



ADMINISTRATIVE APPEALS BOARD STAFF REPORT

DATE: NOVEMBER 13, 2017

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

BY: Vacation Rental Compliance Department

SUMMARY

Ms. Ani Pogosian, individual on title has requested an appeal of (1) Administrative Citation A5129, (2) Administrative Citation A5060, and (3) Suspension of the Vacation Rental Registration Certificate for two (2) years for the property located at 3390 E. Circulo San Sorrento, Palm Springs.

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 3390 E. CIRCULO SAN SORRENTO, PALM SPRINGS.
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 3390 E. CIRCULO SAN SORRENTO, PALM SPRINGS.
- 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 3390 E. CIRCULO SAN SORRENTO, PALM SPRINGS.

ITEM NO. 16

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 3390 E. CIRCULO SAN SORRENTO, PALM SPRINGS.

- 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 3390 E. CIRCULO SAN SORRENTO, PALM SPRINGS.

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.

STAFF ANALYSIS:

The property located at 3390 E. Circulo San Sorrento, Palm Springs was issued the following four (4) Administrative Citations in the last twelve (12) months, starting with the most recent:

-Administrative Citation A5129 on 9/1/2017 for Trash containers stored in public view on a non-trash pickup day. Owner is appealing.

-Administrative Citation A5060 on 7/8/2017 for Failure to Respond. Owner is appealing.

-Administrative Citation A5058 on 7/8/2017 for Outside Music and Too Many Vehicles

-Administrative Citation A1767 on 3/22/2017 for Failure to Register

Accordingly, the City Manager has issued a suspension of the Vacation Rental Registration Certificate per Palm Springs Municipal Code 5.25.090 (b).

The following Palm Springs Municipal Code Sections 5.25.070 – Operational Requirements and Standard Conditions are applicable to this matter:

I. Section 5.25.070 (k) - *Trash and refuse shall not be left stored within public view, except in proper containers for the purpose of collection by the collectors and between the hours of five a.m. and eight p.m. on scheduled trash collection days. The Owner of the Vacation Rental unit shall use reasonably prudent business practices to ensure compliance with all the provisions of Chapter 6.04 of the*

Municipal Code (Waste Disposal and Diversion), and shall provide "walk-in service" or as may otherwise be approved by the Enforcement Official. (Please note Palm Springs Municipal Code Chapter Vacation Rentals Section 5.25.070 (k) is consistent with Palm Springs Municipal Code Chapter Health and Sanitation, Section 6.04.100 with respect to trash regulations.)

II. Section 5.25.070 (j) - *Failure of the Owner or his or her agent to respond to calls or complaints regarding the condition, operation, or conduct of occupants of the Vacation Rental in a timely and appropriate manner shall be grounds for imposition of penalties as set forth in this Chapter.*

III. Section 5.25.070 (e) - *During the Rental Term each Vacation Rental unit is rented, the Owner, his or her agent, and/or the Local Contact Person designated by the Owner after being contacted by the Enforcement Official, shall be available twenty-four hours per day, seven days per week, for the purpose of (1) responding by telephone within fifteen (15) minutes of complaints from or throughout the Hotline and (2) responding in person within thirty (30) minutes to any additional or successive complaints regarding the conditions, operation, or conduct of occupants of the Vacation Rental.*

IV. Section 5.25.070 (c) – *No more than one (1) automobile per bedroom shall be allowed for each Vacation Rental.*

V. Section 5.25.070 (g) – *Notwithstanding the provisions of Section 11.74.043, any radio receiver, musical instrument, phonograph, loudspeaker, sound amplifier, or any machine or device for the producing or reproducing of any sound shall be conducted within a fully enclosed Vacation Rental unit and shall not be audible at the property line of the Vacation Rental.*

The following Palm Springs Municipal Code Section 5.25.090 – Violations is applicable to this matter:

I. 5.25.090 (b) - Violations

(b) Upon the third violation in any twelve-month period, the City Manager shall suspend the Vacation Registration Certificate for two (2) years.

The following Palm Springs Vacation Rental Department Vacation Rental Administrative Regulations are applicable to this matter:

Subject: Violation Count for Purposes of Suspending a Vacation Rental Certificate

Procedure:

A. Section 5.25.090(b) specifies, "Upon the third violation in any twelve (12) month period, the City Manager shall suspend the Vacation Rental Certificate for two (2) years." Following is a clarification how violations are counted.

1. Administrative citations for violations of Chapter 5.25 issued to the Vacation Rental guest, Owner, or Owner's agent prior to April 16, 2017 will count towards the calculation of the three (3) violations in any twelve (12) month period for suspending the Vacation Rental Certificate for such property in accordance with Section 5.25.090(b).
2. There will be no suspension unless at least one (1) violation occurs under new Ordinance No. 1918.
3. Appeals of the third administrative citation and the suspension of the Vacation Rental Registration Certificate will be heard by the Administrative Appeals Board according to PSMC Chapter 2.50.

Effective Date

This Administrative Regulation shall be effective immediately (8/2017).

ADMINISTRATIVE CITATION AND SUSPENSION SUMMARY

1. Fourth Administrative Citation A5129 on 9/1/2017 issued to owner - Trash

On 9/1/2017 at 1:21 pm the Vacation Rental Hotline received a complaint for the Vacation Rental property located at 3390 E. Circulo San Sorrento, Palm Springs. The complaint states: "There is a pile of trash left in the front yard. It is going all over the neighborhood." The designated pick up day for trash in this area is Thursday; the call came in on Friday. The Vacation Rental Hotline dispatched a Code Compliance Officer to the location who personally witnessed trash bags on the lawn, spilling out and clearly visible from the street view (see photos in report). The Officer made contact with the local contact who said arrangements had been made with Palm Springs Disposal Service for a special pick up of 8 bags. The Officer contacted PSDS who confirmed 8 bags were scheduled for a special pick up on Tuesday August 29, and were in fact picked up. The Officer documented the violation and issued Administrative Citation A5129 for violation of PSMC 5.25.070(k).

(See attachment page numbers 32-39)

The Vacation Rental Compliance Office contacted PSDS for any additional information on October 31, 2017. (See attachment page number 39)

The Administrative fine of \$500.00 for Administrative Citation A5129 has not been paid.

2. Third Administrative Citation A5060 on 7/8/2017 issued to owner – Failure to Respond

On 7/8/2017 at 7:18 pm the Vacation Rental Hotline received a complaint for the Vacation Rental property located at 3390 E. Circulo San Sorrento, Palm Springs. The complaint states: *"They are screaming and shouting, and have loud music playing. There is about 9 cars there and seems like more keep showing up."* The Vacation Rental Hotline dispatched a Code Compliance Officer to the location who witnessed the violations of Music and Too Many Vehicles. (Extremely loud music was heard on arrival and 7 cars were at the property when only 4 were permitted). The Officer made contact with the responsible guest who was uncooperative and would not provide identification allowing the Officer to issue the citation. The Officer contacted the owner by phone to request assistance at the property. The owner said she was in Los Angeles and the other local contact was at least 40 to 50 minutes away, so neither could be at the property timely in the 30 minutes as required. The Officer contacted Palm Springs Police Department for assistance in obtaining the identification. The Officer documented the incident and issued Administrative Citation A5058 for 2 violations to the guest: PSMC 5.25.070(g), Music and PSMC 5.25.070(c), Too Many Vehicles. (See attachment page numbers 47-52)

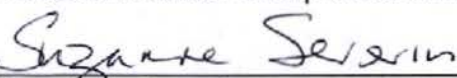
The Officer issued Administrative Citation A5060 to the owner for Failure to Respond. The Administrative fine of \$500.00 for this citation has been paid. (Pages 40-46)

3. Suspension of Short Term Vacation Rental Registration Certificate for 3990 E. Circulo San Sorrento, Palm Springs

Based on the above mentioned Administrative Citations issued in a twelve-month period, the owner was issued a suspension of the Vacation Rental Registration Certificate for property address 3390 E. Circulo San Sorrento on September 25, 2017 beginning October 16, 2017 and ending October 16, 2019. (See attachment page number 29)



Boris Stark
Vacation Rental Compliance Official



Suzanne Severin
Vacation Rental Compliance Official

Attachments:

1. Resolution no. _____ Upholding the Decision – Citation A5129 (page 7)
2. Resolution no. _____ Overturning the Decision – Citation A5129 (page 9)
3. Resolution no. _____ Upholding the Decision – Citation A5060 (page 11)
4. Resolution no. _____ Overturning the Decision – Citation A5060 (page 13)
5. Resolution no. _____ Upholding the Decision – Suspension of Short Term Vacation Rental Registration Certificate for 3390 E. Circulo San Sorrento, Palm Springs (page 15)
6. Resolution no. _____ Overturning the Decision – Suspension of Short Term Vacation Rental Registration Certificate for 3390 E. Circulo San Sorrento, Palm Springs (page 17)
7. Administrative Appeal Board Notice (page 19)
8. Administrative Citation Appeal Letter (page 20)
9. Suspension Letter (page 29)
10. Administrative Citation A5129 & Evidence of violation (page 32)
11. Administrative Citation A5060 & Evidence of violation (page 40)
12. Administrative Citation A5058 & Evidence of violation (page 47)
13. Administrative Citation A1767 & Evidence of violation (page 53)
14. Administrative Regulations - *Violation Count for Purposes of Suspending a Vacation Rental Certificate* (page 57)
15. PSMC 6.04.110 – *Placing of waste and recyclables in street* (page 58)
16. Title Report (page 59)

RESOLUTION NO. ____

A RESOLUTION OF THE ADMINISTRATIVE APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, UPHOLDING THE ADMINISTRATIVE CITATION A5129 ISSUED TO ANI POGOSIAN FOR THE PROPERTY LOCATED 3390 E. CIRCULO SAN SORRENTO, PALM SPRINGS CALIFORNIA

WHEREAS, Ani Pogosian, individual on title, was issued an Administrative Citation for a Violation of Operational Requirements and Standard Conditions for the property located at 3390 E. Circulo San Sorrento, Palm Springs, pursuant to Palm Springs Municipal Code Chapter 5.25; and

WHEREAS, the City investigated in detail and found the property of 3390 E. Circulo San Sorrento, to be in violation, and

WHEREAS, Administrative Citation No. A5129 for violation of Operational Requirements and Standard Conditions, specifically related to trash, was issued on September 1, 2017, to Ani Pogosian for the property located at 3390 E. Circulo San Sorrento, Palm Springs; and

WHEREAS, Ani Pogosian, for the property located at 3390 E. Circulo San Sorrento, Palm Springs, filed an administrative appeal of the Administrative Citation No. A5129 violation of Operational Requirements and Standard Conditions in the amount of \$500.00 for the property located at 3390 E. Circulo San Sorrento, Palm Springs with the City Clerk and paid the appeal fee; and

WHEREAS, the Administrative Appeals Board opened and conducted a duly noticed Administrative Appeal Hearing on November 13, 2017; and

WHEREAS, the Administrative Appeals Board has carefully reviewed and considered all the evidence presented in connection with said appeal on November 13, 2017.

THE ADMINISTRATIVE APPEALS BOARD HEREBY FINDS, after due consideration given to the relevancy, weight and credibility of testimony and evidence, and based upon a preponderance of the evidence in accordance with the Board's procedures, as follows:

SECTION 1. That the foregoing Recitals are true and correct and are incorporated herein by this reference.

SECTION 2. The appellant did not present adequate evidence to overturn the Administrative Citation of \$500.00 for violation of Operational Requirements and

Standard Conditions for property located at 3390 E. Circulo San Sorrento, Palm Springs.

SECTION 3. The Administrative Appeals Board upholds the administrative fine of \$500.00 to Ani Pogosian for violation of Operational Requirements and Standard Conditions.

SECTION 4. The Administrative Appeals Board directs the City Clerk to deliver a copy of this Resolution to each party and to file a disposition report with the Palm Springs City Council.

