

Town Council

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Hilary Hobbs, Assistant to the Town Manager

April 16, 2024

TOMASELLO JANA S TRSTE
6071 SOUTHERNESS DR
EL DORADO HILLS, CA 95762

Re: Appeal Determination – 10161 Palisades Dr, Unit 1, Truckee, CA 96161

To Ms. Tomasello:

This letter is to provide the final determination on the appeal of the administrative citations issued on February 21, 2024 and on March 12, 2024 to 10161 Palisades Drive Unit 1 for failure to maintain two-can trash service and failure to provide timely complaint resolution within the required timeframe, in violation of the Town of Truckee's short-term rental regulations. On Wednesday, March 27, 2024, at 3:00 PM PDT I had a hearing with you to discuss the appeal, as well as to gather any additional information available.

I have reviewed the sequence of events that led to the issuance of the two citations, including the additional information that you provided in writing following the hearing. Ultimately, I have a duty to uphold citations that were issued in compliance with the municipal code. After thorough review of the circumstances surrounding the above-referenced citations, I have determined that both citations were issued in accordance with the municipal code.

On December 22, 2022, an educational email was sent to Heather Phillips, the designated contact associated with the short-term rental at 10161 Palisades Drive Unit 1, regarding an after-the-fact complaint about excess trash in the unit's shared bear shed. On July 4, 2023, a second complaint was received by the STR helpline regarding trash from the unit improperly placed in a neighbor's trash can and a warning was issued to the designated contact on July 5, 2023. On February 12, 2024, a complaint was received by the STR helpline regarding this same issue. The helpline agent left a detailed voicemail with the designated contact person and the Town did not receive a returned communication on the resolution within the required timeframe. A returned communication was eventually received on February 14, 2024. Truckee Municipal Code (TMC) 5.02.040(B) establishes that within sixty (60) minutes of a complaint being received the contact person shall submit a verbal or written explanation to the Town of Truckee describing the steps the local contact person has taken to investigate the complaint, to confirm whether a violation has occurred, and to resolve any violation that has occurred. Additionally, it was determined that the property lacked two-can trash service. TMC 5.02.040(E) establishes that a minimum service level of two trash cans shall be maintained for all registered short-term rentals. A first administrative citation was issued to you, the property owner, on February 21, 2024 for the above-referenced violations (see **Attachment 1**).

On March 12, 2024, an additional complaint was received by the STR helpline regarding this same issue. The helpline agent left a detailed voicemail with the designated contact person and the Town did not receive a returned communication on the resolution within the timeframe required by TMC 5.02.040(B). Upon further investigation, it was determined that the property still lacked two-can trash service as required by TMC 5.02.040(E). A second administrative citation was issued to you on March 12, 2024 for the above-referenced violations (see **Attachment 2**).

During the hearing you stated that you have provided a second trash can for visitors in your garage and that you have taken steps to proactively address ongoing challenges with the shared bear shed, including signage regarding trash for renters and cleaning personnel and installation of a security camera. You further stated that, since the date of the second violation, you have taken additional steps including subscribing to two-can trash service, that you are considering options for other property management arrangements, and that you are pursuing installation of a separate bear shed to avoid future challenges with the shared bear shed.

Official Determination: Because the two citations were issued in compliance with the municipal code, I am unable to waive the administrative citation issued on February 21, 2024 and March 12, 2024.

Per TMC §5.02.060(C) you may appeal this decision to the Town Council by filing a notice of appeal with the Town Clerk within 10 calendar days of the serving or mailing of this appeal and tendering a deposit for the cost of the appeal in an amount established by the Town Council. The Town Clerk can be reached at kcarpenter@townoftruckee.com or (530) 582-5098. Per the Town's Fee Schedule, a deposit of \$500 is due at the time of filing. The appellant is responsible for the hourly cost of administering the appeal. If the Town Council finds in favor of the appellant, the deposit will be returned in full. The Town Council likewise has a duty to uphold citations that were issued in compliance with the Municipal Code.

Payment of the February 21, 2024 administrative citation has already been received. Payment of the March 12, 2024 administrative citation is due no later than **April 26, 2024**. If we do not receive payment by this date, late fees may begin to accrue on the outstanding fine.

Pursuant to Truckee Municipal Code § 5.02.040(A), a local contact person shall be physically present at the short-term rental within sixty (60) minutes of contact, for a period of one year following any citation, notice of violation, or fine issued in connection with the operation of the short-term rental. ***Please be advised that this requirement that your designated contact person respond in-person within sixty minutes to any notification of complaint will be in effect until March 11, 2025.***

I can be reached at (530) 582-2914 or hhobbs@townoftruckee.com for any questions regarding this determination.

Thank you,



Hilary Hobbs
Assistant to the Town Manager- Tax Administrator
Town of Truckee