OFFICE OF THE CITY ATTORNEY CHARLES PARKIN, City Attorney 333 West Ocean Boulevard, 11th Floor Long Beach. CA 90802-4664

PUBLIC WALKWAYS OCCUPANCY PERMIT

(With Parklet)

P-00175

This Public Walkways Occupancy Permit ("Permit") is granted January 10, 2018, pursuant to minute order adopted by the City Council of the City of Long Beach at its meeting held on January 9, 2018, to LONG BEACH CENTER, LLC, a Delaware limited liability company ("Permittee"), whose address is 9200 West Sunset Boulevard, Penthouse 9, West Hollywood, California 90069, as the owner of the premises at 440, 450 and 454 Pine Avenue, Long Beach, California 90802.

Permission is granted to Permittee to occupy the public right-of-way, including a temporary sidewalk extension ("Parklet"), and the following obstruction: low barrier, seven (7) dining tables, three (3) fixed bar tops, twenty-one (21) chairs, three (3) umbrellas, two (2) heaters, a linear planter integrated with parklet street barrier, a metal rail with metal infill panels to define the extents of the sidewalk dining area, battery operated LED string lighting, a built-in wood bench seating and a linear trench drain cover over the gutter at 440, 450 and 454 Pine Avenue, Long Beach, California 90802. Dimensions and location of the area to be occupied are as shown on Exhibit "A", incorporated by reference and made a part of this Permit; provided that all obstructions are placed only within the permit area shown on Exhibit "A".

This Permit is granted with reference to the following facts:

- 1. Permittee proposes to occupy the public right-of-way as shown on Exhibit "A"; and
- 2. The proposed occupancy will not now or at any time interfere with continued public use of the public street right-of-way; and
- 3. That there is no present or foreseeable conflicting public need for the proposed use of the public street right-of-way area and its temporary withdrawal from public use will not be injurious or detrimental to the public; and
 - 4. That this use of a portion of the public street right-of-way is consistent

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with proper and lawful street uses and the use is approved; and

- The City Engineer has determined that this use is in compliance with Chapter 14.14 of the Long Beach Municipal Code, all related to temporary use of the public rights-of-way; and
- 6. The Permittee shall obtain a public works street improvement permit required under Chapter 14.08 of the Long Beach Municipal Code, prior to construction and installation of the proposed Parklet.

The use of the public street right-of-way is granted upon and subject to the following terms and conditions:

- 1. The minimum width of the public walkway shall be ten (10) feet, or as otherwise approved by the City Council pursuant to Chapter 14.14 of the Long Beach Municipal Code, and any obstruction must permit at least five (5) feet of unobstructed area of public walkway.
- The obstruction shall not be located in a manner which interferes with 2. the flow of pedestrian or other traffic.
- 3. The maximum height of any such obstruction shall be six (6) feet and all such obstructions shall be entirely portable, except as specifically authorized by the City Engineer.
- 4. This Permit may be immediately suspended for a designated time period at any time in the event that, in the discretion of the City Council or City Manager, such obstruction would interfere with street improvement activities, construction activities. cleaning efforts or other similar activities.
- The obstruction shall be kept in a good state of repair and in a safe, sanitary, and attractive condition.
- 6. The public street right-of-way shall be used by Permittee only for the obstructions described above and in the area shown on Exhibit "A".
- 7. The area in front of the entrance to the business shall not be obstructed by barricades, chairs, tables or other furniture.

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- 8. The Permittee shall place all obstructions, and any accessories or equipment located within a dining or entertainment area, in strict accordance with all standards established by the Fire Department and Health and Human Services Department and contained within Chapter 14.14 of the City of Long Beach Municipal Code.
- 9. No surface improvements, included but not limited to special paving surfaces, may be removed or altered by the Permittee unless approved in advance in writing by the City Engineer.
- 10. The Permittee shall not allow cleaning chemicals, or other foreign matter to flow into street tree wells, and shall otherwise protect the health of adjacent trees. and shall likewise prevent the discharge of litter, cleaning chemicals and all other foreign matter into the storm drain system.
- 11. The Permittee shall protect any trees in the immediate vicinity of the permit area from damage due to the Permittee's cleaning or other activities on the public walkway. The Permittee shall not interfere with City's access to street trees for maintenance purposes. Any special maintenance of street trees is the responsibility of the Permittee and must be performed by a qualified landscape contractor acting under a permit from City's Street Landscaping Division. City shall not be held financially responsible for damage to Permittee's sidewalk furniture or awnings occurring in the course of regular street tree maintenance.
- 12. Upon any termination of this Permit, whether by revocation or otherwise, Permittee shall remove the obstructions authorized by this Permit at the sole discretion of the City Engineer and shall otherwise restore the public street right-of-way to a condition substantially the same as existed immediately prior to the occupancy provided for by this Permit. Should Permittee fail or refuse to remove the obstructions, City may do so and, in such event, the security deposit paid by Permittee shall be applied to City's costs. Permittee shall reimburse City for any costs in excess of the security deposit. In the event of removal by City of all or any portion of the obstructions, City shall not be liable for any damage to or loss of any property of Permittee.

