

ADMINISTRATIVE APPEALS BOARD CITY OF PALM SPRINGS, CALIFORNIA

City Hall Council Chamber
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262
www.palmspringsca.gov

AGENDA

MONDAY
November 13, 2017



8:30 a.m.
Special Meeting

James Reed, Chair
Jerry Howard, Vice Chair
Oliver Cleary, Board Member
Bruce Cronander, Board Member
John Kearns, Board Member

City of Palm Springs Mission Statement: Palm Springs is an inclusive world-class city dedicated to providing excellent and responsive public services to enhance the quality of life for current and future generations.

Kathleen D. Hart, MMC, Interim City Clerk

Any person who wishes to speak regarding an item on the agenda or on a subject within the Board's jurisdiction during the "Public Comments" portion of the agenda must file a "Speaker Card" with the City Clerk BEFORE that portion of the agenda is called. Although the Administrative Appeals Board values your comments, pursuant to the Brown Act, it generally cannot take any action on items not listed on the posted agenda.

Testimony for Hearings will only be taken at the time of the hearing. Any person who wishes to speak on a Hearing item must file a "Speaker Card" and sign the OATH OF TESTIMONY with the City Clerk BEFORE the Hearing is called.

Pursuant to G.C. Section 54957.5(b)(2) the designated office for inspection of records in connection with the meeting is the Office of the City Clerk, City Hall, 3200 E. Tahquitz Canyon Way. Complete Administrative Appeals Board Agenda Packets are available for public inspection at: City Hall, Office of the City Clerk. If you would like additional information on any item appearing on this agenda, please contact the Office of the City Clerk at (760) 323-8204.

It is the intention of the City of Palm Springs to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, or in meetings on a regular basis, you will need special assistance beyond what is normally provided, the City will attempt to accommodate you in every reasonable manner. Please contact (760) 323-8204 at least 48 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible.

The Administrative Appeals Board welcomes written public testimony. Please provide eight (8) copies at the meeting. Prior to the meeting written testimony may be sent via email to CITY.CLERK@palmspringsca.gov, by fax at (760) 322-8332, or hand delivery to the City Clerk, Palm Springs City Hall, 3200 E. Tahquitz Canyon Way, Palm Springs, CA 92262.

8:30 A.M. SPECIAL MEETING

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ACCEPTANCE OF THE AGENDA:

PUBLIC COMMENT: This time has been set aside for members of the public to address the Administrative Appeals Board on Agenda items; and items of general interest within the subject matter jurisdiction of the Board. Although the Board values your comments, pursuant to the Brown Act, it generally cannot take any action on items not listed on the posted agenda. Testimony for Hearings will only be taken at the time of the Hearing.

1. APPEAL HEARINGS:

1A. APPEAL OF THE ADMINISTRATIVE DECISION THAT MICHELLE R. MARTIN IS PERMANENTLY INELIGIBLE TO OPERATE A VACATION RENTAL IN THE CITY OF PALM SPRINGS AND THE ADMINISTRATIVE FINE FOR OPERATING AN UNREGISTERED VACATION RENTAL PROPERTY LOCATED AT 2701 E. MESQUITE, UNIT R81, PALM SPRINGS, CALIFORNIA: (Michelle R. Martin)

RECOMMENDATION:

- 1) Open the Appeal Hearing and accept public testimony.
- 2) a. Adopt Resolution No. _____, A RESOLUTION OF THE ADMINISTRATIVE APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, **UPHOLDING** THE ADMINISTRATIVE DECISION THAT MICHELLE R. MARTIN IS PERMANENTLY INELIGIBLE TO OPERATE A VACATION RENTAL IN THE CITY OF PALM SPRINGS, INCLUDING THE PROPERTY LOCATED AT 2701 E. MESQUITE, UNIT R81, PALM SPRINGS, CALIFORNIA.
or
b. Adopt Resolution No. _____, A RESOLUTION OF THE ADMINISTRATIVE APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, **OVERTURNING** THE ADMINISTRATIVE DECISION THAT MICHELLE R. MARTIN IS PERMANENTLY INELIGIBLE TO OPERATE A VACATION RENTAL IN THE CITY OF PALM SPRINGS, INCLUDING THE PROPERTY LOCATED AT 2701 E. MESQUITE, UNIT R81, PALM SPRINGS, CALIFORNIA.
- 3) a. Adopt Resolution No. _____, A RESOLUTION OF THE ADMINISTRATIVE APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, **UPHOLDING** THE ADMINISTRATIVE FINE OF \$5,000 ISSUED TO MICHELLE R. MARTIN FOR

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OPERATING AN UNREGISTERED VACATION RENTAL PROPERTY LOCATED AT 2701 E. MESQUITE, UNIT R81, PALM SPRINGS, CALIFORNIA.

or

b. Adopt Resolution No. _____, A RESOLUTION OF THE ADMINISTRATIVE APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, **OVERTURNING** THE ADMINISTRATIVE FINE OF \$5,000 ISSUED TO MICHELLE R. MARTIN FOR OPERATING AN UNREGISTERED VACATION RENTAL PROPERTY LOCATED AT 2701 E. MESQUITE, UNIT R81, PALM SPRINGS, CALIFORNIA.

