

CITY COUNCIL STAFF REPORT

DATE:

March 25, 2009

Consent Calendar

SUBJECT:

A REQUEST BY THE ASSOCIATED STUDENT BODY OF PALM SPRINGS HIGH SCHOOL TO TEMPORARILY SUSPEND THE CITY'S NOISE ORDINANCES ON MAY 23, 2009, FOR A DANCE / FUNDRAISING EVENT TO BE HELD AT 5955 EAST RAMON ROAD (SE

CORNER OF RAMON ROAD AND CROSSLEY ROAD).

FROM:

David H. Ready, City Manager

BY:

Director of Planning Services

SUMMARY

The applicant is requesting that the City Council adopt a Resolution temporarily waiving the Chapter 11.08.040, Noise Ordinance, and Chapter 11.74, Noise Nuisance Ordinance. The request is to facilitate a dance / fundraising event for Palm Springs High School students on May 23, 2009 from 8 P.M. to 12:00 A.M. to be held at 5955 East Ramon Road (southeast corner of Ramon Road and Crossley Road).

RECOMMENDATION:

Adopt Resolution No. . "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, SUSPENDING THE NOISE ORDINANCE (CHAPTER 11.74.00) AND NOISE NUISANCE ORDINANCE (CHAPTER 11.08.040) FOR A DANCE / FUNDRAISING EVENT ON MAY 23, 2009, FROM 8:00 P.M. TO 12:00 A.M. AT 5955 EAST RAMON ROAD (SOUTHEAST CORNER OF RAMON ROAD CROSSLEY ROAD)."

BACKGROUND:

The applicant, Associated Student Body (ASB) of Palm Springs High School (PSHS), is having a fundraising / dance event on May 23, 2009, from 8 P.M. to 12 A.M. on the paved lot at the southeast corner of Ramon Road and Crossley Road. This first time event will be known as "Urban Underground". The applicant states that the funds generated from this event will enable students to attend leadership camps.

ITEM NO. Z.T.

The applicant has also applied for a Land Use Permit to allow the event. On March 17, 2009, the Special Events Planning Team (SEPT) reviewed the proposed event at its regular meeting. The concerns addressed by City staff at that meeting will be addressed in the Conditions of Approval imposed by the Land Use Permit (see attached draft).

DISCUSSION:

Chapter 6.12 of the Palm Springs Municipal Code (PSMC) allows the temporary suspension of regulatory ordinances. Chapter 6.12.020 of the PSMC states, "The ordinance codified in this chapter is adopted for the purpose of encouraging and promoting special events of benefit to the community and its visitor-oriented economy."

The request is to suspend the Noise Ordinance (Chapter 11.74.00 of PSMC) and Noise Nuisance Ordinance (Chapter 11.08.040 of PSMC) between the hours of 8:00 P.M. and 12:00 A.M. to facilitate a dance event. The event will feature a disc jockey with amplified music, which necessitates the noise ordinance waiver.

REQUIRED FINDINGS:

Pursuant to Chapter 6.12 of the Municipal Code, the following findings are required for the temporary suspension of regulatory ordinances:

- The city council finds that certain special events may be useful and beneficial to the visitor-oriented economy of the city by attracting large numbers of visitors, by generating favorable publicity, and by enhancing a marketable image for the city.
 - The special event is a high school dance that could attract visitors to the City. The event could potentially enhance the marketable image of the City as it provides further school sanctioned opportunities for the younger demographic. Additionally, the event could generate favorable publicity for the City as it will raise funds for the Associated Student Body (ASB) of Palm Springs High School (PSHS).
- The city council finds that certain regulatory ordinances which are deemed generally desirable and necessary may, nonetheless, impede the conduct of such special events; and that the operation of such regulatory ordinances should be suspended during limited periods of time, in designated locations, to facilitate certain special events.

The regulatory prohibitions imposed by the Noise and Noise Nuisance Ordinances would impede the conduct of the event as follows:

Noise Ordinance:

 Chapter 11.74: The maximum allowable A-weighted decibels for an event in an Industrial zone before 10:00 PM are 60 decibels and after 10:00 PM are 55 decibels. The outdoor amplified music is likely to exceed this threshold.

Noise Nuisance Ordinance:

• Chapter 11.08.040 prohibits unreasonably loud noise. It is likely that the event will exceed that provision.

