



AGENDA REPORT

BEACHES, PARKS & RECREATION COMMISSION
Meeting Date: March 8, 2016

Agenda Item 5.C.

Approvals:

Dept. Head ES

Asst. Director SP

Admin. Assistant MS

Department: Beaches, Parks & Recreation
Prepared By: Pamela Passow, Assistant Beaches, Parks & Recreation Director

Subject: *FEE WAIVER REQUEST BY FRIENDS OF SAN CLEMENTE BEACHES, PARKS AND RECREATION FOUNDATION AND THE SAN CLEMENTE LIFEGUARD AND JUNIOR GUARD FOUNDATION.*

Fiscal Impact: Yes. Rental and Lifeguard fee waiver in the amount of \$1,346.

Summary: The San Clemente Lifeguard and Junior Lifeguard Foundation, under the umbrella of Friends of San Clemente Beaches, Parks and Recreation Foundation, is requesting a fee waiver for a fundraiser called "The Lifeguard Challenge". The amount of the fee waiver is \$1,346.

Background: The San Clemente Lifeguard and Junior Lifeguard Foundation is dedicated to enhancing the safety and well-being of visitors to the beach through developing and building community partnerships and obtaining resources to directly support the San Clemente Marine Safety Division's Lifeguard and Junior Lifeguard programs.

Discussion: The San Clemente Lifeguard and Junior Lifeguard Foundation is creating a fundraiser called "The Lifeguard Challenge". This event will consist of a 1,000 yard open ocean swim race on June 5, 2016 to be held north of the pier in front of Marine Safety Headquarters.

The Friends of San Clemente and the San Clemente Lifeguard and Junior Lifeguard Foundation will be responsible for coordinating the event including marketing, providing volunteers, supplies, equipment, and handle the registration of the event. The funds raised will be used to support the future of lifesaving efforts as well as other water safety and ocean awareness programs in San Clemente.

Recommended

Action: STAFF RECOMMENDS THAT the Beaches, Parks & Recreation Commission recommend that the City Council approve the fee waiver for the permit and lifeguard fees associated with "The Lifeguard Challenge".

Attachments:

1. Fee Waiver Request
2. Draft Special Event Permit
3. Special Event Application

Notification: Friends of San Clemente Beaches, Parks and Recreation Foundation
San Clemente Lifeguard and Junior Lifeguard Foundation



Friends of San Clemente

Beaches, Parks & Recreation Foundation



February 29, 2016

To: Pamela Passow, Assistant Director, Beaches Parks & Recreation Department

From: Friends of San Clemente and the San Clemente Lifeguard and Junior Guard Foundation

Re: Take the Lifeguard Challenge

Dear Ms. Passow,

The San Clemente Lifeguard & Junior Lifeguard Foundation (Foundation) is dedicated to enhancing the safety and well-being of visitors to the beach through developing and building community partnerships and obtaining resources to directly support the San Clemente Marine Safety Division's Lifeguard and Junior Lifeguard programs.

The Foundation along with the continued support from the Friends of San Clemente Beaches Parks and Recreation is creating a fundraiser called "The Lifeguard Challenge". The Lifeguard Challenge will consist of a 1,000 yard open ocean swim race.

We are asking the San Clemente City Council to absorb the in-house costs of the lifeguards managing the event, as well as other permit costs associated with using the beach front and water, estimated by City staff to be \$1,346 or to waive said fees. The 1st annual Lifeguard Challenge will be held north of the pier in front of lifeguard HQ on June 5th, 2016. The Friends and the Lifeguard foundation will market the event, provide volunteer manpower, supplies and equipment and will manage the registration and the funds. The monies raised will allow the San Clemente Lifeguard and Junior Guard Foundation to maximize its fundraising effort and support the future of lifesaving efforts as well as other water safety and ocean awareness programs along the ocean shores of our San Clemente community

Thank you for your Consideration

Friends of San Clemente Beaches, Parks & Recreation Foundation
910 Calle Negocio #101, San Clemente, CA 92673
Phone (949) 276-8866 – Email office@cybercafe.com
We are a 501 (c) (3) charity Federal EIN 33-0952861



City of San Clemente

Beaches, Parks and Recreation Department

100 Calle Seville, San Clemente, CA 92672

Carol Gibson, Recreation Supervisor

Phone: (949) 361-8275 Fax: (949) 361-8280

Email: GibsonC@san-clemente.org

February 24, 2016

SC Friends Foundation

Jim Nielsen

910 Calle Negocio, #101

San Clemente, Ca 92673

Re: Life Guard Challenge Beach Event , Sunday, June 5th, 2016 beach.

Dear Jim,

Please let this serve as your approved Special Beach Event Permit, pursuant to the application on file in the Beaches, Parks and Recreation Department for the above referenced swim competition, on Sunday, June 5th from 800 a.m. to 11:00 a.m.

Event Description:

This is a friendly swim competition inviting the public to take part in an ocean water course similar to the course used in the San Clemente Ocean Festival, and so aptly named "Take the Lifeguard Challenge". The contest is open to boys, girls, men, and women. Attendance is anticipated 100 participants, 100 spectators, and approximately 20 volunteers. Marine Safety has been asked to manage the water, and dedicated lifeguard service.

This permit allows for a one day Special Beach Event Permit as a Category III. This entitles your non-profit organization to exclusive use of **250 feet or less** of water in which to conduct your contest. The beach site shall be set up so as to minimize the area occupied and to not unduly restrict the public's use or access to the sandy areas of the beach. Approval includes allowance for a 10 x 10 canopy to organize registration. Please note all conditions of this permit on following page.

Permit Fees:

Business Inspection & Permit:	\$ on file
Vehicle Access & Marine Safety	\$-0- not requested
Sound Permit	\$-0- not requested
Category III Beach Permit	\$ 30.00
Refundable Deposit for Clean Beach	\$ 100.00
<u>Lifeguard Fees</u>	<u>\$1196.73</u>
Total	\$1326.73

Take the Lifeguard Challenge: June 5th, 2016

Insurance: Received and approved

The City requires Commercial General Liability, personal injury and property damage liability, with minimum combined liability limits of One Million Dollars (\$1,000,000) per occurrence. Any deductible or self-insured retention in excess of Five Thousand Dollars (\$5,000) shall be declared to the City and requires the prior approval of the City's Risk Manager. An additional insured endorsement to the general liability policy is required and shall name and list the City of San Clemente, its officials, officers, employees, agents and volunteers as additional insured.

This permit will be issued with the following Conditions of Approval:

- Abide by all applicable federal, state and city ordinances and laws.
- A sound amplification permit is not required, however, the applicant will be using a bullhorn to manage the competitor we will still require that this is limited to the time of the contest so the noise does not impact on area residents. Direct this only to the ocean.
- Prior to competing, all participants (and their parent/legal guardian, if they are under 18 years of age) shall sign the "Participant's Release from Liability and Indemnification" form included in the city event application.
- The applicant has not requested nor is permitted to bring any vehicle(s) onto the beach for the purpose of bringing in bulky/heavy loads for contest site set-up.
- The applicant is required to provide all equipment and supplies for the contest, including buoys, beach flags, bullhorns, and directional signage.
- Event Signage and directional will be permitted to be placed on the site, day of the program, and must be removed after the event.
- Marine Safety will provide dedicated lifeguard services for the ocean swim at a service fee of \$1196.73 This fee is payable to the San Clemente Beaches, Parks and Recreation Division at 100 Calle Seville, San Clemente, CA 92672
- Should the applicant (or a subcontractor) wish to engage in still or motion photography of the event, a separate Commercial Filming Permit may be required. Sponsorship by or display of products of alcohol, or tobacco companies is not permitted.
- By City ordinance, the applicant shall not distribute, as part of the event, any food or beverages in Styrofoam containers. Violation of this ordinance may result in immediate revocation of this permit and disqualify the applicant for future Special Event permitting.
- The event's site plan shows only one canopy. Please be aware that canopied areas in excess of 400 contiguous square feet require a permit from the Orange County Fire Authority. Tents and canopies are to be weighted down on all four corners (minimum of 20 pounds per corner) or in an equivalent safe manner. The Orange County Fire Authority may include additional safety requirements, if considered necessary. Per (OCFA Guideline F-05) a permit is required to erect or operate a tent or air-supported temporary membrane structure having an area in excess of 200 square feet, or a canopy in excess of 400 square feet, except for structures used exclusively for camping. (UFC 105.8t.1). The regulations of the State Fire Marshall for large and small tents, awnings and other fabric enclosures shall also apply. (UFC 320)
- The applicant shall assure that the event area is consistently clean of all trash and refuse during the event and at the end of each day of the permit. The applicant is required to post a deposit of \$100 to ensure that the beach is cleaned up including small debris left by participants such as surf wax wrappers, and wax. The deposit will be refunded if the beach is clean and free of debris. Refunds will be processed after the event, and may take up to 2 weeks to process.
- The applicant shall assure that the event area is consistently clean of all trash and refuse during the event and at the end of each day of the permit.

