

Washoe County Board of County Commissioners



COMMUNITY
SERVICES DEPARTMENT

**WSTR21-0283 (STR Appeal –
916 Harold Drive #36)**

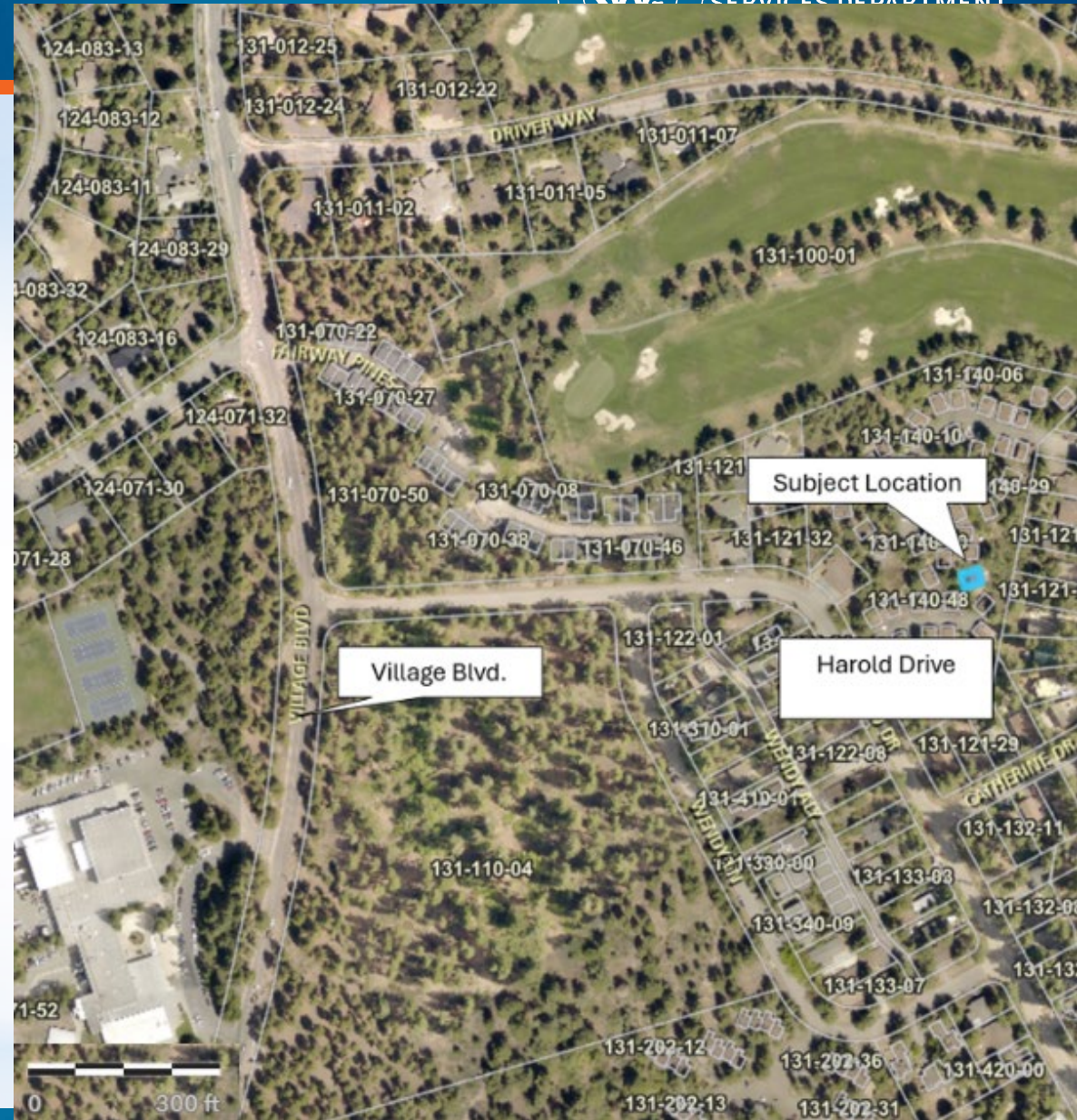
April 8, 2025

Appeal Request

- Appeal of the Washoe County Board of Adjustment's affirmance of the Washoe County Director of Planning and Building's decision to reduce the appellant's short-term rental (STR) occupancy from 8 persons to 4 persons based on a reduction in designated parking from 2 spaces to 1 space.
- Appellant is requesting an occupancy of 8 persons with 2 parking spaces

