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STAFF REPORT

Date: October 28, 2021
To: Tahoe Living: Housing and Community Revitalization Working Group
From: TRPA Staff
Subject: Dwelling Units Accessory to Commercial, Public Service, Recreation, and Tourist Uses

Summary and Staff Recommendation:

At the July 29 Governing Board meeting the Governing Board requested that the Tahoe Living Working Group consider whether changes are needed to existing code language related to dwellings accessory to commercial, public service, recreation and tourist uses, such as a caretaker unit. Staff will provide an overview of the question raised, explain how the existing code is used, and solicit Working Group input. Staff recommends no change to the existing code.

Background:

Since TRPA’s first Code of Ordinances was approved in 1987, the code has allowed secondary residences to be accessory to commercial, recreation, public service, and tourist uses, as well as to residential uses (prior to the July 29 Governing Board meeting there were restrictions on the parcel size for residential uses only). Section 21.3.1 contained the following language:

21.3.1. Examples of Accessory Use

Accessory uses are defined in Section 90.2. Examples of accessory uses and related major categories of primary uses are as follows:

A. Residential

Accessory uses such as garages, green houses, homeowner association offices, art studios, workshops, swimming pools, storage structures, exempt home occupations, tennis courts, dog runs, emergency facilities, home occupations, secondary residence, and other uses listed in the definition of a “primary use” as accessory.

B. Tourist Accommodation

Accessory uses such as garages, parking lots, swimming pools, tennis courts, bars and restaurants, equipment rental, maintenance facilities, laundries, gymnasiums, coin operated amusements, meeting rooms, managers quarters, child care facilities, emergency facilities, employee facilities other than housing, secondary residence, restricted gaming (Nevada only), and other uses listed in the definition of a “primary use” as accessory.

C. Commercial

Accessory uses such as garages, parking lots, emergency facilities, maintenance facilities, employee facilities other than housing, secondary residence, restricted gaming (Nevada only), storage buildings, and other uses listed in the definition of a “primary use” as accessory.

D. Public Service

Accessory uses such as garages, secondary residence, and emergency facilities.

E. Recreation

Accessory uses such as garages, emergency facilities, child care, related commercial sales and services such as ski shops, pro shops, marine sales and repairs, parking lots, maintenance facilities, swimming pools, tennis courts, employee facilities other than housing, secondary residence, outdoor recreation concessions, bars and restaurants, and other uses listed in the definition of a “primary use” as accessory.

On July 29, 2021, as part of the Phase 1 Housing Amendments that were based on consultation with the Tahoe Living Working Group, staff brought forward amendments to the TRPA Code of Ordinances related to residential accessory dwelling units (ADUs). As part of this amendment, staff recommended changing the term “secondary residence” to “accessory dwelling unit,” to reflect the term that is used more commonly nationwide, and which is used by all five of the local Tahoe jurisdictions in their own codes. Other changes to the residential accessory unit section included allowing accessory dwelling units on all residential parcels regardless of parcel size, and, where residential ADUs are allowed, allow up to two accessory units per parcel (these two recommendations were modified at the Governing Board meeting to only apply to parcels on the California side). The allowance for up to two ADUs per parcel will only apply to residential uses, and thus, in the code section where the number of ADUs per parcel was specified, commercial, tourist, public service, and recreational uses were called out in a separate section to ensure that only one ADU per parcel would be allowed for those uses.

During the discussion of the amendments on July 29th, a Governing Board member requested that staff bring a question back to the Working Group for additional discussion and consideration. The question essentially was, “should accessory dwelling units continue to be allowed as accessory uses to commercial, tourist, public service, and recreational uses?” The board member asked that the issue be reconsidered in light of whether this housing type aligns with California policies related to ADUs, and to Regional Plan goals of encouraging housing within town centers, close to transit and schools, and close to where people work.

Discussion:

Secondary residences have traditionally been allowed in the Lake Tahoe region as caretaker units to commercial, tourist, public service, and recreational uses. TRPA’s Current Planning Division and El Dorado County staff reported several examples of where accessory units accessory to non-residential uses currently exist in the Tahoe region:

- St. Theresa Church in South Lake Tahoe (public service use)
- Rojo’s Tavern in South Lake Tahoe (commercial use)
- Sugar Pine Point State Park in El Dorado County (recreational use)
- Tahoe Paradise Park in El Dorado County (recreational use)
- StorWise Self Storage on Jewell Road in El Dorado County (commercial)
- Van Sickle State Park, a bi-state park in California and Nevada (recreational use)
- Sand Harbor State Park in Washoe County (recreational use)
- 4-H Camp in Douglas County (recreational use)
- Many motels, particularly older motels, have caretaker units onsite (tourist use)

Based on the existing TRPA code, examples of uses that would be allowed to have accessory units include:

Public Service:

- Cemetery
- Religious assembly
- Daycare centers/preschools
- Government offices
- Hospitals
- Public health and safety facilities, such as fire stations
- Schools – colleges, kindergarten through secondary
- Social service organizations

Recreation:

- Campgrounds
- Recreational Vehicle (RV) parks
- Ski resorts
- Golf courses
- Marinas
- Visitor centers

Commercial:

- Health care services
- Offices
- Schools – business and vocational

Tourist Accommodation

- Hotels and Motels
- Bed and Breakfasts
- Timeshares

There are other uses under each of the categories not listed here. For a full list of uses, see “List of Primary Uses,” Section 21.4 of the TRPA Code of Ordinances.

Considerations

Long Range Planning staff consulted with Current Planning staff on this question. There are several reasons why allowing dwellings accessory to non-residential uses is consistent with Regional Plan goals and historic planning practice.

While not explicitly incentivized, residential development is allowed outside of walkable areas. While the Regional Plan goals center on encouraging development in and close to town centers, transit, and walkable areas (within the “Bonus Unit Boundary”), the Regional Plan does not currently restrict residential development outside this boundary, despite the lack of proximity to transit and services. For instance, new single-family homes are allowed outside the bonus unit boundary. The map in Attachment A shows where single-family zoning is the only residential zoning type allowed. While restricting accessory dwelling units may reduce some development outside of the boundary, it would generally focus a restriction on a very small proportion of development, and place the restriction only on workforce housing, while doing nothing to restrict other development.

VMT reduction. One key reason for encouraging development within the Bonus Unit Boundary is to reduce vehicle miles traveled. For residents, nearly 20 percent of trips are trips to or from work. Allowing caretaker units is one way to reduce commute trips and associated VMT, as the worker lives on-site.

Next Steps:

At the October Working Group meeting, staff will request feedback from the Working Group on this item. If needed, staff can bring this item back for more detailed discussion and recommendation at a later date.

Contact Information:

For questions regarding this agenda item, please contact Karen Fink, at (775) 589-5258 or kfink@trpa.gov.

Attachments:

Attachment A: Map showing single-family zones compared to the Residential Bonus Unit Boundary, <https://trpa.maps.arcgis.com/apps/mapviewer/index.html?webmap=5e47aaa4c1534b5fb39cc257c5b44432>

Attachment A: Map showing single-family zones compared to the Residential Bonus Unit Boundary

Interactive version of the map:

<https://trpa.maps.arcgis.com/apps/mapviewer/index.html?webmap=5e47aaa4c1534b5fb39cc257c5b44432>

