

### **Overview**

Generally, a Temporary Use Permit (TUP) allows an activity to take place solely on private property on a temporary basis. Compliance with applicable standards ensures that the establishment, maintenance or operation of the short-term activity would not be detrimental to the public health, safety, and welfare of persons residing or working in the neighborhood of the proposed activity. A temporary use does not include “special events” as these are regulated in accordance with [Title 7](#) of the Brentwood Municipal Code (BMC) and are wholly or partially located on public property. TUPs are typically approved by the Community Development Director, but the Director can defer any permit to the Planning Commission for approval.

### **Temporary Use Permit**

A Temporary Use Permit (TUP) may be granted for temporary uses on nonresidential properties or on private properties approved with an institutional use, for the specified time limits, but in no event for more than twelve 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 in [Section 17.850.007](#) shall instead comply with the planning permit requirements and development standards that otherwise apply to the property.

### **Minor Temporary Use Permit**

Allowed temporary uses, as defined in [Section 17.850.007](#), and occurring entirely upon private property not zoned for residential use or on private property with an approved institutional 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 twelve months as approved by the community development director if the applicant can demonstrate that the performance standards, listed below, are met.

### **Electronic Processing**

All materials are required to be submitted electronically by e-mail directly to [Planning@brentwoodca.gov](mailto:Planning@brentwoodca.gov) (note that there is a 20 MB limit on e-mails) or via e-mail of a shared file link containing the complete submittal package. Physical copies of the submittal requirements will not be accepted.

### **Submittal Requirements**

The following submittal requirements, as specified below, are required for a TUP application. Applicants must submit a physical copy of the required materials and a flash drive containing digital copies.

1. Completed TUP Application (as attached, see pages 3-6). The application must be signed by the applicant and the property owner.
2. Applicable filing fees.
3. A detailed project description (on a space sheet and attached to the application). This information is critical for staff to fully understand your project and how you wish to operate.
4. Site Plan showing the following:

- a. Property dimensions. Location and dimensions of existing buildings and improvements.
- b. Layout of the proposed use including such things as activity areas, tables, booths, displays, portable toilets, electrical connections, generators, refuse containers, etc.
- c. Dimensions of proposed tents, buildings, seating, etc.
- d. Drive aisles, parking areas/parking spaces and indicate any existing parking spaces that will be removed for the purpose of the temporary use. Depict pedestrian walkways.
- e. Location and height of fencing.

**Separate Permit and/or Licenses**

Some uses/activities may require approval of additional licenses and/or fees, prior to the commencement of a temporary use. These additional requirements will be determined, as appropriate, by the City and will be given as conditions of approval for the TUP.

**Appeal Process**

Decisions made by the Zoning Administrator are subject to appeal, in accordance with Chapter 17.880 of the Brentwood Municipal Code. In general, decisions of the Zoning Administrator become effective 10 calendar days after they are made. Any affected party may appeal a decision of the Zoning Administrator to the Planning Commission by submitting an application and the required appeal fee to the City Clerk during the 10-day appeal period. Decisions of the Planning Commission also become effective 10 calendar days after they are made. Any affected party may appeal a decision of the Planning Commission to the City Council by submitting an application and the required appeal fee to the City Clerk during the 10-day appeal period. Decisions of the City Council are final.



## TEMPORARY USE PERMIT APPLICATION

Planning Division

Revised: May 05, 2024

### Temporary Use Permit

<p><b>Applicant:</b> _____</p> <p><b>Contact:</b> _____</p> <p><b>Address:</b> _____</p> <p>_____</p> <p><b>Telephone:</b> _____</p> <p><b>Email:</b> _____</p> <p><b>Site Location:</b> _____</p> <p><b>APN(S):</b> _____</p> <p>_____</p>	<p><b>For Staff Use Only:</b></p> <p><b>File No.:</b> _____</p> <p><b>Date Received:</b> _____</p> <p><b>Accepted By:</b> _____</p> <p><b>Note:</b> _____</p> <p>_____</p> <p><b>Fees Received:</b></p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-bottom: 1px solid black;"><u>Date</u></th> <th style="text-align: left; border-bottom: 1px solid black;"><u>Receipt No.</u></th> <th style="text-align: left; border-bottom: 1px solid black;"><u>Amount</u></th> </tr> </thead> <tbody> <tr> <td style="border-top: 1px solid black;"> </td> <td style="border-top: 1px solid black;"> </td> <td style="border-top: 1px solid black;"> </td> </tr> </tbody> </table>	<u>Date</u>	<u>Receipt No.</u>	<u>Amount</u>			
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**Temporary/Minor Use Permit**