PASSED, APPROVED, AND ADOPTED BY THE PALM SPRINGS ADMINISTRATIVE APPEALS BOARD THIS 13th DAY OF NOVEMBER 2017.

JAMES REED
Chair

ATTEST:

KATHLEEN D. HART, MMC
Interim City Clerk

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

I, KATHLEEN D. HART, Interim City Clerk of the City of Palm Springs, do hereby certify that Resolution No. ____ is a full, true and correct copy, and was duly adopted at a meeting of the Administrative Appeals Board of the City of Palm Springs on the 13th day of November 2017, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSE:

KATHLEEN D. HART, MMC
Interim City Clerk

RESOLUTION NO. ____

A RESOLUTION OF THE ADMINISTRATIVE APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, OVERTURNING THE ADMINISTRATIVE CITATION A5129 ISSUED TO ANI POGOSIAN FOR THE PROPERTY LOCATED 3390 E. CIRCULO SAN SORRENTO, PALM SPRINGS CALIFORNIA

WHEREAS, Ani Pogosian, individual on title, was issued an Administrative Citation for a Violation of Operational Requirements and Standard Conditions for the property located at 3390 E. Circulo San Sorrento, Palm Springs, pursuant to Palm Springs Municipal Code Chapter 5.25; and

WHEREAS, the City investigated in detail and found the property of 3390 E. Circulo San Sorrento, to be in violation, and

WHEREAS, Administrative Citation No. A5129 for violation of Operational Requirements and Standard Conditions, specifically related to trash, was issued on September 1, 2017, to Ani Pogosian for the property located at 3390 E. Circulo San Sorrento, Palm Springs; and

WHEREAS, Ani Pogosian, for the property located at 3390 E. Circulo San Sorrento, Palm Springs, filed an administrative appeal of the Administrative Citation No. A5129 violation of Operational Requirements and Standard Conditions in the amount of \$500.00 for the property located at 3390 E. Circulo San Sorrento, Palm Springs with the City Clerk and paid the appeal fee; and

WHEREAS, the Administrative Appeals Board opened and conducted a duly noticed Administrative Appeal Hearing on November 13, 2017; and

WHEREAS, the Administrative Appeals Board has carefully reviewed and considered all the evidence presented in connection with said appeal on November 13, 2017.

THE ADMINISTRATIVE APPEALS BOARD HEREBY FINDS, after due consideration given to the relevancy, weight and credibility of testimony and evidence, and based upon a preponderance of the evidence in accordance with the Board's procedures, as follows:

SECTION 1. That the foregoing Recitals are true and correct and are incorporated herein by this reference.

SECTION 2. The appellant did present adequate evidence to overturn the Administrative Citation of \$500.00 for violation of Operational Requirements and

Standard Conditions for property located at 3390 E. Circulo San Sorrento, Palm Springs.

SECTION 3. The Administrative Appeals Board overturns the administrative fine of \$500.00 to Ani Pogosian for violation of Operational Requirements and Standard Conditions.

SECTION 4. The Administrative Appeals Board directs the City Clerk to deliver a copy of this Resolution to each party and to file a disposition report with the Palm Springs City Council.

PASSED, APPROVED, AND ADOPTED BY THE PALM SPRINGS ADMINISTRATIVE APPEALS BOARD THIS 13th DAY OF NOVEMBER 2017.

JAMES REED
Chair

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A RESOLUTION OF THE ADMINISTRATIVE APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, UPHOLDING THE ADMINISTRATIVE CITATION A5060 ISSUED TO ANI POGOSIAN FOR THE PROPERTY LOCATED 3390 E. CIRCULO SAN SORRENTO, PALM SPRINGS CALIFORNIA

WHEREAS, Ani Pogosian, individual on title, was issued an Administrative Citation for a Violation of Operational Requirements and Standard Conditions for the property located at 3390 E. Circulo San Sorrento, Palm Springs, pursuant to Palm Springs Municipal Code Chapter 5.25; and

WHEREAS, the City investigated in detail and found the property of 3390 E. Circulo San Sorrento, to be in violation, and

WHEREAS, Administrative Citation No. A5060 for violation of Operational Requirements and Standard Conditions, specifically related to failure to respond, was issued on July 8, 2017, to Ani Pogosian for the property located at 3390 E. Circulo San Sorrento, Palm Springs; and

WHEREAS, Ani Pogosian, for the property located at 3390 E. Circulo San Sorrento, Palm Springs, filed an administrative appeal of the Administrative Citation No. A5060 violation of Operational Requirements and Standard Conditions in the amount of \$500.00 for the property located at 3390 E. Circulo San Sorrento, Palm Springs with the City Clerk and paid the appeal fee; and

WHEREAS, the Administrative Appeals Board opened and conducted a duly noticed Administrative Appeal Hearing on November 13, 2017; and

WHEREAS, the Administrative Appeals Board has carefully reviewed and considered all the evidence presented in connection with said appeal on November 13, 2017.

THE ADMINISTRATIVE APPEALS BOARD HEREBY FINDS, after due consideration given to the relevancy, weight and credibility of testimony and evidence, and based upon a preponderance of the evidence in accordance with the Board's procedures, as follows:

SECTION 1. That the foregoing Recitals are true and correct and are incorporated herein by this reference.

SECTION 2. The appellant did not present adequate evidence to overturn the Administrative Citation of \$500.00 for violation of Operational Requirements and

Standard Conditions for property located at 3390 E. Circulo San Sorrento, Palm Springs.

SECTION 3. The Administrative Appeals Board upholds the administrative fine of \$500.00 to Ani Pogolian for violation of Operational Requirements and Standard Conditions.

SECTION 4. The Administrative Appeals Board directs the City Clerk to deliver a copy of this Resolution to each party and to file a disposition report with the Palm Springs City Council.

PASSED, APPROVED, AND ADOPTED BY THE PALM SPRINGS ADMINISTRATIVE APPEALS BOARD THIS 13th DAY OF NOVEMBER 2017.

JAMES REED
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A RESOLUTION OF THE ADMINISTRATIVE APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, OVERTURNING THE ADMINISTRATIVE CITATION A5060 ISSUED TO ANI POGOSIAN FOR THE PROPERTY LOCATED 3390 E. CIRCULO SAN SORRENTO, PALM SPRINGS CALIFORNIA

WHEREAS, Ani Pogosian, individual on title, was issued an Administrative Citation for a Violation of Operational Requirements and Standard Conditions for the property located at 3390 E. Circulo San Sorrento, Palm Springs, pursuant to Palm Springs Municipal Code Chapter 5.25; and

WHEREAS, the City investigated in detail and found the property of 3390 E. Circulo San Sorrento, to be in violation, and

WHEREAS, Administrative Citation No. A5060 for violation of Operational Requirements and Standard Conditions, specifically related to failure to respond, was issued on July 8, 2017, to Ani Pogosian for the property located at 3390 E. Circulo San Sorrento, Palm Springs; and

WHEREAS, Ani Pogosian, for the property located at 3390 E. Circulo San Sorrento, Palm Springs, filed an administrative appeal of the Administrative Citation No. A5060 violation of Operational Requirements and Standard Conditions in the amount of \$500.00 for the property located at 3390 E. Circulo San Sorrento, Palm Springs with the City Clerk and paid the appeal fee; and

WHEREAS, the Administrative Appeals Board opened and conducted a duly noticed Administrative Appeal Hearing on November 13, 2017; and

WHEREAS, the Administrative Appeals Board has carefully reviewed and considered all the evidence presented in connection with said appeal on November 13, 2017.

THE ADMINISTRATIVE APPEALS BOARD HEREBY FINDS, after due consideration given to the relevancy, weight and credibility of testimony and evidence, and based upon a preponderance of the evidence in accordance with the Board's procedures, as follows:

SECTION 1. That the foregoing Recitals are true and correct and are incorporated herein by this reference.

SECTION 2. The appellant did present adequate evidence to overturn the Administrative Citation of \$500.00 for violation of Operational Requirements and

Standard Conditions for property located at 3390 E. Circulo San Sorrento, Palm Springs.

SECTION 3. The Administrative Appeals Board overturns the administrative fine of \$500.00 to Ani Pogosian for violation of Operational Requirements and Standard Conditions.

SECTION 4. The Administrative Appeals Board directs the City Clerk to deliver a copy of this Resolution to each party and to file a disposition report with the Palm Springs City Council.

PASSED, APPROVED, AND ADOPTED BY THE PALM SPRINGS ADMINISTRATIVE APPEALS BOARD THIS 13th DAY OF NOVEMBER 2017.

JAMES REED
Chair

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RESOLUTION NO. ____

A RESOLUTION OF THE ADMINISTRATIVE APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, UPHOLDING THE TWO-YEAR SUSPENSION OF THE VACATION RENTAL REGISTRATION CERTIFICATE ISSUED TO ANI POGOSIAN FOR THE PROPERTY LOCATED 3390 E. CIRCULO SAN SORRENTO, PALM SPRINGS CALIFORNIA

WHEREAS, Ani Pogosian, individual on title was issued a Suspension of Vacation Rental Registration Certificate for the property located at 3390 E. Circulo San Sorrento, Palm Springs pursuant to Palm Springs Municipal Code Chapter 5.25; and

WHEREAS, the City investigated in detail and found the property of 3390 E. Circulo San Sorrento, to be in violation, and

WHEREAS, Suspension of Vacation Rental Registration Certificate, was issued on September 25, 2017 with effective suspension dates of October 16, 2017 through October 16, 2019, to Ani Pogosian for the property located at 3390 E. Circulo San Sorrento, Palm Springs; and

WHEREAS, Ani Pogosian, for the property located at 3390 E. Circulo San Sorrento, Palm Springs, filed an administrative appeal of the Suspension of Vacation Rental Registration Certificate for the property located at 3390 E. Circulo San Sorrento, Palm Springs with the City Clerk and paid the appeal fee; and

WHEREAS, the Administrative Appeals Board opened and conducted a duly noticed Administrative Appeal Hearing on November 13, 2017; and

WHEREAS, the Administrative Appeals Board has carefully reviewed and considered all the evidence presented in connection with said appeal on November 13, 2017.

THE ADMINISTRATIVE APPEALS BOARD HEREBY FINDS, after due consideration given to the relevancy, weight and credibility of testimony and evidence, and based upon a preponderance of the evidence in accordance with the Board's procedures, as follows:

SECTION 1. That the foregoing Recitals are true and correct and are incorporated herein by this reference.

SECTION 2. The appellant, Ani Pogosian, did not present adequate evidence to overturn the Suspension of Vacation Rental Registration Certificate for the property located at 3390 E. Circulo San Sorrento, Palm Springs.

SECTION 3. The Administrative Appeals Board upholds the Suspension of Vacation Rental Registration Certificate to Ani Pogosian for the property located at 3390 E. Circulo San Sorrento, Palm Springs.

SECTION 4. The Administrative Appeals Board directs the City Clerk to deliver a copy of this Resolution to each party and to file a disposition report with the Palm Springs City Council.

PASSED, APPROVED, AND ADOPTED BY THE PALM SPRINGS ADMINISTRATIVE APPEALS BOARD THIS 13th DAY OF NOVEMBER 2017.

