



**TEMPORARY CERTIFICATE
OF OCCUPANCY
B-17**

Development Services

Building Division
1635 Faraday Avenue
www.carlsbadca.gov

This form shall be completed to request a temporary certificate of occupancy.

At the discretion of the Building Official, a Temporary Certificate of Occupancy (TCO) may be issued pursuant to CBC 111.3, for a limited period, not to exceed 180 days, to occupy a portion or portions of a structure prior to the completion of the entire structure if: 1) The Building Official finds that no substantial fire or life safety hazards exist that will result from occupancy, and 2) the portion or portions of the structure comply with the provisions of the California, Building Standards Codes, and local ordinances. The Building Official shall consider the following factors: 1) the scope of the remaining work and its impact on the use of space; 2) how the space will be maintained safe and accessible while the remaining work is completed; 3) the timeframe needed to complete the remaining work; and 4) whether approvals from other city departments and divisions are required prior to the issuance of a TCO.

The TCO shall not be valid until all applicable inspections are completed, other required departments' approvals are provided, applicable fees are paid, the TCO is signed by the Building Official, issued, and the TCO has been visibly posted in the occupied area.

Permit #: _____ Assessor's Parcel Number: _____

Site Address: _____

Applicant's Name: _____

Property Owner's Legal Name: _____

OUTSTANDING IMPROVEMENTS/REQUIREMENTS FOR FINAL OCCUPANCY: _____

Type of TCO requested: ☐ Partial Occupancy ☐ Stocking&Training ☐ Other: _____

Duration requested, in number of days (cannot exceed 180 calendar days): _____

Reason for the requested temporary use and partial occupancy: _____

Is a portion of the building going to be occupied? ☐ Yes ☐ No *(If yes, a TCO phasing plan IS required)*

PROPERTY OWNER AND APPLICANT CERTIFICATIONS:

CHECK EACH BOX

- ☐ The Property Owner and Applicant BOTH acknowledge that they have BOTH read the foregoing and page 4 of this form and elected to pursue a TCO request.
- ☐ I/We understand that a TCO is a discretionary certificate authorized by the Building Official to occupy defined parts of a building or structure prior to final building inspection approval. A TCO does not allow the public to access the building or structure and may only be granted for a limited period, not to exceed 180 calendar days. Any TCO issued will become null and void upon the listed expiration date. FAILURE TO OBTAIN CITY APPROVAL FOR THE COMPLETED WORK BY THE END OF THE TCO PERIOD shall cause a forfeiture of any right for continued temporary use of the building or structure and the TCO will be revoked. Occupancy of a building without a temporary or permanent certificate of occupancy may result in enforcement action, including a notice of violation, citations, an order to cease the unlawful occupancy, an order to vacate the building, and any other remedies provided in Chapters 1.08 and 1.10 of the Carlsbad Municipal Code.
- ☐ I/We understand that a TCO cannot be renewed for the same portion of the same building or structure.
- ☐ The party(ies) signing below is(are) fully aware of Section 111 of the California Building Code which indicates, in part, that no building or structures shall be used or occupied until the Building Official or authorized representative has issued a Certificate of Use and Occupancy.
- ☐ I/We BOTH agree to waive, release, and discharge the City of Carlsbad ("City") and its officers, elected or appointed officials, employees, volunteers and agents (the "Indemnified Parties") from all claims and demands, rights and causes of action of any kind with respect to the issuance of a TCO. Property Owner(s) and Applicant further agree to indemnify, defend, and hold harmless the Indemnified Parties against any and all liability arising out of or in connection with the TCO, except liability caused by the Indemnified Parties' sole negligence or willful misconduct, in which case the indemnity received by the city shall be reduced by the amount: (a) that the city's active negligence contributed to the liability on a comparative basis; or (b) such other amount as may be required by law. This obligation is effective without reference to the existence or applicability of any insurance coverages which may have been required by city or any additional insured endorsements which may extend to Indemnified Parties. Property Owner(s) and Applicant, on behalf of themselves and all parties claiming under or through them, waive all rights of subrogation and contribution against the Indemnified Parties while acting within the scope of their duties, from all claims, losses and liabilities arising out of or incident to activities or operations performed while the TCO remains effective, regardless of any prior, concurrent or subsequent passive negligence by the Indemnified Parties.

By signing below, I/we acknowledge that I/we have completely read, understand, and agree to the declarations above and accept all terms set forth herein.

Signature of Property Owner

Date: _____

Signature of Applicant

Date: _____

FOR CITY USE ONLY

Receipt Acknowledgement: _____ Date: _____

BUILDING STAFF

	Assigned Staff	Recommendation	Outstanding Improvements or Requirements or Safety Concerns
Building Inspection	_____	☐ Approve ☐ Deny	_____ _____ _____ _____
Planning	_____	☐ Approve ☐ Deny	_____ _____ _____ _____
Fire and Life Safety	_____	☐ Approve ☐ Deny	_____ _____ _____ _____
Land Development Engineering	_____	☐ Approve ☐ Deny	_____ _____ _____ _____
Public Works (CM&I)	_____	☐ Approve ☐ Deny	_____ _____ _____ _____
Water/Sewer (CM&I)	_____	☐ Approve ☐ Deny	_____ _____ _____ _____

OVERVIEW OF THE TCO PROCESS

In order to request a TCO for a building or structure, please review the information provided below and follow the required steps.

Types of allowable TCO's:

- ☐ Stocking and Training: Typically used by larger retail stores to stock materials and train of personnel necessary to open the store. Occupancy is only approved for employees, not the public.
- ☐ Partial Occupancy: The project (or portion of the project) to be occupied must be substantially completed, for example the Building Inspector has completed the final walk-through and inspection. Incomplete items that may create hazards resulting from temporary occupancy are not allowed and must be completed prior to TCO approval/issuance.

Step 1: Building Inspector Support of TCO Consideration: After inspecting and verifying progress of the project, the assigned Building Inspector must support the application of the TCO before a TCO is considered by the Building Official. If required, a Phasing Plan (see requirements below) must be accepted by the Building Inspector prior to TCO consideration. The Property Owner or Applicant should communicate and work closely with the Building Inspector prior to the TCO application to avoid delays.

Step 2: Application and Payment: After the Building Inspector conducts a final inspection and conducts a preliminary review of the TCO application, the property owner or contractor(s)/agent(s) shall 1) pay the required processing fee, 2) receive approval by all affected/required city departments and 3) submit the TCO application for review. A separate inspection must be scheduled with the Fire and Life Safety Division for TCO approval. The property owner or contractor(s)/agent(s) should call Fire and Life Safety at 442-339-2665 for scheduling this inspection and for questions about fire-specific TCO requirements.

Please note that the city assumes all the information contained in the TCO application and all attached materials to be correct, true, and complete. The city is relying on the accuracy of this information to review and consider the TCO request. A TCO may be rescinded if it is determined that applicant has submitted false and/or incorrect information.

Step 3: TCO Issuance: A TCO can only be issued if the Building Official finds that that no substantial safety hazard will result from occupancy, and that the four factors of Carlsbad Municipal Code Section 18.04.045(c) have been considered (see top of application for a list of these factors). A TCO will be granted for the type of use, designated area and length of time authorized by the Building Official. The TCO is only valid once the Property Owner(s) and/or Applicant have received the printed, signed TCO certificate from the Building Official and it is visibly posted at the job site. Any special conditions for the TCO will be noted on the approved TCO.

TCO Phasing Plan: A Phasing Plan is required when only a portion of the project is being requested for TCO. This plan must be provided by the Property Owner(s) or Applicant and must include 1) a site plan and complete floor plan to identify the area(s) requested and 2) must demonstrate how separation of the public from construction will occur and be maintained, including access to and from the site. The plan must also identify any safety barriers, accessible ingress and egress, accessible parking, proper sanitary provisions, approved fire and life safety systems, free and clear path(s) for emergency service vehicles/personnel, along with other site-specific details as identified through inspection. The plan may reflect multiple phases that will occur to complete the project. Additional phasing plans can be submitted for subsequent phases of the project later in the project cycle. This plan will be verified for compliance in the field by the Building Inspector prior to approval of the TCO application and must show how the scope of the remaining work does not impact the temporary use of space. The city reserves the right to require modifications to the TCO Phasing Plan prior to the issuance of a TCO.

Appeals: Within 10 calendar days from the date the Building Official's decision is issued, any interested person or entity dissatisfied with the decision may file with the City Clerk a written appeal specifying the

reasons for the appeal, together with an appeal fee established by resolution of the City Council. Any appellant who is financially unable to pay the required appeal fee may file a written request for an appeal fee hardship waiver at the same time as filing the appeal, in accordance with Carlsbad Municipal Code Section 18.04.055(D). Failure of any person or entity to file a timely appeal in accordance with Carlsbad Municipal Code Section 18.04.055(D) shall constitute a waiver of the right to an appeal hearing and the Building Official's decision or action shall become final.