



**AGENDA MEMO - PLANNING**

PLANNING COMMISSION MEETING DATE: SEPTEMBER 11, 2018

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: REBECCA DOLMAN

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
SUP-74026	Staff recommends APPROVAL, subject to conditions:	N/A

**\*\* NOTIFICATION \*\***

NEIGHBORHOOD ASSOCIATIONS NOTIFIED                      37

NOTICES MAILED    299

PROTESTS    0

APPROVALS    0

**\*\* CONDITIONS \*\***

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**SUP-74026 CONDITIONS**

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**Planning**

1. At such time as the property is put up for sale, the property owner shall voluntarily expunge the Special Use Permit.
2. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Short-Term Residential Rental use, unless waived herein.
3. 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.
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 all inspections required by the City of Las Vegas must be approved.
6. All necessary business licenses shall be obtained in compliance with Title 6 prior to any rental activities.
7. 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.
8. 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.
9. 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 unit at 1404 Francis Avenue that meets all minimum special use permit requirements of Title 19.12.

**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.
- Applicant will not comply with the owner occupied requirements of the Conditional Use Regulations and therefore per Title 19.12.040 a Special Use Permit is requested.
- Conditional Use Verification (CUV-68822) was approved on 02/21/17, but the applicant secured a Nevada State License for a Sole Proprietorship, not a City of Las Vegas business license for a Short-Term Residential Rental.
- 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 property contains a single-family dwelling, is zoned R-1 (Single Family Residential) and is subject to Title 19 requirements. The dwelling contains three bedrooms per Clark County Assessor. 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 included a recommended condition that has this 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 to be owner occupied during each period the unit is rented; therefore, per Title 19.12.040 a Special Use Permit is requested. 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.

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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 justification letter stamped 07/23/18, the applicant intends to rent the house as a short-term residential rental, and will not occupy it while the unit is rented.

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.

*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.*

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- \*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 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 proposed use meets this requirement, as the property is 1,183 feet from the nearest Short-Term Residential Rental use.*

The applicant scheduled a Conditional Use Verification (CUV-68822) with the Department of Planning on 01/31/17. She was told that if the CUV was approved, she would subsequently need a Code Enforcement property inspection and a business license. She immediately scheduled a property inspection and was issued a Nevada State Business License for a Sole Proprietor. Three weeks later, on 02/21/17, her property passed a Code Enforcement inspection and CUV-68822 was approved. With an approved CUV, a successful inspection, and a Nevada State business license, the applicant thought she could legally operate a Short-Term Residential Rental in the city. She was never issued a City of Las Vegas business license for a Short-Term Residential Rental.

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 is required for every two additional bedrooms, or fractional portion thereof. The proposed Short-Term Residential Rental has three bedrooms and therefore is not required to provide additional parking.

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The property is located in a residential neighborhood and the use can be conducted in a manner harmonious with existing surrounding land uses. Staff recommends approval subject to conditions.

**FINDINGS (SUP-74026)**

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 can be conducted in a manner harmonious and compatible with existing surrounding land uses. There was no other approved Short-Term Residential Rental at the time the application was submitted.

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

The site is physically suitable 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 is accessed from Francis Avenue, a 25-foot wide local street, which provides adequate access for the proposed 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 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 Special Use Permit requirements listed in Title 19.12.

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**BACKGROUND INFORMATION**

<b>Related Relevant City Actions by Planning, Fire, Bldg., etc.</b>	
02/21/17	The Department of Planning approved a Conditional Use Verification (CUV-68822) for a short-term rental at 1404 Francis Avenue.

<b>Most Recent Change of Ownership</b>	
09/10/13	A deed was recorded for a change in ownership.

<b>Related Building Permits/Business Licenses</b>	
10/09/13	A Building Permit (R-245653) was issued for a storage room conversion to a bathroom at 1404 Francis Avenue. The permit was finalized on 09/09/14.
04/28/14	A Building Permit (R-259208) was issued for a solid alumina patio at 1404 Francis Avenue. The permit was finalized on 12/08/14.

<b>Pre-Application Meeting</b>	
07/18/18	Staff conducted a pre-application meeting with the applicant where the submittal requirements and deadlines were reviewed for a proposed Short-Term Residential Rental use.

<b>Neighborhood Meeting</b>	
A neighborhood meeting was not required or held.	

<b>Field Check</b>	
08/02/18	During a routine field check, staff observed the single family dwelling. No signs of trash or debris.

<b>Details of Application Request</b>	
Net Acres	0.14

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

<b>Master and Neighborhood Plan Areas</b>	<b>Compliance</b>
No Applicable Master Plan Area	N/A
<b>Special Area and Overlay Districts</b>	<b>Compliance</b>
No Applicable Special Area or Overlay Districts	N/A
<b>Other Plans or Special Requirements</b>	<b>Compliance</b>
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**

<b>Street Name</b>	<b>Functional Classification of Street(s)</b>	<b>Governing Document</b>	<b>Actual Street Width (Feet)</b>	<b>Compliance with Street Section</b>
Francis Avenue	Local Street	Planned Streets and Highways Map	25	Y