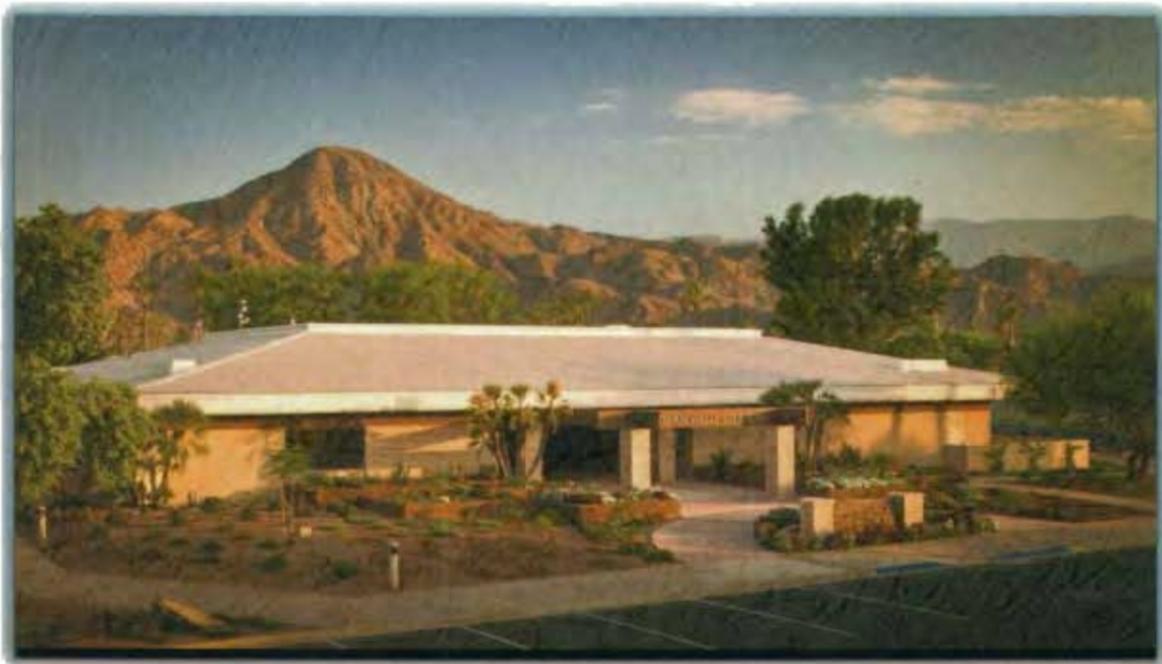

Special City Council Meeting Agenda

Thursday, May 1, 2014

10:00 a.m.

City Hall Council Chambers/Executive Conference Room
at 44-950 Eldorado Drive, Indian Wells



WELCOME TO A SPECIAL MEETING OF THE CITY COUNCIL. ALL PERSONS WISHING TO ADDRESS THE CITY COUNCIL SHOULD FILL OUT A BLUE PUBLIC COMMENT FORM BEFORE THE MEETING BEGINS AND GIVE IT TO THE CLERK. WHEN THE MAYOR HAS RECOGNIZED YOU, PLEASE COME FORWARD TO THE PODIUM AND STATE YOUR NAME FOR THE RECORD. A 3-MINUTE TIME LIMIT IS CUSTOMARY. PLEASE NOTE THAT YOU MAY ADDRESS THE CITY COUNCIL ON AN AGENDA ITEM AT THE TIME IT IS DISCUSSED, BUT ONLY AFTER BEING RECOGNIZED BY THE MAYOR. ANY PUBLIC RECORD, RELATING TO AN OPEN SESSION AGENDA ITEM, THAT IS DISTRIBUTED WITHIN 72 HOURS PRIOR TO THE MEETING IS AVAILABLE FOR PUBLIC INSPECTION AT CITY HALL RECEPTION AREA 44-950 ELDORADO DRIVE, INDIAN WELLS DURING NORMAL BUSINESS HOURS.

1. CONVENE THE CITY COUNCIL, PLEDGE OF ALLEGIANCE AND ROLL CALL

MAYOR TED J. MERTENS
MAYOR PRO TEM TY PEABODY
COUNCIL MEMBER PATRICK MULLANY
COUNCIL MEMBER DOUGLAS HANSON
COUNCIL MEMBER MARY T. ROCHE

2. APPROVAL OF THE FINAL AGENDA

3. PUBLIC COMMENTS

ALLOWED FOR ONLY THE LISTED ITEMS ON THE SPECIAL MEETING AGENDA

ALL PERSONS WISHING TO ADDRESS THE CITY COUNCIL SHOULD FILL OUT A BLUE PUBLIC COMMENT FORM IN ADVANCE AND HAND IT TO THE CLERK. PLEASE NOTE THAT YOU MAY ADDRESS THE CITY COUNCIL ON AN AGENDA ITEM LISTED ON THE SPECIAL MEETING AGENDA ONLY, BUT ONLY AFTER BEING RECOGNIZED BY THE MAYOR. AT THE APPROPRIATE TIME, PLEASE COME FORWARD TO THE PODIUM AND STATE YOUR NAME FOR THE RECORD. A THREE-MINUTE LIMIT IS CUSTOMARY. NOTWITHSTANDING THE FOREGOING, COUNCIL MEMBERS AND STAFF MAY BRIEFLY RESPOND TO STATEMENTS MADE OR QUESTIONS POSED DURING PUBLIC COMMENTS, AS LONG AS SUCH RESPONSES DO NOT CONSTITUTE ANY DELIBERATION OF THE ITEM.

4. GENERAL BUSINESS

- A. Discussion and Direction Relating to Proposed Amendment to City's Short-term/Vacation Rental Ordinance. Page 6.

RECOMMENDED ACTIONS:

COUNCIL **REVIEWS** AND PROVIDES **DIRECTION** TO STAFF REGARDING PROPOSED MODIFICATIONS TO THE CITY'S SHORT-TERM/VACATION RENTAL ORDINANCE.

5. CLOSED SESSION

- A. Conference with Labor Negotiators Pursuant to Government Code Section 54957. Agency Designated Representative: Wade G. McKinney. Employee Organization: Indian Wells City Employee Association.

6. ADJOURNMENT

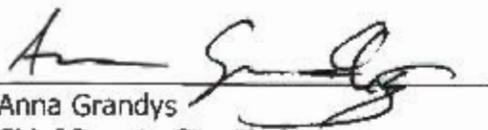
TO A REGULARLY SCHEDULED MEETING OF THE CITY COUNCIL TO BE HELD AT 1:30 P.M. ON MAY 1, 2014 IN THE CITY HALL COUNCIL CHAMBERS.

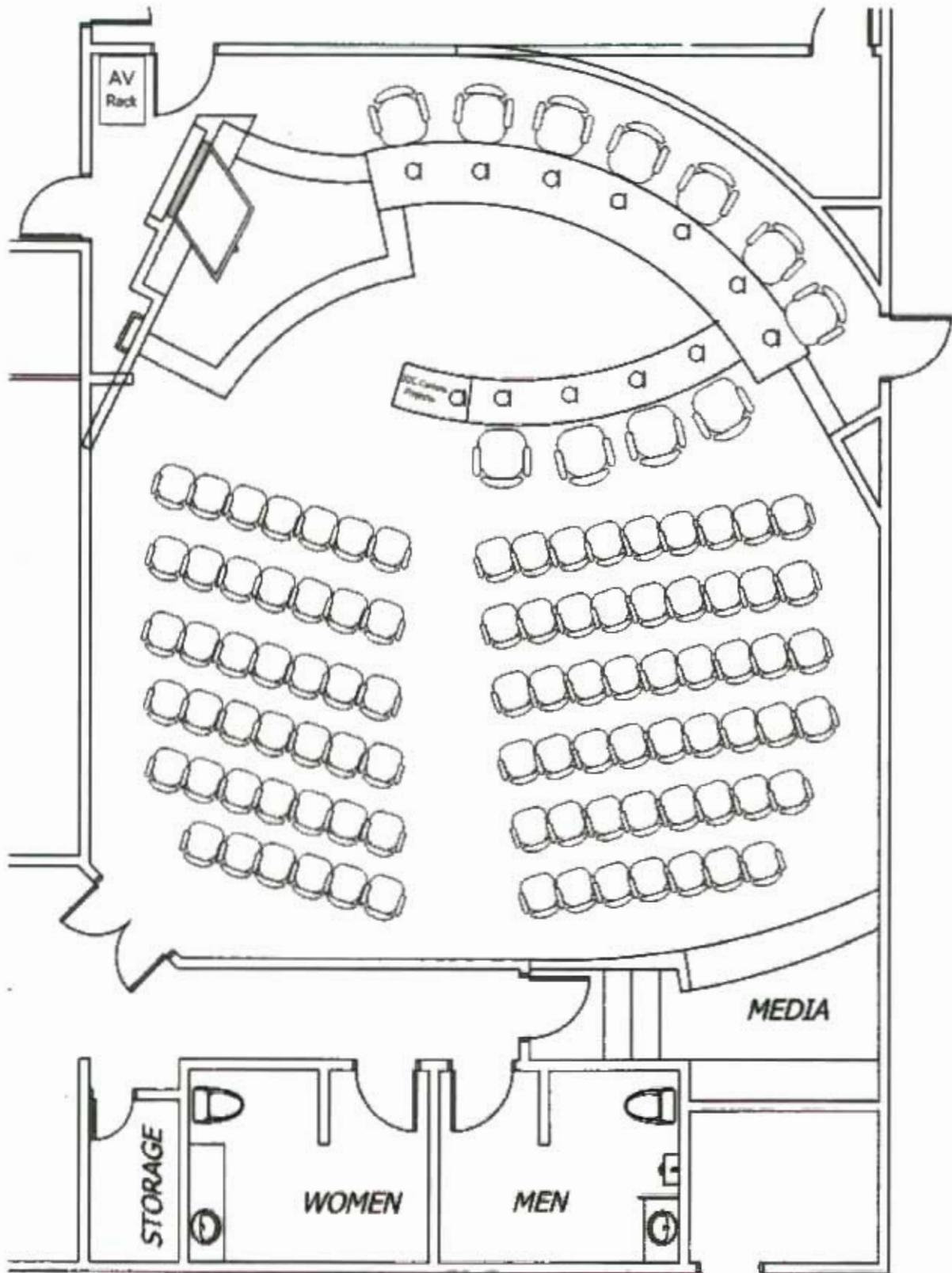
IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT THE CITY CLERK AT (760) 346-2489. NOTIFICATION 48 HOURS PRIOR TO THE MEETING WILL ENABLE THE CITY TO MAKE REASONABLE ARRANGEMENTS TO ENSURE ACCESSIBILITY TO THIS MEETING. 128 CFR 35.102.35.104 ADA TITLE III

AFFIDAVIT OF POSTING

I, Anna Grandys, certify that on April 25, 2014, I caused to be posted a notice of a Special City Council Meeting to be held on Thursday, May 1, 2014 at 10:00 a.m. in the City Hall Council Chambers/Executive Conference Room.

