TEMPORARY USE PERMIT PACKET FOR SEASONAL OUTDOOR USES

INSTRUCTIONS:

Please follow these instructions upon submittal of the following application packet: Seasonal Outdoor Sales.

1. The applicant shall complete the general application, business license application, and Fire Department application, if applicable. The owner or an authorized agent must sign the applications.
2. The applicant shall provide five (5) copies of the site plan. The site plan must show the following:
   a. Address
   b. Location of all buildings on the site
   c. Location of the Seasonal Outdoor Sales Lot
   d. Location, type and height of any temporary fencing
   e. Distance of the Seasonal Outdoor Sales Lot from all other buildings on the site (must be at least 10 feet away)
   f. Egress, ingress and internal circulation
   g. Parking (check with the Building Division for any Accessible compliant parking requirements)
   h. Temporary sign location, size (maximum size of 32 square feet), design and materials, if applicable **(Note: A separate sign application and fee ARE NOT required.)**
3. The applicant shall pay one of the following TUP fee amounts:
   a. Non-profit Organizations - $61
   b. All Others - $500

   (Note: To qualify for the non-profit fee, an Organization must provide proof of non-profit status from the Internal Revenue Service, such as a determination letter that recognizes their section 501(C)(3) status. For more information on obtaining a determination letter, qualifications, or applying for non-profit status, please contact the Internal Revenue Service at 1-877-829-5500).
4. The applicant shall pay a $200 refundable security deposit which is required to be submitted with *all* applications. The deposit will be refunded after the event is over and the site has been inspected and approved by the Fire Department.
5. The Planner shall enter the application and obtain a TUP number from Permits Plus.
6. The Planner shall provide the applicant with a copy of the receipt.

LIVERMORE CALIFORNIA

General Application

Project Address/Location	APN:	
Project Name	General Plan Designation	Zoning District
Applicant Name	Phone	Fax
Applicant Address City State Zip		
Applicant E-Mail Address		
Property Owner Name	Phone	Fax
Property Owner address City State Zip		
Property Owner E-Mail Address		
Representative Name ☐ Engineer ☐ Architect ☐ Other	Phone	Fax
Representative Address City State Zip		
Representative E-Mail Address		

PROJECT INFORMATION

Existing Use	Proposed Use
☐ Residential ☐ Commercial ☐ Industrial ☐ Office ☐ Vacant	☐ Residential ☐ Commercial ☐ Industrial ☐ Office ☐ Vacant

Parcel size(s)	Existing Floor Area	Existing Foot Print Area	Landscape Sq. Ft.
#of Buildings	Proposed Floor Area	Proposed Footprint Area	#of Parking Spaces

Detailed Project Description *(Attach additional pages if necessary)*:

OWNER/AGENT STATEMENT

Property Owner Consent – I am the legal owner of record of the land specified in this application or am authorized and empowered to act as an agent on behalf of the owner of record on all matters relating to this application. I declare that the foregoing is true and correct and accept that false or inaccurate owner authorization may invalidate or delay action on this application.

The project applicant agrees to defend, indemnify and hold harmless the City, its City Council, its officers, boards, commissions, employees and agents from and against any claim, action, or proceeding brought by a third party to attack, set aside, or void the project approval or any permit authorized for the project, including reimbursing the City its attorneys fees and costs incurred in defense of the project.

X _____ **DATE** _____

The Livermore Development Code allows up to 30 days for the assigned planner to deem an application complete. An application must be deemed complete before proceeding to a hearing or staff level decision. If your project does go to hearing, you will be notified by mail in advance of the hearing date. If you would like to check meeting agendas, please go to our website: http://www.cityoflivermore.net/citygov/clerk/comms/pc/default.asp

APPLICATION REFERRAL – STAFF USE ONLY

The attached project plans and application materials are hereby forwarded to your agency for review and comment. Your suggestions and applicable requirements/regulations are needed by the date shown below. Please do not return plan sets.