- 1B. APPEAL OF THE ADMINISTRATIVE DECISION THAT BARRY TICE AND MARINA LECOUCOU ARE PERMANENTLY INELIGIBLE TO OPERATE A VACATION RENTAL IN THE CITY OF PALM SPRINGS AND THE ADMINISTRATIVE FINE FOR OPERATING AN UNREGISTERED VACATION RENTAL PROPERTY LOCATED AT 510 VILLA COURT, NO. 102, PALM SPRINGS, CALIFORNIA:**
(Tice and Lecou)

RECOMMENDATION:

- 1) Open the Appeal Hearing and accept public testimony.
- 2)
 - a. Adopt Resolution No. _____, A RESOLUTION OF THE ADMINISTRATIVE APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, **UPHOLDING** THE ADMINISTRATIVE DECISION THAT BARRY TICE AND MARINA LECOUCOU ARE PERMANENTLY INELIGIBLE TO OPERATE A VACATION RENTAL IN THE CITY OF PALM SPRINGS, INCLUDING THE PROPERTY LOCATED AT 510 VILLA COURT NO. 102, PALM SPRINGS, CALIFORNIA.

or

 - b. Adopt Resolution No. _____, A RESOLUTION OF THE ADMINISTRATIVE APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, **OVERTURNING** THE ADMINISTRATIVE DECISION THAT BARRY TICE AND MARINA LECOUCOU ARE PERMANENTLY INELIGIBLE TO OPERATE A VACATION RENTAL IN THE CITY OF PALM SPRINGS, INCLUDING THE PROPERTY LOCATED AT 510 VILLA COURT NO. 102, PALM SPRINGS, CALIFORNIA.
- 3)
 - a. Adopt Resolution No. _____, A RESOLUTION OF THE ADMINISTRATIVE APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, **UPHOLDING** THE ADMINISTRATIVE FINE OF \$5,000 ISSUED TO BARRY TICE AND MARINA LECOUCOU

FOR OPERATING AN UNREGISTERED VACATION RENTAL PROPERTY LOCATED AT 510 VILLA COURT NO. 102, PALM SPRINGS CALIFORNIA.

or

b. Adopt Resolution No. _____, A RESOLUTION OF THE ADMINISTRATIVE APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, **OVERTURNING** THE ADMINISTRATIVE FINE OF \$5,000 ISSUED TO BARRY TICE AND MARINA LECOUC FOR OPERATING AN UNREGISTERED VACATION RENTAL PROPERTY LOCATED AT 510 VILLA COURT NO. 102, PALM SPRINGS CALIFORNIA.

- 1C. APPEAL OF THE ADMINISTRATIVE CITATION A7251 AND APPEAL OF ADMINISTRATIVE DECISION OF A TWO-YEAR SUSPENSION OF THE VACATION RENTAL REGISTRATION CERTIFICATE FOR THE PROPERTY LOCATED 1825 S. AQUANETTA DRIVE, PALM SPRINGS, CALIFORNIA:** (Lisa Alter, Steven Alter)

RECOMMENDATION:

- 1) Open the Appeal Hearing and accept public testimony.
- 2) a. Adopt Resolution No. _____, A RESOLUTION OF THE ADMINISTRATIVE APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, **UPHOLDING** THE ADMINISTRATIVE CITATION A7251 FOR THE PROPERTY LOCATED AT 1825 S. AQUANETTA DR., PALM SPRINGS, CALIFORNIA.
or
b. Adopt Resolution No. _____, A RESOLUTION OF THE ADMINISTRATIVE APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, **OVERTURNING** THE ADMINISTRATIVE CITATION A7251 FOR THE PROPERTY LOCATED AT 1825 S. AQUANETTA DR., PALM SPRINGS, CALIFORNIA.
- 3) a. Adopt Resolution No. _____, A RESOLUTION OF THE ADMINISTRATIVE APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, **UPHOLDING** THE ADMINISTRATIVE DECISION OF A TWO-YEAR SUSPENSION OF THE SHORT TERM VACATION RENTAL REGISTRATION CERTIFICATE FOR THE PROPERTY LOCATED AT 1825 S. AQUANETTA DR., PALM SPRING, CALIFORNIA.
or
b. Adopt Resolution No. _____, A RESOLUTION OF THE ADMINISTRATIVE APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, **OVERTURNING** THE ADMINISTRATIVE DECISION OF A TWO-YEAR SUSPENSION OF THE SHORT

TERM VACATION RENTAL REGISTRATION CERTIFICATE FOR THE PROPERTY LOCATED AT 1825 S. AQUANETTA DR., PALM SPRINGS, CALIFORNIA.

