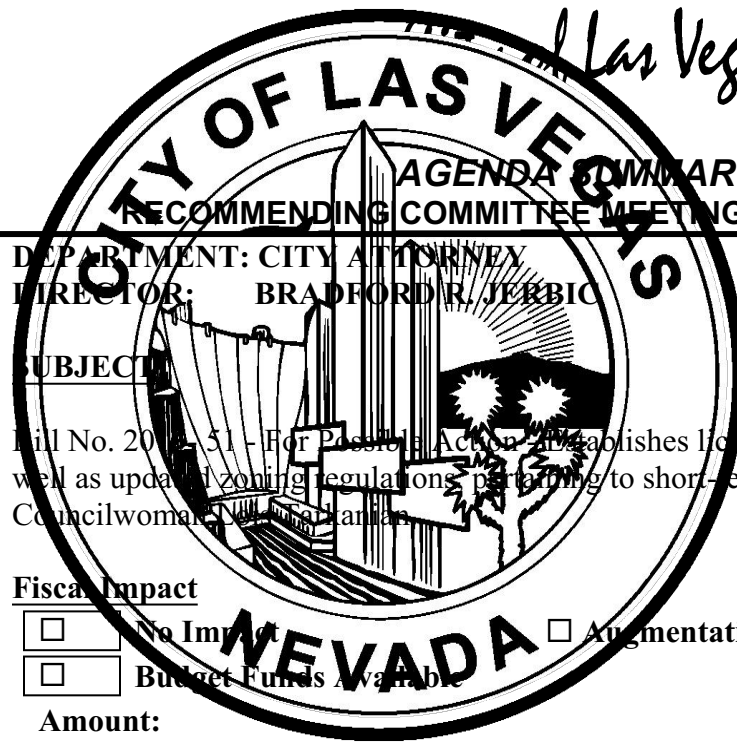




Las Vegas

Agenda Item No.: 8.

AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: SEPTEMBER 17, 2013

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

Bill No. 2013-51 - For Possible Action - Establishes licensing requirements and regulations, as well as updating zoning regulations pertaining to short-term residential rentals. Sponsored by: Councilwoman Nellie Barlow

Fiscal Impact

☐ No Impact ☐ Augmentation Required
☐ Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

In 2008 the City Council adopted zoning regulations regarding short-term residential rentals. Since then, an analysis of the licensing and zoning impacts of these uses has been conducted. Several of those impacts were identified in a report provided to Council in August 2012. This bill follows up that report and, among other things, will 1) require operators to obtain a business licensee and pay a license fee, 2) establish occupancy limits for these operations, and 3) set forth other standards and limitations designed to limit impacts on surrounding areas.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

1. Bill No. 2013-51
2. Submitted at Meeting Informational Packet on Properties by Pat Flick

Motion made by STAVROS S. ANTHONY to Forward this bill to the Full Council with a denial recommendation

Passed For: 3; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

BOB COFFIN, RICKI Y. BARLOW, STAVROS S. ANTHONY; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

COUNCILMAN BARLOW declared the Public Hearing open.

FLINN FAGG, Planning Director, reported this bill makes amendments to the short-term residential rental ordinance, and he enumerated those changes: 1) a yearly short-term rental

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license fee will be applied of \$500; 2) a guest register must be kept; 3) a health permit and a fire safety inspection will be required; 4) an occupancy limit is being set based on the number of bedrooms, to be capped at 12 overnight guests and no more than 18 daytime guests; 5) all vehicles associated with short-term residential rentals must be parked on-site and not in the right-of-way; 6) amplification of sound outside a rental unit must comply with noise restrictions of Title 9; 7) contact numbers must be displayed in the window; and 8) four violations of the requirements may result in suspension or revocation of the license.

MR. FAGG pointed out the recommended aforementioned regulations are similar to what other cities are doing relative to short-term residential rentals.

PETE ANELLO, Property Manager, expressed concern about the issue with property management not being addressed, such as with defiant renters who show up with more occupants than allowed, and when they are informed their deposit will be retained for non-compliance, they contact their credit card company and any attempt to retain the deposit results in a dispute with the credit card company. He suggested requiring documentation that states when a renter is in violation the property manager may retain the deposit or that the renter may be required to pay a fine for non-compliance, making the guilty party more accountable rather than the property owner. He felt that lower occupancy can be restrictive, depending on the size of the home.