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- 13. Additional guidelines and conditions set forth in Exhibit "D", attached hereto and incorporated by reference, shall apply to public walkways occupancy permits that include areas provided by a Parklet.
- 14. The following additional conditions shall apply to public walkways occupancy permits for dining or entertainment areas:
- Α. Any dining or entertainment area shall be defined by placement of sturdy fencing or other suitable barriers, as approved by the City Engineer. Such barriers may only be affixed to public property with the prior approval of the City Engineer.
- B. All tables and chairs and any other accessories to dining or entertainment uses may not exceed those enumerated on Exhibit "A", and must be located inside the permitted area, as shown on Exhibit "A".
- C. All dining and entertainment which takes place on the public right-of-way shall conform to the requirements of Chapter 8.80 of the Long Beach Municipal Code regarding noise. Complaints regarding noise shall be logged by city staff and may be the basis for suspension, cancellation, or non-renewal of a permit.
- D. The Permittee shall be responsible for cleaning the public walkway occupied by a dining or entertainment area.
- 15. Any permit issued within the downtown area as defined on Exhibit "B" and made a part of this Permit shall comply with all of the foregoing requirements and the following additional requirements:
- No tents or windbreaks may be used in, over, or around dining or entertainment areas.
- B. Temporary banners, not exceeding the height of the barrier and attached to the barrier are permitted for a two (2) week period no more than four (4) times per year.
- C. Menu boards must be portable, located within the dining area, and must not exceed five (5) feet, six (6) inches tall. Menu boards may be either a single pole pedestal of painted metal or a board attached to the inside of the barrier, parallel to

the barrier.

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- D. The following are prohibited on the public walkway in the downtown area: television monitors, canopies and A-frame signs.
- 16. Upon expiration, a new permit must be obtained on the basis of a new application and payment of a new fee and any security deposit amount due. Renewal of the permit is not automatic and there is no right or entitlement to any use of the public rightof-way. Security deposits may be adjusted from year to year based on permit compliance and enforcement cost history. This Permit shall never be construed as the grant by City of any right to permanently use or occupy all or any portion of the public right-of-way; nor shall it ever be construed as a waiver on the part of City, or as an estoppel against it, which would in any manner whatsoever bar or limit, or otherwise prejudice, its right to at any time whatsoever require a discontinuance of the use or occupancy of all or any part of the public street right-of-way, the removal therefrom of all or any obstructions erected or maintained under this Permit and the restoration of such public street right-of-way to a clean condition. all at the sole cost and expense of Permittee.
- 17. Notices of violation of any of the terms and conditions of this permit may be issued by the City of Long Beach. Within the downtown area as defined on Exhibit "B", preliminary informal notices may be issued by Downtown Long Beach Associates. The enforcement process is set forth on Exhibit "C", attached hereto, and made a part of this permit. Notwithstanding the above, City may revoke this Permit at any time by giving thirty (30) days written notice to Permittee or cancel the permit for noncompliance with its terms. Such notice shall be signed by the City Manager, postage pre-paid, and addressed to Permittee at its address provided above.
- 18. Permittee accepts this public right-of-way in its present condition and agrees to maintain the same in a safe, clean, and orderly condition. Any and all uses made of the public right-of-way shall be at the sole risk, cost, and expense of Permittee. Permittee, by its acceptance of this Permit, agrees to indemnify, defend, save and keep City, its officers, agents, and employees free and harmless from and against any and all

- 19. In partial performance of this obligation, Permittee shall obtain and keep in full force and effect such public liability insurance and property damage insurance as required by the Long Beach Municipal Code.
- 20. Nothing in this Permit shall be construed to excuse compliance by Permittee with any and all of the laws and ordinances of City and State; neither shall this Permit be deemed to obviate the necessity of Permittee's obtaining such other permits or licenses as are required to conduct specific activities within the area, including but not limited to entertainment or the sale, service or consumption of alcoholic beverages.
- 21. The terms of this permit shall be enforced by the procedure set forth on Exhibit "C", attached and made a part of this permit.
- 22. Permittee shall not assign this Permit, or any interest in it, nor shall this Permit, or any interest in it, be subject to transfer or assignment by order of any court. Any such transfer or assignment shall not create any right whatsoever in the transferee or assignees and shall entitle the City Manager, at his discretion, to terminate this Permit.

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The acceptance of this Permit by Permittee shall be endorsed on this Permit and shall be an acceptance by Permittee of all of the terms and conditions of this Permit and an agreement to abide and comply with it. Permittee further acknowledges that Permittee is aware of the requirements of Long Beach Municipal Code Chapter 14.14, and that Permittee shall conduct all activities hereunder in compliance with such chapter.

LONG BEACH CENTER, LLC, a Delaware limited liability company

By Add Shall
Name Tony Shooshart
Title Manager

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1/30/18 PL),20/8 By_____ Name______ Title______

"PERMITTEE"

CITY OF LONG BEACH, a municipal corporation

y City Manager

"CITY"

CHARLES PARKIN, City Attorney

Deputy City Attorney

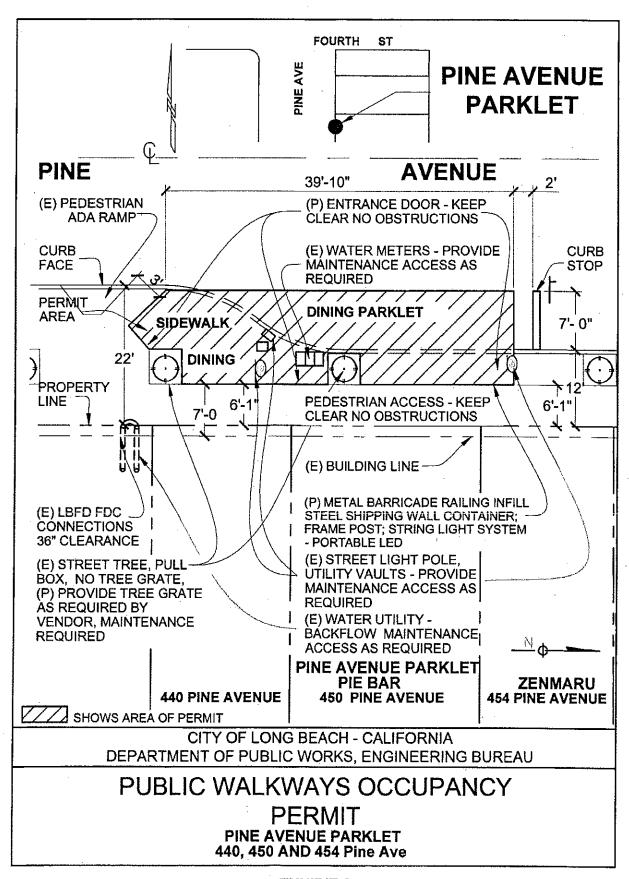


EXHIBIT A
PAGE 1 OF 10

(At	List of Ap tachment to Public V	proved Furnishings and Accessories Valkways Occupancy Permit for Sidewalk Dining Purposes)
	urant: 440,450 AND 9200 WEST SUI ess: PENTHOUSE 9 WEST HOLLYW Tables 7 LOOSE DIN number: 3 FIXED BAR	Telephone: (562) 726-1116 OOD, CA 90069 IING TABLES
<u>:</u>	Chairs 21 LOOSE CH	HAIRS
-	Umbrella(s) height & number:	(3) THREE UMBRELLAS WITH 78" POLE
-	Heater(s) height & number:	(2) TWO HEATERS, 78" TALL
	Menu board note: maximum heigh & none permitted in the	t of 5 ft 6 in, maximum width of 2 ft ne coastal zone
_	Waiter station size:	
	Planters for trees or o describe: LINEAF	ther greenscaping PLANTER INTEGRATED WITH PARKLET STREET BARRIER
	DEFINE THE E BATTERY OP AND A LINEA We intend to make oc	WITH METAL INFILL PANELS WILL BE INSTALLED TO EXTENTS OF THE SIDEWALK DINING AREA. ERATED LED STRING LIGHTING, BUILT-IN WOOD BENCH SEATING R TRENCH DRAIN COVER OVER THE GUTTER WILL BE PROVIDED casional use of the permit area for live or recorded entertainment
fol	(Note: A separate ento lowing are prohibited	ertainment permit is required).
101	 canopies (ground television monito 	i supported)
nitt	ee signature:	Date: 11/17/2017
t na	me here: TONY	SHOOSHANI

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

EXHIBIT A PAGE 2 OF 10

Site Plan

Existing Keynotes

- A. Existing Sidewalk Paving To Remain B. Existing Gutter To Remain
- Existing Curb Ramp To Remain Existing Light Post To Remain
- Existing Utility Boxes To Remain
- G. Existing 12" Wide Curb To Remain H. Existing Backflow Device To Remain
 - Property Line

Notes

Remain Accessible

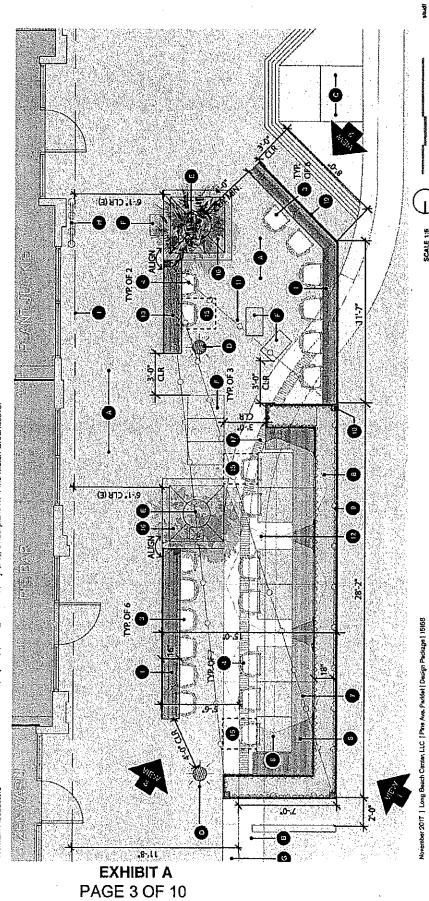
Existing Tree And Tree Well To Remain

- All Utility Boxes And Street Lights To

- 1. Wood Bar Top 42" High, 16" Wide W/ Steel Frame Raised From Shipping Container Wall W/ 4" Steel Post Supports
- 2. Steel Rail ABC Barner At Parklet Edge, 1X4 Steel Flat Bar W/ 1X4 Steel Posts 3. Bar Stool, Typical, Adobe Counter Stool, Ms-893+Hit5 Total Oty (12)
- Cfty (6) Colors Gunmetal Cty (6) Colors Blue
 4. Chair, Typical, Lizz Mat Stackable Chair Available At Kartell, Total Cty (11)
 Cty (7) Colors Mat Orange, Cty (4) Mat Blue
 5. Built-In Wood Bench Seat, 16" Wide Seat, 20" High, Angled Seat Back 12" High
 6. Concrete 2-Top Table, Typical, By Quickcrete, Cty (7), Colors French Grey W/ Tuff Coat Sealer

 - T. Umbreifa By Tenants
 8. Planted Trough At Top Of Shipping Container Walf, Lomandra longifolia "Breeze" or Equal (5) Gal @ 18" O.C., Oty (26), Underplant W/ Fine Mulch Groundcover
- 9.36" High Shipping Container Parklet Wall
- 10. Steel Shipping Container Frame Post, Typical
 11. Overhead String Lights On Stainless Braided Cable, Battery Operated, UL Listed
 12. Contrete Stab Over Fram
 12. Contrete Stab Over Fram
 13. Wood Bar Top ADA Accessible, 16" Wide W/ Steel Frame
 14. Painted Graphic On Shipping Container
 15. ADA Accessible Seating
 16. New Tree Grate per GB 519-3
 17. Drain Grate at flow line/curb edge

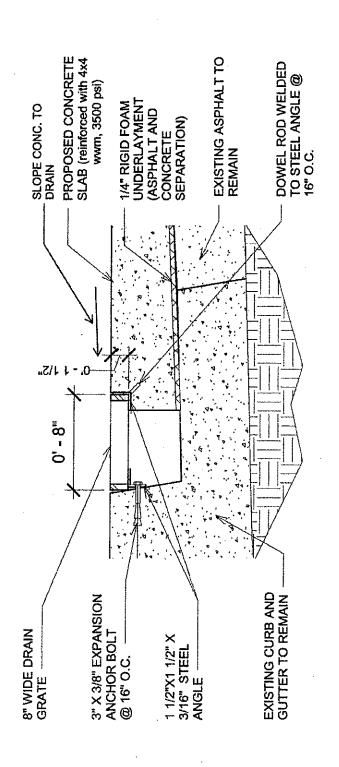
Pinal Site Furniture & Colors Are To Be Approved By Architect And Owner Phor To Procurement Refer To Page 6 For Site Furnishing Images and Manufacturer Information.



November 2017 | Long Beach Center LLC { Pare Ava. Parket | Design Package | 15168

SCALE 1:5

SIDEWALK DINING EXTENSION (PARKLET)



DRAIN GRATE AT PARKLET SLAB LONG BEACH CENTER , LLC FOR PINE AVE PARKLET

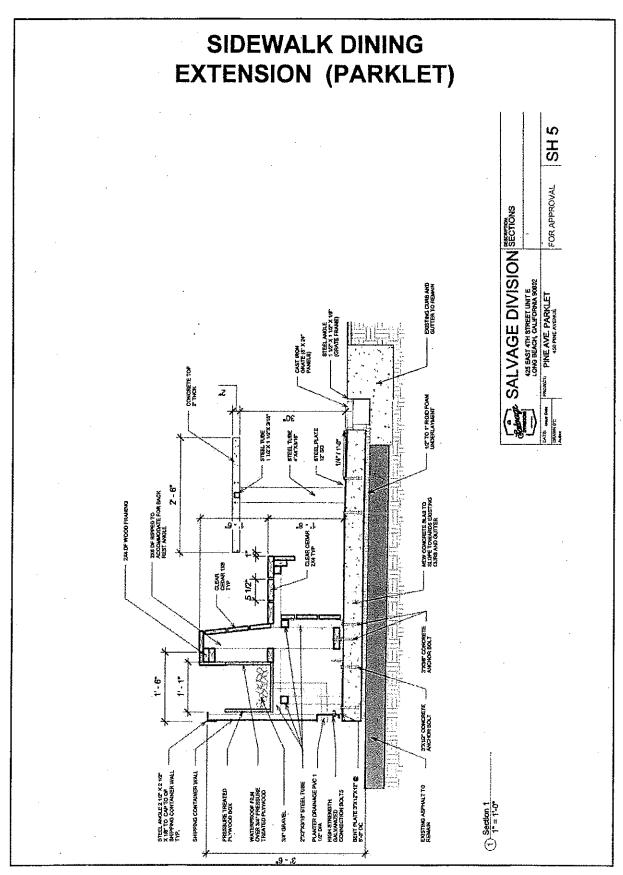
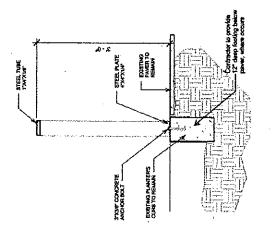
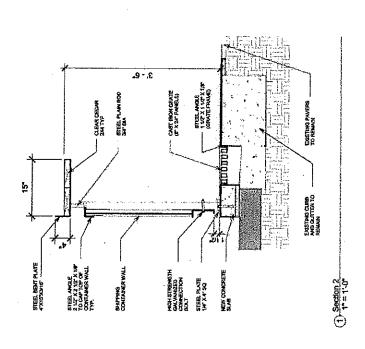


EXHIBIT A PAGE 5 OF 10

SIDEWALK DINING EXTENSION (PARKLET)



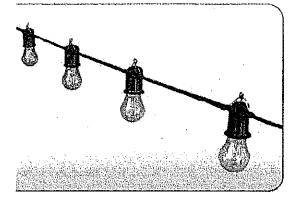


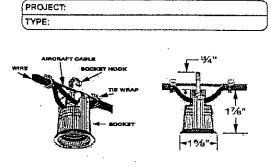


SIDEWALK DINING **EXTENSION (PARKLET)**



SUSPENDED DECORATIVE STRINGLIGHT SYSTEMS





SOCKET, WIRE & CABLE DETAILS

Decostrings are a perfect accent lighting solution to add a personal ambience to patios, courtyards, atriums, restaurents, amusement perka and any open area. The "festoon" lighting system is typically strung between two anchorage points with optional intermediary support and electrically fed from one end. The sockets can be either symmetrically spaced or randomly spaced to suit the application. Optional shades, guards and lenses complete the architectual design.

SPECIFICATIONS

LAMPHOLDER

WIRE

Black phenolic, medium base UL weatherproof with hook for optional mounting.

12/2 G. Black flexible wire rated for 25A max, uv rated for outdoor use and long lasting.

SUPPORT CABLE LAMPS

1/16" aircraft catenary cable supports the system, 480# test. Heavier cable available. LED, and incandescent medium base A, G or S style lamps, Maximum recommended rating

per socket is 80W @ 120V, 25W @ 12 and 24V, See lamp chart for lamp options.

ACCESSORIES

Optional bress, sturninum and acrylic shades. Consult factory for custom shades not shown in catalog.

PHOTOMETRY CERTIFICATION

Bare lamp and shielded "BUG" rated IES files available. (Consult Factory) ETL listed for wet and permanent installation. Both 120 and low voltage. (1) 2001431

MADE IN THE USA

MAXIMUM RUNS

VOLTAGE	MAXIMUM RUNS	AMPS	EXAMPLE	
120 VOLTS	2400 WATTS	20 AMPS	98 LAMPS X 26W 2400W + 120V = 20A	
24 VOLTS				
12)VOLTS	CONSULT FACTORY			

PART NUMBER

					-14-141
SERIES	SPACING	VOLTS	LAMP	SHADE-FINISH	LENGTH
DSO DECOSTRING DRY	12 12"0/0	120 120V	SELECT	OPTIONAL	SPECIFY
DEW DECOSTRING WET	18 18"O/C		FROM LAMP	SELECT SHADE	
	24 24"O/C		PAGE	AND FINISH	
	36 36°O/C			OR	
	48 48"O/C			LEAVE BLANK	
	MITHER SPECIFY			•	

9570 LEXINGTON AVE. EL MONTE, CA 91731 • PH. 626.442.4800 FAX 626.442.4900 • primuslighting.com

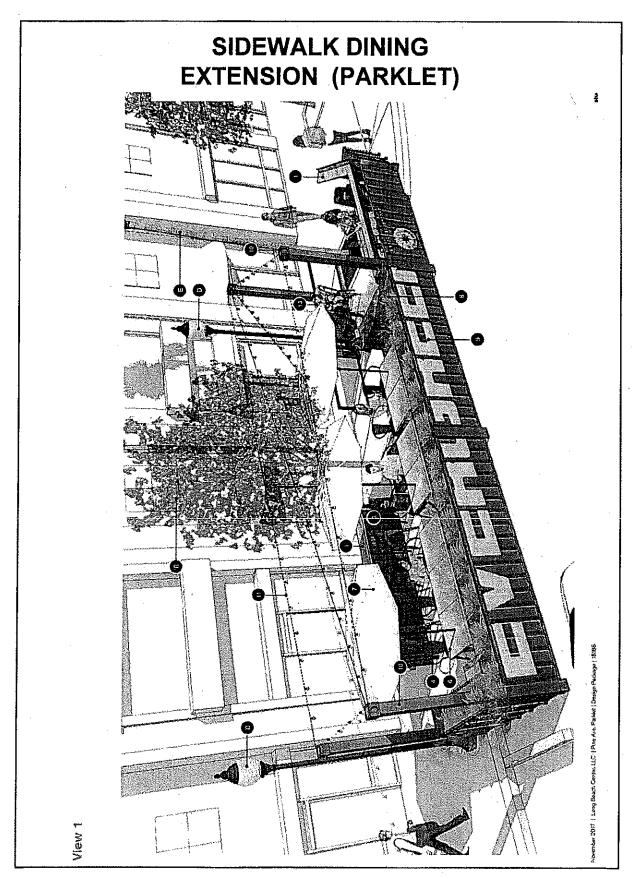


EXHIBIT APAGE 8 OF 10

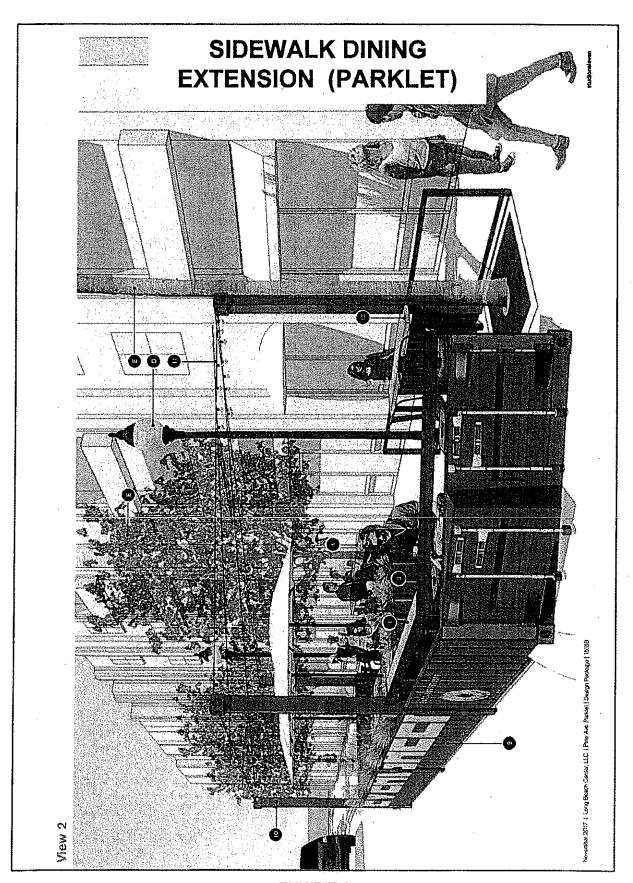
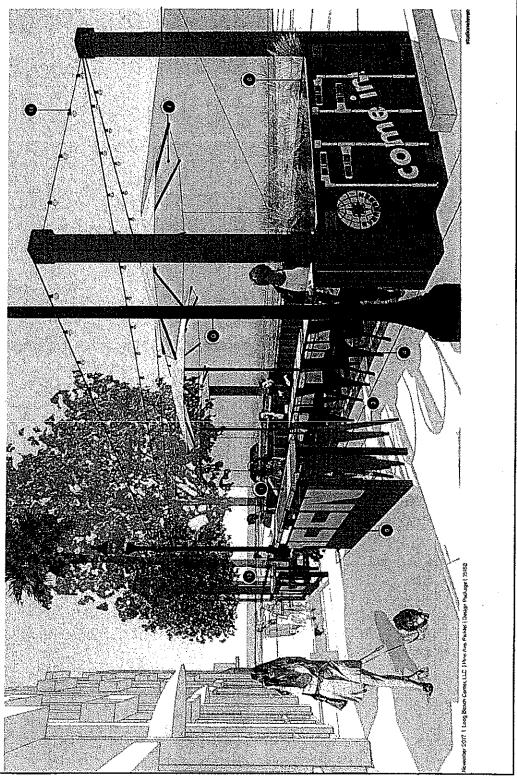


EXHIBIT A PAGE 9 OF 10

SIDEWALK DINING EXTENSION (PARKLET)



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EXHIBIT APAGE 10 OF 10

OFFICE OF THE CITY ATTORNEY CHARLES PARKIN, City Attorney 333 West Ocean Boulevard, 11th Floor Long Beach. CA 90802-4664

EXHIBIT "B"

"Downtown area" means the area bounded northerly by the centerline of Tenth Street;
westerly by the centerline of Maine Avenue north of First Street, and the centerline of Golden
Avenue south of First Street and the centerline of Golden Shore and its southerly
prolongation; easterly by the centerline of Lime Avenue north of First Street and the
centerline of Alamitos Avenue and its southerly prolongation south of First Street; southerly
by the mean high tide line of the Pacific Ocean and its prolongation across the entrance to
Pacific Terrace Harbor and Queen's Way Landing Boat Basin.

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EXHIBIT "C"

PUBLIC WALKWAYS OCCUPANCY PERMITS ENFORCEMENT PROCESS

- 1. Letter of information sent to Permittee regarding Long Beach Municipal Code requirements and requested to correct an observed violation of permit conditions.
 - If not remedied in ten (10) working days, send official Notice of Violation.
- 2. Notice of Violation
 - Indicates that Permittee can be found in default for failure to comply with permit conditions per Long Beach Municipal Code Section 14.14.090.
 - Notes that uncorrected violations will be reported to the City Council at the next permit application.
 - Alerts Permittee that the Alcoholic Beverage Control (ABC) will be notified of all permits declared in default.
 - If violation of permit conditions is not corrected within ten (10) working days, send Second Notice of Violation by certified mail.
 - Copies of Notice of Violation to be sent to the City Manager, Downtown Long Beach Associates (DLBA) and the Redevelopment Agency.
- Second Notice of Violation
 - Inform Permittee that "On (date 10 working days hence) you will receive a Notice of Default if permit violations not corrected."
 - If permit violations not corrected within ten (10) working days, send Notice of Default by certified mail.
 - Copies of Second Notice of Violation to be sent to the City Manager, DLBA and the Redevelopment Agency.
- 4. Notice of Default by Department of Public Work
 - Provides Permittee ten (10) working days to remedy violation.
 - "If Permittee fails or refuses to remedy the default within the time specified, the right of the Permittee to use the public walkway shall cease and City shall have the right to remove the public walkway obstruction at Permittee's expense" (LBMC 14.14.090).
 - If a Notice of Default is issued, the security deposit that was paid with the permit application will be forfeited.
 - Second ABC notice of permit status upon actual default.
 - City Manager, DLBA and Redevelopment Agency informed when final default occurs.
- 5. City pick-up of obstructions at Permittee's expense and/or possible legal action to restrain use of sidewalk by the City Prosecutor.
- 6. Prior to New Permit Issuance
 - Payment of new permit processing fee and security deposit.
 - Payment of any fees, damages, or City costs assessed for prior code enforcement actions.

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EXHIBIT "D"

GUIDELINES AND CONDITIONS FOR TEMPORARY SIDEWALK EXTENSION ("PARKLET")

- Applicants for a Parklet shall work with the applicable community organization(s)
 affected by the installation of a Parklet and submit written evidence showing their
 approval of (or lack of objection to) parklet installation and the loss of parking
 spaces.
- Prior to the installation of a Parklet, complete plans specifying the deck and barrier components and their installation details shall be reviewed and approved by the City Engineer, and a public works street improvement permit shall be obtained from the Department of Public Works Construction Services Division in accordance with Chapter 14.08 of the Long Beach Municipal Code.
- 3. The Permittee shall be responsible for temporary removal and re-installation of the Parklet due to any permitted construction activity, and shall also be responsible for any damage to any facilities of the City, including but not limited to, the Department of Public Works, the Long Beach Water Department, and public utility companies due to this occupancy.
- 4. The Permittee shall comply with all terms and conditions of the public works street improvement permit issued for construction and installation of the Parklet, including but not limited to the following, subject to change at the City Engineer's' discretion:
 - The Parklet permitted herein shall be confined to the area shown on the plan submitted by the Permittee and approved by the Department of Public Works.
 - The Parklet site shall be located at least one (1) parking spot in from a corner or protected by a bollard, sidewalk bulb-out, or other similar feature, if located at the corner.
 - The street has parking lanes that will not become a use lane during morning or afternoon peak hours, and the Parklet may not extend beyond seven feet (7') from the curb line where there is parallel parking, or fifteen feet (15') from the curb line where there is diagonal parking.
 - Parklets shall be required to have solid edging, such as substantial planters, and a vertical element at least five feet (5') tall at the leading edge of the Parklet (with respect to the direction of travel), which may consist of plant material in a planter. Other safety elements, such as reflective tape, soft hit posts, and wheel stops may be required by the City Traffic Engineer.
 - Parklets shall not be allowed in front of a fire hydrant, or over a manhole or public utility valve or cover.
 - All elements of the above mentioned Parklets shall be constructed and/or installed to conform to the applicable provisions, rules, regulations and guidelines of Long Beach Building Code, the Americans with Disabilities Act (ADA) and the Americans with Disabilities Act Accessibility Guidelines (ADAAG), including but not limited to providing and maintaining a minimum four foot (4') clearance between the occupancy permitted herein and any existing street furniture (e.g., utility poles, parking meters, mailboxes, etc.).
- 5. The Permittee shall provide maintenance for the Parklet as follows:
 - Keep all plants in good health.

- Keep the Parklet free of graffiti, debris and grime.
- Adequately maintain the surface.
- The area under the Parklet shall be maintained in a sanitary condition free from infestation from pests and clear of obstacles to storm water movement along the gutter flow line.
- As necessary and at the direction of the City Engineer, the Permittee shall remove the Parklet and thoroughly clean under the Parklet area.