Notices were posted at Indian Wells Civic Center, Village 1 [Ralph's], and Indian Wells Plaza [Indian Wells Chamber of Commerce], and were delivered to all City Council members.


Anna Grandys
Chief Deputy City Clerk



FIRST, LET ME SAY THAT I CERTAINLY BELIEVE IN PROPERTY RIGHTS. JEAN AND I HAVE BEEN LANDLORDS OF SINGLE FAMILY HOUSES BOTH IN LAGUNA BEACH AND RIGHT HERE IN INDIAN WELLS. WE CHOSE TO ONLY RENT FOR THE FULL SEASON, BUT THAT WAS OUR CHOICE. I KNOW THAT GOVERNMENT DOES NOT HAVE THE RIGHT TO TELL ME FOR HOW LONG I CAN LEASE OUT MY PROPERTY.

HOWEVER I DO **NOT** BELIEVE THAT ANYONE HAS ANY RIGHT TO EXERCISE THEIR RIGHTS IN A WAY THAT IS SUBSTANTIALLY DETRIMENTAL TO THE RIGHTS OF OTHERS. THIS WOULD INCLUDE LOSS OF ENJOYMENT OF USE AS WELL AS DEPRECIATION OF VALUE.

DOES A PARTY HOUSE LOWER NEARBY VALUES? I THINK A REASONABLE PERSON LOOKING TO BUY A HOME, AND DISCOVERED THERE WERE PARTY HOMES IN THE AREA, MIGHT WALK AWAY. OR EVEN WORSE, THEY MIGHT OFFER A DEEPLY DISCOUNTED PRICE AND INVEST IN IT AS A PARTY HOUSE THEMSELVES. THE MORE PEOPLE THEY WOULD BE ALLOWED TO PILE INTO THAT HOUSE, THE MORE TEMPTING TO USE IT AS A PARTY HOUSE.

A FEW YEARS AGO THERE WERE NO PARTY HOUSES ON MONTECITO/STARDUST. NOW THERE ARE 5; THAT IS **9.4% THAT IS A LOT.**

I THINK YOU ARE GOING IN THE WRONG DIRECTION. IF I RECALL CORRECTLY THE CURRENT RULES LIMIT OVERNIGHT OCCUPANTS TO 2 PER BEDROOM PLUS 2. WHY THE PLUS 2? AND NOW YOU PLAN TO INCREASE THE NUMBER OF OCCUPANTS! IT SHOULD BE REDUCED, NOT INCREASED.

I UNDERSTAND THE CITY'S DESIRE TO INCREASE REVENUE, BUT HOW MUCH IS THE REVENUE AND AT WHAT COST TO RESIDENTS.? WHAT WILL THIS DO TO OUR FORMERLY VAUNTED QUALITY OF LIFE? HAS THE CITY STAFF QUANTIFIED THE EXPECTED NET INCREASE IN INCOME - AND I HOPE IT'S NOT THIRTY PIECES OF SILVER. WHAT WILL BE THE COST OF POLICING THE NUMBER OF OCCUPANTS? I HAVE SEEN VERY LITTLE EVIDENCE THAT MUCH OVERSIGHT IS BEING DONE EVEN NOW. LAST WEEK ONE THREE BEDROOM HOUSE HAD SIX LARGE VEHICLES PARKED THERE, AT LEAST ONE OF WHICH HAD TO HAVE BEEN DRIVEN ACROSS THE LAWN

HAS ANYONE QUANTIFIED THE EFFECT ON PROPERTY VALUES WHEN WE HAVE NEARLY 10% OF AN AREA USED AS PARTY HOUSES? ?

HOW MUCH WILL NOISE LEVELS INCREASE WITH THE ADDED NUMBERS OF OCCUPANTS? HAS THE STAFF CALCULATED THE INCREASE IN THE NUMBER OF PARTY HOUSES RESULTING FROM INCREASED RETURN ON INVESTMENT DUE TO LOWER ~~VALUE~~ **COST** AND INCREASED RENTAL INCOME DUE TO MORE OCCUPANTS?

MAYBE THIS HAS ALL BEEN WELL THOUGHT THROUGH AND I JUST HAVE NOT BEEN ABLE TO MAKE MYSELF AWARE OF IT, BUT I WOULD REALLY LIKE TO SEE SOME NUMBERS BEFORE YOU VOTE.

PLEASE CONSIDER THE RIGHTS OF **ALL** PROPERTY OWNERS AND THE LONG TERM WELFARE OF OUR CITY.

THANK YOU.

Don Henrohan

75 473 S Tardest

75 356 S Tardest

75 406 S Tardest

75 305 S Tardest

75 424 M anteceto

$$5/53 = 9.4\%$$

I, Patrick Baldwin, declare as follows:

If called as a witness in this matter, I could and would testify to the following based upon my own personal knowledge.

I am an attorney and a full time resident of Indian Wells.

I make this declaration in connection with 75550 Mary Lane (Party House).

I reside at 75560 Mary Lane, directly next to the Party House.

During the last approximate 3- 4 months I have telephoned the police at least 5 times regarding very late night music, screaming and noise at the Party House. One night I telephoned the police at 2:00 AM. I have provided the numbers of the 4 police reports to the City. A 5th report deriving from April 26th is in preparation.

On numerous occasions during the last three months there have been large groups of renters at the Party House that have remained there overnight each weekend night in violation of City codes. I would estimate that before April 25th through the 28th events described below, one group had approximately 15-20 people staying at the house over the weekend.

I contacted the City to complain about the group and I was then told by City employee, Warren Morelino, that he was shocked that the Party House had been rented since it was still "red tagged" by the City, meaning Luxe, the rental agent, was supposedly prohibited from renting the premises until the "red tag" had been removed by the City. It was clear that Luxe ignored the "red tag."

During the weekend of April 25-28th, 2014 there were at least 25 people at the Party House who similarly remained there overnight each weekend night in violation of the City codes. In what I understand to be a further separate violation, the occupants placed towels, sheets and mattress box springs over the windows so that no one could see the number of occupants at the Party House from Friday until Monday morning.

All weekend there was loud rap music and screaming.

On Saturday April 26th, 2014, I called the police who stated upon arrival that they heard the music and saw the sheets, towels, etc., on the windows. The police stated they would include the same in their written report.

During that weekend, at least 12 cars were parked in the neighborhood whose occupants were at the Party House all weekend. In addition, there were at least 4 other cars parked in the driveway at the Party House. The cars on the street remained parked for over three days without being moved. It is clear that the occupants were advised not to park their cars in front of the Party House but rather to park down the street so as to avoid detection and not call attention to the number of occupants at the Party House. The only logical conclusion is that Luxe, the rental agent, counseled the occupants where to park their cars and that Luxe knew the number of occupants was in violation of the City code.

Based upon my review of the City code, each day a violation occurs is a separate violation. Thus, three separate violations took place last weekend in addition to the numerous violations before April 26th through and including the 28th.

Early morning April 28, I, along with some neighbors, observed approximately 25 occupants in or around the Party House. That morning a large pickup truck piled high with garbage was driven away from the Party House.

On other occasions, it appears that the Party House has been rented for a term as short as one day and even for an afternoon.

My wife and I moved to Indian Wells because it is well maintained, peaceful and because of its upscale reputation.

I believe that the activities at the Party House make the neighborhood look like a ghetto area.

Based upon my understanding of the city code, there are more than sufficient violations to revoke the license of Luxe regarding the Party House.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Indian Wells, California on April 30th, 2014.

A handwritten signature in cursive script that reads "Patrick Baldwin". The signature is written in black ink and includes a horizontal line extending to the right from the end of the name.

Patrick Baldwin

**PETITION OF INDIAN WELLS RESIDENTS REGARDING NOISE,
PARKING & RELATED PROBLEMS AT 75-256 DESERT PARK
DRIVE, INDIAN WELLS, CA.**

We are all long time residents of Indian Wells who are concerned and troubled by the activities at 75-256 Desert Park Drive, including excessive noise at all hours, parking problems in the area resulting from multiple vehicles up and down the street near the area.

We join in the request to City authorities to take reasonable steps to preserve the character of our neighborhood and protect us against abusive neighbors who do not live here but use the property for a business and or commercial venture and rent the property out to sixteen people at a time for very short duration, weekends, overnight, etc.

We believe that the noise, parking and related problems are a nuisance in that our enjoyment of our property is being harmed by these abusive practices.

We request the city authorities notify the offending owners/lessors that they are the source of a nuisance, that the nuisance must be abated immediately and that the city will act to protect the rights of neighbors.

