



MINOR TEMPORARY USE PERMIT SUBMITTAL REQUIREMENTS

Planning Division

December 16, 2011

Allowed temporary uses, as defined in Section 17.850.007 of the Brentwood Municipal Code (attached), and occurring entirely upon private property not zoned for residential use and located within an existing development of sufficient size to provide adequate space, circulation and parking for the anticipated attendance, as determined by the Community Development Director, may be permitted with a minor temporary use permit for any time period less than 12 months as approved by the Community Development Director if the applicant can demonstrate that the following performance standards are met.

Please check each box and sign and date below indicating your acceptance and understanding of the following performance standards:

- A minor temporary use permit application shall be completed and submitted to the Community Development Director for approval prior to the start of the short-term activity.
- Hours of operation are limited to 7:00 a.m. to 10:00 p.m. daily.
- Adequate parking for the anticipated attendance shall be provided.
- All trash generated by the use shall be picked up both on and off-site at the end of each event.
- The applicant shall obtain County Health Department approval and submit such documentation with the application for any food service beyond what is allowed for existing permitted business on-site.
- No consumption or sales of alcohol shall be allowed as part of the event, other than as permitted within existing businesses licensed by the California Department of Alcoholic Beverage Control located within the shopping center.
- Any amplified sound used at the event or other noise generation activities shall be subject to Chapter 9.32 (Noise Regulations) of the Brentwood Municipal Code.
- No additional lighting is allowed.
- Adequate provision for safety and security measures shall be provided. The applicant shall be responsible for ensuring the safety and welfare of the attendees, as determined by the Chief of Police or his designee. The Police Department may close the event due to failure to satisfy conditions of the permit.
- Prior to the event, the applicant shall provide a statement to the City stating that the organizers of the event agree to indemnify, hold harmless, and defend the City, its officers, agents and employees from any and all liability or claims that may be brought against the City arising out of its approval of the minor temporary use permit, or arising out of the operation of the use or uses allowed under the permit, save and except that caused solely by the City's active negligence.
- The applicant shall adhere to all Building and Fire Codes and obtain any necessary permits and inspections prior to the event.
- The applicant shall make a good faith effort to work with City staff addressing any concerns that arise relating to the placement or operation of the event.

I understand and will comply with the above performance standards and all applicable sections of Chapter 17.850 of the Brentwood Municipal Code.

