



**City of Long Beach**


*Working Together to Serve*

**Memorandum  
3rd Council District**

**R-7**

**Date:** May 11, 2010

**To:** Honorable Mayor Foster and Members of the City Council

**From:** Gary DeLong, Councilmember, 3rd District 

**Subject:** Sidewalk Occupancy

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Chapter 14.14 of the Long Beach Municipal Code relates to the use of public sidewalks for private occupancy, including the use of certain areas for dining or entertainment.

Pursuant to the Code, the City Council may place restrictions on the hours of operation during which dining or entertainment may occur on the public right-of-way. In addition, all activities that take place on the public right-of-way must conform to the noise ordinance, and noise complaints may be basis for the suspension, cancellation, or nonrenewal of the dining or entertainment permit.

The purpose of amending this section of the Municipal Code is to provide the City with the ability to add additional operating conditions to the establishment seeking a new permit or the renewal of an existing permit. These conditions would serve to minimize the impact on adjacent neighborhoods and businesses, and would likewise serve to improve and promote the health, safety and welfare of those in the community. The proposed amendment to Section 14.14.045 of the Code would add the following section:

- F. Permits issued pursuant to this section, or the renewal of such permits, may contain conditions or restrictions to insure that the proposed dining or entertainment occupancy, or the establishment to which said occupancy is related is operated in such a manner that it will not adversely affect the character, livability or appropriate development of the surrounding area or other uses, including residential uses, if applicable.

The addition of subsection F will provide necessary oversight of establishments operating with a sidewalk occupancy permit.

**Recommended Action:** Respectfully request that the City Attorney prepare an amendment to section 14.14.045 of the Municipal Code with the addition of subsection F as set forth above.

**14.14.045 - Public walkways dining permits and entertainment permits.**

- A. No person may occupy or cause to be occupied any portion of the public walkway for the purpose of providing dining or entertainment except as permitted by this chapter or as elsewhere provided for in this code.
- B. Permits to occupy a portion of the public walkway for the purposes of dining or entertainment may contain restrictions for hours of the day or days of the week during which dining or entertainment may occur on the public walkway, as determined by the city council. Minor modifications to these standards may be made by the director of public works to an existing permit in good standing.
- C. In addition to the other requirements set forth in this chapter, permits to occupy a portion of the public walkway for the purpose of dining or entertainment shall conform to all of the following standards:
  - 1. All dining or entertainment areas shall be defined by placement of sturdy barriers, not to exceed forty-eight inches (48") in height, as approved by the city engineer. Except as approved by the city engineer and the fire marshal, such barriers shall be portable. Such barriers may only be affixed to public property with the prior approval or direction of the city engineer;
  - 2. All accessories to dining or entertainment uses such as plants or planter boxes, umbrellas, podiums, menu boards, musical equipment and heaters must be located inside the barrier.
- D. All dining and entertainment which takes place on the public right-of-way shall conform to the requirements of Chapter 8.80 of this code regarding noise. Complaints regarding noise shall be logged by city staff and may be the basis for suspension, cancellation, or nonrenewal of a permit.
- E. The permittee shall be responsible for cleaning the public walkway occupied by a dining or entertainment area.

*(Ord. C-7796 § 4, 2002; Ord. C-7580 § 6, 1998).*