



ADDENDUM TO FACILITY USE PERMIT

(Preliminary as of 6/24/10)

Permit #: 23841

Permittee: Twiin Productions, Inc.

Event Name: West Beach Music and Arts Festival

Location of Event: West Beach

Event Dates / Times:

<u>Set-up:</u>	<u>Event:</u>	<u>Breakdown:</u>
Mon – Thurs, 9/20 – 9/23/10, 7am – 10pm	Friday, 9/24/10, 4 – 10pm	Fri & Sat, 9/24 – 9/25/10, 10pm – 12mid
Fri, 9/24/10, 7am – 4pm	Saturday, 9/25/10, 12noon – 10pm	Sun, 9/26/10, 7pm – 12mid
Sat & Sun, 9/25 – 9/26/10, 7am – 12pm	Sunday, 9/26/10, 12noon – 7pm	Mon – Wed, 9/27 – 9/29/10, 7am – 10pm

The following are conditions of this permit. Note that these conditions are subject to change if you have changes to your event or additional information comes up at pre-event meetings.

Required Submissions to the City

- All submission due dates must be met by 10:00 am on the date indicated below. Unless otherwise noted, submissions must be made to the Facilities and Special Events Supervisor at the Cabrillo Pavilion Arts Center at 1118 E. Cabrillo Boulevard by email or hard copy.
- A **preliminary** site map, drawn by a professional architect and meeting the requirements of the California Building & Fire Codes, must be received no later than **7/12/10**. This site map must show the total dimensions of the approved festival footprint and all items placed inside the footprint, including but not limited to stages, beer garden, food and merchandise booths, backstage and equipment/vehicle staging, location of lighting, parking of dumpsters, placement of security guards, bicycle valet parking, tent structures, fencing & gates, bleachers, restroom count & areas, an accessible path of travel to all facilities within the Festival footprint, etc. The site map should also show a smaller footprint being used that is commensurate with the smaller attendance that has been approved. After the site map is reviewed and necessary adjustments are made, the **final** site map must be received no later than **8/23/10**. The final site map must be approved by the Police, Fire, Parks and Recreation and Community Development Departments. Once the final site map is approved by City staff, changes cannot be made before or during the festival unless authorized by designated City staff.
- A **preliminary** Comprehensive Event Security Plan must be received by SBPD no later than **7/12/10**. See “Personnel Required” section details of what is included in this plan. The **final** Comprehensive Sound Management Plan must be received no later than **8/23/10**.
- A **preliminary** Comprehensive Sound Management Plan must be received no later than **7/12/10**. This plan must developed by an acoustical/sound engineer and must include, but not limited to, information on the locations of speakers, types of noise limiters and/or equipment used to lessen sound impacts, backings on stages, decibel limits for sound and bass levels event management assigned to oversee sound and curfew requirements, how this plan will be implemented by Twiin Productions-hired sound personnel etc. This plan must also show how profanity by Twiin Productions-hired performers will be mitigated. This plan requires approval by the Community Development, Parks and Recreation and Police Departments. The **final** Comprehensive Sound Management Plan must be received no later than **8/23/10**.
- A **preliminary** Neighborhood Impact Mitigation Plan must be received no later than **7/12/10**. This plan must show how traffic impacts and negative behaviors by festival attendees are avoided, reduced or mitigated in the West Beach neighborhood. The plan requires approval by the Public Works, Waterfront and Police Departments. The **final** Neighborhood Impact Mitigation Plan must be received no later than **8/23/10**.
- Permittee must obtain a “Parking Restriction Waiver Permit” from Public Works in order to post “no parking” signs on Cabrillo Boulevard to create a loading zone on the street for vendors and to park dumpsters. The application for this permit must be submitted to the Public Works/Engineering counter no later than **7/26/10**.
- The certificate of insurance and the accompanying endorsement to the policy must be received no later than **8/9/10**. The certificate of insurance shall identify comprehensive general and automobile liability coverage listing coverage limits of at least five million dollars (\$5,000,000) per occurrence and ten million dollars (\$10,000,000) aggregate, and workers' compensation insurance coverage. Each insurance policy shall provide coverage during all set-up, event and breakdown days. Permittee must be an insured under the policy. The general and automobile liability policies must also list the **City of Santa Barbara, its officers, employees and agents** as additional insured. A copy of the endorsement evidencing that the City has been added as an additional insured on the policy must be attached to the certificate of insurance.
- A Temporary Events Coastal Exemption Permit must be obtained through the Community Development/Planning Department since your event charges admission and has impacts on coastal resources. The application for this permit must be submitted to the Community Development/Planning counter no later than **8/23/10**.

