



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: SEPTEMBER 11, 2018

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: NANCY AND JAVIER MENDEZ, ET AL

**** STAFF RECOMMENDATION(S) ****

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
SUP-74056	Staff recommends DENIAL, if approved subject to conditions:	N/A

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 27

NOTICES MAILED 296

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

SUP-74056 CONDITIONS

Planning

1. At such time as the property is put up for sale, the property owner shall voluntarily expunge the Special Use Permit.
2. The home shall be owner-occupied during all rental periods.
3. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Short-Term Residential Rental use, unless amended herein.
4. 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.
5. A Waiver from Title 19.12 is hereby approved, to allow a 490-foot distance separation from a similar use where 660 feet is required.
6. 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.
7. Prior to the issuance of a Short-Term Residential Rental business license all inspections required by the City of Las Vegas must be approved.
8. All necessary business licenses shall be obtained in compliance with Title 6 prior to any rental activities.
9. 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.
10. 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.
11. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is proposing to operate a Short-Term Residential Rental use within the existing single-family dwelling at 1413 South 17th 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 bedroom limitations of the conditional use regulations and therefore per Title 19.12.040 a Special Use Permit is required.
- The applicant received planning approval through a Conditional Use Verification (CUV-66860) issued on 09/21/16. However, a business license to conduct the use was never issued.
- The applicant states in the justification letter that the owner will occupy the dwelling during periods of short-term residential rental. A condition of approval of the Special Use Permit requires the owner to occupy the dwelling during all rental periods.
- A Waiver has been requested to allow the use to be 490 feet from an existing Short-Term Residential Rental use where 660 feet is required. Staff does not support 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.

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 four bedrooms per Clark County Assessor records. The site is also developed with a detached accessory structure. 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 does not meet the Conditional Use Regulations requiring a separation distance of 660 feet from any other Short-Term

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Residential Rental use or to contain three or fewer bedrooms; therefore, per Title 19.12.040 a Special Use Permit is required. If another Short Term Residential Rental Special Use Permit (SUP) is approved within the 660-foot separation radius after a complete application is submitted, the additional SUP may factor into the determinations made by staff, Planning Commission and City Council. Further, it may necessitate additional waivers, renotification at the expense of the applicant, and delays in obtaining final action.

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 07/26/18, the owner intends to rent bedrooms out of his house on a short-term (less than 31 days) while living in the dwelling.

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.

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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.

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 490 feet from the nearest existing Short-Term Residential Rental use where 660 feet is required. Staff does not support the waiver request.

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The subject site is 490 feet from the nearest legal Short-Term Residential Rental use. The applicant has requested a waiver of the 660-foot distance separation from a similar, existing use. Staff does not support this waiver request.

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 four bedrooms and therefore is not required to provide additional parking.

As the proposed use does not meet distance separation requirements, the use cannot be conducted in a manner that is harmonious and compatible with existing surrounding land uses. Staff therefore recommends denial, subject to conditions if approved.

FINDINGS (SUP-71248)

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 cannot be conducted in a manner that is harmonious and compatible with the existing surrounding land uses. The subject property is located 490 feet from an existing Short-Term Residential Rental use where 660 feet is required.

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

The subject site is physically suitable for the use as a Short-Term Residential Rental.

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.

The proposed Short-Term Residential Rental use will be accessed from 17th Street, a 51-foot wide local street, which will provide adequate access for the proposed use.

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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 conditions of approval, business license approval, and compliance inspections to assure it will not compromise the public health safety and welfare.

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

The proposed Short-Term Residential Rental use complies with all of the Special Use Permit requirements listed in Title 19.12 with the exception of the distance separation from a similar, existing use. The applicant has requested a waiver to allow a 490-foot separation where 660 feet is required. Staff does not support this waiver request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
10/28/15	A Code Enforcement Case (169939) was processed for adding courses to an existing wall without a permit, electrical issues and a shed built on the rear property line at 1413 South 17th Street. The case was resolved 02/16/16.
08/22/16	A Code Enforcement Case (169939) was processed for possible short term residential rentals without a license at 1413 South 17th Street. The case has not been resolved and is pending action on this application for a special use permit for a Short-Term Residential Rental use.
09/21/16	Department of Planning staff administratively approved a Conditional Use Verification (CUV-66860) for a proposed short-term residential rental use at 1413 South 17th Street.
07/10/18	The Planning Commission denied a request for a Special Use Permit (SUP-73365) for a proposed Short Term Residential Rental with a Waiver to allow a 302-foot distance separation from a similar use where 660 feet is required at 1701 South 17th Street. Staff recommended denial.
07/18/18	The City Council approved a Special Use Permit (SUP-73070) for a proposed Short-Term Residential Rental use at 1709 East Oakey Boulevard. The Planning Commission and staff recommended approval.

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Most Recent Change of Ownership	
11/06/14	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
02/26/64	A building permit (23924) was issued for a single-family dwelling for a religious institution at 1413 South 17th Street. A final inspection was completed 06/10/64.
06/10/64	A building permit (25964) was issued for a block wall at 1413 South 17th Street. A final inspection was approved 06/18/64.
09/21/04	A building permit (27414) was issued for block walls and ornamental iron fencing at 1413 South 17th Street. A final inspection was approved 11/01/04.
09/28/16	Application was made for a business license (G64-07061) for a short-term residential rental at 1413 South 17th Street. A license has not been issued and is currently in inactive status.
04/27/17	A building permit (336800) was issued for a patio cover balcony with stucco and electrical at 1413 South 17th Street. A final inspection has not been approved, and the permit expired 09/08/17.

Pre-Application Meeting	
07/19/18	A pre-application meeting was held with the applicant to discuss submittal requirements for a proposed Short-Term Residential Rental Special Use Permit request. Staff informed the applicant's representative that a Special Use Permit was approved 07/18/18 at 1709 East Oakey Boulevard that is within 660 feet of the subject property; therefore, a waiver of the distance separation requirement between similar uses would need to be requested.

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

Field Check	
08/02/18	The site contains an existing single-family dwelling in good condition with a circular driveway. The driveway and yard are screened by a wrought iron fence and rolling gate.

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Details of Application Request	
Site Area	
Net Acres	0.32

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
North	Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
South	Church/House of Worship	L (Low Density Residential)	R-1 (Single Family Residential)
East	Utility Installation, Other Than Listed	PF (Public Facilities)	C-V (Civic)
West	Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)

Master and Neighborhood Plan Areas	Compliance
No Applicable Master Plan Area	N/A
Special Area and Overlay Districts	Compliance
A-O (Airport Overlay) District (200 Feet)	Y
Other Plans or Special Requirements	Compliance
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

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
17 th Street	Local Street	Title 13	51	Y

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Waivers		
Requirement	Request	Staff Recommendation
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 Short-Term Residential Rental use to be 490 feet from an existing Short-Term Residential Rental use.	Denial