



January 19, 2010

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Authorize the City Manager to execute a Public Walkways Occupancy Permit for sidewalk dining at Utopia Good Food and Fine Arts restaurant located at 445 East First Street. (District 2)

DISCUSSION

The operators of Utopia Good Food and Fine Arts restaurant located at 445 East First Street request a permit to temporarily occupy part of the adjoining sidewalk for the purpose of sidewalk dining. This restaurant has had a Public Walkways Occupancy Permit in good standing since 2007, but is seeking to relocate its sidewalk dining area to take advantage of the new wider sidewalks on First Street and Linden Avenue that were recently completed by the Redevelopment Agency. The new permit area would be positioned against a curbside landscape planter instead of immediately adjacent to the building, providing a straight pedestrian path along First Street and Linden Avenue.

In order for other public uses to be made of the new sidewalk when the restaurant is not open for business, it is proposed that the dining area be defined by the adjacent planter areas and various street furniture such as traffic signal control cabinets and street trees without additional barriers. However, portable ropes and stanchions are to be used to enclose the east and west ends of the dining area, instead of the placement of sturdy barriers such as customary fixed wrought iron barriers as specified in Section 14.14.045 of the Long Beach Municipal Code. This exception is supported by the Department of Public Works in order to meet Redevelopment Agency multi-use goals for this community center. Existing, non-portable street furniture and curbing define most of the two permit areas, and this permittee has held a Public Walkways Occupancy Permit in good standing for over two years.

The proposed permit areas and a list of furnishings and accessories to be placed in the permit area are shown on the attached Exhibit A. Approval of this permit is based on the conditions and standards of Chapter 14.14 of the Long Beach Municipal Code, which describes temporary uses of public right-of-way. The width of the sidewalk is 27 feet and 6 inches on the First Street side of the business and 15 feet wide on the Linden

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Avenue side of the business. A minimum clearance of 6 feet will be maintained between the permit area and the property line.

This permit request was reviewed and approved by the Long Beach Fire Department on November 17, 2009. Deputy City Attorney Linda Trang prepared the subject permit on December 17, 2009.

This matter was reviewed by Deputy City Attorney Linda Trang on December 17, 2009 and Budget and Performance Management Bureau Manager David Wodynski on December 15, 2009.

TIMING CONSIDERATIONS

City Council action on this matter is not time critical.

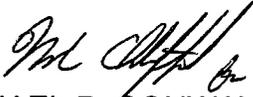
FISCAL IMPACT

A security deposit of \$1234 and a permit-processing fee of \$1,234 were deposited into the General Fund (GP) in the Department of Public Works (PW).

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



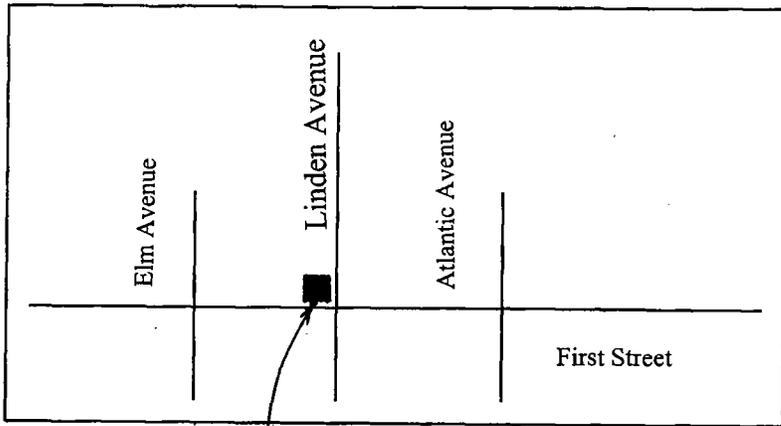
MICHAEL P. CONWAY
DIRECTOR OF PUBLIC WORKS

