



Emergency Temporary Use Permit and Emergency Coastal Development Permit

Community Development Department
Planning Division

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

General Information

March 4, 2020, Governor Gavin Newsom declared a State of Emergency to help the State prepare for the broader spread of COVID-19 ("State of Emergency"). On March 19, 2020, Governor Newsom issued Executive Order N-33-20, requiring all individuals living in the State of California to stay home or at their place of residence, except as needed to maintain continuity of operations of the federal critical infrastructure sectors ("Stay at Home Order"). As a result, most businesses and institutions in the City were required to close their doors.

As businesses in the City begin to re-open, it is imperative to assist restaurants, retail stores, commercial, and institutional establishments to operate in a safe manner where social distancing is maintained in accordance with guidance from the State of California and local health officials. It is critical that these establishments do so in a manner where social distancing is maintained to limit the spread of COVID-19. Therefore, it is necessary to temporarily allow business and institutions to operate on private property, parking lots, sidewalks and public property.

On May 26, 2020, or earlier, the City Council will consider Emergency Ordinance No. 2020-005, to authorize the temporary use of public and private property for existing businesses or institutional uses. Upon approval, the Emergency Ordinance will authorize the Community Development Director to issue Emergency Temporary Use Permits with the satisfaction of certain specified conditions. The Ordinance will suspend discretionary permit requirements and many Municipal Code requirements during the State of Emergency.

Review Process

After consulting with City departments, (Building, Planning, Public Works, Fire, et al.) as applicable, the Community Development Director may approve or conditionally approve an emergency temporary use permit if the Community Development Director finds that the temporary use would not create a hazard to the health, safety or welfare of the public. The Community Development Director may impose any conditions deemed necessary to ensure the temporary use does not create a hazard to the public health, safety or welfare.

As a condition of receiving an emergency temporary permit, the permittee shall agree to defend, indemnify and hold harmless the City and its employees from any and all claims, demands, damages, actions, causes of action of any kind and nature whatsoever that could arise from the issuance of the emergency temporary use permit and coastal development permit.

Insurance

Permittees that propose to use public property shall obtain and maintain liability insurance in an amount specified by the City's Risk Manager (\$1,000,000 per occurrence). All liability insurance policies shall specifically include the City, the City Council, its employees, and agents as additional insureds and shall be issued by an agent or representative of an insurance company licensed to do business in the State of California, which has one of the three highest or best ratings from the Alfred M. Best company. All insurance policies shall contain an endorsement obligating the insurance company to furnish the Community Development Director with at least thirty (30) days written notice in advance of the cancellation of the policy.

Emergency Temporary Use Permit & CDP Information

Application Submittal Requirements

1. Planning Permit Application - A completed Planning Permit Application for an Emergency Temporary Use Permit and Coastal Development Permit (if property is in the Coastal Zone). Property owner authorization is required on this application form.
2. Fee – There is no fee for this application.
3. Project Description – Please provide a written statement describing what the business or institution plans to do beyond normal business operations. Describe the following (as applicable):
 - Any physical improvements or activities planned and where they will be located.
 - Measures the business or institution will enforce for employees and customers to reduce the potential to spread Covid-19.
 - Hours and days of operation?
 - Proposed occupancy?
 - Will alcohol be served or consumed on the premises? Please note, any alcohol sales outside of the existing premises must be separately approved by the Department of Alcoholic Beverage Control (ABC.)
 - If you are creating exclusive curbside retail pick-up areas, describe how the operation will be conducted and if any traffic controls are proposed.
 - Number of parking spaces available? What other businesses use the parking supply identified?
 - Describe any additional signs, banners or directional devices.
 - Describe any other relevant improvements or operational details applicable to your proposal.
4. Site and/or Seating Diagram – Please provide a sketch diagram using the attached sheet or you can prepare on your own. If you have a previously prepared diagram for other purposes, copy it and draw what it is you intend. You can potentially use commercially available air photos or photographs or other source materials. The key is to clearly show what it is you plan. To assist you, please:
 - Identify any planned temporary improvements such as patios, tents, tables and chairs, barriers, lighting, traffic controls, signs or banners, pathways, etc. Clearly label items shown on the diagram.
 - Provide an estimate of the total area expanded use areas, number of seats/tables, and the expected number of people/patrons.
 - Identify the type of barrier for seating/dining/display areas.
 - Dimension the size of the patio or area of use (e.g. 12-foot by 20-foot patio = 214 square feet), distances between tables and chairs, width of walkways and drive aisles, distances that separate a tent, pop-up or canopy from other buildings, or other relevant dimensions. Please Note: accessible sidewalks and walks require a minimum 4-ft width or 6-ft adjacent to dining areas, 8-ft may be required in high pedestrian traffic areas.
 - Label all uses and other relevant items.
5. Photographs – Please submit several photographs of the area planned for use to assist in the review.
6. Insurance - If on public property, complete the attached affidavit to certify that you have obtained the required liability insurance.