The application of these ordinances on this temporary event would be unnecessarily burdensome when procedure has been followed to prevent and mitigate nuisance to the public health, safety and welfare.

3. The city council finds that the public interest in the holding of such special events and the benefits to be derived therefrom outweigh the temporary public inconvenience entailed in the suspension of such regulatory ordinances, and that the public welfare and interest will be served by such suspensions.

The special event will raise funds for the ASB of PSHS. These funds will assist the ASB in providing positive opportunities for the students, such as sending students to leadership camps. Recent budget cuts have limited the High School's resources to provide these opportunities; this event will create an alternate source of funds that could benefit today's youth and ultimately longterm public welfare and interest. Therefore, the benefit to be derived from the event will outweigh the public inconvenience that the temporary suspension entails.

CONCLUSION:

While the request is for the suspension of noise ordinances, all other City codes and regulations will remain in effect. If the City Council believes the suspension is appropriate, they may consider the adoption of the attached Draft Resolution to temporarily suspend the Noise Nuisance and Noise Ordinances for the event.

FISCAL IMPACT:

There will be no fiscal impact.

Director of Planning Services

Thomas J. Wils

Assistant City Manager

David H. Ready City Manager

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Attachments:

- 1. Draft Resolution
- 2. Letter of Request (PSHS ASB)
- 3. Letter of Request Addendum (Safety & Security Notes)
- 4. Draft Land Use Permit
- 5. Site Plan

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, SUSPENDING THE NOISE ORDINANCE (CHAPTER 11.74.00) AND NOISE NUISANCE ORDINANCE (CHAPTER 11.08.040) FOR A DANCE / FUNDRAISING EVENT ON MAY 23, 2009, FROM 8:00 P.M. TO 12:00 A.M. AT 5955 EAST RAMON ROAD (SOUTHEAST CORNER OF RAMON ROAD AND CROSSLEY ROAD).

WHEREAS, The Associated Student Body of Palm Springs High School ("applicant") has requested the waiver of Chapters 11.74 and 11.08.040 of the Palm Springs Municipal Code for a dance / fundraising event on May 23, 2009 from 8:00 P.M. to 12:00 A.M. located at 5955 East Ramon Road (SE Corner of Ramon Road and Crossley Road), APN: 680-170-051; and

WHEREAS, a hearing was held by the City Council on March 25, 2009 to review the resolution; and

WHEREAS, the City Council has carefully reviewed and considered all of the evidence presented in connection with the waiver of the ordinances, including but not limited to the staff report; and

WHEREAS, the City Council has reviewed and considered the project in light of the findings for the temporary suspension of regulatory ordinances, pursuant to Chapter 6.12 of the Municipal Code, and has determined that the request is in conformance with said findings, as follows:

 The city council finds that certain special events may be useful and beneficial to the visitor-oriented economy of the city by attracting large numbers of visitors, by generating favorable publicity, and by enhancing a marketable image for the city.

The special event is a high school dance that could attract visitors to the City. The event could potentially enhance the marketable image of the City as it provides further school sanctioned opportunities for the younger demographic. Additionally, the event could generate favorable publicity for the City as it will raise funds for the Associated Student Body (ASB) of Palm Springs High School.

 The city council finds that certain regulatory ordinances which are deemed generally desirable and necessary may, nonetheless, impede the conduct of such special events; and that the operation of such regulatory ordinances should be suspended during limited periods of time, in designated locations, to facilitate certain special events.

The regulatory prohibitions imposed by the Noise and Noise Nuisance

Ordinances would impede the conduct of the event as follows: Noise Ordinance:

 Chapter 11.74: The maximum allowable A-weighted decibels for an event in an Industrial zone before 10:00 PM are 60 decibels and after 10:00 PM are 55 decibels. The outdoor amplified music is likely to exceed this threshold.

Noise Nuisance Ordinance:

 Chapter 11.08.040 prohibits unreasonably loud noise. It is likely that the event will exceed that provision.

The application of these ordinances on this temporary event would be unnecessarily burdensome when procedure has been followed to prevent and mitigate nuisance to the public health, safety and welfare.

3. The city council finds that the public interest in the holding of such special events and the benefits to be derived therefrom outweigh the temporary public inconvenience entailed in the suspension of such regulatory ordinances, and that the public welfare and interest will be served by such suspensions.