- Permittee must obtain building and electrical permits from the Community Development/Building & Safety Division. The final site map must be submitted to the Community Development/Building & Safety counter above no later than **8/23/10**. The first on-site inspection by Building & Safety will be on **9/22/10** and a final inspection date will be decided at that time.
- The following additional required items must be received no later than **8/23/10** by the department that issues the permit: **1)** Tent permit application to SBFD. **2)** Request for SBPD officers to provide police services to SBPD. **3)** Waterfront Parking application to Waterfront Parking. **4)** Bicycle valet parking service contract to Parks and Recreation.
- Copies of the waste management contracts for the required number of trash and recycling boxes, dumpsters, portable toilets and the contract for the professional cleaning company must be received no later than **9/7/10** by Parks and Recreation.
- Completed vending permit applications must be received no later than **9/7/10** by Finance/Business Licenses for those vendors selling food, beverage, alcohol, merchandise or services.
- Ten (10) all-access passes must be received no later than **9/22/10**. These passes must allow City staff entrance into all areas within the festival footprint, including, but not limited to backstage areas, trailers, etc.
- A final on-site inspection and clearance by the Fire Department will be on **9/23/10**.
- Permittee must provide SBPD with 1 all terrain mule type vehicle with a flat bed for use each day of the event starting **9/24/10**.
- Failure to meet the deadlines for each of the above submissions will result in an administrative fine of \$100 per day per occurrence for every day beyond the deadline date. If deadlines are missed after 5 business days, either the specific permit will not be granted or the City reserves the right to cancel the event.

Rental Area

- The entire festival footprint must be commensurate with the smaller crowd size that has been approved. The entire setup, including the perimeter fencing, backstage and equipment/vehicle staging area, must be on the sand and start 15 feet away from the bike path (aka beachway) and 100 feet away from the green Sea Shell "condo" storage units.
- Perimeter fencing, backstage or equipment/vehicle staging areas cannot enclose the outriggers parked on the sand by Sea Landing or the Seashell boats and their green "condo" storage units. These boats must have a 100 feet minimum corridor in order to access the water.
- Permittee has offered payment to the City of a venue fee charge per ticket. At 8500 maximum capacity for 3 days that revenue is projected at \$97,729 using a formula of 75% one day tickets at \$4 and 25% 3-day tickets at \$10. That amount of money will be paid on deposit to the City two weeks prior to the event and prior to the event permit being issued. Upon review of 3rd party documentation of 2010 event sales, City to refund any balance due permittee.

Set-up, Breakdown and Hours of Operation

- Out of consideration for the motels across the street, the permit start time for each day will be 7:00 am.
- Set-up/breakdown shall not occur outside the hours specified on this permit or additional set-up and/or breakdown fees will be charged.
- Access onto West Beach through the Launch Ramp parking lot driveway on Cabrillo Boulevard will be limited to 18-wheel large tractor-trailer vehicles only. Access through this area must be coordinated with the Waterfront Department 24 hours in advance. All other vehicles and deliveries must come through the main Harbor kiosk entrance.
- Breakdown for the event must be completed by the ending date and time listed above. ALL equipment, discarded materials, trailers and dumpsters must be off the beach in time for inspection. Failure to work within this timeframe may result in additional breakdown fees being withheld from the security deposit.