Take the Lifeguard Challenge: June 5th, 2016

- The applicant will not be permitted to engage or utilize the services of any business in preparing, selling, or delivering food or beverage on the public beach or pier. Violation of any of the above conditions could result in the immediate stoppage of said event.
- Clean-up activities must be in compliance with all pertinent City codes, including the Storm Water Runoff Control Ordinance, San Clemente Municipal Code Section 13.040. Trash, food debris, food residue and other wastes must be removed at the conclusion of each day of the event. Any water used for cleaning purposes must be collected and disposed of appropriately. Please call the Utilities Department at 366-1553 in advance for guidance. At no time shall wastes or wastewater be allowed to enter the City's storm drain system which includes gutters and catch basins.

Indemnification

1. Applicant shall indemnify, defend, and hold harmless the City of San Clemente, its officers, employees, and agents from any and all losses, costs, expenses, claims, liabilities, actions, or damages, including liability for injuries to any person or persons or damage to property arising at any time during and/or arising out of or in any way connected with Applicant's use or occupancy of facilities and adjoining property, unless solely caused by the gross negligence or willful misconduct of the City of San Clemente, its officers, employees, or agents.
2. Applicant shall report any personal injuries or property damage arising at any time during and/or arising out of or in any way connected with Applicant's use or occupancy of the City of San Clemente's facilities and adjoining property to the City of San Clemente's Recreation Manager, or the Manager's designee, in writing and as soon as practicable.
3. Applicant waives any right of recovery against the City of San Clemente, its officers, employees, and agents for fires, floods, earthquakes, civil disturbances, regulation of any public authority, and other causes beyond their control. Applicant shall not charge results of "acts of God" to the City of San Clemente, its officers, employees, or agents.
4. Applicant waives any right of recovery against the City of San Clemente, its officers, employees and agents for indemnification, contribution, or declaratory relief arising out of or in any way connected with the Applicant's use or occupancy of City of San Clemente facilities and adjoining property, even if the City of San Clemente, its officers, employees, or agents seek recovery against the Applicant.

Applicant Name

Signature

Date



City of San Clemente
 Beaches, Parks and Recreation Department
 100 N. Calle Seville, San Clemente, California. 92672
 Phone: (949) 361-8264 Fax: (949) 361-8280

SPECIAL EVENT APPLICATION

PLEASE SUBMIT COMPLETED APPLICATION AT LEAST 60 DAYS IN ADVANCE OF EVENT

We are happy to hear you are planning a special event in San Clemente. Special events build community spirit, promote worthy causes and celebrate important accomplishments. Planning a successful event involves cooperation and participation from many people, including City of San Clemente employees. City staff will begin reviewing your application once it is submitted to the Recreation Division. You can help speed the process along by completing your application in full before submitting it for review. Your application will be circulated to affected department and division heads who may contact you for clarification or additional information. Event organizers recognize the benefits of planning ahead and keeping everyone informed. This special event application will help you identify equipment, services and activities early in the planning stages to help minimize last minute surprises that could be a problem for you or your organization.