The special event will raise funds for the ASB of PSHS. These funds will assist the ASB in providing positive opportunities for the students, such as sending students to leadership camps. Recent budget cuts have limited the High School's resources to provide these opportunities; this event will create an alternate source of funds that could benefit today's youth and ultimately long-term public welfare and interest. Therefore, the benefit to be derived from the event will outweigh the public inconvenience that the temporary suspension entails.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. That the event and the waiver of the ordinances is exempt from CEQA pursuant to Section 15323 of the CEQA Guidelines.

SECTION 2. That the following ordinances are hereby temporarily suspended for the special event designated in Section 1 above: Noise Ordinance and Nuisance Ordinance.

SECTION 3. That the regulatory ordinances designated in Section 2 shall remain in full force and effect except on May 23, 2009, between 8:00 P.M. and 12:00 A.M. (4 hours) for the dance / fundraising event located at 5955 East Ramon Road (southeast corner of Ramon Road and Crossley Road – APN: 680-170-051).

SECTION 4. That the applicant must abide by all the Conditions of Approval as outlined in the Land Use Permit approved by the Planning Services Department.

Resolution No. Page 3	
ADOPTED THIS 25th day of March, 20	009.
ATTEST:	David H. Ready, City Manager
James Thompson, City Clerk	_
CEI	RTIFICATION
STATE OF CALIFORNIA) COUNTY OF RIVERSIDE) ss. CITY OF PALM SPRINGS)	
Resolution No is a full, true and	f the City of Palm Springs, hereby certify that correct copy, and was duly adopted at a regular of Palm Springs on
AYES: NOES: ABSENT: ABSTAIN:	
	James Thompson, City Clerk City of Palm Springs, California



Palm Springs High School

ASSOCIATED STUDENT BODY

2401 EAST BARISTO ROAD • PALM SPRINGS, CALIFORNIA 92262-7127 • (760) 778-0400 FAX (760) 778-0481 http://www.palmspringshs.com

To Whom it May Concern:

The Associated Student Body of Palm Springs High would like to put on a School Dance entitled "Urban Underground" for the student body. The vacant lot on the corner of Ramon and Crossley is the ideal location for the event, however it requires the necessary city approvals before consideration. **Outlined below are the details for the dance and the ideas the ASB Council would like to present.** This is a school dance, and all measures will be taken to ensure the safety of the students and the general public. Furthermore the controlled environment will provide safe entertainment for the students of Palm Springs High School while by no means disturbing the surrounding areas. Please address any unanswered questions to Tyler McLean following your review.

Thank you for your consideration.

Sincerely,

Tyler McLean

Palm Springs High School

ASB President (760) 285-3712

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PLANNING SERVICES
DEPARTMENT

Urban Underground School Dance

Basic Ideas:

- Income potential for ASB Events and Leadership Camp
- \$15,000 Income, plus sponsors
- Goal is to raise \$2500 in sponsors
- Approx. 500 students at an average price of \$30 per student
- Tent will increase in size as student ticket revenue increases
- Props FX Inc. is the DJ Company providing the tent and DJ effects

MISSION STATEMENT

Expenses:

Tent, DJ, Generators, Port a Potties, and all other equipment necessary for open area Security

Insurance

City Fees for Event (unless waived for school)

Wrist Band Tickets for monitoring inappropriate dance behavior

Location Notes:

Owner is willing to have event with appropriate city and Indian approvals Has plenty of parking
Is in an area away from immediate residential areas
Noise will be minimal

DJ Equipment Notes:

Will order a basic dance set-up and expand as ticket income increases Goal set-up includes:

- 1. Four video screens with trussing
- 2. D) cage for placing DJ in the center of the dance floor
- 3. 40 watt. Laser
- 4. Intelligent lighting
- 5. Cold-blast Jets (chilled fog)
- 6. Low-laying fog
- 7. Stage for school dance performance
- 8. Extra amenities as needed

Dance Notes

- 1. Urban Themed
- 2. Dance Time: 8 PM 12 AM (Excluding set-up and clean-up time)
- 3. Date tentatively set to May 23 or the following weekend
- 4. Alcohol, drugs, or any weapons are not allowed (as at any dance). Students will be checked by security before entrance.
- 5. Inappropriate dancing will be not allowed. Students will have wristband taken as a warning and escorted out following continual inappropriateness.
- 6. An abundance of securuity as well as parent and teacher chaperones will be safeguard against violence and the entrance of non-students.

