of-way.

O. Parking of commercial vehicle(s) on vacation home rental property, except temporarily for durations of less than four hours, shall be prohibited.

P. Records of every night for which the vacation home rental is rented, including the name and contact information of the occupant who has arranged to rent the vacation home rental, the rental rate, the number of occupants per night, and the number of vehicles, shall be

maintained for a minimum period of three years before such records are discarded or destroyed. Such records shall be made available to the city within fifteen (15) business days upon written request from the City.

Q. Camping and sleeping in tents, travel trailers, campers or recreational vehicles shall not be permitted on the vacation home rental property.

R. Trash. Bear boxes shall be installed on the vacation home rental property and all trash shall be disposed of in said bear boxes. All bear boxes shall remain functional and maintained so as to ensure that wildlife cannot access trash.

1. Table One of this subsection establishes the number of trash cans within bear boxes required of vacation home rental properties.

Table One (1). Minimum number of Trash Cans Within Bear Box	
Size of Home	Number of Trash Cans
Less than 2,500 square feet	2
2,500-3,500 square feet	3
Greater than 3,500 square feet	4

2. Vacation home rental owners and operators shall arrange for the necessary level of trash pick-up, drop-off, or other trash removal from the property so as to ensure that no trash is left on the street, exterior of the dwelling unit, or the right-of-way.

3. All required bear boxes shall be installed by July 31, 2018.

S. Owner or authorized agent shall include the vacation home rental permit number on all contracts, rental agreements, and in any advertising or websites depicting the vacation home rental.

T. Transient Occupancy Tax.

1. The owner of the vacation home rental shall remit all transient occupancy tax payments and comply with Article II of Chapter 3.50 of the SLTCC.

3.50.450 Enforcement.

A. Any use or condition caused or permitted to exist in violation of any provision of this article shall be and hereby is declared a public nuisance and may be summarily abated by the City pursuant to Code of Civil Procedure section 731 or any other remedy available to the City.

B. Any use or condition caused or permitted to exist in violation of any provision of this article shall be subject to citation in an amount set forth by separate resolution of the City Council.

C. Where an owner or agent of the vacation home rental reports a violation of any provision of this article which violation was caused or permitted to exist by the vacation home rental occupants, the City shall not issue a citation to said vacation home rental owner, and shall only issue a citation, where warranted, to the occupants.

3.50.460 No Property Rights Conferred. Vacation home rental permits shall not be construed as providing property rights or vested interests and entitlements in continued operation of a vacation home rental. Vacation home rental permits are revocable licenses which expire annually. Vacation home rental permits shall not run with the land.

Section 5. Compliance with CEQA. The City Council hereby finds that the action to adopt this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility the adoption of this Ordinance may have a significant effect on the environment, either from a direct physical change in the environment, or a reasonably foreseeable indirect physical change. The City Clerk shall file a Notice of Exemption with the El Dorado County Clerk.

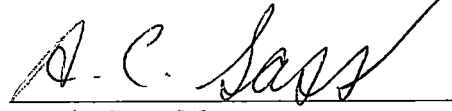
Section 6. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it should have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 7. Publication. The City Clerk is hereby ordered and directed to certify to the passage of this Ordinance by the City Council of the City of South Lake Tahoe, California, and cause the same to be published once in The Tahoe Daily Tribune, a newspaper of general circulation, published and circulated in the City of South Lake Tahoe, California.

Section 8. Effective Date. This Ordinance shall become effective thirty days after the date of its adoption.

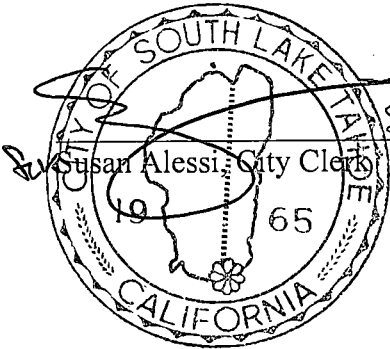
PASSED AND ADOPTED this 21st day of November, 2017, by the following vote:

AYES:	Councilmembers:	<u>COLLIN, DAVID & LAINE</u>
NOES:	Councilmembers:	<u>SASS</u>
ABSTAIN:	Councilmembers:	<u></u>
ABSENT:	Councilmembers:	<u>DAVIS</u>


Austin Sass, Mayor

ATTEST:

APPROVED AS TO FORM:



Susan Alessi, City Clerk

Susan Blankenship
Assistant City Clerk

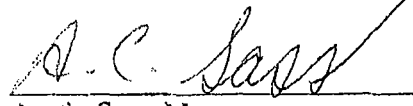
Signed in counterpart

Nira Doherty, Interim City Attorney

Section 8. Effective Date. This Ordinance shall become effective thirty days after the date of its adoption.

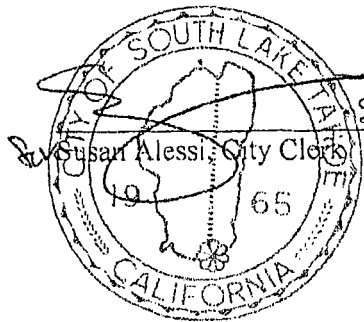
PASSED AND ADOPTED this 21st day of November, 2017, by the following vote:

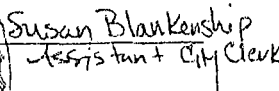
AYES:	Councilmembers:	<u>COLLIN, DAVID & LAINE</u>
NOES:	Councilmembers:	<u>SASS</u>
ABSTAIN:	Councilmembers:	<u></u>
ABSENT:	Councilmembers:	<u>DAVIS</u>

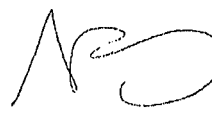

Austin Sass, Mayor

ATTEST:

APPROVED AS TO FORM:




Susan Blankenship
Assistant City Clerk


Nira Doherty, Interim City Attorney
Signed in counterpart

CITY OF SOUTH LAKE TAHOE
ORDINANCE NO. 2018- 1120

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH LAKE TAHOE
AMENDING ARTICLE 5 (VACATION HOME RENTALS) OF CHAPTER 3.50 OF
TITLE 3 OF SOUTH LAKE TAHOE CITY CODE; AMENDING ORDINANCE NO.
1114; AND FINDING ADOPTION OF THE ORDINANCE EXEMPT FROM THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

The City Council of the City of South Lake Tahoe finds and declares as follows:

WHEREAS, vacation home rentals expand the number and type of lodging facilities available to tourists and assist owners of vacation home rentals by providing revenue which may be used for maintenance, upgrades, and deferred costs.

WHEREAS, the City continues to respond to numerous citizen complaints involving excessive noise, disorderly conduct, vandalism, overcrowding, traffic, congestion, illegal parking and accumulation of trash and refuse at vacation home rentals.

WHEREAS, citizen complaints require response from police, fire, paramedic and other City personnel.

WHEREAS, the City Council initiated an independent socio-economic report, which had been received and publicly vetted. The purpose of the report was to assist the City Council in furthering its legislative and regulatory efforts of the vacation home rental industry.

WHEREAS, on November 21, 2017, the Council enacted Ordinance No. 1114 to address the continued impacts on city services and City residents posed by vacation home rentals, by repealing and replacing Article 5 of Chapter 3.5 of Title 3 of the South Lake Tahoe City Code (Vacation Home Rentals).

WHEREAS, on November 21, 2017, the Council now desires to amend Ordinance No. 1114 and the City of South Lake Tahoe City Code, in the manner set forth below, to address and clarify certain parking restrictions and existing requirements on common interest developments and homeowners associations.

WHEREAS, the City Council of the City of South Lake Tahoe held a duly noticed public hearing on this Ordinance on July 17, 2018 at which time it introduced Ordinance No. 2018-XX.

WHEREAS, the City Council finds and determines that this ordinance is not subject to CEQA because it is not a project, as that term is defined in Section 15378 of the State CEQA Guidelines.

WHEREAS, the City Council finds and determines that the regulation of Vacation Home Rentals in accordance with this ordinance is a matter of City-wide importance and necessary for the preservation and protection of the public peace, health, safety and/or welfare of the community and is a valid exercise of the local police power and in accord with the public purposes and provisions of applicable State and local laws and requirements.

