City of Palo Alto  
Cubberley Community Center  
Gymnasium Use Policy

The City of Palo Alto adopts the Cubberley Community Center Gymnasium Use Policy (and the procedures adopted hereunder, collectively, the “Policy”) in order to ensure that the City-owned, -maintained and -managed gym facilities located at the Cubberley Community Center (the “Center”), which include the Pavilion, Gym A and Gym B (the “Gyms”), are utilized for recreational, athletic, cultural, educational, social and community service functions meeting the needs and interests of the community, and ensure that permitted users are fully informed as to the City’s guidelines that govern the use of the Gyms.

Purpose:

- To strive to provide Palo Alto residents with an opportunity to participate in their activities of choice.
- To establish policies and procedures governing the use of the Gyms.
- To ensure Palo Alto residents have priority access to the Gyms.
- To provide diverse activities reflecting the recreational preferences of Palo Alto residents.
- To contribute a proportionate amount of the Gyms’ usage time to regional organizations in which Palo Alto residents participate.
- To collect fees for the use of the Gyms in support of their ongoing maintenance and repairs.
- To ensure that decisions regarding the Gyms are used in the best interests of the neighborhoods, recreational organizations, and residents of Palo Alto.
- To ensure that appropriate activities are permitted in the appropriate gym facility.

A Facility Use Permit is required for any and all organized use of any of the Gyms. The use of any of the Gym facilities requires the making of an advance reservation and is subject to fee, security deposit and insurance requirements.

See Exhibit A for the details of the various Gyms at the Center.

I. Gym Use Permits:
A permit to use any of the Gyms will be considered according to the annual Gym Use permit application processing schedule. Gym space usage will be awarded on a priority basis. After the requests are processed on a priority basis, the Gyms then will be made available for use to non-priority basis requests. To apply for a Gym use permit, an applicant must submit a Facility Use Application and Permit to the Center’s staff for approval. The Facility Use Application and Permit form can be obtained online at www.cityofpaloalto.org/cubberley or it may be obtained in person at the Center, located at: 4000 Middlefield Rd. #T2, Palo Alto, CA.

II. Facility Use Permit Filing Deadline:
- The Facility Use Application and Permit form must be submitted to the Center by March 1st of each year in order to be considered for the right to use any of the Gyms, commencing during the following academic year: September to August.
III. Prime Time Hours/Non-Prime Time Hours:
- “Prime Time” hours are defined as Monday – Thursday, 3:00 p.m. to 9:00 p.m.; Saturday, 8:30 a.m. to 5:00 p.m.; and Sunday, 9:00 a.m. to 4:00 p.m.
- “Non-Prime Time” hours are defined as all hours that are not defined as “Prime Time” hours.

IV. Eligibility for Prime Time Hours Usage:
The following are the Gym’s use priority guidelines for awarding gym space use during prime time hours for sports and recreational activities at the start of each school year:
1. City-sponsored sports, recreational activities and programs; Tenants with gym leased space at Cubberley;
2. Palo Alto resident, youth, non-selective membership*, non-profit organizations or leagues (at least 75% are Palo Alto residents);
3. Palo Alto resident, youth, non-profit organizations or leagues (at least 51% residents)
4. Palo Alto resident, adult, non-selective membership*, non-profit organizations or leagues (at least 51% residents);
5. Palo Alto resident, adult, non-profit organizations or leagues (at least 51% residents);
6. Non-resident, non-profit organizations;
7. For-profit youth organizations;
8. For-profit adult organizations; and
9. Organizations that have previously violated the terms of the Facility Use Policy.

In the event of a determination that more than one organization are equally eligible, priority use will be given to the organization with the highest percentage of total membership who are Palo Alto residents at the time the request for a Facility Use Permit is made.

To qualify for non-profit rates, a non-profit organization must provide with its application a copy of its letter confirming its non-profit status, issued by the Internal Revenue Service, together with its non-profit ID number indicated thereon, if this responsibility has been delegated, a separate letter on organization letterhead will also be required. Payment of fees with the non-profit organization’s check or charge card is required. The name of the non-profit organization stated in the Facility Use Application and Permit must be identical to the name imprinted on the check or charge card.

An adult group is any group whose membership is limited to persons 18 years of age and older.

Organizations that currently have gym space during prime-time hours may not be given priority during non-prime time hours.

*Non-selective membership allows all applicants to participant regardless of ability without tryouts.

V. Eligibility for Non-Prime Time Hours Usage:
Priority for Non-Prime Time usage will be given to those activities that satisfy all or most of the following criteria.
1. City-sponsored sports and recreational activities and programs; [Tenants with gym leased space at Cubberley, or
2. Long-Term Year-Round existing renters, or
3. Programs that serve a vulnerable population, or
4. Programs that serve seniors or youth, or
5. Serves the greatest percentage of membership comprised of Palo Alto residents, or
6. Activities that provide culturally diverse programs, or
7. Repeat annual events,
VI. Gym Use Allocations:
The Gyms will be permitted for uses and the activities that the each of the Gyms are primarily intended for, designed for, classified as, or for activities conducted in a manner that does not compromise public safety or gym quality and integrity.

- Youth Volleyball and Basketball organizations that qualify for categories referred to in IV.2 and IV.3 above will be allocated gym usage, as follows:
  1. Three (3) practice slots* per organization per week during prime-time hours defined as: Monday through Thursday, 3:00 p.m. to 9:00 p.m. and Saturday, 8:30 a.m. to 12:30 p.m.
- Organizations that eligible under categories described in IV.4 and IV.5 will be allocated space for adult league play on weekends, during non-priority hours.

*Slot length and hours will vary to allow for setup/cleanup time between users.

VII. Residency:
A resident is a person residing within the city limits of the City of Palo Alto. Any person owning and paying taxes on real property in Palo Alto, but who is not living in the City, and any person having only a Palo Alto business address, will not be considered a resident for gym use application purposes. Children attending Palo Alto Unified School District schools are considered residents for enrollment purposes. The City will require identification or documentation of residency to be considered for priority use. In the event proof of residency cannot be established, the person will be charged the non-resident rates or will be limited by restrictions applicable only to non-residents.

VIII. Residency Verification:
A master league roster is required to be submitted with the application in order to verify residency; that roster will include the players’ first and last names in alphabetized order, address, phone number, City of Palo Alto Utility account numbers and, as applicable, the real property owner’s name(s). Renters may submit in the alternative any of their utility bills, such as a cell phone bill, which proves the renter’s residence in Palo Alto or a copy of their driver’s license, which provides a Palo Alto address.

Any group or organization found to be misrepresenting its residency status will have its permit revoked for the year in which the gym use application is directed; such group will be assigned the lowest priority usage for gym use scheduling for the immediately following year. In addition, any group or organization found to be reserving gym use for any time period for another organization (that would otherwise have a lower priority for gym use scheduling) will be penalized by the revocation of its permit for the year for which the permit is issued and that group or organization will be assigned the lowest priority usage for gym use scheduling for the immediate following year.

IX. Fees
All fees are due and payable as stated on the user’s permit following the submission of the Facility Use Application and Permit. The fees and charges for gym usage are established by the City Council in the Municipal Fee Schedule and are not negotiable. The following provisions are applicable:

1. Each Gym has an individual per-hour rental rate; a late fee will be charged for late payments, and all fees are subject to change. For a detailed list of fees, refer to the facilities schedule for rates.
2. Non-profit organization discounts will apply to organizations who have submitted an IRS Letter of non-profit Section 501(c)(3) status with their application. The Facility Use Application and Permit must be signed by an authorized person in order to be eligible to receive the non-profit discount. If this responsibility has been delegated, a separate letter concerning the delegation and printed on organization letterhead will also be required.
3. Certain events may require staff to be on duty at the user’s expense to provide set-up, clean-up, and to monitor events for safety and compliance with city policies. See facility schedule for rates.
X. Deposits

1. A refundable cleaning and damage deposit up to $2,000 may be collected. Any additional fees such as those incurred for space cleaning, damages, staff time, and room time will be deducted from the cleaning/damage deposit before the balance is returned. Any charges incurred to return the gym facility to its condition existing prior to the permittee’s usage will be deducted from the cleaning/damage deposit. This deposit may be forfeited for violations of any rental conditions named on the reverse side of the Facility Use Application and Permit.

2. If the additional fees due and payable exceed the amount of any deposit, the permit holder will be billed for the balance due. Payment will be due and payable within thirty (30) days of the date of invoice. Fees that are not paid will be assigned for collection to a collections agency and the user group will be ineligible to apply for gym use until the unpaid amount is settled in full.

Note: Users are responsible for damages or extra fees incurred due to guest’s actions or behaviors.

XI. Insurance Liability

A valid insurance certificate is required for the use of any of the Gyms. The insurance certificate must afford one million dollars ($1,000,000.00) of general liability coverage per occurrence and contain the following information:

- General liability coverage (property and bodily injury) as evidenced by an insurance certificate with an endorsement naming the City of Palo Alto as ADDITIONAL INSURED, and guaranteeing 30 days prior notice to change or cancellation of the policy.

