



---

## 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 fees:
  - a. Non-profit Organizations
  - b. All Others

*(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.

This page intentionally left blank.



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		State	Zip City
Property Owner E-Mail Address			
Representative Name <input type="checkbox"/> Engineer <input type="checkbox"/> Architect <input type="checkbox"/> Other		Phone	Fax
Representative Address		State	Zip
Representative E-Mail Address			

**PROJECT INFORMATION**

Existing Use		Proposed Use	
<input type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Office <input type="checkbox"/> Vacant		<input type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Office <input type="checkbox"/> 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:	
<input type="checkbox"/> Building Division	<input type="checkbox"/> Airport Commission	<input type="checkbox"/> Historic Preservation	
<input type="checkbox"/> Engineering Division	<input type="checkbox"/> Redevelopment Agency	<input type="checkbox"/> Public Services Director	
<input type="checkbox"/> Fire Prevention	<input type="checkbox"/> Alameda County Health	<input type="checkbox"/> Alameda County Zone 7	
<input type="checkbox"/> Police Department	<input type="checkbox"/> Alameda County Planning	<input type="checkbox"/> Livermore School District	
<input type="checkbox"/> Water Resources Division	<input type="checkbox"/> Bay Area Air Quality Mgmt District	<input type="checkbox"/> Livermore Sanitation	
<input type="checkbox"/> Other:	<input type="checkbox"/> L.A.V.T.A. (Wheels)	<input type="checkbox"/> A.L.U.C. Form \$250 Fee/ 60 Day	
Referral Response:	<input type="checkbox"/> Comment Attached	<input type="checkbox"/> No Comment	
Name/Agency:	Date:		

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

APPLICATION FEES – STAFF USE ONLY		
	Base Fee:	\$ _____
	Multiple Applications (Less 10% of Base Fee):	\$ _____
<b>Date Received:</b>	Environmental Filing Fee:	\$ _____ +50.00 =
<b>Received By:</b>	Design Review Fee:	\$ _____
<b>Receipt Number:</b>	Total Fees Due:	\$ _____
<b>CEQA:</b>	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	
<b>Planner's Name:</b>	<b>Date:</b>
<b>Notes:</b>	

## 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 Chapter 9.09 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. Applications for TUPs required under this policy should be submitted to the Planning Division at least thirty (30) days prior to the event.
- C. These applications are routed to other Divisions for review prior to issuance of the TUP.
- D. Applications required under this policy shall be processed and then assigned to a Planner.
- E. TUPs issued for construction offices, tract Sales offices and residences are not transferable.
- F. Fee – refer to Planning Fee Sheet.

### **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. Fee – refer to Planning Fee Sheet. A \$200.00 deposit is required. 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. Applications for TUPs required under this policy should be submitted to the Planning Division at least thirty (30) days prior to the event.
- D. 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.
- E. 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.
- F. Storage containers that are not located within the front one half of the lot must adhere to the Accessory Structure Guidelines.
- 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.
- I. TUPs issued for temporary uses are not transferable.
- J. Fee – refer to Planning Fee Sheet.

**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. 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 a TUP.
- E. Applications for TUPs required under this policy shall be processed and then assigned to a Planner.
- F. TUPs issued for Rallies, Circuses, Carnivals are not transferable.
- G. Fee – refer to Planning Fee Sheet.

 **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: Permit fee (refer to Planning Fee Sheet), \$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 1<sup>st</sup> and ending on December 31<sup>st</sup>. However, during the year for which the permit is issued, flexible zone use is limited to a period of eight months, beginning March 15<sup>th</sup> and ending November 15<sup>th</sup>. 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**

<b>STAFF USE ONLY</b> (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:		

**A. 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 Livermore Development Code requirements. Use of the property shall be limited to those permitted by the Development Code, as it exists now or may be amended in the future.
3. This Permit shall become effective on \_\_\_\_\_ and shall expire on \_\_\_\_\_.
4. The site shall be cleared of all unsold items, structures, and equipment by \_\_\_\_\_ (7 days after expiration date).

**B. 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 discernible on adjacent properties.
10. Only one (1) outdoor seasonal sales event is allowed on a parcel each calendar year.