General Rules and Regulations

- Permittee is limited to an 8,500 festival attendees each day, with SBPD and SBFD reserving the right to limit this number further if deemed necessary at any time due to public safety concerns. Permittee must have a concrete method in place to adhere to this requirement. This number includes volunteers who work in exchange for a free pass into the festival but excludes event staff, music performers and their entourage, sound, lighting and security company personnel, food and merchandise vendors and other personnel working at the festival.
- Permittee must identify, in advance, the total number of volunteers, event staff, music performers and entourage, sound, lighting and security company personnel, food and merchandise vendors and other personnel involved with the festival, including setup, each day of the festival, and breakdown, so that SBFD can ensure the footprint is set for the correct capacity load.
- Permittee is responsible for knowing and complying with the rules, procedures and general information on event management within the City's Special Event Guide. Non-compliance of the rules and procedures may result in termination of the event or loss of the full security deposit.
- Permittee is responsible for making sure that all vendors, staff and event participants know and comply with all park rules.
- If Parks and Recreation is required to remove the nets and lines from the 6 permanent volleyball courts, there is a \$50 per court charge for this removal and re-installation. Note that the court poles will not be removed.

- Nothing may be tied, nailed, thumb-tacked, stapled or duct-taped to trees. This includes tents, canopies and signage.
- During setup and breakdown, event staff and vendors driving ATVs, mules or any other vehicles within the event area must not exceed 10 mph and must use flashers and/or headlights while in operation. If an ATV, mule or other vehicles is driven within the event area while the general public is present, the same speed limit and flashers/headlights requirements must be adhered to, along with an event staff walking in front of the vehicle to ensure everyone's safety. If this condition is not met, permittee will be fined \$50.00 per infraction and permission to use ATVs, mules or any other vehicle on the beach will be rescinded.
- No vehicles are allowed to drive onto the sidewalks. Public Works will inspect the Cabrillo Boulevard sidewalk prior to and after the event and if damage is discovered or an event vendor vehicle is seen on the sidewalk, a \$1,000 fine will be issued. Should damage to the sidewalk exceed \$1,000, Twiin Productions will be responsible for the cost to repair the sidewalk and that amount will be deducted from the security deposit.
- No festival attendees are allowed to park vehicles on West Beach.
- Automated Teller Machines (ATMs) are allowed at public events held on City property under the following conditions: **1)** Location of the ATMs must be designated on the event site map and approved by SBPD. **2)** Location and operation of ATMs must comply with all City ordinances related to use of City property, including parks, streets and sidewalks **3)** No additional fees will be assessed by the City for the opportunity to have an ATM on City premises as part of the event **4)** A complete event application, including insurance certificate and signed indemnification and liability agreement, must be submitted by the event organizer to the appropriate City department and a permit for the event is issued.
- Permittee must arrange for water and electricity since these utilities are not available at this site.
- Festival attendees will not be allowed to go "in" and "out" of the festival in 2010.
- Permittee must comply with California State Law's *Emergency Exit Announcement* since your event will charge admission, your estimated attendance is between 50 – 1,000 people and your stage is over 50' high. Public announcements regarding the location of the emergency exits must be made prior to the beginning of the live entertainment.
- An on-site command center must be set up for City staff, with 1 key Twiin Productions staff member present at all times, with the authority to immediately address and correct any issues or problems brought up by City staff. Failure to comply with City direction and requests in a timely manner may result in the loss of the full security deposit.
- A daily 9:00 am debrief between City staff and Twiin Productions management staff will take place Friday, Saturday and Sunday morning to review the setup prior to the opening of the festival or resolve any issues that occurred the prior day. City staff and Twiin Productions management staff will walk through the site to ensure that no unauthorized changes to the site map are made prior to the gates opening that day.
- Permittee shall comply in a comprehensive and timely fashion with requests by the City in the event of citizen complaints.
- Permittee shall comply with all conditions set forth by the City of Santa Barbara, County of Santa Barbara and State of California departments in regards to permits issued for this event. The failure of the City to enforce a particular condition or provision of a permit shall not constitute a waiver of that condition or provision or its enforceability.

