



City of Las Vegas

Agenda Item No.: 40.

**AGENDA SUMMARY PAGE - PLANNING
PLANNING COMMISSION MEETING OF: SEPTEMBER 11, 2018**

**DEPARTMENT: PLANNING
DIRECTOR: ROBERT SUMMERFIELD**

☐ Consent ☒ Discussion

SUBJECT: BEYANET - SUP-73880 - SPECIAL USE PERMIT - PUBLIC HEARING -
APPLICATION OWNER: JAMES VANAS for possible action on a request for a Special Use
Permit FOR AN EXISTING SHORT-TERM RESIDENTIAL RENTAL USE at 1301 South 6th
Street (APN 13-006-10-003) R-1 (Single Family Residential) Zone, Ward 3 (Coffin) [PRJ-
72529]. Staff recommends APPROVAL.

C.C.: 10/17/2018

PROTESTS RECEIVED BEFORE:

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

10

Planning Commission Mtg.

1

City Council Meeting

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City Council Meeting

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RECOMMENDATION:

Staff recommends APPROVAL, subject to conditions:

BACKUP DOCUMENTATION:

1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photo(s)
5. Justification Letter
6. Protest/Support Postcards and Protest/Support Documentation Not Vetted - Protest Comment Forms/Email (16) and Support Comment Forms/Emails (32)
7. Submitted after Final Agenda Protest/Support Documentation Not Vetted Protest Comment Forms (13) and Support Comment Forms/Emails (10) and Petition (52)
8. Submitted at Meeting - Approval Request Letter by James Vanas

Motion made by CHRISTINA ROUSH to Approve subject to conditions and adding the following condition as read for the record:

A. An administrative review shall be conducted six months after the date of final approval.

Passed For: 4; Against: 1; Abstain: 1; Did Not Vote: 0; Excused: 1
CHRISTINA ROUSH, DONNA TOUSSAINT, LOUIS DE SALVIO, BRENDA J. WILLIAMS;
(Against-SAM CHERRY); (Abstain-TRINITY HAVEN SCHLOTTMAN); (Did Not Vote-
None); (Excused-VICKI QUINN)

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NOTE: COMMISSIONER SCHLOTTMAN disclosed that he has known the applicant, JOEY VANAS, for a number of years, and they have worked on many projects together through Downtown Project, Life is Beautiful and First Friday. He also built a couple of office spaces for MR. VANAS. He has voted on items in the past where MR. VANAS was a partner on an item, but considering that he is 100 percent owner for this project, COMMISSIONER SCHLOTTMAN felt his judgement may be effected; therefore, he abstained from voting on this item. CHAIR CHERRY disclosed that he lives just outside of the notification area and has known MR. VANAS for some time through the First Friday Foundation and in downtown in general; however he did not feel his judgement would be effected and voted on this item.

Minutes:

CHAIR CHERRY declared the Public Hearing open.

STEVE GEBER, Planning Supervisor, reported that the applicant is operating a short-term residential rental unit that meets all minimum Special Unit Permit (SUP) requirements of Title 19.12. The SUP is required as a result of Ordinance 6585, which required all existing and proposed Short-Term Residential Rental uses not eligible for Conditional Use approval to be approved via the SUP process prior to July 1, 2019. Staff has not yet received approval. Additional protest/support letters have been received since publication.

JAMES VANAS, applicant, submitted supporting documentation as backup. He introduced JANELLE MAZZA, who helps manage the property. He stated they have been operating the short-term rental adjunct to a main home already on the property and they have had more than 500 guests in the past two-and-a-half years with almost no issues. MR. VANAS said this has been valuable for a lot of people in a lot of different ways, and they believe they are operating according to all of the ordinances.

ROBERTO SANCHEZ stated that he lives three doors down from this site and all of his experiences with the property and the applicant have been positive.

CHRISTOPHER COX said he has been in the area for four years and he moved there because MR. VANAS is part of the neighborhood and is about the community first. He has never had a problem with the site and was in support.

