



City of Walnut Creek
Development Review Services
1666 N. Main Street, Walnut Creek, CA 94596
(925) 943-5834 phone (925) 256-3500 fax

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Policy Bulletin No. PB-069

Authorization to Occupy Before Permit Final -- Temporary Certificate of Occupancy (Temporary C of O, or TCO)

CODE REQUIREMENTS

If the Building Official finds that no substantial hazard will result from occupancy of any building or portion thereof before the same is completed, a Temporary Certificate of Occupancy (TCO) may be issued prior to the completion of the entire building or prior to the completion of the entire work covered by the permit.

All required final inspections must have been attempted, although not necessarily passed, before you can apply for temporary occupancy. Copies of the inspection results and a copy of **both** sides of the inspection card **must** be included in the submittal package. This includes all Building, Plumbing, Mechanical, Electrical, Fire Sprinkler, Fire Alarm, Fire Architectural, County Health and Sanitary inspections. Failure to include all the necessary paperwork will result in delays in your request.

APPLICATION PROCEDURES

Case #1: Fire District or Building Division has outstanding issues

If any required final inspection associated with the project, except the Building Final, has not been signed, then the applicant must file a written request (see attached sample letter) addressed to the Building Inspection Supervisor for a Temporary C of O. It must be typed on official letterhead, and signed by both the Business Owner and Construction Company. Allow **24-72 hours of processing time** for such a request and include the following details:

- 1) Name and address of the project.
- 2) Building Permit Number
- 3) Number of days requested for the Temporary C of O.
- 4) Effective date, ending date.
- 5) The reason for needing occupancy prior to final inspection.
- 6) The request **must** include, in the body of the letter, a detailed, item-by-item status of all inspections that have been disapproved as well as a list of all items that have not been completed. Inspection status of the shell building permits (if not finalized yet) must be included as well.
- 7) Phasing plans (11"x17") including detailed egress analysis, accessibility features and fence locations for projects in phases or when approved egress system is partially completed in the field.
- 8) The applicants must stipulate in their request that they agree to maintain the conditions stipulated in their request and to resolve inspection issues to the City's satisfaction. They must agree that if they fail to do this prior to the expiration of the Temporary C of O, they will vacate the premises and terminate all temporary occupancy until renewal of a Temporary C of O is approved or successfully obtaining a full Certificate of Occupancy for the Building.

A processing fee of \$340.00 is assessed for each application and for any renewals, to be paid at the time of submittal. If you do not have a Fire District Final, you should also submit copy of the TCO request to the Fire Marshal along with the \$486 processing fee directly to the Fire District. Temporary occupancy may be granted for any reasonable time period but be prepared to explain why the time is needed. Each request will be evaluated on a case-by-case basis.

The City needs the **original** letter with both signatures prior to issuance of a Temporary C of O.

Case #2: All required inspections are approved except Building

If the Fire District has signed the **Fire Final** on the Permit Card and **all** other required inspections are approved for a Final then temporary occupancy may be granted by the Building Inspector. If a temporary occupancy is necessary, include the request when scheduling the inspection. You will need to provide the letter, as detailed in case #1 above, signed by the Owner and the Contractor. Present the letter to the Inspector at the start of your inspection. The field inspector will specify the requirements and limitations applicable to your temporary occupancy on the inspection slip. At this point, the building is approved to be occupied subject to the written conditions. The field inspector will acknowledge and date the approval on the request letter and file it in the office. No processing fee will be charged if such inspection and approval is conducted during normal business hours.

ADMINISTRATIVE PROCEDURES

Once the Fire District recommends issuance of a Temporary C of O, the Request for Temporary Occupancy will be reviewed by the Building Inspection Supervisor and will coordinate with Planning and Engineering Divisions. If the Building Inspection Supervisor approves the request, acknowledgment of such an approval will be endorsed on the Temporary Occupancy Request letter and a copy of the same will be faxed or emailed to the applicant. This endorsement on the face of the temporary request will constitute a temporary certificate of occupancy. No occupancy of the building shall occur until it is authorized in writing by the Building Division and the copy is available on-site.

CLERICAL PROCEDURES

- 1) Fax or email a copy of the approved Temporary C of O letter to the applicant.
- 2) File the approved letter and attachments with the Building Permit folder.
- 3) Note the expiration date of the Temporary C of O in the Permit System.

(Letter must be on company letterhead)

SAMPLE LETTER

(Date) _____

City of Walnut Creek
Community and Economic Development Department
Building Division, 2nd Floor
1666 North Main Street
Walnut Creek, CA 94596

Attn: Building Inspection Supervisor

Re: (Business Name) _____ (Bldg Permit #) _____
(Address) _____

We request that Temporary Occupancy be granted at the above noted business location to be in effect on _____ (Effective Time and Date) and expire at 12:00 noon on _____ (Ending Date).

The reason for the Temporary Occupancy is:

We acknowledge that the following list of items is yet to be completed or corrected:

A) Building/Plumbing/Mechanical/Electrical

- 1.
- 2.
- 3.

B) Fire

- 1.
- 2.
- 3.

(The following must be on the letter)

Prior to the expiration of the Temporary Occupancy, we will schedule inspections to insure that all issues as stated in the above list are resolved to the full satisfaction of both the Building and Fire District. However, if we fail to comply by the expiration date, we will cease all occupancy and vacate the premises until the building is brought under full compliance.

(Signature of Business Owner)

(Print Name)

(Title)

(Business Name)

(Phone #) (Fax #)

Email:

(Signature of Construction Company)

(Print Name)

(Title)

(Business Name)

(Phone #) (Fax #)

Email