Applicant Information			
Contact Person:	Jim Nielsen	Phone:	949-472-2943
Organization:	FRIENDS OF SC BPTD	Email:	jinielsen@cox.net
Business Lic #	308672	Address:	910 CALLE NEGOCIO #101
Non-Profit ID#	33-0952861	City/Zip:	SC. 92673

Event Information			
Event Name:	TAKE THE LIFEGUARD CHALLENGE	Event Time:	8AM - 11:00AM
Event Type:	OCEAN SWIM	Set-up Time:	7AM - 8AM
Location:	TOWER 4, 100YD N. HOTS	Tear-Down Time:	11AM - NOON
Event Date:	JUNE 5, 2016	Attendance:	100
Sponsors:	FRIENDS OF SC + SC LIFEGUARD FOUNDATION	#Staff/Volunteers:	20

YES	NO	TYPE OF ACTIVITY	YES	NO	SERVICES
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Merchandise Retail Sales/Vendors	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Stage/Scaffolding
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Trade/Craft Show	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Tents/Canopies POP-UP AT REGISTRATION
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Car Show	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Portable Restrooms
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Race TYPE:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Portable Fencing/Barricades
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Athletic Competition TYPE: OCEAN SWIM	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Posting of Signs/Banners DIRECTIONAL SIGNS
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Carnival/Mechanical Rides	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Street Closure
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Inflatable Rides/Bounce Houses	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Traffic Control
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Live Performance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Dumpsters
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Live Animals	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Portable Lighting
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Parade on Street or Right-Of-Way	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Security: <input type="checkbox"/> Police <input type="checkbox"/> Private Security
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Alcohol Service/Sales	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Electrical: <input type="checkbox"/> Generator <input checked="" type="checkbox"/> City
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Food Service/Sales	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Water: <input type="checkbox"/> Private Source <input type="checkbox"/> City
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Amplified Sound/Music ANNOUNCER P.A.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Vehicle Access

A City representative will be responsible for processing your application through other potentially affected departments for their comments/requirements. The representative will approve, conditionally approve or deny your event application. Please communicate directly with the lead department's representative on all matters pertaining to your event, unless directed to do otherwise. Application should be submitted to the City of San Clemente Recreation Division, or electronically to creg@san-clemente.org. If you have any questions, feel free to contact the Division at (949) 361-8264.

WHAT IS A SPECIAL EVENT?

A special event is any organized activity within the City that lasts for either 45 consecutive days or less, or 14 non-consecutive days or less in a year. Special events include, but are not limited to, amusement attractions, athletic events, parades, surfing contests, block parties, and carnivals. It does not include construction projects, funerals or activities that do not at least partially occur in or impact the public right-of-way, nor attract more than 20 people during any given 24-hour period.

BUSINESS LICENSE INFORMATION

All event applicants must have a business license to hold an event. If you have a license that will be current during the time(s) of the event, please provide your business license number on your application. If you are a non-profit organization, a business license is still required. Business Licensing Department: (949)361-6166.

FOOD & BEVERAGE SALES/SERVICE

The City does not issue permits for the sale of food, as related to the requirements of the Orange County Health Care Agency. **HEALTH CARE AGENCY NOTICE: All Orange County Health Department requirements must be adhered to for any food/beverage service at the event.** Events that involve the sales of and/or consumption of alcoholic beverages will require all individuals selling and/or serving alcoholic beverages to attend a Responsible Beverage Service Training Class. Orange County Health Department: (714)667-3600.

ENVIRONMENTAL REQUIREMENTS

San Clemente is dedicated to protecting the environmental integrity of our beaches, neighborhoods, and open spaces. All special events must take adequate measures to comply with the following recycling and surface water quality protection requirements. Failure to abide by these requirements will result in the immediate revocation of the current special event permit and the denial of future special event applications.