Signed below by Indian Wells residents:

David Kogus
Beverly D. Kogus
Susan MacTressa
Lorna J. Martin
A. Blum

Syja Owen
Suzanne Owen
Jan T. Schlyng
Lisa Haupt Gore
Leahon Adams
Stohm Morgan

OVER

Richard A. Coste

Michael Welch

K. Hansen

Dudley & Lynda Scott

Dudley and Lynda Scott

Adele Ruxton

Walter Brown

D. J. Stewart

J. Simpson

Karen J. Kershner

John Burton

Kenneth May

RESIDENTS SIGNING PETITION IN ORDER OF SIGNATURE

David Kogus
Palm Shadow Drive

Beverly S. Kogus
Palm Shadow Drive

Susan Mac Issac
Palm Shadow Drive

Lorna J. Martin
Palm Shadow Drive

Tom Collins
Palm Shadow Drive

Suzanne Owen
Palm Shadow Drive

John T. Schwarzlose
Desert Park Drive

Lisa N. Schwarzlose
Desert Park Drive

Lester Allen
Desert Park Drive

Stephen Moyer
Desert Park Drive

Richard A. Coste
Desert Park Drive

Michael W. Clark
Desert Park Drive

Kim Hemmes
Desert Park Drive

Dudley Scott
Desert Park Drive

Lynda Scott
Desert Park Drive

Adele Ruxton
Palm Shadow Drive

Wilford Stewart
Palm Shadow Drive

Sonia Stewart
Palm Shadow Drive

John Burton
Desert Park Drive

Ken May
Desert Park Drive

*Karen Hershman
Desert Palm Drive*

*Bob Hershman
Desert Park Dr.*

Terms Apply

Prepay and save up to **30%**



BOOK NOW ▶

(/)

Rental Guarantee (<http://guarantee.homeaway.com/vrbo/>) Advantages (<http://www.vrbo.com/global/advantages.htm>) Community (<http://vacationrentals.vrbo.com/owner-community>) Luxury (http://luxury.homeaway.com/?utm_source=vrbo&utm_medium=crossbrand&utm_content=hp&utm_campaign=vrbo-hp-lux) Help (<http://help.vrbo.com>)

Traveler login Owner login (/Accounts.mvc/OwnerDash) List your property (<http://www.vrbo.com/cart/signup>)

Indian Wells, Deserts, California

Arrival Departure Sleeps Search

Sort by: VRBO Sort Rate: Any Bedrooms: Any Booking: Edit All filters: Add+

List () Map (/map-search)

Indian Wells - 142 vacation rentals

Home (/) USA (/vacation-rentals/usa) California (/vacation-rentals/usa/california) Deserts (/vacation-rentals/usa/california/deserts)

Indian Wells (/vacation-rentals/usa/california/deserts/indian-wells)



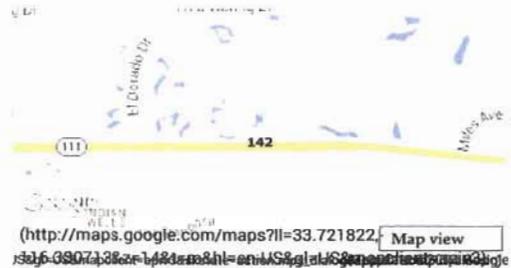
3Br • 3Ba • Sleeps 4-6
(/393332)
\$5,800 per month (USD)



3Br • 3.5Ba • Sleeps 2-6
(/453593)
\$650 - \$885 per night (USD)



3Br • 3Ba • Sleeps 10
(/401588)
\$817 - \$2,800 per week (USD)



Indian Wells Hideaway with Spectacular Views (<http://www.vrbo.com/514124>)

1 Bedroom • 2 Bathrooms • Sleeps 2-4 •
Indian Wells (/vacation-rentals/usa/california/deserts/indian-wells) #514124

9

\$700 - \$1,200
per week
7 night min stay

Book now
(<http://www.vrbo.com/514124#bookit>)

Desert Horizon Luxury Gated Home 3 Bedroom (5 Beds) & 3 Bath on Golf Course Wifi (<http://www.vrbo.com/401588>)

3 Bedrooms+ • 3 Bathrooms • Sleeps 10 •
Indian Wells (/vacation-rentals/usa/california/deserts/indian-wells) #401588

1

\$817 - \$2,800
per week
7-28 night min stay

Book now
(<http://www.vrbo.com/401588#bookit>)

Summer Time Special!!!! Every Weekend Will Go So Act Fast!! (<http://www.vrbo.com/204788>)

5 Bedrooms • 4.5 Bathrooms • Sleeps 12 •
Indian Wells (/vacation-rentals/usa/california/deserts/indian-wells) #204788

20

View listing for price

View details
(<http://www.vrbo.com/204788>)

New House**Indian Wells Luxury Dream Home-Spring and Summer Specials (<http://www.vrbo.com/3560262ha>)

3 Bedrooms • 3.5 Bathrooms • Sleeps 6 •
Indian Wells (/vacation-rentals/usa/california/deserts/indian-wells) #3560262ha

\$435 - \$1,250
per night
3-7 night min stay

View details
(<http://www.vrbo.com/3560262ha>)

Feedback

4/30d

(/)

[Rental Guarantee \(http://guarantee.homeaway.com/vrbo/\)](http://guarantee.homeaway.com/vrbo/) [Advantages \(http://www.vrbo.com/global/advantages.htm\)](http://www.vrbo.com/global/advantages.htm) [Community \(http://vacationrentals.vrbo.com/owner-community\)](http://vacationrentals.vrbo.com/owner-community) [Luxury \(http://luxury.homeaway.com/?utm_source=vrbo&utm_medium=cross-brand&utm_content=hp&utm_campaign=vrbo-hp-lux\)](http://luxury.homeaway.com/?utm_source=vrbo&utm_medium=cross-brand&utm_content=hp&utm_campaign=vrbo-hp-lux) [Help \(http://help.vrbo.com\)](http://help.vrbo.com)

[Traveler login](#) [Owner login \(/Accounts.mvc/OwnerDash\)](#) [List your property \(http://www.vrbo.com/cart/signup\)](http://www.vrbo.com/cart/signup)

Destination, keywords, property id Arrival Departure Search

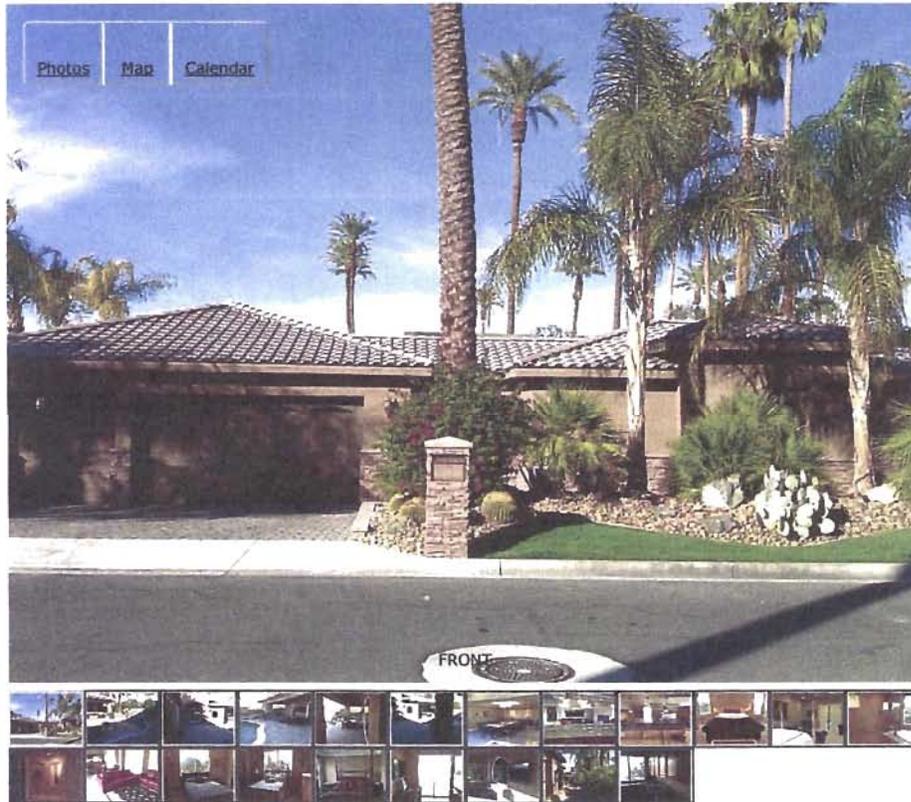
[Home \(http://www.vrbo.com\)](http://www.vrbo.com) [USA \(http://www.vrbo.com/vacation-rentals/usa\)](http://www.vrbo.com/vacation-rentals/usa)

[California \(http://www.vrbo.com/vacation-rentals/usa/california\)](http://www.vrbo.com/vacation-rentals/usa/california)

[Deserts \(http://www.vrbo.com/vacation-rentals/usa/california/deserts\)](http://www.vrbo.com/vacation-rentals/usa/california/deserts)

[Indian Wells \(http://www.vrbo.com/vacation-rentals/usa/california/deserts/indian-wells\)](http://www.vrbo.com/vacation-rentals/usa/california/deserts/indian-wells) VRBO Listing #555842 Like 4

Summertime Luxury with a Brand New Outdoor Kitchen



[Save to my favorites](#)

\$795 - \$1,100
per night (USD)

0

5 Bedroom / 4 Bathroom

Sleeps 16

View calendar: Updated 02/25/14

Minimum stay: 2-7 nights

Arrival Departure

[Get an instant quote](#)

[Email owner](#)

[Show Phone Number](#)

Speaks: english

Always make sure to call the number on the listing to confirm payment details. Only pay using credit card, PayPal, check, or direct bank transfer. [Learn More \(http://www.homeaway.com/info/secureTravelers/Safe-Payment-Tips\)](#)

[Overview](#) [Reviews](#) [Rates](#) [Calendar](#) [Location](#) [Owner Info](#) [Photos](#)

Minimum stay: 2-7 nights **Pets considered:** No
Internet: Yes **Wheel chair accessible:** Yes

Add vacation protection services to your booking

Three services to protect your trip:

Protect your payments in case you need to cancel.

Guarantee the rental meets your expectations.

Ensure you're prepared in case of accidental damage.

[Get it now](#)

Indian Wells house description

What an amazing, brand new 5 bedroom, 4 bath house that is conveniently located at the end of secluded street in Indian wells.

The spacious custom floor plan of this one of a kind, well equipped house can sleep as many as 14-16 guests.

Upon entering the main court yard you will immediately be drawn to the amazing waterfall that empties into the heated, kidney shaped pool which is located at the center of the outdoor lounging area. The pool is equipped with 6 hot water jets with a lengthy under water sitting bench for your relaxation after a long day of golf or tennis. While lounging around the pool you might enjoy listening

[Feedback](#)

to music from one of the two outdoor TVs equipped with Apple TV. Bring your iPhone and listen to your own music inside or out with the Apple TV connected to the outdoor speakers.

No need to head into the house away from your guests and start preparing a meal. Outdoor entertaining is of its finest with this custom built outdoor kitchen. Hang around the pool and visit with your guests while preparing meals in this well organized and equipped kitchen. It contains a 36' BBQ grill, cooktop, two refrigerators and ice maker. Plenty of room for food preparation and storage.

To the right of the pool is a detached Casita. It will accommodate sleeping for 4 to 6, with a full bath and kitchenette. It has the comfort of air conditioning as well as a large ceiling fan.

