



ECONOMIC DEVELOPMENT

337 Locust Street, Santa Cruz, CA 95060 • 831 420-5150 • www.cityofsantacruz.com

Del Mar Theatre Community Use Policies and Procedures

The Del Mar Theatre Building (“Facility”) is owned by the City of Santa Cruz (“City”) and operated by Silver Cinemas Acquisition Co. d/b/a Landmark Theatres (“Landmark”), a commercial cinema company. Portions of the Facility are available for use by qualifying non-profit organizations or affiliated organizations (“Applicant”), the City, or other governmental agencies for qualifying events. Booking the Facility is administered by the City.

PURPOSE

It is the goal of the City and Landmark to provide a venue for non-profit and local governmental organizations that do not have a suitable venue available for film exhibition and other compatible uses. These Policies and Procedures are designed to allow the community maximum access to the Facility while preserving its operational integrity.

ELIGIBLE APPLICANTS AND EVENTS

- **Non-profit organizations** as currently defined by the Internal Revenue Service (IRS) 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 the County of Santa Cruz to qualify for use.

All events conducted at the Facility must, in the judgment of City, 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.** Use will be considered by the sole judgment of the City and Landmark based on the event compatible with the Facility and the commercial operation of the Theatre. No performance stage space exists.

Eligible organizations may use the [Applicant Checklist](#) to assist with the booking process.

Del Mar Theatre Community Use Fee Schedule

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

	<u>Use Fee per Day</u>	<u>Refundable Deposit</u>
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 Landmark Staff

(Payable directly to Landmark Theatres – Del Mar)

Box Office (if required) \$15 per hour 2 hour minimum

Janitorial	\$100 per event for Grand Auditorium \$50 per event for each small theatre	
Sound/Video Engineer or Operations Manager Consulting Fee	\$85 per hour	1 hour minimum
Concessions Staff	\$12 per hour	No minimum
Digital Film	\$50 per hour	
35 mm Film Set-Up	\$100 per feature \$50 per short	
Spotlight	\$50 per event	
Marquee	\$35 per event	
Mezzanine	\$125	2 hour minimum
Catering Fee Use	\$3 per person	
Opening Door Fee	\$50	

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

FACILITY DESCRIPTION

The Del Mar Theatre 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. Theatres 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 operations of the Facility.

- 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, if arranged in advance;
 - Concessions stand and box office;
 - Restrooms;
 - Fully handicapped accessible;
 - Marquee.
- The Facility is equipped for projection of digital only. The Applicant can discuss arrangements for any other format with the Landmark management.
- If an Applicant provides alternative projection, he/she will be able to utilize the Facility's existing theatre sound system to the extent possible—consultation with Landmark operations management will be required; however, the Applicant will be responsible for paying the Landmark's engineers' wages for such use as well as for any consultation time required.

BOOKING POLICIES

- Prior to submitting an application, Applicant shall contact the City at (831) 420-5150 or economicdevelopment@santacruzca.gov to check availability.
- Upon availability confirmation, Applicant shall submit a [Del Mar Theatre Application](#) and pay the appropriate fee(s). (see [Fee Schedule](#))
- The event date will be held for the Applicant when the fee(s) have been paid. Bookings are not final until the Application, other documentation, and fees have been submitted.
- Applicant shall provide a detailed event plan to the City, upon request.
- Applicant may be required to meet with City staff and/or Landmark staff to discuss details of the event.
- City shall determine the appropriate theatre 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 the Facility's 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 Landmark staff.
- Organizations 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, the 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.
- 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 required documentation and fees (as described in these Policies and Procedures) must be submitted at least 30 days prior to the event.

AVAILABILITY

- The Facility is available for booking as set forth above by eligible organizations between April 1st and November 15th annually.
- Between November 16th and March 31st, the Facility is not available for booking except by the express written permission of the Economic Development Director after consultation with and consent by Landmark Management, or directly by Landmark Management.
- 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.
- The Facility is not available on State or Federally recognized holidays.
- A maximum of 36 events may be booked in a calendar year. Up to 24 events may be night events.
- Only one theatre may be utilized at any one time for a night event. A day event may utilize two theatres, which will count as two events towards the maximum number of annual events.
- Use of the Facility is limited to two consecutive days in any given week, a maximum of four events per calendar year for any single organization.