Staff Planner: Application No(s):

Date Sent: Please Return By: Project Review Date:

☐ Building Division	☐ Airport Commission	☐ Historic Preservation
☐ Engineering Division	☐ Redevelopment Agency	☐ Public Services Director
☐ Fire Prevention	☐ Alameda County Health	☐ Alameda County Zone 7
☐ Police Department	☐ Alameda County Planning	☐ Livermore School District
☐ Water Resources Division	☐ Bay Area Air Quality Mgmt District	☐ Livermore Sanitation
☐ Other:	☐ L.A.V.T.A. (Wheels)	☐ A.L.U.C. Form $250 Fee/ 60 Day
Referral Response:	☐ Comment Attached	☐ No Comment
Name/Agency:		Date:

APPLICATION TYPE – STAFF USE ONLY

Conditional Use Permit	CUP _____	Annexation/Pre-Zoning	ZMA _____	Planned Development	PD _____
Amendment to CUP	CUPM _____	Cert. of Appropriateness	COA _____	Planned Unit Development	PUD _____
Downtown Design Review	DDR _____	Development Agreement	DA _____	Secondary Dwelling Unit	SDU _____
Site Plan Design Review	SPDR _____	Amendment to DA	DAAM _____	Subdivision	SUB _____
Amendment to SPDR	SPAM _____	Development Code Am.	DCA _____	☐ TPM ☐ VTPM ☐ PMW	
Zoning Use Permit	ZUP _____	Housing Implementation	HOP _____	☐ TTM ☐ VTTM	
☐ Seasonal Sales Lot		Large Day Care Center	ZUP _____	Map Number: _____	
Temporary Use Permit	TUP _____	Lot Line Adjustment	LLA _____	Tree Removal Permit	TREE _____
☐ Model Home Complex (to be routed)		Out of Area Svc. Agreement	OASA _____	Move Permit	MOVE _____
☐ Construction Office, Tract Sales Office and Residence (to be routed)		Outdoor Dining/Display	ODP _____	Variance	VAR _____
☐ Rallies, Circuses & Carnivals (to be routed)		Other _____	_____		
		Other_____	_____		

APPLICATION FEES – STAFF USE ONLY

	Base Fee:	$
	Multiple Applications (Less 10% of Base Fee):	$
Date Received:	Environmental Filing Fee:	$ +50.00 =
Received By:	Design Review Fee:	$
Receipt Number:	Total Fees Due:	$
CEQA:	Total Fees Paid:	$
	Balance Owed:	$

SUBMITTAL CHECKLIST – STAFF USE ONLY

Item	Received	Item	Received
Application		Plan Sets	
Fee		Landscape Plan	
Project Description/Proposal		Tentative Tract/Parcel Map	
Reduction (8.5” x 11”)		Plot Plan	
Transparency		Legal Description	
Site Photographs		Title Report	
Colors/Materials Board		Geotechnical Report for TTM/PM	
Environmental Assessment Form		Scenic Corridor/School Mitigation Info.	
Project Justification Letter		SLVSP Project Info.	
Impervious Service Worksheet (For projects with any amount of new or replaced impervious surface)			

INTAKE HISTORY NOTES – STAFF USE ONLY

Planner’s Name: **Date:**

Notes:

CITY STANDARDS FOR TEMPORARY AND INTERMITTENT USES
TEMPORARY USE PERMITS

Certain minor or temporary uses of a property are allowed subject to the approval and issuance of a Temporary Use Permit (TUP) per Chapter9.09 of the Livermore Development Code (LDC). TUPs are approved at staff level and a public hearing is not required unless an appeal is filed. Some examples of such uses and their requirements are described below:

☐ **Construction Offices, Tract Sales Offices and Residences.** (*)

A. The following temporary uses shall be authorized/permitted for a period up to one year.
   1. A residence on a site in any residential district; provided, that the building meets all zoning requirements of the underlying zoning district and the site is under construction for a permanent single-family residence.
   2. Sleeping quarters for security personnel associated with the construction of any commercial, industrial or residential development. Such sleeping quarters shall meet all requirements of the underlying zoning district.
   3. A construction office associated with the construction of any previously approved commercial, industrial or residential development which meets all the zoning requirements of the underlying zoning district.
   4. A tract sales office or model home complex associated with an approved subdivision which meets all development standards of the underlying zoning district.