SINCLAIR WHEELER lives three doors from the site and was in support as he has met muralists, recording artists and international artists and appreciates the community vibe MR. VANAS has built.

RAE LATHROP stated that she was opposed to this application as well as all commercial operations in residential areas. Her opposition to short-term rentals includes her own organizing around neighborhood watch and her inability to interface with a neighbor across the street from her house due to the transient nature of short-term rentals. She referenced the opposition noted under Item 39 and believed that the school suffers from traffic when visitors come to a neighborhood and do not know there is a school in the area. MS. LATHROP stated that there is

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a lot of opposition to this application, and the support comes from a party that was thrown to acquire written support for this application. She said that she personally knows that there have been six calls made to the short-term rental phone number that have not been logged, as there was some difficulty in logging and categorizing those calls over the term of the phone number being viable.

AZURE PATRICK BOYLAN stated that he and his brother are international touring and recording artists, and their time at this location has been nothing but positive and creative. He believed this should be shared with the world.

CLARICE CUIA stated that she is an artist and a recent graduate of UNLV (University of Nevada, Las Vegas), and this location has been a continuous hub of support for the arts in the community and the community itself. She was grateful that the art she created resides at that location to be shared with others around the world. She thought this place assists in elevating the city as a serious facilitator of arts and the community. She said the applicants are invested in the neighborhood and care about the community and encourage courteous and respectful treatment. They are also very open to receiving feedback from the neighborhood. MS. CUIA was in support of this proposal.

LAUREL URBIZTONIO spoke in support of MR. VANAS who is very friendly with neighbors in the community. She has met very talented people from around the world, and he has a beautiful space for people to create.

RYAN PATRICK BOYLAN stated that all of his experiences at the subject site have been very professional and have made him feel like a part of the community. MR. VANAS and MS. MAZZA are a very important aspect of the growth downtown and have made him feel welcome. He felt the home was a place to go to meet artists and professionals on the same path.

DAYVID FIGLER shared that he is the closest neighbor to the subject site. He stated that the Commissioners heard from wonderful arts and cultural people who did not say anything about a short-term rental. They talked about what a great guy MR. VANAS is, and it seems they are applying for an arts and cultural center in a residential neighborhood. MR. VANAS is very entrepreneurial, and there are a number of businesses that operate out of the home. The short-term rental provides a platform to promote internationally.

MR. FIGLER shared that it is common that he and his partner come home and there are cars parked on both sides of the road and the side street of Franklin Avenue. There are people wandering back and forth between the subject site and elsewhere in the area, and sometimes they have to maneuver around them to get into their house. In the recent past, they saw an individual holding a clipboard in front of the subject site. They asked what was going on and were told it was a private event and that they needed to move on as they were not invited to the event.

MR. FIGLER stated that the neighbors are not shy about what they are doing because apparently there is an interpretation of the code that says they can have these events all the time. As a

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resident, MR. FIGLER does not know if it is related to the short-term rental. He does know that short-term rentals have parking regulations and are not allowed to have events. They are also not shy about posting online what occurs inside the property, and MR. FIGLER played a video that he described as an advertisement for a commercial brand of something called O.penVAPE. They have launch parties for private products, and that is a violation of the short-term rental. In the application, the applicant claims there are eight parking spots, but there are not. There are three trailers in the back yard, and there appears to be a power trench to one of the Airstreams. The parking issue is a constant and steady violation.