The main house is very spacious featuring a 70" high definition TV with surround a sound. The custom furniture was selected for its comfort as well as a classic modern touch. Whether you are looking for a fine dining or take your shoes off and relax. It has the capability to outshine the rest with comfort and elegance.

The gourmet kitchen is complete with top of the line stainless steel appliances. Dining was made convenient with one long table that has the ability to seat 16 people or if you prefer you may enjoy dining outdoors. Also the indoor kitchen area is equipped with a bar stool seating for you to relax and enjoy while viewing the chef prepare your meals.

The master bedroom is of king size proportions. Hidden behind the double door entrance to this oversized master suite is a private sitting area with a large screen TV. Top of the line linens, plush pillows and fresh towels have been provided. Each room has a large ceiling fan and the comforts of central air conditioning.

Each bedroom has been prepared with comfort and privacy in mind. All rooms include fresh towels, linens and plush pillows. For your convenience all rooms are equipped with large screen TVs, Apple TV and free WiFi.

An oversized laundry room is complete with washer and dryer and an area to hang swimsuits. Pool towels are provided.

Extra paper towels, toilet paper and laundry soap is available for your use during your stay.

Garage parking is available. Also four car spaces are available in the driveway and additional street parking at the end of the lane.

Property Type

3700 sq. ft. House

Accommodation Type

Vacation Rental

Meals

Guests Provide Their Own Meals

Onsite Services

Private Chef	Staff	Concierge
		Massage

Suitability

Long-Term Renters Welcome	Pets Not Allowed	Wheelchair Accessible
Events Allowed	Children Welcome	

[Feedback](#)

Bedrooms: 5 Bedrooms, Sleeps 16, Beds for 16

Bedroom 1: 1 king

Bedroom 2: 1 queen, 2 sleep sofa /futon

Bedroom 3: 1 king

Bedroom 4: 1 queen

Bedroom 5: 1 queen

There is an additional sofa sleeper in the family room

Bathrooms: 4 Bathrooms

Bathroom 1: toilet, shower, bidet, jetted tub

Bathroom 2: toilet, shower

Bathroom 3: toilet, shower

Bathroom 4: toilet, tub

Kitchen & Dining

Dishes & Utensils

Dishwasher

Pantry Items

Toaster

Coffee Maker

Microwave

Kitchen

Dining

Refrigerator

Oven

Stove

Amenities

Parking

Clothes Dryer

Washing Machine

Iron & Board

Hair Dryer

Garage

Air Conditioning

Fireplace

Babysitter

Towels Provided

Linens Provided

Heating

Other Amenities

Outdoor kitchen under construction with 36" BBQ Burner, sink, refrigerator, ice maker and bar seating in-front of 55" outdoor TV.

Entertainment

Music Library

Stereo

Games

Toys

Books

Satellite / Cable

Television

DVD Player

Video Games

Video Library

Communications

Telephone

Internet

Pool & Spa

Heated Pool

Hot Tub

Private Pool

Outdoor Features

Lawn / Garden

Tennis

Golf

Outdoor Grill

Deck / Patio

Lanai / Gazebo

Feedback

Theme

Spa	Sports & Activities	Historic
Romantic	Away From It All	Family
Tourist Attractions	Adventure	

Location & View

Mountain View

Car

Necessary

Activities

Laundromat	Basketball Court	Library
Hospital	Cycling	Recreation Center
Massage Therapist	Mountaineering	Playground
Fitness Center	Mountain Climbing	Scenic Drives
Medical Services	Roller Blading	Outlet Shopping
Groceries	Tennis	Walking
Antiquing	Golf	Sight Seeing
Wildlife Viewing	Theme Parks	Shopping
Miniature Golf	Winery Tours	Gambling Casinos
ATM/Bank	Zoo	Live Theater
Horseback Riding	Health/Beauty Spa	Cinemas
Hiking	Restaurants	Museums
Mountain Biking	Water Parks	Eco Tourism
Rock Climbing	Churches	Bird Watching
Hot Air Ballooning	Botanical Garden	

Other Activities

Indian wells is the Beverly hills of the desert. Want to go shopping? Take a swift 5 minute drive to southern Californians' famous El Paseo drive. This is a 5 star shopping or dining experience and it will keep you coming back for more.

Reviews

[Write a review \(http://www.vrbo.com/555842/reviews/write\)](http://www.vrbo.com/555842/reviews/write)

This property does not have any reviews yet.

[Be the first to write a review for this listing... \(http://www.vrbo.com/555842/reviews/write\)](http://www.vrbo.com/555842/reviews/write)

Rates

[Currency Conversion](#)

Rental basis: Per property

Rental rates quoted in: **USD** ▾

Dates	Nightly	Weekend Night	Weekly	Monthly *	Event
TENNIS TOURNAMENT					
Mar 1 - Mar 22, 2014 7 night min stay			\$5,950	\$20,000	
HIGH SPRING					
Mar 23 - May 31, 2014 2 night min stay	\$895 ✓		\$5,000	\$15,000	

Feedback

Dates	Nightly	Weekend Night	Weekly	Monthly *	Event
SUMMER Jun 1 - Nov 1, 2014 2 night min stay	\$795		\$4,495	\$12,000	
My Standard Rate 2 night min stay	\$1,100		\$6,500	\$15,000	

* Approximate Monthly rates, actual rate will depend on the days of the month you stay

Fees and Rental Conditions:

NON-REFUNDABLE CLEANING: \$300
 Taxes Included
 Property Damage Protection: \$89

Cancellation policy:

100% refund if canceled at least 60 days before arrival date.

Always make sure to call the number on the listing to confirm payment details.

Only pay using credit card, PayPal, check or direct bank transfer. **NEVER** pay by cash or instant money transfer services such as Western Union or MoneyGram. [Learn more](#) (<http://www.homeaway.com/info/security?Travelers/Safe-Payment-Tips>)

Don't forget your vacation protection! [Get protected now \(http://www.vacationprotection.com?utm_source=vrbo&utm_medium=cross%20brand&utm_content=pdprates&utm_campaign=vpcmxs\)](http://www.vacationprotection.com?utm_source=vrbo&utm_medium=cross%20brand&utm_content=pdprates&utm_campaign=vpcmxs)

Adding our Vacation Protection services can make sure your getaway goes smoothly, no matter what. We offer Cancellation Protection, Carefree Rental Guarantee, and Damage Protection so you can truly relax.

- Protect your payments in case you need to cancel.
- Guarantee the rental meets your expectations.
- Ensure you're prepared in case of accidental damage.

Calendar

Last updated: 02/25/2014

Arrival Depart Check availability [Previous](#) [Next](#)

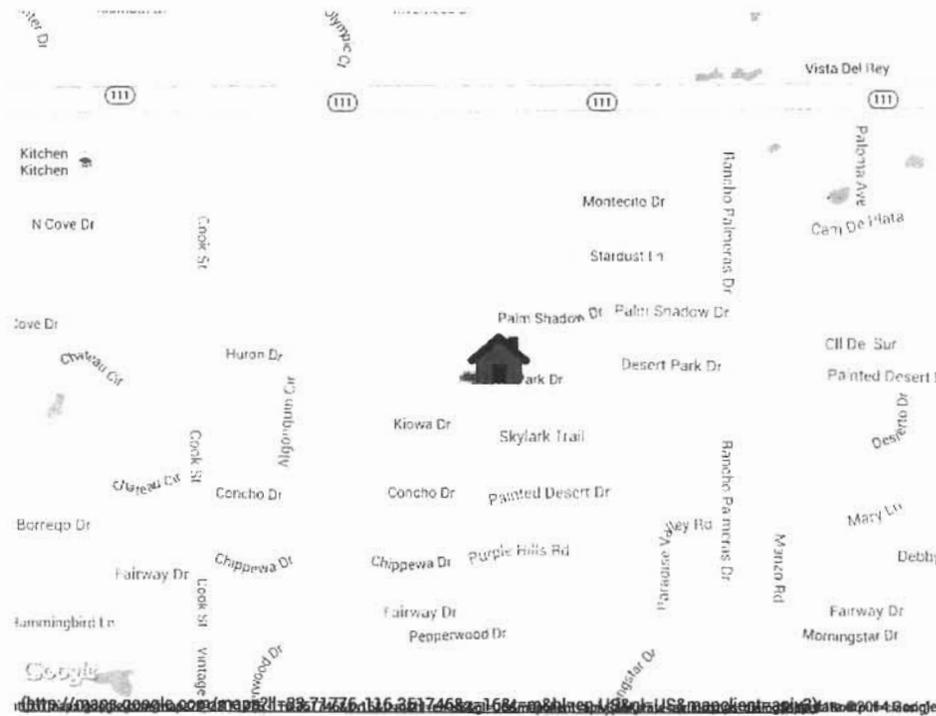
March 2014							April 2014							May 2014							
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16	17	18	19	20	21	22	20	21	22	23	24	25	26	18	19	20	21	22	23	24	
23	24	25	26	27	28	29	27	28	29	30	25	26	27	28	29	30	31				
30	31																				

June 2014							July 2014							August 2014							
SU	MO	TU	WE	TH	FR	SA	SU	MO	TU	WE	TH	FR	SA	SU	MO	TU	WE	TH	FR	SA	
1	2	3	4	5	6	7			1	2	3	4	5						1	2	
8	9	10	11	12	13	14	6	7	8	9	10	11	12	3	4	5	6	7	8	9	
15	16	17	18	19	20	21	13	14	15	16	17	18	19	10	11	12	13	14	15	16	
22	23	24	25	26	27	28	20	21	22	23	24	25	26	17	18	19	20	21	22	23	
29	30						27	28	29	30	31	24	25	26	27	28	29	30			

Feedback

23 Available 24 Unavailable 22 Today 23 Selected dates

Location



- Nearest Airport:** Palm Springs at 20 Miles
- Nearest Beach:** Huntington Beach at 87 Miles
- Nearest Golf:** Everywhere at Indian Wells
- Nearest Restaurant:** Everywhere at Indian Wells

Owner info

Contact us
Speaks: english

Photos

- FRONT
- POOL WITH WATERFALL AND HEATED JETS
- POOL WITH WATERFALL AND HEATED JETS
- OUTDOOR DINING FOR 12-16
- OUTDOOR DINING FOR 12-16
- FRONT
- COURTYARD MAIN ENTRANCE
- COURTYARD MAIN ENTRANCE

Feedback



Feedback



Feedback

The Rancho Palmares P O A has presented the problems related to 75256 Desert Park Dr. to the city counsel and administrative staff. The city is planning to address the problem of vacation rentals in Indian Wells in the month of May. City representatives have asked that excessive noise and parking problems created by renters of 75256 be reported to the Sheriffs dept. at non emergency 1 760 836 3215 ext .5 or to 1 800 950 2444. This non occupied leased home is being booked on line for up to 16 people per night. This commercial venture could effect your home value under full discolosure requirement upon resale.

