



# AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING  
Meeting Date: May 1, 2018

Agenda Item 6-G

**Approvals:**

City Manager [Signature]

Dept. Head [Signature]

Attorney [Signature]

Finance [Signature]

**Department:** Beaches, Parks & Recreation  
**Prepared By:** Samantha Thomas, Recreation Manager

**Subject:** *FEE WAIVER REQUEST FOR 2018 LIFEGUARD CHALLENGE EVENT.*

**Fiscal Impact:** Yes. Rental and lifeguard service fee waiver in the amount of \$1,888.60 is requested.

**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 of \$1,888.60 for the costs associated with hosting "The Lifeguard Challenge", a fundraising event (Attachment 1).

**Background:** The San Clemente Lifeguard and 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.

In 2016, the Foundation successfully held the inaugural "Lifeguard Challenge" and are looking forward to even more participation this year. Participants and spectators are expected to reach up to 100 individuals (Attachment 2).

At its April 10, 2018, the Beaches, Parks and Recreation Commission recommended the City Council approve a fee waiver for the costs associated with the special event permit, including lifeguard service fees, for the "The Lifeguard Challenge" event.

**Discussion:** The 2018 event will consist of an 800-yard open ocean swim race. The program is scheduled to be held on Sunday, August 12, 2018. The competition will be conducted on the north side of the pier, in front of Marine Safety Headquarters. A breakdown of fees is included in Attachment 3.

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

**Recommended Action:**

STAFF AND THE BEACHES, PARKS AND RECREATION COMMISSION RECOMMEND THAT the City Council approve a fee waiver of \$1,888.60 for the costs associated with the

special event permit, including lifeguard service fees, for the "The Lifeguard Challenge" event.

- Attachments:**
- 1.) Fee Waiver Request
  - 2.) Special Event Application
  - 3.) Draft Special Event Permit

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



January 23, 2018

Honorable Mayor and City Council  
City of San Clemente  
100 Avenida Presidio  
San Clemente, CA, 92672

Dear Honorable Mayor and City Council,

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

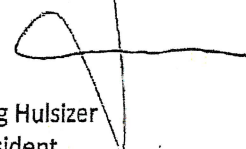
The Foundation, along with the continued support from the Friends of San Clemente Beaches Parks and Recreation, is planning a fundraiser called "The Lifeguard Challenge." Event participants pay a participation fee and are "challenged" to complete an 800-yard open ocean swim – the same swim that all San Clemente ocean lifeguards must pass to become an ocean lifeguard for the City. Proceeds are used to support Foundation programs benefitting the City's lifeguard and Junior Lifeguard programs.

The event is planned for Sunday, August 12, 2018 and will be held on the north side of the pier, adjacent to Marine Safety Headquarters. This event was held successfully in 2016 and we are looking forward to even greater participation this year.

We have submitted the required Special Event Application for this event. As the City Council did in 2016, we are *again requesting the City Council to waive the permit fees for this event.* The waiving of the fees will allow the San Clemente Lifeguard and Junior Guard Foundation to maximize its fundraising effort; increasing our ability to support the future of lifesaving efforts as well as other water safety and ocean awareness programs in our San Clemente community.

Thank you for your consideration. I am happy to provide additional information if needed. I can be reached at [scljgfoundation@gmail.com](mailto:scljgfoundation@gmail.com) or 949.492.6315.

