

# DECISION PAPER



April 20, 2018

## STR TASK FORCE RECOMMENDATIONS RE: INITIAL PHASE TWO ITEMS

As discussed in the Status Report, the Task Force identified two key matters related to the Phase Two issues.

First, the need for clearer and more definite rules related to quality of life issues such as noise, light pollution and commercial activity. While these are currently governed by the prohibition on “noxious activity”, more specific and definite rules are needed, both to ensure that owners and guests/renters alike are aware of the rules and to aid in enforcement. Noxious activity rules, of course, apply to all residents, homeowners and renters alike.

Second, specific rules related to rentals are needed, similar to those enacted by similar towns and HOAs. These rules will assist in preserving quality of life, safety, and general neighborhood aesthetics, and are needed to ensure compliance as well as prompt and efficient enforcement.

### I. Recommendations re Noxious Activity issues

The Task Force recommends the following additions to the current Covenant Rules (the existing rules are **in black** and the suggested additions are **in red**):

#### Noxious Activities Prohibited.

No illegal, noxious or offensive activities shall be carried out or conducted upon the Common Area, or other Association-owned properties, nor shall anything be done within the properties which is or could become an unreasonable annoyance or nuisance to neighboring property owners. Without limiting any of the foregoing, no Owner or Resident shall permit noise, including but not limited to the barking of dogs, the operation of excessively noisy air conditioners, stereo amplifier systems, television systems, motor vehicles (including snow mobiles), or power tools to emanate from a Lot that would unreasonably disturb another Owner or Resident’s enjoyment of his or her Lot or a Member’s enjoyment of the Common Area.

The hours of 10 p.m. to 7 a.m. are deemed quiet hours, when outdoor noise should be minimized and noise that is an unreasonable annoyance or nuisance to neighbors, including outdoor music, late-night partying, amplified or motorized sounds, or sound in excess of what is permitted by the Town of Truckee after 10:00 p.m., is prohibited.



# DECISION PAPER



**Light Pollution.** After 10 p.m., exterior lights that are no longer needed for safety or other use, shall be turned off. Exterior lights must comply with the applicable Architectural Standards adopted by Tahoe Donner, including the requirements that exterior lights be covered and project downward and not beyond property boundaries, and the requirements for timers and motion detectors for exterior lights on the side or back of the house.

## **Prohibited Commercial Activity**

No business or commercial activities of any kind shall be conducted in any Residence, Condominium or outbuilding or any other portion of any residential or multiple family residential lot if those activities involve any of the following (C&RS Article VIII, Section 1,f):

1. Exterior advertising
2. Increased traffic or parking
3. More than an insignificant number of deliveries of goods or other commercial materials
4. Visible storage of goods or other commercial materials
5. Excessive noise

Commercial activity not in keeping with residential nature of property is prohibited. The property may not be used for commercial activities such as commercial weddings, receptions or large commercial parties.

## **II. Recommendations Re: Rental Activity and Enforcement**

While the Task Force believes that additional modification of enforcement measures will be needed, the following recommendations are made to provide some immediate streamlining of enforcement procedures, and to more immediately address the problems being experienced by homeowners and avoid further problems going forward.

Adoption of the following or similar rules by the Board is recommended:

1. Owners who engage in rentals must provide contact information to the Tahoe Donner office for the owner, a representative (such as a management company) or other third party, who is available 24x7 to address problems in real time when they arise. The contact person must be able to respond within 30 minutes of a call where the matter warrants a prompt response.



# DECISION PAPER



2. Owners must provide a list of the applicable Tahoe Donner rules to guest/renters before they arrive, and a copy of the rules should be available in the residence. It is recommended that the owner obtain an acknowledgement from the renter that they have reviewed the rules.
3. Parking for STR groups is limited to the number of cars that fit in an available garage or paved driveway, or in the assigned parking spot(s) for condominiums.
4. Occupancy for STRs is limited to two per bedroom plus two additional adults or four additional children. [Alternative: Occupancy for STRs is limited to two per bedroom plus two additional adults. Additional children are permitted.]
5. Where not resolved informally, violations of the rules will subject the owner to fines, increasing with each violation. Fines will be imposed where the police are called to respond and prepare a report reflecting the noxious activity; where staff observes a violation; or where there is a finding of a violation by the Covenants Committee. In the case of a police report or staff observation, the initial report will result in a warning to the owner, with fines being assessed thereafter.