Please report your problems with this vacation rental so that the city can properly address this issue

During the month of April , this property is rented out during Coachella fest and Stage Coach

Sp Mtg.
COUNCIL ACTION _____ MTG. DATE: 5-1-14

APPROVED DENIED _____ REC/FILE _____ CONT. _____

OTHER _____

VOTE: YES 5 NO 0 ABSTAIN _____

Indian Wells City Council

Staff Report – Finance

Suspend/REVOKE business license for a minimum of 30 day Rentals **May 1, 2014**
only and to direct staff to draft urgency ordinance for a special mtg on Monday, May 5, 2014

Discussion and Direction Relating to Proposed Amendment to City's Short-term/Vacation Rental Ordinance

RECOMMENDATION:

City Council **REVIEWS** and provides **DIRECTION** to staff regarding proposed modifications to the City's Short-term/Vacation Rental Ordinance

DISCUSSION:

Summary:

The City is preparing to develop and implement a Short-term/Vacation Rental compliance program ("Rental Compliance Program"). By implementing an effective Rental Program, the City anticipates there will be two main benefits to the community:

1. A more proactive and effective compliance program that educates rental property owners and property management firms as to the City's ordinance which correlates to a reduction of nuisances to surrounding residents as experienced by other Valley cities that have implemented a similar rental compliance program; and
2. A revenue stream of \$100,000 annually (net) in new transient occupancy taxes (TOT) to the City's General Fund.

During the February Strategic Planning workshop the Council extensively discussed issues associated with short-term/vacation rentals. The Council expressed concern with the lack of proactive enforcement of the current short-term rental ordinance and the associated nuisances neighbors are experiencing with short-term/vacation rentals. The Council also discussed whether short-term rentals should be allowed to continue in the City. The Council reached consensus that while some of the Council would prefer not to allow any short-term rentals in the City, the reality of homes being rented for Coachella and Stagecoach necessitate the City establishing rules and regulations that will protect the neighbors from the nuisances experienced with rental properties. Staff is requesting the Council confirm its prior direction for staff to develop and establish a Rental Compliance Program.

If the direction from the Council is to develop and implement a Rental Compliance Program, then Staff is prepared for Council to discuss proposed modifications to the existing short-term residential rental ordinance to allow the City to proactively and more effectively manage short-term/vacation rentals.

In discussions with other Valley cities, it became apparent that they also experienced similar code enforcement issues as Indian Wells is experiencing now, for example excessive noise or parking violations being reported by neighbors. The other Valley cities have reported a marked reduction of code complaints with an effective and proactive compliance program.

Just responding to complaints is not good enough, the City must be proactive to address issues and manage conditions before complaints arise. Great communication with stakeholders is the key to the Rental Compliance Program. The City must reach out to property owners and management firms alike interested in renting their properties to provide training and guidance, education and assistance, and require compliance and provide proactive oversight. Still today, many rental owners and their agents are unaware of the City's current short-term rental ordinance that requires registration, collection and remittance of TOT, and adherence to ordinance-defined rules.

To this end, the City has hired Cindy Gosselin with Vacation Rental Compliance LLC, who is currently working with most of other cities in the Coachella Valley regarding short-term rental compliance. Prior to implementing the program, Staff recommends the City's existing Short-term/Vacation Rental Ordinance (Ordinance No. 653) be revised based on Mrs. Gosselin's extensive experience dealing with short-term rentals, and to provide clarity on issues and the ability to gain compliance with concerns that residents and City Council Members have recently expressed, such as noise, occupancy limit, and parking. Both Staff and Mrs. Gosselin believe the attached revised ordinance will address these concerns.

Analysis:

Staff has initiated the review of the current short-term rental ordinance and has noted a number of key areas for City Council discussion. The updated ordinance will allow the City to administer compliance, while protecting residents' rights; thereby, safeguarding the integrity of the community. The proposed changes to the ordinance define specific rules and regulations for short-term rental properties and establish effective enforcement mechanisms. Once the Ordinance is revised, the focus will be on education, registration and community outreach. The registration and of the administration of the program will be the handled by Vacation Rental Compliance. However, there will be an impact on City staff especially business license and code enforcement. Community outreach will be accomplished through City email-blasts, the City's Newsletter and a well-defined web page, outlining the specifics of the ordinance.

Staff has outlined the proposed changes or additions to the ordinance which are followed with analysis and/or a request for Council direction.

Discussion item #1: Suspension or revocation of business license.

After consulting the other cities and Ms. Gosselin, Staff believes the best mechanism for voluntary compliance of the City's Rental Program is through a robust and strict suspension or revocation of business license policy. Staff has expanded the suspension or revocation of the business license section by 1) adding a citation with increasing penalty amounts for each violation within any 12 month period and 2) adding penalty language for a second violation within any twelve month period. The proposed language is as follows:

(a) Grounds for Suspension or Revocation. In addition to any other penalty authorized by law, a business license for a Short-term Residential Rental shall be suspended or revoked if the Community Development Director finds, after notice to the licensee and opportunity to be heard, that the licensee or his or her agents or employees has or have violated, or failed to fulfill, the requirements of this Chapter or this Code.

(1) Upon a finding by the Community Development Director of a first violation within any twelve (12) month period, the business license shall be suspended for thirty (30) days. The Owner or Managing Agency or Agent who has been issued the license shall be subject to a \$250 citation. During said time the Premises shall not be utilized for a Short-term Residential Rental.

(2) Upon a finding by the Community Development Director of a second violation within any twelve (12) month period, the business license shall be suspended for one hundred eighty (180) days. The Owner or Managing Agency or Agent who has been issued the license shall be subject to a \$500 citation. During said time the Premises shall not be utilized for a Short-term Residential Rental.

(3) Upon a finding by the Community Development Director of a third violation within any twelve (12) month period, the business license shall be revoked and the Owner or Managing Agency or Agent who had been issued the business license shall not again be issued a business license for Short-term Residential Rental for a period of twenty-four (24) months after the date of the third violation. The Owner or Managing Agency or Agent who has been issued the license shall be subject to a \$1,000 citation. During said time the Premises shall not be utilized for a Short-term Residential Rental.

This section outlines the primary mechanism the City will utilize to suspend or revoke the business license of the licensee if any of the ordinance's sections are violated or not fulfilled. While the citation amount is a deterrent, it is the loss of the ability to utilize the property as short-term residential rental that will be the true deterrent to the licensee, and a means for the City to address any code enforcement concerns the neighbors may have.

Policy Questions:

Are adjustments necessary to the citation amounts?

Are adjustments necessary to the suspension time periods?

Discussion item #2: Occupancy.

The maximum occupancy is two (2) persons, plus two (2) additional persons per bedroom between 11:00 p.m. and 6:00 a.m. One (1) additional person is permitted per bedroom during daytime hours.

Provided as Attachment #2 are the allowable occupancy limits, for overnight and daytime based on the number of bedrooms, of six other Valley cities. Indian Wells occupancy limits are consistently higher for overnight and lower for daytime than the other cities.

Staff also recommends adding language to the ordinance that states "Rental owners or Agents shall only advertise up to the maximum occupancy consistent with this ordinance" to address the advertising of Indian Wells homes with a higher than allowed occupancy that staff has seen on the VBRO and other vacation home rental websites.

Policy Question:

Are adjustments necessary to the occupancy limits?

Discussion item #3: Minimum duration of rental.

The minimum duration of any rental period is three (3) consecutive days.

According to Mrs. Gosselin's, the other six Valley cities she works with do not establish a minimum number of rental days. Therefore, these cities allow Owners or Managing Agencies to rent units one day at a time. Staff believes keeping the 3 consecutive day minimum rental period will assist in minimizing the number of weekend party rentals.

Policy Question:

Are adjustments necessary to the minimum duration of rental time period?

Discussion item #4: Parking.

A maximum of one (1) vehicle per bedroom shall be parked on the premises only in an approved driveway or garage.

The parking restriction helps to reduce impacts to the look of the property and traffic congestion in the neighborhoods.

Discussion item #5: Definitions and Personal availability.

Staff has added the following upon the advice of Ms. Gosselin:

"Local Contact Person" means the person designated by the Owner or the Owner's authorized agent or representative who shall be available twenty-four (24) hours per day, seven (7) days per week for the purpose of: (1) responding within forty-five (45) minutes to complaints regarding the condition or operation of the Premises, or conduct of occupants of the Premises; and (2) taking remedial action to resolve any such complaints.

(a) Local Contact Person shall be available by telephone on a seven (7) day per week, twenty-four (24) hour per day basis to respond via telephone to public safety calls, nuisances, or other complaints regarding the use, condition, operation, or conduct of occupants on the Premises. The Local Contact Person shall respond within 45 minutes to any issue occurring at the Premises. On the first call the Local Contact Person may, if feasible, solve the issue via phone. If there is a second call within twenty-four (24) hours concerning the same Premises, the Local Contact Person must visit the Premises to resolve the issue.

Most issues with short term rentals occur in the evening, or on the weekends. In the past, neighbors who have concerns could only contact the Sheriff's Department. The Sheriff's department was limited to visiting the site and talking to the people leasing the rental unit to resolve issues. With the Local Contact Person established, Vacant Rental Compliance and/or Sheriff's Department now have direct contact with the owner's representative to resolve the issue. The proposed language also requires the Local Contact Person to respond to complaints within a certain time frame to ensure the issue is resolved in a timely manner.

"Responsible Person" means an occupant of the Premises who is at least twenty-one (21) years of age and who is legally responsible for ensuring that all occupants of the Premises and/or their guests comply with all applicable laws, rules and regulations pertaining to the use and occupancy of the subject Premises.

"Good Neighbor Brochure" means a document prepared by the City that summarizes the general rules of conduct, consideration and respect pertaining to the use and occupancy of the Premises.

