MT. HELIX PARK FOUNDATION

RULES AND REGULATIONS
FOR PERMITTED EVENTS AT MT. HELIX PARK

(Revised June 26, 2007)

The following Rules and Regulations have been established to help ensure that Mt. Helix Park (including the Park at the top of Mt. Helix and the associated parking lots at the foot of Mt. Helix) ("Park") is used in an appropriate manner. All individuals, groups, or organizations who wish to use the Park for an event ("Event") are required to obtain a permit (the "Park Use Permit") and all Park use applicants ("Applicants") must agree to fully comply with these Rules and Regulations. In its sole discretion, the Mt. Helix Park Foundation ("Foundation") may approve, conditionally approve, or deny any application for use of the Park, and may modify or waive any of these Rules and Regulations in appropriate situations.

1. USE

The Mt. Helix Park and Nature Theatre was built in 1925 as a memorial to Mary Carpenter Yawkey. In 1929 the Park was placed in the private Yawkey Trust ("Trust") and dedicated for public use and enjoyment. The Trust states that the property should be used "to promote knowledge and culture, to relieve the distressed in body, mind and/or spirit, to cultivate a love for the beautiful in art and nature, to foster an interest in and love of music and the drama, and to promote all things which tend to elevate and refine mankind." The Applicant's use must comply with this original intent, and the Event must be conducted in such a way as to respect the Park's facilities, the natural resources within the Park, and the rights of those who live near the Park. Non-permitted gatherings and private parties are not permitted at the Park.

2. HOURS

The Park shall remain open to the public from approximately one-half hour before sunrise to approximately one-half hour after sunset, daily. The Park may be subject to closure to vehicular and pedestrian traffic during its normal operating hours as determined by the Foundation in its sole discretion in consideration of safety, traffic, security, maintenance, reserved usage, or other circumstances. Part of the Amphitheatre or the area around the Cross may be cordoned off for the conduct of an Event such as a wedding or memorial service if requested by the Applicant and approved in the application process. **All Park Events must conclude no later than one-half hour before sunset.** Exceptions to normal operating hours may occur for Foundation-authorized Park Events, such as sunset weddings (which must begin no later than one-half hour before sunset) and the annual Easter Sunrise Services.

3. ATTENDANCE AND EVENT LIMITS

The number of Events on any given day and the number of attendees for each Event shall be determined and approved by the Foundation after consideration of, and dependent upon, among other things, the information provided by the Applicant(s) in the Mt. Helix Park Use Application and Agreement ("Use Application"), which shall be submitted to the Foundation no later than thirty days prior to a proposed single-day Event and no later than six months prior to a proposed multiple-day Event.

4. NOISE

Sound shall be minimized, including but not limited to amplified sound, crowd noise, cars, buses, and people entering and leaving the Park and lower parking lots. In no event shall the sound escaping from the Park exceed those levels specified in the Noise Ordinance enacted by the County of San Diego.

5. PARKING

Due to safety and noise issues, no parking for Park Events shall be allowed on surface streets outside the Park (including Mt. Helix Drive and Vivera Drive) and in the surrounding neighborhood. All parking will either be on Park property or at an approved off-site location if Park property will not accommodate all vehicles for an Event. There are only approximately 10-15 parking spaces at the Amphitheatre entrance. Additional parking is available in the lower parking lots at the intersection of Mt. Helix Drive and Vivera Drive, adjacent to and across from the fire station. Adult traffic control personnel will be required for certain Events (*see* Mt. Helix Park Administrative/Service Fees and Event Requirements ("Fee Schedule) and Use Application). The Applicant shall take appropriate steps to minimize the impact of Event parking on residents adjacent to the lower parking lots, particularly with regard to noise, trash, and loitering after Events. No parking is allowed around the base of the Cross absent prior approval by the Foundation.

6. SHUTTLES

When shuttles are required to transport attendees and staff to and from the Park, the shuttles must be limited in size to those carrying a maximum of 35 passengers (exceptions to this limit may or may not be approved in the case of shuttles or buses that belong to a school, church, or other non-profit organization), and must be in good operating condition and equipped to minimize noise in the surrounding Mt. Helix neighborhood. Pursuant to California law, shuttles for hire with a seating capacity of more than 10 persons shall be operated by drivers who possess an appropriate commercial operator's license.