Respectfully,

  
Greg Hulsizer  
President

San Clemente Lifeguard and Junior Guard Foundation



**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

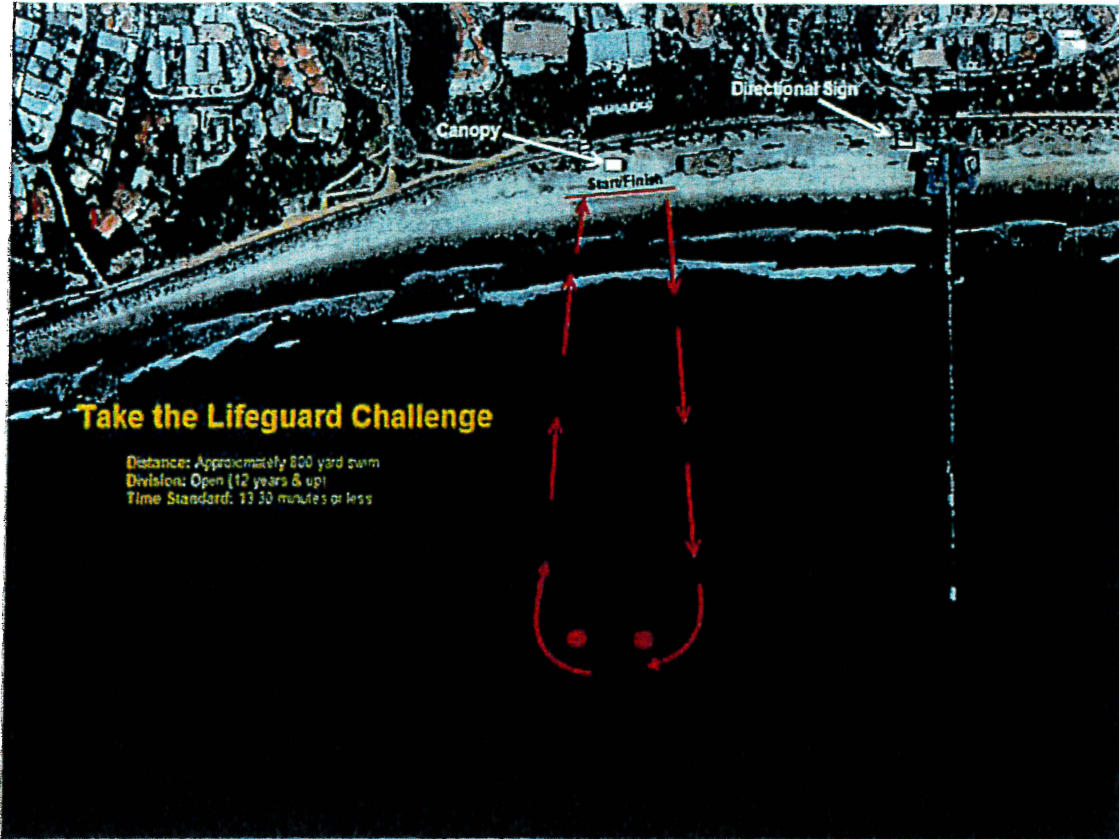
We are happy to hear you are planning a special event in San Clemente. Special events build community spirit, promote worthy causes and celebrate important accomplishments. Planning a successful event involves cooperation and participation from many people, including City of San Clemente employees. City 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.

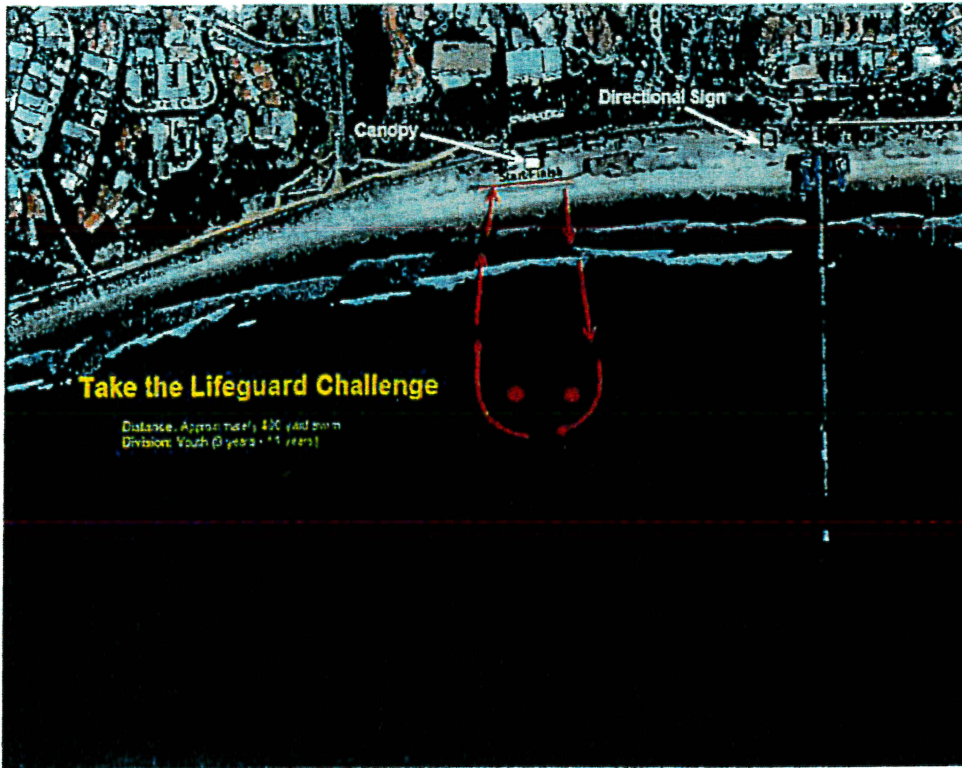
Applicant Information			
Contact Person:	Greg Hulsizer	Phone:	
Organization:	San Clemente Lifeguard & Junior Guard Foundation	Email:	
Business Lic #	308672	Address:	
Non-Profit ID#	33-09522861	City/Zip:	