- Temporary Use Permit \$1019.00
- Minor Temporary Use Permit \$76.00

\*\*\*TUP applications must be submitted at least 45 days prior to initiation of the use. Subject to the discretion of the Community Development Director\*\*\*

**Type of Temporary Use (check all that apply):**

\*\*Definitions can be found in [Section 17.850.007](#) of the BMC

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Agricultural Product Sales | <input type="checkbox"/> Construction Yard (off-site)       | <input type="checkbox"/> Temporary Occupancy During Construction           |
| <input type="checkbox"/> Location Filming           | <input type="checkbox"/> Events (car show, swap meet, etc.) | <input type="checkbox"/> Outdoor Retail Sales (non-residential zones only) |
| <input type="checkbox"/> Pyrotechnics               | <input type="checkbox"/> Temporary Work Structures/Trailers | <input type="checkbox"/> Temporary Real Estate Sales/Rental Office         |
| <input type="checkbox"/> Seasonal Sales Lots        | <input type="checkbox"/> Other (explain) _____              |  |

\*\*For Model Homes submit a [Model Home TUP](#)

Organization sponsoring use (if other than applicant): \_\_\_\_\_

Address of property where use is proposed. \_\_\_\_\_

Current use of property: \_\_\_\_\_

Proposed temporary use of property: \_\_\_\_\_

Zoning: \_\_\_\_\_ APN: \_\_\_\_\_

Dates requested for TUP: \_\_\_\_\_ Hours & Days of operation: \_\_\_\_\_

Will shared parking with another location, business, property be required? \_\_\_\_\_

Will toilet facilities be provided? \_\_\_\_\_ How many, including accessible toilet facilities? \_\_\_\_\_

Number of employees: \_\_\_\_\_ Number and types of vendors \_\_\_\_\_

Open to the general public? \_\_\_\_\_ Anticipated Number of Attendees \_\_\_\_\_



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Will there be security? \_\_\_\_\_ Security Company Name \_\_\_\_\_

Will food be prepared? \_\_\_\_\_ If yes, indicate how (i.e., food truck, booth, etc.) \_\_\_\_\_

Will alcohol be served? \_\_\_\_\_ **NOTE.** An ABC license may be required for alcohol sales/consumption and a Contra Costa County Health department permit may be required for food preparation/sales.

Describe any generators, amplified music or other sources of noise and hours of operation:

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Describe any burners, heaters or other sources of open flame:

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Describe the types and number of any tents, canopies, etc.:

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Describe any live entertainment:

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Describe the purpose of any fencing, barricades or other obstructions.

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**Minor Temporary Use Permits**

**NOTE:** A minor temporary use permit application must be accompanied by a written narrative, on a separate sheet of paper, describing how the project will meet each of the performance standards listed below.

- a) A 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. This includes the above mentioned submittal requirements.



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- b) Hours of operation are limited to seven a.m. to ten p.m. daily.
- c) Adequate parking for the attendance shall be provided.
- d) All trash generated by the sue shall be picked up on/off site at the end of each event.
- e) 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 businesses on-site.
- f) 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.
- g) 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.
- h) No additional lighting is allowed.
- i) 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 designee. The police department may close the event due to failure to satisfy conditions of the permit.
- j) 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.
- k) The applicant shall adhere to all building and fire codes and obtain any necessary permits and inspections prior to the event.
- l) The applicant shall make a good faith effort to work with city staff in addressing any concerns that arise relation to the placement or operation of the event.

**Applicant's Name:** \_\_\_\_\_

Address: \_\_\_\_\_ Telephone No.: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Fax No: \_\_\_\_\_ Email Address: \_\_\_\_\_

**Property Owner of Record's Name:** \_\_\_\_\_

Address: \_\_\_\_\_ Telephone No.: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_



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Email \_\_\_\_\_  
Address: \_\_\_\_\_

**CERTIFICATION:**

I hereby certify that the statements furnished above, and in the attached exhibits, present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge.

\_\_\_\_\_  
Applicant's Name Date

\_\_\_\_\_  
Applicant's Signature Company Name

*NOTE:* If the Applicant is not the Property Owner, then the Property Owner must sign below to authorize the Applicant as his/her official representative.

I, \_\_\_\_\_ property owner, do hereby authorize the Applicant,  
\_\_\_\_\_ as my official representative in all matters relating to this Application.

\_\_\_\_\_  
Owner's Name Owner's Signature Date



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\_\_\_\_\_  
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 sole or active negligence, or willful misconduct.

\_\_\_\_\_  
Applicant's Signature