The City will prepare a "Good Neighbor Brochure" that summarizes the general rules of conduct, consideration and respect pertaining to the use and occupancy of the short-term rental units. The City of Rancho Mirage's Good Neighbor Brochure, Attachment #3 is a good example of the type of brochure the City will prepare.

Discussion item #6: Registration.

On a written form prepared by the Community Development Director of the City, the Owner shall register with the City as the point of contact for the Short-term Residential Rental Premises and shall be responsible for all requirements of this Chapter. However, such registration is deemed satisfied if accomplished by a Managing Agency or Agent on behalf of the Owner. The Owner of the Premises shall retain primary responsibility for all requirements of this Code related to Short-term Residential Rentals, notwithstanding registration by a Managing Agency or Agent. A fee may be established by resolution of the City Council to cover the reasonable cost of processing the registration. Either the Owner of the Premises or a Managing Agency or Agent shall provide all of the following information to the City at the time of registration, and shall promptly upon change of any such information update such information to maintain accuracy:

- (a) Full legal name of the Owner of the Premises; and
- (b) Street and mailing addresses of the Owner of the Premises; and
- (c) Telephone number of the Owner of the Premises; and
- (d) Full legal name or business name of a Managing Agency or Agent, if any; and
- (e) Street and mailing addresses of a Managing Agency or Agent, if any; and
- (f) Telephone number of a Managing Agency or Agent, if any; and
- (g) Street and mailing addresses of the Short-term Residential Rental Premises; and
- (h) Telephone number of the Short-term Residential Rental Premises; and
- (i) Any other contact information the City may reasonably require.
- (j) Full legal name, street and mailing address and telephone number of Local Contact Person.

Staff is suggesting the City establishes a registration fee for each registered property to cover the City's administration costs associated with the Rental Compliance Program.

Policy Question:

Does the Council direct staff to establish a registration fee for each registered property by resolution and to prepare a 'cost study' to determine the actual cost in processing the application?

Discussion item #7: Statement of occupancies.

Either the Owner or a Managing Agency or Agent shall submit to the City, ~~once per quarter, on or before March 31, June 30, September 30, December 31 of each year~~ on a form prepared by the City or in a manner otherwise acceptable to the City, a statement of occupancies for Short-term Residential Rental on the Premises the prior calendar month, containing all of the following information (whether or not the Premises has actually been occupied during the ~~respective prior calendar month quarter~~):

- (a) Dates of any Short-term Residential Rentals of the Premises; and
- (b) Number of persons staying on the Premises during each Short-term Residential Rental; and
- (c) Consideration collected for each Short-term Residential Rental; and
- (d) Amount of Transient Occupancy Tax due and paid or payable to the City.

Staff has changed the language to require a monthly transient occupancy tax reporting rather than quarterly to assist with the tracking process.

ATTACHEMENTS:

1. Redline version of proposed amendment to City's Short-term/Vacation Rental Ordinance
2. Vacation Rental Comparison of Occupancy Requirements
3. Rancho Mirage Short-term Rental Brochure

DRAFT AMENDMENTS

Chapter 5.20 SHORT-TERM RESIDENTIAL RENTALS

Sections:

- 5.20.010 Violation; nuisance; applicability.
- 5.20.020 Short-term residential rental, definitions.
- 5.20.030 Conditions of operation.
- 5.20.040 Business license.
- 5.20.050 Registration.
- 5.20.060 Personal availability.
- 5.20.070 Notice to occupants.
- 5.20.080 Transient occupancy tax.
- 5.20.090 Statement of occupancies.
- 5.20.100 Signs.
- 5.20.110 Noise.
- 5.20.120 Occupancy.
- 5.20.130 Maintenance of residential character.
- 5.20.140 Minimum duration of occupancy.
- 5.20.150 Parking.
- 5.20.160 Suspension or revocation of business license.
- 5.20.170 Administrative citation.

5.20.010 Violation; nuisance; applicability.

It is unlawful and a violation of this Chapter, and is hereby declared a public nuisance, for any person or entity owning, renting, leasing, occupying, or having charge, control or possession of any real or improved property within the City of Indian Wells to cause, permit, maintain or allow any violation of this Chapter to exist thereon. Any violation of this Chapter is punishable as a misdemeanor and/or as otherwise permitted by this Code. Each and every day, or portion thereof, that a violation of this Chapter exists constitutes a separate and distinct violation.

5.20.020 Short-term residential rental, definitions.

The following words and phrases, whenever used in this Chapter, shall have the meaning defined in this Section unless the context clearly requires otherwise:

"City" means the City of Indian Wells.

"Code" means the Indian Wells Municipal Code.

"Managing Agency or Agent" means a person, firm, or agency representing the Owner of the Short-term Residential Rental, or a person, firm, or agency owning or operating more than one Short-term Residential Rental.

DRAFT AMENDMENTS

"Owner" means any person or entity appearing on the last equalized assessment roll of Riverside County, including any part owner and joint owner of the Premises.

"Premises" means the actual single-family house or other residential dwelling unit, including all of its improved real property, which is used as a Short-term Residential Rental.

"Short-term Residential Rental" means the rental of a residential dwelling unit by the Owner thereof to another party for a continuous period of less than thirty (30) days in the aggregate, in exchange for any form of monetary or non-monetary consideration such as but not limited to trade, fee, swap or any other in lieu of cash payment.

"Local Contact Person" means the person designated by the Owner or the Owner's authorized agent or representative who shall be available twenty-four (24) hours per day, seven (7) days per week for the purpose of: (1) responding within forty-five (45) minutes to complaints regarding the condition or operation of the Premises, or conduct of occupants of the Premises; and (2) taking remedial action to resolve any such complaints.

"Responsible Person" means an occupant of the Premises who is at least twenty-one (21) years of age and who is legally responsible for ensuring that all occupants of the Premises and/or their guests comply with all applicable laws, rules and regulations pertaining to the use and occupancy of the Premises.

"Good Neighbor Brochure" means a document prepared by the City that summarizes the general rules of conduct, consideration and respect pertaining to the use and occupancy of the Premises.

5.20.030 Conditions of operation.

(a) Pursuant to this Chapter and any other applicable provisions of this Code, Short-term Residential Rentals are permitted in the Very Low Density, Low Density, Medium Density, and Medium High Density residential zones of the City only if all the requirements of this Chapter are met.

(b) The requirements of this Chapter shall be met before a Short-term Residential Rental of a Premises is permitted.

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5.20.040 Business license.

(a) Business License Required for Short-term Residential Rentals. The Short-term Residential Rental of any Premises in the City is deemed to be a "Business" as defined in Chapter 5.01 of this Code. It shall be unlawful for any person or entity, including without limitation the Owner of a Premises, to engage in the business of Short-term Residential Rentals without first obtaining and maintaining a valid business license from the City pursuant to Chapter 5.01 of this Code. The business license or copy thereof shall be prominently displayed in a visible location at the Short-term Residential Rental Premises during any periods of occupancy thereof by any person other than the Owner(s) of the Premises.

(b) Penalty for Violation. Failure to obtain and maintain a business license or continuing to operate a Short-term Residential Rental business after suspension or revocation of a business license, knowingly or intentionally misrepresenting to any officer or employee of this City any material fact in procuring a business license for Short-term Residential Rentals, or failing to pay any business license tax when due, shall be punishable in accordance with the provisions of Section 5.01.050 of this Code. An action against an Owner or any permittee of a business license for Short-term Residential Rentals who is in violation of any of the provisions of this Section may be brought pursuant to Chapter 8.08 or Section 5.01.050 of this Code, in addition to the business license suspension and revocation proceedings described Section 5.20.090.

5.20.050 Registration.

On a written form prepared by the Community Development Director of the City, the Owner shall register with the City as the point of contact for the Short-term Residential Rental Premises and shall be responsible for all requirements of this Chapter. However, such registration is deemed satisfied if accomplished by a Managing Agency or Agent on behalf of the Owner. The Owner of the Premises shall retain primary responsibility for all requirements of this Code related to Short-term Residential Rentals, notwithstanding registration by a Managing Agency or Agent. A fee may be established by resolution of the City Council to cover the reasonable cost of processing the registration. Either the Owner of the Premises or a Managing Agency or Agent shall provide all of the following information to the City at the time of registration, and shall promptly upon change of any such information update such information to maintain accuracy:

- (a) Full legal name of the Owner of the Premises; and
- (b) Street and mailing addresses of the Owner of the Premises; and
- (c) Telephone number of the Owner of the Premises; and
- (d) Full legal name or business name of a Managing Agency or Agent, if any; and
- (e) Street and mailing addresses of a Managing Agency or Agent, if any; and
- (f) Telephone number of a Managing Agency or Agent, if any; and
- (g) Street and mailing addresses of the Short-term Residential Rental Premises;

and

DRAFT AMENDMENTS

- (h) Telephone number of the Short-term Residential Rental Premises; and
- (i) Any other contact information the City may reasonably require; and
- (j) Full legal name, street and mailing address and telephone number of Local Contact Person.

5.20.060 Personal availability.

(a) Local Contact Person ~~Either the Owner or a Managing Agency or Contact~~ shall be available by telephone on a seven (7) day per week, twenty-four (24) hour per day basis to respond via telephone to public safety calls, nuisances, or other complaints regarding the use, condition, operation, or conduct of occupants on the Premises. The Local Contact Person shall respond within 45 minutes to any issue occurring at the Premises. On the first call the Local Contact Person may, if feasible, solve the issue via phone. If there is a second call within twenty-four (24) hours concerning the same Premises, the Local Contact Person must visit the Premises to resolve the issue.

(b) Local Contact Person ~~Either the Owner or a Managing Agency or Contact~~ shall be physically present within the geographical limits of the City during the term of the Short-term Residential Rental or be otherwise physically available to respond by visiting the Premises in person, at the request of the City or the City's police authority or as otherwise required pursuant to subsection (a) above.

5.20.070 Notice to occupants.

The Owner or a Managing Agency or Agent or Contact shall provide Responsible Party ~~each occupant~~ of a Short-term Residential Rental with the following information prior to occupancy of the Premises, and/or shall also post such information in a conspicuous place within the dwelling on the Premises:

(a) The name of the Owner, the name of the Managing Agency or Agent, or Contact if any, and a telephone number at which each may be reached on a twenty-four-hour basis; and

(b) Notification of the maximum number of overnight occupants and the maximum number of daytime occupants permitted on the Premises pursuant to this Chapter; and

(c) Notification of the City's noise standards, as provided in Chapter 9.06 of this Code, as may be amended from time to time; and

(d) Notification of the parking standards of this Chapter; and

(e) A copy of this Chapter of the Indian Wells Municipal Code, as may be amended from time to time; and

DRAFT AMENDMENTS

(f) Notification that an occupant may be cited or fined by the City, in addition to any other remedies available at law, for violating any provisions of this Chapter; and

(g) A copy of the "Good Neighbor Brochure."