Recycling- A site map showing placement of the recycling & trash receptacles must be approved by the City's recycling coordinator prior to obtaining a permit. The event applicant must provide the appropriate number of bins/receptacles, based on anticipated attendance and/or prior history. It is also mandatory to provide adequate containment for cardboard recycling for all vendors participating in the event. The applicant shall verify that all the vendors are notified of cardboard recycling prior to the event. Trash (only) containers should be left opened, weather permitting, during the event and closed and stored properly in the evenings. Please be advised that CR&R, the City's trash & recycling hauler, does not collect on Sundays. For assistance with recycling, please contact the City's Recycling Coordinator (949-498-9436).

Expandable Polystyrene Foam (aka Styrofoam)- Please be advised that the utilization and/or distribution of expandable polystyrene, commonly referred to by the tradename *Styrofoam*, food service products at any City-permitted event is strictly prohibited.

Surface Water Quality- The applicant is responsible for cleaning the permit area. Clean-up activities must be in compliance with all pertinent City codes, including the Storm Water Runoff Control Ordinance, Municipal Code Section 13.040. Trash, debris, food residue and other wastes must be removed at the conclusion of each day of the event. Any water used for cleaning purposes must be collected and disposed of appropriately. Please call the Utilities Department (949-366-1553) in advance for guidance. At no time shall waste or wastewater enter the City's storm drain system, which includes gutters and catch basins.

Please describe any street closures or requested variances or waivers from normal traffic, parking, laws, codes, etc. on your site plan. A City ordinance prohibits sound amplification before 7:00am or after 7:00pm in certain areas of the community.

INSURANCE REQUIREMENTS

Please be prepared to provide insurance as described below. We suggest that you send a copy of this to your insurance agent to make sure he/she clearly understand our insurance requirements. Please send insurance certificate and endorsement for review directly to City of San Clemente, Recreation Division along with the name and phone number of a contact person. The certificate and endorsement may require 6 to 8 weeks to obtain, so plan accordingly.

APPLICANT'S INDEMNIFICATION/WAIVER

FRIENDS OF S.C. BAR FOUNDATION
SC LIFEGUARD YSR LIFEGUARD FOUNDATION
("Organization")

I agree, on behalf of myself as an individual and defend, and hold free and harmless the City of San Clemente and all of their respective agents, officers, and employees (collectively hereinafter referred to as the "City") from and against any and all loss or liability for claims or judgments against the City, including attorneys fees and costs, that may occur or arise as a result of the planning, preparation, or operation of the Special Event. However, neither I nor the Organization shall be obligated to defend, indemnify and hold free and harmless the City from any claim that may arise as a result of the City's sole gross negligence or willful misconduct. Furthermore, on behalf of myself and the Organization, I agree to waive any and all claims, costs, liabilities, expenses, or judgments against the City, including attorney fees and court costs, which may accrue to myself or the Organization as a result of the planning, preparation, or operation of the Special Event. Furthermore, I agree, on behalf of myself as an individual and on behalf of the Organization, as a condition of holding the Special Event within the City of San Clemente, to pay to the City the costs of any damage, injury, or loss of any public property which directly or proximately results from the occurrence of the Special Event. The payment for all such damage, injury, or loss shall be submitted the City within ten (10) days of receiving an invoice from the City listing the costs of such damage, injury, or loss to public property. I understand that this obligation is both an obligation of the Organization sponsoring the event as well as a personal obligation which I freely accept. I certify under penalty of perjury that I have the authority to bind the Organization sponsoring this Special Event to pay any and all such costs associated with the damage, injury, or loss of public property which directly or proximately results from the occurrence of the special event. I CERTIFY THAT I HAVE READ AND UNDERSTAND THE ABOVE INDEMNIFICATION/WAIVER.