JAMES REED
Chair

ATTEST:

KATHLEEN D. HART, MMC
Interim City Clerk

CERTIFICATION

STATE OF CALIFORNIA)
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KATHLEEN D. HART, MMC
Interim City Clerk

RESOLUTION NO. ____

A RESOLUTION OF THE ADMINISTRATIVE APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, OVERTURNING THE TWO-YEAR SUSPENSION OF THE VACATION RENTAL REGISTRATION CERTIFICATE ISSUED TO ANI POGOSIAN FOR THE PROPERTY LOCATED 3390 E. CIRCULO SAN SORRENTO, PALM SPRINGS CALIFORNIA

WHEREAS, Ani Pogosian, individual on title was issued a Suspension of Vacation Rental Registration Certificate for the property located at 3390 E. Circulo San Sorrento, Palm Springs pursuant to Palm Springs Municipal Code Chapter 5.25; and

WHEREAS, the City investigated in detail and found the property of 3390 E. Circulo San Sorrento, to be in violation, and

WHEREAS, Suspension of Vacation Rental Registration Certificate, was issued on September 25, 2017 with effective suspension dates of October 16, 2017 through October 16, 2019, to Ani Pogosian for the property located at 3390 E. Circulo San Sorrento, Palm Springs; and

WHEREAS, Ani Pogosian, for the property located at 3390 E. Circulo San Sorrento, Palm Springs, filed an administrative appeal of the Suspension of Vacation Rental Registration Certificate for the property located at 3390 E. Circulo San Sorrento, Palm Springs with the City Clerk and paid the appeal fee; and

WHEREAS, the Administrative Appeals Board opened and conducted a duly noticed Administrative Appeal Hearing on November 13, 2017; and

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THE ADMINISTRATIVE APPEALS BOARD HEREBY FINDS, after due consideration given to the relevancy, weight and credibility of testimony and evidence, and based upon a preponderance of the evidence in accordance with the Board's procedures, as follows:

SECTION 1. That the foregoing Recitals are true and correct and are incorporated herein by this reference.

SECTION 2. The appellant, Ani Pogosian, presented adequate evidence to overturn the Suspension of Vacation Rental Registration Certificate for the property located at 3390 E. Circulo San Sorrento, Palm Springs.

SECTION 3. The Administrative Appeals Board overturns the Suspension of Vacation Rental Registration Certificate to Ani Pogosian for the property located at 3390 E. Circulo San Sorrento, Palm Springs.

SECTION 4. The Administrative Appeals Board directs the City Clerk to deliver a copy of this Resolution to each party and to file a disposition report with the Palm Springs City Council.

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ABSTAIN:
RECUSE:

KATHLEEN D. HART, MMC
Interim City Clerk

**NOTICE OF ADMINISTRATIVE HEARING
CITY OF PALM SPRINGS, CALIFORNIA**



**BEFORE THE
ADMINISTRATIVE APPEALS BOARD**

TO: Ani Pogosian
3390 E. Circulo San Sorrento
Palm Springs, CA 92262

DATE: November 1, 2017

anipogosian@yahoo.com

NOTICE IS HEREBY GIVEN, pursuant to Palm Springs Municipal Code §2.50.080(d), of the Appeal Hearing before the Administrative Appeals Board, on the decision of the Department of Vacation Rental Compliance, *Violation of the Palm Springs Municipal Code 5.25*, with respect to vacation rental operations located at 3390 E. Circulo San Sorrento.

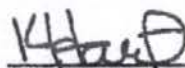
Hearing Date: Monday, November 13, 2017
Hearing Time: 8:30 a.m.
Location: Palm Springs City Hall Council Chamber
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

AFFIDAVIT OF MAILING

State of California)
County of Riverside) ss.
City of Palm Springs)

I, KATHLEEN D. HART, Interim City Clerk, of the City of Palm Springs, California, do hereby certify that the Notice of Hearing before the Administrative Appeals Board was mailed to the parties at the address above, on Thursday, November 2, 2017, in a sealed envelope, with postage prepaid, and depositing same in the U.S. Mail at Palm Springs, California.

I declare under penalty of perjury that the foregoing is true and correct.



Kathleen D. Hart, MMC
Interim City Clerk

As a courtesy, this Hearing Notice was emailed to the Owner mentioned above.

Hearing Deadline 11-19-17



RECEIVED
CITY OF PALM SPRINGS
2017 OCT -5 AM 9:07
OFFICE OF THE CITY CLERK

City of Palm Springs
Department of Vacation Rental Compliance
3200 E. Tahquitz Canyon Way
P. O. BOX 2743, Palm Springs, CA 92263

WRITTEN NOTICE OF APPEAL FORM
For VACATION RENTAL CERTIFICATE SUSPENSION, REVOCATION or DENIAL

If you have received a Suspension, Revocation or Denial Notice of a Vacation Rental Registration Certificate from the City of Palm Springs Vacation Rental Compliance Department, please use this form to request an appeal. You must include payment of the appeal fee with this form.

Appellant Name: Ani

Mailing Address: 3390 E. Circulo San Sorrento

City, State, Zip: Palm Springs, CA 92262

Contact Telephone: (818) 636-3969 Fax: _____

Email: Anipagosiano@yahoo.com

I request an appeal of the Administrative Citation:

Citation Number: A-5129/A-5060 Date of Citation: 9.01.17; 07.08.17
A-1767
Vacation Rental Property Address, if applicable: 3.22.17

PLEASE COMPLETE THE FOLLOWING: (You may use as many additional sheets as necessary. Please be detailed; you may also present facts and evidence at the time of the appeal).

1) State the specific action being appealed.

Please see attachment

2) Specify the grounds for the appeal.

Please see attachment

3) Specify the relief you are seeking.

Please see attachment

This completed form must be sent to:

City of Palm Springs
Office of the City Clerk
3200 E. Tahquitz Canyon Way, P. O. Box 2743, Palm Springs, CA 92263

I am asking you to reconsider the attached citations and give me an opportunity to be able to make living for my kids. This property is bought by my parents and they allow me to rent it out for two weeks of the month to make an income for my family. As I mentioned in my attachments I am a single mom with two kids and this is the only income I have to support my family. If you suspend my listing for two years I don't know what and how am I going to do so. Since month of April I started renting out this property and I paid all my city required taxes on time.

Thank you very much for giving me an opportunity for the appeal and rely on positive outcome of this matter.

Ani Pogosian

A handwritten signature in black ink, appearing to be the initials 'A.P.' or a stylized version of the name 'Ani Pogosian'.

Attachment # 3

Re: Administration Citation A-5129-Trash in Public

I am requesting to reconsider this citation for the following reasons:

The Palm Springs Disposal Services rules and regulations are as followed.

"The extra trash must be placed on the curbs for pick up the next morning".

I called to request for extra trash they strongly advised me that the trash must be placed on the curb for pick up. I also mentioned that even if I have "walk in service" it must be placed on the curbs ant the answer was YES.

Therefore, I will highly appreciate if you could reconsider this citation since it is contradicting the regulations for the homeowners as to which regulations and law follow.

I am also attaching a sworn affidavit from my neighbor that she did have similar situation, after remodeling her house and renewing her furniture she had an extra trash. She did call the Palm Springs Disposal Services and they strongly advised her to place the trash outside on the curb to be picked up.

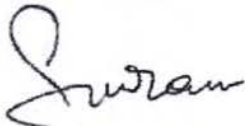
Suzanna Mnatsakanyan
3330 E Circulo San Sorrento Rd
Palm Springs, CA 92262

To Whom It May Concern:

I Suzanna Mnatsakanyan hereby certify, that I had a similar situation with the extra trash and I did called the Palm Springs Disposal Services for pick up. I was advised to place all the extra trash on the curb for pick up otherwise it will not be picked up.

If you have any questions or concerns regarding this matter please do not hesitate to contact me at (818) 439-0711

Sincerely,

A handwritten signature in cursive script, appearing to read "Suzanna", written in dark ink.

Suzanna Mnatsakanyan



CITY OF PALM SPRINGS
Vacation Rental Enforcement
Administrative Citation

A 5129

DATE 9/1/17 DAY OF WEEK Friday TIME 1:40 AM PM

LOCATION OF VIOLATION
3390 E Circulo San Sorrento

Agent Property Owner
 Tenant Other

NAME (First, Middle, Last): Ani Pogosian TDT USA1 DL or ID

ADDRESS 3390 E Circulo San Sorrento, Palm Springs CITY STATE ZIP

You are being issued an Administrative Citation for the following Code provision(s): CA, 92262

Count	PSMC	Description
1.	<u>5.25.070 (k)</u>	<u>Trash</u>
2.		
3.		

COMPLIANCE ORDER

You are ordered to correct or otherwise remedy this/these violations by Immediately

You are further ordered to pay an Administrative Fine as prescribed in the schedule below for each court listed above. Payment must be paid in full by the compliance date to avoid additional penalties. The total CITATION PENALTY due is \$ 500.00

ADMINISTRATIVE FINE SCHEDULE

First Citation in a 12-Month Period \$600.00 per count
Failure to correct the violation and pay the Administrative Fine within 10-days will result in an additional \$500.00 penalty.

Second Citation in a 12-Month Period \$1,000.00 per count
SECOND ATTEMPT TO OBTAIN COMPLIANCE. Failure to correct the violation and pay ALL Administrative Fines within 10-days will result in an additional \$1,000.00 penalty.

Citation in a _____ Month Period \$1,000.00 per count
FINAL ATTEMPT TO OBTAIN COMPLIANCE - FAILURE TO COMPLY MAY RESULT IN A PUBLIC NUISANCE PROCEEDINGS AND OTHER ENFORCEMENT ACTIONS - ALL COSTS ASSOCIATED WITH PUBLIC NUISANCE PROCEEDINGS MAY BE LIENED AGAINST THE SUBJECT PROPERTY IF NOT PAID BY THE RESPONSIBLE PARTY.

Patricia VRCO
Name and Dept. of Issuing Enforcement Officer
Patricia
Signature

9/7/17
Date of Issuance
Type of Service
 Personal
 Mail

SEE REVERSE SIDE FOR PAYMENT AND OTHER INFORMATION

WHITE: Property Owner/Resident • YELLOW: Processing • PINK: File

Attachment # 2

Re: Administration Citation A-5060-Failure to Respond

It is very unclear to me how I failed to respond. I received a phone call from City Representative at 12:20 AM that he is outside of my house because of the Music outside. While I was on the phone he demanded in a very rude and aggravated tone that I must get to my property within 20 min. I tried to explain to him that I am a single mom with two toddlers and I was in Los Angeles, instead I can ask my sister to get there, since I knew she was in Palm Springs at that moment and could have made it in that time frame. However, the representative from the City of Palm Springs hang up the phone without giving me an answer. I tried calling him back several times with no answer. Nevertheless, I contacted my sister to get to my property as soon as possible. When she got there the representative had left. I was on the phone with my guests while my sister was in my house the guests were very shocked with the rudeness of this man.

Eventually the guests were issued a Citation in the amount of \$1000.00 as well as the home owner in the amount of \$500.00 and an additional \$500.00 for not responding.

I do agree that the violation of law is punishable but also would like you to reconsider this citation since It was very late, as I mentioned I am a single mom could not possibly get there in 20 minutes as he was demanding even if I had an helicopter in my backyard however, my sister was available and did appear at the property.



CITY OF PALM SPRINGS
Vacation Rental Enforcement
Administrative Citation

A 5060

DATE	DAY OF WEEK	TIME	AM <input checked="" type="radio"/> PM
07-08-17	SATURDAY	8:15	

LOCATION OF VIOLATION
3390 E CIRCULO SAN SORRENTO

Agent Property Owner
 Tenant Other

NAME (First, Middle, Last): ANI POGOSIAN DL or ID

ADDRESS CITY STATE ZIP
345 N JACKSON #108 GLENDALE, CA 91206

You are being issued an Administrative Citation for the following Code provision(s).

Count	PSMC	Description
1	5.25.070.J	failure to respond timely
2		
3		

COMPLIANCE ORDER

You are ordered to correct or otherwise remedy this/these violations by Immediate.

You are further ordered to pay an Administrative Fine as prescribed in the schedule below for each count listed above. Payment must be paid in full by the compliance date to avoid additional penalties. The total CITATION PENALTY due is \$ 500.

ADMINISTRATIVE FINE SCHEDULE

First Citation in a 12-Month Period \$500.00 per count
Failure to correct the violation and pay the Administrative Fine within 10-days will result in an additional \$500.00 penalty.

Second Citation in a 12-Month Period \$1,000.00 per count
SECOND ATTEMPT TO OBTAIN COMPLIANCE. Failure to correct the violation and pay ALL Administrative Fines within 10-days will result in an additional \$1,000.00 penalty.

