ECONOMIC DEVELOPMENT
337 Locust Street, Santa Cruz, CA 95060 • 831 420-5150 • www.cityofsantacruz.com
TO APPLY FOR COMMUNITY USE: see the application online at http://cityofsantacruz.com/home/showdocument?id=8869.

Del Mar Theatre Community Use Policies and Procedures

The Del Mar Theatre ("Facility") is owned by the City of Santa Cruz ("City") and operated by Nickelodeon Theatres, Incorporated ("Nickelodeon"), a commercial cinema company. Portions of the Theatre are available for use by qualifying non-profit organizations or affiliated organizations ("Applicant") and the City of Santa Cruz ("City") or other governmental agencies for qualifying events. The booking of the facility is administered by the City.

PURPOSE

It is the goal of the City and Nickelodeon to provide a venue for non-profit groups that currently have no suitable venue available for film exhibition and other compatible uses. These Policies are designed to allow the community maximum access to the facility while preserving the operational integrity of the Nickelodeon.

ELIGIBLE APPLICANTS AND EVENTS

- **Non-profit organizations** as currently defined by the Internal Revenue Service codes 501C or other codes which govern non-profit organizations which are similar to those of a 501c(3). An applicant who is not a 501c(3) or other non-profit may apply for use of the facility by providing documentation of affiliation or sponsorship by a non-profit in the form of a letter signed by the executive director of the non-profit setting forth the nature of their relationship to the applicant and the details of the event sponsorship.

- **Local governmental organizations**.

Both types of organizations must be located within Santa Cruz County to qualify for use.

All events conducted at the facility must, in the judgment of City staff, have a demonstrable and readily identifiable public purpose and be for the betterment of the community of the County of Santa Cruz. The event must be free of charge; or if admission is charged, any net profits may not inure to the benefit of any private parties or shareholders as set forth by the IRS.

Applicants may apply for use of the facility for: **film screenings, lectures, governmental town hall meetings** (subject to City approval), which will be considered if in the sole judgment of City staff and the Nickelodeon the event is compatible with the facility and the commercial operation of the Theatre. No performance stage space exists.

Applicant Checklist – Del Mar Theatre Community Use

_____Before submitting an application, contact the City at (831) 420-5150 to see if the desired date is available

_____Del Mar Theatre Application – see Attachment A

_____Pay for the Use Fee and Security Deposit with cash, check or money order payable to "City of Santa Cruz" – see Fee Schedule on page 3

_____Receive Nickelodeon staff time quote – see page 7

_____Register with the City Finance Department for Admissions Tax, if charging admission – see http://www.cityofsantacruz.com/departments/finance/licenses-fees-and-taxes/admission-tax

_____If serving alcohol, contact the California Department of Alcoholic Beverage Control to see if a permit will be required – see page 4 and http://www.cityofsantacruz.com/home/showdocument?id=18703

_____On all marketing materials produced by the applicant relating to the event, include the "Del Mar Theatre" as the listed venue and the "City of Santa Cruz" and "Nickelodeon Theatres, Inc." as providing support to the event, as well as including the City and Nickelodeon logos – see page 7

_____Provide City staff with insurance and indemnification documents – see Attachments B and page 7

_____Finalize booking 30 days ahead – all forms and fees must be turned in and approved

_____Bring approved application and insurance to event

Fee Schedule – Del Mar Theatre Community Use

Fee is for the use of one of the facility's theatres on a given day.

	Use Fee per Day	Refundable Deposit
Monday – Thursday Day Event	$125	$125
Monday – Thursday Night Event	$125	$125
Date Change Fee	$50	
Check Returned for Insufficient Funds	$25	

Operation of Facility and Equipment by Nickelodeon Staff
(Payable directly to the Nickelodeon Theatre, Inc.)

Box Office (if required)	$15 per hour	2 hour minimum
Projectionist	$30 per hour	3 hour minimum
Janitorial	$100 per event for Grand Auditorium $50 per event for each small theater	
Sound/Video Engineer or Operations Manager consulting fee	$85 per hour	1 hour minimum
Concessions staff	$12 per hour	No minimum
Digital Film Set-Up	$50 per hour	
35 mm Film Set-Up	$100 per feature $50 per short	
Spotlight	$50 per event	
Marquee	$35 per event	

Additional staff time may be required and will be negotiated directly between the Applicant and the Nickelodeon Theatre.

CANCELLATION POLICY

- All cancellations must be requested in writing to the Agency and must clearly state the date, time, and description of the event to be cancelled.
- Refund of Fees: The Use Fee, if applicable, for the cancelled event will be refunded by mail within 30 days if a written cancellation request has been *received* by the City 30 days or more prior to the scheduled date of the event. The Use Fee will not be refunded if the event is cancelled within 30 days of the scheduled event. Any fees paid to Nickelodeon Theaters are non-refundable.

