CALL TO ORDER:
Chair Reed called the meeting to order at 8:37 a.m.

PLEDGE OF ALLEGIANCE: Chair Reed led the Pledge to the Flag.

ROLL CALL:
Present: Board Members Cleary and Kearns, Vice Chair Howard, and Chair Reed

Also Present: City Prosecutor Kotkin, Vacation Rental Compliance Officers Severin and Stark, and Interim City Clerk Hart

ACCEPTANCE OF THE AGENDA:

ACTION: On motion by Member Kearns, seconded by Member Cleary, and carried by a majority (4-0-0) voice vote.

PUBLIC COMMENTS:

Mr. Erkin thanked the Board for the ordinance regarding vacation rentals and encouraged the City to stay on top of code enforcement of businesses in an R-1 Zone. He discussed the vacation rental property, located behind his home, that was run as a business, had multiple citations, was suspended, and recently put up for sale.

City Prosecutor Kotkin stated a fifth board member had been secured, but not yet sworn into office. He reminded appellants that three votes were necessary to prevail.

Chair Reed announced the new speaker cards, requirement for ten copies of any documents submitted to the board, and application of the new regulation regarding vacation rentals.
1. **APPEAL HEARINGS:**

   1A. **APPEAL OF THE ADMINISTRATIVE DECISION THAT SAMIJA AJANIC IS PERMANENTLY INELIGIBLE TO OPERATE A VACATION RENTAL IN THE CITY OF PALM SPRINGS AND THE ADMINISTRATIVE FINE FOR OPERATING AN UNREGISTERED VACATION RENTAL PROPERTY LOCATED AT 820 S. NUEVA VISTA DRIVE:**

   (Samija Ajanic)

   Vacation Rental Official Severin presented the background information as noted in the staff report.

   Chair Reed opened the public testimony.

   Samija Ajanic spoke in defense of her appeal. She stated her family used the home at the time of two of the complaints. She discussed her lack of understanding of the regulations and her efforts to raise her family. She stated she was treated like a criminal. She requested the Board help her to resolve the matter so she could utilize her house.

   No others came forth to address the Board, therefore, Chair Reed closed the public testimony.

   The Board deliberated.

   **ACTION:**

   1) Adopt Resolution No. 0022, A RESOLUTION OF THE ADMINISTRATIVE APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, UPHOLDING THE ADMINISTRATIVE DECISION THAT SAMIJA AJANIC IS PERMANENTLY INELIGIBLE TO OPERATE A VACATION RENTAL IN THE CITY OF PALM SPRINGS, INCLUDING THE PROPERTY LOCATED AT 820 S. NUEVA VISTA DRIVE, PALM SPRINGS, CALIFORNIA.

   2) Adopt Resolution No. 0023, A RESOLUTION OF THE ADMINISTRATIVE APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, UPHOLDING THE ADMINISTRATIVE FINE OF $5,000 ISSUED TO SAMIJA AJANIC FOR OPERATING AN UNREGISTERED VACATION RENTAL PROPERTY LOCATED AT 820 S. NUEVA VISTA DRIVE, PALM SPRINGS, CALIFORNIA.

   On motion by Member Kearns, seconded by Vice Chair Howard, and carried on a majority (3-1-0, Cleary dissenting) vote.

   1B. **APPEAL OF THE ADMINISTRATIVE DECISION THAT CLEMENTE AMBROSANO AND MARIA AMBROSANO ARE PERMANENTLY INELIGIBLE TO OPERATE A VACATION RENTAL IN THE CITY OF PALM SPRINGS AND THE ADMINISTRATIVE FINE FOR OPERATING
AN UNREGISTERED VACATION RENTAL PROPERTY LOCATED AT 3155 E. RAMON ROAD, UNIT 710:
(Clemente Ambrosano, Maria Ambrosano)

Vacation Rental Official Stark presented the background information as noted in the staff report.

Chair Reed opened public testimony.

Clemente Ambrosano stated he had rented his property but determined they did not want to continue. He stated the $5,000 fine was a financial hardship. He explained that he was present at the time of the two rentals. He stated the advertisement was blocked rather than removed. He discussed an inquiry to which his wife responded about a potential rental.

No others came forth to address the Board, Chair Reed closed public testimony.

Vacation Rental Official Stark stated the unit was advertised for four people, indicating it was not a home share.

The Board deliberated, asked questions and requested additional information.