ROBERT RUBIN, PAT FLICK and JEWEL DIXON, who live in proximity to 616 Campbell Drive, complained about it being used as a party house, which is like having a Motel 6 in their neighborhood. They have had no success in addressing issues with this party house because the property manager does not respond to complaints, the Code Enforcement Division does not work Saturday nights, and the Las Vegas Metropolitan Police Department (Metro) is too busy to respond to 3-1-1 calls. They have witnessed taxis coming at all hours of the day/night. The pool is used at all hours, and the renters and guests are very loud. Buses waiting to transport guests idle in the street with the radio blaring during the late hours. Fireworks are lit even when it is not the 4th of July. Escort services are provided, meaning prostitution is occurring.

They regard these regulations unenforceable, because they are violated at night, when persons of authority are not available. They objected to short-term rentals. If the City chooses to allow short-term residential rentals, the Nevada Resort Association should become involved in order to regulate them.

MS. FLICK provided rental informational documentation regarding 616 Campbell Drive, which she submitted as backup documentation and showed COUNCILMAN BARLOW pictures and a portfolio of notes on the issues that have occurred at this property. She pointed out the rental requirements for this property, as well as that the County Assessor's information does not match the rental advertisement for the property. She commented that the property has been rented to large groups of people, including a hockey team. She is tired of the burden and disruption this rental has brought to her life. She loves this historical neighborhood, but she is tired of what goes on at this party house and asked that the City do something to help her regain a sense of community, noting the City has an obligation to ensure the safety of the tenants and the investment and protection of the residents. She remarked that she reported the incidents to the Bolden Area Command.

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MR. DIXON could not understand why the City would allow what he considers to be a commercial business in a residential area, in which the residents have invested significantly for peace and tranquility. As far as the one-hour response rule is concerned, he felt it is pure nonsense because he has not been able to reach anyone.

MR. ANELLO said his phone system is set up so that the digital printout of calls goes to several people, and maybe that should be made a requirement, because he has yet to receive a call in the middle of the night. A lot of it comes down to enforcement. He conceded that he would not want a party house in his neighborhood, but he insisted that he has not received any complaint calls, alleging that the residents are just trying to create a record in order to get this rental out of business. The leasing agreements are crafted to be very restrictive.

TODD FARLOW, Las Vegas resident, said the house is beautiful and it is not fair to subject residents to some of the violations that have been described, especially when Code Enforcement and Metro officers take so long to respond.

COUNCILMAN ANTHONY commented that initially he did not support allowing short-term residential rentals, despite having good restrictions. He would not want it in his neighborhood, nor does he believe anyone else would. During his tenure with law enforcement, he witnessed that these types of rentals are party houses. He would prefer to ban short-term residential rentals.

DEPUTY CITY ATTORNEY VAL STEED advised that this proposed ordinance could be passed, and then another ordinance could be drafted to ban short-term residential rentals, as he would have to start over with the Business Impact Statement process.

COUNCILMAN COFFIN said he could not support this bill until more discussion is held on better enforcement measures. He discussed with MR. ANELLO the revenue this property is bringing in monthly. COUNCILMAN COFFIN felt short-term residential rentals should be subject to 8 percent yearly property tax and asked staff to check into exactly how these rentals are being taxed.

Regarding the surrounding residents trying to build a record, COUNCILMAN COFFIN advised MR. ANELLO that people are encouraged to do that to assist government because there is never enough enforcement.

COUNCILMAN BARLOW asked what other jurisdictions allow in terms of short-term residential rentals. MR. FAGG indicated that Clark County does not permit them. City of Henderson only permits them at Lake Las Vegas. The city of North Las Vegas does not address short-term residential rentals. The City of Las Vegas allows them as a conditional use in residential zoning districts for less than 31 days.

COUNCILMAN BARLOW thanked MR. FAGG and his staff for their efforts in crafting this ordinance; however, he could not longer support allowing short-term residential rentals. Residents invest in their homes to enjoy their community, peace and quiet. He asked that staff craft an ordinance banning short-term residential rentals in the City of Las Vegas.

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COUNCILMAN COFFIN noted that residential short-term rentals came to exist because of conventioners needing a place to stay.

COUNCILMAN BARLOW declared the Public Hearing closed.