[Handwritten Signature]

As an individual and on behalf (must be at least 18 years of age)

of Friends of SC + SC Lifeguard + Lifeguard Foundation
(name of organization)

PARTICIPANT'S RELEASE FROM LIABILITY AND INDEMNIFICATION

I agree to waive and release the below listed persons, groups, and entities (hereinafter "Indemnities") from and against any and all claims, costs, liabilities, expenses, or judgments, including attorneys' fees and court costs arising out of my or my child's participation in the _____ (hereinafter "Event") or any illness or injury resulting therefrom, and hereby agree to indemnify and hold harmless the persons from and against any and all such claims whether caused by my negligence or otherwise, except for illness and injury resulting directly from the gross negligence or willful misconduct on the part of those Indemnities. I understand and agree that by signing this waiver I am freeing the Indemnities from any liability resulting from my or my child's participation in this Event. I recognize and have considered all the potential dangers that may attend my participation in the Event and, after careful consideration, have decided to accept those potential dangers. I understand that if I, or my child, is injured, this waiver will be used against me and anyone else claiming damages because of my or my child's injury in a legal action. I enter into this waiver on behalf of myself, my heirs, and executors. I also understand that no employee or agent is authorized to modify this waiver. I represent that I am familiar with the nature of the activities in which I or my child will participate and that I, or my child, am in good physical health and that I do not have physical or emotional conditions, past or present, of which I am aware, which would in any way affect my ability to participate in the Event. I CERTIFY THAT I HAVE READ AND UNDERSTAND THIS WAIVER AND RELEASE.

City of San Clemente
City of San Clemente Redevelopment Agency

Date _____

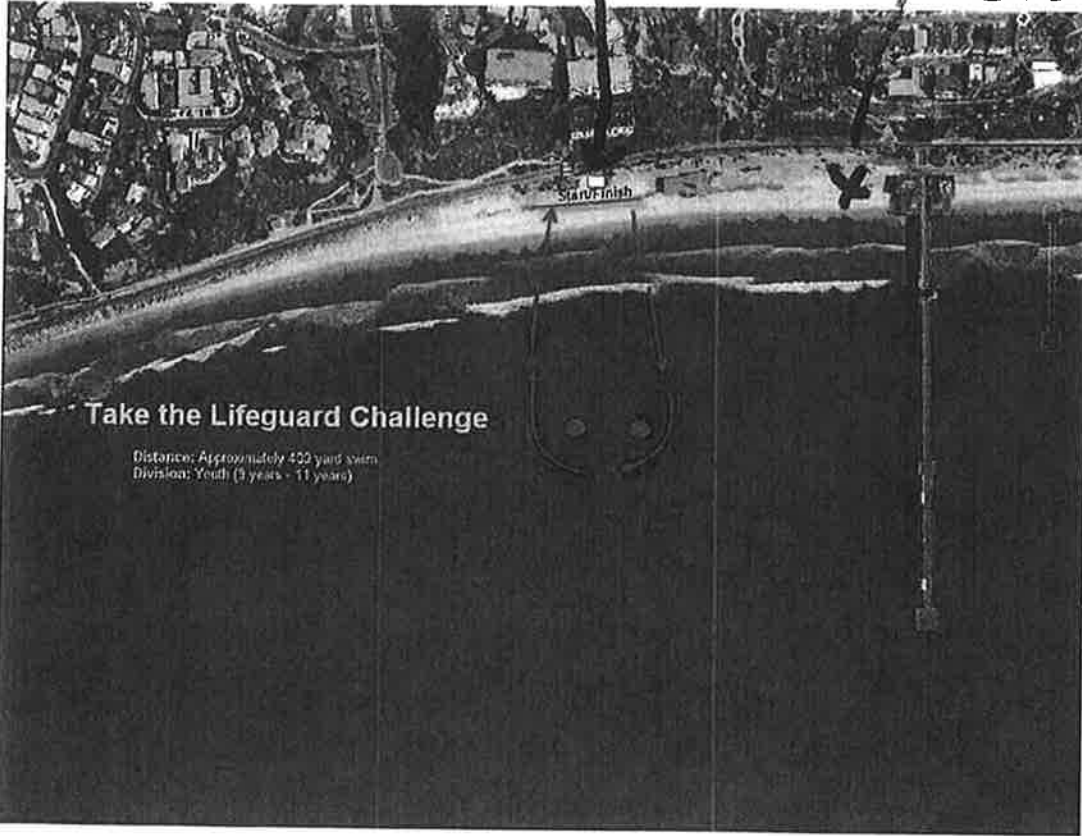
Signature of Participant

Date _____

Parent of Legal Guardian must sign above, in addition to the participant, if the participant is under 18 years of age

