



## CITY COUNCIL STAFF REPORT

DATE: April 1, 2009

CONSENT CALENDAR

SUBJECT: A REQUEST BY DESERT AIDS PROJECT TO TEMPORARILY SUSPEND THE CITY'S NOISE ORDINANCES ON APRIL 12, 2009, BETWEEN 12:00 P.M. AND 4:00 P.M. FOR AN EVENT LOCATED AT 225 VIA LOLA ROAD.

FROM: David H. Ready, City Manager

BY: Director of Planning Services

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### SUMMARY

The Applicant, Desert AIDS Project, is requesting that the City Council consider a Resolution temporarily waiving Chapter 11.74, *Noise Ordinance*, and Chapter 11.08.040, *Noise Nuisance Ordinance*. The request is to facilitate an event, which will include amplified music from a disc jockey, on April 12, 2009, from 12:00 P.M. to 4:00 P.M. at 225 Via Lola 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 AN EVENT ON APRIL 12, 2009, FROM 12:00 P.M. TO 4:00 P.M. AT 225 VIA LOLA ROAD."

### BACKGROUND:

Desert AIDS Project (DAP) is hosting a pre-fundraising event on April 12, 2009, from 12:00 P.M. to 4:00 P.M. This event will be known as the "Pre- July 4<sup>th</sup> Over the Big Top" Cocktail / Pool Party benefiting DAP. The Applicant expects approximately 150-200 people in attendance.

ITEM NO 2.E.

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 12:00 P.M. and 4:00 P.M. to facilitate a cocktail / pool party event that benefits the DAP. The event will feature a disc jockey with amplified music, which necessitates the noise ordinance waiver. Staff also notes that valet parking will be used, subject to a City valet parking permit.

REQUIRED FINDINGS:

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

1. *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.*
2. *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.*
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 Applicants request is attached for consideration by the City Council to make the requisite findings as stated above.

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

Noise Ordinance:

- Chapter 11.74: The maximum allowable A-weighted decibels for an event in a low density residential zone is 55 decibels between 7:00 A.M. and 6:00 P.M. The 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 may be unnecessarily burdensome when procedure has been followed to prevent and mitigate nuisance to the public health, safety and welfare.

The Applicant states that the event will assist in raising funds for a non-profit organization that provides medical care and comprehensive support services to people living with HIV/AIDS in the desert community. The temporary ordinance suspensions will only be for a four hour period. The Applicant believes the benefit to be derived from the short term event will outweigh the public inconvenience that the temporary suspension entails.

CONCLUSION:

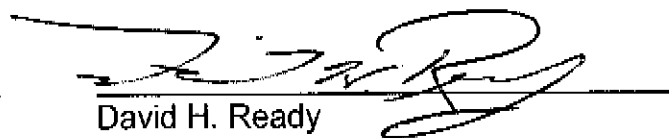
While the request is for suspension of the noise ordinances, all other City codes and regulations will remain in effect. If the City Council believes the suspension is appropriate, they may consider the adoption of the attached Draft Resolution to temporarily suspend the Noise Nuisance and Noise Ordinances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

FISCAL IMPACT:

There will be no fiscal impact.



Thomas J. Wilson  
Assistant City Manager



David H. Ready  
City Manager

Attachments:

1. Draft Resolution
2. Letter of Request

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 AN EVENT ON APRIL 12, 2009, FROM 12:00 P.M. TO 4:00 P.M. AT 225 VIA LOLA ROAD.

WHEREAS, The Desert AIDS Project ("Applicant") has requested the waiver of Chapters 11.74 and 11.08.040 of the Palm Springs Municipal Code for an event on April 12, 2009, from 12:00 P.M. to 4:00 P.M. located at 225 Via Lola; and

WHEREAS, a hearing was held by the City Council on April 1, 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:

1. *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.*
2. *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.*
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 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 a low density residential zone is 55 decibels between 7:00 A.M. and 6:00 P.M. The 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 the procedure has been followed to prevent and mitigate nuisance to the public health, safety and welfare.

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 April 12, 2009, between 12:00 P.M. and 4:00 P.M. (4 hours) for the event located at 225 Via Lola.

ADOPTED THIS 1st day of April, 2009.

\_\_\_\_\_  
David H. Ready, City Manager

ATTEST:

\_\_\_\_\_  
James Thompson, City Clerk

CERTIFICATION

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

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that Resolution No. \_\_\_\_\_ is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on \_\_\_\_\_, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
James Thompson, City Clerk  
City of Palm Springs, California



**Desert AIDS Project**  
 CELEBRATING 25 YEARS 1984-2009  
 Much accomplished, much to do.

March 23, 2009

Craig A. Ewing, AICP  
 Director of Planning Services  
 City of Palm Springs  
 3200 E. Tahquitz Canyon Drive  
 Palm Springs, CA 92262  
 Phone: 760-323-8245

Hello Mr. Ewing,

Thank you for speaking with me on Friday, below is the description of our event; if you need any other information please let me know.

Event: Pre "July 4th Over The Big Top", Cocktail/ Pool Party, Benefiting D.A.P.  
 Event Date: April 12th, 2009  
 Event Location: 225 Via Lola Rd. Palm Springs, CA 92262  
 Event time: 12-4pm

The event is an open invite/gathering, without admission charge, to raise awareness and solicit major contributors for the 4th of July fundraiser, "Over the Big Top", which will benefit The Desert AIDS Project (DAP) at the same location (225 Via Lola Rd, Palm Springs) on July 4th.

Current major donors from DAP will also be invited to attend, via the organization. The afternoon cocktail/pool party will have an open bar and a DJ. There are approximately 150-200 people expected to attend.

We hope to raise monies in the amount of \$100,000 for DAP at the "Over the Big Top" event on the 4th of July, 2009. In order to do so, we must engage people from Los Angeles and the surrounding areas to attend the event.

The free pool party on April 12, 2009, is an important time to make contact with many people who are visiting Palm Springs for the White Party festivities and alert them to the Big event on July 4th.

The event will be held at my private home, located at 225 Via Lola, (The former Jim and Jackie Lee Houston Estate) The event will be completely contained within the gated enclosed property, and valet parking will be provided.

Sincerely,

  
 Allen Ravert  
 Home Owner  
 818-209-2969 Cell  
 818-985-1744-105 Office

  
 David Brinkman  
 Executive Director  
 Desert AIDS Project