### C. General Conditions of Approval

1. Planning Division
  - a. This lot shall be in compliance at all times with the attached approved site plan unless otherwise noted in these Conditions of Approval.
  - b. The City may approve minor amendments to the approved Permit provided the Permit is still in substantial conformance with the original Permit approved.
  - c. All buildings shall be set back a minimum of 10 feet from all other buildings and structures.
  - d. Temporary fencing may be used to fence in Christmas tree area.
2. Engineering Division
  - a. Storage or unloading of trucks on the public right-of-way is prohibited.
  - b. 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.
  - c. Christmas trees and temporary fencing shall be set up as not to impede any on-going traffic.
3. Building Division
  - a. This Temporary 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.
  - b. Electrical permits are required prior to all electrical hook-ups. Contact the Building Division at 925-960-4410 for further information.
  - c. Temporary security trailers 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".
  - d. Portable bathrooms shall be 10 feet from all buildings and property lines.
4. Fire Prevention
  - a. Development shall conform to the attached Fire Department requirements.
  - b. Prior to commencement of sales, the Fire Prevention Bureau shall make an inspection of the site. Contact the Fire Inspector at 925-454-2362.
  - c. There shall be no flocking on site.
  - d. One-way entrances and exits shall be marked with a sign and shall not be blocked by this use.
  - e. There shall be no tents used at this location without a tent permit from the Fire Prevention Bureau.
  - f. No hazardous materials are permitted on site.
5. Police Department
  - a. The project shall be required to conform to the provisions of the Security Section of the Livermore Municipal Code Section 15.40.00

### D. 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 License 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 of \$200 per location. This security deposit will be refunded after the site has been cleaned, inspected, and approved by the City.

3560 Nevada St. Pleasanton, CA 94566



925-454-2361 (office) 925-454-2367 (fax)

## ***CHRISTMAS TREE LOTS and PUMPKIN PATCHES***

### **Location**

- A minimum of 10 feet shall be maintained at all times from all buildings.
- No driveways, exits, or fire protection features (such as fire hydrants) shall be blocked.
- At retail stores, no Christmas tree storage shall be under the overhang of any roof or portico and/or closer than 15' from any exterior wall.

### **General Fire Safety**

- Smoking shall not be permitted. NO-SMOKING signs shall be conspicuously posted throughout the lot and posted at all points of entry.
- Combustible ground cover shall not be permitted.
- Open flames shall not be permitted.
- The use of straw, hay, corn stocks and similar materials is permitted for decoration purposes provided the following requirements are met:
  - No vehicles may enter property beyond curb line.
  - The materials are at least 10 feet from exits.
  - The design is submitted to and is approved in writing by the Fire Department.

### **Heaters**

- Heaters must be listed (by UL, for example) for the intended use.
- Manufacturers' instructions must be followed.
- Manufacturers' cutsheets for the heaters must be submitted to the Fire Department.
- A site map showing the proposed locations must be submitted.
- The use of heaters must be approved in writing by the Fire Department.

### **Fire Extinguishers**

- A minimum of two 2A-10BC fire extinguishers shall be provided for each lot. Additional extinguishers may be necessary in order to provide coverage as follows:
  - In or about the sales area;
  - In or about the work/flocking areas;
  - In any and all tents and canopies on premises;
  - When access to an extinguisher from any point exceeds 75 feet travel distance.
- All extinguishers shall be mounted in a visible, unobstructed location at a height of 3 to 5 feet.

### **Electrical**

- An electrical permit shall be obtained from the city Permit Center and the site inspected by the building department.
- Electrical equipment and installations shall comply with the Electrical and Fire Codes.
  - The maximum wattage light bulb allowed is the size recommended by the manufacturer for the appliance used.

- Fuel powered equipment (generators) shall be a minimum of twenty-five (25) feet from any booth and or other surrounding booths.
- Fuel powered sources shall be isolated from contact with the public by physical guards, fencing or enclosure.
- Before an extension cord can be used with a portable appliance all the following must be met:
  - Extension cords shall be plugged directly into an approved receptacle.
  - Extension cords shall serve only one appliances or fixture.
  - Extension cords shall not exceed 75 feet in length and no smaller than 16-gauge wire.
  - The current capacity of the cord shall not be less than the rated capacity of the appliance or fixture.
  - The extension cord is maintained in good repair, without splices, deterioration or damage.
  - The extension cord shall be of the grounded type when servicing grounded appliances or fixtures.
  - If an extension cord has to go across a traffic area, then an approved traffic pad shall be used. (All extension cords shall be secured to prevent a tripping hazard). Extension cords shall not be connected in series.

### **Exiting**

- Enclosed Christmas tree lots shall be provided with a minimum of two exits and clearly marked from inside the lot.
- Exits shall be separated by not less than one-half of the overall diagonal distance of the enclosed lot.
- Exits shall provide a minimum of 3 feet clear opening and shall be maintained in an unlocked position whenever the public is present.
- Exits paths to the public way shall meet Fire Code requirements regarding smoothness, lighting, etc.
- Minimum aisle ways of 36" in width shall be provided around every 40' x 100' area of display.

### **Housekeeping**

All dry combustible debris, trash, weeds and similar materials shall be cleared from the site prior to use.

### **Spraying and Dipping**

No spraying or dipping operations shall be permitted on the site without a written plan approved by the Fire Department.

### **Tents and Canopies**

No tent or canopy that has an area of 400 square feet or greater shall be erected without first obtaining a permit from the Livermore-Pleasanton Fire Department. Call **925-454-2361** regarding tent permits.

### **Removal of Materials**

All items shall be removed from the site no later than 7 days after the permit expiration date.

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.