B. The fee is $2,960.
C. Applications for TUPs required under this policy should be submitted to the Planning Division at least thirty (30) days prior to the event.
D. These applications are routed to other Divisions for review prior to issuance of the TUP.
E. Applications required under this policy shall be processed and then assigned to a Planner.
F. TUPs issued for construction offices, tract Sales offices and residences are not transferable.

☐ **Seasonal Outdoor Sales Lots. (*)**

A. A seasonal sales lot, such as a Christmas tree lot, shall be authorized for a period not to exceed forty (40) consecutive days.
B. A separate application packet is required for each event and/or each location.
C. The site(s) must comply with the attached Fire Department requirements.
D. The fee is $500 ($61 for Non-profit Organizations), plus a $200.00 deposit. The deposit will be refunded once the site has been inspected and signed off by the Fire Department.
E. These applications typically do not need to be routed to other Divisions prior to issuance of the TUP.
F. Applications required under this policy shall be processed and then assigned to a Planner.
G. TUPs issued for Seasonal Outdoor Sales Lots are not transferable.

☐ **Temporary Uses. (*)**

A. A temporary use such as (but not limited to) temporary outdoor seating areas, used car sales lots, temporary residential storage containers or temporary structures shall be authorized for a period not to exceed forty (40) consecutive days.
B. A separate application packet is required for each event and/or each location.
C. The fee is $500 ($61 for Non-profit Organizations).
D. Applications for TUPs required under this policy should be submitted to the Planning Division at least thirty (30) days prior to the event.
E. Each residential TUP for storage containers is limited to no more than two (2) containers in the driveway and/or primary paved frontage area. If the storage containers will not be on a paved surface, then the setbacks for the underlying zoning district must be met.
F. There must be a verifiable construction project prior to a TUP being issued for temporary storage containers. Only one forty (40) day written extension can be granted after a site visit has been conducted by a Building Inspector.
G. Storage containers that are not located within the front one half of the lot must adhere to the Accessory Structure Guidelines.
H. These applications are routed to other Divisions for review prior to issuance of the TUP.
I. Applications required under this policy shall be processed and then assigned to a Planner.
J. TUPs issued for temporary uses are not transferable.

☐ **Rallies, Circuses, Carnivals.** (*)

A. Rallies, circuses, carnivals and similar events in conjunction with an established church, school or membership organization; provided, that the use is on the same contiguous site, or is on a site at least 200 feet from any residence.
B. Permits for such uses shall be authorized for a period not to exceed ten (10) days twice per year, separated by at least thirty (30) days between uses.
C. The fee is $500 ($61 for Non-profit Organizations).
D. Applications for TUPs required under this policy should be submitted to the Planning Division at least thirty (30) days prior to the event.
E. These applications are routed to other Divisions for review prior to issuance of a TUP.
F. Applications for TUPs required under this policy shall be processed and then assigned to a Planner.
G. TUPs issued for Rallies, Circuses, Carnivals are not transferable.

☐ **Outdoor Dining Uses**

A. Outdoor dining uses to be located in the flexible zone. The adjacent sidewalk area may be used for outdoor dining uses within the Downtown Specific Plan (DSP) areas, subject to City approval.
B. A separate application packet is required for each location.
C. The following fees are required to be submitted with each TUP application for outdoor dining uses: $500 annual ZUP permit fee, $50 CEQA filing fee, $40 annual electrical service fee, 15 cents per square foot of flexible zone area used for annual maintenance and a $279 one-time refundable deposit for damages that may be incurred.
D. Applications for TUPs required under this policy should be submitted to Planning Division at least thirty (30) days prior to the event.
E. A TUP issued for outdoor dining uses shall be valid for a period of one year, beginning on January 1st and ending on December 31st. However, during the year for which the permit is issued, flexible zone use is limited to a period of eight months, beginning March 15th and ending November 15th. Each year, the applicant shall submit a complete application for a ZUP.
F. TUPs issued for outdoor dining uses are not transferable.
G. These applications are routed to other Divisions for review prior to issuance of the TUP.
H. Applications required under this policy shall be processed and then assigned to a Planner.

