



## TOWN OF LOS GATOS

### TEMPORARY CERTIFICATE OF OCCUPANCY POLICY

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Occupancy and use of a structure within the Town of Los Gatos requires a Certificate of Occupancy issued by the Chief Building Official. Projects must obtain all final inspections and all final approvals from review agencies with jurisdiction prior to requesting a final inspection from the Building Division. Only projects passing their final inspections shall receive a Certificate of Occupancy from the Chief Building Official.

The Town of Los Gatos, at its sole discretion, may issue a Temporary Certificate of Occupancy (TCO). Only applications meeting the following criteria in a clear, unambiguous manner shall be considered for a TCO:

- The application does not have any pending compliance or enforcement matters, no outstanding change orders, and no outstanding fees.
- All agencies with jurisdiction over the project have authorized issuance of a TCO.
- The building and surrounding property is compliant with all life/safety and property protection standards of the Town including those within the California Building Codes, California Fire Codes, the Town of Los Gatos Zoning Code, the Town of Los Gatos Urban Runoff Management Plan, and as represented on the approved plans. This requires the installation of all drainage infrastructure, completion of fine grading, site stabilization, and all-weather surfaces for all driveways, entryways, and pedestrian ways. All improvements within the public right-of-way must be completed and subsequently inspected by the Town of Los Gatos. This includes, but is not limited to, all utility improvements, sidewalks, curb and gutter, driveways, and asphalt being complete.
- The applicant is prohibited from completing the project by unavoidable circumstances. An example of an acceptable circumstance is when an applicant cannot complete improvements due to unforeseen, unmitigatable conditions on the project site.
- The OWNER has posted all required completion bonds.

A TCO shall not be issued for ordinary circumstances or practical complexities associated with construction, such as:

- Delays caused by normal logistics, such as weather, labor, holidays, financing, legal, change order processing by both client, contractor, and the Town of Los Gatos, or similar predictable or unpredictable complexity.
- Missed deadlines.
- Contractual dates from contractors that are not met.
- A TCO shall not be issued unless all life/safety and property protection standards of the Town have been met, including approval by the Santa Clara County Fire Department.



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**MINIMUM TEMPORARY OCCUPANCY REQUIREMENTS**

Prior to requesting temporary occupancy, please make sure the following items, at a minimum, have been completed:

1. All special inspection reports or final affidavits have been submitted, reviewed, and accepted by the Building Division (if applicable). If not, provide justification in Submittal Requirement item 4.
2. Santa Clara County Fire, Community Development, and Parks and Public Works Departments have signed-off and provided Final Approval (if applicable).
  - a. Per the Santa Clara County Fire Department, the fire sprinkler system shall be 100 percent complete and operational (if applicable).
  - b. If work is not ready for Community Development Department (CDD) Final Approval, but CDD has provided approval to proceed with a TCO, please state that explicitly in the written request.
3. Compliance with all or most project Conditions of Approval, including, but not limited to architectural features (e.g., building color). Other project-specific Conditions must be met. Please review the Conditions of Approval to ensure that the requirements are incorporated in the plans.
4. All accessibility requirements for building access, common areas, and occupied areas shall be completed.
5. All exit systems (egress) serving the proposed occupied areas are to be completed and shall be maintained clear of all construction related activities, personnel, and materials. Construction work shall be managed in a way as to not obstruct access for emergency responders.
6. All plan revisions and deferred submittals have been submitted and approved. A hardcopy of the approved plans is present at the project site.
7. If applicable, the occupying tenant shall have an approved Certificate of Use and Occupancy Application form.
8. If applicable, the tenant area, proposed to be occupied, shall be completed to a level meeting all occupancy related code requirements.



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**SUBMITTAL REQUIREMENTS**

A written request for a TCO and applicable fee shall be submitted to the Chief Building Official; it shall be submitted at least 10 working days prior to the proposed occupancy date. The request shall include the following information:

**PROJECT INFORMATION:**

1. Building permit number(s).
2. Project address.
3. Date of proposed occupancy.
4. Description and itemized list of the extent of construction work that will not be completed at the time of proposed occupancy, and include an estimate of the time period needed to complete the remaining items.
5. Attach documentation that all special inspection reports or final affidavits have been submitted, reviewed, and accepted by CDD (if applicable). If this is not complete, include as part of Item 4.
6. Attach documentation that Santa Clara County Fire, Planning, and Parks and Public Works Departments have provided Final Approval (if applicable), or provide the date for when the inspection for Final Approval will occur (if the TCO request is submitted prior to Final Approval), and/or approval from CDD (only) to proceed with a TCO.
7. Attached documentation that the County Health Department has signed-off and provided Final Approval (if applicable).

**CONTACT INFORMATION**

8. Tenant information (if applicable): Name, address, email, phone number, and signature.
9. Contractor information: Name, address, email, phone number, and signature.
10. Owner information: Name, address, email, phone number, and signature.

**BE ADVISED THAT ONLY AFTER THE DOCUMENTS HAVE BEEN SUBMITTED AND REVIEWED, MAY THE TCO INSPECTION BE SCHEDULED.**

TCOs are only valid for a limited time period, as shall be stated on the TCO. TCOs shall not be extended. The Town of Los Gatos reserves its right to administer and enforce this policy, to seek remedy through the Superior Court of Santa Clara County, and to prohibit unauthorized use or occupancy of a property or structure to the extent permitted by law.

I have read and understand these requirements.

Owner signature: \_\_\_\_\_ Date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_