Launch Ramp, Harbor Parking Lot and Private Motel Parking

- Permittee shall not block off spaces in the Harbor parking lot unless permittee has reserved and paid for spaces through Waterfront Parking.
- Annual Waterfront parking permits will be made available to Twiin Productions for \$65 after 9/1/10. Anyone associated with the event that does not purchase and display the annual Waterfront parking permit will be required to pull a ticket at the kiosk when entering the harbor parking lot and pay the normal hourly/daily rate.
- Permittee is required to manage all vehicles driving in and out of the event, backstage and staging areas to minimize blocking of the launch ramp, the western entrance to West Beach and the dredge yard by executive, staff, volunteers, vendors and music performers.
- Staging and loading will not be allowed on Cabrillo Boulevard.
- All performer vehicles and/or band buses must park within the festival area on the beach.
- If permittee intends to reserve City College parking lots for the event, please contact Administrative Services at City College to request permission at (805) 965-0581 x2265. It is recommended that you contact SBCC as soon as possible to make such arrangements.
- Permittee must work with the nearby motels to ensure that the event attendees do not impact their private parking lots by parking or depositing trash on their property.
- Permittee is required to contract with a commercial sweeping company to sweep the sand that gets tracked from the beach into the Launch Ramp area, Harbor parking lot and beachway path during setup, event and breakdown periods.

Food and Merchandise Vendors

- Permittee must ensure that each vendor selling or giving away food or beverages obtains a County Health permit from County Environmental Health. The deadline to submit this application is in accordance with County Health's submission requirements.

- Generators, BBQs & grills must have plywood under them whether they're on sand, turf or asphalt.
- Open flame devices, including cooking equipment, shall not be used inside or within 20 feet of tents.
- Grease is not to be dumped on sidewalk, asphalt, sand or turf areas.
- Placement of refrigeration or beer trucks that stay overnight must be located in a way to minimize the sound impacts to the motels across the street.
- Permittee must ensure that each vendor selling food, beverages, crafts or services obtains a vending permit from the City Finance Department.
- Food and Beverage Concessions Fees: Food and Beverage Concessions will be required to pay a flat rate fee or 10% of their gross sales to the Parks and Recreation Department in accordance with the "Policy Pertaining to Waterfront Events." Gross sales is defined as the entire amount of the price charged, whether wholly or partly for cash, credit or otherwise, for all food and beverage items sold by each food or beverage concession during the 3 days of the festival. Determination of the fee and process for accounting, reconciling and payment for these sales will be determined by the City.

