

RULES FOR FREE SPEECH ACTIVITIES IN THE COMMON AREAS OF GROSSMONT SHOPPING CENTER

Grossmont Shopping Center (the “Center”) has adopted these Rules for Free Speech Activities in the Common Areas effective April 15, 2015 (“Rules”). These Rules replace and supersede any previous rules, regulations, guidelines, or policies for engaging in an expressive free speech activity. No permit issued for the use of the common areas of the shopping center for a free speech activity, under any previous rule, regulation, guideline, or policy that is inconsistent with these Rules shall have any bearing on permits issued, or the use of the common areas of the shopping center for a free speech activity, after the effective date of these Rules.

The purpose of these Rules is to permit the use of the shopping center as a public forum consistent with the current judicial interpretation of the Center’s rights and obligations to regulate the use of its property as a public forum. Nothing in these Rules reflects the Center’s intent to dedicate any portion of the shopping center for use as a “traditional public forum,” “designated public forum,” “non-public forum” or any other type of public forum. The Center is privately-owned and is not dedicated to public uses. The Center has invited the public to the shopping center to patronize its businesses.

Neither the enforcement of the following Rules nor the conduct of any activity pursuant to these Rules shall constitute or be deemed to constitute a dedication of the Center to public uses. The Rules do not constitute acquiescence or a waiver of the private property rights of the Center’s owner. The Center considers use of the common areas of the shopping center as a public forum without first securing and applying for a permit trespass. *Any person engaging in an expressive activity without a permit, or inconsistent with a permit, is subject to being physically ejected from the shopping center, and is subject to civil litigation to enjoin future similar trespasses and to pay compensatory and punitive damages.*

The Center enforces the following Rules to govern the time, place and manner of free speech activity on its private property. The Center, therefore, reserves the right to further alter, amend, modify, change or terminate these Rules, or any of them at any time.

All persons must also comply with the Center’s Code of Conduct (a copy of which is attached as Exhibit A) and all federal, state, and local laws and rules and ordinances. Other rules govern activities of merchants at the Center.

Free Speech Activity

1. Two or more persons acting in concert (a “Group”) engaging in oral or written communication that involves the dissemination of information to others, or an individual distributing written materials or any items, holding signs, or soliciting signatures (the “Activity”) must comply with the Rules.

Application and Areas

2. An individual or a Group wishing to engage in an Activity at the Center (“Applicant”) may only engage in the Activity in the “Designated Area” (or, if approved,

an Alternate Area, per section 6 below). The Designated Area will be assigned on a first-come, first-selected basis, based upon availability at the time the application is approved in accordance with section 3 below. The Center's Designated Area is identified in Exhibit B to these Rules. Designated Area(s) may be used from time to time for Center-sponsored activities and therefore be unavailable for use by an Applicant. The Center will advise the Applicant if a requested Designated Area is unavailable for use because of Center-sponsored activities at the time the application is approved.

3. An Applicant must submit a completed application to the Center's Management Office. Complete, written applications must actually be received by the Management Office during office business hours no later than 5:00 p.m. on the second business day preceding the date proposed for the Activity (unless the Applicant is seeking an Alternate Area in section 6 below, in which case the application must be submitted fourteen (14) days prior to any anticipated Activity). With the exception of applications requesting an Alternate Area, applications will not be accepted more than ten (10) days before the proposed activity. Management Office hours are generally 9:00 am. to 5:00 p.m., Monday through Friday, excluding legal holidays. The Management Office is located at: 5500 Grossmont Center Drive, La Mesa, CA 91942 and may be reached at 619-465-2900 x104.

4. Applications must be accompanied by legible copies of all materials intended to be used, displayed or disseminated, including the text of any message intended to be conveyed by apparel.

5. The Center's Management Office will review all timely submitted applications for compliance with the Rules. The Management Office will contact the Applicant as soon as reasonably possible, but no later than 5:00 p.m. on the business day preceding the date proposed for the Activity, to notify the Applicant whether the application is approved or denied and/or whether any modification to the application is necessary.

6. If an Applicant wishes to use an area that is not a Designated Area, and if the Center believes it is unsafe for free speech activity to take place in the requested area, an Applicant can request an Alternate Area. An Applicant may use an area not identified in Exhibit B (an "Alternate Area," with Designated Area, "Area") only if the Fire Marshal approves the location for the Activity. As stated in section 3 above, an Applicant desiring to use an Alternate Area must apply to the Center's Management Office during normal business hours 14 days prior to any anticipated Activity and request that the Center determine if a particular area will be acceptable under Fire Marshal requirements. Applications seeking alternate areas must identify the requested alternative location.

7. The Center shall apply the following criteria and standards to determine the time, place and number of people who will be permitted to engage in an expressive activity:

a. The effect the expressive activity would have on the visibility of facilities and businesses in the vicinity of the expressive activity;

b. The effect an expressive activity would have on the flow of traffic, amount of congestion, access to facilities, businesses, commercial, promotional or seasonal displays or

events, and/or the intended use of any other area of the shopping center, in the vicinity of the expressive activity;

c. The effect an expressive activity and the effect seasonal, weekly, or daily increases of shoppers would have on traffic and business conditions in the vicinity of the expressive activity (see paragraph 11 below); and

d. The effect an expressive activity would have on concurrent commercial, promotional or seasonal displays or events.

8. Each person will be required to present a government-issued photo ID before engaging in the Activity.

9. If requested on the application, the Center will supply a table with tablecloths or covers and up to three (3) folding chairs for use. Tables and/or chairs will not be allowed outside of the Area. An Applicant engaging in the Activity may not use any other furniture (except as allowed in paragraph 17 below).

10. It is the Applicant's responsibility to make sure that an individual is present at all times if furniture is located in the Area. An Applicant may request permission to leave furniture unattended for up to thirty (30) minutes if the Applicant is a single individual or if there is only one individual staffing the table at the time the request is made.

Peak Traffic Days

11. A list of Peak Traffic Days is attached as Exhibit C. During Peak Traffic Days, activity will not be allowed in the Designated Area. Due to the number of event displays, and shoppers, the need for additional security, and the extraordinary demands on personnel resources, the Center does not issue permits during Peak Traffic Days. Applications seeking use of the Designated Area to engage in expressive activity on Peak Traffic Days will not be approved.

Duration of Activity

12. Activity is only permitted during the hours that the Center's merchants in closest proximity to the Area being used by the Applicant are open to the public.

13. An Applicant may engage in the Activity a maximum of (10) days in a calendar month.

Light and Noise Level

14. The Activity shall not create noise of sufficient volume to exceed the ambient noise level of the Center or impinge on the hearing or peace of the Center's patrons beyond a ten (10) foot radius of the Activity. Yelling or "hawking" is prohibited.

15. An Applicant engaging in the Activity shall not use, operate, or permit to be played any musical instrument, or any device, instrument or equipment that amplifies sound.

16. An Applicant engaging in the Activity shall not use lights or loudspeakers. Electrical power will not be provided.

Signage and Written Materials

17. Signs only may be held by a single person or placed on an approved easel supplied by the Applicant. Rigid signs or signs with sharp edges are prohibited. Signs shall not be mounted or affixed to sticks, baseball bats or any similar item which may constitute a threat or safety concern to the Center's patrons. An Applicant will not be allowed to use banners or any long strip of material suspended between two or more points or two or more people.

18. Signs, posters, placards, displays or written materials shall not contain or depict "fighting words," obscenities, pornography, grisly or gruesome displays, highly inflammatory slogans likely to provoke a disturbance, or racial, religious or ethnic slurs.

Prohibited Activities

19. The following activities are not permitted:
- a. Live performances;
 - b. Demonstrations;
 - c. Solicitation for the immediate donation of funds and/or acceptance of money or other economic consideration;
 - d. Sales of products or services;
 - e. Distribution of samples of products;
 - f. Distribution of commercial advertising or commercial promotional materials of any kind;
 - g. Solicitation of orders for, selling, or promoting any items (including books, pamphlets, periodicals, tickets or other materials) or services for which money is received or credit is extended;
 - h. Surveys which request more information than a person's name, address and telephone number; and Invitations, passes or coupons giving the recipient anything that is otherwise available to be purchased.

20. Applicants, or any signage used during the Activity, shall not impede, obstruct or interfere with any patron, or with the free flow of pedestrians, including entrance to and exit from the Center or a merchant.

21. Displays, visual aids, or devices with moving parts which may expose the Center's patrons or merchants to danger or injury or which threaten the health and safety of those present in the Center, are prohibited.

22. Violation of these Rules may result in termination of permission to use the Center to conduct the Activity on the particular day. Successive violations may result in a ban on all Activity for a specified period of time and/or the rejection of future applications.

Non-Affiliation

23. Applicants shall not make express or implied representations that the owner or manager of the Center, or any merchant, sponsors or supports a view, belief, or request contained in any petition, statement or literature being disseminated or exhibited. The Center may post sign(s) in or near the Area(s) or anywhere on the Center property stating the Center's non-affiliation.

Indemnity Agreements and Insurance Requirement

24. Applicants shall agree to indemnify and hold harmless the Center, its owner and its management from any damage or loss directly caused by the Applicant's conduct. A fully-executed indemnity agreement must be submitted with the application.

25. After the Activity has occurred, if clean-up or repair expenses are incurred, the Applicant must pay the expenses within seven (7) days following mailing of a written request from the Center management. No subsequent application by the Applicant will be approved until the expenses are paid in full.

26. If the nature of the Activity creates a risk of injury or damage to persons or property, and if that risk warrants special insurance protection, the Applicant must purchase and carry the necessary insurance coverage. The Center's management will determine whether special insurance protection is necessary based on the foregoing criteria: (a) if an Applicant has caused property damage during prior activity; (b) if an Applicant's prior activity previously has created a disturbance or embroiled persons in confrontation which has a tendency to result in property damage; (c) if an Applicant has misrepresented the scope or nature of prior activity; or (d) if an Applicant has not paid for damage he or she has previously done to the Center. If insurance is required, the Applicant must provide the Center Management Office with a valid certificate of insurance and a copy of the insurance policy prior to the commencement of the Activity.

GROSSMONT SHOPPING CENTER
“Exhibit C”

Peak Traffic Days 2015:

Monday May 25, 2015
Friday July 3, 2015
Saturday July 4, 2015
Saturday September 5, 2015
Sunday September 6, 2015
Monday September 7, 2015
Saturday October 31, 2015
Friday November 27, 2015
Saturday November 28, 2015
Sunday November 29, 2015
Saturday December 19, 2015
Sunday December 20, 2015
Wednesday December 23, 2014
Thursday December 24, 2015
Saturday December 26, 2015
Sunday December 27, 2015