Palm Springs High School "Urban Underground" Safety & Security Notes

DANCE NOTES:

- Time: 8 PM 12 AM (excluding set-up & clean-up time)
- Date: May 23rd, 2009
- Alcohol, drugs, & weapons of any kind are prohibited. Students are required to follow district and school rules
- Inappropriate dancing will be prohibited. Students will be stamped by a teacher or parent chaperone in the case of inappropriate dancing and will be escorted out if they continue.

TICKET SALES:

- Tickets will be sold to high school students only for two weeks leading up to the dance.
- Upon the purchase of a ticket, a student is required to show their ID Card & sign a contract stating their agreement to follow all school and district rules at the event as well as their acknowledgement that their failure to act responsibly will result in being escorted out of the dance without refund.

PARKING:

- Parent Chaperones will monitor the front gate of the lot, directing cars into either the drop off zone or student parking area.
- At least one security officer will be in the student parking area at all times.
- Parents driving students will follow the road up to the tent, drop off their children, and continue to follow the road around through the exit gate.
- Student parking will have only one entrance (Parking will be free however student ID must be shown).
- 4 light towers minimum will be placed in parking lot in order to illuminate the parking area. More will be ordered with increased ticket sales
- Parents will have flashlights directing parking in an orderly fashion
- If students leave early, parents will be in parking area the entire night & will open an exit for those students however they will not be allowed to re-enter.

STUDENT ENTRANCE & EXIT:

- Every student will be patted down by a security officer of the same sex as well as searched if carrying a purse/bag.
- Upon entrance, students will be given a wristband as a control measure to ensure all students have entered correctly

DJ NOTES:

- Packaged food and drinks will be sold during the dance as an additional fundraiser
- DJ will be placed in center of the tent
- Projection screens & gobos will illuminate the walls & ceiling of the tent in coordination with the theme RECEIVED

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- Intelligent lights & 40 watt laser will be ordered for effect
- Stage for school club performances will be ordered if budget allows.
- Extra amenities will be ordered as ticket sales increase

EMERGENCY:

- The Palm Springs Fire Department has approved the event upon the providence of a 24 foot emergency vehicle drive way
- In the case of an emergency, parents will direct an emergency vehicle through the exit gate all the way up to the tent area.
- Emergency exit signs will be posted inside of tent for the safe exit of students.

Parent Chaperones

Mrs. Jenny McLean

Mr. Michael McLean

Ms. Tina Hidy

Ms. Cheryl Scarlett

Mr. Mark Temple

Mrs. Janette Temple

Mrs. Cathy Jenkins

Mr. Ed Jenkins

Mrs. Emma Lewis

Mrs. Carol Rees

Mr. David Rees

Mr. Bill Healey

Mrs. Ronda Healey

Mrs. Shelly Saunders

Mrs. Cindy Arcaro

Mrs. Tamme Hammond

Ms. Annie Allet

- 3 PARENTS IN PARKING AREA DIRECTING STUDENT PARKING
- 2 SITUATED AT FRONT GRATE DIRECTING PARKING AND DROP-OFF LANES
- 2 SITUATED AT SECOND GATE MONITORING THE EXIT OF ALL DROP-OFF CARS
- 4 PARENTS AT THE CHECK-IN TABLES
- 3 Inside tent monitoring student behavior

Security

Two Male, Two Female Security Officers: Pending based on availability

- 1 Officer patrolling student parking & outside of the tent
- 2 Officers patting-down & searching students at entrance
- 1 OFFICER MONITORING DANCING

Police Officer:

Mr. Eric Goya

Supervising

Administrator:

Ms. Kathy Gounaropoulos SUPERVISING CHECK-IN

Teacher Chaperones:

Dr. Mike Murphy

Ms. Victoria Schmidt

Mr. Anthony Tapia

Mr. Erik Corss

Mr. Eric Rodriguez

Mr. Ben Heape

Mr. Scott DiLorenzo

Mr. Travis Yokimcus

4 Inside tent monitoring students

4 OUTSIDE TENT ASSISTING WITH CHECK IN

The list of teachers, parents, and security officers is a minimum number of supervisors that will be in attendance. In the case of increased ticket sales, more adults will be at the event in order to monitor students. The safety precautions and the abundance of security & adult supervisors will ensure the safety of the students in any unexpected event. The dance will be contained inside a tent, and the location is an area away from immediate residential neighborhoods both of which provide for minimal disturbances to the Palm Springs community.