Alcohol and Beer Garden Requirements

- Permittee must obtain an ABC permit from the Alcoholic Beverage Control Board. The deadline to submit this application is in accordance with ABC's submission requirements.
- This event is required to have a "Type 2 beer garden" (excluding cabanas) with the following requirements: **1)** Only one (1) beer garden for the general public will be allowed at the festival in 2010. **2)** Alcoholic beverages other than those provided by the permittee are not allowed within the venue. **3)** Only wine and beer are allowed at this event. Hard liquor is not permitted in city parks and beaches, including the backstage area. **4)** Alcohol can only be served inside the beer garden. The entire perimeter of the beer garden must be enclosed with 1 interior fence and 1 exterior fence. Both fences must be at least 4' high and the exterior fence must be 4' apart from the interior fence, creating a "moat area" so alcohol can't be passed outside the garden. You can also have a single fence instead of the double fencing, but the single fence must be 6' high. **5)** The occupancy of the beer garden (excluding cabanas) will be limited to 850 people at any given time. Turnstile counters must be utilized at the entrance and exit of the beer garden. **6)** The entrance into the beer garden must be staffed during all hours of operation to ensure that no one under the age of 21 enters the event. This includes all personnel, including but not limited to event vendors, event staff, volunteers, alcohol servers, bartenders, etc. **7)** Signs must be posted at the entrance of the beer garden indicating that photo ID's are required to enter and the hours of operation. **8)** All beer garden guests must wear wristbands indicating that their ID's have been checked and the number of drinks they have purchased. **9)** All beer garden servers, pourers, and security must have attended either ABC LEADS training or SBPD sponsored RBS Training. **10)** Glass beverage bottles are not permitted on city beaches, so alcohol must only be served in plastic cups or containers. **11)** The number of drinks served will be limited to 4, 12 ounce cups per person. No individual may purchase more than two alcoholic beverages at a time. **12)** Alcohol service at the event must stop 1 hour prior to the closing time of the event.
- The on-duty SBPD Event Commander may order the sales of alcohol to stop at any time. Examples of circumstances when this may occur are: **1)** Evidence that the wristbanding protocol has been compromised. **2)** An unusually high number of alcohol related citations being issued. **3)** Unauthorized changes to the beer garden set-up. **4)** An inability of event security and staff to adequately control the occupancy or behavior of the beer garden guests.
- For the cabana area, you are approved to have a "Type 1 beer garden where alcohol can be served within the cabana area with no restrictions on age within this area as long as security guards check everyone's IDs prior to entrance to the cabana area, only guests over 21 years of age are allowed to have alcohol and must be wear wristbands once their IDs have been check and the entire cabana area is fenced with the exterior fence 4' apart from the interior fence and signage indicates that alcohol is not allowed beyond this area's fencing.
- See Food and Beverage Concession Fees above.

Amplified Music, Sound and Lighting

- Amplified speakers at each of the stages must directly face towards the ocean unless otherwise specified in the sound management plan approved by the City and music/sound must be kept at the required decibel level. Complaints are subject to compliance with law enforcement or designated City staff.
- City-hired sound monitor(s) will be assigned to the event to ensure requirements for sound/bass decibel levels are met. If sound/bass levels go beyond the requirements, the sound monitor(s) will inform event management personnel or sound mixer/engineer and Twiin Productions is responsible for ensuring that immediate compliance with those requests. The number of monitors will be determined upon review of the preliminary site map and the cost for sound monitors will be charged to the event, with payment required when the park permit fees are due. If the sound monitor(s) have to remind the sound mixer/engineer more than once to turn down the sound/bass levels and does not get immediate and sustained compliance of this requirement, up to \$10,000 per occurrence will be withheld from the security deposit.
- **All music must stop by 10:00 pm on Friday and Saturday and 7:00 pm on Sunday.** Permittee is responsible for informing all event management staff, hired music performers/bands, agents, promoters, sound mixers/engineers and DJs of this requirement. If this curfew is not met, permittee will be charged \$1,000.00 per minute for each minute of non-compliance.
- Since there is no electricity at West Beach, permittee must bring in "movie quiet" generators. No other type of generator will be allowed at this site out of consideration to the nearby hotels and neighborhood.

- Permittee is required to have more lighting within the event area than there was in 2009. Lighting shall be focused on the event area only. Care should be taken to prevent light from spilling over to neighboring motels and businesses.
- Permittee is required to notify SBPD if a searchlight will be used at your event. A Public Works permit for this searchlight may be required.
- Permittee is required to develop and enforce a "morals" clause in their contracts with all performers so that profanity or vulgar language is not broadcast at the festival. Reports of excessive profanity or vulgar language may result in the loss of the full security deposit.