NOW, THEREFORE, the City Council of the City of South Lake Tahoe does ordain as follows:

Section 1. Recitals. The City Council of the City of South Lake Tahoe does hereby find that the above referenced recitals are true and correct and material to the adoption of this Ordinance.

Section 3. Amended. Section 3 of Ordinance No. 1114 and Sections 3.50.410, 3.50.420, and 3.50.440 of Article 5 of Chapter 3.5 of Title 3 of the South Lake Tahoe City Code (Vacation Home Rentals) are hereby amended to read as follows:

3.50.410 Review, Issuance and Denial of Vacation Home Rental Permit Applications

A. Vacation home rental permits shall only be issued to the owner(s) of the vacation home rental property.

B. Criteria for Issuance – Initial Application

The Director of Development Services shall issue a vacation home rental permit where he/she makes all of the following findings:

1. The vacation home rental application is complete and the applicant has complied with the submittal requirements of SLTCC section 3.50.390(B).

2. Inspection of the vacation home rental property has shown that the proposed vacation home rental property conforms with all plan area statements and building code standards which were in effect at time of construction of the vacation home rental property and that no health and safety violations which threaten the wellbeing of guests, neighbors or the community are present at the vacation home rental property.

3. Neither the vacation home rental property, nor the vacation home rental applicant has received three or more upheld citations within any three events and/or calls for service for violations of the City Code which citations were issued during three separate events and/or calls for service within any twenty-four month period. For purposes of this section, upheld citations means citations which were neither overturned on appeal nor dismissed.

4. The vacation home rental property contains sufficient paved parking spaces to accommodate the maximum number of occupants. All required parking shall be constructed on the vacation home rental property prior to operation as a vacation home rental.

5. The proposed vacation home rental will not exceed the cap of 1,400 vacation home rentals within the City.

(a) Notwithstanding subsection (B)(5) of this section, vacation home rentals located in the Tourist Core Area Plan shall not be subject to the cap of 1,400 vacation home rentals within the city.

C. Criteria for Issuance – Renewal Application

The Director of Development Services shall issue a renewed vacation home rental permit where he/she makes all of the following findings:

1. The renewal application is complete and the applicant has complied with the submittal requirements of SLTCC section 3.50.390(B).
2. There have not been three or more upheld citations issued for violations of the City Code which citations were issued during three separate events and/or calls for service within any twenty-four month period. For purposes of this subsection, upheld citations means citations which were neither overturned on appeal nor dismissed.
3. The vacation home rental permit has not lapsed, expired, been revoked, or suspended.
4. The vacation home rental is current on transient occupancy taxes and has paid all said taxes to the city in full by the date upon which said taxes became due.
5. The vacation home rental permit has not been transferred to another person, entity, or property.

D. Criteria for Denial

Vacation home rental permits shall not be issued or renewed where the Director of Development Services confirms that one or more of the criteria for issuance set forth in SLTCC sections 3.50.410(B) and (C) have not been met. If the Director of Development Services denies the vacation home rental application or renewal application, he or she shall specify in writing the reasons for the denial and notify the applicant that the decision shall become final unless the applicant seeks an appeal pursuant to SLTCC section 3.50.430.

3.50.420 Revocation of Vacation Home Rental Permit

A. A vacation home rental permit issued under the terms of this Article shall be revoked by the Director of Development Services at any time if he or she concludes any of the following:

1. The vacation home rental is not current on transient occupancy taxes and has not paid all said taxes to the City in full by the date upon which said taxes became due.
2. There have been three or more upheld citations for violations of the City Code which citations were issued during three separate events and/or calls for service for violations of the City Code at the vacation home service within any twenty-four month period. For purposes of this subsection, upheld citations means citations which were neither overturned on appeal nor dismissed.
3. The vacation home rental applicant has submitted a vacation home rental application containing a material misrepresentation or omission of a material fact.

4. There has been a transfer or an attempt to transfer a vacation home rental permit to another person, entity or property.

B. A vacation home rental permit suspended or revoked pursuant to this subsection shall be deemed to be expired and shall no longer authorize the operation of a vacation home rental.