All shuttles shall obey the posted speed limits and shall yield to persons walking or riding bicycles on local streets. No staging of multiple shuttles on the upper Trust property shall interfere with access by emergency vehicles. Shuttles shall be staged at the lower parking lots only for the duration of the Event. When not in use, shuttles shall turn off their engines. No

overnight parking is permitted on Park property.

7. ENVIRONMENT

The Applicant shall not disturb, remove, replace, damage, or destroy any wildlife, tree, plant or structure on Park property. All Event-related litter must be removed from the Park, parking areas, Mt. Helix Drive, and Vivera Drive no later than one hour after the conclusion of the Event.

Tents, awnings, temporary fencing, and any other structure approved for the Event must be tastefully constructed, shall be erected no earlier than the day of the Event, and shall be removed no later than 10:00 a.m. on the day following the Event.

Failure to comply with these rules may result in forfeiture of any deposits as well as the imposition of additional assessments.

8. SIGNS AND BANNERS

Signs and/or banners erected or posted for an Event, including those for advertising and to identify Event sponsors, must be approved in advance by the Foundation as to both content and specific location. Unless otherwise allowed, such signs and/or banners should be put in place for public view on or around Mt. Helix no earlier than the day of the Event and must be removed within three hours after the conclusion of the Event.

9. RESTROOM FACILITIES

The Park has no permanent restroom facilities. Portable restroom facilities may be allowed for small Events and are required for Events of certain sizes and durations. *See* Fee Schedule. All portable restroom facilities shall be placed only in those areas designated by the Foundation. The Foundation requests that portable restrooms be of such color(s) as to blend as much as possible with the natural surroundings. For single-day Events, portable restroom facilities should be placed in the Park no earlier than the closest weekday prior to the Event and must be removed no later than the first weekday following the Event. For multiple-day Events, Applicant must submit a plan for the cleaning/emptying of portable restroom facilities.

10. PROHIBITED ITEMS

No Applicant, event sponsor, event attendee, or any Park visitor shall be allowed to possess, consume, introduce, maintain, discharge or use any illegal substance (including drugs), weapons of any kind (including firearms, pellet guns, BB guns, and slingshots), glass containers, or aerosol paint cans anywhere within, on, about, or appurtenant to the Park or lower parking lots. Alcoholic beverages are prohibited, with the exception of beer and wine served by a licensed caterer or bartending service where the Applicant has executed a Food and Alcohol Agreement in advance. No smoking is permitted at any time within the Park or in the lower parking lots.

11. TICKET SALES, FOOD SERVICE, REFRESHMENTS, GOODS & WARES

Upon prior written approval from the Foundation, an Applicant may request a donation or collect admission fees for an Event. No food or beverages may be served at an event unless the Applicant has executed either a Food Agreement (No Alcohol) or a Food and Alcohol Agreement in advance. No goods or wares may be offered for sale at any Event without prior approval from the Foundation.

12. SECURITY AND CROWD CONTROL

Depending upon the nature of Applicant's Event, Applicant may be required to provide on-site bonded security personnel to protect those attending the Event, those working the Event, and those persons in the surrounding Mt. Helix community. *See* Fee Schedule.

13. INSURANCE

For all Events with anticipated attendance in excess of 100 people and in certain other situations. Applicant shall provide proof of general liability insurance in the minimum amount of $1.0 million and naming the Mt. Helix Park Foundation, its directors, officers, employees, and agents as the Insureds or as Additional Insureds. The limits of liability may be in a lesser or larger amount as may be deemed necessary and appropriate by the Foundation, depending upon the type and size of the Event and the potential for risk of loss. A Certificate of Insurance evidencing the required coverage shall be provided to the Foundation no later than 14 days prior to the Event.

14. SECURITY DEPOSIT

A non-refundable deposit and a refundable security depositis required, depending upon the size and character of the Event. *See* Fee Schedule. The security deposit will be returned within a reasonable time after conclusion of the Event and to the extent that the Foundation has not incurred cleanup or repair expenses as a result of the Event.

15. ELECTRICAL POWER

Electrical power is available if requested by the Applicant on the Use Application. An additional charge for such power may be assessed.

16. HOLD HARMLESS AGREEMENT

Applicants are required to execute a Hold Harmless Agreement with the Foundation as part of the Use Application.

Violation of any of these Rules and Regulations, or of any other term or condition imposed by the Foundation from time to time, may result in the immediate revocation of a Park Use Permit and may constitute grounds for denial of any future Reservation Request.