



What is a Temporary Use Permit?

A temporary use permit allows activities of a short term, generally one (1) year or less, pursuant to San Rafael Municipal Code Section 14.17.130. These most commonly consist of special events such as a fair, festival or concert, outdoor seasonal sales such as a Christmas tree lot or pumpkin patch, or a seasonal Halloween store, etc.

What is Required to Obtain a Temporary Use Permit?

The applicant for a temporary use permit must submit a completed and signed General Application Form, fee(s), description of use and six (6) sets of to scale or dimensioned drawings for the use. The Community Development Director must make the following findings to approve a temporary use permit:

1. The operation of the requested use at the location proposed and within the time period specified will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
2. The proposed site is adequate in size and shape to accommodate the temporary use without material detriment to the use and enjoyment of other properties located adjacent to and in the vicinity of the site.
3. The proposed site is adequately served by streets having sufficient width and improvements to accommodate the kind and quantity of traffic that the temporary use will or could reasonably generate.
4. Adequate temporary parking to accommodate vehicular traffic to be generated by the use will be available either on-site or at alternate locations acceptable to the planning director.

An event that is conducted within permanent public assembly facility, ancillary special event held on the premises of an existing school or religious institution, events less than seventy-two (72) hours in duration sponsored by San Rafael business improvement district, or events that have received street closure approval from the City Council are exempt from the temporary use permit requirement.

What are Typical Requirements for Conducting a Temporary Use?

1. **Temporary Parking Facilities.** Appropriate traffic control measures and adequate temporary parking facilities, including vehicular ingress and egress, and loading shall be provided to the satisfaction of the City Traffic Engineer and the Police Department.
2. **Public Safety.** Security and public safety measures shall be provided, including traffic control measures if needed, to the satisfaction of the police department. No more than \$100.00 cash will be in cash box or cash register at any time. Cash will be secured in a lock box or safe until deposited at the bank.
3. **Nuisance Factors.** Measures to control or mitigate potential nuisance factors such as glare or direct illumination of adjacent properties, noise, vibration, smoke, dust, dirt, odors, gases and heat shall be provided to the satisfaction of the Planning Division.

Typical Requirements (Cont.)

4. **Site Issues.** The placement, height and size of temporary buildings, structures and equipment shall be reviewed by the Planning Division for consistency with base district regulations and other zoning ordinance requirements.
5. **Sanitary/Medical Facilities.** Sanitary and medical facilities shall be provided to the satisfaction of the Marin County Health Department.
6. **Trash/Litter Control.** Adequate measures shall be taken for the collection, storage and removal of garbage, litter or debris from the site to the satisfaction of the Planning Division.
7. **Signs.** Any proposed signage for the temporary use shall comply with Chapter 14.19, Signs, to the satisfaction of the Planning Division
8. **Hours of Operation.** The use shall be limited in terms of operating hours and days to ensure compatibility with surrounding uses and neighborhood to the satisfaction of the planning department. There will be no sales prior to 9 a.m. on weekdays.
9. **Performance Bonds.** A \$1,000 performance bond or other security deposit shall be submitted to the City Finance Department to assure that any temporary facilities are removed from the site within a reasonable timeframe following the event and that the property is cleaned up and restored to its former condition.
10. **Electrical.** Applicant shall secure an electrical permit from the San Rafael Building Division.
11. **Certificate of Insurance.** A certificate of insurance shall be furnished to the City showing coverage for bodily injury not less than \$100,000 per person, \$300,000 per accident, and \$25,000 property damage prior to issuance of an electrical permit.
12. **Business License.** A business license shall be obtained from the City prior to occupancy of the site.
13. **Fire Permits.** Applicant shall comply with the requirements of the Uniform Fire Code for Christmas tree lots and flame-proofing of Christmas trees (City of San Rafael Fire Prevention Standards Numbers 114 and 114A). Tents, awnings, plastic or other similar structures are not permitted except by special permit issued by the Fire Marshall.
14. **Fencing.** The site shall be fenced and secured by a locked gate after business hours.
15. **Cleanup.** The site shall be cleaned up on or by December 31.
16. **Compliance with Other Laws.** Approval of the requested temporary permit is contingent upon compliance with applicable provisions of other laws. Any event which includes the preparation, sale or serving of food shall comply with Marin County health department standards and permit requirements.