(*) Any similar temporary or intermittent use as determined by the Zoning Administrator to be of the same general character as those above or otherwise specifically permitted in the underlying zoning district. Only one Temporary Use and one Seasonal Use are allowed per parcel, per calendar year.

SEASONAL OUTDOOR SALES LOT
CONDITIONS OF APPROVAL
TEMPORARY USE PERMIT

STAFF USE ONLY **(This Permit is not valid unless completed and stamped by the Planning Division)**	**Official Stamp Here**
Seasonal Outdoor Sales Lot: _____ Location: _____ Applicant: _____ Approved By: _____ Date of Approval: _____	

PROJECT AUTHORIZATION

1. The project shall be in conformance with all City Ordinances, rules, regulations, and policies. The conditions listed below are particularly pertinent to this permit and shall not be construed to permit violation of other laws and policies not so listed.
2. Approval is limited to conformance of the proposed land use with the Zoning Ordinance requirements. Use of the property shall be limited to those permitted by the Zoning Ordinance, as it exists now or may be amended in the future.
3. This Permit shall become effective on _____ between the hours of _____ and shall expire on_____.
4. The site shall be cleared of all unsold items, structures, and equipment by _____(7-days after expiration date).

PROJECT SPECIFIC CONDITIONS

1. This approval authorizes one (1) seasonal outdoor sales lot to occur on the dates and times as authorized above.
2. This Seasonal Outdoor Sales Lot shall be authorized for a period not to exceed forty (40) consecutive days.
3. The lot shall be cleared of all unsold materials, structures and equipment within seven (7) days after the expiration date of the event.
4. One (1) temporary sign is permitted, not to exceed 32 square feet in size, as submitted and approved on the site plan with this permit.
5. Temporary building(s) shall be setback a minimum of 25 feet from the property lines fronting on any public street and from any interior side or rear yard, in conformance with the approved site plan.
6. A minimum 10-foot separation from all buildings shall be maintained.
7. No driveways or fire protection equipment shall be blocked by this use.
8. Lighting utilized in conjunction with the use shall not illuminate adjacent properties.
9. No loudspeakers or other unusual noise shall be discernable on adjacent properties.
10. Only one (1) outdoor seasonal sales event is allowed on a parcel per year.

GENERAL CONDITIONS OF APPROVAL

PLANNING DIVISION

1. This lot shall be in compliance at all times with the attached approved site plan unless otherwise noted in these Conditions of Approval.
2. The City may approve minor amendments to the approved Permit provided the Permit is still in substantial conformance with the original permit approval.
3. All buildings shall be set back a minimum of 10' from all other buildings and structures.
4. Temporary fencing shall be used to fence Christmas tree area.

ENGINEERING DIVISION

1. Storage or unloading of trucks on the public right-of-way is prohibited.
2. The property owner shall replace all existing improvements in the public right-of-way damaged or disturbed under this Permit to the satisfaction of the City Engineer.
3. Christmas trees and temporary fencing shall be set-up as not to impede on-going traffic for eastbound traffic on Portola Avenue making a right turn southbound onto Murrieta. There must be a clear line-of-sight at all times.
4. There shall be no on-street parking on Portola Avenue or Murrieta Boulevard.

BUILDING DIVISION

1. This Zoning Use Permit is not an authorization to commence construction. Building construction, alterations, repairs, sign erection, or occupancy shall not be permitted without prior approval of the Building Division through issuance of any required permits.
2. Electrical permits are required prior to all electrical hook-ups. Contact the Building Division at 925-960-4410 for further information.
3. The temporary security trailer shall provide an accessible ramp or a letter stating that "the security position to be held is required to be held by an able-bodied person."
4. Existing portable bathroom shall be relocated and shall be 10' from all buildings and property lines.

FIRE DEPARTMENT

1. Development shall conform to the attached Fire Department requirements.
2. Prior to commencement of sales, the Fire Department shall make an inspection of the site. Contact the Fire Inspector at 925-454-2362.
3. There shall be no flocking on site.
4. The one-way entrance and one-way exit shall be marked with a sign and shall not be blocked by this use.
5. There shall be no tents used at this location until a tent permit is obtained by contacting the Fire Department.
6. No hazardous materials on site.