Personnel Required

- The City will assign an on-site event coordinator, at the expense of Twiin Productions, to be on-site during the setup, event and breakdown days, with the event coordinator attending all pre and post-event meetings. These personnel will ensure all conditions of this permit are followed and negative or unanticipated impacts caused by activities during these periods are kept to a minimum.
- If any equipment load-in and load-out needs to cross the bike path/beachway, permittee must have flag people positioned on either side 20 feet before the blocked area to alert the public when the path is blocked. "Beachway path temporarily closed" signs at both ends of the beachway path at West Beach may also be placed as additional notification to the public.
- Overnight security by a professional security guard company is required from Monday, 9/20/10 through Tuesday, 9/28/10. Permittee is required to furnish SBPD staff with the company's PPO license number and the name of the guard along his/her guard card number.
- Security guards are required during the event on Friday, Saturday, and Sunday. Permittee is required to present SBPD staff with a Comprehensive Event Security Plan (preliminary due no later than 6/16/10) for approval that includes the following: **1)** Proof that a contract for security services has been obtained for the event. **2)** The security company's PPO license number and the names of the security guards that will be staffing the event and their guard card numbers. **3)** Evidence that the security company contracted for the event is experienced in concert and alcohol management. **4)** Adequate security guard staffing to perform the following functions: management; line level supervision; manning of entrances, exits, and other fixed posts; patrolling inside the venue and within the beer garden; patrolling the exterior of the venue; conducting searches and identification checks; and to provide relief for security guards who need to take breaks or to assume the responsibilities of those that get involved in other activities.
- As a supplement to event security on Friday, Saturday and Sunday, permittee is required to hire SBPD officers to patrol the event and the West Beach neighborhood. SBPD will determine the number of officers and parking officers required based on the attendance, number of beer gardens, music line-up performing each day and whether there were security and alcohol incidents the prior day.
- The overall security plan must delineate how security personnel will maintain the occupant load during the course of the event. The occupant load must include employees assigned to the area within the boundaries of the venue. SBPD will require a designated on-site manager, who is an employee of Twiin Productions, and is responsible for the entire assembly. If the occupant load is exceeded, a misdemeanor citation will be issued to this manager.
- The City will assign sound monitor(s), at the expense of Twiin Productions, to ensure requirements for sound/bass decibel levels are met. See further details under "Amplified Music, Sound and Lighting" section.

Waste Management, Cleaning and Miscellaneous Requirements

- Permittee shall supply a minimum of 37 regular & 3 handicap accessible portable toilets. Drop-off shall occur no earlier than Monday, 9/20/10 and pick-up shall occur no later than 5:00 pm Wednesday, 9/29/10. Permittee shall have the toilets serviced prior to each day's concert.
- Permittee shall supply 2 roll-off dumpsters, one for trash and one for recycling. Drop-off shall occur no earlier than Monday, 9/20/10 and pick-up shall occur no later than 5:00 pm Wednesday, 9/29/10. Regular servicing of these dumpsters is required and placement shall be within the 10 approved spaces in the Launch Ramp parking lot or on West Beach within the footprint of the event.
- Permittee shall supply a minimum of 70 trash boxes and 70 recycling boxes with lids placed side-by-side throughout the event site. These boxes shall be emptied into the appropriate dumpster throughout the day. All trash and recycling, including what's dumped into the permanent containers on-site, must be emptied into the appropriate dumpster throughout the 3-day event.
- Permittee will be required to hire a professional cleaning service to handle the following: **1)** Pick up trash and recycling litter within the event area during event and breakdown days. **2)** Empty the trash and recycling boxes into the dumpsters as necessary during event days. **3)** Pick up trash and recycling litter outside of the festival area during event and breakdown days. The areas where this must occur is the beach from Stearns Wharf to the Harbor, the beachway path and the sidewalks and curb areas from Castillo to State and Cabrillo to Yanonali. This area may be modified with an approved Resident and Hotel Protection Plan. **4)** Pick up metal stakes, hooks, plywood, zip ties, wooden blocks, etc. left on the beach once the site breakdown has been completed.
- Permittee is required to provide a bicycle valet parking service at the festival.

Temporary Sign Standards

- Permittee shall follow the Temporary Sign Standards for special events in the parks and beaches. A copy of the Temporary Sign Standards can be furnished upon request.

Failure to comply with these conditions may result in termination of the event or loss of all or a portion of the security deposit.

City Emergency Contact Numbers

Park Monitors	(805) 280-5085	Police Dispatch	(805) 897-2410
Park Rangers	(805) 897-1941	Emergency Services	(805) 963-4286

