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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING SECTION 14.14.010, AND SUBSECTIONS 14.14.020.D AND 14.14.045.B; AND BY ADDING SECTION 14.14.110, ALL RELATING TO PUBLIC WALKWAYS OCCUPANCY PERMITS

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

Section 1. Section 14.14.010 of the Long Beach Municipal Code is amended to read as follows:

"Dining" means the consumption of food or beverage.

"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 Queens Way Landing boat basin.

"Existing permit" means a public walkways occupancy permit that has been issued by the City Council.

"Existing permit in good standing" means a public walkways occupancy permit that has been issued by the City Council and is compliant with all laws and regulations, including the terms and conditions attached to

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Long Beach, CA 90802-4664

1 that permit. "Existing permit in good standing" does not include a permit the
2 term of which has expired prior to the submission of a completed application
3 for renewal, including all required documentation.

4 "Minor modification of an existing permit" means a reconfiguration of
5 the area occupied with no change to the total square footage occupied, a
6 change in the use of the area occupied which otherwise complies with all
7 applicable laws and regulations, or a change in the materials or equipment
8 used within the area occupied. "Minor modification of an existing permit"
9 does not include any increase to the total square footage occupied, unless
10 the Director of Public Works deems such change to be negligible.

11 "Obstruction" means any temporary or permanent structure or
12 stationary object, including, but not limited to, signs, displays, barriers,
13 furniture, plants or plant containers, musical equipment, or merchandise
14 placed on a public walkway.

15 "Public property" means all City property, including "public
16 walkways", as defined in this Chapter, and public rights-of-way, and the
17 underlayment or foundation thereof, and public improvements thereon,
18 including landscaping on or in such property.

19 "Public walkways" means all or any portion of territory within the City
20 set apart and designated for the use of the public as a thoroughfare for
21 travel, and including alley, the sidewalks, the center and the side plots
22 thereof.

23
24 Section 2. Subsection 14.14.020.D of the Long Beach Municipal Code is
25 amended to read as follows:

26 D. Permits for occupancy may contain restrictions for hours of the
27 day or days of the week during which the obstruction may occupy a public
28 walkway, as determined by the City Council or as determined or modified by

1 the Director of Public Works in his discretion with respect to an existing
2 permit.

3
4 Section 3. Subsection 14.14.045.B of the Long Beach Municipal Code is
5 amended to read as follows:

6 B. Permits to occupy a portion of the public walkway for the
7 purposes of dining or entertainment may contain restrictions for hours of the
8 day or days of the week during which dining or entertainment may occur on
9 the public walkway, as determined by the City Council or as determined or
10 modified by the Director of Public Works in his discretion with respect to an
11 existing permit in good standing.

12
13 Section 4. Section 14.14.110 is added to the Long Beach Municipal
14 Code to read as follows:

15 14.14.110 Appeal – City Council.

16 Except for minor modifications to an existing permit, any other
17 determination or modification to an existing permit made by the Director of
18 Public Works may be appealed to the City Council within ten (10) calendar
19 days from the date of such determination or modification in the manner
20 provided in this Section.

21 A. The request for appeal shall be in writing, shall set forth the
22 specific ground(s) on which it is based and shall be submitted to the Director
23 of Public Works.

24 B. If the appeal is made by a permittee involving such permittee's
25 existing permit, such appeal shall be accompanied by an appeal deposit in
26 an amount determined by the City Council by resolution. For appeals made
27 by any person other than the permittee, there shall be no required appeal
28 deposit.

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C. The City Council shall conduct a hearing on the appeal or refer the matter to a hearing officer, pursuant to Chapter 2.93 of this Code, within sixty (60) business days from the date the completed request for appeal was received by the Director of Public Works, except where good cause exists to extend this period. The appellant shall be given at least ten (10) business days written notice of such hearing. The hearing and rules of evidence shall be conducted pursuant to Chapter 2.93 of this Code. The determination of the City Council on the appeal shall be final.

Section 5. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the 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 _____, 20__, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor

REDLINE

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14.14.010 Definitions.

"Dining" means the consumption of food or beverage.

"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 Queens Way Landing boat basin.

"Existing permit" means a public walkways occupancy permit that has been issued by the City Council.

"Existing permit in good standing" means a public walkways occupancy permit that has been issued by the City Council and is compliant with all laws and regulations, including the terms and conditions attached to that permit. "Existing permit in good standing" does not include a permit the term of which has expired prior to the submission of a completed application for renewal, including all required documentation.

"Minor modification of an existing permit" means a reconfiguration of the area occupied with no change to the total square footage occupied, a change in the use of the area occupied which otherwise complies with all applicable laws and regulations, or a change in the materials or equipment used within the area occupied ~~or a change in the hours or days of use deemed by the director of public works to be negligible.~~ "Minor modification of an existing permit" does not include any increase to the total square footage occupied,

1 unless the ~~e~~Director of ~~p~~Public ~~w~~Works deems such change to be negligible.

2
3 "Obstruction" means any temporary or permanent structure or stationary object,
4 including, but not limited to, signs, displays, barriers, furniture, plants or plant containers,
5 musical equipment, or merchandise placed on a public walkway.

6
7 "Public property" means all ~~e~~City property, including "public walkways", as defined in this
8 ~~e~~Chapter, and public rights-of-way, and the underlayment or foundation thereof, and
9 public improvements thereon, including landscaping on or in such property.

10
11 "Public walkways" means all or any portion of territory within the ~~e~~City set apart and
12 designated for the use of the public as a thoroughfare for travel, and including alley, the
13 sidewalks, the center and the side plots thereof.

14 14.14.020 General requirements.

15 D. Permits for occupancy may contain restrictions for hours of the day or days of the
16 week during which the obstruction may occupy a public walkway, as determined by the
17 ~~e~~City ~~e~~Council, ~~except that minor modifications or as determined or modified by the~~
18 ~~Director of Public Works in his discretion with respect to an existing permit. may be made~~
19 ~~by the director of public works~~

20 14.14.045 Public walkways dining permits and entertainment permits.

21 B. Permits to occupy a portion of the public walkway for the purposes of dining or
22 entertainment may contain restrictions for hours of the day or days of the week during
23 which dining or entertainment may occur on the public walkway, as determined by the
24 ~~e~~City ~~e~~Council. ~~Minor or as determined or modified by the Director of Public Works in his~~
25 ~~discretion with respect modifications to these standards may be made by the director of~~
26 ~~public works to an existing permit in good standing.~~

27
28 14.14.110 Appeal – City Council.

1 Except for minor modifications to an existing permit, any other determination or
2 modification to an existing permit made by the Director of Public Works may be appealed
3 to the City Council within ten (10) calendar days from the date of such determination or
4 modification in the manner provided in this Section.

5 A. The request for appeal shall be in writing, shall set forth the specific ground(s) on
6 which it is based and shall be submitted to the Director of Public Works.

7 B. If the appeal is made by a permittee involving such permittee's existing permit,
8 such appeal shall be accompanied by an appeal deposit in an amount determined by the
9 City Council by resolution. For appeals made by any person other than the permittee,
10 there shall be no required appeal deposit.

11 C. The City Council shall conduct a hearing on the appeal or refer the matter to a
12 hearing officer, pursuant to Chapter 2.93 of this Code, within sixty (60) business days
13 from the date the completed request for appeal was received by the Director of Public
14 Works, except where good cause exists to extend this period. The appellant shall be
15 given at least ten (10) business days written notice of such hearing. The hearing and
16 rules of evidence shall be conducted pursuant to Chapter 2.93 of this Code. The
17 determination of the City Council on the appeal shall be final.

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