We hope you see the potential this event has in building excitement within the school. It is a celebration of the end of a successful school year in a safe and responsible manner. Moreover, the revenue earned from this dance is a necessary fundraiser Associated Student Body of Palm Springs High School. Every year we send ASB students to leadership camps, however, this has become increasingly difficult in light of the recent budget cuts. Overall this is an important event for the school and hopefully in the future this can become an annual high school celebration of the year's end.

Thank you for your consideration,

Tyler McLean

ASB President Palm Springs High School (760) 285-3712 TJMac002@aol.com



City of Palm Springs

Department of Planning Services
Land Use Permit No. 09-012

Applicant Dr. Mike Murphy on behalf of the Palm Springs High School Associated Student Body	Mailing Address 2401 East Baristo R Palm Springs, CA 9	Phone (760) 778-0400 Fax (760) 778-0481
Business Name Palm Springs High School dance ev "Urban Underground"	rent –	n Road (southeast corner nd Crossley Road)

PROCEDURE: An application for a land use permit shall be submitted to the Department of Planning Services, and shall be accompanied by the following:

- 1. A Processing fee of \$122.00
- Such other information as the Director of Planning Services may require, including, but not limited to: adjacent uses, photographs, building elevations, landscape plans, design studies, furniture information, etc.
- Such other information as the Director of Planning Services may require, including, but not limited to: adjacent uses, photographs, building elevations, landscape plans, design studies, furniture information, etc.

STATEMENT OF ACTIVITY: Applicant shall submit a statement of the use, expected size, volume, hours, and length of operations; information relating to sanitation, noise, air pollution, vehicle parking, traffic circulation, and any other information of the proposed project.

Land Use Permit to allow for a four-hour high school dance / fundraiser event at 5955 East Ramon Road (southeast corner of Ramon Road and Crossley Road) on May 23, 2009, from 8:00 P.M. to 12:00 A.M. (four hours). An enclosed tent will surround the dance and student areas at the east end of the property and parking will be provided on the west end. Tickets will be sold to high school students only for two weeks leading up to the event. A disc jockey, projection screens, gobos and lasers will be utilized for the event.

CONDITIONS:

See attached.

TRANSFER: Transfer of Land Use Permit to another applicant is subject to review and approval by the Director of Planning Services.

REVOCATION: The Director of Planning Services may revoke any Land Use Permit that does not meet or comply with conditions and requirements of this permit.

Applicant's Signature	Permit Center Signature	Date	Account #
			011-32204



City of Palm Springs

Department of Planning Services 3200 E. Tahquitz Canyon Way Palm Springs, CA 92262 (760) 323-8245 – direct(760) 322-8360 – facsimile

LAND USE PERMIT #09-012 CONDITIONS OF APPROVAL

DATE:

March 18, 2009

REQUEST:

Land Use Permit to allow for a four-hour high school dance / fundraiser event at 5955 East Ramon Road (southeast corner of Ramon Road and Crossley Road) on May 23, 2009, from 8:00 P.M. to 12:00 A.M. (four hours). An enclosed tent will surround the dance and student areas at the east end of the property and parking will be provided on the west end. Tickets will be sold to high school students only for two weeks leading up to the event. A disc jockey, projection

screens, gobos and lasers will be utilized for the event.

APPLICANT:

Associated Student Body of Palm Springs High School (Dr. Mike Murphy)

LOCATION:

5955 East Ramon Road (southeast corner of Ramon Road and Crossley Road)

Before final acceptance of the project, all conditions listed below shall be completed to the satisfaction of the City Engineer, the Director of Planning Services, the Chief of Police, the Fire Chief, or their designee, depending on which department recommended the condition(s).

Any agreements, easements or covenants required to be entered into shall be in a form approved by the City Attorney.

- 1. The proposed development of the premises shall conform to all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, or any other City Codes, ordinances and resolutions which supplement the zoning district regulations.
- 2. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning this Land Use Permit application. The City of Palm Springs will promptly notify the applicant of any such claim, action, or proceeding against the City of Palm Springs and the applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. If the City of Palm Springs fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Palm Springs. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