MR. FIGLER said that the applicant indicated that he has rented up to seven spaces on the property, but the application says four; the applicant said they will not do that anymore and will not rent out the casha or the Airstreams. The applicant claims that when there is no short-term renter on the property, the property resorts back to residential property. He also says that when he holds events, he is not doing it for compensation, but MR. FIGLER listed the numerous types of events the applicant hosts and wondered how anyone could verify that one way or another. The applicant has a great concept for a community or cultural center, but it does not belong with a short-term rental as its anchor. Because the applicant has elected to seek a commercial use of this home, he set himself up for the scrutiny of the Planning Commission. MR. FIGLER stated that if the site was operated just as a short-term rental and has on-site parking and meets the other requirements, he would not feel this opposition. If the Planning Commission would impose reasonable conditions so there is no ambiguity and did not allow the SUP until staff verifies there are eight on-site parking spaces which would motivate them to have parking spaces. An additional condition would be that residents have to park in those spaces. Regarding events, the applicant commented that he would call the City to let them know if an event is taking place. MR. FIGLER asked for the following: a condition of notice and approval which would list any business brand or promotion that is occurring within a 660-foot radius; that removal of the trailers is verified; that the casha and trailers not be used for any rental or sleeping; if there is a power trench on the property it be removed; a six-month review to see if conditions have been met or if violations have occurred; and a requirement of cleanup after the events. He felt that was a reasonable compromise.

MIKE BROWN-CESTERO found it interesting that this would be the 17th business to be licensed at this address. A lot of the businesses seem to be consulting businesses; he has a home-based business himself and is a consultant, but in the two years he has been in business he has had one visitor at his home office. He runs by this house, and assured the Commissioners that there are not eight parking spaces available on the site. The photo shown earlier of the cars parked on Franklin Avenue is a very common sight. The intersection is busy with kids going to and from John Park Elementary. MR. BROWN-CESTERO found it ironic that the people who are in support want it there because they throw great parties. He did not think this was appropriate for the neighborhood, and said if the applicant has been doing this for two years and has not corrected the conditions, there is no promise it will happen now.

JACK LeVINE stated that he was generally opposed to commercial intrusion into residential neighborhoods.

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ORI FAGAN stated that she works in the downtown community and has witnessed MS. MAZZA and MR. VANAS as outstanding community members who care deeply about their neighbors. She thought people should embrace bringing people into neighborhoods to experience community within the city.

NICHOLE HESTER lives about a block and a half away from the subject site, with her family in a single family residence. She was in support of this because she has not heard people complaining about the short-term rental in the community, and she felt it was very safe. MS. HESTER questioned how anyone would know whose cars were parked on the streets as they are parked everywhere in the neighborhood, and commented that safety in terms of the school in the neighborhood has never been an issue. She thought this was a beautiful home and believed the short-term rentals were being handled professionally.

MS. MAZZA was in support of the SUP. She stated that concerns about short-term rentals are very valid; they do not want short-term rentals invading the neighborhood, and she thought it was important that they become the precedent short-term rental and be the only one in the area that is legal and licensed.

MR. VANAS stated that they have knocked on every door and spoken to hundreds of people in the neighborhood to get feedback, and they have also written letters to everyone explaining what they do. They have listened to and addressed concerns and made efforts to speak to the Commissioners in advance of this meeting.

MR. VANAS explained that he runs the businesses and a home office. This space was created to be a free space for some of the artists and creatives as everything in his life has revolved around that, and does not conflict with the code. He does not host commercial events. The short-term rental was a social experience to bring outsiders to the downtown community and expose them to the beautiful things in the area.

MR. VANAS stated that they promote businesses in the neighborhood, they talk about being respectful to the neighbors, they have organized neighborhood cleanups, and they have gone to great lengths to be good neighbors. They have been operating this way in this space prior to short-term rental legalization, and prior to receiving the short-term rental license, they were hosting many more events and bringing more traffic into the neighborhood. The only operating business that has revenue attached to it is the short-term rental; everything else they do is done for free for their neighbors, neighborhood and the community. He wants to continue to do this and did not believe he was in violation of any codes. Code enforcement said that it is a gray area, but are allowed to have guests over if the property is not being rented and they are their own guests. Staff requested that MR. VANAS notify them when he is going to have guests, and they have abided by that ever since. MR. VANAS clarified that someone else in the community is doing the car rental business and trying to create a ride share program for people who cannot afford to have their own car. He promotes that because he believes in saving energy and ride sharing.