Date

Applicant's Signature

<p>Development Agreement</p> <input type="checkbox"/> Deposit \$4,200.00	<p>Affordable Housing (Legal review or consulting)</p> <input type="checkbox"/> Deposit (Actual cost + 25%) \$																								
<p>Parking In-Lieu</p> <input type="checkbox"/> \$ _____ Number of spaces _____ Fee is \$3,748.00 per space for Retail/Office/Commercial, or any required additional off-site Residential parking space.	<p>Admin Oil Permit</p> <input type="checkbox"/> Deposit \$2,500.00																								
<p>Appeal</p> <input type="checkbox"/> \$333.00	<p>Agricultural Mitigation Fee, per acre</p> <input type="checkbox"/> \$6,873.00 per acre # ac _____ \$ _____																								
<p>Archival Fee</p> <input type="checkbox"/> \$168.00 No charge if provided in acceptable electronic format	<p>Complex Habitat Applications</p> <input type="checkbox"/> Deposit \$3,000.00																								
<p>Habitat Conservation</p> <input type="checkbox"/> \$1,434.62	<p>Contra Costa County Clerk Filing Fees</p> <input type="checkbox"/> Notice of Exemption \$50.00 <input type="checkbox"/> Notice of Determination (ND, MND) \$2,266.25 <input type="checkbox"/> Notice of Determination (EIR) \$3,128.25																								
<p>Environmental Review</p> <input type="checkbox"/> Environmental Impact Report Consultant cost + 25% for City Admin. Deposit \$ _____	<p><small>*An Environmental Determination for every application is made by the Community Development Department Staff following the submittal of a complete application. The applicant will be notified of the appropriate fee following this determination. The State Department of Fish & Game and Contra Costa County require the above Filing fee (AB 3158) at the time of project approval. Fees are to be included with the Application fees to the City of Brentwood.</small></p> <p>Landscape and Lighting District Formation/Annexation**</p> Initial Deposit for Actual cost per Consultant Contract <input type="checkbox"/> \$214.00																								
<input type="checkbox"/> Negative Declaration (prepared by staff) Deposit \$3,500.00 <input type="checkbox"/> Mitigated Negative Declaration (prepared by staff) Deposit \$4,900.00 <input type="checkbox"/> Mitigated Negative Declaration (prepared by consultant) Deposit (Actual cost + 25%) \$ _____	<p style="text-align: center;">** CFD & LLAD Annexation/Formation Fees</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Type of Property</th> <th style="text-align: left;">Parcels @ Buildout</th> <th style="text-align: left;">Annexation Fee</th> </tr> </thead> <tbody> <tr> <td rowspan="5" style="text-align: center;">Residential</td> <td>Up to 5</td> <td>\$6,500.00</td> </tr> <tr> <td>6 to 100</td> <td>\$6,500.00+\$25/parcel>5</td> </tr> <tr> <td>101 to 200</td> <td>\$8,875.00+\$20/parcel>100</td> </tr> <tr> <td>201 to 300</td> <td>\$10,875.00+\$15/parcel>200</td> </tr> <tr> <td>301 to 400</td> <td>\$12,375.00+\$10/parcel>300</td> </tr> <tr> <td rowspan="3" style="text-align: center;">Commercial</td> <td>Up to 5 acres</td> <td>\$6,500.00</td> </tr> <tr> <td>Or</td> <td></td> </tr> <tr> <td>5 – 10 acres</td> <td>\$7,500.00</td> </tr> <tr> <td style="text-align: center;">Multifamily</td> <td>10 acres or more</td> <td>\$8,500.00</td> </tr> </tbody> </table>	Type of Property	Parcels @ Buildout	Annexation Fee	Residential	Up to 5	\$6,500.00	6 to 100	\$6,500.00+\$25/parcel>5	101 to 200	\$8,875.00+\$20/parcel>100	201 to 300	\$10,875.00+\$15/parcel>200	301 to 400	\$12,375.00+\$10/parcel>300	Commercial	Up to 5 acres	\$6,500.00	Or		5 – 10 acres	\$7,500.00	Multifamily	10 acres or more	\$8,500.00
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<p>Categorical Exemption</p> <input type="checkbox"/> \$184.00	<p>RGMP</p> <input type="checkbox"/> \$3,135.00																								
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<p>Disclaimer: This Universal Application is a standard form. The City Council periodically amends the fee schedule shown on this application. Notwithstanding the fee stated on this application, the fees shall be those approved by the City Council and shall be effective on the applicable date for those actions. Therefore, this form may not be the current version and may not contain current information, as fee schedule information contained herein may have changed and/or has been updated. The City of Brentwood makes no warranty, representation or guaranty as to the content, sequence, accuracy, timeliness or completeness of any of the information provided herein. The City of Brentwood shall assume no liability for: 1) Any Errors, Omissions, or Inaccuracies in the information provided regardless of how caused; or 2) Any missing or incomplete information. A current copy of this form may be obtained at the City of Brentwood, Community Development Department at 150 City Park Way, Brentwood, CA 94513.</p>																									
<p>FOR STAFF USE ONLY</p> <p>Fees Received:</p> <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Date</th> <th style="text-align: left;">Receipt No.</th> <th style="text-align: left;">Amount</th> </tr> </thead> <tbody> <tr><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td><td>_____</td></tr> </tbody> </table> <p>Notes:</p>		Date	Receipt No.	Amount	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____									
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Name of Event: _____

Date(s) of the Event: _____

Address of Event: _____

Name of Person Organizing Event: _____

Emergency Contact Number: _____

Alternate Contact Number: _____

Describe the temporary use/event activities that will be conducted on the site: _____

Owner of property if other than applicant: _____

(Property owner consent is required if applicant is not the owner. Please have the property owner or his agent sign below to signify approval.)

I certify that I have read, understand, and will comply with all regulations governing "Temporary Use Permits" as listed in Chapter 17.850 of the Brentwood Municipal Code. I declare under penalty of perjury that the information contained in this application is true and correct and that the temporary use permit activity will not be conducted in a manner inconsistent with the Brentwood Municipal Code.

Applicant's Signature: _____ Date: _____

Property Owner's Signature: _____ Date: _____



INDEMNITY CLAUSE FOR TEMPORARY USE PERMITS

Planning Division

Date

I, (We), _____, the organizers of the event permitted under Temporary Use Permit No. _____ agree to indemnify, hold harmless, and defend the City, its officers, agents and employees from any and all liability or claims that may be brought against the City arising out of its approval of this permit, or arising out of the operation of the use or uses allowed under the permit, save and except that caused solely by the City's active negligence.

Applicant's Signature

BRENTWOOD MUNICIPAL CODE

Section 17.850.007 Allowed Temporary Uses

The City, through the Community Development Director may grant a Temporary Use Permit for the following temporary uses on non-residential properties for the specified time limits, but in no event for more than 12 months, except model home complexes and construction yards, which may be approved for any length of time, provided the Community Development Director finds that the use meets any conditions or requirements set forth herein and that the use will not be detrimental to the public health, safety and welfare of persons residing or working in the neighborhood of the proposed activity. Other temporary uses that do not fall within the categories defined below shall instead comply with the planning permit requirements and development standards that otherwise apply to the property.

- A. Agricultural produce sales. Retail sales of agricultural produce at produce stands or in a certified farmer's market;
- B. Construction yards - Off-site. Off-site offices, contractors' construction, corporation, or storage yards for an approved construction project that is within the City. The yards shall be removed immediately upon completion of the construction project, or the expiration of the Building Permit authorizing the construction project, whichever occurs first.
- C. Events. Animal rides, art and craft exhibits, bike rodeos, car shows, carnivals, circuses, concerts, egg hunts, fairs, farmer's markets, festivals, flea markets, food events, holiday events, runs, marathons, walk-a-thons, and bike-a-thons or similar activities, open-air theaters but excluding drive-in theaters, outdoor entertainment/sporting events, parades, petting zoos, processions, rallies, religious revivals, rodeos, rummage sales, runs, second hand sales, swap meets, and other similar special events for up to five consecutive days, or six two-day weekends, or 12 individual days, within a 12-month period, allowed only on non-residentially zoned properties.
- D. Location filming. The temporary use of a specific site for the location filming of commercials, movies, videos, etc., for the time specified by the Community Development Director, but not to exceed 12 months.
- E. Model homes. A model home or model home complex may be authorized before the completion of subdivision improvements in compliance with the following standards:
 - 1. Provisions for suitable off-street parking with adequate ingress and egress to serve the model home complex.
 - 2. Provision of suitable landscaping to enhance the model home complex.
 - 3. When the builder submits an application for the final permits to build on the lots utilized for the model home complex, the parking lot and trap fences shall be removed and the driveway slabs shall be poured in front of each of the garages of all model homes. This will require the removal of all landscaping in front of the garages for the model homes.

4. The poured driveway slabs and on-street parking will temporarily serve as the required parking for the model home complex and the sales office may remain in the model until all models in the subdivision have been sold.
 5. The sales office shall be converted back to residential use and/or removed before the issuance of the Final Building Permit.
 6. The review authority may require other conditions of approval deemed necessary to protect the public health, safety, and general welfare of persons residing or working in the neighborhood.
- F. Outdoor retail sales within non-residential zones.
1. Sales of merchandise customarily sold on the premises by an established business physically located and doing business at the same location as the temporary use. The sales of merchandise are limited to four events per calendar year per business conducting the sale, not exceeding four consecutive days per event.
 2. Sales of merchandise not customarily sold on the premises, when the sales will be by an established business physically located and doing business in the City. The entity conducting the temporary sale shall dedicate all retail sales tax collected at the sale to accrue to the City. The sales are limited to four events per calendar year per business conducting the sale, not exceeding four consecutive days per event.
- G. Pyrotechnics. Events proposing the use of pyrotechnics.
- H. Seasonal sales lots. Seasonal sales lots (e.g., Halloween, Thanksgiving, Christmas, etc.) including temporary residence/security trailers on non-residentially zoned properties. However, a permit shall not be required when the sales are in conjunction with an established commercial business holding a valid City Business License, or produce stands or farmer's markets; provided, the activity shall be limited to 45 days of operation per calendar year.
- I. Temporary occupancy during construction.
1. Major development projects. Temporary structures on the subject property may be used during the construction phase of an approved major development project (e.g., residential projects with five or more dwelling units or any commercial or industrial project). The structures or property may be used as offices or for the storage of equipment and/or tools, provided the temporary structures and the project itself are located within the City.
 2. Minor development projects. An existing dwelling unit or a temporary structure on the subject property may be used during the construction phase of an approved minor development project (e.g., residential projects with four or fewer dwelling units). The structure or property may be used as a temporary residence, an office, or for the storage of equipment and/or tools.

3. Appropriate conditions. The temporary use permit shall contain reasonable and necessary conditions regarding the following matters:
 - a. Required permits for the provision of sewer, gas, electricity and water services.
 - b. Provisions for adequate ingress and egress.
 - c. Provisions for the work to be performed on-site.
 - d. Provisions for the storage of asphalt, concrete, and dirt at designated sites within the subject property; provided, the applicant furnishes a schedule, acceptable to the Community Development Director, for the periodic disposal or recycling of these materials.
 - e. Provisions designed to minimize potential conflicts between the work to be performed on-site and the ordinary business and uses conducted within the City.
 - f. Length of permit. The permit may be approved for up to 12 months following the issuance of the companion Building Permit, or upon completion of the subject development project, whichever occurs first.
 - g. Condition of site following completion. All temporary structures and related improvements shall be completely removed from the subject site following expiration of the Temporary Use Permit or upon completion of the development project, whichever occurs first.
- J. Temporary real estate sales and/or rental offices. A temporary real estate sales and/or rental office may be established within the area of an approved subdivision, solely for the first sale or rental of homes or units, provided a Temporary Use Permit has been approved for the model home complex and construction of the model homes is being diligently pursued in compliance with Section 17.850.008.6 (Model homes), above. An application for a temporary real estate office may be approved for a maximum of 12 months from the date of approval.
- K. Temporary work structures/trailers. A temporary classroom, office, or similar structure, including a manufactured or mobile unit, may be approved for a maximum of 12 months from the date of approval, as an accessory use or as the first phase of a development project provided:
 1. The use is authorized by a Building Permit for the mobile unit or trailer, and the Building Permit for the permanent structure;
 2. The use is appropriate because:
 - a. The mobile unit or trailer will be in place for a maximum of 12 months during construction or remodeling of a permanent approved commercial type structure, or upon expiration of the Building Permit for the permanent structure, whichever occurs first; or

- b. The applicant has demonstrated that the temporary work site is a short-term necessity for a maximum of 12 months, while a permanent work site is being obtained; and
 - 3. The mobile unit or trailer is removed before final building inspection or the issuance of a Certificate of Occupancy for the permanent structure.
- L. Similar temporary activities. A temporary activity that the Community Development Director determines is similar to the other activities listed in this Subsection, and compatible with the applicable zone and surrounding land uses.