

University of California, Berkeley
Procedure for Granting Permits for Use of People's Park

Effective Date: March, 2015

The University reserves the right to amend this document.

1. **A permit** is required for any event or activity that involves one or more of the following conditions:
 - a. 100 or more participants
 - b. Use of amplified sound
 - c. Sale or advertising for sale of any merchandise
 - d. Solicitation of donations of money or goods for a group or organization
 - e. Display of art
 - f. Serving or selling food
 - g. Vehicles (permits for vehicles will be issued only in conjunction with permits for one-time activities)
 - h. On-going group activity (defined as any activity involving 25 or more individuals which occurs at least twice each week, and is conducted or sponsored on each occasion by the same party).

2. **Event Permit Applications**
 - a. Applications for events permits may be obtained from the People's Park office, electronic mail or US mail.
 - b. Applications for reservation of the sports courts are made through the People's Park Facilities Manager.
 - c. Permit applications are reviewed and approved or denied by the Associate Director of Grounds and Custodial or designee.
 - d. Permits are issued for normal operating hours of the Park, unless specifically approved as an exception by the University.
 - e. Permits are issued on a first-come, first-served basis, subject to approval by the Associate Director of Grounds and Custodial or designee. (See Section 12 for exception.)
 - f. Applications for permits should be completed by an adult 18 years of age or older at least 30 days prior to the requested date of event, or in the case of on-going activities, at least 30 days prior to the requested date of the first occurrence of the activity. No permits are issued to minors.
 - g. The 30-day advance application requirement may be waived by the University, upon request in writing by the application, if the University determines that the event or events giving rise to the permit application do not reasonably allow a person time to file a permit application with the required time or if an unusual event or combination of events renders such requirement an unreasonable restriction on the right of free speech.
 - h. Permit applicants are required to supply the following, as appropriate and requested by the University:
 - i. Application form
 - ii. Schedule of events
 - iii. Security plan, including arrangements for emergency first aid

- iv. Clean-up plan
 - v. List of vendors, if any
 - vi. Certificate of Insurance, if applicable
 - vii. Sound permit from the City of Berkeley, if applicable.
- i. Permit applicants that have an expected attendance and/or a historical attendance of over 400 people or events with past public safety or noise issues will be required to meet with park staff and UCPD to present an event safety plan. A security deposit of \$1000 may be required to retain police officers and/or security patrol officers for the proposed event or to reimburse the University for security services requested or called to the event. All or a portion of the deposit may be refundable depending on the security staffing required.

After reviewing the event safety plan, UCPD may recommend one or more of the following prior to approving a permit:

- a) The event safety plan meets UCPD recommendations, no additional staffing required or deposit needed.
 - b) The event safety plan meets UCPD recommendations; however, permit applicant must deposit \$1000 to cover unanticipated costs.
 - c) The event safety plan does not meet UCPD recommendations and permit applicant must deposit funds up to \$1000 to cover appropriate staffing, which may include UCPD police officer (s), Security Patrol Officer(s), UCPD Community Services Officer(s) or a UC approved security company.
3. The safety, health, and welfare of persons, and the security, preservation, and orderly use of People’s Park shall be considered as criteria for granting a permit. Additional criteria considered in granting a permit shall be: minimizing negative impacts on nearby neighbors, ensuring that private reserved uses do not discourage use of the Park by the general public, and ensuring that designated-use areas are used for their designated purposes, e.g. community gardens and basketball court. The permit may contain such conditions as are reasonably consistent with protection and use of the Park for the purposes for which it was established.

All applicable rules established for People’s Park will be in effect.

4. **Crowd Control.** The applicant shall make provision for crowd control monitors at the ratio of one (1) per every hundred persons expected to attend the proposed event. The applicant may, at his or her option, provide police reserve personnel or duly licensed private patrol officers instead of crowd control monitors. Crowd control monitors shall wear armbands and such other identification to prominently identify them as monitors.
5. **Sound Amplification. Amplification is permitted on Saturdays, Sundays, or holidays only, from 1:00-5:00 p.m.** No more than two amplified events will be permitted per month. In accordance with City of Berkeley Municipal Code 13.40.100, proposed activities that exceed the ambient sound level require a sound permit issued by the City. Generally, the ambient sound level in the People’s Park area is 50-55dBA. The maximum decibel level

permitted **with a sound permit** is 10 dBA above the ambient sound level, measured 50 feet from the sound amplification equipment, **with a maximum sound level of 70dBA** .

Organizers of amplified sound events will be required to present the sound permit obtained from the City before the event can begin. Staff will monitor volume levels during the event. Sound and/or music breaks during the event may be required. Event organizers must comply with instructions of University and City staff with respect to all issues related to sound amplification.

6. **Portable Toilets:** For events or activities with an expected attendance of 1,000 or more, provision shall be made by the event sponsor for temporary or portable toilets at the ratio of one (1) per every 200 persons over and above the capacity for the number of toilets permanently located at the site, including at least one wheelchair accessible toilet. Such temporary or portable toilets shall be removed from the park within 24 hours after the event for which the permit was granted.
7. **Indemnification:** The permit applicant shall agree to reimburse the University for any costs incurred in restoring damage to property caused by the actions of the permittee, its officers, employees, or agents, or any person who was, or reasonably should have been, under the permittee's control, and to defend the University against, and indemnify and hold the University harmless from, any liability to any person resulting from any damage or injury caused by the actions of the permittee, its officers, employees, or agents, or any person who was or reasonably should have been, under the permittee's control.
8. **General Liability Insurance:** If the event involves one or more of the following conditions, an original Certificate of Insurance showing that required insurance is in force for the duration of the event must be forwarded to the University at least ten (10) days before the initial event and approved by the University Risk Manager prior to authorization of the permit.
 - a. Anticipated attendance of 1,000 or more.
 - b. Closure of major arterial or collector City streets, as defined in the City of Berkeley Master Plan.
 - c. Closure to have a major effect on the flow of traffic in the area; i.e.; closure of two (2) or more intersections rerouting of AC Transit or other public transportation.

