



# Limited Term Permit Information

Community Development Department

Planning Division

100 Civic Center Drive / P.O. Box 1768 / Newport Beach, CA 92658-8915

(949)644-3204 Telephone / (949)644-3229 Facsimile

[www.newportbeachca.gov](http://www.newportbeachca.gov)

## General Information

Pursuant to 20.52.040 of the Zoning Code the purpose of a Limited Term Permit is to allow for uses of limited duration (e.g., interim, non-permanent, and/or seasonal in nature) that might not meet the development or use standards of the applicable zoning district, but may otherwise be acceptable because of their temporary or limited nature.

The following limited duration uses are allowed, subject to the issuance of a Limited Term Permit:

1. Contractors' construction yards - off-site: Off-site contractors' construction yard(s), in conjunction with an approved construction project. The permit may be effective for up to 12 months, or the expiration of the Building Permit.
2. Off-site parking for marine activities: Off-site parking for uses requiring a Marine Activities Permit in compliance with Municipal Code Chapter 17.10 for the duration of the permit or for not more than 12 months, whichever is less.
3. Seasonal sales: Seasonal sales including holiday boutiques, Halloween pumpkin sales and Christmas tree sale lots only by businesses holding a valid Business License; provided, the activity may only be held from October 1st through October 31st, of the same year for the Halloween pumpkin sales, and from the day after Thanksgiving through December 26<sup>th</sup>, for Christmas tree sales.
4. Limited duration sales and/or work trailers: A trailer or mobile home may be used for limited duration sales activities (e.g., model home sales, etc.) or as a limited duration work site for employees of a business.
  - a. A trailer or mobile home may be used:
    - (1) During construction or remodeling of a permanent commercial, industrial, and mixed-use structure, when a valid Building Permit is in force; or
    - (2) Upon demonstration by the applicant that the limited duration work site is a necessity, while a permanent work site is being obtained.
  - b. A permit for limited duration trailer(s) may be granted for up to 12 months and may be extended for a longer period in conjunction with a valid Building Permit.
5. Limited duration structures: A limited duration classroom, office, or similar portable structure, including a manufactured or mobile unit, may be approved, for a maximum time period of 12 months in the commercial, industrial, and mixed-use zoning districts.
6. Limited duration use of a vacant lot: The limited duration use of a vacant lot with non-permanent structural improvements, for a use typically allowed subject to the approval of a Conditional Use Permit or Minor Use Permit, may be approved for a maximum time period of 12 months in the commercial, industrial, and mixed-use zoning districts.
7. Other similar limited duration uses: Similar limited duration uses that, in the opinion of the Director, are compatible with the subject zoning district and surrounding uses.

**Justification and Required Findings**

Pursuant to 20.52.040 G., the Zoning Administrator may approve or conditionally approve a Limited Term Permit application, only after first finding all of the following:

1. The operation of the requested limited duration use at the location proposed and within the time period specified would not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the requested limited duration use;
2. The subject lot is adequate in size and shape to accommodate the limited duration use without material detriment to the use and enjoyment of other properties located adjacent to and in the vicinity of the lot;
3. The subject lot is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that the limited duration use would or could reasonably be expected to generate;
4. Adequate temporary parking to accommodate vehicular traffic to be generated by the limited duration use would be available either on-site or at alternate locations acceptable to the Zoning Administrator; and
5. The limited duration use is consistent with all applicable provisions of the General Plan, any applicable specific plan, Municipal Code, and other City regulations.

**Other Information**

1. Limited Term Permits can be applied for a fixed period of time of up to 90 days or 90 days or more; however, there is a 30 day time limit for uses not occupying a structure, including promotion activities, and a 12 month limit for all other limited duration uses or structure.
2. A Limited Term Permit may be extended upon request of the applicant and for good cause shown, up to a maximum time equal to the original approval, but not to exceed 12 additional months, with a maximum of 24 months total.
3. The application for a Limited Term Permit, except for seasonal sales, shall be filed with the Planning Department at least 30 days before the date that the proposed limited duration use is scheduled to take place.
4. The same or very similar limited duration use, except for seasonal sales, shall not be allowed to operate on the same lot for at least 30 days following termination of the previous use.
5. Applications for a Limited Term Permit shall not be filed or accepted if final action has been taken within the previous 180 days by the Zoning Administrator to deny an application for the same or substantially the same permit.
6. In approving a Limited Term Permit application, the review authority may impose conditions that are deemed necessary to ensure that the permit would be in full compliance with the findings noted above.
7. A public hearing shall not be required for a Limited Term Permit application for a limited duration use that is proposed to operate for up to 90 days, unless based on the specifics of the case, the Planning Director determines otherwise.
8. A public hearing shall be required for a Limited Term Permit application for a limited duration use that is proposed to operate for 90 days or more.

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9. As determined by the Director, a submission of a performance bond or other security measures, satisfactory to the Director, is required to ensure that any temporary facilities or structures used would be removed from the site within a reasonable time following the cessation of the use and that the property would be restored to its former condition, or better to ensure that any changes to the site would not limit the range of possible future uses otherwise allowed by this Zoning Code.
10. Each site occupied by a limited duration use shall be cleaned of debris, litter, or any other evidence of the limited duration use upon completion or removal of the use, and shall continue to be used in compliance with this Zoning Code.
11. The following limited duration uses are exempt from the requirements for a Limited Term Permit:
  1. Construction yards - on-site:
    - a. On-site contractors' construction yard(s), including temporary storage and office trailers, in conjunction with an approved construction project on the same lot.
    - b. One adult caretaker may be present during non-construction hours for security purposes.
    - c. The construction yard shall be removed immediately upon completion of the construction project, or the expiration of the Building Permit.
  2. Emergency facilities: Emergency public health and safety needs/land use activities, as determined by the Council or authorized by Municipal Code Title 5.
  3. Personal property (e.g., garage and/or yard) sales on private property: Personal property sales conducted on private property when conducted in compliance with Section 20.48.150 (Personal Property Sales in Residential Districts).
  4. Special events: Special events, as that term may be defined in Municipal Code Section 11.03.020 (General Provisions), but only upon the issuance of a Special Event Permit.

### Application Requirements

1. A completed Planning Permit Application for a  Limited Term Permit for  up to 90 days or  90 days or more (attached);
2. Project Description and Justification

A written statement describing the proposed project in detail. This document will serve as the formal statement to the approving authority on what the project is and why it should be approved. Please include any relevant information which supports the application and the required findings pursuant to Section 20.52.040 G., which are noted above. Moreover, please list the duration, including specific dates, of the structure and/or use.

3.  Public Noticing Requirements\*

\*(Only required for Limited Term Permits up to 90 days or more, unless otherwise determined by the Planning Director)

Please refer to the Planning Division's handout on [Public Noticing Requirements](#) for more information on the application materials required for a public hearing.

4.  Site Cleanup and Completion and Agreement (Attached)\*

\*(Only required for Seasonal Sales, unless otherwise determined by the Planning Director)

### 5. Plans

Limited Term Permit applications must be accompanied by one (1) full size and four (4) reduced to 11" x 17" (with details itemized on 8 1/2" x 11" sheets if necessary) sets of plans. Please include the plot/site plans, floor plans, and elevations indicating existing and proposed conditions. The plot plans must display the entire property, property lines, adjacent streets, and existing and proposed buildings/structures with emphasis on the request. Please draw plans to scale and show all necessary dimensions to give a true and clear picture of the existing and proposed conditions. Provide exterior elevations of all existing and proposed structures. Each set of plans must be collated, stapled, and folded to a maximum size of 8 1/2" x 14".

### 6. Filing Fee

A filing fee is required at the time of filing to partially defray the cost of processing and other expenses. The Planning Department will advise you of said fee.

7. Unless otherwise determined by the Planning Director, the applicant shall also post with the City of Newport Beach a site cleanup deposit in the amount of \$500.00 and shall enter into a site cleanup agreement (attached), insuring the proper clean up of debris from the site.

### 8. Electronic Copy

All of the above submittal items are required to be submitted in electronic format (i.e., CD, Dropbox or Email) as determined by the Planning Department prior to application submittal.



# Community Development Department Site Cleanup and Completion Agreement

**CITY OF NEWPORT BEACH**

100 Civic Center Drive  
Newport Beach, California 92660

949 644-3200

[newportbeachca.gov/communitydevelopment](http://newportbeachca.gov/communitydevelopment)

## Terms and Conditions

As a condition of a Limited Term Permit for a \_\_\_\_\_  
on the property located at \_\_\_\_\_, the undersigned person agrees to make  
a deposit in the amount of \$500.00. This deposit shall guarantee the proper cleanup and removal of debris from  
the site, including public property, and shall guarantee that required inspections are requested at the proper time,  
thereby providing the property protection to the health, safety, and welfare of the citizens of Newport Beach.

Failure to satisfactorily clean up the site within 30 days after the expiration of the permit shall cause the  
City of Newport Beach, or its agents or employees, to enter upon the site and remove the debris therefrom. The  
cost of such removal shall be deducted from the \$500 deposit and summarily forfeited and paid over to the City.  
Any remaining fees will be returned to the applicant making the deposit upon final approval of the cleanup by the  
Community Development Department.

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### Do Not Complete Application Below This Line – For Office Use Only

Submitted:		Fee Paid (Application)		Deposit Fee Paid	Account No.
PA No.	Activity No.	Form of Payment:	Check No.	Form of Payment:	Check No.
D No.		Receipt No.		Receipt No.	
Planner		Inspector		Cost of Cleanup (If Applicable)	
Action Date		Inspection Date		Refund to Applicant (If Applicable)	

**RELEASE DEPOSIT:** The site has been cleaned up and debris has been removed. The deposit is hereby released for  
refund to the applicant.

**CLEANUP COST INCURRED BY THE CITY:** The site has not been cleaned up and debris has not been removed. The  
applicant is in violation of the above agreement and (a portion) (all) of the deposit has been forfeited to the City.

Inspected on: \_\_\_\_\_

By: \_\_\_\_\_

Release authorized by: \_\_\_\_\_

Date: \_\_\_\_\_