



# CITY OF LONG BEACH

DEPARTMENT OF PUBLIC WORKS

# R-40

333 WEST OCEAN BOULEVARD • LONG BEACH, CA 90802 • (562) 570-6383 • FAX (562) 570-6012

November 13, 2018

HONORABLE MAYOR AND CITY COUNCIL

City of Long Beach  
California

## RECOMMENDATION:

Request the City Attorney to prepare an Ordinance amending Title 14 of the Long Beach Municipal Code (Streets and Sidewalks) to streamline the permitting process for temporary installations related to sidewalk dining and parklets within the City's right-of-way. (Citywide)

## DISCUSSION

Long Beach Municipal Code (LBMC) Chapter 14.14 has governed the process for the design, permitting, and development of areas within the public right-of-way for dining or other purposes. With the increase of interest in utilizing the public right-of-way, it is important that the LBMC be updated to include all pertinent information associated with these requests. Clear guidelines and standards will assist both the business community, as well as staff, in implementing this use in an effective and efficient manner. It is recommended that a new information/guidance handbook be provided to interested businesses; as well as, amending Title 14 of the LBMC to improve efficiency of the process.

Sidewalk dining and parklets improve and activate streets with pedestrian experience, increase public spaces, support local businesses, and elevate the attractiveness of the public rights-of-way. Sidewalk dining repurposes the sidewalk into extensions of eateries where food may be served while parklets repurpose part of the street next to the sidewalk into a public space for seating, planting, bicycle parking, and art.

On January 16, 2018, the City Council directed the City Manager to report back regarding the current program and municipal codes related to parklets in Long Beach. Staff worked in collaboration with Long Beach Business Improvement Districts (BIDs) to review and refine the parklet program. The major focus was shortening the time for review and approval and ensuring projects met certain standards for safety and design. The recommended changes to Title 14 of the LBMC define and clarify the permissible uses for public property and the rules and guidelines pertaining to such uses. Staff believes these changes will strengthen the current program, simplify the process, minimize the cost, provide clear design standards, and set expectations for a more efficient and effective collaboration with the business community.

A new Sidewalk Dining and Parklet Handbook (Handbook) was created (Attachment A) with the following guiding principles identified in collaboration with the business community:

1. The application requirements and approval process should be clear and concise.
2. The approval and permit timeframe should be efficient and understood.
3. A single point of contact for the applicant within the City is preferred.
4. A single application and permit is preferred.
5. Technical guidance should be made available.
6. Community support and feedback is important, and will be a part of the permit approval process.
7. A handbook would be the best way to communicate the process and requirements.
8. The integrity (safety, design, accessibility, etc.) of the public right of way should be maintained.

The Handbook is intended to be a comprehensive guide for all businesses interested in adding sidewalk dining or a parklet. It is also intended to provide staff with polices for a more efficient process.

To align the current program with the standards developed through the creation of the Handbook, it is necessary to amend the LBMC (Attachments B and C). The following broadly describes the recommended changes to the LBMC:

### **Uses of Public Rights of Way**

The LBMC provides occupancy of the public right of way for dining purposes only. As part of the program review and Handbook development, various cities with sidewalk and parklet programs have been consulted to determine feasible uses of the public right of way. It is often the case that uses other than dining are exceptions or otherwise require extensive review rather than a streamlined approval. As there was no clear consensus amongst other cities, various options were reviewed with the Business Improvement Districts throughout Long Beach. Based on these meetings and conversations, it was decided that permitted uses should be expanded to include dining/entertainment/seating, planting, bicycle parking, and artwork. The LBMC will be amended so that additional uses and activities could be considered, but would require City Council approval. Retail sales are not currently allowed nor will they be allowed within permitted areas as part of the revisions.

### **Review Process**

The current process requires several steps for permitting temporary uses within the public right of way including City Council action and City Manager execution of a permit. This process takes a minimum of 6 months and often longer. Other temporary obstructions of the right of way are handled at the Department level and utilize a template permit, which is

a much more efficient and cost-effective approach. Based on a fee study conducted in 2018, the cost of processing an occupancy permit under the current program is approximately \$4,800 (varies based on the size and complexity of installation). It is recommended that permit approval be done by the Director of Public Works, thereby reducing the processing time and cost by half.

### **Parklet Program**

The Parklet program was initiated and currently operates as a pilot program based on guidance within Chapter 14.14 of the LBMC. It is recommended that a new Chapter 14.15 be added, modeling Chapter 14.14, to codify the parklet program and the guidelines for implementation. For parklets located in parking districts, up to 20 percent of parking spaces may be converted. If existing parking is removed, the City will require a letter of support from the community.

### **Security Deposit**

Security deposits are required based on the square footage of the permit area and are intended to ensure that the right of way is restored to like new condition upon a permittee vacating the permit area. Parklets require significantly more effort to remove and repair than a sidewalk dining permit with minimal improvements. It is recommended that the security deposit be based on an engineer's estimate for removal rather than an arbitrary fixed amount based on square footage.

### **Renewal Process**

Permits are issued on an annual basis. Upon expiration, either a new permit or a renewal permit must be obtained. Permits will continue to be issued on an annual basis but a full resubmission process will not be required for renewal permits, thereby streamlining and optimizing the renewal process. The renewal permit will continue to include a site inspection as part of the approval process. Modifications to an existing permit will still require a new permit submission.

This matter was reviewed by Deputy City Attorney Linda T. Vu on October 23, 2018 and by Budget Analysis Officer Julissa José-Murray on October 19, 2018.

### **TIMING CONSIDERATION**

City Council action is requested on November 13, 2018, so the LBMC can be amended expeditiously.

### **FISCAL IMPACT**

There is no fiscal or local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



CRAIG A. BECK  
DIRECTOR OF PUBLIC WORKS

APPROVED:

  
\_\_\_\_\_  
PATRICK H. WEST  
CITY MANAGER

CB:AP:EL:JH:JC

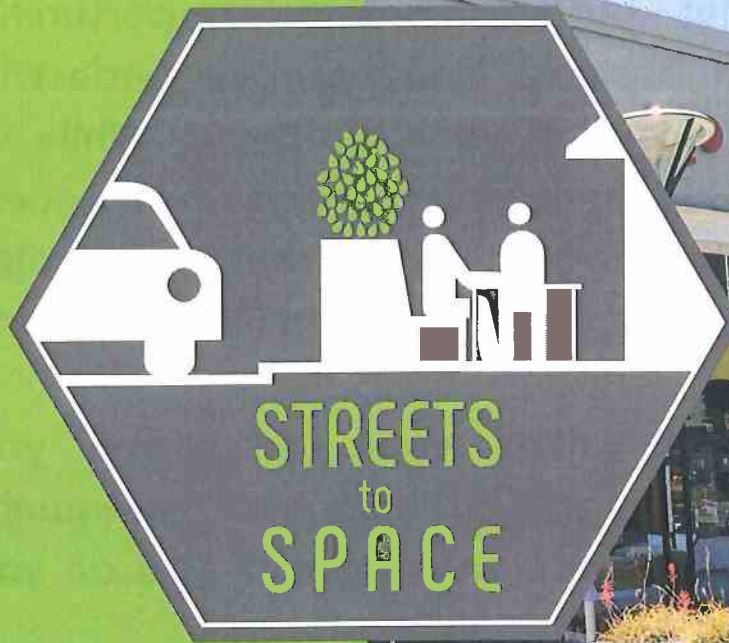
ATTACHMENTS: A – SIDEWALK DINNING AND PARKLET HANDBOOK  
ATTACHMENTS: B – PROPOSED MUNICIPAL CODE CHANGE CHAPTER 14.14  
ATTACHMENTS: C – PROPOSED MUNICIPAL CODE CHANGE CHAPTER 14.15



Attachment A

# SIDEWALK DINING and PARKLETS HANDBOOK

SEPTEMBER 2018



CITY OF  
**LONG BEACH**

This handbook has been created to provide clear direction and the essential information needed to get started on your own sidewalk dining or parklet project. Sidewalk dining and parklet projects provide opportunities to expand business and improve pedestrian activity adjacent to your business. While we have included the typical scenarios and process, it is important to understand that each project is unique and requires a varying level of effort.

Long Beach values your ideas and your willingness to contribute to your community. We look forward to working with you on your project.

For additional information, please call the City of Long Beach Department of Public Works at (562) 570-5938, or email [PWPrivateDevelopment@longbeach.gov](mailto:PWPrivateDevelopment@longbeach.gov)



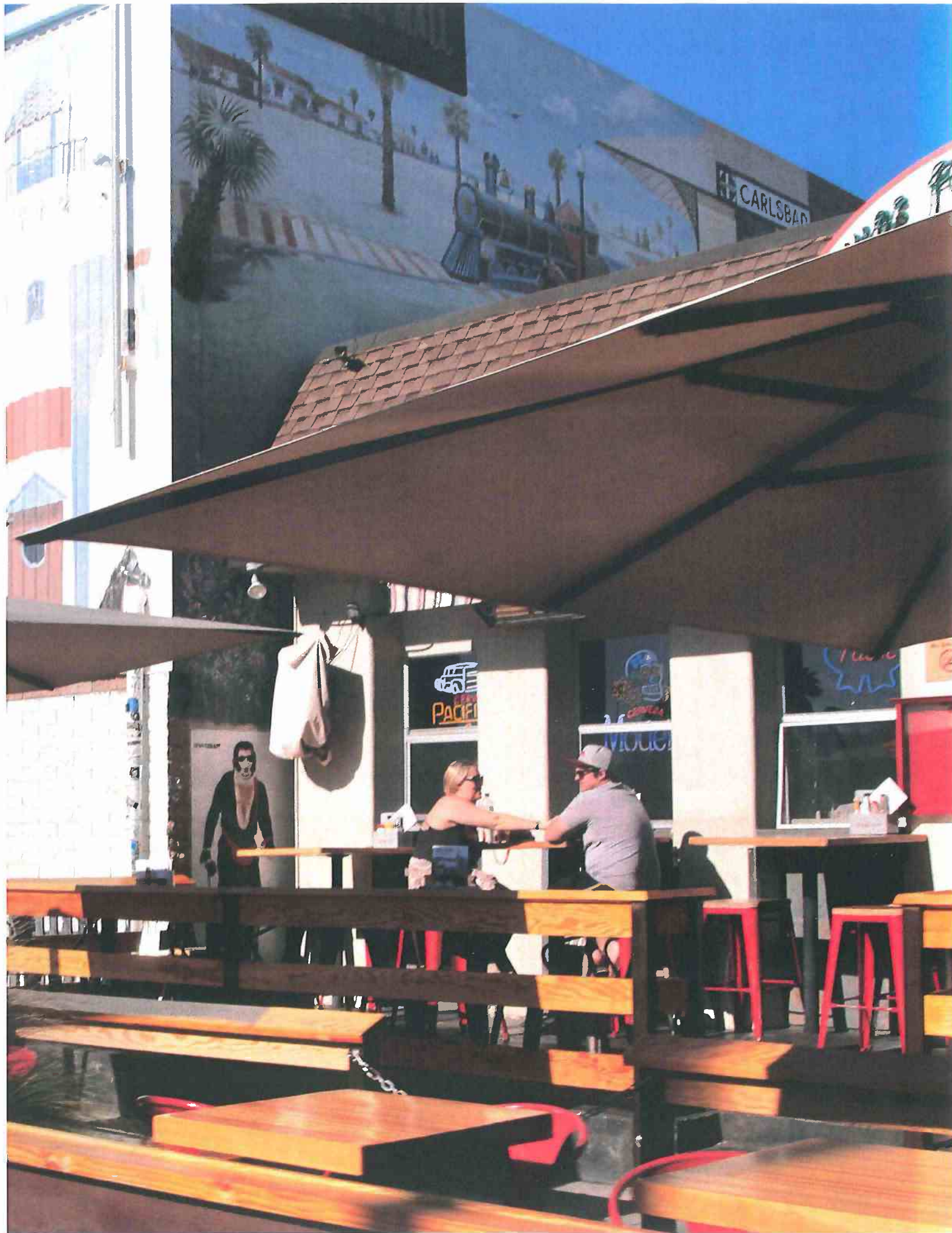
CITY OF  
**LONG BEACH**





**IMAGINE** WHAT'S POSSIBLE ON YOUR STREET  
and use this handbook to make it happen





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# 01

## let's do this!

This handbook provides applicants with a guide to ensure their public spaces prioritize safety, reflect high-quality design, and enrich the streetscape.

Goals	01
Authority and Relationship	03
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# GO AHEAD, SET SOME GOALS! WE DID.