_____ Citation in a _____ Month Period \$1,000.00 per count
FINAL ATTEMPT TO OBTAIN COMPLIANCE - FAILURE TO COMPLY MAY RESULT IN A PUBLIC NUISANCE PROCEEDINGS AND OTHER ENFORCEMENT ACTIONS - ALL COSTS ASSOCIATED WITH PUBLIC NUISANCE PROCEEDINGS MAY BE LIENED AGAINST THE SUBJECT PROPERTY IF NOT PAID BY THE RESPONSIBLE PARTY.

D. Williams VRCO
Name and Dept. of Issuing Enforcement Officer
David Williams
Signature

07-12-17
Date of Issuance
Type of Service
 Personal
 Mail

SEE REVERSE SIDE FOR PAYMENT AND OTHER INFORMATION
WHITE: Property Owner/Resident • YELLOW: Processing • PINK: File

Attachment # 1

Re: Administration Citation A-1767-Failure to Register

Please be advised that at the time of purchasing this property located at 3390 E Circulo San Sorrento Rd in Palm Springs the prior owners were advertising as Vacation Rental in many websites in active status. As the escrow had closed on February 27, 2017 my parents started remodeling the property from inside and outside, the entire process took 45 days to be completed which was beginning of April.

On March 22, 2017 as we were in the middle of construction I received a Citation for failure to register, however as a new owner I didn't advertised at that time it was still the advertisement of the prior owner. I called the City of Palm Springs, explained the situation however, since the property was already under my name I end up paying this citation. Which I find it very unfair. If the City of Palm Springs has access to search the Title of the property they also have an opportunity to go on different vacation rentals website and compare the length of the advertisements or at least compare the photos that does not much with the new owner's furniture and style.



CITY OF PALM SPRINGS
Vacation Rental Enforcement
Administrative Citation

A 1767

DATE 3/20/17 DAY OF WEEK Wednesday TIME 12:08 AM

LOCATION OF VIOLATION:
3390 E. Cinculo San Serrano

Business Owner Property Owner
 Tenant Other

NAME (First, Middle, Last): Ani Pogorian DL or ID

ADDRESS 3390 E. Cinculo San Serrano CITY STATE ZIP

You are being issued an Administrative Citation for the following Code provision(s).

Count	PSMC	Description
1.	5.25.040	Failure to Reg. SFM
2.		
3.		

COMPLIANCE ORDER

You are ordered to correct or otherwise remedy this/these violation by immediate

You are further ordered to pay an Administrative Fine as prescribed in the schedule below for each count listed above. Payment must be paid in full by the compliance date to avoid additional penalties. The total CITATION PENALTY due is \$ 750

ADMINISTRATIVE FINE SCHEDULE

First Citation in a 12-Month Period \$250.00 per count
Failure to correct the violation and pay the Administrative Fine within 10-days will result in an additional \$250.00 penalty.

Second Citation in a 12-Month Period \$500.00 per count
SECOND ATTEMPT TO OBTAIN COMPLIANCE. Failure to correct the violation and pay ALL Administrative Fines within 10-days will result in an additional \$500.00 penalty.

Citation in a _____ Month Period \$500.00 per count
FINAL ATTEMPT TO OBTAIN COMPLIANCE. - FAILURE TO COMPLY MAY RESULT IN PUBLIC NUISANCE PROCEEDINGS AND OTHER ENFORCEMENT ACTIONS. - ALL COSTS ASSOCIATED WITH PUBLIC NUISANCE PROCEEDINGS MAY BE LIENED AGAINST THE SUBJECT PROPERTY IF NOT PAID BY THE RESPONSIBLE PARTY.

Cindy Guscato
Name and Dept. of Issuing Enforcement Officer

[Signature]
Signature

3/22/17
Date of Issuance

Type of Service
 Personal
 Mail

SEE REVERSE SIDE FOR PAYMENT AND OTHER INFORMATION
WHITE: Property Owner/Resident • YELLOW: Processing • PINK: File



City of Palm Springs

3200 E. Tahquitz Canyon Way • Palm Springs, California 92262

web: www.palmspringsca.gov

Department of Vacation Rental Compliance

September 25, 2017

Ani Pogosian
345 N. Jackson Street #108
Glendale, CA 91206

Re: Suspension of Short Term Vacation Rental Registration Certificate for 3390 E. Circulo San Sorrento, Palm Springs

Upon review of the recent activity at your short term rental property at 3390 E. Circulo San Sorrento in Palm Springs, the City is suspending your Vacation Rental Registration Certificate for a period of two (2) years. Effective immediately, you must cease advertising your property as a short term rental. In order to minimize the negative impact to near term guests visiting our City who may be currently booked at your property, the suspension period will begin on October 16, 2017 and end on October 16, 2019.

During the suspension period, your property may not be rented for short term stays (28 days or less) but you may rent your property as a long term rental.

This suspension is being made in accordance with the City of Palm Springs Municipal Code (PSMC) Section 5.25.090(b) as follows:

"Upon the third violation in any twelve month period, the City Manager shall suspend the Vacation Registration Certificate for two (2) years."

During the last twelve (12) months, the following citations have been issued to the property (copies are attached):

3/22/17	Administrative Citation A1767-Failure to Register issued by Vacation Rental Dept.
7/8/17	Administrative Citation A5058-Outside Music; Vehicles issued by Vacation Rental Dept.
7/8/17	Administrative Citation A5060-Failure to Respond issued by Vacation Rental Dept.
9/1/17	Administrative Citation A5129-Trash in Public View issued by Vacation Rental Dept.

During your suspension, Transient Occupancy Tax returns and annual renewal fees will still be due unless you choose to complete and submit the enclosed Owner's Request to Close TOT Permit and Vacation Rental Certificate form.

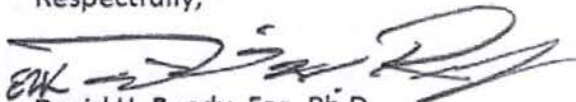
You have the right to appeal this suspension pursuant to PSMC Section 5.25.090(f), and pursuant to Administrative Regulation dated 8/2017 (copy attached), your appeal will be heard by the Administrative Appeals Board in accordance with PSMC Chapter 2.50. Any appeal of the third Administrative Citation A5060 or fourth Administrative Citation A5129 will be addressed at this Administrative Appeals Board hearing pursuant to the Administrative Regulation. Please also see the attached Written Notice of Appeal Form and Filing Process information; or feel free to contact the Vacation Rental Compliance Department at 760-322-8370/8372 with questions.

Should you choose to appeal this suspension, your suspension does go into effect on October 16, 2017 in accordance with this letter, and it remains in effect pending the outcome of the Administrative Appeals Board hearing. Advertising or operating as a vacation rental prior to the determination of the Administrative Appeals Board is a violation of PSMC Section 5.25.090(c).

To exercise your option to appeal, your completed Written Notice of Appeal Form with the non-refundable appeal fee of \$764.00 must be received by the City Clerk's office no later than October 10, 2017 and should be addressed to:

City of Palm Springs
c/o Kathleen D. Hart, Interim City Clerk
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92263

Respectfully,


David H. Ready, Esq. Ph.D.
City Manager

cc: Edward Z. Kotkin, City Attorney
Boris Stark/Suzanne Severin, VR Compliance Officials



City of Palm Springs

3200 E. Tahquitz Canyon Way • Palm Springs, California 92262
Tel: (760) 322-8377 / 323-8257 • Fax: (760) 322-8317 • Web: www.palmspringsca.gov
Department of Vacation Rental Compliance

September 13, 2017

Ani Pogosian
345 N Jackson St #108
Glendale, CA 91206

Subject: CITATION NOTICE – VACATION RENTAL

Reference: Vacation Rental Property: 3390 E Circulo San Sorrento Rd, Palm Springs, CA 92262

Enclosure: Administrative Regulation – Violation Count for Purposes of Suspending a Vacation Rental Certificate

Dear Vacation Rental Owner:

The attached Administrative Citation has been issued for a violation at your Vacation Rental property.

Please be advised that our office has the following citations recorded for your Vacation Rental property:

DATE OF VIOLATION	CITATION NUMBER	VIOLATION	PSMC
03/20/2017	A1767	Failure to Register	5.25.040
07/08/2017	A5058	Outside Music, Over Occupancy Limit (Parking)	5.25.070(g) 5.25.070(f)
07/12/2017	A5060	Failure to Respond	5.25.070(j)
09/07/2017	A5129	Trash in Public View	5.25.070(k)

Pursuant to Palm Springs Municipal Code §5.25.090(b), "Upon the third violation in any twelve month period, the City Manager shall suspend the Vacation Rental Certificate for two (2) years". In accordance with the enclosed Administrative Regulation, you may appeal this Administrative Citation and the suspension of the Vacation Rental Registration Certificate will be heard by the Administrative Appeals Board, according to PSMC Chapter 2.50.

If you have any questions, please do not hesitate to contact our offices at (760) 322-8372/8370 or (760) 323-8257.

Sincerely,


Amanda McWilliams
Sr. Accounting Technician
Vacation Rental Compliance Department

Cc: Suzanne Severin, Vacation Compliance Official
Boris Stark, Vacation Rental Compliance Official

Post Office Box 2743 • Palm Springs, California 92263-2743



CITY OF PALM SPRINGS
Vacation Rental Enforcement
Administrative Citation

A 5129

DATE 9/1/17 DAY OF WEEK Friday TIME 1:40 AM PM

LOCATION OF VIOLATION
3390 E Circulo San Sorrento

Agent Property Owner
 Tenant Other

NAME (First, Middle, Last): Ani Pogosian TDT DL or ID [REDACTED]

ADDRESS 3390 E Circulo San Sorrento, Palm Springs CITY STATE ZIP

You are being issued an Administrative Citation for the following Code provision(s). CA, 92262

Count	PSMC	Description
1.	5.25.070 (k)	Trash
2.		
3.		

COMPLIANCE ORDER

You are ordered to correct or otherwise remedy this/these violations by Immediately

You are further ordered to pay an Administrative Fine as prescribed in the schedule below for each count listed above. Payment must be paid in full by the compliance date to avoid additional penalties. The total CITATION PENALTY due is \$ 500.00

ADMINISTRATIVE FINE SCHEDULE

First Citation in a 12-Month Period **\$500.00 per count**
Failure to correct the violation and pay the Administrative Fine within 10-days will result in an additional \$500.00 penalty.

Second Citation in a 12-Month Period **\$1,000.00 per count**
SECOND ATTEMPT TO OBTAIN COMPLIANCE. Failure to correct the violation and pay ALL Administrative Fines within 10-days will result in an additional \$1,000.00 penalty.

_____ Citation in a _____ Month Period **\$1,000.00 per count**
FINAL ATTEMPT TO OBTAIN COMPLIANCE - FAILURE TO COMPLY MAY RESULT IN A PUBLIC NUISANCE PROCEEDINGS AND OTHER ENFORCEMENT ACTIONS - ALL COSTS ASSOCIATED WITH PUBLIC NUISANCE PROCEEDINGS MAY BE LIENED AGAINST THE SUBJECT PROPERTY IF NOT PAID BY THE RESPONSIBLE PARTY.

Pat Clifford VPCD
Name and Dept. of Issuing Enforcement Officer

Pat Clifford
Signature

9/7/17
Date of Issuance

Type of Service
 Personal
 Mail

SEE REVERSE SIDE FOR PAYMENT AND OTHER INFORMATION

WHITE: Property Owner/Resident • YELLOW: Processing • PINK: File

ADMINISTRATIVE CITATION- \$500.00



City of Palm Springs

Vacation Rental Compliance Department

3200 E. Tahquitz Canyon Way, PO BOX 2743, Palm Springs, CA 92263

Date of Issuance: 09/07/2017

Enclosed: Administrative Citation NO. A5129; Administrative Fine \$500.00

Ani Pogolian
3390 E Circulo San Sorrento
Palm Springs, CA 92262

City ID Number 2068

You are hereby notified that a Palm Springs Municipal Code violation of Section 5.25.070 (k) has been determined to exist on the property listed below. You are specifically responsible to ensure that this violation is corrected in compliance with this notice and to pay the Administrative Fine as required by the attached Administrative Citation.

