



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: NOVEMBER 15, 2017

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: VENZA BRACKEN

** STAFF RECOMMENDATION(S) **

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
SUP-71273	Staff recommends APPROVAL, subject to conditions:	

** NOTIFICATION **

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 23

NOTICES MAILED 373 (By City Clerk)

PROTESTS 40

APPROVALS 3

**** CONDITIONS ****

SUP-71273 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Short-Term Residential Rental use.
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. A Waiver from Title 19.12 is hereby approved, to allow a 152-foot distance separation from a similar use where 660 feet is required.
4. The use shall not include the rental or occupancy of an accessory structure (Class I or II), a tent, a trailer or a mobile unit.
5. Prior to the issuance of a Short-Term Residential Rental business license, the Department of Planning - Code Enforcement Division must approve an inspection of the subject property.
6. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.
7. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit, as well as submitted as part of any business license application.
8. City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is proposing to operate a Short-Term Residential Rental use within the existing single-family dwelling at 309 Arnold Street.

ISSUES

- Pursuant to Title 19.12, a Short-Term Residential Rental use is permitted in the R-1 (Single Family Residential) zoning district as a Conditional Use.
- The applicant will not comply with the owner occupied requirements and bedroom limitations of the conditional use regulations and therefore, per Title 19.12.040, a Special Use Permit is required.
- A Waiver has been requested to allow the use to be 152 feet from an existing Short-Term Residential Rental use, where 660 feet is required. Staff supports this waiver request.
- The applicant is required to schedule an inspection through the Department of Planning - Code Enforcement Division. The inspection must be approved prior to the issuance of the business license.
- A Code Enforcement case (#174907) was processed for a non-licensed Short-Term Rental at 309 Arnold Street. The case has not been resolved.

ANALYSIS

The subject property contains a single-family dwelling, is zoned R-1 (Single Family Residential) and is subject to Title 19 requirements. The dwelling contains six bedrooms per the Clark County Assessor's records. The applicant is proposing to offer a Short-Term Residential Rental use on the property. The Short-Term Residential Rental definition specifically prohibits the rental or occupancy of an accessory structure (Class I or II), a tent, a trailer or a mobile unit. Staff has included a recommended condition that includes that restriction.

A Short-Term Residential Rental use is permitted in the R-1 (Single Family Residential) zoning district as a Conditional Use. The proposed use would not meet the Conditional Use Regulations requiring it be owner occupied during each period the unit is rented, to be 660 feet from any other Short-Term Residential Rental use, and is a home with more than three-bedroom; therefore, per Title 19.12.040, a Special Use Permit is required.

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The Short-Term Residential Rental use is defined as “The commercial use, or the making available for commercial use, of a residential dwelling unit for dwelling, lodging or sleeping purposes, wherein any individual guest rents or occupies the entire dwelling unit or one or more individual rooms within the unit for a period of less than 31 consecutive calendar days. This use does not include a “Community Residence,” “Facility for Transitional Living for Released Offenders,” or any other facility with dwelling units that is specifically defined in Chapter 19.18. For purposes of this Title, this use does not include the rental or occupancy of an accessory structure (Class I or II), a tent, a trailer or a mobile unit. In the case of a single parcel containing more than one dwelling unit, each dwelling unit constitutes a separate short-term residential rental use.” Per the applicant’s justification letter date stamped on 07/26/17, the subject site will provide six guest rooms for lodging of individual guests. Additionally, the following analysis is required:

The Minimum Special Use Permit Requirements for this use include: (The requirements marked with an asterisk cannot be waived.)

- *1. The operator must obtain a business license to operate the use.

If this Special Use Permit is approved, the applicant will be required to obtain a business license prior to operating.

- *2. The use must comply on an ongoing basis with all governmental licensing and regulatory requirements, including the payment of applicable room taxes and licensing fees.

If a business license is issued for this Short-Term Residential Rental, it will be subject to license renewal and annual compliance review to ensure that all regulatory requirements continue to be met.

- *3. The use must comply with the City’s noise regulations as they apply to residential uses, as well as any applicable provisions of the Municipal Code that may pertain to odor nuisances.

The Code Enforcement Division will investigate noise and odor nuisance allegations and take enforcement action when appropriate. Reports of violations will be forwarded to the Business Licensing Division for action when appropriate.

- *4. Vehicle parking associated with the use shall comply with applicable parking regulations, and vehicles of guests and invitees shall not obstruct traffic or access to other properties in the area.

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The Code Enforcement Division will investigate traffic and access obstruction allegations and take enforcement action when appropriate. Reports of violations will be forwarded to the Business Licensing Division for action when appropriate.

- *5. In addition to and independent of any enforcement authority or remedy described in this Title, the failure to comply with a Minimum Special Use Permit Requirement or other condition of approval associated with this use may be enforced as in the case of a violation of Title 6 by means of a civil proceeding pursuant to LVMC 6.02.400 to 6.02.460, inclusive.

If a business license is issued for this Short-Term Residential Rental, it will be subject to license renewal and annual compliance review to ensure that all regulatory requirements continue to be met.

- *6. The use is allowed in the P-O, O, C-1, C-2 and C-PB Zoning Districts only in connection with the residential component of a mixed-use development or in a dwelling unit permitted as a legal nonconforming use.

This condition does not apply, as the subject site is not zoned P-O, O, C-1, C-2 or C-PB.

- *7. The maximum occupancy of the residential dwelling unit shall not exceed the limits provided for in LVMC 6.75.090.

The Code Enforcement Division will investigate maximum occupancy allegations and take enforcement action when appropriate. Reports of violations will be forwarded to the Business Licensing Division for action when appropriate.

8. The use may not be located closer than 660 feet to any other Short-Term Residential Rental use (measured from property line to property line).

The applicant has requested a waiver of this requirement to allow the proposed Short-Term Residential Rental to be 152 feet from the nearest existing Short-Term Residential Rental use, where 660 feet is required. Staff supports the waiver request as the requested use is similar to the previously approved Bed and Breakfast Inn use at the subject site.

Additional parking for a Short-Term Residential Rental is only required if the unit has more than five bedrooms, at which point one additional space shall be required for every two additional bedrooms or fractional portion thereof. The proposed Short-Term Residential Rental has six bedrooms and therefore is required to provide one additional parking space; the submitted site plan indicates four parking spaces will be provided including one garage parking space.

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The applicant has requested a waiver of the 660-foot distance separation from a similar, existing use. The subject site is 152 feet from the nearest Short-Term Residential Rental. Staff supports this waiver request as the requested use is similar to the previously approved Bed and Breakfast Inn use at the subject site.

On July 19th, 2017 the City Council approved a request for a Special Use Permit (SUP-69676) for a proposed Bed & Breakfast Inn use with Waivers to allow guest parking not be screened by a six-foot tall fence or dense landscaping and to allow the use to be located on a 39-foot right-of-way where 50 feet is required at 309 Arnold Street.

The proposed Short-Term Residential Rental use is intended to operate in conjunction with the existing Bed & Breakfast Inn use. The subject property is located within 660 feet of two approved Short-Term Residential Rental uses. However, the proposed Short-Term Residential Rental use is similar in scope to the recently approved Bed & Breakfast Inn use which by definition is a facility wherein overnight accommodations and a morning meal are provided in a dwelling unit to tourists for compensation; it has been determined that it will be compatible with the surrounding residential uses in the area. Therefore, staff recommends approval. If this application is denied, the Short-Term Residential Rental use cannot be conducted on the subject property.

FINDINGS (SUP-71273)

In order to approve a Special Use Permit application, per Title 19.16.110(L) the Planning Commission and City Council must affirm the following:

1. The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.

The proposed Short-Term Residential Rental use is similar in scope to the recently approved Bed & Breakfast Inn use and can be conducted in a manner that is harmonious and compatible with the existing surrounding.

2. The subject site is physically suitable for the type and intensity of land use proposed.

The subject site is physically suitable for the type and intensity of land use proposed land use.

3. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.

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The site is accessed from Arnold Street, which is classified as a 39-foot Local Street, which provides adequate access to the subject property for the proposed land use.

4.Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.