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- 3. This land use permit authorizes the Associated Student Body Faculty of Palm Springs High School to operate a dance event on May 23, 2009, between 8:00 P.M. and 12:00 A.M. (four hours).
- 4. There shall be no pyrotechnics at the dance event.
- 5. Speakers shall be located so as to minimize noise impacts on surrounding land uses. Adjustments to speaker location may be required by the City to further reduce noise as needed.
- 6. The applicant shall work with the Palm Springs Police Department to amicably resolve any noise complaints received.
- 7. At the recommendation of the Palm Springs Police Department, four (4) security staff and one police officer will be required at all times during the event for safety and crowd control.
- 8. The applicant shall be required to obtain a permit for the tent from the Palm Springs Fire Department.
- 9. A twenty-four foot access path to the tent shall be maintained at all times during the event.
- 10. The applicant shall provide a minimum of four light towers to illuminate the parking areas during the event.
- 11. Attendees shall not be permitted to re-enter after exiting the event.
- 12. A signed contract for portable toilets shall be provided to the Department of Planning Services no later than May 8, 2009. A minimum of three shall be provided for the event.
- 13. The applicant shall ensure that the site used for the event is returned to its previous condition by May 24, 2009, at 5:00 P.M.
- 14. This Land Use Permit shall be made available to City officials upon request. Failure to comply with Municipal Codes, Ordinances, and the conditions of this land use permit may result in revocation of this permit. Should the permit not be available upon request, such permit shall be considered null and void during the time it is not available.
- 15. All events must comply with all applicable ordinances of the City of Palm Springs, including the noise ordinances, unless said ordinances are modified or waived by City Council action.
- 16. Revocation.
 - a. When the conditions of a land use permit have not been or are not being complied with, the Director of Planning Services shall notify the permittee of intention to revoke such permit. The permittee shall be given opportunity at an office hearing to show cause why the permit should not be revoked. If good cause is not shown, the Director may revoke the permit. Such revocation may be appealed to the City Manager.
 - b. The Palm Springs Fire Marshal may revoke this permit immediately if occupancy, exiting or other safety issues require such action.

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a. None permitted for this short-term event.

Director of Planning Services
Signature:

Date:

Date:

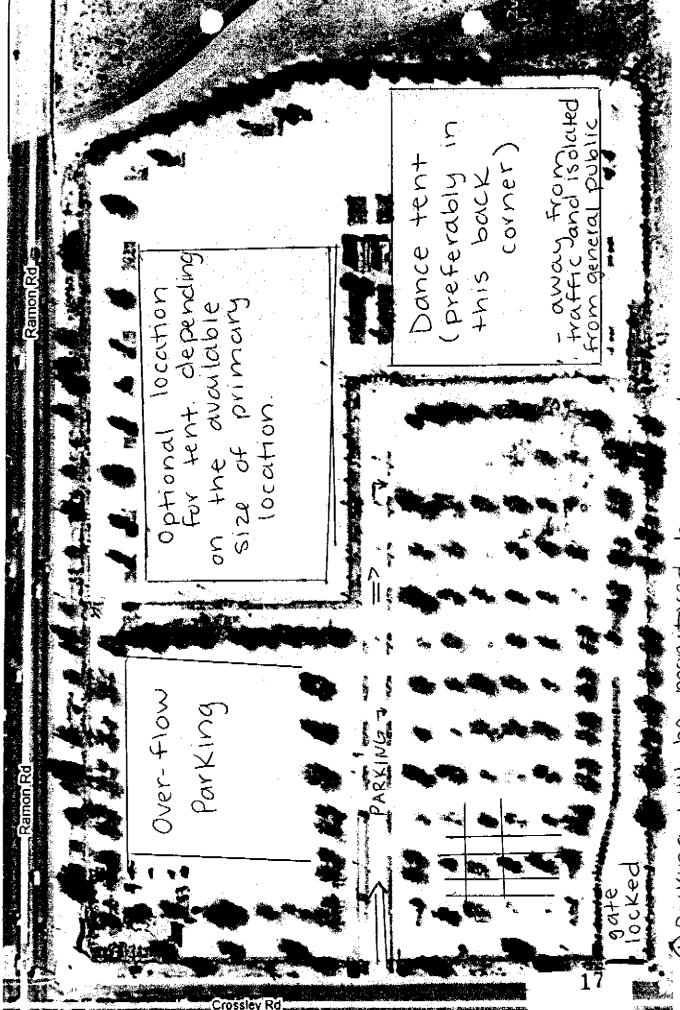
Date:

term event.

Amendment.

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c. Transfer of this land use permit to another applicant or location is prohibited for this short-



Chaperones with frashiights, as well as security **Picycles** guards