**1D. APPEAL OF THE ADMINISTRATIVE DECISION THAT JUDITH ANER IS PERMANENTLY INELIGIBLE TO OPERATE A VACATION RENTAL IN THE CITY OF PALM SPRINGS AND THE ADMINISTRATIVE FINE FOR OPERATING AN UNREGISTERED VACATION RENTAL PROPERTY LOCATED AT 675 N. LOS FELICES, NO. 119, PALM SPRINGS, CALIFORNIA: (Judith Aner)
RECOMMENDATION:**

- 1) Open the Appeal Hearing and accept public testimony.
- 2) a. Adopt Resolution No. _____, A RESOLUTION OF THE ADMINISTRATIVE APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, **UPHOLDING** THE ADMINISTRATIVE DECISION THAT JUDITH ANER IS PERMANENTLY INELIGIBLE TO OPERATE A VACATION RENTAL IN THE CITY OF PALM SPRINGS, INCLUDING THE PROPERTY LOCATED AT 675 N. LOS FELICES, NO. 119, PALM SPRINGS, CALIFORNIA.
or
b. Adopt Resolution No. _____, A RESOLUTION OF THE ADMINISTRATIVE APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, **OVERTURNING** THE ADMINISTRATIVE DECISION THAT JUDITH ANER IS PERMANENTLY INELIGIBLE TO OPERATE A VACATION RENTAL IN THE CITY OF PALM SPRINGS, INCLUDING THE PROPERTY LOCATED AT 675 N. LOS FELICES, NO. 119, PALM SPRINGS, CALIFORNIA.
- 3) a. Adopt Resolution No. _____, A RESOLUTION OF THE ADMINISTRATIVE APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, **UPHOLDING** THE ADMINISTRATIVE FINE OF \$5,000.00 ISSUED TO JUDITH ANER FOR OPERATING AN UNREGISTERED VACATION RENTAL PROPERTY LOCATED AT 675 N. LOS FELICES, NO. 119, PALM SPRINGS, CALIFORNIA.
or
b. Adopt Resolution No. _____, A RESOLUTION OF THE ADMINISTRATIVE APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, **OVERTURNING** THE ADMINISTRATIVE FINE OF \$5,000.00 ISSUED TO JUDITH ANER FOR OPERATING AN UNREGISTERED VACATION RENTAL PROPERTY LOCATED AT 675 N. LOS FELICES, NO. 119, PALM SPRINGS CALIFORNIA.

1E. APPEAL OF THE ADMINISTRATIVE DECISION THAT MATTHEW NGUYEN IS PERMANENTLY INELIGIBLE TO OPERATE A VACATION RENTAL IN THE CITY OF PALM SPRINGS AND THE ADMINISTRATIVE FINE FOR OPERATING AN UNREGISTERED VACATION RENTAL PROPERTY LOCATED AT 1349 S. YERMO DR. PALM SPRINGS, CALIFORNIA: (Matthew Nguyen)

RECOMMENDATION:

- 1) Open the Appeal Hearing and accept public testimony.
- 2) a. Adopt Resolution No. _____, A RESOLUTION OF THE ADMINISTRATIVE APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, **UPHOLDING** THE ADMINISTRATIVE DECISION THAT MATTHEW NGUYEN IS PERMANENTLY INELIGIBLE TO OPERATE A VACATION RENTAL IN THE CITY OF PALM SPRINGS, INCLUDING THE PROPERTY LOCATED AT 1349 S. YERMO DR., PALM SPRINGS, CALIFORNIA.
or
b. Adopt Resolution No. _____, A RESOLUTION OF THE ADMINISTRATIVE APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, **OVERTURNING** THE ADMINISTRATIVE DECISION THAT MATTHEW NGUYEN IS PERMANENTLY INELIGIBLE TO OPERATE A VACATION RENTAL IN THE CITY OF PALM SPRINGS, INCLUDING THE PROPERTY LOCATED AT 1349 S. YERMO DR., PALM SPRINGS, CALIFORNIA.
- 3) a. Adopt Resolution No. _____, A RESOLUTION OF THE ADMINISTRATIVE APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, **UPHOLDING** THE ADMINISTRATIVE FINE OF \$5,000 ISSUED TO MATTHEW NGUYEN FOR OPERATING AN UNREGISTERED VACATION RENTAL PROPERTY LOCATED AT 1349 S. YERMO DR., PALM SPRINGS, CALIFORNIA.
or
b. Adopt Resolution No. _____, A RESOLUTION OF THE ADMINISTRATIVE APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, **OVERTURNING** THE ADMINISTRATIVE FINE OF \$5,000 ISSUED TO MATTHEW NGUYEN FOR OPERATING AN UNREGISTERED VACATION RENTAL PROPERTY LOCATED AT 1349 S. YERMO DR., PALM SPRINGS, CALIFORNIA.