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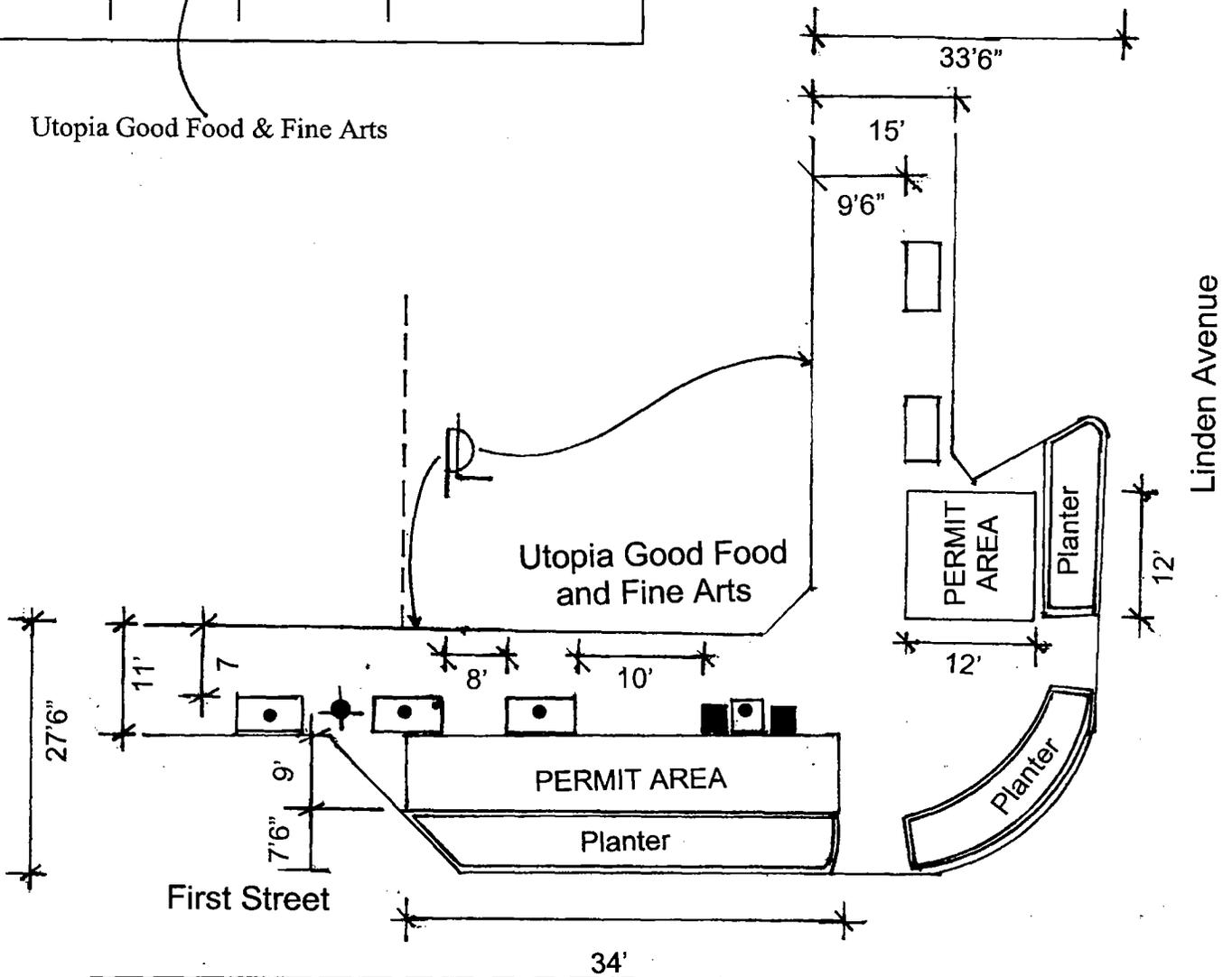
Exhibit A

APPROVED:


PATRICK H. WEST
CITY MANAGER



Utopia Good Food & Fine Arts



City of Long Beach, California
Department of Public Works, Engineering Bureau

Public Walkways Occupancy Permit
Utopia Good Food and Fine Arts
445 East First Street

List of Approved Furnishings and Accessories
(Attachment to Public Walkways Occupancy Permit for Sidewalk Dining Purposes)

Restaurant: Utopia Good Food and Fine Arts Permittee: AMIR Zolghadr / KAMRAN ASSA
Address: 445 E. 1st St Telephone: (562) 432-6888

Tables number: 8

Chairs number: 14

Umbrella(s) height & number: 6

Heater(s) height & number: 0

Menu board
note: maximum height of 5 ft 6 in, maximum width of 2 ft & none permitted in the coastal zone

Waiter station
size: _____

Planters for trees or other greenscaping
describe: _____

Other: _____

We intend to make occasional use of the permit area for live or recorded entertainment
(Note: A separate entertainment permit is required).

- The following are prohibited:
- canopies (ground supported)
 - television monitors

Permittee signature: Amir Zolghadr

Date: 9/25/09

Print name here: AMIR ZOLGHADR

This list of furnishings and accessories is effective only when attached to a completed Public Walkways Occupancy Permit.