Vicinity Map

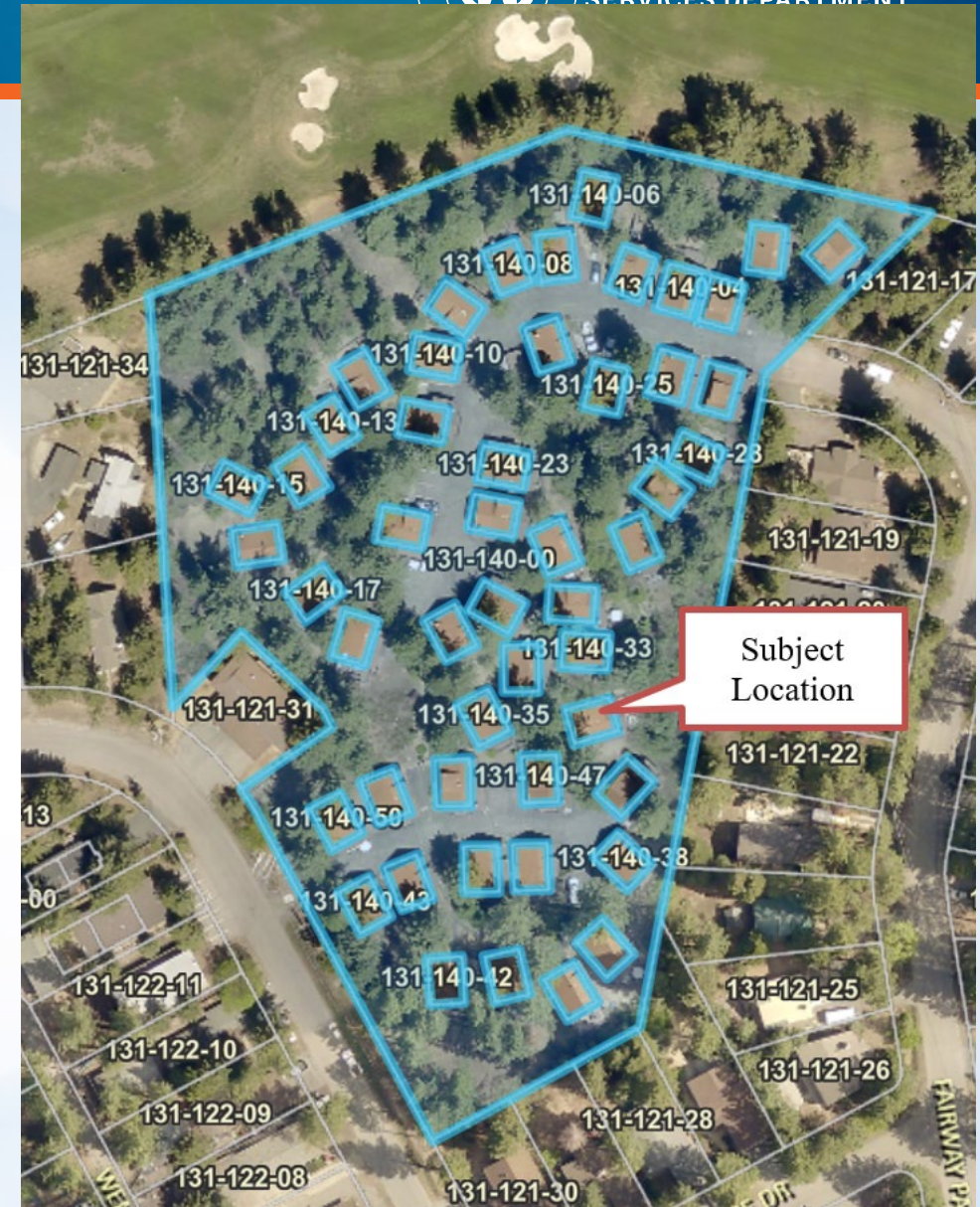
916 Harold Drive Unit #36, Incline Village, within the Cedarcrest Condominiums in the Tahoe Planning Area.



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

- Washoe County staff recommended that the Board of Adjustment deny the appeal and affirm the decision of the Washoe County Director of Planning and Building for the reasons discussed in the staff report and at the hearing (*see Attachment C and Attachment H*).
 - Specifically, because there is no dispute from the appellants that Cedarcrest Condominium Unit 36 has only one parking space assigned to the unit and WCC 110.319.15(b)(3) provides that one allocated parking space is required for every 4 occupants of a STR.

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.



Analysis Cont.



- **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 prior to BOA Hearing
 - All in opposition to the Homeowners request
 - Predominantly citing concerns over availability of parking and general comments about adverse impacts of STRs, specifically associated with increases in occupancy
- 2 public comments received prior to today's BCC Hearing
 - Cedarcrest Homeowners Association Board of Directors

Recommendation(s)



1. Grant Matthew J. & Bernadette M. Castagnola's appeal and reverse the Board of Adjustment's decision; and thereby approve the use of two (2) parking spaces and an increased maximum occupancy for WSTR21-0283 to eight (8) persons;
2. Deny Matthew J. & Bernadette M. Castagnola's appeal and affirm the Board of Adjustment's decision; and thereby, deny an increased occupancy for WSTR21-0283 and maintain the maximum occupancy of four (4) persons based on one (1) allocated parking space; or
3. Remand this matter to the Board of Adjustment with instructions.

Should the Board **agree** with the Board of Adjustment's denial of Appeal:

“Move to deny Matthew J. & Bernadette M. Castagnola's appeal and affirm the decision of the Board of Adjustment in case WSTR21-0283 (STR Appeal – 916 Harold Drive #36) affirming the maximum occupancy of four (4) persons, based on the record and evidence presented today.” OR

Should the Board **disagree** with the Board of Adjustment's denial subject Appeal:

“Move to grant Matthew J. & Bernadette M. Castagnola's appeal and reverse the decision of the Board of Adjustment in case WSTR21-0283 (STR Appeal – 916 Harold Drive #36) and granting an increased maximum occupancy of eight (8) persons for the STR, based on the record and evidence presented today and the allocation of two (2) parking spaces to the subject unit.”

Thank you

Courtney Weiche, Senior Planner
Washoe County CSD – Planning Division
cweiche@washoecounty.gov
775-328-3608



COMMUNITY
SERVICES DEPARTMENT