Mr. Ambrosano stated the initial advertisement was incorrect to indicate four adults could be accommodated.

ACTION:
1) Adopt Resolution No. ______, A RESOLUTION OF THE ADMINISTRATIVE APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, OVERTURNING THE ADMINISTRATIVE DECISION THAT CLEMENTE AMBROSANO AND MARIA AMBROSANO ARE PERMANENTLY INELIGIBLE TO OPERATE A VACATION RENTAL IN THE CITY OF PALM SPRINGS, INCLUDING THE PROPERTY LOCATED AT 3155 E. RAMON ROAD, UNIT 710, PALM SPRINGS, CALIFORNIA.

2) Adopt Resolution No. ______, A RESOLUTION OF THE ADMINISTRATIVE APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, REDUCE THE ADMINISTRATIVE FINE TO $500 (ON THE BASIS OF HOMESHARING) ISSUED TO CLEMENTE AMBROSANO AND MARIA AMBROSANO FOR OPERATING AN UNREGISTERED VACATION RENTAL PROPERTY LOCATED AT 3155 E. RAMON ROAD, UNIT 710, PALM SPRINGS, CALIFORNIA.

On motion by Chair Reed, seconded by Member Cleary, and the motion failed (2-2-0) due to a tie vote.
AYES: Cleary and Reed
NOES: Howard and Kearns
ACTION:
1) Adopt Resolution No. _______, A RESOLUTION OF THE ADMINISTRATIVE APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, UPHOLDING THE ADMINISTRATIVE DECISION THAT CLEMENTE AMBROSANO AND MARIA AMBROSANO ARE PERMANENTLY INELIGIBLE TO OPERATE A VACATION RENTAL IN THE CITY OF PALM SPRINGS, INCLUDING THE PROPERTY LOCATED AT 3155 E. RAMON ROAD, UNIT 710, PALM SPRINGS, CALIFORNIA.

2) Adopt Resolution No. _______, A RESOLUTION OF THE ADMINISTRATIVE APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, UPHOLDING THE ADMINISTRATIVE FINE OF $5,000 ISSUED TO CLEMENTE AMBROSANO AND MARIA AMBROSANO FOR OPERATING AN UNREGISTERED VACATION RENTAL PROPERTY LOCATED AT 3155 E. RAMON ROAD, UNIT 710, PALM SPRINGS, CALIFORNIA.

On motion by Vice Chair Howard, and seconded by Member Cleary, and the motion failed (2-2-0) due to a tie vote.
AYE S: Howard and Kearns
NOE S: Cleary and Reed

City Prosecutor Kotkin stated the tie votes on the two motions resulted in upholding the staff action.

At 10:31 a.m. Chair Reed recessed the meeting.
At 10:44 a.m. Chair Reed reconvened the meeting with all members present.

1C. APPEAL OF THE ADMINISTRATIVE DECISION THAT LACIE BEATTY AND DINA ELHISHY ARE PERMANENTLY INELIGIBLE TO OPERATE A VACATION RENTAL IN THE CITY OF PALM SPRINGS AND THE ADMINISTRATIVE FINE FOR OPERATING AN UNREGISTERED VACATION RENTAL PROPERTY LOCATED AT 400 N. SUNRISE WAY, UNIT 107: (Lacie Beatty, Dina Elhishy)

Vacation Rental Official Severin presented the background information as noted in the staff report.

Chair Reed opened public testimony.

Lacie Beatty stated they did not have knowledge of the ordinance. She requested forgiveness due to the loss of tenant from a flooding incident in June 2016. She explained that they utilized Airbnb due to the loss of tenant. She requested fine forgiveness and compassion.
Dina Elhishy stated they home shared their home in Orange. She asked for forgiveness of the fine and stated they would not rent the unit. She stated the corrective action plan required paying the $5,000 fine.

Joe Ratliff, Americana Gardens Board President, discussed the condominium association’s actions and indicated support for upholding the administrative actions.

Mr. Pierce, Americana Gardens Condo Association Treasurer, discussed complaints of loud parties and short term rentals and encouraged the Board to uphold the administrative actions. He discussed his contact with the City.

Ms. Beatty stated the citation was received on August 28, 2017. She stated there was one party brought to her attention, which was diffused the same day. She discussed her efforts to have the Board repair the unit in order to obtain a permanent tenant.