I. ADDRESS WHERE VIOLATION OCCURRED:

3390 E Circulo San Sorrento Rd, Palm Springs, CA 92262

II. DESCRIPTION OF VIOLATION:

City of Palm Springs Vacation Rental Code Compliance Officer found trash stored in public view at 1:40pm, and this was not the designated trash day. Specifically, there were 7 trash bags on the grass at the property 3390 E Circulo San Sorrento Rd on Friday September 1st at 1:40pm. The designated trash day for this address is Thursday.

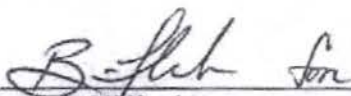
III. CODE SECTION:

5.25.070 Operational requirements and standard conditions.

(k) Trash and refuse shall not be left stored within public view, except in proper containers for the purpose of collection by the collectors and between the hours of five am and eight pm on scheduled trash collection days.

If you have any questions, please contact Amanda McWilliams at (760) 323-8257 Monday – Thursday 8am-6pm.

Thank you for your attention in this matter.


Patrick Clifford
Vacation Rental Code Compliance Officer

Vacation Rental Code Compliance Officer Event Report

Submission Date	2017-09-01 14:30:23
Date	2:22 PM
Time	2:20 PM
Is this report based on a proactive finding, a lead from the community or response to a call into the hotline?	Hotline Call
Time received the complaint from the Hotline:	1:25 PM
Vacation Rental Address	3390 e circulo San sorrento 92262
Is this a registered vacation rental?	Yes
Type of a Complaint Reported: (You may select more then one)	Trash containers visible from the street view Other
Please add type of complaint below:	Pile of trash on the grass
Time arrived at the property:	1:40 PM
Upon Arrival found the following:	Trash visible from the street view
Was Citation issued?	No

If no citation was issued, what action was taken to resolve or to prevent same complaint from reoccurring:

Called property contact Lousine and advised of the trash. Lousine stated she had a scheduled pick up for that trash on Wednesday 8/30 and it should have been picked up. I called Palm Springs Disposal Service and verified that a pick up was scheduled. An additional pickup was scheduled on Tuesday 8/29 for 8 bags, but not for the additional that was placed. The disposal driver did state that additional bags were left because only 8 bags were scheduled for pickup. I called back the contact Lousine and she stated that her sister was en route to clean it up. Also guest arrived during that time and I introduced myself and gave them a brochure and advised I was there for the trash notification.

Code Compliance Officer Email:

patrick.clifford@palmsspringsca.gov

Code Compliance Officer submitting the form:

Patrick Clifford

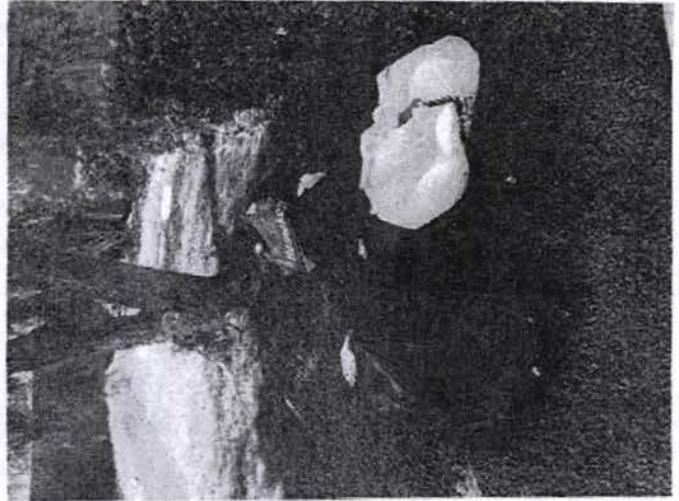
Has this event been communicated to the Local Contact for this property?

Yes

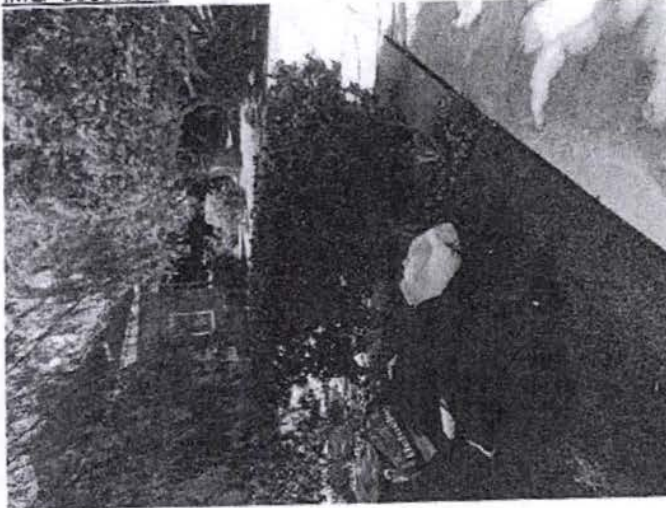
Please attach 2-3 pictures as needed to support your findings. Pictures of the front of the home with address are a must along with a picture of the violation if applicable



IMG_0085.JPG



IMG_0086.JPG



IMG_0087.JPG

Vacation Rental Code Compliance Officer Event Report

Submission Date	2017-09-07 11:39:40
Date	11:18 AM
Time	11:20 AM
Is this report based on a proactive finding, a lead from the community or response to a call into the hotline?	Hotline Call
Time received the complaint from the Hotline:	1:25 AM
Vacation Rental Address	3390 E Circulo San Sorrento 92262
Is this a registered vacation rental?	Yes
Type of a Complaint Reported: (You may select more then one)	Trash containers visible from the street view Other
Please add type of complaint below:	Pile of trash bags on grass
Time arrived at the property:	1:40 PM
Upon Arrival found the following:	Trash visible from the street view
Was Citation issued?	Yes
Name of Person Citation being issued to:	Ani Pogosian
Citation Number (if applicable)	A5129
Code Section Violated:	Trash visible from public view 5.25.070(k)
Total time amount witnessing the violation:	10 minutes
At which location on the property or off the property were you present when you witnessed the violation?	On street in front of the location

Additional Notes:

**Amendment to event report 2017-09-01 14:30:23

Changes: Was Citation Issued? Changed from "No" to "Yes".

Upon further review, property owner was only allowed to place an approved amount of trash bags for pickup by the Palm Springs Disposal Service. On the scheduled pick up day, PSDS picked up the approved amount of trash bags but did not pick up the additional trash bags left for pick up. The scheduled pick up date was Tuesday 08/29/2017. On Friday 09/01/2017, the remaining bags of trash were in view of public, not stored in approved trash bins and not on a regular scheduled trash pick up day. Issued citation.

**Code Compliance Officer
Email:**

patrick.clifford@palm Springsca.gov

**Code Compliance Officer
submitting the form:**

Patrick Clifford

**Has this event been
communicated to the Local
Contact for this property?**

Yes

Suzanne Severin

From: Ray Keller
Sent: Tuesday, October 31, 2017 4:57 PM
To: 'carla@palmspringsdisposal.com'
Cc: Suzanne Severin
Subject: 3390 E Circulo San Sorrento / trash service

Hello Carla,

It was my pleasure to speak with you regarding additional trash pick-ups for the above address. As we discussed, this address has already been on notice by your agency for frequent requests of additional trash pick-ups outside the scope of your normal service, with you advising the owner that they should actually upgrade their service due to likely additional charges being levied for their supplementary requests.

In addition, you confirmed that when an extra pick-up for a particular number of bags is requested by the owner and scheduled, that number is what the collectors anticipate picking up. While the collectors might take an occasional extra bag, any bags above and beyond the number scheduled by the owner are not required and may be left behind by the collectors.

Carla, if you would, look over the conversation as I understood it, and feel free to correct me on any points I may have in error. ~~Any sort of documentation you may have as to policies / procedures for this would be helpful, if such a thing even exists.~~ At any rate, I look forward to working with you in my capacity here in Vacation Rentals. Thanks very much!

Best,

Ray



Ray Keller | Account Clerk II
Department of Vacation Rental Compliance | Office of the City Manager
Email: ~~Ray.Keller@palmspringsca.gov~~ | Office: ~~760.322.8377~~ | Fax: ~~760.322.8317~~
~~425 N Civic Dr, Palm Springs, CA 92262-0331~~

Vacation Rental Compliance Office is open 8 am – 6 pm Monday through Thursday, and closed on Fridays



CITY OF PALM SPRINGS
Vacation Rental Enforcement
Administrative Citation

A 5060

DATE	DAY OF WEEK	TIME	AM PM
07-08-17	Saturday	8:15	PM

LOCATION OF VIOLATION
3390 E CIRCULO SAN SORRENTO

Agent Property Owner
 Tenant Other

NAME (First, Middle, Last): DL or ID
ANI POGOSIAN

ADDRESS CITY STATE ZIP
345 N JACKSON #108 GLENDALE, CA 91206

You are being issued an Administrative Citation for the following Code provision(s).

Count	PSMC	Description
1	5.25.070.J	failure to respond timely
2		
3		

COMPLIANCE ORDER

You are ordered to correct or otherwise remedy this/these violations by Immediate.

You are further ordered to pay an Administrative Fine as prescribed in the schedule below for each count listed above. Payment must be paid in full by the compliance date to avoid additional penalties. The total CITATION PENALTY due is \$ 500.

ADMINISTRATIVE FINE SCHEDULE

First Citation in a 12-Month Period **\$500.00 per count**
Failure to correct the violation and pay the Administrative Fine within 10-days will result in an additional \$500.00 penalty.

Second Citation in a 12-Month Period **\$1,000.00 per count**
SECOND ATTEMPT TO OBTAIN COMPLIANCE. Failure to correct the violation and pay ALL Administrative Fines within 10-days will result in an additional \$1,000.00 penalty.

_____ Citation in a _____ Month Period **\$1,000.00 per count**
FINAL ATTEMPT TO OBTAIN COMPLIANCE - FAILURE TO COMPLY MAY RESULT IN A PUBLIC NUISANCE PROCEEDINGS AND OTHER ENFORCEMENT ACTIONS - ALL COSTS ASSOCIATED WITH PUBLIC NUISANCE PROCEEDINGS MAY BE LIENED AGAINST THE SUBJECT PROPERTY IF NOT PAID BY THE RESPONSIBLE PARTY.

D. Williams VRCO
Name and Dept. of Issuing Enforcement Officer
David Williams
Signature

07-12-17
Date of Issuance
Type of Service
 Personal
 Mail

SEE REVERSE SIDE FOR PAYMENT AND OTHER INFORMATION
WHITE: Property Owner/Resident • YELLOW: Processing • PINK: File

CITY OF PALM SPRINGS
DEPARTMENT OF VACATION RENTAL COMPLIANCE
2022 - ADMINISTRATIVE CITATION
IMPORTANT INFORMATION - PLEASE READ
COMPLETELY AND CAREFULLY

You have been issued an Administrative Citation for violation(s) as indicated on the reverse. **ADDITIONAL VIOLATIONS MAY RESULT IN THE CRIMINAL PROSECUTION AND/OR ADDITIONAL ADMINISTRATIVE FINES.**

HOW TO PAY THE FINE

The amount of fine is indicated on the front of the Administrative Citation. The fine must be paid within fifteen (15) calendar days from the date the citation is deemed served. Payment can be made by credit/debit card online at www.CitationProcessingCenter.com or by calling 1-800-969-6158. Payments are also accepted in the form of a cashier's check, personal check, or money order payable to the City of Palm Springs. Payment of the fine does not excuse or discharge any responsibility and legal consequences for continuation or reported occurrences of the violation(s). Write the citation number on the check/money order, and mail it to the address below. **(DO NOT send your payment to the City of Palm Springs Offices.)**

City of Palm Springs Administrative Citation Program
P.O. Box 7275
Newport Beach, CA 92658-7275

HOW TO APPEAL THIS CITATION

Payment must be made prior to appealing a citation. A responsible party receiving an administrative citation may appeal such citation within fifteen (15) calendar days from the date the citation is deemed served. An appeal must be filed in writing by using the standard Appeal Form available from the City's website at www.palmspringsca.gov specifying the appellant's full name, mailing address, citation number, and the basis for the appeal. You may also appeal after paying on-line at www.CitationProcessingCenter.com. **(DO NOT send your appeal request to the City of Palm Springs Offices; send it to the payment address above.)**

FAILURE TO ANSWER OR PAY PENALTY FOR VIOLATION(S)

Failure to pay the penalty or contest the citation within fifteen (15) calendar days may result in additional administrative fines and the recordation of a special lien against your property. In addition, notification may be made to the State of California Franchise Tax Board.