Owners and Agents shall obtain from tenants and keep on file an agreement signed by each tenant acknowledging said tenant, managing agencies agrees to the rules set forth in the Good Neighbor Brochure

5.20.080 Transient occupancy tax.

All Short-term Residential Rentals shall be subject to the City's Transient Occupancy Tax as required by Chapter 3.12 of this Code.

5.20.090 Statement of occupancies.

Either the Owner or a Managing Agency or Agent shall submit to the City, by the tenth day of each month ~~once per quarter, on or before March 31, June 30, September 30, December 31 of each year~~ on a form prepared by the City or in a manner otherwise acceptable to the City, a statement of occupancies for Short-term Residential Rental on the Premises the prior calendar month, containing all of the following information (whether or not the Premises has actually been occupied during the ~~respective prior calendar month~~ quarter):

(a) Dates of any Short-term Residential Rentals of the Premises; and

(b) Number of persons staying on the Premises during each Short-term Residential Rental; and

(c) Consideration collected for each Short-term Residential Rental; and

(d) Amount of Transient Occupancy Tax due and paid or payable to the City.

5.20.100 Signs.

No sign, as that term is defined in Section 17.04.030 of this Code, shall be posted on the Premises to advertise the availability of the Short-term Residential Rental unit to the public.

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5.20.110 Noise.

It shall be unlawful for any owner, occupant, renter, lessee, person present upon, or person having charge or possession of the Premises to make or continue or cause to be made or continued any loud, unnecessary or unusual noise which disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area, or violates any provision of Chapter 9.06 of this Code. For the purposes of determining whether a violation of this Section has occurred, the standards of Section 9.06.050 (a) and (b) of this Code shall apply.

5.20.120 Occupancy.

The maximum overnight occupancy on the Premises of the Short-term Residential Rental, from the hours of 11:00 p.m. through 6:00 a.m. on the following morning, shall not exceed two (2) persons, plus an additional two (2) persons per bedroom. The maximum daytime occupancy on the Premises of the Short-term Residential Rental, from the hours of 6:00 a.m. through 11:00 p.m. on the same day, shall not exceed the maximum overnight occupancy, plus an additional one (1) person per bedroom. Owners or Agents shall only advertise availability of the Premises for occupancy up to the maximum occupancy for the applicable Premises set forth in this ordinance.

5.20.130 Maintenance of residential character.

The appearance of the Premises shall not conflict with the residential character of the neighborhood, either by the use of colors, materials, lighting, landscaping or otherwise. All applicable development, design, and landscaping standards, including but not limited to Chapter 21 of this Code, are expressly made applicable to Premises used for Short-term Residential Rentals.

5.20.140 Minimum duration of rental.

The duration of any lease or rental of Premises as a Short-term Residential Rental shall be for a minimum of three consecutive (3) days during which time there shall be no overlapping leases ~~of or~~ rental. Owners, Managing Agencies and Agents shall not advertise less than the required minimum number of rental days as set forth in this chapter.

5.20.150 Parking.

During the term of any Short-term Residential Rental, a maximum of one (1) vehicle per bedroom shall be parked on the Premises only in an approved driveway or garage.

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5.20.160 Suspension or revocation of business license.

(a) Grounds for Suspension or Revocation. In addition to any other penalty authorized by law, a business license for a Short-term Residential Rental shall be suspended or revoked if the Community Development Director finds, after notice to the licensee and opportunity to be heard, that the licensee or his or her agents or employees has or have violated, or failed to fulfill, the requirements of this Chapter or this Code.

(1) Upon a finding by the Community Development Director of a first violation within any twelve (12) month period, the business license shall be suspended for thirty (30) days and the Owner or Managing Agency or Agent who has been issued the license shall be subject to a \$250 citation. ~~and~~ During said time the Premises shall not be utilized for a Short-term Residential Rental.

(2) Upon a finding by the Community Development Director of a second violation within any twelve (12) month period, the business license shall be suspended for thirty (180) days and the Owner or Managing Agency or Agent who has been issued the license shall be subject to a \$500 citation. During said time the Premises shall not be utilized for a Short-term Residential Rental.

(23) Upon a finding by the Community Development Director of a third violation within any twelve (12) month period, the business license shall be revoked and the Owner or the Managing Agency or Agent who had been issued the business license shall not again be issued a business license for Short-term Residential Rental for a period of twenty-four (24) months and Owner or Managing Agency or Agent who was issued the license shall be subject to a \$1,000 citation. ~~and~~ During said time the Premises shall not be utilized for a Short-term Residential Rental.

(a) Appeal from Denial or Suspension or Revocation of a Business License for Short-term Residential Rental. Any applicant for a business license for the Business of Short-term Residential Rentals whose application was denied by the Community Development Director, and any licensee whose business license for a Short-term Residential Rental is suspended or revoked by the Community Development Director, may, within ten (10) days following such decision, appeal such decision to the Planning Commission, in which event the decision of the Community Development Director shall be vacated and the Planning Commission shall determine whether to affirm, reverse, or modify the decision of the Community Development Director in accordance with the requirements for Short-term Residential Rentals set forth in this Chapter. At least fourteen (14) days prior to the Planning Commission's meeting to consider the appeal of the applicant or licensee, the Community Development Director, City Clerk, or authorized designee, shall send, by United States mail, certified, return receipt requested, written notice to the applicant or licensee of the time and place at which the Planning Commission will consider the application, suspension or revocation, and the applicant or licensee shall be provided an opportunity to be heard by the Planning Commission

DRAFT AMENDMENTS

prior to its decision being made. Subject to any appeal of the City Council as hereinafter permitted, the decision of the Planning Commission shall be final and the City Clerk shall notify the applicant or licensee, as applicable, in writing of the decision of the Planning Commission. If the Planning Commission affirms the decision of the Community Development Director denying an application or suspending or revoking a license, the applicant or licensee shall have the right to appeal the decision of the Planning Commission to the City Council in accordance with the provisions of Section 21.06.110 of this Code, as amended from time to time. The decision of the Planning Commission shall not be vacated during the pendency of any appeal to the City Council.

5.20.170 Administrative citation.

(a) The City or the City's police authority, as defined by Section 11.08.060 of this Code, may issue an administrative citation to any occupant, invitee, renter, lessee or Owner of the Premises, or Managing Agency or Agent, for a violation of any provision of this Chapter.

(b) All complaints against a Short-term Residential Rental for any violation of this Code may be handled by the City's police authority on a 24-hour basis. Any police report where the City's police authority has concluded that a violation of this Chapter has occurred, may be submitted to the City's Code Enforcement Department for review and processing and issuance of an administrative citation. Each and every day, or portion thereof, that a violation of this Chapter exists constitutes a separate and distinct violation for which an administrative citation may be issued. Such an administrative citation shall be issued, notice given, and any appeals heard by the processes and in the manner prescribed by Sections 8.08.040 through 8.08.190 of this Code, as amended from time to time."

COMPARISON OF OCCUPANCY REQUIREMENTS

RANCHO MIRAGE			PALM DESERT			LA CIENITA			INDIO			CATHEDRAL CITY			PALM SPRINGS			INDIAN WELLS		
Bedrooms	Overnight	Daytime	Bedrooms	Overnight	Daytime	Bedrooms	Overnight	Daytime	Bedrooms	Overnight	Daytime	Bedrooms	Overnight	Daytime	Bedrooms	Overnight	Daytime	Bedrooms	Overnight	Daytime
0-Studio	2	8	0-Studio	2	4	0-Studio	2	8	0-Studio	2	8	0-Studio	2	8	0-Studio	2	4	0-Studio	4	5
1	2	8	1	2	4	1	2	8	1	4	8	1	4	6	1	4	6	1	4	5
2	4	8	2	4	8	2	4	8	2	4	8	2	4	8	2	6	9	2	6	7
3	6	12	3	6	12	3	6	12	3	6	12	3	8	12	3	8	12	3	8	9
4	8	16	4	8	16	4	8	16	4	8	16	4	10	15	4	10	15	4	10	11
5	10	18	5	10	20	5	10	18	5	10	18	5	12	18	5	12	18	5	12	13
6	12	18	6	12	20	6	12	20	6	12	18	6	14	21	6	14	21	6	14	15
7	14	18	7	14	20	7	14	20	7	14	18	7	16	24	7	16	24	7	16	17
Overnight (10:01pm - 6:59am) Daytime (7:00am - 10:00pm)			Overnight (10:01pm - 10:00am) Daytime (7:00am - 10:00pm)			Overnight (10:01pm - 6:59am) Daytime (7:00am - 10:00pm)			Overnight (10:01pm - 6:59am) Daytime (7:00am - 10:00pm)			Overnight (11:01pm - 6:00am) Daytime (6:00am - 11:00pm)								

Only overnight restrictions two persons per bedroom plus a stroller that will not exceed two persons per bedroom. No daytime occupancy restrictions.

Rancho Mirage

Heart of the Palm Springs Valley

www.RelaxRanchoMirage.com

GOOD NEIGHBOR BROCHURE FOR VACATION RENTERS

Rancho Mirage

is a resort community primarily comprised of mature homeowners who enjoy a tranquil lifestyle.

As a visitor to our community you are expected to respect the constraints of living in a respectable American neighborhood.

Please read this brochure carefully as we wish you to enjoy your stay. Loud music, rambunctious parties, streets filled with cars parked in front of neighbors' homes will not be tolerated.

Residents may call a 24/7 HOTLINE or the Sheriff to report intolerable behavior possibly resulting in citations, fines and expulsion from the rented property for both you and your guests.

Keep in mind how you would like your neighbors to behave next door to your home and you should experience no problems while enjoying your stay in beautiful Rancho Mirage.

CITY OF RANCHO MIRAGE
69-825 Highway 111
Rancho Mirage, CA 92270

760-324-4511

www.RelaxRanchoMirage.com
www.RanchoMirageCA.gov

BE ADVISED!