3.50.440 Conditions of Operation.

All vacation home rentals shall be operated, maintained and managed on a day-to-day basis in compliance with the following operational conditions and requirements. Violation of any of the below conditions of operations shall subject the owner to citation in accordance with section 3.50.450. Violation of conditions of operation set forth in subsections A, C, H, K, L, O, Q, shall subject any occupant found violating such condition to citation in accordance with section 3.50.450.

A. Maximum Occupancy.

1. Occupancy of the vacation home rental shall be limited by (1) the number of paved parking spaces on the vacation home rental property as shown in Table One of this subsection, and (2) the number of bedrooms in the property as shown in Table Two of this subsection, whichever is lesser. For purposes of this subsection, occupancy shall be calculated by the number of persons present at the vacation home rental property at any given time.

Table One (1). Number of Paved Parking Spaces Establishing Maximum Occupancy	
Number of Parking Spaces	Maximum Occupancy
1	4
2	8
3	12
4	16
5	20

Table Two (2). Number of Bedrooms Establishing Maximum Occupancy	
Number of Bedrooms	Maximum Occupancy
Studio	4
1	6
2	8

Table Two (2). Number of Bedrooms Establishing Maximum Occupancy	
Number of Bedrooms	Maximum Occupancy
3	10
4	12
5	14

Where the maximum occupancy for a vacation home rental is based upon the number of bedrooms, occupancy of a vacation home rental with more than one bedroom shall be calculated by multiplying the number of bedrooms by two and adding four.

The voluntary reduction of occupancy in order to reduce fees is not permitted.

The requirements of this subsection limiting maximum occupancy based on number of parking spaces shall not apply to any Vacation Home Rental that is within a common interest development subject to the Davis-Stirling Common Interest Development Act, as set forth in Civil Code section 4000 et seq., provided that the board of directors of the association governing the common interest development has implemented rules or regulations regarding parking for occupants of vacation home rentals within such common interest development.

B. Each parking space required for a vacation home rental permit shall remain available for vacation home rental occupants. Each parking space shall be no less than nine feet wide and 19 feet long.

C. Commercial Activity Prohibited. Vacation home rentals shall not be used for commercial activities, including, but not limited to, weddings, receptions and large parties. All occupants of the vacation home rental shall be notified of the prohibition against commercial activities prior to the reservation, rental, or lease of a vacation home rental.

D. The owner of the vacation home rental shall be responsible for compliance with all provisions of the South Lake Tahoe City Code.

E. 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 property.

F. All marketing and advertising of the vacation home rental shall include the vacation home rental permit number issued by the City.

G. 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.

H. Use of all outdoor spas or hot tubs shall be prohibited between the hours of 10:00 p.m. and 8:00 a.m.

I. Interior Signage. Vacation home rentals shall have a clearly visible and legible notice posted on or directly adjacent to the inside of the front door, containing the following information:

1. The name of the managing agency, authorized representative, property manager, or local contact person, and a telephone number enabled for text messaging at which that person may be reached on a 24-hour basis. Any change in this contact person's address or telephone number shall be promptly furnished to the city Development Services Department.
2. The maximum number of occupants for the vacation home rental;
3. The maximum number of vehicles permitted to be parked on the vacation home rental property;
4. The parking rules for seasonal snow removal;
5. The trash pickup day and notification that trash and refuse shall not be left or stored on the exterior of the property except in a bear-box;
6. Notification that an occupant may be cited and fined for creating a disturbance or for violating any provision(s) of this article; and
7. Notification that failure to conform to the parking and occupancy limits of the vacation home rental is a violation of this article.

J. Exterior Signage. Vacation home rentals shall have a clearly visible and legible exterior sign, posted in a location which is visible from the adjacent right-of-way, containing the following information:

1. The name of the managing agency, authorized representative, property manager, local contact person or owner of the vacation home rental, and a telephone number at which that party may be reached on a 24-hour basis;
2. The maximum number of occupants for the vacation home rental;
3. The maximum number of vehicles permitted to be parked on the vacation home rental property;
4. The telephone number of the police department vacation home rental hotline, and the police department's e-mail address.
5. This section of the South Lake Tahoe City Code.