POLICE DEPARTMENT

1. The project shall be required to conform to the provisions of the Security Section of the Livermore City Municipal Code Section 15.40.00.

OTHER CONDITIONS

1. Occupancy or use of the site shall be subject to issuance of a business license prior to commencement of sales. Contact the Business Licensing Division at 925-960-4310 for more information.
2. The fee for a Seasonal Outdoor Sales Lot event is $500 ($61 for Non-profit Organizations) and is due at the time of application submittal, as well as a Site Clean-up Security Deposit in the amount of $200.00 per location. This security deposit will be refunded after the site has been cleaned, inspected and approved by the Fire Department.

PUMPKIN PATCH, CHRISTMAS TREE LOTS AND OTHER SEASONAL USES

1. A minimum of 10 feet shall be maintained at all times from all buildings.
2. No driveways or fire protection shall be blocked.
3. Combustible ground cover shall not be permitted.
4. Open fires shall not be permitted.
5. Use of straw or hay is permitted for decoration purposed provided the following requirements are met:
   a. All entrances shall have “NO SMOKING” signs posted, with a minimum letter size of 6” high with ¾” stroke.
   b. No open flame devices, such as kerosene heaters, may be used in display area or sales booth.
   c. No vehicles may enter property beyond curb line.
6. All dry combustible debris and weeds shall be cleared from the site prior to use.
7. No spraying or dipping operations shall be permitted on this site.
8. Electrical facilities shall be installed in conformance with the requirements of the Building Department.
9. The appropriate number and type of fire extinguishers shall be installed on the premises in conformance with the requirements of the Fire Department.
10. The entire site shall be maintained in a fire safe condition at all times.
11. All items shall be removed from the site no later than 7 days after the permit expiration date.
12. Exits shall be provided at every 200’ of perimeter. Minimum aisle ways of 36” in width shall be provided around every 40’ x 100’ area of display.
13. If the lot has a tent or a canopy that is greater or equal to 400 square feet, then a permit fee is required for both cities. The fee for Pleasanton is $153.00 and the fee for Livermore is $494.00.
14. At retail stores, no tree storage shall be under the overhang of any roof or portico and/or closer than 15’ from any exterior wall.
15. Unobstructed pathways, equal in width to entrance and exit doors of any building, shall be maintained through storage areas.
16. No tent or canopy shall be erected on the lot without first obtaining the proper permit. Permits may be obtained at:

    Livermore-Pleasanton Fire Prevention Bureau

    3560 Nevada Street, Pleasanton, CA 94566

    925-454-2361
    FAX 925-454-2367

Contact the Fire Prevention Bureau for an inspection of the site prior to opening. Call **925-454-2307** to schedule your inspection 48 hours in advance.

NOTICE TO BOOTH, TENT OR AWNING OPERATORS

1. A Permit is generally required for all booths or spaces using cooking equipment; however, Permits may not be issued at all events. There is no fee for the Permit. Fire Department personnel, on a random basis, may conduct safety inspections.

2. **Outdoor Cooking:**
   a. Spare white gas or Coleman fuel is limited to one gallon per space or booth.
   b. Spare propane shall be limited to one 20 lb. Cylinder for each cooking appliance.
   c. Fires used for cooking of food for human consumption or for recreational purpose shall be restricted to clean firewood or commercially manufactured fuels such as briquettes, compressed logs, etc.
   d. All fires shall be extinguished when no longer needed, including smoke and steam.

3. **Extension Cords:**
   a. Cords must be plugged directly into an approved receptacle and each cord shall serve only one appliance.
   b. Cord current capacity amperes shall not be less than the rated capacity of the appliance or fixture.
   c. Cords must be grounded type when serving grounded appliances or fixtures.
   d. Cords must be located so they do not present a tripping hazard and are out of foot traffic areas. Secure cords as necessary with heavy tape or wire twist ties.

4. Those booths or spaces utilizing heat-producing appliances are to provide one fire extinguisher with a minimum rating of 2-A:10-B:C. Pin and seal shall be intact and a current tag of inspection shall be affixed to the extinguisher.