Palm Springs Municipal Code provides for the issuance of administrative citations for Municipal Code Violations. Fines are cumulative and citations may be issued each day the violation exists. Each and every day a violation is unaddressed constitutes a separate and distinct offense and shall be subject to citation.

ADDITIONAL INFORMATION

For further information regarding the specific citation, compliance order, or to request an extension of the compliance date, please contact the City of Palm Springs Vacation Rental Compliance Department.

Additional Enforcement Officer Notes:

ADMINISTRATIVE CITATION- \$1,000.00



**City of Palm Springs
Vacation Rental Compliance Department**

3200 E. Tahquitz Canyon Way, PO BOX 2743, Palm Springs, CA 92263

Date of Issuance: July 12, 2017

Ani Pogosian
345 N Jackson St. #108
Glendale, CA 91206

You are hereby notified that a Municipal Code violation of Sections 5.25.070 (j) occurred on July 8, 2017 at 8:15 p.m.. You are specifically responsible to pay the \$500.00 Administrative Fine as required by the attached Administrative Citation #A5060.

I. ADDRESS WHERE VIOLATION OCCURRED:

3390 E Circulo San Sorrento Rd., Palm Springs CA 92262

II. DESCRIPTION OF VIOLATION:

The City of Palm Springs Vacation Rental 24 Hour Hotline received a call regarding the above property on 07/08/17 at 7:18 p.m. regarding music disturbances at the property. When the Palm Springs V.R.C.D. Officers arrived, audible music was heard from the property line and seven vehicle were parked at the property. The Officers made contact with Ani Pogosian and requested she appear at the vacation rental property in a timely manner, which she failed to do.

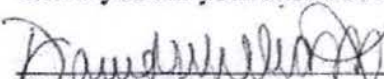
III. CODE SECTION(s):

5.25.070 Operational requirements and standard conditions.

(j) Failure of the Owner or his or her agent to respond to calls or complaints regarding the condition, operation, or conduct of occupants of the Vacation Rental in a timely and appropriate manner shall be grounds for imposition of penalties as set forth in this Chapter. It is not intended that an Owner, agent, or Local Contact Person act as a peace officer or place himself or herself in an at-risk situation.

To pay and/or appeal this citation, please refer to the back of the ticket. If you have any questions, please contact Amanda McWilliams at (760) 323-8257 or Rita Huber-Germscheid at (760) 322-8377 Monday – Thursday 8am-6pm.

Thank you for your attention in this matter.



David Williams
Vacation Rental Enforcement

Suzanne Severin

From: dispatcher@secure.centralcomm.com
Sent: Saturday, July 08, 2017 8:24 PM
To: Suzanne Severin; Boris Stark; Edward Torres; Patrick Clifford; David Williams
Subject: 3390 E Circulo San Sorrento Rd

(1) IN: 2017-07-08 07:12PM MAS

445

CID: (760) 323-8200

Call Type:(R) Urgent Complaint

Name: Declined

Tel#: Declined

Addr: Declined

Street #:(D) 3390

Street Name:(D) E Circulo San Sorrento

Address in Directory: Yes

SUSPENDED ACCOUNT? No

Complaint:

They are screaming and shouting, and have loud music playing. There is about 9 cars there and seems like more keep showing up.

Property access permitted: no

Call back needed: no

Gate code: no

O/C: Edward Torres

RESOLUTION:

Time O/C checked in w/resolution: 8:20p

Resolution:

A citation for \$1000 was issued.

Time resolution given to caller: N/A

***** ACTIVITIES *****

1) 07-08 07:16PM MAS Dial Edward Torres [M] 7608838747

2) 07-08 07:17PM MAS MACRO + A

3) 07-08 07:17PM MAS EDIT

4) 07-08 07:17PM MAS Email

5) 07-08 07:17PM MAS ACTN SET DELAY=003

6) 07-08 07:17PM *EM EMAIL OK: Initial Notice Email,

~~Edward.torres@palmspringsca.gov; Patrick.clifford@palmspringsca.gov; david.williams@palmspringsca.gov~~

7) 07-08 07:18PM MAS ACTN SET DELAY=060

8) 07-08 07:18PM MAS rlyd to ED

9) 07-08 08:23PM TRN OFC CHECK-IN David

10) 07-08 08:23PM DMGS GET DELAY ACTN

11) 07-08 08:24PM TRN MACRO + E

12) 07-08 08:24PM TRN EDIT

13) 07-08 08:24PM TRN Email

14) 07-08 08:24PM TRN ACTN SET DELAY=060

***** END OF MESSAGES *****

Vacation Rental Code Compliance Officer Event Report

Submission Date	2017-07-08 21:50:09
Date	8:53 PM
Time	8:50 PM
Time received the complaint from the Hotline:	7:15 PM
Vacation Rental Address	3390 E Circulo San Sorrento 92262
Is this a registered vacation rental?	Yes
Type of a Complaint Reported: (You may select more then one)	Music coming from the property Parking - Number of cars
Time arrived at the property:	7:25 PM
Upon Arrival found the following:	Music at the property line Parking violation - Number of cars exceed the limit
Was Citation issued?	Yes
Type of a noise source? (TV, radio, Bluetooth speaker, people yelling, etc)	Extremely loud music
Location of the noise source? (ex. outside patio, inside of the home, bedroom, etc)	Rear yard
Citation Number & Code Section violated:	A 5058
Total time amount witnessing the violation:	10 minutes
At which location on the property or off the property were you present when you witnessed the violation?	Middle of street in front of property and two houses north.

Additional Notes:

Arrived at the property with Officer Clifford and could hear extremely loud music upon arrival. We approached the property and knocked on the door and rang the bell. An Asian or Hispanic female approximately late 20's answered the door and I asked for the person who signed the rental agreement. She left and came back with the an Asian/Hispanic male approximately mid 20's. I advised them that we were responding to a noise complaint and asked for his ID. he asked why and I advised him that I had to hissue a citation for the noise violation and for having too many vehicles. He stopped talking at this point and the original female that answered the door spoke and said just give us a warning. I told her that was not an option. She refused to give her ID. I advised her that I would call the property owner and have her appear. She said so what. I called the property owner and she indicated she was in LA and could not come. I told her that one of the two contacts must appear within 30 minutes. She said the other contact was her daughter, who lived out here, but that she was not home and at least 40 to 50 minutes. I advised her that I had to issue a citation and that she renter is refusing her ID and saying that she was not aware of any of the rules as the property owner never told them. The property owner said that is not true it is on the website. I asked her if she met the renter at the property, went over the rules and had her sign the city document and she said yes and then said she knew the rules from the website. I clarified so you did not meet her. She said I did, but she did not sign the city rules, but knew about them from airbnb. I advised her that I would be calling the PD to have them get the ID. SHe said give me five minutes and I will have her give you her ID. The tenant came outside and was about to give us her ID and said the owner told us you would just give us a warning. I told her that is not correct and she got on the phone with the owner again. I called the PD and they said they would get someone out as soon as they could. During this time a 7th vehicle arrived, parked on the street and entered the property. The PD arrived in 5 minutes. We explained that the renter would not provide ID. We approached the door with the two officers and she came outside. The female came out and police advised her she needed to provide her ID. She started telling the officers that we take out job way too seriously, ~~we were aggressive and scary to her~~ She said we were 300 pounds and did not explain anything to her, just bullied her and that we walked up to her with our white privilege. She said that the officer was too he said I'm brown like you and she said no your ten you don't know. She finally provided the ID to PD and they gave it to me to complete the citation. I handed the ID' citation and business card to the officer and he gave it to her. We left the property as she continued to Argue with the officer. As we were leaving the property owner called back and wanted to know what happened. I explained that the renter was having again to her that the renter was having a very loud party at the property and had too many vehicles so we issued a citation to her. I also informed her that she would be getting a citation in the mail for failure to arrive within 30 minutes. She said what do I need to do to make it a warning. I said I do not have the option of warning her and she said please and then started to fake cry and cough. I said once you get the citation in the mail there are appeal instructions on the reverse and she could call the number provided with any questions. I thanked her and said good night.

**Code Compliance Officer
submitting the form:**

David Williams

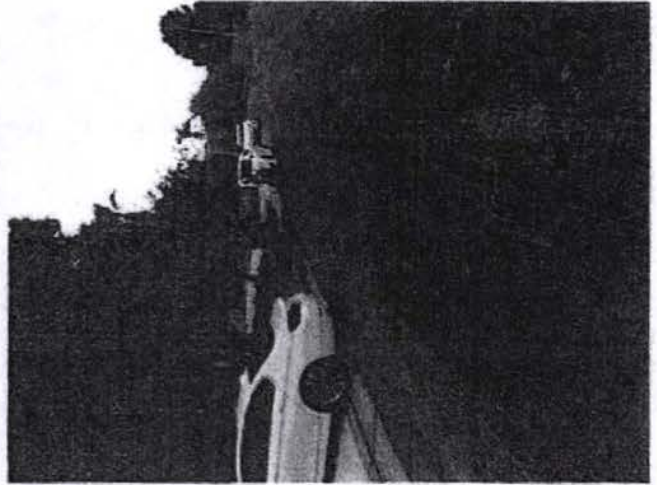
**Code Compliance Officer
Email:**

~~David.williams@palmsspringsca.gov~~

Please attach 2-3 pictures as needed to support your findings. Pictures of the front of the home with address are a must along with a picture of the violation if applicable



IMG_0185.JPG



IMG_0186.JPG



IMG_0187.JPG



CITY OF PALM SPRINGS
Vacation Rental Enforcement
Administrative Citation

A 5058

DATE: 7-8-17 DAY OF WEEK: SAT TIME: 7:35 AM/PM: PM

LOCATION OF VIOLATION: 3390 E. CIRCULO SAN SORRENTINO

Agent Property Owner
 Tenant Other:

NAME (First, Middle, Last): Cecilia FERRO DL or ID: [REDACTED]

ADDRESS: 1620 FIRST ST N BL LA, CA 90007 CITY: LA STATE: CA ZIP: 90007

You are being issued an Administrative Citation for the following Code provision(s):

Count PSMG Description

- 5.25.070(S) MUSIC
- 5.25.070(C) TOO MANY VEHICLES
-

COMPLIANCE ORDER
 You are ordered to correct or otherwise remedy this/these violation(s) by Immediate
 You are further ordered to pay an Administrative Fine as prescribed in the schedule below for each count listed above. Payment must be paid in full by the compliance date to avoid additional penalties. The total CITATION PENALTY due is \$ 1,000

ADMINISTRATIVE FINE SCHEDULE
 First Citation in a 12-Month Period \$500.00 per count
Failure to correct the violation and pay the Administrative Fine within 10-days will result in an additional \$500.00 penalty.
 Second Citation in a 12-Month Period \$1,000.00 per count
SECOND ATTEMPT TO OBTAIN COMPLIANCE. Failure to correct the violation and pay ALL Administrative Fines within 10-days will result in an additional \$1,000.00 penalty.
 Citation in a _____ Month Period \$1,000.00 per count
FINAL ATTEMPT TO OBTAIN COMPLIANCE. FAILURE TO COMPLY MAY RESULT IN A PUBLIC-NUISANCE PROCEEDINGS AND OTHER ENFORCEMENT ACTIONS - ALL COSTS ASSOCIATED WITH PUBLIC NUISANCE PROCEEDINGS MAY BE LIENED AGAINST THE SUBJECT PROPERTY IF NOT PAID BY THE RESPONSIBLE PARTY.