K. Parking. Occupants of vacation home rentals shall not park on areas of the vacation home rental property not designated as parking spaces.

L. Noise. In addition to all noise standards set forth in the City Code and TRPA Code, the use of any equipment generating noise and the use of outdoor amplified music, speakers or other amplified equipment is prohibited between the hours of 10:00 p.m. and 8:00 a.m.

M. Emergency lighting (which may consist of plug-in or permanently installed systems) shall be installed, maintained and functional within the home at all times.

N. Any lights used to illuminate a vacation home rental property shall be designed so as to not spray onto adjoining properties and adjacent rights-of-way.

O. Parking of commercial vehicle(s) on vacation home rental property, except temporarily for durations of less than four hours, shall be prohibited.

P. Records of every night for which the vacation home rental is rented, including the name and contact information of the occupant who has arranged to rent the vacation home rental, the rental rate, the number of occupants per night, and the number of vehicles, shall be maintained for a minimum period of three years before such records are discarded or destroyed. Such records shall be made available to the city within fifteen (15) business days upon written request from the City.

Q. Camping and sleeping in tents, travel trailers, campers or recreational vehicles shall not be permitted on the vacation home rental property.

R. Trash. Bear boxes shall be installed on the vacation home rental property and all trash shall be disposed of in said bear boxes. All bear boxes shall remain functional and maintained so as to ensure that wildlife cannot access trash. The requirements of this subsection shall not apply to any person whose Vacation Home Rental is within a common interest development subject to the Davis-Stirling Common Interest Development Act, as set forth in Civil Code section 4000 et seq., provided that the board of directors of the association governing the common interest development has implemented rules or regulations requiring and enforcing the regular disposal of trash within such common interest development.

1. Table One of this subsection establishes the number of trash cans within bear boxes required of vacation home rental properties.

Table One (1). Minimum number of Trash Cans Within Bear Box	
Size of Home	Number of Trash Cans
Less than 2,500 square feet	2
2,500-3,500 square feet	3
Greater than 3,500	4

Table One (1). Minimum number of Trash Cans Within Bear Box	
Size of Home	Number of Trash Cans
square feet	

2. Vacation home rental owners and operators shall arrange for the necessary level of trash pick-up, drop-off, or other trash removal from the property so as to ensure that no trash is left on the street, exterior of the dwelling unit, or the right-of-way.

3. All required bear boxes shall be installed by July 31, 2018.

S. Owner or authorized agent shall include the vacation home rental permit number on all contracts, rental agreements, and in any advertising or websites depicting the vacation home rental.

T. Transient Occupancy Tax.

1. The owner of the vacation home rental shall remit all transient occupancy tax payments and comply with Article II of Chapter 3.50 of the SLTCC.

Section 5. Compliance with CEQA. The City Council hereby finds that the action to adopt this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility the adoption of this Ordinance may have a significant effect on the environment, either from a direct physical change in the environment, or a reasonably foreseeable indirect physical change. The City Clerk shall file a Notice of Exemption with the El Dorado County Clerk.

Section 6. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it should have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 7. Publication. The City Clerk is hereby ordered and directed to certify to the passage of this Ordinance by the City Council of the City of South Lake Tahoe, California, and cause the same to be published once in The Tahoe Daily Tribune, a newspaper of general circulation, published and circulated in the City of South Lake Tahoe, California.

Section 8. Effective Date. This Ordinance shall become effective thirty days after the date of its adoption.

PASSED AND ADOPTED this 21 day of August, 2018, by the following vote:

AYES: DAVID, COLLIN, LAINE, AND SASS

NOES:

ABSTAIN: DAVIS (recuse)

ABSENT:

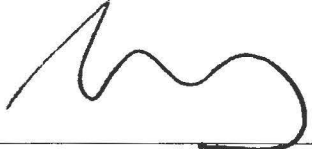

Wendy David, Mayor

ATTEST:

APPROVED AS TO FORM:


Susan Blankenship, Assistant City Clerk




Nira Doherty, Interim City Attorney