- Grand Auditorium Use:
 - The Grand Auditorium is available for up to 4 of 24 night events per year. Preference for these days will be given to multi-date film festivals and will be booked on a back-to-back basis whenever possible.
 - 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 Facility would use the Grand Auditorium for its first film of the day (typically 2:00 P.M.).
 - A single organization may only utilize the Grand Auditorium two times per calendar year.

REQUIRED CITY FEES

- Applicant shall pay the appropriate use fee and provide a refundable deposit as indicated in the [Fee Schedule](#). 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 pay any and all applicable local admissions taxes.

CANCELLATION POLICY

- All cancellations must be requested in writing to the City and must clearly state the date, time, and description of the event to be cancelled.
- The use fee for the cancelled event will be refunded by mail within 30 days, if a written cancellation request has been received by the City at least 30 days prior to the scheduled event. The use fee will not be refunded if the event is cancelled within 30 days of the scheduled event. Any fees paid to Landmark Theatres are non-refundable.

OPERATION OF FACILITY AND EQUIPMENT

- Operation of the Facility including theatre equipment, box office sales, concessions sales, and janitorial services shall be by the *Landmark staff only*. Applicant shall pay a pro-rata share of relevant services for the event. Please see the [Fee Schedule](#) for rates.
- Landmark 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 shall pay the full costs of any additional staff required.
- The rates represent the user’s portion of the hourly wage Landmark typically pays to its employees, plus overhead and administration costs.
- Landmark shall provide Applicant with a good faith estimate of all required fees prior to the booking being finalized. All Landmark estimated fees shall be paid directly to the Landmark Theatres – Del Mar in advance of the event.
- Final costs due to Landmark 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 or Landmark, they are warranted. If security is required, a security plan shall 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 “Landmark Theatres” as providing support to the event.
- Applicant shall include the City logo and Landmark 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 Landmark, for the day of the event only, on one side of the 3-sided marquee. Please see the [Fee Schedule](#) for rates.
- Applicant may sell organization and/or event-oriented items such as t-shirts, posters, etc. in the Facility in such a location as is deemed appropriate by Landmark.
- During regular Facility business hours, the concessions stand will be operating and will be available to all users, including the Applicant’s patrons, at no cost to Applicant.
- Landmark reserves the right to provide concessions services for events which occur during hours in which the Facility does not typically operate if in the management’s judgment such services are warranted or desired.
- Landmark 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 shall pay Landmark employee wages and other incidental costs.

INSURANCE AND INDEMNIFICATION

- The commercial general liability 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, and Landmark Theatres, their officers, agents, and employees.”
- An endorsement to the General Liability policy adding the City of Santa Cruz and Landmark Theatres to the policy must be provided with the certificate.

- The certificate must list the City, as shown below, as the certificate holder.

City of Santa Cruz – Risk Management
1200 Pacific Avenue, Suite 290
Santa Cruz, CA 95060
- The certificate must have an authorized representative signature.
- If the insurance provider uses the Acord 25 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 submit a signed [Indemnification and Hold Harmless Form](#).

RENTAL OF FACILITY

If an Applicant does not meet the requirements for community use, the Facility is available for rent by contacting the Landmark Theatres directly at (831) 426-7507. The City also has the Civic Auditorium and Louden Nelson Community Center available for rent. For information on 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 and procedures 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 Economic Development Director.

Del Mar Theatre Community Use Applicant Checklist

- _____ Before submitting an Application, contact the City at (831) 420-5150 or email economicdevelopment@santacruzca.gov to check availability
- _____ Upon availability confirmation, submit a [Del Mar Theatre Application](#)
- _____ Pay the Use Fee and Security Deposit at least 30 days prior to the event (see [Fee Schedule](#))
- _____ Receive Landmark staff time quote - see [Operation of Facility and Equipment](#)
- _____ If charging admission, register with the City Finance Department for Admissions Tax. Submit a copy of the registration to the City at least 30 days prior to the event. (see www.cityofsantacruz.com/government/city-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 [Booking Policies](#))
- _____ 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 “Landmark.” as providing support to the event, as well as including the City and Landmark logos. Submit marketing materials to the City. (see [Marketing and Concessions](#))
- _____ Submit Certificate of Insurance at least 30 days prior to the event (see [Insurance and Indemnification](#))
- _____ Submit Indemnification and Hold Harmless Agreement at least 30 days prior to the event (see [Insurance and Indemnification](#))
- _____ Bring approved Application and Certificate of Insurance to event