DAVID WILLIAMS VRCO 07-08-17
Name and Dept. of Issuing Enforcement Officer Date of Issuance
Signature: David Williams Type of Service
 Personal
 Mail

SEE REVERSE SIDE FOR PAYMENT AND OTHER INFORMATION
WHITE: Property Owner/Resident • YELLOW: Processing • PINK: File

ADMINISTRATIVE CITATION- \$1,000.00



City of Palm Springs
Vacation Rental Compliance Department
3200 E. Tahquitz Canyon Way, PO BOX 2743, Palm Springs, CA 92263

Date of Issuance: July 8, 2017

Cecelia Fierro
1620 Firestone Blvd.
Los Angeles, CA 90001

You are hereby notified that a Municipal Code violation of Sections 5.25.070 (g) and 5.25.070 (c) occurred during your stay at the property listed below. You are specifically responsible to pay the \$1,000.00 Administrative Fine as required by the attached Administrative Citation #A5058.

I. ADDRESS WHERE VIOLATION OCCURRED:

3390 E Circulo San Sorrento Rd., Palm Springs CA 92262

II. DESCRIPTION OF VIOLATION:

The City of Palm Springs Vacation Rental 24 Hour Hotline received a call regarding the above property on 07/08/17 at 7:18 p.m. regarding music disturbances at the property. When the Palm Springs V.R.C.D. Officers arrived, audible music was heard from the property line and seven vehicle were parked at the property. The Officers made contact with Cecelia and issued Administrative Citation A5058 for the violation.

III. CODE SECTION(s):

5.25.070 Operational requirements and standard conditions.

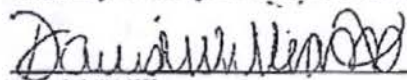
(g) Notwithstanding the provisions of Section 11.74.043, any radio receiver, musical instrument, phonograph, loudspeaker, sound amplifier, or any machine or device for the producing or reproducing of any sound shall be conducted within a fully enclosed Vacation Rental unit and shall not be audible at the property line of the Vacation Rental.

5.25.070(c) Automobile limit per bedroom

"No more than one (1) automobile per bedroom shall be allowed for each Vacation Rental."

To pay and/or appeal this citation, please refer to the back of the ticket. If you have any questions, please contact Amanda McWilliams at (760) 323-8257 or Rita Huber-Germscheid at (760) 322-8377 Monday – Thursday 8am-6pm.

Thank you for your attention in this matter.



David Williams
Vacation Rental Enforcement

David Williams

From: dispatcher@secure.centralcomm.com
Sent: Saturday, July 08, 2017 8:24 PM
To: Suzanne Severin; Boris Stark; Edward Torres; Patrick Clifford; David Williams
Subject: 3390 E Circulo San Sorrento Rd

(1) IN: 2017-07-08 07:12PM MAS
445

CID: (760) 323-8200

Call Type:(R) Urgent Complaint

Name: Declined

Tel#: Declined

Addr: Declined

Street #:(D) 3390

Street Name:(D) E Circulo San Sorrento

Address in Directory: Yes

SUSPENDED ACCOUNT? No

Complaint:

They are screaming and shouting, and have loud music playing. There is about 9 cars there and seems like more keep showing up.

Property access permitted: no

Call back needed: no

Gate code: no

O/C: Edward Torres

RESOLUTION:

Time O/C checked in w/resolution: 8:20p

Resolution:

A citation for \$1000 was issued.

Time resolution given to caller: N/A

***** ACTIVITIES *****

1) 07-08 07:16PM MAS Dial Edward Torres [M] 7608338747

2) 07-08 07:17PM MAS MACRO + A

3) 07-08 07:17PM MAS EDIT

4) 07-08 07:17PM MAS Email

5) 07-08 07:17PM MAS ACTN SET DELAY=003

6) 07-08 07:17PM *EM EMAIL OK: Initial Notice Email,
~~Edward Torres@palmspringsca.gov, Patrick Clifford@palmspringsca.gov, david.williams@palmspringsca.gov~~

7) 07-08 07:18PM MAS ACTN SET DELAY=060

8) 07-08 07:18PM MAS rlyd to ED

9) 07-08 08:23PM TRN OFC CHECK-IN David

10) 07-08 08:23PM DMGS GET DELAY ACTN

11) 07-08 08:24PM TRN MACRO + E

12) 07-08 08:24PM TRN EDIT

13) 07-08 08:24PM TRN Email

14) 07-08 08:24PM TRN ACTN SET DELAY=060

***** END OF MESSAGES *****

Vacation Rental Code Compliance Officer Event Report

Submission Date	2017-07-08 21:50:09
Date	8:53 PM
Time	8:50 PM
Time received the complaint from the Hotline:	7:15 PM
Vacation Rental Address	3390 E Circulo San Sorrento 92262
Is this a registered vacation rental?	Yes
Type of a Complaint Reported: (You may select more then one)	Music coming from the property Parking - Number of cars
Time arrived at the property:	7:25 PM
Upon Arrival found the following:	Music at the property line Parking violation - Number of cars exceed the limit
Was Citation issued?	Yes
Type of a noise source? (TV, radio, Bluetooth speaker, people yelling,etc)	Extremely loud music
Location of the noise source? (ex. outside patio, inside of the home, bedroom, etc)	Rear yard
Citation Number & Code Section violated:	A 5058
Total time amount witnessing the violation:	10 minutes
At which location on the property or off the property were you present when you witnessed the violation?	Middle of street in front of property and two houses north.

Additional Notes:

Arrived at the property with Officer Clifford and could hear extremely loud music upon arrival. We approached the property and knocked on the door and rang the bell. An Asian or Hispanic female approximately late 20's answered the door and I asked for the person who signed the rental agreement. She left and came back with the an Asian/Hispanic male approximately mid 20's. I advised them that we were responding to a noise complaint and asked for his ID. he asked why and I advised him that I had to hissue a citation for the noise violation and for having too many vehicles. He stopped talking at this point and the original female that answered the door spoke and said just give us a warning. I told her that was not an option. She refused to give her ID. I advised her that I would call the property owner and have her appear. She said so what. I called the property owner and she indicated she was in LA and could not come. I told her that one of the two contacts must appear within 30 minutes. She said the other contact was her daughter, who lived out here, but that she was not home and at least 40 to 50 minutes. I advised her that I had to issue a citation and that she renter is refusing her ID and saying that she was not aware of any of the rules as the property owner never told them. The property owner said that is not true it is on the website. I asked her if she met the renter at the property, went over the rules and had her sign the city document and she said yes and then said she knew the rules from the website. I clarified so you did not meet her. She said I did, but she did not sign the city rules, but knew about them from airbnb. I advised her that I would be calling the PD to have them get the ID. She said give me five minutes and I will have her give you her ID. The tenant came outside and was about to give us her ID and said the owner told us you would just give us a warning. I told her that is not correct and she got on the phone with the owner again. I called the PD and they said they would get someone out as soon as they could. During this time a 7th vehicle arrived, parked on the street and entered the property. The PD arrived in 5 minutes. We explained that the renter would not provide ID. We approached the door with the two officers and she came outside. The female came out and police advised her she needed to provide her ID. She started telling the officers that we take out job way too seriously ~~that we were aggressive and scary to her. She said we were 300 pounds and did not explain anything to her, just bullied her and that we walked up to her with our white privilege. She said that the officer was too. He said I'm brown like you and she said no your tan you don't know.~~ She finally provided the ID to PD and they gave it to me to complete the citation. I handed the ID' citation and business card to the officer and he gave it to her. We left the property as she continued to Argue with the officer. As we were leaving the property owner called back and wanted to know what happened. I explained that the renter was having again to her that the renter was having a very loud party at the property and had too many vehicles so we issued a citation to her. I also informed her that she would be getting a citation in the mail for failure to arrive within 30 minutes. She said what do I need to do to make it a warning. I said I do not have the option of warning her and she said please and then started to fake cry and cough. I said once you get the citation in the mail there are appeal instructions on the reverse and she could call the number provided with any questions. I thanked her and said good night.

**Code Compliance Officer
submitting the form:**

David Williams

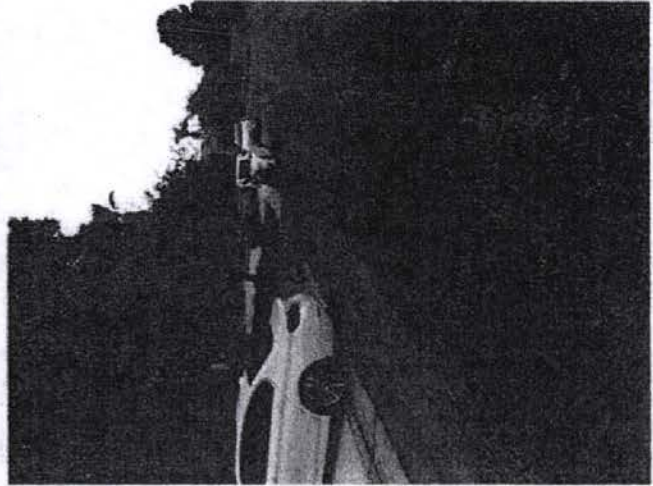
**Code Compliance Officer
Email:**

~~David.williams@palmspringaca.gov~~

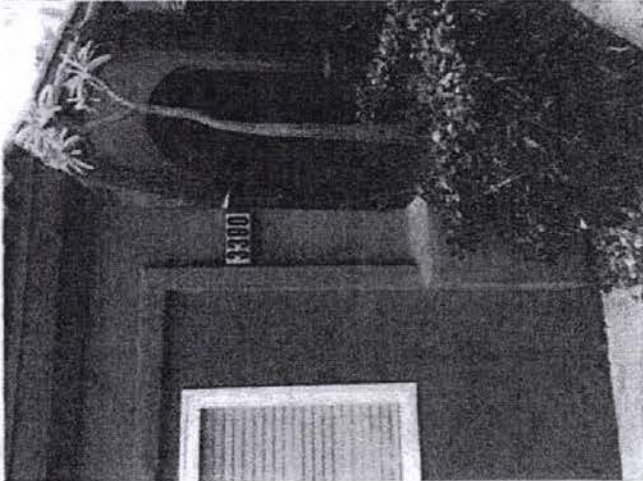
Please attach 2-3 pictures as needed to support your findings. Pictures of the front of the home with address are a must along with a picture of the violation if applicable



IMG_0185.JPG



IMG_0186.JPG



IMG_0187.JPG



CITY OF PALM SPRINGS
Vacation Rental Enforcement
Administrative Citation

A 1767

DATE 3/24/17 DAY OF WEEK Wednesday TIME 12:08 AM PM

LOCATION OF VIOLATION:
3390 E. Circle San Sononto

Business Owner Property Owner
 Tenant Other

NAME (First, Middle, Last): Ani Paganian DL or ID

ADDRESS 3390 E. Circle San Sononto CITY STATE ZIP

You are being issued an Administrative Citation for the following Code provision(s).

Count	PSMC	Description
1.	5.25.040	Failure to Reg. stay
2.		
3.		

COMPLIANCE ORDER

You are ordered to correct or otherwise remedy this/these violation by Immediatly

You are further ordered to pay an Administrative Fine as prescribed in the schedule below for each count listed above. Payment must be paid in full by the compliance date to avoid additional penalties. The total CITATION PENALTY due is \$ 250.

ADMINISTRATIVE FINE SCHEDULE

First Citation in a 12-Month Period **\$250.00 per count**
Failure to correct the violation and pay the Administrative Fine within 10-days will result in an additional \$250.00 penalty.