Use of any gym will not be allowed unless insurance requirements are satisfied no later than thirty (30) business days prior to the first scheduled date of use of the gym.

1. The permit holder shall be responsible for any and all damage to the Gyms, equipment and/or property covered by the permit. If additional maintenance is deemed required (in excess of normal services/time) to restore the premises, equipment and/or property to reasonable use by others, the permit holder shall be charged accordingly.

2. The City disclaims responsibility for any accident, injury, liability, loss or damage to person or property as a result of unauthorized Gym use.

3. The permit holder will be responsible for all actions and omissions that result in damages that are caused by their attendees.

XII. Permit Rules & Regulations

1. Permits are not transferrable.

2. Permit holders must pick up and remove any trash generated by their activity.

3. Permit holders are responsible to observe any and all alcohol restrictions and/or policies.

4. The misuse of any Gym or the failure to conform to facility regulations, established policies and procedures or any other Federal, State, or local law, rule regulation or ordinance shall be sufficient grounds for the immediate revocation of the permit and/or the denial of any future applications. No refund will be granted.

5. A permit holder shall restrict its use to only the Gym space that is specifically reserved and paid for, as designated in the permit. Other Gym space facilities may be scheduled by other groups and may not be available. A permit holder must be in possession of its Facility Use Permit in case there is a need to address the question of who has approved use for the facility in question. If the permit holder cannot use a facility due to unauthorized use by another party, the permit holder should contact the Cubberley facility management staff (650-329-2418)

6. Complaints from surrounding neighborhood residents as to the user’s activity noise level, litter and debris, and/or disregard of parking regulations could lead to the cancellation of the permit or reservation, the forfeiture of the deposit, and the denial of facility use in the future. See Good Neighbor Policy
XIII. General Rules & Regulations

All City of Palo Alto Municipal Codes/Regulations apply to all City Facilities.

1. The City reserves the right to cancel an approved reservation due to maintenance needs, overuse of facility, unsafe conditions, or due to a conflict with a City event. In these cases, all attempts will be made to provide a minimum of 15 days' advance notice and to provide an alternate location. In the event of an emergency, when only on-short notice or no notice can be provided, groups must cooperate with the request to not use the facility or risk loss of current permit and denial of future use. If there are no alternate facilities available, the City is not obligated to provide an alternate facility. In case of such event, a full refund will be given.

2. For Cubberley Community Center facility hours of operations, see Appendix B.

3. The City encourages partnerships and volunteerism to improve gym quality and maintenance; however, in the absence of a written agreement, donations and/or contributions of time does not give any organization priority at any facility. Groups wishing to make alterations to facilities must submit these improvement requests in advance to the City. No groups will be allowed to make any alteration to any facility without first obtaining the City's approval.

XIV. Cancellations

The City and the permit applicant, respectively, each has the right to cancel an event or the issuance of the permit by giving written notice 30 days prior to the event or prompt notice, if the permit has been issued. Refunds will be honored for cancellations made, in writing, and received 30 days before the event. Cancellations made in writing and received less than 30 days before the event are entitled to a refund of the cleaning and damage deposit only. If the City cancels a facility use permit, at no fault of the user, a full refund will be made.

XV. Good Neighbor Policy

The purpose of this policy is to ensure that decisions regarding the use of the Gyms are used in the best interests of the neighborhoods, sports organizations, and citizens of Palo Alto. The City has established the following rules and regulations to govern the use of the Gyms for the safe and pleasant enjoyment of participants and neighbors. Every person shall abide by these rules or be subject to forfeiture of the security deposit and/or loss of the privilege of future use of the facilities.

1. All litter and debris that may occur as a result of your event must be picked up and deposited into trash or recycling receptacles, where provided, or removed from the premises.

2. All groups are responsible for the condition in which they leave the facility. Any excessive clean-up required by City crews following your use will be cause for forfeiture of all or part of your damage deposit.

3. Amplified music, use of musical instruments, radios, or Public Address Systems must conclude by 9:00 p.m., Sunday through Thursday, and by 11:00 p.m., Friday and Saturday, and is allowed by permit only.

4. Complaints from surrounding neighborhood residents as to noise level, litter and debris, and disregard for use of parking regulations could result in cancellation of your reservation, forfeiture of security deposit, and denial of future facility use.

The Cubberley Community Center has established the Gym Use Policy to provide gym space to more organizations under specific guidelines and rules and regulations. The objective is to make the reservation process fair and transparent.

Staff will collaborate with Gym use permit holders over the next year to evaluate the effectiveness of the Gym Use Policy as well as provide a status report to the Parks and Recreation Commission after one year of implementation.

Adopted: July 27, 2009