



OFFICE OF THE CITY ATTORNEY
Long Beach, California

ORD-17

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March 6, 2018

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to declare ordinance amending the Long Beach Municipal Code by adding Section 14.14.200, relating to public walkways occupancy permits for gym or fitness uses – pilot project at 333 Pine Avenue, read the first time and laid over to the next regular meeting of the City Council for final reading. (District 1)

DISCUSSION:

Pursuant to your request on January 16, 2018, this ordinance has been prepared and is submitted for your consideration.

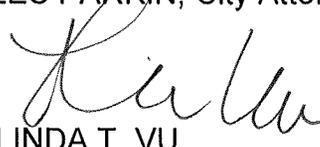
SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

CHARLES PARKIN, City Attorney

By


LINDA T. VU
Deputy City Attorney

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY ADDING SECTION 14.14.200
RELATING TO PUBLIC WALKWAYS OCCUPANCY
PERMITS FOR GYM OR FITNESS USES - PILOT PROJECT
AT 333 PINE AVENUE

The City Council of the City of Long Beach ordains as follows:

Section 1. Section 14.14.200 is added to the Long Beach Municipal
Code to read as follows:

14.14.200 Public walkways occupancy permits for gym or fitness uses - pilot
project at 333 Pine Avenue.

In addition to the other requirements set forth in this Chapter, the
following conditions shall apply to the occupancy of public walkways, or
extensions thereof, for the purposes of providing for gym or fitness uses:

A. No person may occupy or cause to be occupied any portion of
the public walkways, or extensions thereof, for the purposes of gym or
fitness uses except as permitted by this Chapter or as elsewhere provided
for in this Code.

B. The occupancy of the public walkways, and extensions
thereof, for gym or fitness uses covered by this Chapter shall be limited to a
pilot project for the area located adjacent to 333 Pine Avenue, Long Beach,
California 90802.

C. The applicant for a public walkways occupancy permit for the
purposes of gym or fitness uses shall pay to the City, before a permit is

1 issued, an annual fee as adopted by the City Council by resolution and
2 specified in the fee schedule on file in the office of the City Engineer. If the
3 occupancy includes an extension of the public walkway, the annual fee
4 shall be based on a formula related to the square footage of public rights-of-
5 way occupied by permittee. The fee will be prorated for permits granted
6 mid-year.

7 D. Permits to occupy a portion of the public walkway, and
8 extensions thereof, for the purposes of gym and fitness uses may contain
9 restrictions for hours of the day or days of the week during which gym or
10 fitness uses may occur on the public walkway as determined the Director of
11 Public Works or City Engineer in their sole discretion.

12 E. Permits to occupy a portion of the public walkway, and
13 extensions thereof, for the purposes of gym or fitness uses shall conform
14 to all of the following standards:

15 1. All gym and fitness use areas shall be defined by
16 placement of sturdy barriers. Unless otherwise approved by the City
17 Engineer, such barriers must be affixed to the public walkway or extensions
18 thereof. The manner of affixing such barriers is subject to the prior approval
19 of the City Engineer;

20 2. All gym equipment and any other accessories to fitness
21 uses such as exercise equipment machines, stationary bicycles, storage
22 benches and tables, as well as any plants or planter boxes, umbrellas,
23 podiums, board displays, musical equipment and heaters must be located
24 inside the barrier; and

25 3. Any other standards, specifications, guidelines or
26 conditions as may be prescribed by the City Engineer in his/her sole
27 discretion.

28 F. All gym and fitness uses which take place on the public right-

1 of-way shall conform to the requirements of Chapter 8.80 of this Code
2 regarding noise. Complaints regarding noise shall be logged by City staff
3 and may be the basis for suspension, cancellation, or nonrenewal of a
4 permit.

5 G. The permittee shall be responsible for cleaning the public
6 walkway, or extensions thereof, occupied by a gym or fitness use area.

7 H. This Section shall remain in effect until revoked by the City
8 Council.

9
10 Section 2. The City Clerk shall certify to the passage of this ordinance by
11 the City Council and cause it to be posted in three (3) conspicuous places in the City of
12 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the
13 Mayor.

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I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 2018, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor

OFFICE OF THE CITY ATTORNEY
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