Second Citation in a 12-Month Period **\$500.00 per count**
SECOND ATTEMPT TO OBTAIN COMPLIANCE.. Failure to correct the violation and pay ALL Administrative Fines within 10-days will result in an additional \$500.00 penalty.

_____ Citation in a _____ Month Period **\$500.00 per count**
FINAL ATTEMPT TO OBTAIN COMPLIANCE. - FAILURE TO COMPLY MAY RESULT IN PUBLIC NUISANCE PROCEEDINGS AND OTHER ENFORCEMENT ACTIONS. - ALL COSTS ASSOCIATED WITH PUBLIC NUISANCE PROCEEDINGS MAY BE LIENED AGAINST THE SUBJECT PROPERTY IF NOT PAID BY THE RESPONSIBLE PARTY.

Cindy Gorsati
Name and Dept. of Issuing Enforcement Officer

[Signature]
Signature

3/22/17
Date of Issuance

Type of Service
 Personal
 Mail

SEE REVERSE SIDE FOR PAYMENT AND OTHER INFORMATION
WHITE: Property Owner/Resident • YELLOW: Processing • PINK: File

Save to my favorites

Report this listing



Avg. Nightly **\$255 - \$815**

Contact manager for availability
How to pay safely

Palm Springs, CA, USA

Arrival

Depart

I don't have dates yet

Guests

[< Browse properties](#) [Home](#) [Palm Springs, CA, USA](#)

VRBO Listing #4056308ha



Manager

Member since: 2006

Speaks: English

[Send email](#)

Manager indicates their response time is

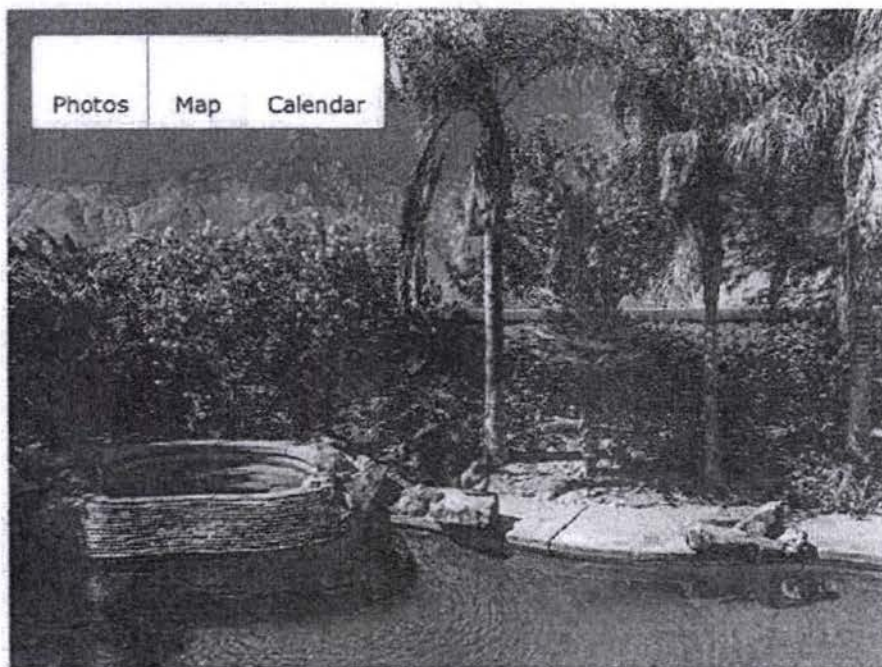
Within an hour

Calendar last updated

01/20/2017

Casa Chill: 3 BR, 2.5 BA Hou Springs, Sleeps 6

★★★★★ (0 Reviews)




[Photos](#) [Map](#) [Calendar](#)



[Feedback](#)

Save to my favorites

 Report this listing

Minimum stay:	2-5 nights
Sleeps:	6
Bedrooms:	3
Bathrooms:	2.5
Property type:	House
Internet:	Yes
Pets considered:	Yes
Wheel chair accessible:	N/A

Avg. Nightly **\$255 - \$815**

Contact manager for availability
How to pay safely



Manager
Member since: 2006
Speaks: English

Send email

Manager indicates their response time is

Within an hour

Calendar last updated **01/20/2017**

About the Property

3 Bedrooms, 2.5 Baths, Sleeps 6

TOT #4560

Experience the relaxed Palm Springs desert lifestyle in this artfully decorated and absolutely private, tropical resort-style home on a quiet cul-de-sac. The unique South Pacific Island inspired décor is skillfully blended with Spanish influences and the modern amenities of a traditional California ranch home. The stylish fusion of artistic and luxury features include custom drapery & window shades, high quality carpet & satillo tile floors, beautiful dark wood furniture, organic fabrics, designer lighting, ceiling fans, bright & cheerful colors and whimsical art objects.

Ideally suited for relaxing and entertaining, the spacious 2,300 sq. ft. open floor plan with 10ft ceilings creates a seamless flow between kitchen, living room, family room and backyard. The bedrooms are located on the opposite end of the living space, contributing to the serenity of the house. The comfortably casual atmosphere offers the warmth and welcome of a true home.

The exotic outdoor-living environment is what makes this property truly special. The completely private and meticulously maintained grounds are walled, gated and hedged to provide the utmost seclusion and safety for your guests, children or furry friends. The unobstructed western views of Mount San Jacinto, soaring 10,000 feet above the desert floor, are simply breathtaking. Discover your own private tropical paradise landscaped with a variety of desert flora, groves of towering mature palm trees, flowering shrubs, potted plants, lush green lawn, citrus trees and desert ornamentals.

More details



Manager Send email

Member since: 2006


Speaks: **English**

Manager indicates their response time is:

Within an hour

Feedback

Save to my favorites

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Property Type

House 2343 sq. ft.

Avg. Nightly **\$255 - \$815**

Contact manager for availability
How to pay safely

House Rules

Max. occupancy 6 Non Smoking Only Pets Considered

Accommodation Type

Vacation Rental



Manager

Member since: 2006

Speaks: English

Send email

Suitability

Bedrooms: 3 Bedrooms, Sleeps 6

1 King bed, 1 Queen bed, 1 Full bed

Manager indicates their response time is

Within an hour

Bathrooms: 2 Bathrooms, 1 Half Bathroom

Calendar last updated

01/20/2017

Entertainment

DVD Player Satellite / Cable Video Games
Games Television

Local Services & Businesses

ATM/Bank Groceries

Location Type

Mountain View

General

Air Conditioning Hair Dryer Linens Provided

Feedback



City of Palm Springs

VACATION RENTAL ADMINISTRATIVE REGULATIONS

Subject: Violation Count for Purposes of Suspending a Vacation Rental Certificate

I. Purpose

To clarify and facilitate compliance with, and enforcement of Ordinance Number 1918, Palm Springs Municipal Code (PSMC) 5.25.090(b) for the purpose of carrying out enforcement procedures with respect to violations, and suspension of the Vacation Rental Certificate for two (2) years.

II. Application

Palm Springs Municipal Code Section 5.25.070(t) authorizes the City Manager to establish administrative regulations for the purpose of implementing, interpreting, clarifying, carrying out, furthering and enforcing the requirements of the provisions of Chapter 5.25 Vacation Rentals. As such the City Manager further interprets the application of administrative penalties of a Vacation Rental. This regulation is issued as an interim matter, and will be repealed when no longer necessary. The issue addressed pursuant to this regulation will be the subject of an amendment to Chapter 5.25 this calendar year.

III. Procedure

A. Section 5.25.090(b) specifies "Upon the third violation in any twelve (12) month period, the City Manager shall suspend the Vacation Rental Certificate for two (2) years." Following is a clarification how violations are counted.

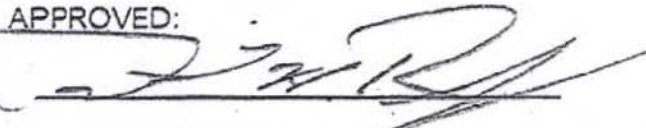
1. Administrative citations for violations of Chapter 5.25 issued to the Vacation Rental guest, Owner, or Owner's agent prior to April 16, 2017 will count towards the calculation of the three (3) violations in any twelve (12) month period for the purpose of suspending the Vacation Rental Certificate for such property in accordance with Section 5.25.090(b).
2. There will be no suspension unless at least one (1) violation occurs under new Ordinance No. 1918.
3. Appeals of the third administrative citation and the suspension of the Vacation Rental Registration Certificate will be heard by the Administrative Appeals Board according to PSMC Chapter 2.50.


III. Effective Date

This Administrative Regulation shall be effective immediately (8/2017).

APPROVED:

AS TO FORM:


DAVID H. READY, Esq. Ph.D.
City Manager


EDWARD Z. KOTKIN
City Attorney

Palm Springs Municipal Code

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[Title 6 HEALTH AND SANITATION](#)

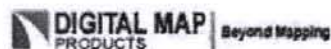
[Chapter 6.04 WASTE DISPOSAL AND DIVERSION](#)

6.04.110 Placing of waste and recyclables in streets.

No person shall place or deposit any waste or recyclable materials in or upon any public place, street, alley, sidewalk or footpath in the city except in proper containers for the purpose of collection by the collectors and between the hours of five a.m. and eight p.m. on the days when the city or its authorized agent collects from particular premises adjacent thereto. (Ord. 1429 § 13, 1992; Ord. 936 § 1, 1972; Ord. 914 § 1B, 1971; prior code § 5731)

View the [mobile version](#).

Property Detail Report for:



3390 E CIRCULO SAN SORRENTO RD, PALM SPRINGS, CA, 92262-1757

Owner Information:

Owner Name: POGOSIAN, ANI
 Mailing Address: 3390 E CIRCULO SAN SORRENTO RD, PALM SPRINGS, CA, 92262-1757
 Vesting Code: Phone Number:

Location Information:

Legal Description: .24 ACRES M/L IN LOT 50 MB 221/008 TR 24853-1
 County: RIVERSIDE FIPS Code: 06065 Census Trct/Blk: 044605 / 2
 APN: 669-522-023 Alternative APN: Map Ref: -
 Twnshp-Rnge-Sect: -- Legal Book/Page: Tract No: 24853-1
 Legal Lot: 50 Legal Block:
 Subdivision:

Last Market Sale Information:

Sale Date: 2/24/2017 Sale Price: \$510,000 1st Mtg Amount: \$357,000
 Sale Doc No: 2017-0079871 Price Per SqFt: \$218 1st Mtg Int Type:
 Transfer Doc No: Price Per Acre: \$2,125,000 2nd Mtg Amount: \$
 1st Mtg Doc No: 2017-0079872 2nd Mtg Int Type:
 Sale Type: SALES PRICE OR TRANSFER TAX ROUNDED BY COUNTY
 Deed Type: GRANT DEED/DEED OF TRUST
 Title Company: ORANGE COAST TITLE COMPANY
 Lender: NATIONS DIRECT MORTGAGE LLC
 Seller Name: BARRY, DAVID C; GILBERT, ROSA G

Property Characteristics:

Building Area: 2,343 Total Rooms: Construction:
 Living Area: 2,343 Bedrooms: 4 Heat Type: CENTRAL
 Garage Area: Baths: 3 Air Cond: CENTRAL
 Basement Area: Fireplace: Roof Type:
 Parking Type: No of Stories: 1 Roof Material: TILE
 Yr Built/Effective: 1999 / Quality: Style:
 Pool Code:

Tax and Value Information:

Assessed Value: \$455,000 Assessed Year: Est Market Val: \$412,333
 Land Value: \$102,000 Property Tax: \$6,213 Assessor Appd Val:
 Improvement Value: \$353,000 Improvement %: 77.58 Tax Exemption:

Site Information:

Assessor Acres: 0.24 Zoning: Land Use Code: 163
 Assessor Lot SqFt: 10,454 No of Buildings: Land Use Desc: SFR
 Lot W/D: / Res/Comm Units: County Use Code: R1
 Calculated Acres: 0.2396 Sewer Type:
 Calculated Lot SqFt: 10,437 Water Type: