

Washoe County Board of Adjustment



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COMMUNITY  
SERVICES DEPARTMENT

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**WSTR21-0283**

**(STR Appeal – 916 Harold Drive #46)**

January 2, 2025

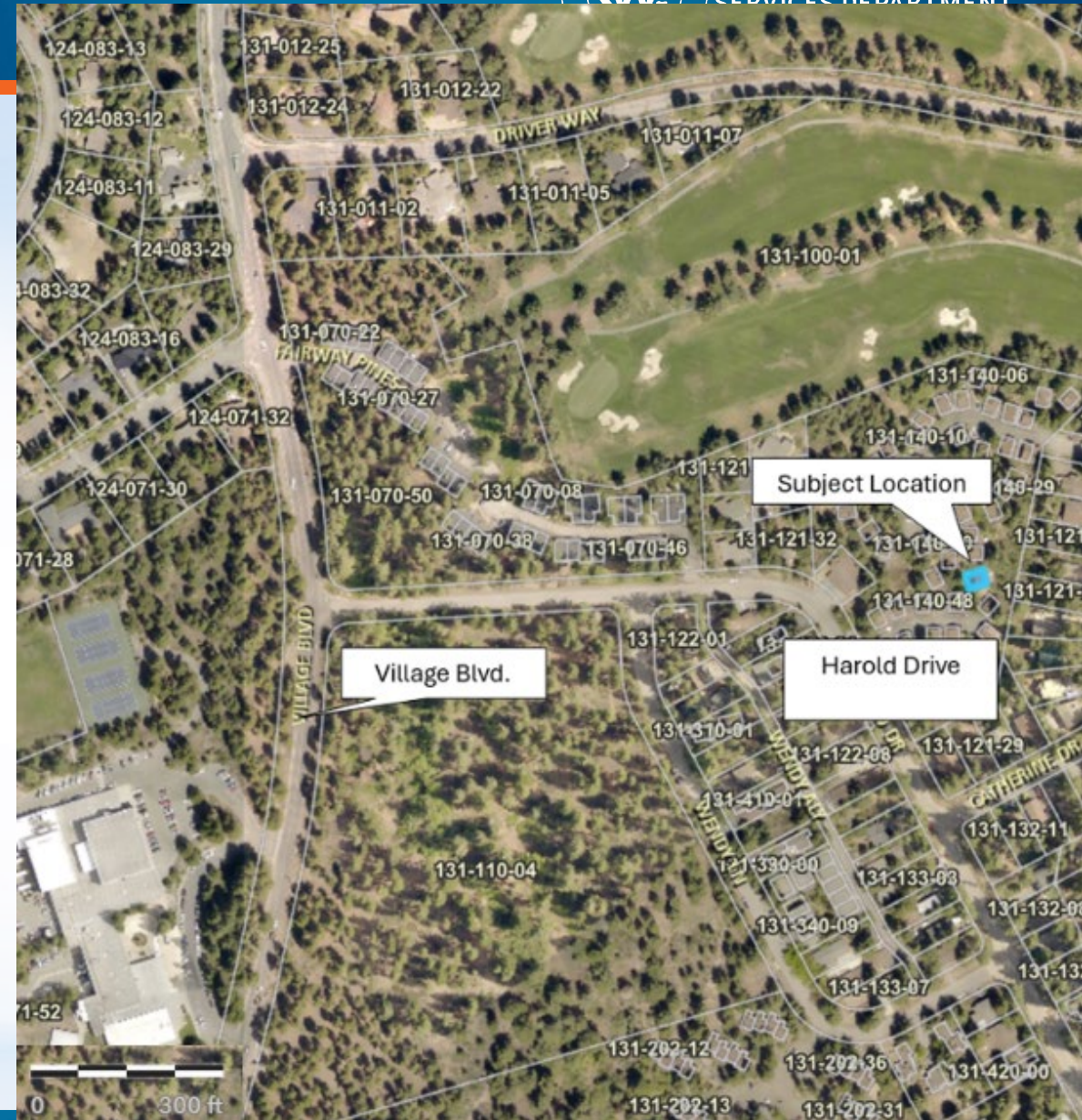
# Appeal Request



- Possible action to affirm, modify, reverse, or remand a decision of the Washoe County Director of Planning and Building (the Director) to reduce the appellant's short-term rental (STR) occupancy from 8 persons to 4 persons, which was based on a reduction in parking from 2 spaces to 1 space
- Appellant is requesting an occupancy of 8 persons with 2 parking spaces