**RANCHO MIRAGE
RESIDENTS CAN
CALL A VACATION
RENTALS HOTLINE
TO REPORT
INFRACTIONS
OF THE RULES
OUTLINED IN
THIS BROCHURE.**

RENTERS ARE ADVISED THAT THE FOLLOWING RULES WILL BE STRICTLY ENFORCED.

FAILURE TO COMPLY MAY RESULT IN A CITATION, FINES & EXPULSION FROM THE RENTED PROPERTY.

NUMBER OF OCCUPANTS PERMITTED IN RANCHO MIRAGE VACATION RENTAL PROPERTIES

Number of Bedrooms	Total Number of Overnight Occupants*	Total Number of Daytime Occupants** (Including Overnight Occupants)
0 - Studio	2	8
1	2	8
2	4	8
3	6	12
4	8	16
5	10	18
6	12	18
7	14	18

* Overnight (10 p.m. - 7 a.m.)

** Daytime (7 a.m. - 10 p.m.)

Special Event Permits are required for gatherings in vacation rental properties that exceed the number of allowable people outlined above. Special Event Permits must be applied for by the homeowner or the homeowner's agent 30 days prior to an event.

NOISE

CITY ORDINANCE STIPULATES THAT NO SOUND AMPLIFICATION DEVICES OR MUSICAL INSTRUMENTS SHALL BE AUDIBLE OUTSIDE THE PROPERTY BETWEEN THE HOURS OF 10 P.M. AT NIGHT AND 1 P.M.

Remember you are renting in a residential neighborhood. Keep any music to an appropriate level. Residents are not on vacation and should not be expected to be subjected to your personal taste in music. The surrounding neighbors have access to a 24/7 HOTLINE that they may call to file a complaint. The homeowner or an appointed agent will be expected to respond to any complaint within 45 minutes or the Sheriff will be called. City sound ordinances are strictly enforced.

The Sheriff and Code Enforcement officers carry decibel meters and can monitor your sound levels. Failure to comply to the prescribed times permitted for outside music or any sound above the level allowed by City Ordinance that disturbs the neighbors may result in a citation, fines and expulsion from the property.

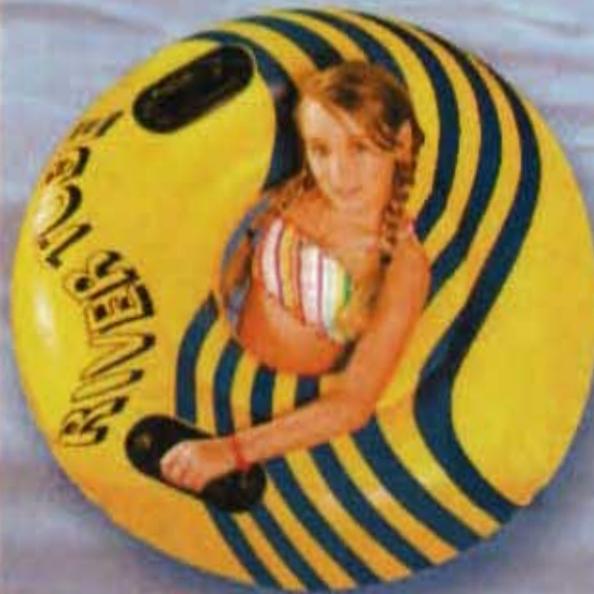
PARKING

RENTERS AND THEIR DAYTIME GUESTS SHOULD PARK IN THE GARAGE, IN THE DRIVEWAY OR DIRECTLY IN FRONT OF THEIR RENTAL PROPERTY.

Keep in mind you are renting in a neighborhood. Respect the neighbors and they will respect you. Renter's vehicles blocking a neighbor's driveway or parked up and down a street often result in the greatest number of complaints about a renter. Use the garage and the driveway of the rental property as your primary parking area. Additional vehicles should be parked directly in front of the rental property.

DOGS

RANCHO MIRAGE REQUIRES THAT ALL DOGS BE ON LEASHES WHENEVER THEY ARE IN UNENCLOSED AREAS OR ON PUBLIC STREETS. WHEN WALKING YOUR DOG YOU ARE REQUIRED TO PICK UP AND DISPOSE OF THEIR WASTE. BARKING DOGS IN THE BACKYARD OF RENTAL HOMES OFTEN RESULT IN NEIGHBOR COMPLAINTS.





April 18th, 2014

Dear City Council Members,

I am writing to you in connection with your consideration of the ordinance regarding the allowable rental period in Indian Wells. I believe our experience at our home at 75560 Mary Lane provides insight into what will inevitably happen in Indian Wells if the three day rental period is permitted to remain in force. For the reasons set forth below, we believe the minimum rental should be at least one month with no grandfathering.

The home next door located at 75550 Mary Lane was recently bought by a developer, essentially reconstructed, then leased on a long term basis to Luxe Properties which then, in turn, rents the house on a SHORT basis to groups. As a result our previously quiet neighborhood has been transformed into very late night party central. In fact, last night at 1:30 AM my wife and I were awakened yet again by the party next door that went on until at least 2:00 AM when we were forced to shut the doors and windows after calling the police. I emphasize to you that this is the fourth or fifth time this has occurred. We have filed complaint after complaint.

Let me assure you that short term rentals in Indian Wells will destroy our local neighborhood. The rental agency seems have no regard for the neighborhood. In addition to the above late night disturbances, routinely they have their gardeners running the leaf blowers at 6:00 PM long after the ordinance states they must be off.

This begs the question: what kind of neighborhood do you want Indian Wells to become? The three day rental changes its nature and environment. We were formerly a tight-knit neighborhood where we all knew one another; we watch each other's houses and know which cars belong and which don't. Our neighborhood is now occupied during the weekends by transients who do not care about the neighbors or the city.

I would be happy to elaborate regarding the above. We have been full time, year round residents of Indian Wells for approximately four years despite the use of my Menlo Park law office letterhead. Please feel free to telephone me on my cell phone at 650-868-3362.

Sincerely, *Patrick Baldwin*

Patrick Baldwin *Darlene Baldwin*
Darlene Baldwin

Anna Grandys

Subject: FW: Short-Term Rental Comments for Council's review

From: Margot Langdon [mailto:████████████████████]
Sent: Tuesday, April 29, 2014 1:27 PM
To: Sonia Hapner; Anna Grandys
Cc: Warren Morelion
Subject: RE: Short-Term Rental Comments for Council's review

Thanks very much Sonia.

I hope that Anna and Warren will take these comments in the way they are intended – as constructive input from a concerned property owner. Just by way of background, I am a relatively new property owner and have just started renting recently, so I am in the course of finalizing my business license application (it is in the mail) and look forward to remitting my first TOT tax payment in the very near future, as soon as I receive the requisite forms. It is in the course of this application that I became aware of the proposed changes to the ST Rental Ordinance.

In this re-evaluation process I feel that we need to keep in mind that facilitation of rentals helps to keep Indian Wells a vibrant and highly sought community and actually supports the property values in the community as well as maintaining local businesses and the tax generating revenue base.

It is in no one's best interests when communities are under-populated or under-used and become ghost towns as people age or are otherwise able to enjoy only part-time residency.

In my case and many others, as I am sure the statistics would confirm, the vast majority of rentals are to mature responsible adults who have had a successful career and are retired or semi-retired, as well as families. They may occasionally have friends and family come to visit. They also like to be able to entertain the friends that they have made in the desert over the years - in the house they are not only renting, but paying an 11.25% short term rental tax on. I can attest to the fact that all of my renters to this point have been very wonderful people.

Unless I have read the proposed changes incorrectly, it would be difficult to explain to them why they couldn't have a group of friends over for a BBQ.

To my mind, there is a danger of throwing out the baby with the bath water. I am assuming that the majority of the issues arise during Coachella and Stagecoach, during which I agree that existing noise and parking ordinances should be strictly enforced.

As stated in my prior email, in addition to my concerns about how many people are permitted to be in the house as non-overnight visitors, I also feel that there is limited benefit from making reporting requirements monthly instead of quarterly. Information is being reviewed retrospectively in any event and the administrative burden on the taxpayer would be unnecessarily onerous and punish those who do collect and remit taxes.

Rentals are in general are good for this truly great city, as long as they are not disruptive to the community. Rentals help to keep the City vibrant and dynamic, and support local business as well as the tax base. But I don't think that we need to create an additional administrative burden on the City or create a rigid and inhospitable climate in such a lovely place, which thrives on visitors and the welcoming feeling that attracts them.

Thanks very much for considering my perspective!

Margot

From: Sonia Hapner [<mailto:shapner@indianwells.com>]
Sent: Tuesday, April 29, 2014 12:57 PM
To: Anna Grandys
Cc: Margot Langdon; Warren Morelion
Subject: FW: Short-Term Rental Comments for Council's review
Importance: High

Anna,

Please see below comments regarding the upcoming changes to the short-term rental ordinance that Ms. Langdon would like to submit to Council.



Sonia Hapner
Administrative Assistant

44-950 Eldorado Drive
Indian Wells, California 92210-7497
www.IndianWells.com
shapner@IndianWells.com
V (760) 776-0229 F (760) 346-0407

From: Margot Langdon [<mailto:>]
Sent: Tuesday, April 29, 2014 10:15 AM
To: Sonia Hapner
Subject: RE: Business License Application

OK, thanks.

I just saw that there is a meeting on May 1 about changing the by-laws for short term rentals. I have a comment, and that is that it is unfair for a guest not to be able to have more than one additional person over during daytime hours. I have numerous guests who are very mature and responsible members of society who are very social, frequently come to the Desert and like to have friends over.

I understand about the concerns of younger people having parties during Coachella and myself do not permit Coachella rentals, but this seems much too restrictive. It seems too severe to prohibit social gatherings all together when the reality is that the problems for the City are noise, public drunkenness and possibly parking.

I myself, as well as my neighbours, like to have afternoon BBQs, cocktail parties and other social gatherings. I do not understand why these should also be restricted.

Also, as a taxpayer and a new "business owner" who will be providing a good source of revenue to the City, I feel that the requirement for monthly reporting is unnecessarily burdensome and punishes the law-abiding taxpayers who do collect and remit taxes.

I believe that Indian Wells should act responsibly but in such a way as to not unduly restrict or burden its residents. People who own homes are taxpayers too and provide a good source of revenue for the City.

Where can I submit these comments and concerns as I am not in town?

Thank you!