Note: Applications will be reviewed upon submittal by a multi-disciplinary team of City staff. Staff may need clarification or additional information to adequately review an application. The goal will be to work with all applicants to successfully render a decision as fast as possible.



Community Development Department Planning Permit Application

CITY OF NEWPORT BEACH
100 Civic Center Drive
Newport Beach, California 92660
949 644-3200
newportbeachca.gov/communitydevelopment

1. Check Permits Requested:

- | | | |
|---|--|---|
| <input type="checkbox"/> Approval-in-Concept - AIC # | <input type="checkbox"/> Lot Merger | <input type="checkbox"/> Staff Approval |
| <input type="checkbox"/> Coastal Development Permit | <input type="checkbox"/> Limited Term Permit - | <input type="checkbox"/> Tract Map |
| <input type="checkbox"/> Waiver for De Minimis Development | <input type="checkbox"/> Seasonal <input type="checkbox"/> < 90 day <input type="checkbox"/> >90 days | <input type="checkbox"/> Traffic Study |
| <input type="checkbox"/> Coastal Residential Development | <input type="checkbox"/> Modification Permit | <input type="checkbox"/> Use Permit - <input type="checkbox"/> Minor <input type="checkbox"/> Conditional |
| <input type="checkbox"/> Condominium Conversion | <input type="checkbox"/> Off-Site Parking Agreement | <input type="checkbox"/> Amendment to existing Use Permit |
| <input type="checkbox"/> Comprehensive Sign Program | <input type="checkbox"/> Planned Community Development Plan | <input type="checkbox"/> Emergency Temp. Use Permit/CDP |
| <input type="checkbox"/> Development Agreement | <input type="checkbox"/> Planned Development Permit | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Development Plan | <input type="checkbox"/> Site Development Review - <input type="checkbox"/> Major <input type="checkbox"/> Minor | <input type="checkbox"/> Amendment - <input type="checkbox"/> Code <input type="checkbox"/> PC <input type="checkbox"/> GP <input type="checkbox"/> LCP |
| <input type="checkbox"/> Lot Line Adjustment | <input type="checkbox"/> Parcel Map | <input type="checkbox"/> Other: |

2. Project Address(es)/Assessor's Parcel No(s)

3. Project Description and Justification (Attach additional sheets if necessary):

4. Applicant/Company Name

Mailing Address

Suite/Unit

City

State

Zip

Phone

Fax

Email

5. Contact/Company Name

Mailing Address

Suite/Unit

City

State

Zip

Phone

Fax

Email

6. Property Owner Name

Mailing Address

Suite/Unit

City

State

Zip

Phone

Fax

Email

7. Property Owner's Affidavit*: (I) (We)

depose and say that (I am) (we are) the owner(s) of the property (ies) involved in this application. (I) (We) further certify, under penalty of perjury, that the foregoing statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of (my) (our) knowledge and belief.

Signature(s): _____

Title:

Date:

DD/M0/YEAR

Signature(s): _____

Title:

Date:

*May be signed by the lessee or by an authorized agent if written authorization from the owner of record is filed concurrently with the application. Please note, the owner(s)' signature for Parcel/Tract Map and Lot Line Adjustment Application must be notarized.

Agreement to Provide and Maintain Liability Insurance for Temporary Use of Public Property

Agreement to Indemnify defend and hold harmless the City of Newport Beach

Emergency Temporary Use Permit No. _____

Business/Permittee: _____

Address/Location: _____

Unless otherwise indicated, I will obtain and maintain commercial general liability insurance on an "occurrence" basis, including completed products and completed operations, property damage, bodily injury and personal and advertising injury with a limit of not less than \$1,000,000 per occurrence. This insurance shall be endorsed to name the "City of Newport Beach, the City Council, its employees, and agents" as additional insureds, and provide that this insurance is primary and non-contributory with any other insurance or self-insurance available to the City. Permittees shall also maintain workers' compensation as required by the State of California with Statutory Limits, and Employer's Liability Insurance with a limit of not less than \$1,000,000 per accident for bodily injury or disease. The Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of the "City of Newport Beach, the City Council, its employees, and agents." If permittee maintains broader coverage and/or higher limits than the minimums provided in this Section, the City requires and shall be entitled to the broader coverage and/or higher limits maintained by the permittee. All policies shall be issued by an agent or representative of an insurance company licensed to do business in the State of California, which has one of the three highest or best ratings from the Alfred M. Best company. All insurance policies shall contain an endorsement obligating the insurance company to furnish the Community Development Director with at least thirty (30) days written notice in advance of the cancellation of the policy. I understand the City reserves the right to require a permittee to submit the requisite insurance documents for review at any time.

Permittees shall agree to defend, indemnify and hold harmless the City and its employees from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to the issuance of the emergency temporary use permit. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding..

An approved and executed permit constitutes a contract between the City and Permittee for all purposes.

On behalf of the business/permittee:

Print Name and Title

Signature Date



Site Plan



**City of Newport Beach
Temporary Use Permit Program**

Date: _____

Business: _____

Address: _____

Business Owner's Signature: