



COMMUNITY SERVICES DEPARTMENT | RECREATION DIVISION
EMERGENCY - PARK BUSINESS OPERATING PERMIT (P-BOP)
PROGRAM GUIDE AND APPLICATION

Background

In light of recently released revised guidelines from the Alameda County Public Health Department for the re-opening of local business activities, the City of Fremont launched a Emergency Park Business Operating Permit (P-BOP) Program. This program allows commercial fitness businesses when permitted by the County, to use outdoor space to conduct business by granting temporary access to approved park spaces to conduct fitness classes. Allowing businesses to operate in outdoor areas will provide them with additional capacity to serve customers, and in such a way assist with economic recovery.

Permit Application

To apply for the City of Fremont P-BOP Program, complete and submit the required documents and any other documents applicable via email.

The following documents are required:

- City of Fremont P-BOP Application
- Application Fee: NA – no fee during Covid-19
- Copy of valid business tax certificate with the City of Fremont

Permitting Process:

Once your application is submitted, City staff will review all documentation submitted within two business days of receipt. Once your application is approved, the City will issue a set of *Conditions of Approval* outlining all legal requirements to ensure the safety of your Park Business Operating Permit. You must agree and sign the Conditions of Approval prior to issuance of the permit.

Once your permit is issued, you are authorized to conduct your business in the permitted park space on the day and time stated in the permit. The City may conduct an on-site inspection to ensure that the fitness classes - are performed according to the Conditions of Approval.

All commercial use of park property requires a permit issued by the City of Fremont Recreation Services Department. The permit does not grant exclusive use of space but provides the permit-holder a license for the activity in the designated area on the designated days and times



PARK BUSINESS- OPERATING PERMIT APPLICATION

Section I: Applicant Information

Name of Business: _____

Business Address: _____

Permanent Location: Yes No **Fremont Business Tax #:** _____

Type of Business: Health-Wellness-Fitness (HWF) Other: _____

Primary Contact Name: _____

Email Address: _____ **Phone #:** _____

Permits may not be transferred or changed to another business partner or employee.

Section II: Documentation Attachments

Copy of valid business tax certificate with the City of Fremont	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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Section III: Policy and Regulations Acknowledgements

Policy Attached	Received	Initial
Updated Alameda County Guidelines	<input type="checkbox"/> Yes	
Operating Program Guide	<input type="checkbox"/> Yes	
Executive Order – Emergency Park Business Operating Permit	<input type="checkbox"/> Yes	

Section IV: Park Space Request Information

Only City of Fremont Community Parks and Central Park are available for P-BOP. Community Parks have park restrooms and designated parking lots.

Community Park Requested:

	Park Name	Address	Hours
<input type="checkbox"/>	Centerville	3355 Country Drive	Sunrise to 10:00 p.m.
<input type="checkbox"/>	Central Park	40000 Paseo Padre Pkwy	Sunrise to 10:00 p.m.
<input type="checkbox"/>	Irvington	41885 Blacow Road	Sunrise to 10:00 p.m.
<input type="checkbox"/>	Los Cerritos	3377 Alder Avenue	Sunrise to 10:00 p.m.
<input type="checkbox"/>	Mission San Jose	41403 Mission Boulevard	Sunrise to 10:00 p.m.
<input type="checkbox"/>	Niles Community	37671 3rd Street	Sunrise to 10:00 p.m.
<input type="checkbox"/>	Nordvik	Commerce Dr & Ardenwood Blvd	Sunrise to 10:00 p.m.
<input type="checkbox"/>	Northgate	34501 Rowland Drive	Sunrise to Sunset
<input type="checkbox"/>	Old Mission	Paseo and Pine Street	Sunrise to Sunset
<input type="checkbox"/>	Sylvester P. Harvey	3590 Grand Lake Drive	Sunrise to 10:00 p.m.
<input type="checkbox"/>	Warm Springs	47300 Fernald Street	Sunrise to 10:00 p.m.

Requested type of space:

- Grass Field
 Open Space
 Other: _____
 Picnic Area
 Paved/Multi-Sport Court (Tennis Courts Not Available for P-BOP)

If specific park location requested, list here: _____

Requested dimensions of space (in feet): _____

Requested Start Date (no sooner than 7 days from submission date): _____

Requested Days & Hours of Operation (please list in duration format; i.e. 9:00 AM – 9:00 PM)

Day(s) of Operation	Set Up Time	Operation Time	Clean-Up Time
<input type="checkbox"/> Monday			
<input type="checkbox"/> Tuesday			
<input type="checkbox"/> Wednesday			
<input type="checkbox"/> Thursday			
<input type="checkbox"/> Friday			
<input type="checkbox"/> Saturday			
<input type="checkbox"/> Sunday			

Section V: Business Activity Information

On-Site Manager/Contact Name: _____

Email Address: _____ Phone #: _____

Maximum number in attendance / participants per hour or session: _____

Estimated number of staff/volunteers per hour or session: _____

Length of time per occurrence (class/training/appointment): _____

Programs/Services/Activities to be offered:

- Private Training/Type:
- Semi-Private Training/Type:
- Group Exercise Classes
- Other: _____

Section VI: Equipment & Furniture Information

Will your operations require equipment or furniture in your permitted park space? *Please note all approved equipment MUST be removed daily and cannot be left unattended by your on-site staff at any time.*

- No (skip to Section VII) Yes (if yes, please continue through Section VI)

Please list and describe in detail and quantity any equipment or furniture that will be used as part of your operations:

Tables: _____ # Chairs: _____

Other Equipment or Furniture: _____

- Barriers Fencing/Walls Cones/Railings Other: _____

Will your Business-Park operations require and intend to utilize any of the following:

Small Exercise Equipment: Weights, Yoga mats, Stretching Bands, Jumping Ropes, Medicine Balls, Hula Hoops	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Larger Exercise Equipment: rowing machines, stationary bikes, bike stands	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Pop-up portable tents larger the 10' x 10"	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Amplified Sound:	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Signs other than those required by the City, County or State for reasons of public health and safety such as signs with required postings related to COVID-19	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Any fitness or other equipment item that requires power/electricity	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Section VII: Affidavit of Applicant

I certify that the information contained in the foregoing application is true and correct to the best of my knowledge and belief and that I have read, understand and agree to abide by the rule and regulations governing the proposed Park Business Operating Permit under the Fremont Municipal Code 12.20. I understand that this application is made subject to the rules and regulations established by the City Council and/or the City Manager or the City Manager's designee. Applicant/ Organization agrees to comply with all other requirements of the City, County, State and, Federal Governments, and any other applicable entity which may pertain to the use of the City park and the conduct of the fitness activities. I acknowledge that it is my responsibility to maintain a \$1,000,000 minimum general liability insurance policy throughout the permit period and that I must produce proof of this policy if it is requested by the City. I agree to abide by these rules and further certify that I, on behalf of the Business, am also authorized to commit that business, and therefore agree to be financially responsible for any costs and fees that may be incurred by or on behalf of my fitness business allowed under this permit to the City of Fremont.

Print Name: _____ **Title:** _____

Signature: _____

Section VIII: Hold Harmless

The permittee agrees to defend without costs, indemnify, and hold harmless the City, its officers, agents, and employees from any liability to any persons, damages, losses, or injuries arising out of or alleged to arise out of the permitted event, which was proximately caused by the actions of the permittee, its officers, employees, agents, including monitors, or any other persons attending or joining in the event who were, or reasonably should have been under the control of the permittee.

Print Name: _____ **Title:** _____

Signature: _____

STAFF USE ONLY		
Date Received:	<u>Staff Notes:</u> APPROVED / DENIED	Processed by:
Time:		Process date:
Received by:		Permit No.:



POLICIES & REGULATIONS

Alameda County Parameters

[Alameda County Health Order](#)

[Alameda County Description of Permitted Businesses & Activities](#)

Health-Wellness-Fitness Services

- [California Industry Guidance: Fitness Facilities](#)

Park Business Operating Permit Requirements & Limitations

Permit Display: The permit shall be displayed while conducting commercial fitness/ recreational activity at the permitted location.

Timeframe: The duration of permitted temporary outdoor activities will be limited to the timeframe of public health orders of the federal, state, or county government designed to slow the transmission of COVID-19. All activities authorized under this application will be temporary in nature and granted solely to enable businesses to operate in compliance with social distancing. Operator/Agent understands and agrees that permitted temporary outdoor activities confer no vested rights to any ongoing or continued activities. This temporary permit is valid for the period of October 1, 2020 through the date that the City Council terminates the local emergency related to COVID-19 or March 31, 2021, whichever is occurs first.

This Permit shall terminate at the end of the permit period for which it is issued, or at any time on written notice from the City of Fremont to the Permittee in the event the Permittee violates any of the provisions hereof. In the event of termination for violation of the Permit, the Permittee shall forfeit any Permit fees, and may be denied issuance of future Permits at the discretion of the City of Fremont. Granting and/ or termination of this Permit by the City of Fremont is a proprietary decision of the City of Fremont in its management of public lands and real property interests.

Access: Access to temporary seating or display will be accessible as required by the California Building Code and the Americans with Disabilities Act.

Advertising: The Permittee shall display no signs, banners, or other advertisements for the purpose of soliciting business on property owned or managed by the City of Fremont. Logos and signs painted on or attached to vehicles bodies are permissible, provided that they are permanently affixed to said vehicle and when in place do not prevent legal operation of said vehicle in compliance with applicable laws, rules, regulations and codes. The Permittee shall not distribute any brochures, flyers, or other promotional literature on property owned or managed by the City of Fremont.

Amplified Sound: Speakers and amplified music will comply with the P-BOP permit. No excessive noise will be audible off-site at any time in accordance with Fremont Police Department requirements.

Business Transactions: The Permittee shall not transact business on property managed or owned by the City of Fremont. Transacting business shall include, but not be limited to, receiving or changing money or compensation by barter, cash, credit card or other financial instrument; entering into any contracts or rental agreements; or soliciting any signatures, waivers, or hold harmless agreements from business customers.

Clean-Up & Waste Management: Each Permittee shall keep its business area in a Park neat, clean and safe condition at all times. Adequate waste receptacles will be provided by the permittee both within and

around the temporary outdoor activities. The Permittee will be responsible for daily pick-up of discarded and wind-blown waste, and debris at the premise and the surrounding areas.

Exclusivity: The Permittee shall have no exclusive rights or privileges to use City of Fremont owned or managed property, including any fields, sport courts, parking spaces, staging areas, trail areas, picnic shelters, campsites, or water areas.

Food/Beverage: Food and Alcohol are not permitted to be provided or served through this permit process. Drinking water is allowed.

Insurance Requirements: The Permittee is required to maintain a \$1,000,000 general liability insurance policy throughout the permit period and must produce proof of this policy if requested by the City.

Intensification of Use: The temporary outdoor activities will not result in an increase in general intensity of the business beyond what is currently business activity.

Nuisance: The temporary outdoor activities will be conducted without causing a nuisance (such as noise or odors) to adjacent properties.

Park Restrooms: Standard Park restrooms are available at all Community Parks and Central Park. These restrooms are available to all park users. Janitorial services occur daily and restrooms are not monitored by City staff.

Permanent Changes: No permanent changes to the area will be made, such as bolting items to the ground or other street furnishings. No attaching of equipment to existing fences, benches, other infrastructure, trees, bushes or other existing landscaping. No equipment storage will be available at any of the City of Fremont Park or Plaza locations.

Representation: The Permittee shall make no representation to the public that said Permittee is authorized to transact business on City of Fremont Parks property by virtue of this Permit. This Permit authorizes use on property owned or managed by the City of Fremont for commercial fitness / recreational purposes only and does not convey any rights or privileges to engage in business transactions on said property.

Securing Temporary Structures: Tents, canopies, and/or umbrellas will be secured to the ground to avoid wind lift.

Vehicle Access & Pedestrian Movement: All facilities associated with the temporary outdoor activities will not obstruct pedestrian movement on walkways, existing vehicular access will remain open, driver's sight distance will not be obstructed, fire protection appliances or fire lanes will not be blocked, building entrance will be kept clear, and pedestrian traffic will not be shifted into driveway or fire lane aisles.

Fremont Municipal Code (12.20) Parks and Recreation Areas: Please review the complete list of guidelines governing the use of Parks and Recreation Areas, including 12.20.60 Prohibited Conduct Generally, at www.fremont.gov.