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MR. VANAS indicated that he did rent the Airstreams and the pool house; however, when they received their license and found out what was not allowed, they stopped doing it. They have not been renting the trailers, and the power trench does not have power, but his personal vacation trailer is on the property. Regarding parking, there are more than eight spaces that are behind a gate, and he committed that the short-term renters will use those spaces. They walked through the neighborhood and got 95 people in support and 40 who are opposed but did not have a party to obtain signatures.

CHAIR CHERRY stated that he met with the applicant and has spoken with people who are opposed as well. Historically, he has largely voted no on short-term rentals in this neighborhood and on short-term rentals requesting a waiver. He felt that hosting events continually was too intense for the neighborhood. He asked MR. VANAS if he would agree to only operating as a short-term rental and having everything at the site fall under the SUP. MR. VANAS believed they were operating within the short-term rental ordinance. He believed that opposition comes from activities they do that they did before becoming a short-term rental. CHAIR CHERRY could not separate the back and forth that one day the site was a short-term rental and the next it was an album release party with 50 people at the event. He asked if MR. VANAS would treat the property as a short-term rental all of the time. MR. VANAS stated that they believe they are operating within the guidelines of the short-term rental, and when there is a complaint they address it right away. He could not say that he would not have more than 12 people at his property at a time.

CHAIR CHERRY asked how enforcement would be treated if an event was held at the property and a complaint was received on the short-term rental hotline. MARY McELHONE, Deputy Director of Planning, stated that this is a gray area, when short-term renters are there, there are only supposed to be eight people 13 years-old and older and an additional four children that are under 12, and no parties or events are allowed. However, when the applicant is there and using the location for his personal use and hosting a event, the regular guidelines regarding noise disturbance under Title 19 apply. The applicant does call and let staff know of events; since October 2017 the short-term rental hotline has received several complaints about a party taking place, but when staff goes to the location, it has been determined that the applicant has been on site, and it is his personal event. Staff has not been able to do anything about this as it is the basis of the code.

COMMISSIONER TOUSSAINT stated she is familiar with the area, and she drove by the property and met with the applicants. She thought having an activity at the location while they are at the home is being confused with being a short-term rental. She referred to a letter that indicated the home would be owner occupied when it was being used as a short-term rental, and MR. VANAS confirmed that. COMMISSIONER TOUSSAINT would not like all of the events being held in her neighborhood, but she was conflicted about this application.

COMMISSIONER ROUSH agreed with COMMISSIONER TOUSSAINT and thought it was important to keep the issues separate but be mindful of them. Normally if someone already has a business license and applies for an SUP, they tend to approve that because they already have the

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license. There are no code violations, but when looking at a map of the area there are three code violations so she can see there is disruption in the neighborhood. She thought MR. VANAS was a great short-term rental operator with no code violations, but she thought they need to also consider other violations like noise attenuation and being a good neighbor. She advised MR. VANAS that if he was going to have security detail on the street, they should be made aware of whom the neighbors are. Additionally, if there is an operator the applicant is trying to help that has smart cars but nowhere to park them, parking them on the street in the neighborhood is not a good solution. She suggested adding conditions to the application because she thought the applicant was a good short-term operator but was antagonizing the neighborhood and the city by methods of disruptive entrepreneurialism. She could support this with conditions that would curb some of the activity in the neighborhood and provide for a six-month administrative review.

COMMISSIONER TOUSSAINT thought that the only matter before the Planning Commission was the short-term rental, and they could not address other activities taking place on the property. ASSISTANT CITY ATTORNEY BRYAN SCOTT confirmed that was correct. COMMISSIONER ROUSH asked if it would be appropriate to put conditions on the short-term rental to the extent that they are operating parties during the time that there is a short-term renter. MR. SCOTT replied that it was as long as the conditions had a nexus to the short-term rental.

MR. VANAS agreed that these are two separate issues and they are abiding by the rules of both. He found it interesting that the issues that were points of resistance are cars, traffic and events, and having the short-term rental business has alleviated approximately 75 percent of that activity as they used to host events every week. He stated that they have cut back on the issues that seemed to be points of contention as they are hyper aware of being better neighbors than they already were.

CHAIR CHERRY declared the Public Hearing closed.