Event Information			
Event Name:	Lifeguard Challenge	Event Time:	9:00 am - 11:00 am
Event Type:	Ocean Swim	Set-up Time:	8:00 am - 9:00 am
Location:	San Clemente City Lifeguard Tower 4	Tear-Down Time:	11:00 am - Noon
Event Date:	Sunday, August 12, 2018	Attendance:	100 - 150
Sponsors:	Friends of SC BP&R & SCLJG 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 <b>Canopy at registration</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Car Show	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Portable Restrooms
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Race <b>TYPE: Ocean Swim</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Portable Fencing/Baricades
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Athletic Competition <b>TYPE: Ocean Swim</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Posting of Signs/Banners <b>Directional signs</b>
<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 type="checkbox"/>	<input checked="" type="checkbox"/>	Electrical: <input type="checkbox"/> Generator <input 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 <b>Announcer PA</b>	<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 [recrea@san-clemente.org](mailto:recrea@san-clemente.org). If you have any questions, feel free to contact the Division at (949) 361-8264.





**Take the Lifeguard Challenge**

Distance: Approximately 400 yard swim  
Divisions: Youth (0 years - 11 years)



**City of San Clemente**  
**Beaches, Parks & Recreation Department**

100 Calle Seville, San Clemente, CA 92672  
 Phone: (949) 361-8264 Fax: (949) 361-8280

## **SPECIAL EVENT PERMIT**

April 11, 2018

Below is the detailed description of the event and the Conditions of Approval. Applicant must abide by all applicable federal, state and city ordinances and laws. Violation of any of the conditions listed below could result in the immediate stoppage of said event.

### **EVENT INFORMATION**

**Title:** Lifeguard Challenge Ocean Swim  
**Date:** Sunday, August 12, 2018  
**Time:** 9:00 a.m. – 11:00 a.m.  
**Location:** North Side of the Pier at Tower 4

### **APPLICANT INFORMATION**

San Clemente Lifeguard & Junior Guard Foundation  
 Non-Profit ID # 33-0952861  
 City Business License # 308672

### **EVENT DESCRIPTION**

This permit is for use of the beach in front of Tower 4 with attendance anticipated at **100 participants** and spectators. This permit would allow for a one-day Special Beach Event Permit as a **Category III Event**, entitling the non-profit organization to exclusive use of less than 250 feet of water **with lifeguard assistance**.

### **EVENT FEES**

Special Event Application Fee	\$ 110.00
Category III Beach Permit	\$ 30.00
Sound Amplification	\$ 60.00
Lifeguard Services	\$ 1,688.60
<b>Total</b>	<b>\$ 1,888.60</b>

### **EVENT LOGISTICS**

Applicant has requested to setup one (1) 10 x 10 canopy, temporary banner, and one table on the beach.

**CONDITIONS OF USE**

---

The beach site shall be set up so as to minimize the area occupied and to not unduly restrict public access to, or use of the sandy areas of the beach.

**SOUND AMPLIFICATION**

---

Applicant is requesting sound amplification for an announcer

**STAGING/SCAFFOLDING/TENTS/CANOPIES**

---

Applicant is not requesting scaffold/staging.

The event's site plan shows multiple canopied areas. 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. (UFG 105.8t.1). The regulations of the State Fire Marshall for large and small tents, awnings and other fabric enclosures shall also apply. (UFG 320)

A separate Building permit is required for temporary stage and platforms associated with special event or special activity permits that are intended to be used for the gathering together of 10 or more persons, that have overhead structures and/or more than 30 inches above adjacent grade and/or have an aggregate area exceeding 120 square feet. Temporary stages/platforms are limited to a maximum of 9 occupants at any given time unless a Building permit is issued.

Please be sure to include the set up specifications, and drawings for construction to ensure the building inspector has the details needed for approval. Please contact the Building Division at (949) 361-6100 or [building@san-clemente.org](mailto:building@san-clemente.org).

**HEALTH DEPARTMENT REQUIREMENTS FOR FOOD VENDORS**

---

The Applicant shall abide by all applicable laws for food sales to the public as required of the Orange County Health Department.

Before you can sell or even give away food to the public, you are required to have a valid health permit. In order to process your permit in a timely manner for the event, please submit all applications at least 2 weeks prior to the event. There are several different kinds of permits available depending on what you plan to do at your Temporary Food Facility, each one with different requirements. Come to our office located at 1241 E. Dyer Road, Suite 120, Santa Ana, CA 92705 to apply for a permit. To save time and make the application process as smooth as possible, be sure to download one of the information bulletins at <http://www.ocfoodinfo.com/tff> complete the Operation Specification and Health Permit



Application forms. Remember, health permits are only good for a single event and are not transferable to other events or other vendors.

Anyone using cooking equipment, heating equipment or an open flame must receive a permit from the OCFA to use. This is only mentioned in the event that you add such items to the event(s). In addition, cooking oils or grease shall be properly disposed of and not placed in drains or trash receptacles. Food preparation utilizing grease—such as deep fryers also require a specialty fire extinguisher to be placed at the booth.

Please contact Steven Sharp at (714) 433-6130 or mailto: [ssharp@ochca.com](mailto:ssharp@ochca.com) with any questions.

### **VEHICLE BEACH ACCESS**

---

Applicant is not requesting Vehicle Beach Access

### **COMMERCIAL FILMING & DRONE USE**

---

Filming activities will be conducted so as to abide by all applicable laws and ordinances, unless otherwise approved in writing. A permit must be obtained for all commercial still and motion photography.

#### **Filming with Drones is NOT permitted.**

The applicant shall be responsible to ensure that no person associated with the event (i.e. event staff, organizers, participants, vendors, or attendees) will takeoff, land, or operate an unmanned aircraft ("UA" or "drone") over City-permitted events open to the public, unless granted written or electronic permission by the City. UA operators must have on their possession a copy of the written or electronic consent from the City while they takeoff, land, or operate a UA over City-permitted events open to the public.

The applicant shall be responsible to ensure that no person associated with the event (i.e. event staff, organizers, participants, vendors, or attendees) will takeoff, land, or operate an unmanned aircraft ("UA" or "drone") within five hundred (500) feet of any emergency vehicle that is operating with lights and/or sirens.

The applicant shall be responsible to ensure that no person associated with the event (i.e. event staff, organizers, participants, vendors, or attendees) will takeoff, land, or operate an unmanned aircraft ("UA" or "drone") within five hundred (500) feet of any active law enforcement or emergency response incident.

The applicant shall be responsible to ensure that no person associated with the event (i.e. event staff, organizers, participants, vendors, or attendees) will takeoff, land, or operate an unmanned aircraft ("UA" or "drone") within one thousand five hundred (1,500) horizontal feet of any aircraft, including any UA, operated by a public entity (for example, the UA operated by the City's Marine Safety division to patrol the beach area).

### **PRODUCT SALES/GIVEAWAYS/PROMOTIONS**

---

No sales of any product are permitted at the event. This includes the applicant's sponsors, or items brought in for event production.

Sponsor Flotation or buoys will not be permitted in the water or surf contest area.

Sponsor products may be displayed, or given to contestants, but may not be distributed to the public, even at no cost (sampling). This includes soliciting for future appointments.

Signs and Banners are limited to the approved sponsor tents in the area of tournament. They may not be placed on trail, railroad fencing, beach structures such as the palapas, pier, or staircases.

Two (2) Large Flag banner poles may be used at the beach to delineate the location where surf is being managed. These may not impact the beach goers walking at waters edge.

Signs to notice the public about a special event being conducted at the site, is the responsibility of the applicant. Signs should be placed one day prior to the program at the pier bowl area listing the special event area, date and time.

Sponsorship by or display of products of alcohol, or tobacco companies is not permitted.

#### **WASTE MANAGEMENT PLAN**

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. 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 basis.

#### **NO STYROFOAM PRODUCTS**

The City of San Clemente passed Resolution No. 04-27 which prohibits the use of food service items comprised of expandable polystyrene, commonly referred to by the trade name "Styrofoam". This applies to all rentals, special events, leases, or other functions associated with the City of San Clemente. This event is subject to the resolution.

All persons, vendors caters, etc. participating in this City permitted activity must take responsibility for preventing the utilization and/or distribution of expandable polystyrene food service products, commonly referred to by the trade name "Styrofoam" by any attendee or vendor (caterer) at the event. Failure to abide by this resolution will result in the immediate revocation of the current special event permit and the disapproval of future special event applications.

#### **BUSINESS LICENSE – Approved & on file**

All vendors must obtain a City of San Clemente Business License to sell at this event. This includes non-profit organizations fundraising and some exhibits that are soliciting business. Please contact the City business division at (949) 361-6166 to speak with a city representative.

### **INSURANCE**

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.

### **COMPETITOR WAIVER FORMS**

Prior to participating, 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. If the applicant chooses to also have a waiver form, the City's language regarding indemnity must be included as part of the form.

### **INDEMNIFICATION**

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.

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 their designee, in writing and as soon as practicable.

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.

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.