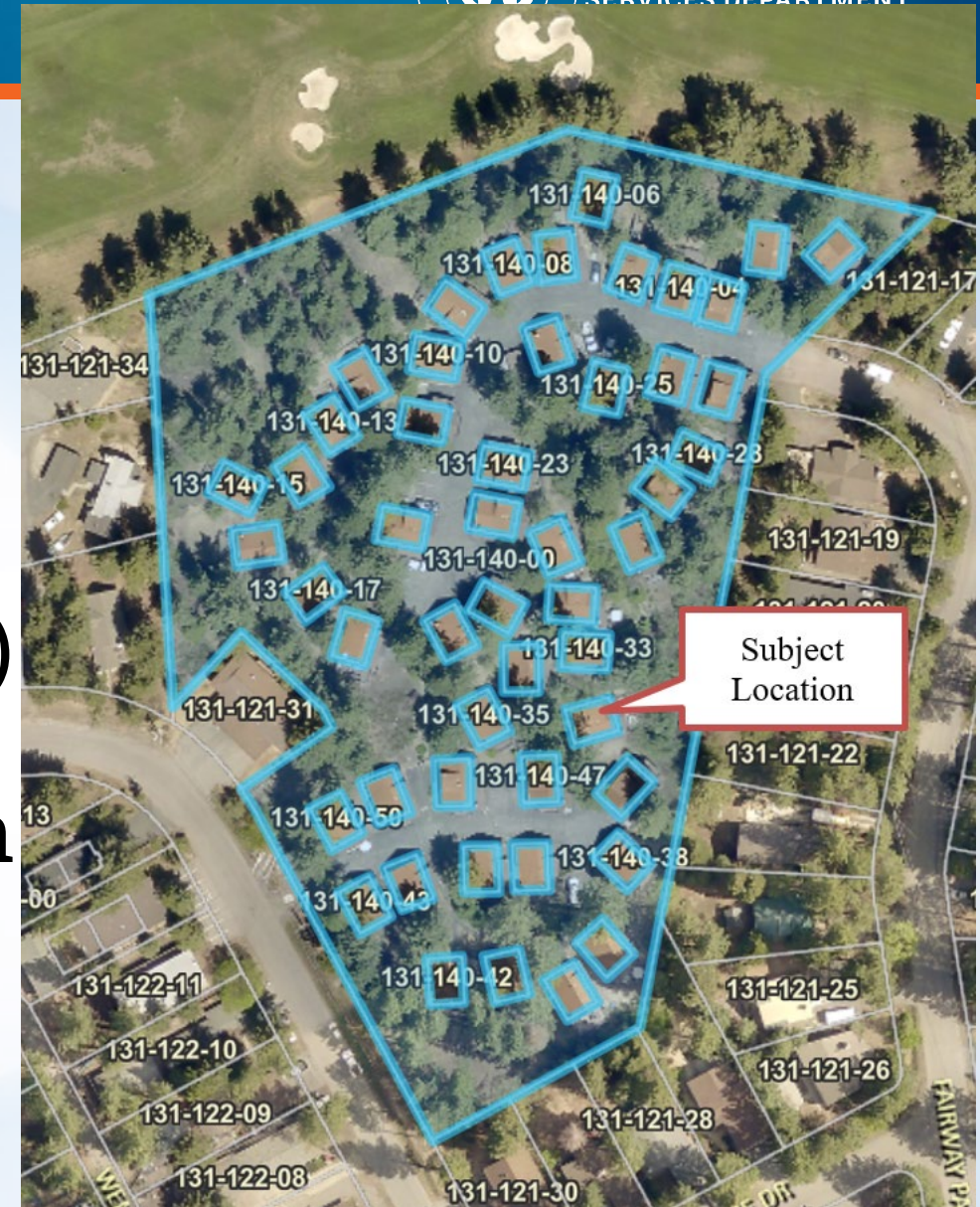
# Vicinity Map

916 Harold Drive Unit #36, Incline Village, within the Cedarcrest Condominiums in the Tahoe Planning Area.



# Summary

- The appellant is appealing the Director of Planning and Building's decision to reduce the appellant's short-term rental (STR) occupancy from eight (8) to four (4) persons based on a reduction in parking from two (2) to one (1) space.



# Previous Action

- **September 9, 2021** - an STR permit was issued for 916 Harold Drive with a maximum occupancy of five (5) persons
- **May 10, 2022** - Article 319 Short Term Rentals, was amended to change the method used for STR maximum occupancy calculations
- **February of 2023** – Occupancy updated to reflect the amendments to allow a maximum of eight (8) persons with two (2) parking spaces.
  - The STR permit maintained a maximum occupancy of eight persons and two parking spaces through the 2023 annual renewal
- **2024 Renewal** - Code Enforcement staff conducted a site visit and confirmed that there is only one assigned parking space available

## **WCC Section 110.319.10 Requirements for Application.**

- (d) For STRs within multi-unit developments, the application must include evidence of the number (and location, if applicable) of parking spaces allocated to the unit. Where parking spaces are unassigned, overflow parking will not count toward the required number of parking spaces;

# Background – WCC – STR Parking



## **WCC Section 110.319.15 Standards.**

(b) Parking Standards. In areas outside the jurisdiction of the Tahoe Regional Planning Agency (TRPA), parking standards applicable to all residential uses, or the parking standard adopted at the time of original building permit approval of the residence, shall apply. Within the jurisdictional boundaries of the TRPA, the following parking standards shall be adhered to:

- 1) No STR parking is allowed within access easements or the public rights-of-way.
- 2) All parking spaces must be: improved to Tahoe Regional Planning Agency (TRPA) standards; developed on-site within property boundaries; and dedicated specifically for parking. In multi-unit complexes, parking must be in designated parking spaces (if applicable) and limited to the number of spaces allotted to the unit.
- 3) One parking space is required for every four occupants.
- 4) Within the Tahoe Basin, on-site STR parking may be limited and may require approval of TRPA coverage. Limitations such as these and other factors do not reduce or eliminate the requirement for on-site parking. Inability to develop the appropriate number of parking spaces on-site will subsequently limit the maximum number of occupants allowed by the STR permit.

# Background – WCC – STR Occupancy



## WCC Section 110.319.15 Standards.

(e) Occupancy Limits. An occupancy limit shall be established for each short-term rental based on individual characteristics of the dwelling unit and property. Overall maximum occupancy of an STR will be determined by the Planning and Building Division Director or her/his designee(s) after considering all the factors below. The maximum number of occupants allowed within an STR is based on the following parameters:

- 1) The occupant load shall be calculated as two (2) occupants for every legally permitted bedroom in accordance with Section 110.319.20(a)(1). The remainder of the home (excluding bedrooms) shall be calculated as one (1) occupant for every 200 square feet of habitable space in accordance with Table 1004.5 of the 2018 International Building Code (IBC) or the currently adopted edition.
- 4) Occupancy may be further limited by the following: available number of on-site parking spaces; voluntary reduced limits as proposed by the property owner; and any other factors that the Planning and Building Division Director or her/his designee(s) determines may affect life safety.



# Background – Code Analysis



- An STR must have 1 designated/assigned paved parking space, improved to TRPA standards, for every 4 occupants.
- Even if a potential maximum occupancy of more persons exists for a property based on bedroom count & habitable space, the number of paved parking spaces assigned to the STR unit may decrease that occupancy below the potential maximum.

Wed, 31 Jul 2024 13:39:27  
N 39° 15' 24", W 119° 56' 49"  
Washoe County

- Despite the two parking passes that are given to each Cedarcrest Condominium owner, there are not two assigned parking spaces available at 916 Harold Drive.



- **Appellant statement** – *“...It is stated in the CCRs that we have 2 permits to park in 2 spaces in the complex. One is a numbered space and the other is a permit only spot. However, I have made agreements with 4 other owners to use their numbered spots as needed. These other owners rarely come up so I have the ability to use whichever numbered spot that is available. We have never not been able to have access to 2 spots in all the years we have been renting. We have never had a complaint and we follow the rules.”*



## Response –

- WCC Section 110.319.15(b)(2) – In multi-unit complexes, parking must be in designated parking spaces (if applicable) & limited to the number of spaces allotted to the unit.
- WCC Section 110.319.10(d) – Where parking spaces are unassigned, overflow parking will not count toward the required number of parking spaces.

- 25 public comments received
  - All in opposition to the appellants request
  - Predominantly citing concerns over availability of parking and general comments about adverse impacts of STRs, specifically associated with increases in occupancy

# Recommendation



Based upon staff analysis, evidence presented, and testimony received, staff recommends that the Board of Adjustment deny this appeal and affirm the decision of the Washoe County Director of Planning and Building to reduce the appellant's short-term rental (STR) occupancy from eight (8) persons to four (4) persons and reduce the parking from two (2) spaces to one (1) space.

# Possible Motion



I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment deny this appeal and affirm the decision of the Washoe County Director of Planning and Building to reduce the appellant's short-term rental (STR) occupancy from eight (8) persons to four (4) persons and reduce the parking from two (2) spaces to one (1) space.

# Thank you

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