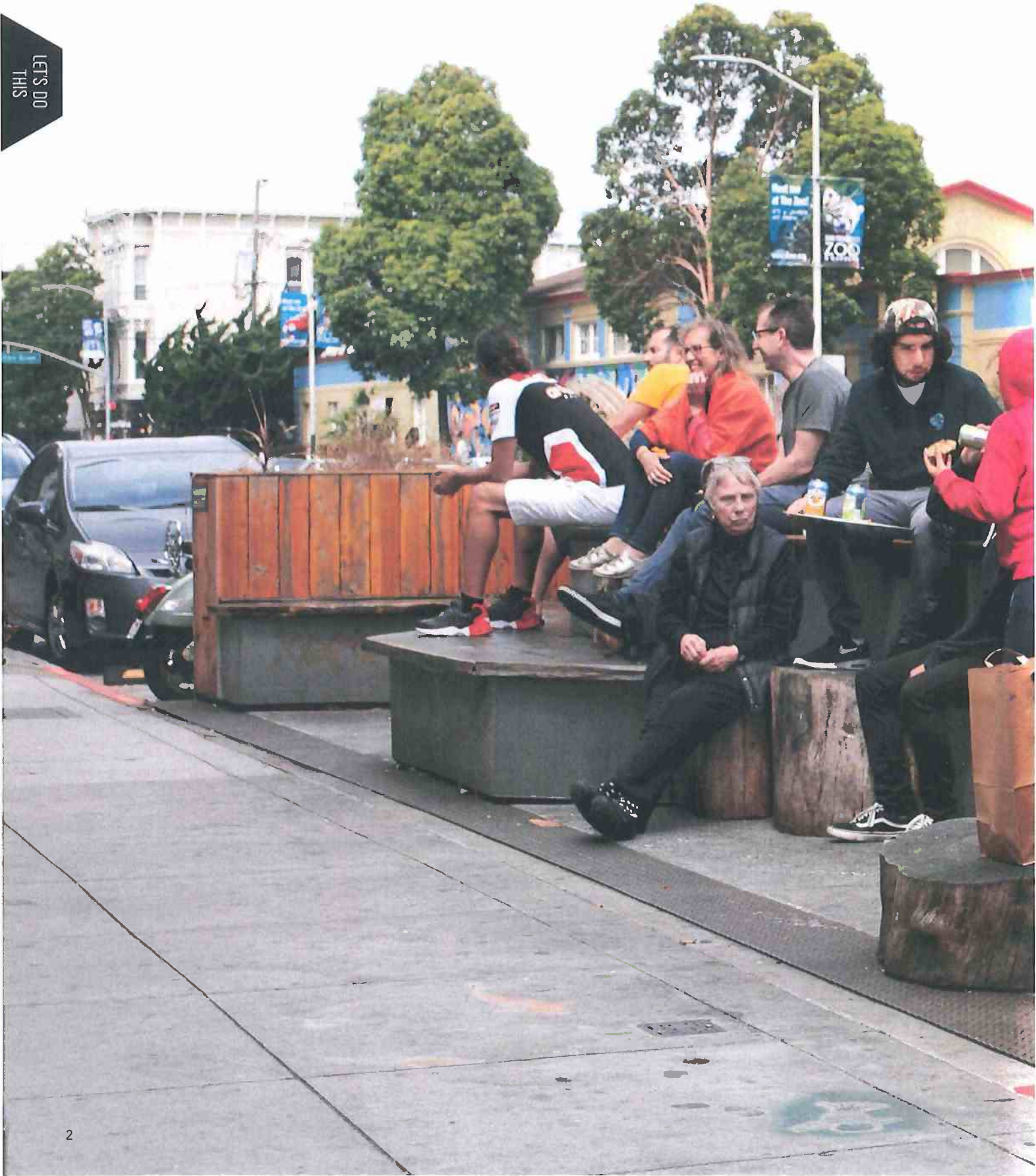
LET'S  
DO THIS



Whether a use is located within a sidewalk or on the street, creative and innovative solutions are encouraged to establish a pedestrian environment that meets these goals.



LET'S DO  
THIS





## long beach authority and relationship to other documents

All uses proposed in the right-of-way shall conform with Chapter 14.14 of the Long Beach Municipal Code and the development standards within this handbook. Additionally, all uses should be designed to meet the intent of the design guidelines within this document.

Additional policies and design considerations for public spaces are provided within the TOD/Downtown Pedestrian Plan and the Urban Design Element of the General Plan. The application packet to assist you in implementing your project can be found in Chapter 4 of this document. Refer to the Process Flow Chart to guide you through this process.

All projects within the public rights-of-way shall comply with the Americans with Disabilities Act (ADA) and current ADA Standards and guidelines. Refer to the Design Information Bulletin on Pedestrian Accessibility Guidelines for Long Beach Public Works.



# the basics

LET'S DO THIS



**COMPLETE STREETS** is a concept that aims to balance diverse means of transportation, including walking, biking, taking public transit, and driving. The following contribute to the complete streets concept by repurposing the street for innovative, inclusive uses.



**PARKLETS** repurpose part of the street next to the sidewalk into a public space for people. These small parks provide amenities like seating, planting, bicycle parking, and art.



**SIDEWALK DINING** repurposes the sidewalk into extensions of eateries where food may be served. Amenities include tables and chairs, and table service, if desired.



**BULBOUTS** are traffic calming measures used to extend the sidewalk. Bulbouts are common where speed limits exceed 25 miles per hour. Bulbouts must be constructed per City standards. Sidewalk dining requirements apply.



**STREETLETS** are small scale streets that are repurposed for pedestrian and bicycle use. Streetlets must go through a street closure process, not included in this handbook.

# design rules

vs.

# design guidelines

LET'S  
DO THIS

**rules are mandatory** regulations that must be satisfied by all developments to which the standards apply. All projects are evaluated on their adherence to the Design Rules.

**guidelines are non-mandatory** but they create a highly encouraged framework of design principles that supplement the design rules in this document and the development standards found in the City of Long Beach Zoning Ordinance. The Design Guidelines provide direction on the more qualitative aspects of a development project and may be interpreted with some flexibility. The guidelines are utilized during the City's development review process to encourage the highest level of design quality, while at the same time providing the flexibility necessary to encourage creativity on the part of project designers. Some guidelines may not apply in every circumstance. Applicants are encouraged to articulate their reasons or objectives in not meeting encouraged guidelines contained herein and are welcome to propose alternatives that meet the intent of an encouraged design guideline. **All projects are evaluated on the degree to which substantial compliance with the intent of Design Guidelines is demonstrated.**

**Design Rules (R)**  
in this document are  
identified with  
this symbol.



**Design Guidelines (G)**  
in this document are identified  
with this symbol.

## important considerations



Refer to Chapter 14.14 of the Long Beach Municipal Code for additional requirements related to permitted uses and standards regulating public walkways and rights-of-way.

The physical conditions of the street, desired character and proposed use, and ability to comply with the standards and guidelines provided herein will shape the individual design for a specific location.



# process

Good design takes time, and we want to work with you to ensure a high-quality outcome. Your project design may have several rounds of review and revisions.

LET'S DO THIS

## Design your project!

We recommend discussing your plans with Public Works first. When you're ready to submit, make an appointment with Public Works. Bring your application and intake fees.

Submit your application

Familiarize yourself with this document

Talk to your neighbors



Determine if you qualify

Review all of the appropriate section(s) of this document and determine which application is right for you.

We're here for you!

The City is available to provide input and answer any questions you may have.

Is your project in the Coastal Zone?

If yes, additional fee and permit applies. Submit your Local Coastal Development Permit (LCDP) application. Your project will require a Zoning Administrator Hearing and Appeal period.

Design Review

Review the Public Works Development Guide for more details on this process.

Get your permit!

design and proposal

Depending on the size and complexity of your project, the City does a pre-installation site inspection and a pre-construction meeting.

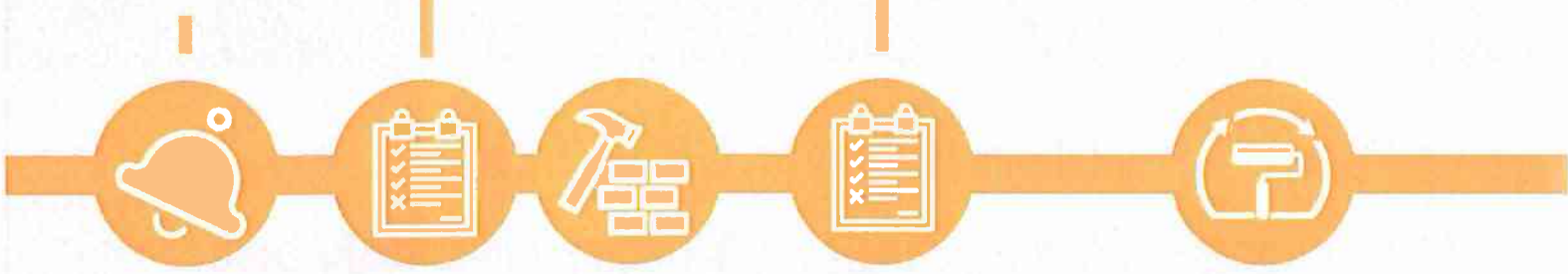
### (OPTIONAL) Pre-construction Inspection and Discussion

Notify relevant departments 10 days before beginning construction.

Let us know when you're ready to build

Public Works will inspect the installation once completed. The permittee or permittee's contractor must notify Public Works 48 hours ahead of the scheduled inspection which shall coincide with completion of the install. The inspector may require modifications if the install does not comply with the approved permit. The permittee shall have 15 days to make any corrections. The permittee must notify Public Works 48 hours ahead of the scheduled re-inspection.

### A final look



## Get it built!

The permittee is required to remove all existing fixtures within the permit area and return to the appropriate party. The permittee is also responsible for the complete build out/ installation of the dining area/ parklet.

### Maintenance

The permittee is required to maintain the permit area and keep clean and safe at all times. The use of the permit area shall never impede ADA access, path of travel, water flow line, safety, or health of pedestrians. Public Works may conduct periodic inspections and cite permittees that are not in compliance. The permittee is required to remedy any citations within 15 days.

# frontage zone

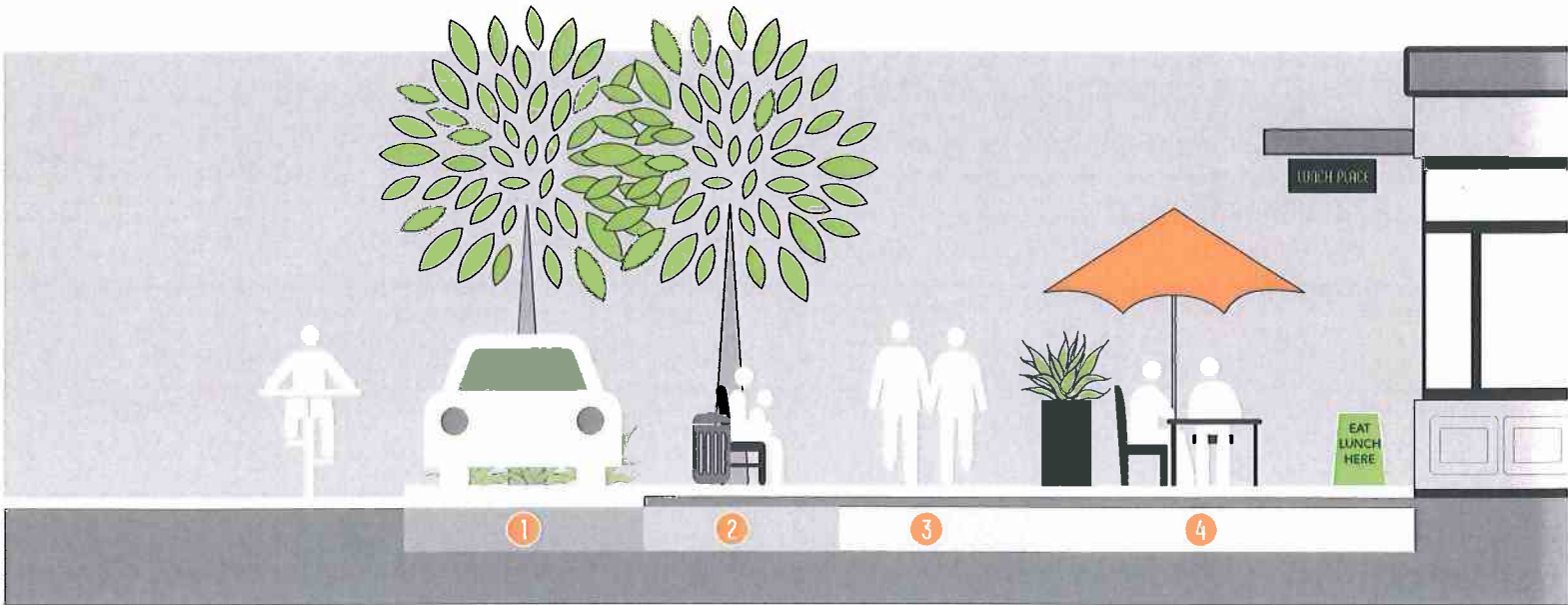
LET'S DO THIS

Public walkways and sidewalks are significant contributors to the overall mobility network. They provide pedestrian access to virtually any activity space and provide critical connections between other modes of travel, including the automobile, public transit, and bicycles. The creative use of public walkways and sidewalks can enrich the streetscape and provide a variety of opportunities for outdoor spaces and uses.