No others came forth to address the Board, Chair Reed closed public testimony.

The Board deliberated.

**ACTION:**

1) Adopt Resolution No. 0024, A RESOLUTION OF THE ADMINISTRATIVE APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, UPHOLDING THE ADMINISTRATIVE DECISION THAT LACIE BEATTY AND DINA ELHISHY ARE PERMANENTLY INELIGIBLE TO OPERATE A VACATION RENTAL IN THE CITY OF PALM SPRINGS, INCLUDING THE PROPERTY LOCATED AT 400 N. SUNRISE WAY, UNIT 107, PALM SPRINGS, CALIFORNIA.

2) Adopt Resolution No. 0025, A RESOLUTION OF THE ADMINISTRATIVE APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, UPHOLDING THE ADMINISTRATIVE FINE OF $5,000 ISSUED TO LACIE BEATTY AND DINA ELHISHY FOR OPERATING AN UNREGISTERED VACATION RENTAL PROPERTY LOCATED AT 400 N. SUNRISE WAY, UNIT 107, PALM SPRINGS, CALIFORNIA.

On motion by Member Kearns, seconded by Chair Reed, and carried by a majority (4-0-0) vote.
1D. APPEAL OF THE ADMINISTRATIVE DECISION THAT JAIME GARZA AND CESAR VICTORIA ARE PERMANENTLY INELIGIBLE TO OPERATE A VACATION RENTAL IN THE CITY OF PALM SPRINGS AND THE ADMINISTRATIVE FINE FOR OPERATING AN UNREGISTERED VACATION RENTAL PROPERTY LOCATED AT 365 N. SATURMINO DRIVE, UNIT 17:
(Jaime Garza, Cesar Victoria)

Vacation Rental Official Severin presented the background information as noted in the staff report.

The Board requested additional information and clarification.

Chair Reed opened public testimony.

Jaime Garza agreed with the intent to protect the integrity of Palm Springs and stated he did his best to comply with the ordinance. He stated he contacted the Rental Compliance Office prior to renting his property and then updated his VRBO site but inadvertently failed to update the Airbnb site. He stated he understood from the ordinance that a contract over 28 days was not considered short term. He requested the Board forgive the citation and work with him to be a good neighbor.

No others came forth to address the Board, therefore, Chair Reed closed public testimony.

Board deliberation and discussion ensued.

ACTION:
1) Adopt Resolution No. 0026, A RESOLUTION OF THE ADMINISTRATIVE APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, UPHOLDING THE ADMINISTRATIVE DECISION THAT JAIME GARZA AND CESAR VICTORIA ARE PERMANENTLY INELIGIBLE TO OPERATE A VACATION RENTAL IN THE CITY OF PALM SPRINGS, INCLUDING THE PROPERTY LOCATED AT 365 N. SATURMINO DRIVE, UNIT 17, PALM SPRINGS, CALIFORNIA.

2) Adopt Resolution No. 0027, A RESOLUTION OF THE ADMINISTRATIVE APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, UPHOLDING THE ADMINISTRATIVE FINE OF $5,000 ISSUED TO JAIME GARZA AND CESAR VICTORIA FOR OPERATING AN UNREGISTERED VACATION RENTAL PROPERTY LOCATED AT 365 N. SATURMINO DRIVE, UNIT 17, PALM SPRINGS, CALIFORNIA.

On motion by Chair Reed, and seconded by Vice Chair Howard, and carried by a majority (3-1-0, Cleary dissenting) vote.
1E. APPEAL OF THE ADMINISTRATIVE DECISION THAT MINKA F. HULL AND MARY JOY FRANCIS ARE PERMANENTLY INELIGIBLE TO OPERATE A VACATION RENTAL IN THE CITY OF PALM SPRINGS AND THE ADMINISTRATIVE FINE FOR OPERATING AN UNREGISTERED VACATION RENTAL PROPERTY LOCATED AT 1350 VIA TENIS:

(Minka F. Hull)

Vacation Rental Official Stark presented the background information as noted in the staff report.

The Board requested information and clarification.

Chair Reed opened public testimony.

Minka Hull discussed her response to the investigator. She stated she had difficulty with VRBO. She stated she did not want to rent the property for short term rentals and she was a rule follower. She discussed the basis for her appeal. She stated the process was very confusing and the options were unclear. She expressed confusion as to why the advertisement indicated the unit was available for less than 28-days. She stated she had not noticed “Halloween Week” in the inquiry about availability. She explained why she decided to change from short to long term rentals. She presented her handyman’s notarized statement that the property was not a short-term rental.