BOOKING POLICIES

- Please call to check availability for desired dates prior to submitting application materials.
- **The event date will be held for the Applicant when the use fees and security deposits have been paid. Bookings are not final until all applications and documentation have been submitted and all fees have been paid.**
- All requests for use of the facility are to be made to the City by phone at (831) 420-5150 or at the City by appointment.
- Applicant shall submit a Del Mar Theatre Application and pay the appropriate Use Fee.
- Applicant shall provide to City staff the following upon request:
    - A detailed event plan.
    - Security plan.
- Applicant may be required to meet with City staff and/or Nickelodeon staff to discuss details of the event.
- City staff shall determine the appropriate theater for the event based on the applicant's stated preference, the type of event, the time of day the event is being held, the anticipated and probable number of attendants, the history of the event's attendance if applicable, and the impact to Nickelodeon operations.
- Applicant may change the event's date following approval by City only under the following conditions: 30-day advance request, payment of $50 date change fee, and limited to one change.
- The Applicant is renting the theatre space only. Any display, signs or tables in public spaces or outside the Theatre is subject to approval by Nickelodeon staff.
- Groups shall leave assembly areas in a clean and orderly condition.
- The Applicant must track the number of event guests entering the rented theatre space in order to comply with the posted capacity.
- The Applicant must provide at his/her expense the following additional services as determined necessary by the City. The needs will be determined following the review of the application.
    - Additional security.
    - First aid including ambulance, doctor and nurses.
    - Fire control service.
- If alcohol will be served, applicant must contact the State Department of Alcoholic and Beverage Control to inquire whether a 1-day permit will be required. No permit is needed if a permitted caterer is serving the alcohol.
- The right to revoke permission for an event at any time is retained by the City of Santa Cruz.

REQUIRED CITY FEES

- All Applicants shall pay the appropriate Use Fee and provide a refundable deposit as indicated in the fee schedule on page 3. Please note the refundable deposit is for securing the booking date and the proper care of the facility and equipment. Other fees may apply.
- All fees and deposits shall be payable by cash, check, or money order made payable to the "City of Santa Cruz."
- If admission is charged, the Applicant will be required to promptly pay any and all applicable local admissions taxes.

FACILITY DESCRIPTION

The Theatre Del Mar is a historic 1936 art deco movie theatre consisting of three screens and related facilities.

The facility is primarily suited and intended for film exhibition. Other types of media may be exhibited in the facility by arrangement. The theatre can be used for other types of non-film events, which might include lecture or speech, and small musical or theatrical performances with a limited number of performers if such an event is compatible with the facility and operations of the Nickelodeon.

- The facility is currently equipped with the following amenities:
  - One ground floor Grand Auditorium of 288 seats;
  - Two 2nd story theatres of 138 seats each;
  - Surround Sound;
  - Wireless microphone available if arranged in advance;
  - Concessions stand and box office;
  - Restroom facilities;
  - Fully handicapped accessible;
  - Marquee.
- The facility is equipped for projection of 35 mm film and digital only. The Applicant can discuss arrangements for any other format with the Nickelodeon management.
- If an Applicant provides alternative projection, he/she will be able to utilize the Theatre's existing theatre sound system to the extent possible—consultation with Nickelodeon operations management will be required; however, the applicant will be responsible for paying the Nickelodeon's engineers' wages for such use as well as for any consultation time required.

AVAILABILITY

- An event is defined as the use of one of the facility's theatres on a given day. A day event is an event that concludes prior to 1:00 P.M. A night event occurs after 5:00 P.M. and concludes by 11:00 P.M. Events are for Monday through Thursday only. There is no weekend availability.
- A maximum of 36 events may be booked in a calendar year. Up to 24 events may be night events.
- The facility is not available on State or Federally recognized holidays. If the holiday occurs on a Monday, the theatre cannot be booked on that day.
- Grand Auditorium Use:
  - The Grand Auditorium is available for up to 4 of 24 Night Events per year.
  - Of the 24 Night Events, the Grand Auditorium is available a maximum of 4 Night Events per year. Preference for these limited days will be given to multi-date film festivals and will be

booked on a back-to-back basis whenever possible. All use of the Grand Auditorium for Night Events shall take place Monday through Thursday.

  - The Grand Auditorium is available for up to 16 Day Events per year.
  - The Grand Auditorium may only be used simultaneously with a small theatre during daytime hours up to one hour before the Nickelodeon would use the Grand Auditorium for its first film of the day (typically 2:00 p.m.).

- Only one theatre may be utilized at any one time for a night. A day event may utilize 2 theatres, which will count as two events towards the maximum number of annual events.
- Use of the facility is limited to 2 consecutive days in any given week, a maximum of 4 events per calendar year for any single organization.
- A single organization may only utilize the Grand Auditorium 2 times per calendar year.