The insurance policy shall be endorsed to include the following:

- a. Name as additional insured, the University of California at Berkeley, its officers, agents, and employees;
- b. Provide a thirty (30) day notice of cancellation;
- c. State that coverage afforded on behalf of the University shall be primary insurance and any other insurance available to the University under any other policies or insurance programs shall be in excess of the insurance required hereby;
- d. Limits of Liability: The normal insurance limit will be \$300,000. The University Risk Manager, depending upon the nature of the event, may establish higher or lower limits.

No applicant shall be required to comply with the provisions of this section if the activity proposed is protected by the First Amendment of the U.S. Constitution and the applicant

produces evidence that in the judgement of the University Director of Community Relations or designee, complying with the provisions is impossible or so financially burdensome that it would preclude the applicant from using People's Park for the proposed activity.

9. **Fees:** Fees for exclusive reservation of the lawn area are waived.
10. **Maintenance Deposit:** A maintenance deposit is waived unless stipulated in the permit.
11. **Basis for Denial of Permit Application:** A permit application shall not be approved if any of the following conditions apply:
 - a. A prior application for a permit to use the same location at the same time, where such activity does not reasonably permit multiple occupancy of the area, has been received and such application has been or will be approved, or is pending consideration for approval.
 - b. The proposed activity would conflict with a previously planned program sponsored by the University, the City, or another community group scheduled for the same date as that requested by the applicant.
 - c. The University has reasonable cause to conclude that the applicant or any person or persons participating in the proposed activity will, in connection with that activity, cause physical injury to person or substantial damage to property; provided, however, that this provision shall not be applied in such a manner as to violate the First Amendment rights of the applicant;
 - d. The proposed activity is inconsistent with the purpose for which the facility or area has been established or designated;
 - e. The location selected is inappropriate because (1) The nature of the proposed activity or the number of persons expected in connection with the activity would be likely to damage trees, plants or other vegetation; (2) the activity would unduly disturb adjacent neighbors because of the nature of the proposed activity or the number of persons expected to be involved; or (3) other activities have been scheduled in an area or areas near the location proposed by the applicant, or they normally occur in such area or areas, and permitting the proposed activity to occur in the proposed location would unreasonably interfere with park use and enjoyment by participants in such activities;
 - f. The applicant fails to obtain necessary approvals, permits, or licenses from University or other governmental departments or agencies;
 - g. The applicant has not complied with the event permit procedures;
 - h. The applicant fails or refuses to pay the refundable maintenance deposit when required to do so;
 - i. The applicant fails or refuses to provide an original Certificate of Insurance when required to do so;
 - j. The applicant fails or refuses to execute an agreement to reimburse the University for any costs incurred by it in restoring damage to property caused by the actions of the permittee, its officers, employees, or agents, or any person who was, or reasonable should have been, under the permittee's control;
 - k. The application contains misrepresentations of material fact;
 - l. The proposed activity is prohibited by law;

- m. The applicant refuses to comply with conditions reasonably imposed by the University in order to ensure that public or private property is not damaged and that the comfort, convenience, safety, and welfare of the public are not disturbed;

When a permit application is denied, the University shall inform the applicant of the reason for the denial.

- 12. If the applicant has, in the preceding six months, been issued permits for more than two events, the following exception shall be made to the first-come, first-served rule: The application shall not be approved until other persons have had full opportunity to apply for an event of the same date, i.e., not before thirty days prior to the requested date. If such a competing application is received, the applicant with the fewer approved events in the preceding six months shall be considered first for approval.
- 13. **On-going group activities:** In reviewing permit applications for on-going group activities, the University shall consider cumulative impacts so these activities do not discourage casual use of the park by the general public, or overly impact nearby neighbors. On-going group activities must be non-commercial, and unamplified.
- 14. **Nonprofit fundraising activities:** People's Park may be used on an occasional basis for public service events, festivals, and fundraising events for nonprofit organizations; however, these uses should not be of such a frequency as to discourage casual use of the park by the general public or to overly impact nearby neighbors.

Nonprofit events are activities that the sponsor conducts for the benefit of a nonprofit organization, but not to generate profit. All net proceeds must go to a nonprofit organization. Evidence of nonprofit status, including a Federal Tax Identification number, shall be provided with the application.
- 15. **Art:** The University allows no permanent installation of works of art without written application to and approval.
- 16. Title VI Compliance Against Discrimination 43 CFR 17.6 (b): The applicant shall agree that, during the use of People's Park, it will not exclude any qualified person from participation in, deny anyone the benefits of, or otherwise subject anyone to discrimination on the grounds of race, color, national origin, age, handicap, or sexual orientation.
- 17. An applicant who has been denied a permit may appeal to the Assistant Vice Chancellor for Facility Services-Real Estate Division in writing. The appeal shall be responded to in a timely manner consistent with protection of First Amendment rights.
- 18. Violations of any of the conditions or rules stated above may result in cancellation of the event, and may result in denial of future permit requests.