These areas contribute to establishing a streetscape character that operates as a "public room" - the area located between private property and the street. A well-designed streetscape establishes comfortable opportunities for all modes of travel and is bound by building facades on either side, encompassing pedestrian Frontage Zones that flank a public street.

The Frontage Zone is comprised of the area between the building and the street. This area contains one or more of the following zones based on sidewalk availability, vehicle speeds, pedestrian activity, adjacent uses, etc.

- 1. Parking/Parklet/Bulbout Zone
- 2. Planting and Amenity Zone
- 3. Walk Zone
- 4. Dining and Display Zone



## 1 Parking/Parklet/Bulbout Zone

This area provides parking along the street edge. Typical width of a parallel parking stall is 8'. Parking areas can be utilized as a parklet to enhance the public realm. Bulbouts are also used within the parking zone at intersections and mid-block crossings. Bulbouts keep crossing distances as short as possible, increase pedestrian and landscape areas, and slow traffic at intersections.



## 2 Planting and Amenity Zone

This area provides a buffer between the pedestrian Walk Zone and the street. Typical amenities located within this area include transit shelters and benches, kiosks, signal and street lighting poles, utilities, traffic and parking signs, parkway landscaping, and street trees.

The width of this zone varies based on sidewalk width and amenities within the zone. Wherever possible, the zone shall be a minimum of 4'. In some instances where narrow sidewalks exist (less than 10') the zone may be smaller to accommodate walking zone requirements noted below. The minimum zone width for sidewalk dining purposes is 5'. Amenities should be placed a minimum of 24" from the face of curb to allow for ingress and egress from vehicles. Amenities may be placed 18" from the face of curb where curbs are painted red.





# frontage zone (continued)

LET'S DO THIS

## 3 Walk Zone

The Walk Zone shall be a minimum of 5' to allow for two people to walk comfortably side by side and accommodate ADA accessibility. A generally straight path (not meandering around obstructions or into other zones) should be provided to maintain easy pedestrian navigation (see dining enclosure diagrams on page 17). The Walk Zone should be clear of any obstacles to maintain an accessible route of travel from city block to city block.

Where sidewalk improvements are proposed, existing encroachments in the Walk Zone (furnishings, landscaping, signage, and utilities) should be relocated, where feasible. Sidewalk dining shall not encroach on the Walk Zone. **The Walk Zone is the priority of all zones and sets the parameters of the adjacent planting, amenities, the dining, and display zones.**



## 4 Dining & Display Zone

This is the area between the Walk Zone and the building. The Dining and Display zone may exist on both public and/or private property. This zone allows pedestrians a comfortable buffer from elements located on the property line such as buildings, fences, and hedges.

The width of this zone varies based on sidewalk width and the location of the walk zone. Wherever possible, the dining and display zone shall be a minimum of 1'. In some instances where narrow sidewalks exist (less than 10') the zone may be smaller or non-existent to accommodate the walking zone requirements noted above.





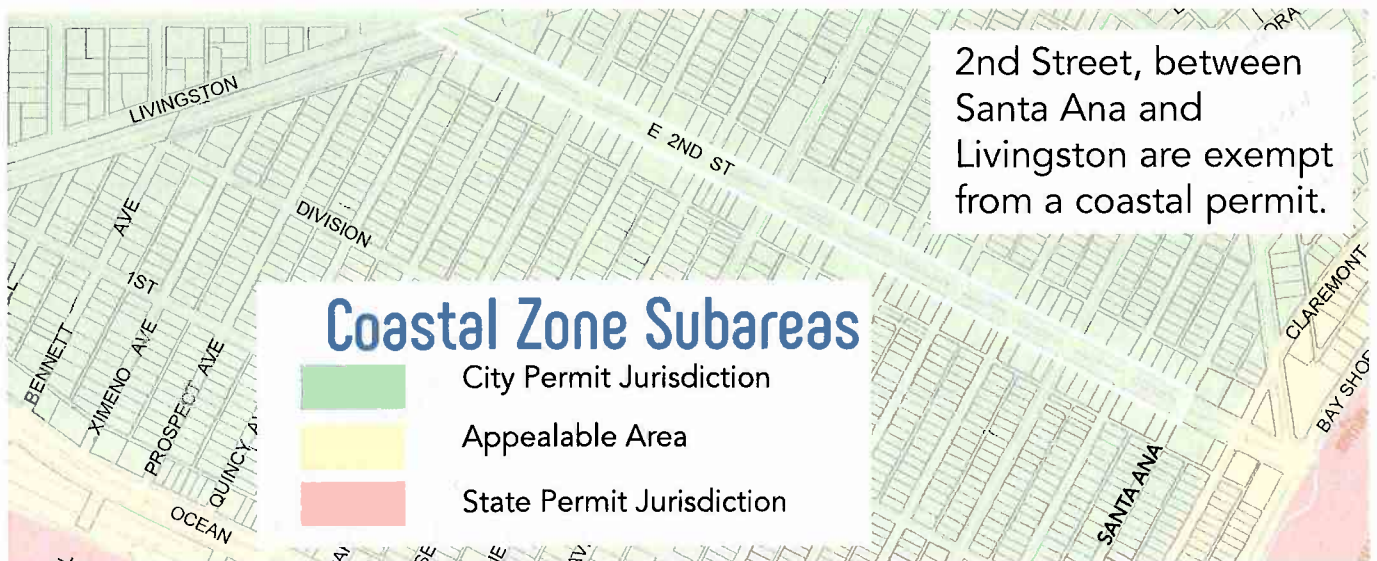
# coastal zone



## Is your project in the coastal zone?

You will need to also complete the Local Coastal Development Permit (LCDP) application.

LET'S  
DO THIS





# 02

SIDEWALK  
DINING

## sidewalk dining

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- D. artwork 19







# sidewalk dining: enhancing the frontage zone

SIDEWALK  
DINING

Sidewalk dining and seating activates the streetscape and helps transform the urban fabric of the public realm by using a portion of the sidewalk space for socializing and dining.

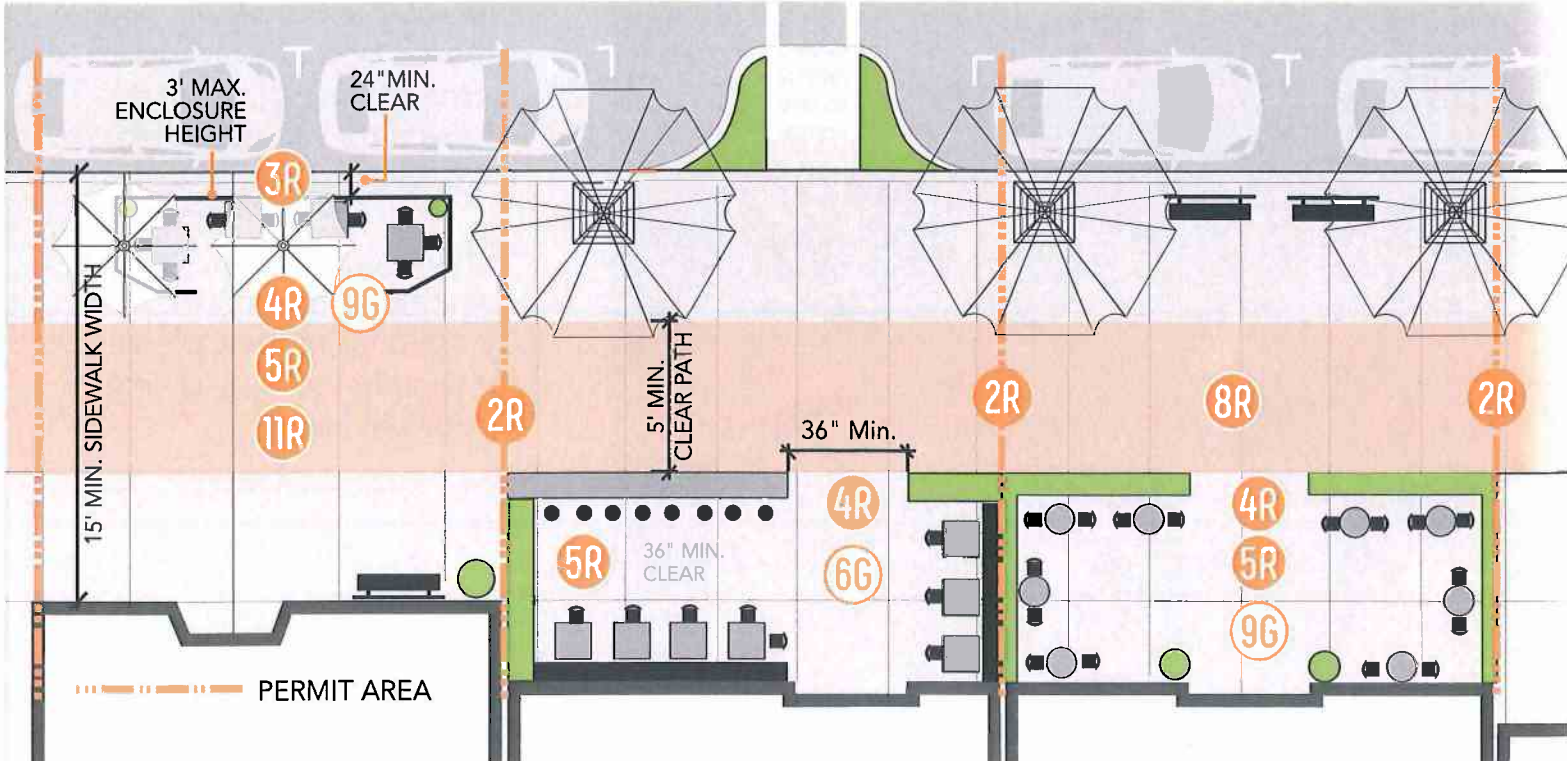
Sidewalk dining uses enhance the frontage zone by creating vibrant places for people to enjoy dining opportunities.

# A. siting & location

SIDEWALK DINING

- 1R** Care should be taken when locating outdoor dining to avoid potential conflicts with existing building entrances, utilities, crosswalks, and other obstructions. Fixtures, furniture, and equipment shall not be located over any utility access points or conflict with any existing utilities. If there is a conflict, a mitigation plan shall be outlined, for example, relocation of bike racks, etc.
- 2R** The dining area shall not extend beyond the property line of the adjacent use, so as not to infringe on a neighboring property street frontage.
- 3R** Furnishings shall not encroach within 24" of the face of curb. Where a red curb exists or parallel parking, furnishings may encroach within 18" of the face of curb.

- 4R** A minimum of one opening shall be provided on a dining enclosure on the public sidewalk side of the space. Enclosed outdoor dining areas shall maintain an opening of 36" minimum. Access openings shall be kept clear of furnishings. Gates, while not preferred, shall not open outwards into path of travel or walk zone.
- 5R** Fire code compliance is required for egress purposes within the permit area. The most up to date requirements shall be verified and adhered to. At the time of the adoption of this handbook, a minimum 3' clear path of travel shall be provided and the number of seats provided shall not exceed 1 seat per 15 square feet within the permit area.
- 6G** Outdoor dining should function as an extension of an existing or proposed eating establishment.





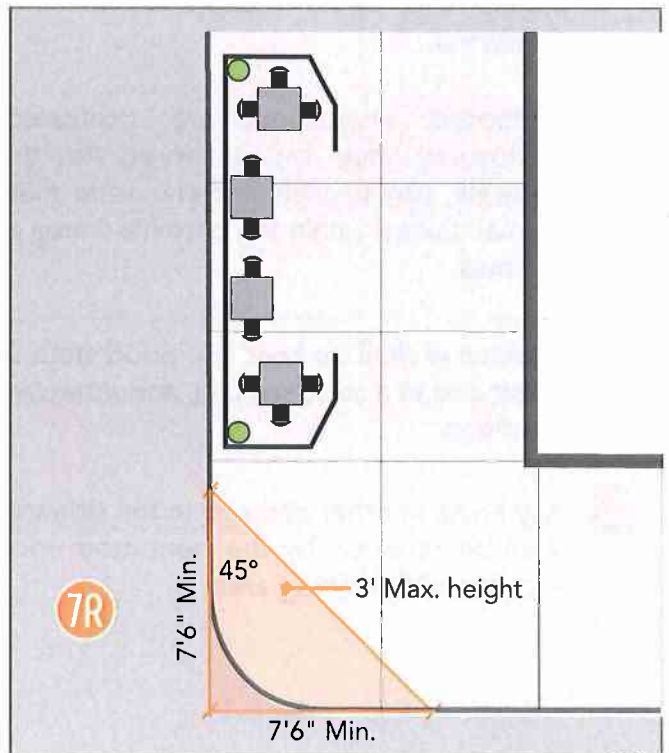
**7R** A clear zone adjacent to street, alley or driveway shall be maintained and shall consist of an isosceles right triangle with 7'-6" sides. The clear zone shall not be occupied by any objects or landscaping taller than 3'. See diagram below for details.

**8R** Any obstructions on a sidewalk must permit at least 5' of unobstructed area of walk zone, unless otherwise approved by Public Works on the basis of the considerations specified herein. Permit areas shall not enclose or make any utility access points inaccessible.

**9G** Outdoor dining areas designed to attract night-time noise shall conform to the requirements of Chapter 8.80 of the Long Beach Municipal Code regarding noise.

**10R** Obstructions shall not be located in a manner which interferes with the flow of pedestrian or other traffic, or which creates a potential threat to public safety, as determined by the City Engineer, Traffic Engineer, or Fire Marshal.

**11R** Obstructions shall be located in a manner which will not interfere with visibility, vehicular or pedestrian mobility, access to City or public utility facilities, and will not compromise the safe use of any walk zone or other right-of-way. Permitted locations shall be determined by Public Works after consideration of the above and other relevant factors in relation to the proposed site. Public Works may, in its discretion, place additional conditions upon the issuance of such permit in order to ensure the protection of the public health and welfare and public property.



# B. dining enclosures

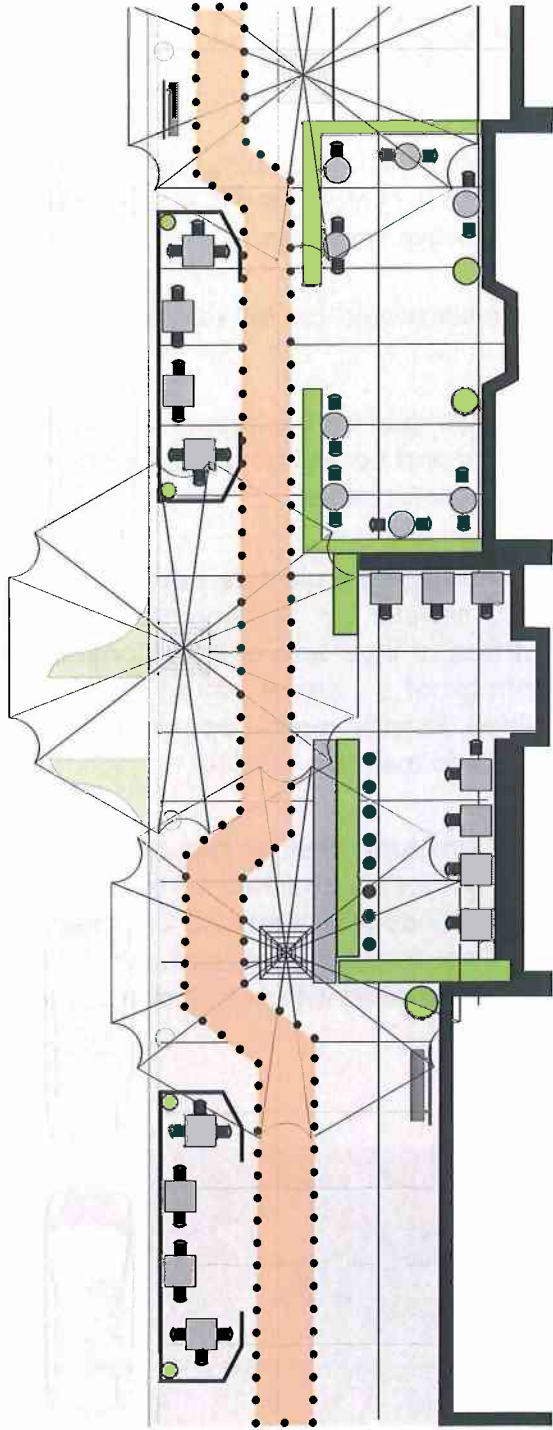
SIDEWALK DINING

- 1R Dining enclosures shall be aligned on the sidewalk to create a continuous, straight, and clear path of travel.
- 2G Natural and high-quality material such as wood, cable, steel, or iron elements should be used for enclosures and fencing.
- 3G Planters used as enclosures should be a minimum of 24" in length, width, and height to ensure visibility, durability, and permanence.
- 4G Enclosures should be transparent above 3' in height to allow visibility to patrons, pedestrians, and vehicles.
- 5R Chain link, off-the-shelf rope rails, or other items such as buckets, flag poles, newspaper stands and waste receptacles are not permitted.
- 6G Anchored enclosures are preferred. Enclosures may be anchored to the sidewalk. Any unanchored enclosure must be maintained within the permitted area at all times.
- 7R Enclosures shall be kept in a good state of repair and in a safe, sanitary, and attractive condition.
- 8R Any holes or other damage to the sidewalk shall be repaired by the permittee upon vacation of the dining area.

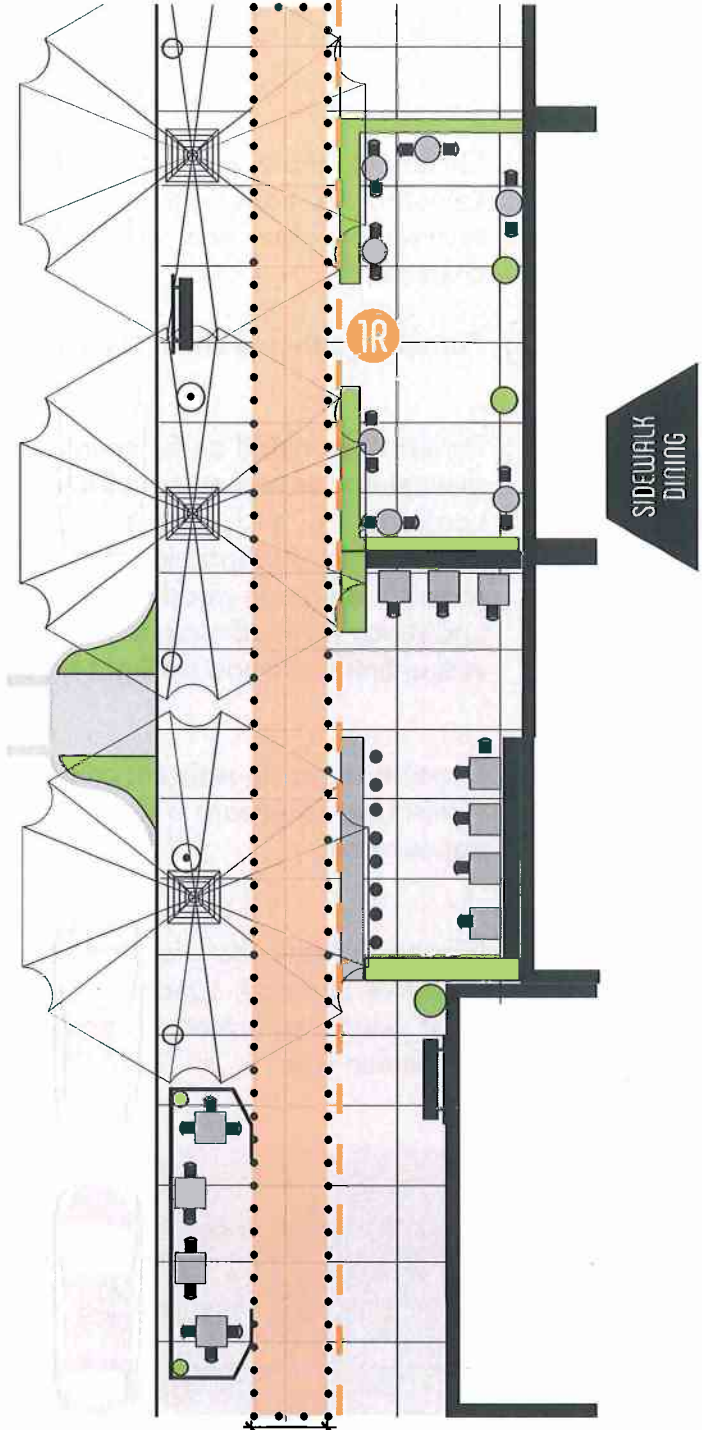




AVOID



REQUIRED



5' Min.  
CLEAR PATH

dining  
enclosures

should be aligned on the sidewalk to create a continuous, straight, and clear path of travel along the block.

# C. furnishing & landscaping

SIDEWALK  
DINING

- 1G Quality furniture and fixtures should be selected to complement the building architecture, business, or neighborhood character.
- 2G Furnishings should create a unified style.
- 3G Furnishings should be functional and well-maintained, as well as, contribute to a safe, comfortable, and attractive pedestrian environment. Acceptable materials include metal, finish grade wood, composite wood, and sturdy recycled materials. Flimsy plastic and unfinished wood shall not be used.
- 4G Consider a graffiti-resistant coating on site furnishings to ensure a long-term quality appearance.
- 5G Furniture should be grouped together to conserve sidewalk space and maintain a clear width sufficient to accommodate pedestrian flow.
- 6R Furnishings and landscaping shall be kept in a good state of repair and in a safe, sanitary and attractive condition.
- 7G Umbrellas should be suitable for outdoor use.
- 8R Umbrellas shall be between 7 and 10 feet in height and not extend past the sidewalk dining area or barrier.
- 9G Any landscaping in planters, pots, or window boxes should be well-maintained and kept free of litter and debris. Continuous plantings of a dense nature should be avoided. Provide regular openings in plant material to maintain visibility.
- 10R Shade structures shall be ground mounted and shall not be attached to the building (per Fire Code requirements). Cut sheets of mounting details and/or load calculations shall be provided with permit application.





## D. artwork

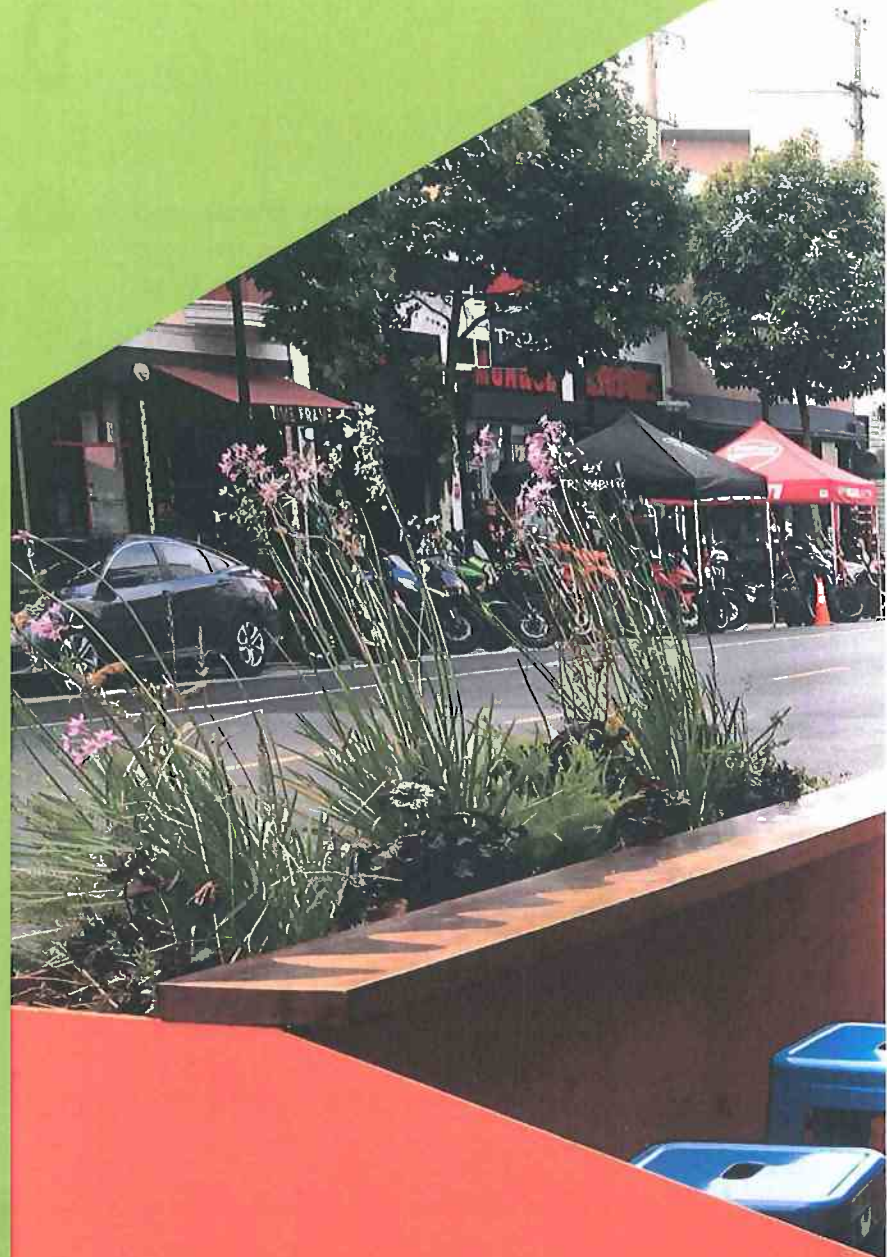
- 11R Planters shall contain living plants and landscaping shall be maintained to avoid growth that may interfere with the Walk Zone or pedestrian path of travel.
- 12G Drought tolerant or low-water-use plant species should be selected to limit water and resource use. Consider edible plants, plants with fragrance, textures, and seasonal interest to add variety and soften the space.
- 13R Street trees shall not be removed unless the tree is diseased or dying per the recommendations of the City arborist.
- 14R Tree grates shall provide 1/2" wide maximum slots per ADA standards. Slot widths of 1/4" and 3/8" is encouraged to provide greater protection for spike style high heeled shoes. Tree grates shall be approved per the discretion of the City Engineer.
- 15R Hazardous materials and plants bearing thorns, stickers or other potentially injurious parts shall be avoided.
- 1R Advertising is not permitted.
- 2G Sidewalk dining can be enhanced using public art. Consider the identity of a neighborhood and reinforce community pride with artwork that celebrates the unique cultural, ethnic, and/or historical context of a specific site or the City of Long Beach.
- 3G Public art should have a human scale and interactive or tactical art is encouraged. Art should enhance the space with texture, color, shape and form, energy, movement, excitement, adventure, surprise, and humor.
- 4G Art should either be stand-alone installations or integrated into the design of the parklet space, such as a mural, paving, seating, lighting, or other design element such as education or wayfinding.
- 5G Local artists and local subject matter should be supported when designing public art components.