1F. APPEAL OF THE ADMINISTRATIVE CITATION NOS. A5129 AND A5060, AND APPEAL OF ADMINISTRATIVE DECISION OF A TWO-YEAR SUSPENSION OF THE VACATION RENTAL REGISTRATION CERTIFICATE FOR THE PROPERTY LOCATED AT 3390 E. CIRCULO SAN SORRENTO, PALM SPRINGS (Ani Pogosian)

RECOMMENDATION:

- 1) Open the Appeal Hearing and accept public testimony.
- 2) a. Adopt Resolution No. _____, A RESOLUTION OF THE ADMINISTRATIVE APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, **UPHOLDING** THE ADMINISTRATIVE CITATION A5129 FOR THE PROPERTY LOCATED AT 3390 E. CIRCULO SAN SORRENTO, PALM SPRINGS, CALIFORNIA.
or
b. Adopt Resolution No. _____, A RESOLUTION OF THE ADMINISTRATIVE APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, **OVERTURNING** THE ADMINISTRATIVE CITATION A5129 FOR THE PROPERTY LOCATED AT 3390 E. CIRCULO SAN SORRENTO, PALM SPRINGS, CALIFORNIA.
- 3) a. Adopt Resolution No. _____, A RESOLUTION OF THE ADMINISTRATIVE APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, **UPHOLDING** THE ADMINISTRATIVE CITATION A5060 FOR THE PROPERTY LOCATED AT 3390 E. CIRCULO SAN SORRENTO, PALM SPRINGS, CALIFORNIA.
or
b. Adopt Resolution No. _____, A RESOLUTION OF THE ADMINISTRATIVE APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, **OVERTURNING** THE ADMINISTRATIVE CITATION A5060 FOR THE PROPERTY LOCATED AT 3390 E. CIRCULO SAN SORRENTO, PALM SPRINGS, CALIFORNIA.
- 4) a. Adopt Resolution No. _____, A RESOLUTION OF THE ADMINISTRATIVE APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, **UPHOLDING** THE ADMINISTRATIVE DECISION OF A TWO-YEAR SUSPENSION OF THE SHORT TERM VACATION RENTAL REGISTRATION CERTIFICATE FOR THE PROPERTY LOCATED AT 3390 E. CIRCULO SAN SORRENTO, PALM SPRINGS, CALIFORNIA.
or

b. Adopt Resolution No. _____, A RESOLUTION OF THE ADMINISTRATIVE APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, **OVERTURNING** THE ADMINISTRATIVE DECISION OF A TWO-YEAR SUSPENSION OF THE SHORT TERM VACATION RENTAL REGISTRATION CERTIFICATE FOR THE PROPERTY LOCATED 3390 E. CIRCULO SAN SORRENTO, PALM SPRINGS, CALIFORNIA.

2. OTHER BUSINESS: None

BOARD MEMBER COMMENTS AND REQUESTS: This portion of the meeting is set aside for general comments, announcements, requests of staff, and/or other issues of concern from members of the Administrative Appeals Board.

CITY PROSECUTOR'S REPORTS AND COMMENTS: This time is set aside for the City Prosecutor to update the Administrative Appeals Board on important items initiated by staff or previously requested by the Board.

CITY CLERK'S REPORTS AND FUTURE MEETING DATES: This time is set aside for the City Clerk to update the Administrative Appeals Board on important items initiated by staff or previously requested by the Board.

ADJOURNMENT:

The Administrative Appeals Board will adjourn to a Special Meeting at 10:30 a.m., Monday, December 4, 2017, in Council Chamber, City Hall, 3200 E. Tahquitz Canyon Way, Palm Springs, CA.

AFFIDAVIT OF POSTING

I, KATHLEEN D. HART, Interim City Clerk, of the City of Palm Springs, California, hereby certify this Agenda was posted at City Hall before 10:00 p.m., Thursday, November 9, 2017, and posted on the City's website as required by established policies and procedures.

KATHLEEN D. HART, MMC
INTERIM CITY CLERK

PUBLIC NOTICES

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