No others came forth to address the Board, therefore, Chair Reed closed the public testimony.

The Board discussed the matter.

ACTION:

1) Adopt Resolution No. 0028, A RESOLUTION OF THE ADMINISTRATIVE APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, UPHOLDING THE ADMINISTRATIVE DECISION THAT MINKA F. HULL AND MARY JOY FRANCIS ARE PERMANENTLY INELIGIBLE TO OPERATE A VACATION RENTAL IN THE CITY OF PALM SPRINGS, INCLUDING THE PROPERTY LOCATED AT 1350 VIA TENIS, PALM SPRINGS, CALIFORNIA.

2) Adopt Resolution No. 0029, A RESOLUTION OF THE ADMINISTRATIVE APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, UPHOLDING THE ADMINISTRATIVE FINE OF $5,000 ISSUED TO MINKA F. HULL AND MARY JOY FRANCIS FOR OPERATING AN UNREGISTERED VACATION RENTAL PROPERTY LOCATED AT 1350 VIA TENIS, PALM SPRINGS, CALIFORNIA.

On motion by Vice Chair Howard, seconded by Chair Reed, and carried by a majority (3-1-0, Cleary dissenting) vote.
2. OTHER BUSINESS:

2A. UPDATE ON PREVIOUS APPEAL HEARINGS:
JONATHAN C. BENDER (PROPERTY 1020 E. CHRISTINA WAY), AND ANTHONY SANCHEZ AND STEVEN EDWARDS (PROPERTY 504 N. FARRELL DRIVE):
ACTION: Receive and file.

Vacation Rental Official Severin provided an update indicating the City was unable to prove that the Mr. Bender received prior citations and offered Mr. Bender a corrective action plan. She stated Mr. Bender submitted the plan, paid the fees and had a currently pending application that would likely be approved. She stated it was determined that the property at 504 N. Farrell Drive was more appropriate as a time share and Mr. Sanchez and Mr. Edwards had received a time share certificate.

By consensus, the Board received and filed the report.

2B. APPROVAL OF MINUTES:

ACTION:

On motion by Chair Reed, seconded by Member Kearns, and carried by a majority (4-0-0) vote.

BOARD MEMBER COMMENTS AND REQUESTS:

In response to Chair Reed, Interim City Clerk Hart indicated the Boards’ Rules and Procedures were available to the public on the City's website.

Chair Reed asked if the Board wanted to review the draft resolution and disposition reports before they were finalized and submitted to City Council. Interim City Clerk Hart recommended comments be directed to the City Clerk.

Chair Reed requested an item to discuss procedures for allowance of continuances and good cause and time limits. Board Member Kearns spoke in support of a “not to exceed clause” for continuances. Board Member Howard requested the City Prosecutor not suggest it was appropriate grounds for a continuance because the Board was short one member.

Chair Reed reported that he met with Councilmembers Mills and Roberts and interviewed a potential candidate. Interim City Clerk Hart anticipated the new Board Member could be sworn in and an active member by November 13, 2017, if appointed by the Council.
CITY PROSECUTOR’S REPORTS AND COMMENTS: None

CITY CLERK’S REPORTS AND FUTURE MEETING DATES:

Interim City Clerk Hart stated the next meeting would be November 13, 2017. She stated Friday meetings were not feasible and recommended Monday meetings. She asked for the Board’s availability on Monday, December 4, 2017, at 10:30 a.m. Board Members Kearns and Cleary stated they were not currently available. Chair Reed suggested proceeding, if the new Board Member was available.

ADJOURNMENT:
At 12:55 p.m., the Administrative Appeals Board adjourned to a Special Meeting at 8:30 a.m., Monday, November 13, 2017, in Council Chamber, City Hall, 3200 E. Tahquitz Canyon Way, Palm Springs, CA.

Respectfully submitted,

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, California, hereby certify that the October 27, 2017, MINUTES were approved by the Administrative Appeals Board of the City of Palm Springs at a special meeting held on December 4, 2017, by the following vote:

AYES: Howard and Reed
NOES: None
ABSENT: Cleary and Kearns
ABSTAIN: Cronander
RECUSAL: None

KATHLEEN D. HART, MMC
Interim City Clerk