The fines are suggested to be as follows: \$500 for the first violation, \$1000 for the second violation, and \$1500 for the third violation. Owners are advised to provide the right to require the renter to pay any fine in its rental agreement. Where any of the foregoing occur three times, the owner will be prohibited from engaging in STRs for a year.

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**Prepared By:** Short-Term Rental/Amenity Access Task Force

**Board Meeting Date:** April 28, 2018





**STATUS REPORT TO BOARD RE:  
STR/AMENITY TASK FORCE INITIAL PHASE  
2 RECOMMENDATIONS**

**April 28, 2018**



## STR/Amenity STR Phase II Status Report

### I. Background

The STR/Amenity Task Force was formed by the Board on Sept. 22, 2017. As noted in the Board Information establishing the Task Force, “in recent years, an increasing number of Tahoe Donner residents have expressed concern regarding the impact that increasing guest count might have on quality of life in Tahoe Donner.” Residents have been adversely impacted by a variety of issues including noise, parking, trash issues and amenity over-loading. Further,

“many owners have found the current communication and enforcement standards ineffective for dealing with even basic issues like noise and parking.”

The Board Information stated that

“Homeowners in Tahoe Donner should have the right to quiet and peaceful enjoyment of their homes as well as preservation of values and neighborhood ambience.”

This Task Force was formed to address these issues. It consists of approximately 40 community members with six team leaders, who reflect the various perspectives of those on and off the hill, and those who STR and those who do not.

### Problems Identified

The first task undertaken by the Task Force was to gather information about the problems experienced by residents and rule violations causing adverse impacts, whether caused by STRs or residents. The following were the primary problems and adverse impacts identified:

1. Excessive noise, particularly loud noise on outside decks, hot tubs or around fire pits, late at night or after 10
2. Light pollution
3. Trash left out or placed in neighbors’ containers
4. Large numbers of cars and cars left in street, including cars that are parked on unpaved portions of a lot, or that block roads or driveways in the winter, or prevent the snowplows from clearing
5. Lack of cars properly equipped for winter driving, which cause danger or block residents and snow plows from access to their homes ( and can prevent a visitor from reaching the residence)



6. Camping on Tahoe Donner lots or in streets
7. Amenity crowding or over-use or improper use of amenity usage cards
8. Speeding on residential streets

Many residents also expressed concerns about their inability to have the issues addressed when they occurred or to prevent reoccurrence.

## II. Phase One: Solutions for Communication and Enforcement of Existing Rules

At the December 2017 Board meeting, the Task Force presented a list of the Tahoe Donner and Town of Truckee rules addressing the issues above, along with the back-up for each. The intent was that the list would be made available for use by owners and provided to guest/renters.

The Phase One recommendations of the Task Force regarding existing rules were approved at the December Board meeting and are currently being implemented by the staff under the direction of the Board. (A copy of those rules and backup are attached as **Appendix I.**)

## III. Phase Two

### A. The Tasks

Phase Two was designed to address:

“whether it is advisable for the Board to enact or implement additional, specific regulations (for example, prioritizing homeowners’ access to amenities, or limiting the number of people or vehicles related to short-term rentals) under its existing authority to preserve the welfare and enjoyment of the residents.”

In addition, we are directed to consider that

“it may be that there are some rental uses that are so subject to abuse, and that are so incompatible with the residential nature of Tahoe Donner, that they should be prohibited.”

The Task Force first addressed the need for more specific rules concerning noxious or nuisance activity, and ways to improve and expedite enforcement, and those results are discussed below.



The Task Force is still looking at issues related to amenity access, including gathering information and coordinated with other groups or overlapping task forces, and is not yet at the point to propose recommendations on these issues. Several task force participants are taking the lead and investing a great deal of time in looking these issues.

In addition, discussions regarding the need for restrictions on STRs such as number of days or number of homes available for STRs, have been postponed, both to see if problems can be resolved with more explicit rules and enforcement, and because these issues are soon to be addressed by the Town of Truckee, which could impact decisions at Tahoe Donner.

## **B. Issues and Discussions/Conclusions**

The primary Phase Two issues identified by the Task Force are (1) the need for more specific and definite rules regarding “noxious activity” such as noise, lights and commercial activity, and (2) the need for rental regulations and more prompt and stronger enforcement of the rules. Noxious activity rules, of course, apply to all residents, homeowners and renters alike.

The group considered information as to what other towns or associations in resort areas similar to Tahoe Donner have done with respect to rules concerning noxious activities and enforcement. The group has also engaged in discussions to understand all the viewpoints, and other homeowners with concerns have provided information and ideas.

While different ideas were expressed, there is a great deal of common ground among most participants on many issues. As noted, the group reviewed rules enacted in other resort-type towns and HOAs. Those are summarized in **Appendix II**, and served as guide to our recommendations.

### **1. Need for More Specific Noxious Activity Rules**

There was general agreement among most members that more specific rules relating noxious activities, including noise (in particular, quiet time after 10 p.m.), light pollution and commercial activity are needed, both for clarity (so everyone is aware of the rule) and for enforcement purposes. In particular, the current courtesy requests regarding noise and exterior lights are not sufficient.



It was also agreed that the rules should be provided to owners, and to guest/renters, and that renters should receive the rules in advance and acknowledge receipt and review.

Recommended rules regarding noxious activities are set out in Part I of the Recommendations following this Report.

## **2. Need for Regulations Re: Rentals**

There was general agreement in several areas related to STRs to help avoid problems and address problems as they arise. While not all members agree with all points, the following are areas of common ground and these areas will address and help resolve many if not all of the problems identified. And, of equal importance, these measures will help avoid problems or an increase in problems going forward.

First, it was generally agreed that the owner or representative (such as a management company) should be identified who is available 24x7 to address problems in real time when they arise. Based on the discussions and a review of rules in other towns and associations, the representative should be available to respond to the problem, where warranted, in 30 minutes.

Second, it was also generally agreed that parking at STRs should be limited to the number of cars that fit in an available garage or paved driveway, both to avoid problems with overcrowding, noise and for general neighborhood aesthetics

Third, many members and concerned residents are of the view that there should be limits on occupancy at STRs, as many of the problems arise from overly large groups or crowds. Many similar towns and HOAs have such limits, ranging from two per bedroom, or two per bedroom plus two or four additional renters, or similar restrictions. While some members believe that limits on parking will limit occupancy, most agreed that it is advisable to establish specific limits, similar to those adopted elsewhere.

It was the general view that reasonable limitation on the number of guests/renters will greatly help in reducing problems and noxious activity complaint.

Recommended proposals based on the discussions and other input are set out in Part II of the attached in the Recommendations following this Report.





### **3. Need for Prompter Enforcement and Other Common Views, Issues and Discussions re: Enforcement**

As noted above, there was general agreement that stronger and prompter enforcement of rules is needed. Most members expressed a desire for a 24/7 number to call to report problems, with the owner or owner representative being contacted to resolve, as well as a call to the police where warranted where the resident has not already done so. The Task Force is looking into options for the provision of this service.

Many members also expressed a desire for a tiered approach, with the goal that problems be addressed in an informal way if possible. Although this was expressed in a variety of ways by different members, it generally involves:

- a) Where feasible or where it seems safe or comfortable, first address with neighbor to neighbor communication
- b) If this does not work, or if it is not feasible, comfortable or safe, seek assistance from the TD office through the compliance hotline or email, or from the 24/7 hotline if established. The TD office or hotline will then contact the homeowner or representative to seek resolution in real time, and also call the police where advisable if the owner has not done so. The owner or representative must be available to respond within a specific period of time (such as 30 minutes), and to resolve the problem within a specified period of time depending on the issue.
- c) Formal procedures involving the imposition of fines when the problem occurs, an increasing fine schedule, and prompt resolution in real time of the violation particularly when it involves noxious activity. The group also favored revocation of the right to engage in STRs for repeat offenders. The members discussed, and many agreed with, implementation of something similar to the South Lake Tahoe rule, which revokes the right to STR after three offenses.

It is also deemed advisable for owners to require a deposit sufficient to cover any fines assessed, to deter violations by visitors. In the past, without a consequence, a visitor may have no incentive to learn or follow the rules. Many members also expressed the view that fines should be utilized to fund enforcement. A number also expressed support for a rule similar to the South Lake Tahoe rule that fines both renters and the owners for violations.



A list for recommendations/proposals for more prompt and effective enforcement based on these comments and procedures adopted by other towns and HOAs, are contained in Part II of the Recommendations attached. It is, however, likely the complaint procedures will need further revision to address the desire for prompter enforcement that is less onerous for the aggrieved resident.

#### 4. Other Matters

Many members also expressed a desire for closer coordination with the Town of Truckee, including in access to information gathered, regulations and enforcement. In addition, the Task Force is currently gathering information regarding a 24 hour hotline, where a resident could call when immediate action is needed, with the information relayed to the owner or identified owner representative to address in real time.

As noted above, there were no in-depth discussions on views relating to restrictions on number of days or number of households who engage in STRs, or whether STRs constitute commercial or residential use. Most believed that it was most productive to put off discussion of such topics, and to concentrate on areas where there is a general consensus and that could address the specific problems. Also, the Town of Truckee is beginning an assessment of STRs, which could impact any assessment of this issue.

#### IV. Conclusion

As many are aware, concerns about STRs and the impact on quality of life are widespread in many areas. The issues have led to strong rules and enforcement procedures in areas such as South Lake Tahoe, as well as restrictions on the number of homes that can obtain STR licenses.

The current Recommendations are intended to address the problems being experienced in Tahoe Donner before they increase or reach the level being experienced in other areas. Clearer rules, particularly regarding noise, lights and commercial activity, will ensure that everyone is aware of the specific prohibited activity, and make enforcement easier for that reason. And, communication to owners and renters about the rules and their obligations to abide by them,





along with informal and prompt enforcement and fines when needed, should resolve many of the problems that have been experienced.



## APPENDIX I

### **RULES**

Below is a summary of the most important Town of Truckee and Tahoe Donner Association rules, which apply to all homeowners, renters and guests. Violations of rules can be reported after hours by calling (530) 414 8166.

1. Noise. Activities including noise that is or could become “an unreasonable annoyance or nuisance to neighbor[s]” is prohibited. (As a courtesy, and to comply with Town of Truckee night noise parameters, minimize noise (especially outdoors) after 10 p.m.)
2. Trash. All trash left outside the house must be placed entirely within the bear proof container at the house. Excess trash may not be placed in a neighbor’s container.
3. Light pollution. Tahoe Donner attempts to reduce “light pollution” from exterior lights at night. As a courtesy, please turn off exterior lights after 10:00 pm when not needed.
4. Parking. Street parking is prohibited in Tahoe Donner from November 1 through April 30, and parking is prohibited on the unpaved portions of residential yards at all times. Guests should be advised as to the number of cars that fit in the garage (if the garage is available to the guests) or in the paved driveway (or assigned parking in the case of a condominium).
5. Winter Driving. The Town of Truckee can prohibit drivers without chains or all-wheel or 4-wheel vehicles from driving up Northwoods Blvd. or Alder Creek Road to Tahoe Donner during winter snow conditions. Cars blocking streets, driveways or snowplows are subject to tows and fines from the Town of Truckee.
6. Amenity Usage Cards. A maximum of four guests are permitted per amenity transferrable guest usage card, and each unaccompanied guest must pay the daily usage fee. The fee is currently \$12 per person, but is subject to change. (The fee for accompanied guests is \$8 per person.)
7. No Camping. Camping or living in a recreational vehicle is prohibited in Tahoe Donner and on Tahoe Donner lots, except in designated sites in the Tahoe Donner Campground.
8. Golf Course. All activities other than golfing on the golf course are prohibited.
9. Dogs on Leash. All dogs must be on a leash in all common areas.





10. No Open Fires/fireworks/firearms. Open outdoor fires without screens or covers, fireworks and discharge of firearms are all prohibited in Tahoe Donner
11. Speed limit. The speed limit for Northwoods Blvd is 35 miles per hour. The speed limit for all other Tahoe Donner streets is 25 miles per hour. Walkers, runners, cyclists, children and pets frequently use the roads. Please be careful.
12. Enforcement. Fines can be imposed by the Tahoe Donner Association for rules violations.



## **APPENDIX II**

### SHORT TERM RENTAL PROVISIONS FROM OTHER RESORT AREA TOWNS/ HOAs

#### Short Term (less than 30-day) Rentals Prohibited:

Mammoth Lakes

Lahontan

Martis Camp

Carmel

Monterey

Major HOAs in Monterey (such as Pebble Beach, Tehama, The Preserve)

Ojai, Del Mar, Palm Desert (banned in single family neighborhoods)

Santa Monica

#### Short Term Rentals Permitted: Typical Regulations

##### **A. Tahoe Keys Short Term Vacation Renter Policy:**

1. Noise Restrictions and Quiet Times. (Prohibits “excessive, disruptive or objectionable noise including noise levels in excess of what is permitted by applicable laws after 8:00 pm on weekdays and 10:00 p.m. on weekends.”)
2. Limits on Number of Renters (limited to “two (2) people per bedroom plus four (4) additional people”)



3. Owner or representative must be identified and available for contact (“The owner or the owner’s agent must be available for immediate contact.”)
4. Commercial activity not in keeping with residential nature of property prohibited (“The property may not be used for commercial activities such as weddings, receptions or large parties.”)
5. Limits on Number of Vehicles
6. Disorderly conduct or harassment of residents is prohibited
7. Enforcement Zero tolerance for noise, over-occupancy and other nuisance activity, with a \$1000 fine per occurrence (recommend that owners charge a \$1000 refundable nuisance deposit to each renter, and require that the rules be delivered to and signed by each renter)

Source: <https://www.tkpoa.com/component/tags/tag/16-rules>

## **B. South Lake Tahoe**

1. Limit on Number of Renters (limited to two per bedroom plus 4, or limited by parking space, whichever is less)
2. Noise/Hot Tubs. No excessive noise is permitted after 10pm. No use of outdoor hot tubs with jets or blowers after 10:00 pm (“ Use of all outdoor spas or hot tubs shall be prohibited between the hours of 10:00 p.m. and 8:00 a.m.”)

In addition, ordinance states: “ 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.”

3. Parking is limited to garage and paved driveway. No street parking.



4. Prohibition on Commercial Activity. “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.”
5. Prohibition on Camping. “Camping and sleeping in tents, travel trailers, campers or recreational vehicles shall not be permitted on the vacation home rental property.”
6. Enforcement. Local contact person or property manager must be within a 30-mile radius available to address problems with the short-term rentals
7. Fine on owner for violation is a minimum of \$1000 to both owner or guest, with STR permit revocation if there are three citations within a 24 month period
8. Limitation on number of homes permitted to STR in residential (non-commercial) areas
9. Notification to renters of the rules is required.
10. No large scale special events
11. A second community service officer hired to patrol short term rentals
12. Camping is prohibited on STR properties.
13. STR must install bear box bins

(South Lake Tahoe ordinance:

<http://www.codepublishing.com/CA/SouthLakeTahoe/#!/southlaketahoe03/SouthLakeTahoe0350.html#3.50.370> )

### C. La Quinta (Desert Golf Resort area)





1. Number of guests limited to two per bedroom plus two, up to a maximum of 14.
2. Noise restrictions including no outdoor stereos or sound equipment after 10 p.m.
3. Enforcement: Neighbors have access to a 24/7 hotline to file a complaint. The homeowner or an appointed agent must respond within 45 minutes of a complaint.

Source: <http://www.laquintaca.gov/home/showdocument?id=16764>

#### **D. Pacific Grove**

1. Limited to 250 homes (out of 8250 homes), but does allow unlimited rental of a room in a house where the owner is present and residing. Also limits number on any block, and will use a lottery to restrict.
2. Occupancy. Overnight occupants (age 18 or over) are limited to two per bedroom plus one. Day time visitors are limited to 1.5 the number of overnight occupants.
3. Enforcement. An STR owner farther than 30 minutes away by car from the STR unit must appoint a Site Manager

Source: <https://www.cityofpacificgrove.org/living/community-economic-development/short-term-rental-program>