The approval of the Special Use Permit on this subject property will be subject to condition of approval and business license approval and compliance. The Department of Fire and Rescue must inspect and approve the occupancy of an establishment before it may be used as a Short-Term Residential Rental.

5.The use meets all of the applicable conditions per Title 19.12.

The proposed use does not meet all of the applicable conditions of Title 19.12. The proposed use does not comply with Conditional Use Requirements (#4 & #7) and Minimum Special Use Permit Requirement (#8) to allow a 152-foot distance separation from a short term residential rental use where 660 feet is required, to allow the property to not be occupied by its owner during each period the unit is rented and that there are six bedrooms on the property associated with the proposed use. Due to the requested Waivers this application which requires approval of a Special Use Permit to conduct the use at this location. Staff supports the Waiver requests.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc</i>	
07/19/17	The City Council approved a request for a Special Use Permit (SUP-69676) for a proposed Bed & Breakfast Inn use with Waivers to allow guest parking not be screened by a six-foot tall fence or dense landscaping and to allow the use to be located on a 39-foot right-of-way where 50 feet is required at 309 Arnold Street. The Planning Commission and Staff recommended denial of the request.
07/26/17	The Department of Planning – Code Enforcement Division approved an inspection of the subject site for the purpose of a Short-Term Residential Rental business license.
09/12/17	The Planning Commission voted (5-2) to recommend DENIAL on a requite for a Special Use Permit (SUP-71273) FOR A PROPOSED SHORT TERM RESIDENTIAL RENTAL USE WITH A WAIVER TO ALLOW A 152-FOOT DISTANCE SEPARATION FROM A SIMILAR USE WHERE 660 FEET IS REQUIRED at 309 Arnold Street (APN 139-33-210-037), R-1 (Single Family Residential) Zone, Ward 5 (Barlow) [PRJ-71263].

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Related Relevant City Actions by Planning, Fire, Bldg., etc	
11/01/17	The City Council voted to hold this item in abeyance to the November 15, 2017 City Council Meeting,
10/18/17	The City Council voted to hold this item in abeyance to the November 1, 2017 City Council Meeting,

Most Recent Change of Ownership	
01/10/17	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
1948	The main dwelling was constructed.
02/23/90	A building permit (#90058178) was issued for a room addition at 309 Arnold Street. The permit was not finalized as of 03/23/17.
02/21/17	A Code Enforcement case (#174907) was processed for a non-licensed Short-Term Rental at 309 Arnold Street. The case has not been resolved.

Pre-Application Meeting	
07/25/17	A pre-application meeting was conducted where the submittal requirements for a Special Use Permit application were discussed for a proposed Short-Term Residential Rental use at 309 Arnold Street.

Neighborhood Meeting	
A Neighborhood meeting was not required, nor was one held.	

Field Check	
08/03/17	A field check by staff observed the single-family residence and noted the site is well maintained.

Details of Application Request	
Site Area	
Net Acres	0.23

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<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Single Family, Detached	ML (Medium Low Density Residential)	R-1 (Single Family Residential)
North	Single Family, Detached	ML (Medium Low Density Residential)	R-1 (Single Family Residential)
South	Single Family, Detached	ML (Medium Low Density Residential)	R-1 (Single Family Residential)
East	Single Family, Detached	ML (Medium Low Density Residential)	R-1 (Single Family Residential)
West	Single Family, Detached	ML (Medium Low Density Residential)	R-1 (Single Family Residential)

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
No Applicable Master Plan Area	N/A
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
A-O (Airport Overlay) District (175 Feet)	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Actual Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Arnold Street	Local Street	Title 13	39	Y

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Pursuant to Title 19.08 and 19.12, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Short-Term Residential Rental	Six guest rooms	For units with more than 5 bedrooms, one additional space shall be required for every two additional bedrooms or fractional portion thereof.	3				
TOTAL SPACES REQUIRED			3		4		Y
Regular and Handicap Spaces Required			3	-	4	-	Y

<i>Waivers</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
A Short-Term Residential Rental use may not be located closer than 660 feet to any other Short-Term Residential Rental use (measured property line to property line).	To allow a 152-foot distance separation from a short term residential rental use where 660 feet is required.	Approval