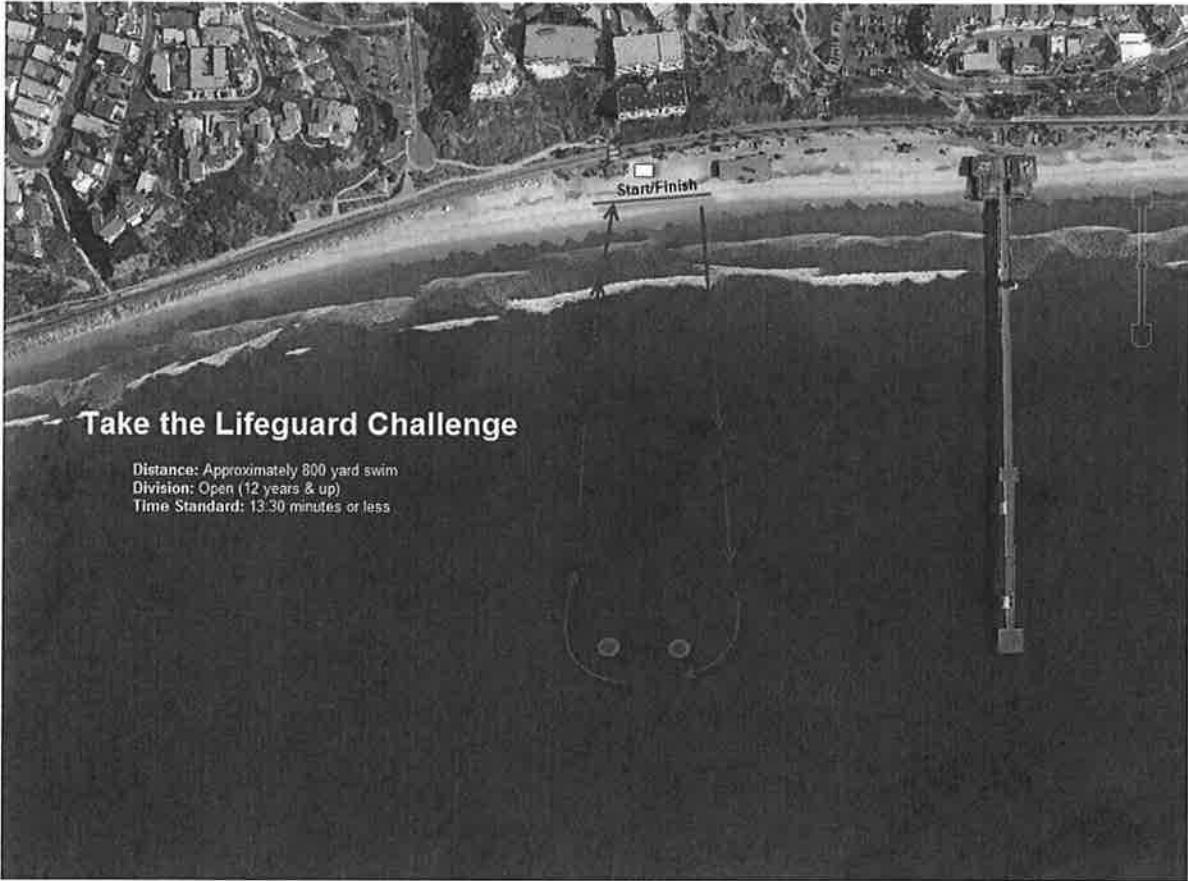
FOUNDATION
POP-UP

DIRECTIONAL
SIGNS



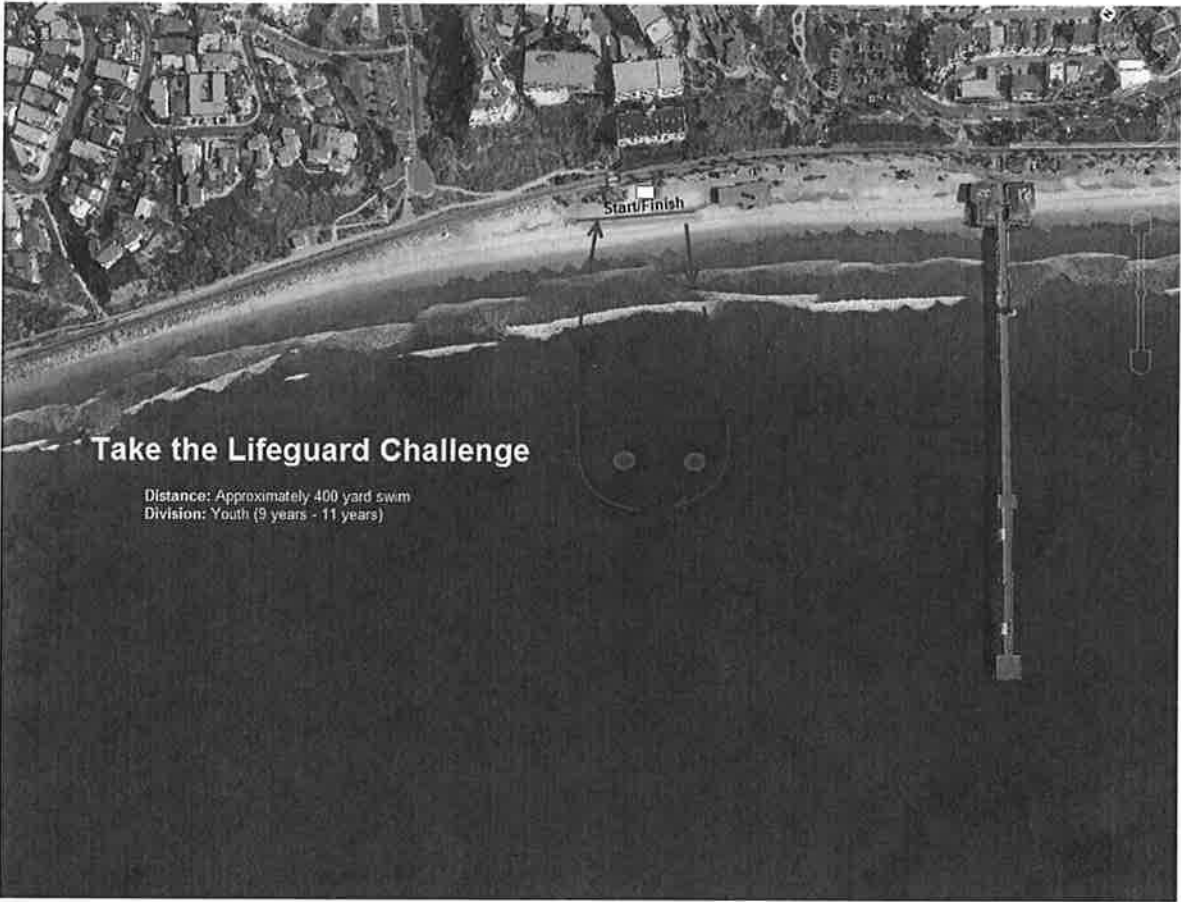
Take the Lifeguard Challenge

Distance: Approximately 400 yard swim
Division: Youth (8 years - 11 years)



Take the Lifeguard Challenge

Distance: Approximately 800 yard swim
Division: Open (12 years & up)
Time Standard: 13:30 minutes or less



Take the Lifeguard Challenge

Distance: Approximately 400 yard swim
Division: Youth (9 years - 11 years)