ADVANCE BOOKING

- Multi-date film festivals may book up to 12 months in advance on a first come, first served basis. Fees apply separately to each event booked.
- Events which are not multi-date film festivals may book up to 6 months in advance on a first come, first served basis.
- All requests for use shall be submitted at least 60 days prior to the event. All bookings must be finalized at least 30 days prior to the event.
- The theatre is available for booking as set forth above by eligible organizations between April 1 and November 15 annually.
- Between November 16 and March 31 the theatre is not available for booking except by the express written permission of the Executive Director after consultation with and consent by Nickelodeon Management, or directly by Nickelodeon Management.

OPERATION OF FACILITY AND EQUIPMENT

- Operation of the facility including theatre equipment, box office sales, concessions sales, and janitorial services shall be by the *Nickelodeon staff only*. Applicant shall pay a pro-rata share of relevant services for the event. Please see the Fee Schedule on page 3 for rates.
- The Nickelodeon reserves the right, if in its judgment it is warranted, to provide additional staffing for an event above normal operational levels for any relevant purpose. The applicant will pay the full costs of any additional staff required.
- The rates represent the user's portion of the hourly wage the Nickelodeon typically pays to its employees, plus overhead and administration costs.
- The Nickelodeon shall provide Applicant with a good faith estimate of all required fees prior to the booking being finalized. All Nickelodeon estimated fees will be paid directly to the Nickelodeon Theatres, Inc. in advance of the event.
- Final costs due to Nickelodeon will vary based on actual time of event and will be reconciled at the conclusion of the event.

SECURITY

- Applicant shall provide City staff with a security plan upon request.

- Security services may be required for certain events if in the judgment of City staff or the Nickelodeon they are warranted. If security is required, a security plan will be submitted to City staff and approved prior to booking being finalized.
- The cost for security services shall be borne solely by the applicant.

MARKETING AND CONCESSIONS

- **All marketing materials produced by the applicant relating to the event, shall include the "Del Mar Theatre" as the listed venue, and shall include the "City of Santa Cruz" and "Nickelodeon Theatres, Inc." as providing support to the event.**
- **Applicant shall include the City logo and Nickelodeon logo on its primary marketing materials, including event posters, programs, and festival guides.**
- Publicity of any type may not be released or used relating to any event until approval is granted for the application. No advertising or promotional materials are to be posted on telephone, power, or street lighting poles.
- The event can be provided with marquee space by the Nickelodeon, for the day of the event only, on one side of the 3-sided marquee. See page 3 for the appropriate fee.
- Applicant may sell organization and/or event-oriented items such as t-shirts, posters, etc in the theater in such a location as is deemed appropriate by the Nickelodeon.
- During regular Nickelodeon business hours, the concessions stand will be operating and will be available to all users of the theatre, including the applicant's patrons, at no cost to applicant.
- The Nickelodeon reserves the right to provide concessions services for events which occur during hours in which the Nickelodeon does not typically operate if in the Nick's judgment such services are warranted or desired.
- The Nickelodeon will consider providing concessions staff when requested by Applicant for events that occur when regular concessions are not operating, but no such services are implied as guaranteed. In such a case, Applicant will pay Nickelodeon employee wages and other incidental costs.

INSURANCE AND INDEMNIFICATION

- The limit for **each occurrence** must be at least $1,000,000.
- The certificate must have a policy number and current effective dates.
- Applicant shall name as additional insured on all policies and on all certificates the "City of Santa Cruz Redevelopment Agency, City of Santa Cruz, and Nickelodeon Theatres, Inc., their officers, agents, and employees." **An endorsement to the General Liability policy adding the City of Santa Cruz and Nickelodeon Theatres, Inc. to the policy must be provided with the certificate.**
- The City of Santa Cruz must be named as the certificate holder.
- The certificate must have an authorized representative signature.
- If your insurance provider uses the new Acord 25 (2009/09) form the cancellation requirement is satisfied by the new language: "Should any of the above described policies be cancelled before the expiration date thereof, notice will be delivered in accordance with the policy provisions."
- Applicant shall also submit a signed standard indemnification form with application.

RENTAL OF FACILITY

If an Applicant does not meet the requirements for Community Use of the facility, the theatre is available for rent by contacting the Nickelodeon Theaters directly at (831) 426-7507. The City also has other facilities available for rent. For information on the the Civic Auditorium, please call (831) 420-5240. For information on Louden Nelson Community Center, please call (831) 420-6177.

INTERPRETATION

The final interpretation of these policies shall be by the Economic Development Director of the City of Santa Cruz.

POLICIES SUBJECT TO CHANGE

These policies may be amended from time to time upon the direction of the Director.