# 03

## parklets

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# extending the pedestrian realm

NO PARKING  
6:00 - 8:00  
TUE THUR SUN  
STREET CL

PARKLETS

**PUBLIC PARKLET**  
ALL SEATING IS OPEN TO THE PUBLIC



# why parklets?

A parklet re-purposes parking space(s) or portions of a street into neighborhood gathering spaces. By converting one or more parking spots into public space, parklets extend the pedestrian realm and provide additional active and passive space for residents and visitors alike. This unique urban amenity has been a growing trend.

PARKLETS

Parklets are intended to be temporary, or constructed in a way to be disassembled within a few hours, leaving no damage or impact on the street. Where they are located and permitted within a public right-of-way, they should be designed to serve the public.

Parklets should house creative and diverse uses that enhance the pedestrian environment. Generally, they should be designed to maximize benefit to the public not just the private user.

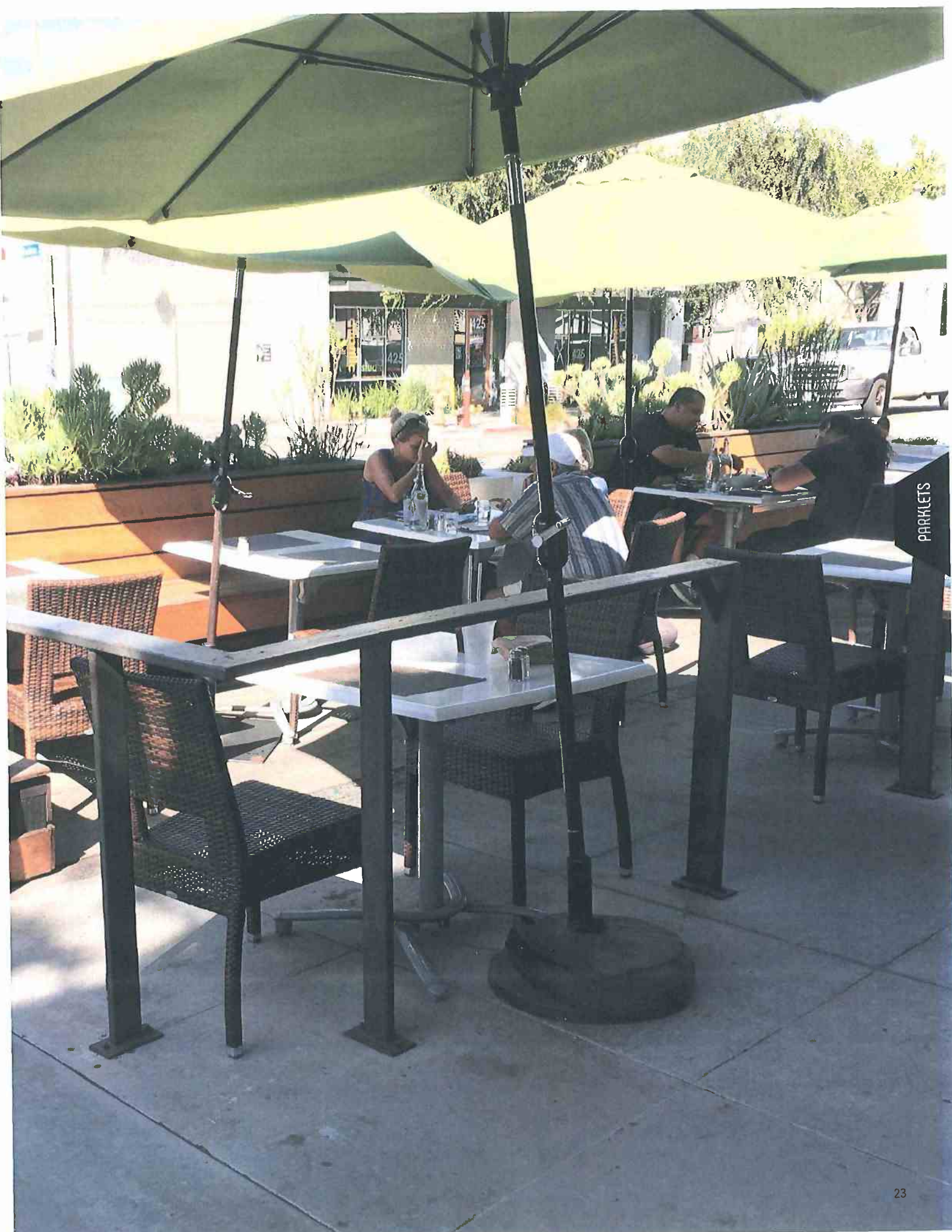
In general, all requirements for sidewalk dining also pertain to parklets (as applicable).



*Permitted uses include dining, planting, bicycle parking, and art. Additional uses and activities may be considered but will require City Council approval.*



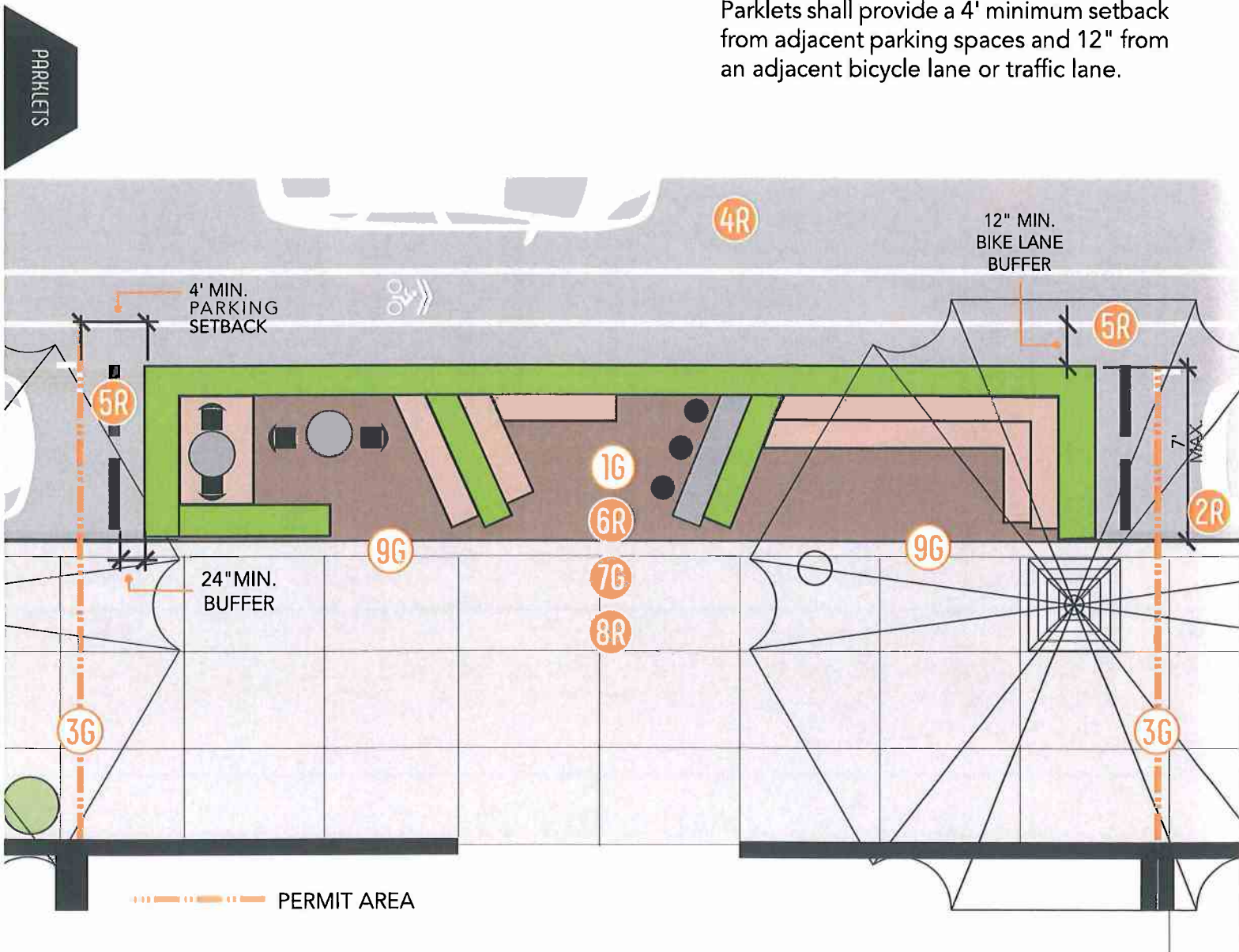




PARKLETS

# A. siting & location

- 1G Parklets should be creative spaces and allow for flexibility of uses, such as dining and public seating.
- 2R The Parklet may not extend beyond 7' from the curb line where there is parallel parking, or 15' from the curb line where there is diagonal parking.
- 3G A parklet should be sited entirely in front of the applicant's place of business.
- 4R Parklets are permitted on streets where the legal vehicle speed limit is 25 mph or less. On streets where the speed limit exceeds 25 mph, a permanent bulbout may be constructed per City standards and shall comply with all sidewalk dining requirements.
- 5R To ensure visibility to moving traffic and parking cars, parklets shall be buffered using a wheel stop or similar protective deterrent located a minimum of 24" from the parklet. Parklets shall provide a 4' minimum setback from adjacent parking spaces and 12" from an adjacent bicycle lane or traffic lane.



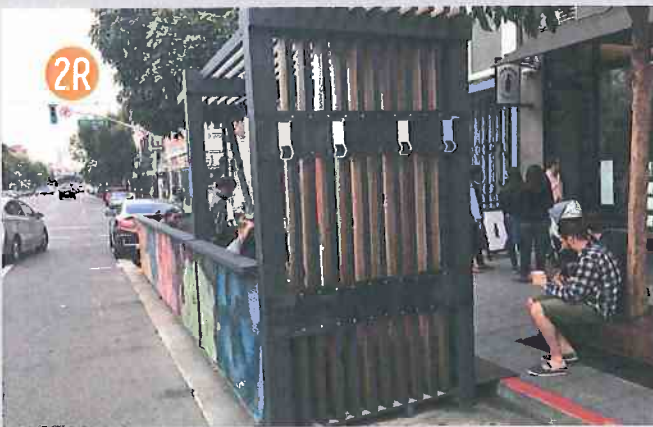


**6R** Fire code compliance is required. The most up to date requirements should be verified and adhered to. At the time of the adoption of this handbook, a minimum 3' clear path of travel shall be provided and the number of seats provided shall not exceed 1 seat per 15 square feet of permit area.

**7G** Conflicts with existing sidewalk amenities, utilities, crosswalks, and other obstructions shall be avoided or a mitigation plan outlined, for example, relocation of bike racks, etc.

**8R** Parklets designed to attract night-time noise generating uses shall conform to the requirements of Chapter 8.80 of the Long Beach Municipal Code regarding noise.

**9G** Parklets should be designed as open, inviting spaces with multiple points of access along the curbside edge.



# A. siting & location (continued)

PARKLETS

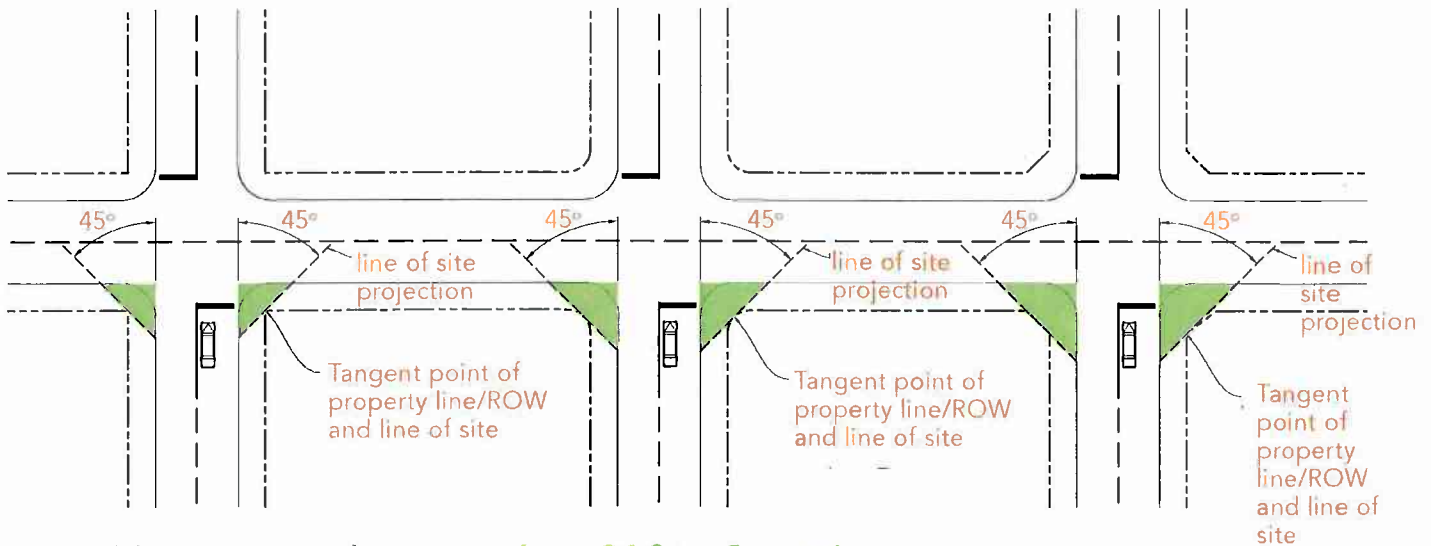
**10R** Parklets shall not be located within the 45 degree line of sight triangle adjacent to street, alley, or driveways unless otherwise approved by Public Works. In no case may parklets extend beyond the permittee's property which abuts the public right-of-way, see diagram below.

**11R** Parklets shall have a maximum slope as required for ADA compliance or wheelchair accessibility. Terraced parklets are permitted, but shall provide at least one wheelchair accessible entry and provide equivalent seating, tables, and counter tops for wheelchair users. Current ADA requirements shall be adhered to at the time of occupancy.

**12R** The applicant shall identify the existing curb marking condition; green, yellow, and unmarked curbs may be considered for parklet applications. The applicant may be required to identify a replacement location for yellow curb zones. A red curb is not suitable for a parklet as this typically demarcates a bus loading zone, fire access, traffic safety prohibition, etc. Specific projects in a red curb zone will be reviewed on a case by case basis. Fire and safety shall be a priority.

## Legend

- Roadway/Curb Line
- - - Property Line/Right-of-Way
- ROW Right-of-Way



Typical Intersection Layouts - Line Of Site Examples



**13R** If existing parking is removed, the City shall require a letter of support from the HOA/ community.

**14G** Applicants are encouraged to look for opportunities to re-stripe and replace displaced parking within a 1-2 block radius.

**15R** Removal of parking meters is allowed, however they must be replaced within a 1-2 block radius.

**16R** Parklets shall be located in a manner which will not interfere with visibility, vehicular or pedestrian mobility, or access to City or public utility facilities, and shall not compromise the safe use of any public walkway or other right-of-way. No parklets may be located over access or stormdrains, manhole covers, main utility lines, or shut off valves. Permitted locations shall be determined by Public Works after consideration of the above and other relevant factors in relation to the proposed site. Public Works may, in its discretion, place additional conditions upon the issuance of such permit in order to ensure the protection of public health and welfare and public property.





# B. platform

PARKLETS

**1R** Because a parklet is intended to be easily removed, it shall be designed as a freestanding platform or foundation that rests on the street. Permanent materials, such as poured in place concrete, are prohibited. Parklets shall not rest directly on the roadbed. Lightweight concrete poured on foam without rebar is permitted.

**2R** Platforms shall be designed so as not to impede the flow of stormwater. A gap shall be provided along the gutter to allow rainwater to naturally flow without obstruction and screens shall be located on either end of the platform to prevent debris from building up underneath the platform deck.

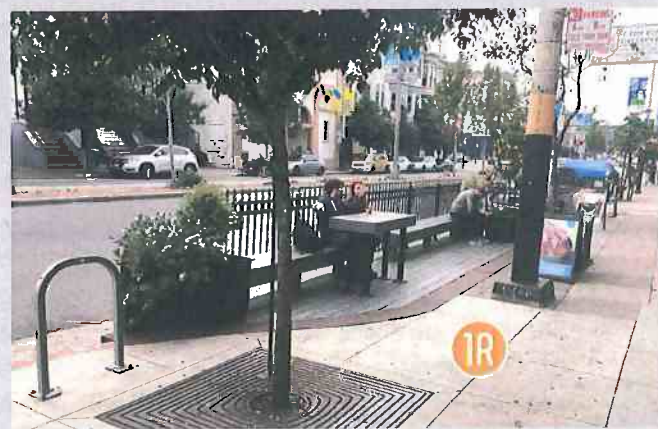
**3R** Decking shall be constructed of a quality, non-slip, and weather resilient material.

**4R** The platform shall meet the curb with a maximum horizontal gap of 1/2". Vertical transitions shall align flush or shall provide a maximum slope of 1:4 (25%) bevel for vertical differences over 1/4". Refer to the Americans with Disabilities Act (ADA) for accessibility requirements.

**5R** Bolting is not preferred. No bolting into the roadbed or the top of curb is allowed. Bolting into the face of the curb may be allowed on a case by case basis.







## C. barriers

- 1R Barriers shall not encroach onto the Walk Zone or pedestrian path of travel.
- 2R Barriers shall be aligned with the outside edge of the parking lane or inside travel lane to protect the user and prevent obstruction of a travel lane.
- 3R Barriers, railings, or other fencing shall be attached to the platform structure and shall not be attached to the roadbed or curb. Barrier extensions can be anchored to the sidewalk under direction of the City Engineer. Any hole or other damage to the sidewalk shall be repaired by the permittee upon removal of the parklet.
- 4G Natural and high-quality material such as wood, cable, steel, or iron elements should be used for barriers and fencing.
- 5R Barriers shall be a maximum 3' high to maintain a visual connection to the street and allow for visibility into the parklet from multiple vantage points. A support or shade structure may be permitted, but shall provide 7' minimum clearance from top of parklet to bottom of structure.
- 6R Chain link, off-the-shelf rope rails, or other items such as buckets, flag poles, newspaper stands, and waste receptacles are prohibited as barriers.
- 7G Planters containing live plants may be used as barriers and may include planters, planter boxes, hanging baskets, green walls, espalier, raised beds, and planter pots.
- 8R Barriers shall be kept in a good state of repair and in a safe, sanitary, and attractive condition.
- 9R For safety purposes barriers shall provide, at a minimum at each end, retro-reflective bands or sleeves for delineators and shall comply with the Minimum Retro-reflectivity Requirements of the latest edition of the California MUTCD.

# D. furnishing & landscaping

- 1G Quality furniture and fixtures should be selected to complement the building architecture, business, or neighborhood character.
- 2G Furnishings should be selected to create a uniform style and character within a parklet.
- 3G Furnishings should be functional and well-maintained, as well as, contribute to a safe, comfortable, and attractive pedestrian environment. Acceptable materials include metal, finish grade wood, composite wood, and sturdy recycled materials. Flimsy plastic and unfinished wood are discouraged.
- 4G Consider a graffiti-resistant coating on furnishings to ensure a long-term quality appearance.
- 5G Furnishings may be both permanent seating affixed to the parklet, and movable furniture to allow flexibility of use and space.
- 6G Seating should be creative to provide a variety of seating options beyond traditional benches or chairs and can be built into the parklet structure. Consider using railings designed for leaning, narrow benches, two-sided benches, seating steps, stools, bean bags, coffee tables that perform as benches, etc., for flexibility in furnishing uses.
- 7G Seating should be comfortable and inviting to create welcoming spaces.
- 8R Shade structures shall be ground/parklet mounted and shall not be attached to the building (per Fire Code requirements). Cut sheets of mounting details and/or load calculations shall be provided.
- 9R Umbrellas and shade structures shall be between 7 and 10 feet in height and shall not extend past the barrier.
- 10G Umbrellas should be suitable for outdoor use.
- 11G Where bicycle racks are provided, the design may be selected from the fun, custom designs provided by the City. Refer to [www.bikelongbeach.org](http://www.bikelongbeach.org).
- 12R Landscaping must be maintained to avoid growth that may interfere with visibility or accessibility.
- 13R All landscaping shall be well-maintained and kept free of litter and debris. Street trees shall not be removed unless the tree is diseased or dying per the recommendation of the City Arborist.
- 14G Trees should be selected on a performance basis with the objective of minimizing water use, providing shade, minimizing hazardous litter, minimizing root intrusion, and providing color and contrast. Trees may not always be appropriate and may be approved on a case-by-case basis.
- 15G Existing mature landscaping should be incorporated into the parklet where feasible.
- 16G Drought tolerant or low-water-use plants should be selected to limit water and resource use. Consider edible plants, plants with fragrance, textures, and seasonal interest to add variety and soften the space.
- 17G Donor plaques recognizing sponsors are acceptable upon review but shall not be allowed outside of the permitted area of the parklet. Ensure size and location are identified on plans upon application submittal.





PARKLETS



# E. artwork

- 1R Advertising is not permitted.
- 2G Parklets can be enhanced using public art. Consider the identity of a neighborhood and reinforce community pride with artwork that celebrates the unique cultural, ethnic, and/or historical context of a specific site or the City of Long Beach.
- 3G Public art should have a human scale and interactive or tactical art is encouraged. Art should enhance the space with texture, color, shape and form, energy, movement, excitement, adventure, surprise, and humor.
- 4G Art should either be stand-alone installations or integrated into the design of the parklet space, such as a mural, paving, seating, lighting, or other design element such as education or wayfinding.
- 5G Local artists and local subject matter should be supported when designing public art components.

PARKLETS







## F. lighting

- 1G Lighting should be incorporated into the design of a parklet, where feasible.
- 2G Solar-powered lighting, or battery powered lights should be used instead of connecting electrical to an adjacent building. Connecting to an existing building will require a separate electrical permit and also require trenching within the right of way.
- 3G Lighting should be designed to control glare, minimize light trespass onto adjacent properties, promote effective security, and avoid interference with the safe operation of motor vehicles.
- 4G To the extent feasible, all exterior lighting fixtures should utilize "shut off" controls such as sensors, timers, motion detectors, etc.
- 5G Blinking, moving, or changing intensity of illumination should be avoided.
- 6G Parklets should stay illuminated at night either from adjacent street lighting or building lighting.
- 7G Lighting should incorporate full cut-off type fixtures to control glare and direct view of illumination sources, and to confine illumination to the parklet to avoid impacting neighboring residential properties.

# 04

## permitting need to know

Ready to get started on your parklet or sidewalk dining project? Here are some details on permitting and everything else you need to know.

PERMITTING

A Note on Permits	35
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Installation	49





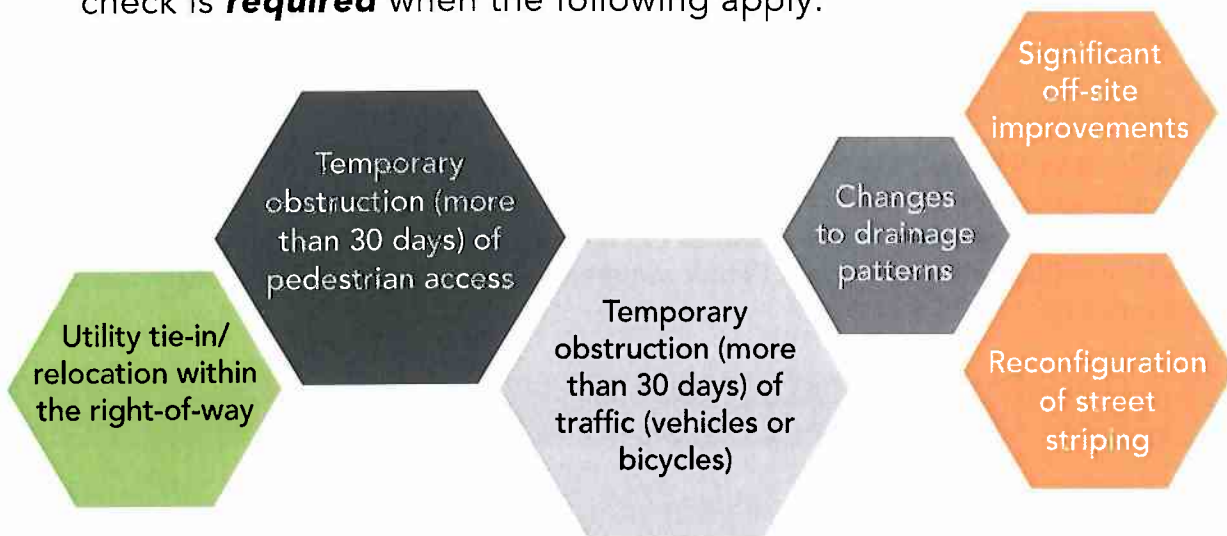
# ALL WORK IN THE PUBLIC RIGHT-OF-WAY

(work outside the property line) requires a permit from the Public Works Department.

...but first, let's review your project

## PRE-PLAN CHECK MEETING

A pre-plan check meeting is **highly encouraged for all projects** to ensure that the plan check process is as effective as possible. Pre-plan check is **required** when the following apply:



Bringing a **design phase schedule** to your pre-plan check meeting will assist in reviewing feasibility of anticipated timing. While this is optional (unless improvements are over \$1 million), this step helps avoid any confusion or delays during the plan check process.



Public Works will route the project to other departments to ensure compliance with other regulations. Additional requirements outside of the City may be required (e.g., ABC for alcohol sales).

# getting it done

## BEFORE CONSTRUCTION

### submit your application

Submit application, all required items and pay the necessary fees. The more complete your plan submittal, the faster it will proceed through the Public Works review process. Incomplete plans and missing information will stall the Public Works review process and add to the total review time needed.

### get your plan check done

The application and submitted documents will be routed for review and comment. This should take approximately 20 business days. The applicant is then responsible for remedying concerns received from any of the interested parties. An inspection is conducted during plan check to ensure the design accurately reflects the existing conditions. Note: multiple submittals may be required before an item is deemed complete. Once plan check is complete, a certification letter is processed which details the approvals and costs for inspection.

### get your permit

The applicant shall bring the certification letter to City Hall along with any other outstanding items (contractors insurance for example) and pay the inspection fee to obtain the permit. If needed, a pre-construction meeting shall be held at the time of permit pick up. The applicant must also fulfill all Local Coastal Development Permit requirements if project is located within the Coastal Zone Boundary.

## AFTER CONSTRUCTION

### inspection

Unless otherwise stipulated on the permit, only a single inspection is required at the end of the project. The contractor shall be responsible for calling the inspector a minimum of 48 hours prior to the requested inspection date to schedule the inspection.

### renewals

Permits must be renewed per your agreement. Inspections are conducted annually and/or at the time of renewals. Insurance must be kept current throughout the permit period. There are two classes of renewals: minor and major. A minor renewal is a streamlined process when there are no changes in permit area. For example, a permit area that is not changing includes changes in equipment or furnishings only. A major change includes a modification to the permit area or substantial equipment modifications.

### maintenance

The permit holder is responsible for the maintenance of the entire permitted area throughout the duration of the permit/agreement.



## in the event...



### you sell your business or inherit a project/use (change of ownership)

When a business vacates an area they should notify Public Works, who will inspect the area and determine if additional work is needed to return the area to like new condition (i.e. remove fixtures, patch sidewalk, etc.). The security deposit on file will be utilized to make such remedies. Any remaining security deposit will be returned to the permittee once all repairs have been made. Any remaining security deposit can also be transferred to the new owner or occupant via a written letter from the previous owner.

Permits are **not** transferable, however, in some cases, Public Works may authorize the permitted area to remain in place while the new business pursues a new permit. If a business owner is the holder of the permit and the business vacates, the new business entering the space does **not** have a permit to utilize the right of way for business purposes. **The new business will need to apply for a new permit.**

If the building owner is the permittee, as long as the building owner keeps the permit in good standing, the permit remains valid even through a change of business operating within the space.



### you already have a parklet or sidewalk dining facility that is not in conformance with these design rules (nonconforming uses)

As permits are renewed and/or as new businesses take over existing spaces with nonconforming permits, they will be required to come into conformance with these guidelines.

Nonconforming parklets or sidewalk dining facilities can continue to be used and maintained as approved in the current Public Walkways Occupancy Permit providing the permit is kept in good standing and all requirements of such permit are fulfilled. Renewal applications for nonconforming uses will be accepted up to January 1, 2021. Renewal permits for nonconforming uses will not be issued after January 1, 2022. All nonconforming permit areas must be vacated by January 1, 2023.

Any modification or expansion requires the entire facility to be brought into conformance.

# public works application

PERMITTING





City of Long Beach  
 333 West Ocean Blvd., 10th Floor, Long Beach, CA 90802  
 Phone: (562) 570-6383  
**Public Works Application (REQUIRED for all Applications)**

<b>General Information</b>		PERMIT NUMBER :	(OFFICE USE)	DATE:
PROJECT ADDRESS	CITY	STATE	ZIP CODE	
PROJECT NAME (IF ANY)				
OWNER/ OPERATOR NAME		OWNER EMAIL ADDRESS		
APPLICANT NAME (IF DIFFERENT FROM OWNER)		APPLICANT EMAIL ADDRESS		
(Must Check One) <input type="checkbox"/> DESIGNER <input type="checkbox"/> AGENT FOR <input type="checkbox"/> LESSEE/TENANT <input type="checkbox"/> CONTRACTOR				
FIRM NAME/DBA		FIRM PHONE NUMBER		
ADDRESS	CITY	STATE	ZIP CODE	
FRANCHISE AND/OR MASTER AGREEMENT NUMBER (IF APPLICABLE)				
DESCRIPTION OF PROJECT/ REASON FOR APPLICATION:				
<b>Contractor Information</b> (Can be deferred but must be provided ahead of permit issuance and submitting later can delay the issuance of any required permits)				
STATE LICENSE NUMBER* (Must be "A" license)		CLASS	EXPIRATION DATE	
CITY BUSINESS LICENSE NUMBER*		EXPIRATION DATE		
LIABILITY INSURANCE CARRIER*	POLICY NUMBER	EXPIRATION DATE		
OWNER NAME	PHONE NUMBER	EMAIL ADDRESS		
ADDRESS	CITY	STATE	ZIP CODE	
ADDITIONAL CONTACT/SITE CONTACT NAME		PHONE NUMBER		
*NOTE: The names listed on the STATE LICENSE, CITY LICENSE and INSURANCE POLICY must be identical. Include a copy of the insurance policy AND the completed City endorsement form with this application. Attach additional sheets as needed for all contractors performing work within the public right of way.				

I the undersigned declare, under penalty of perjury under the laws of the State of California, that I am the owner or authorized representative; that the information on all plans, drawings, and sketches attached hereto and all the statements and answers contained herein are, in all respects, true and correct.

NAME (PRINTED)                      SIGNATURE                      DATE

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Note: The appropriate processing and/or permit fees MUST be paid at the time of application submission to avoid delay in plan check or permit processing. Send the complete application and all required submittals via e-mail to [Dyanne.Valdez@longbeach.gov](mailto:Dyanne.Valdez@longbeach.gov) to verify the fees required. Once the fees are provided, make the check payable to the City of Long Beach. Pay the fee at the public counter and provide a copy of this application and the receipt of payment to Dyanne Valdez on the 10th floor of City Hall.



Complete this section ONLY IF applying for land development activities noted below.

**LAND DEVELOPMENT**

DESCRIPTION (select all that apply)		
<input type="checkbox"/> VACATION	<input type="checkbox"/> PARCEL MAP	<input type="checkbox"/> TRACT MAP
<input type="checkbox"/> EASEMENT	<input type="checkbox"/> GRANT OF EASEMENT	<input type="checkbox"/> DEDICATION
<input type="checkbox"/> LOT LINE ADJUSTMENT	<input type="checkbox"/> QUITCLAIM	
RIGHT OF WAY TO BE VACATED: EAST OF _____		AND NORTH OF _____
AREA IN SQUARE FEET TO BE VACATED (VACATION ONLY)		
# OF LOTS (MAPS ONLY)		
DESCRIPTION & COMMENTS		
<b>ITEMS THAT MUST ACCOMPANY THIS APPLICATION</b>		
ITEMS THAT MUST ACCOMPANY ALL APPLICATIONS		
<input type="checkbox"/> Title documents (title report or grant deed) less than 90 days old. <input type="checkbox"/> Survey tie sheets <input type="checkbox"/> Articles of incorporation (if LLC) <input type="checkbox"/> CEQA categorical exemption or environmental review (can be provided after application submission) Date Received: _____ <input type="checkbox"/> Notice of final action (If applicable, can be provided after application submission) Date Received: _____		
ADDITIONAL ITEMS THAT MUST ACCOMPANY A VACATION APPLICATION		
<input type="checkbox"/> Legal description and sketch prepared by a licensed surveyor <input type="checkbox"/> Engineer's estimates for the performance, labor, and materials bonds <input type="checkbox"/> Performance, labor, and materials bonds (provided after estimate has been reviewed) Date Received: _____		
ADDITIONAL ITEMS THAT MUST ACCOMPANY A GRANT OF EASEMENT, EASEMENT, OR DEDICATION APPLICATION		
<input type="checkbox"/> Legal description and sketch prepared by a licensed surveyor		
ADDITIONAL ITEMS THAT MUST ACCOMPANY A QUIT CLAIM APPLICATION		
<input type="checkbox"/> Legal description and sketch prepared by a licensed surveyor <input type="checkbox"/> Confirmation letter from easement grantor that the easement is no longer required <input type="checkbox"/> Copy of the easement to be quit claimed		
ADDITIONAL ITEMS THAT MUST ACCOMPANY A MAP APPLICATION		
<input type="checkbox"/> Parcel/ Tract Map on City Template <input type="checkbox"/> Engineer's estimates for the performance, labor, and materials bonds <input type="checkbox"/> Performance, labor, and materials bonds (provided after estimate has been reviewed) Date Received: _____ <input type="checkbox"/> Confirmation that tax requirements are satisfied <input type="checkbox"/> Utility clearance letters for any public entity or utility		
FEE (Office Use)	6.2% SURCHARGE	TOTAL FEE
\$ _____	\$ _____	\$ _____





<b>MINOR IMPROVEMENT</b>		<b>Complete this section ONLY IF applying for a MINOR improvement project noted below.</b>
<b>PERMIT TYPE (CHECK AS APPROPRIATE)</b>		<b>IN COMPLIANCE WITH THE FOLLOWING STANDARD</b>
<input type="checkbox"/> Replacement of existing residential driveway <input type="checkbox"/> Closure of residential driveway <input type="checkbox"/> Installation of ADA ramp <input type="checkbox"/> Replacement of curb and gutter less than 50 linear feet <input type="checkbox"/> Replacement or Installation of sidewalk less than 50 linear feet <input type="checkbox"/> Installation of vinyl traffic signal control cabinet (TCC) art <input type="checkbox"/> Install, and/or trim street trees in front of residence <input type="checkbox"/> Installation of mailboxes, news racks, & benches <input type="checkbox"/> Public walkway occupancy permits (PWOP) renewals* <input type="checkbox"/> Wireless telecommunication facility permit (WTF) renewals* <input type="checkbox"/> Temporary street occupancy permit renewals*		City Standard Plan City Standard Plan City Standard Plan City Standard Plan Standard Plan for Public Construction City Standard Plan Muni Code City Standard Plan Muni Code 14.14 Muni Code 15.34 City Standard Plan
*Renewals that include any modifications to the current permit are considered a major improvement		
DATE(S) WORK SHALL BE COMPLETED		APPROXIMATE VALUE OF PUBLIC RIGHT OF WAY WORK
From	To	\$
<b>ITEMS THAT MUST ACCOMPANY THIS APPLICATION</b>		
ITEMS THAT MUST ACCOMPANY ALL APPLICATIONS <input type="checkbox"/> Drawings (11 x 17) and specifications as applicable for the improvement <input type="checkbox"/> Photos of existing conditions of the area <input type="checkbox"/> Previous permit or agreement (if applicable)		
ADDITIONAL ITEMS THAT MUST ACCOMPANY A TRAFFIC CONTROL CABINET ART APPLICATION <input type="checkbox"/> Renderings of the artwork <input type="checkbox"/> Letter of approval from homeowner's association (HOA) OR community association (If No HOA) <input type="checkbox"/> Completed installation and maintenance agreement (IMA) Processing and executing the IMA takes 3-5 days. <input type="checkbox"/> Articles of incorporation or other means to verify authority to sign IMA. NOTE: This must match with the information filed with the Secretary of State		
<b>*NOTE: PERMITS CAN ONLY BE ISSUED OVER THE COUNTER IF THE CONTRACTOR IS ALREADY IN THE CITY DATABASE. IF THEY ARE NOT, THERE IS A 10 DAY APPROVAL PERIOD.</b>		
FEE (Office Use)	6.2% SURCHARGE	TOTAL FEE
\$	\$	\$



**MAJOR IMPROVEMENT**

Complete this section **ONLY IF** applying for a **MAJOR** improvement project noted below. Make sure to select **ALL** options that apply to your project.

<b>PERMIT TYPE (CHECK AS APPROPRIATE)</b>		
<input type="checkbox"/>	An otherwise minor improvement that deviates from the Standard Plans (see minor improvement submittal requirements above)	(see minor improvement submittal requirements above)
<input type="checkbox"/>	Work that requires excavation within the ROW i.e. grading, trenching, monitoring well etc.	(complete section A below)
<input type="checkbox"/>	Public right of way Improvements i.e. streets, alleys, sidewalks, curbs etc.	(complete section B below)
<input type="checkbox"/>	Temporary street occupancy permits i.e. encroachments within ROW	(complete section C below)
<input type="checkbox"/>	Installation of art or other objects within the ROW i.e. bench, mural, sculpture, etc.	(complete section D below)
<input type="checkbox"/>	Public walkway occupancy permits i.e. dining, and parklets	(complete section E and A, B& C as applicable)
<input type="checkbox"/>	Wireless telecommunication facility permits	(complete section F and A, B& C as applicable)
DATE(S) WORK SHALL BE COMPLETED From _____ To _____		APPROXIMATE VALUE OF PUBLIC RIGHT OF WAY WORK \$ _____
Total number of plan sheets included: _____		
FEE (Office Use) \$ _____	6.2% SURCHARGE \$ _____	TOTAL FEE \$ _____

Complete the following sections (A-F) if you are applying for a Major Improvement. Complete **ONLY** the sections that apply to your project.

**A – EXCAVATION**

Complete this section **ONLY IF** your project includes excavation including: grading within the ROW, grading within private property, trenching more than 10" below the existing grade. This section must also be completed for any monitoring wells or soil borings within the ROW. Attach additional sheets as needed.

COMPLETE THIS SECTION FOR ALL EXCAVATION, TRENCHING, AND GRADING LOCATIONS					
#	Address	Width (Feet)	Length (Feet)	Area (SF)	Surface Type
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
Total Sq. Ft.					

COMPLETE THIS SECTION FOR ALL MONITORING WELLS AND/OR SOIL BORINGS			
#	Address	Depth	Surface(s)
1			
2			
3			
4			





## A – EXCAVATION, Continued

Applicants often request an Excavation Permit (A) ahead of the Right of Way Improvement Permit (B). For this reason, we have separated out the requirements but an applicant can submit both (A and B) at the same time.

### ITEMS THAT MUST ACCOMPANY THIS APPLICATION

- Notice of Final Action (If applicable)
- Site plan drawings
- Civil drawings
- Excavation drawings
- Traffic control drawings (as applicable)
- Pedestrian protection drawings (as applicable)
- Haul route plan (as applicable)
- Hydrology report (as applicable)
- Dewatering report (as applicable)
- Geotechnical report (as applicable)
- Approved design/ authorization from applicable utilities (SCE, LBWD, LB Fire, LA County...)
- Caltrans approval (if work is in PCH or State Route 22)
- Shoring plans (>5'deep) and Tie back agreement (as applicable)
- Graphic fence wrap for temporary fencing (if project is longer than 6 months)
- Construction schedule
- Engineer's estimates for the performance, labor, and materials bonds
- Performance, labor, and materials bonds (provided after estimate has been reviewed) Date Received:
- Health Department well PERMIT (ground water monitoring wells only)



## B - RIGHT OF WAY IMPROVEMENT(S)

Complete this section ONLY IF your project includes right of way improvements. This includes but is not limited to: paving of streets or alleys, installation of curb, sidewalk, gutter, and/ or storm drains, upgrades to traffic signals, striping, placement of temporary construction fencing, parkway improvements etc.

### ITEMS THAT MUST ACCOMPANY THIS APPLICATION

To expedite review, even if the following items were submitted previously for an excavation permit they MUST be resubmitted as part of this permit. This ensures that any changes are properly captured and that there is no delay in project review and permit issuance.

- Notice of final action and conditions of approval
- Drawings and specifications as applicable for the improvement
- Site plan drawings
- Civil drawings
- Precise grading drawings
- Traffic control drawings (as applicable)
- Pedestrian protection drawings (as applicable)
- CALTrans approval (if work is in PCH or route 22)
- Graphic fence wrap for temporary fencing (if project is longer than 6 months)
- Landscape and irrigation drawings
- Arborist report (if trees are being removed)
- Scaffolding plan and engineering calculations
- Construction schedule

ADDITIONAL ITEMS THAT MUST ACCOMPANY A PROJECT WITH MATERIALS THAT DEVIATE FROM THE STANDARDS (Examples include: decorative pavers, decorative crosswalk art, or other items noted within the conditions of approval)

- Completed installation and maintenance agreement (IMA)
  - Articles of incorporation or other means to verify authority to sign IMA.
- NOTE: This must match with the information filed with the Secretary of State





**C - TEMPORARY STREET OCCUPANCY**

Complete this section ONLY IF your project includes temporary encroachments within the ROW. This includes utilizing a parking stall for material deliveries or laydown, storage of equipment or dumpster etc. A TSO is NOT required in conjunction with a PWOP if all work to construct the PWOP takes place within the permit area. A TSO is required if staging or laydown area is needed outside the permit area.

#	Address	Select Use: Fences, Structures, Materials, Trucks, Cranes, Pedestrian Canopy, Equipment	Start Date	End Date	# of days	Width (Feet)	Length (Feet)	Area (SF)	# of Parking Meters	Parking Meter Rate	Hours Occupied
1											
2											
3											
4											
5											
6											
7											
8											
9											
10											



**D - PUBLIC ART/ OBJECTS**

Complete this section if your project includes artwork or installation of other objects within the ROW (vinyl Traffic Control Cabinet Artwork is exempt as this is included above within the minor improvements section)

IMPROVEMENT	QUANTITY
<b>ITEMS THAT MUST ACCOMPANY THIS APPLICATION</b>	
<input type="checkbox"/> Site plan drawings <input type="checkbox"/> Photos of existing conditions of the area <input type="checkbox"/> Details of the installation <input type="checkbox"/> Letter of approval from homeowner's association (HOA) OR community association (If No HOA) <input type="checkbox"/> Completed installation and maintenance agreement (IMA) <input type="checkbox"/> Articles of incorporation or other means to verify authority to sign IMA. NOTE: This must match with the information filed with the Secretary of State <input type="checkbox"/> Construction Schedule	

**E - PUBLIC WALKWAYS OCCUPANCY**

Complete this section ONLY IF your project includes sidewalk dining or a parklet

IMPROVEMENT	QUANTITY
Square footage of sidewalk dining	S.F.
Square footage of parklet	S.F.
Total square footage	S.F.
<b>ITEMS THAT MUST ACCOMPANY THIS APPLICATION</b>	
<input type="checkbox"/> Drawings and specifications as applicable for the improvement <input type="checkbox"/> Site plan drawings including all existing items and utilities within right of way <input type="checkbox"/> Seating and equipment drawings <input type="checkbox"/> Detail drawings/ cut sheet of the barrier/ railing and any equipment stamped by a CA registered engineer <input type="checkbox"/> Photos of existing conditions of the area <input type="checkbox"/> Renderings of the installation <input type="checkbox"/> Landscape and irrigation drawings <input type="checkbox"/> Arborist report (if trees are being removed) <input type="checkbox"/> Completed installation and maintenance agreement (IMA) <input type="checkbox"/> Articles of incorporation or other means to verify authority to sign IMA. NOTE: This must match with the information filed with the Secretary of State <input type="checkbox"/> Comprehensive liability certificate of insurance. Liquor liability must be included if serving beer, wine or liquor <input type="checkbox"/> Completed City insurance endorsement form. <input type="checkbox"/> Liquor license. NOTE: extension of premise can be provided after the PWOP is installed (if applicable) <b>Date Received:</b> <input type="checkbox"/> Engineers estimate for the cost of removal of the PWOP <input type="checkbox"/> Construction Schedule <input type="checkbox"/> Previous permit or agreement (if applicable) <input type="checkbox"/> California Coastal permit (if in coastal zone and not included within 2nd street exemption)	
<b>ADDITIONAL ITEMS THAT MUST ACCOMPANY A PARKLET APPLICATION</b>	
<input type="checkbox"/> Detail drawings of the platform and barricade stamped by a CA registered engineer <input type="checkbox"/> Letter of approval from homeowner's association (HOA) OR community association (If No HOA) <input type="checkbox"/> Location of relocated parking meters (if applicable)	





<b>F – WIRELESS TELECOMMUNICATION FACILITY</b>	Complete this section ONLY IF your project includes installation of a wireless facility in the ROW
--	--

Type of Permit applying for (check only one):  Tier A (Unprotected)  Tier B (Protected)  
 Modification  Renewal

#	Pole #	Property Address Adjacent to Installation	GIS Coordinates
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

**ITEMS THAT MUST ACCOMPANY THIS APPLICATION**

- Permit Fee
- Copy of the Long Beach license agreement including insurance and bonding requirements (LBMC Chapter 15.34.030.B.1.b.x.8-9)
- Signed letter on CPUC Franchise Entity letterhead authorizing the applicant, if applicable, to act on behalf of the franchise. Letter must include:
  - Franchise name, address, contact phone and contact email address
  - Franchise entity CPUC license number
  - Authorized applicant firm name, address, contact phone and contact email address
  - Authorized applicant's limits of responsibility
- Site plan drawings (LBMC 15.34.030.D.2-3)
- Electrical drawings (LBMC 15.34.030.D.11)
- Structural drawings/calculations (LBMC 15.34.030.D.10)
- Traffic control drawings (as applicable) (LBMC 15.34.030.D.12 and LBMC 14.14.040.E)
- Landscape drawings (if applicable) (LBMC Chapter 21.56.100.A.5)
- Street tree plan (if applicable) (LBMC 15.34.030.G)
- CALTrans approval (if work is in PCH or State Route 22)
- Radio frequency engineering report (LBMC 15.34.030.D.7)
- Noise analysis (manufactures specifications acceptable) (LBMC 15.34.030.D.14)
- Construction schedule (LBMC 15.34.030.D.15)
- GIS map (Electronic) showing underground conduit runs (LBMC 15.34.030.D.4)
- GIS map (Hardcopy) showing underground conduit runs (LBMC 15.34.030.D.4)
- Photos of existing conditions of the area (LBMC 15.34.030.D.5)
- Photo simulation of proposed project (LBMC 15.34.030.D.12)
- Maintenance plan (LBMC 21.56.050.B and LBMC 15.34.030.B.1.b.7.i)
- Joint pole commission approval letter for wooden poles only (LBMC 15.34.030.B.1.b.ii)
- CEQA categorical exemption or environmental review (can be provided after application submission) (LBMC 15.34.030.B.1.b.iii) **Date Received:**
- Approval letter from the Cultural Heritage Commission (if placed on a designated Historic Landmark)
- Propagation/Coverage Maps (if denial would cause a "significant coverage gap") (LBMC 15.34.030.D.6)
- Completed antenna, equipment and site location preference form (see following page) (LBMC 15.34.030.B.1.b.vi)

**ADDITIONAL ITEMS THAT MUST ACCOMPANY A TIER B (PROTECTED LOCATION) APPLICATION**

- Letter explaining that the installation will not significantly detract from any defining characteristics of the area or the view corridor (LBMC 15.34.020.Z)
- Public Notification including notice by mail and notice by posting (LBMC Chapter 15.34.030.K.1-3)



**F – WIRELESS TELECOMMUNICATION FACILITY, Continued**

Per LBMC 15.34.030.B. 1.b.vi Aesthetic Impacts, all wireless telecommunication facilities shall be designed and located to eliminate or substantially reduce their visual and aesthetic impacts upon the surrounding public rights-of-way and public vantage points. To accomplish this goal, all wireless telecommunication equipment shall be developed with the intent of locating and designing such facilities in the order of preference (from top to bottom) as outlined below. In instances where a facility is proposed at a location, or in a manner, that is not the highest preference (top of list), the applicant shall make a factual showing that ALL higher preferences are infeasible. Attach additional sheets as necessary.

If applying for more than one facility on a single permit, the antenna, equipment AND site preferences shall be the same for each location. If they are not the same, a separate application is required.

**ALL higher preferences not selected MUST contain a factual statement about infeasibility.**

Impact Element	Reason for Infeasibility
<b>Antenna Preferences (check the box of the preference being used)</b>	
i. <input type="checkbox"/> Existing street light pole (No infeasibility statement required if this option is selected)	
ii. <input type="checkbox"/> Replacement street light pole	
iii. <input type="checkbox"/> Existing structure other than a street light pole or utility pole	
iv. <input type="checkbox"/> New structure other than a street light pole or utility pole (e.g., wireless kiosk)	
v. <input type="checkbox"/> Existing non-wood utility pole	
vi. <input type="checkbox"/> New non-wood utility pole	
vii. <input type="checkbox"/> Existing wood utility pole	





**F – WIRELESS TELECOMMUNICATION FACILITY, Continued**

Impact Element	Reason for Infeasibility
<b>Equipment preferences (check the box of the preference being used)</b>	
i. <input type="checkbox"/> Bundled in an all-in-one equipment cabinet with the antenna (No infeasibility statement required if this option is selected)	
ii. <input type="checkbox"/> Below-grade equipment vault, or on a street light or utility pole that does not place new cabinets or other above ground furniture, and the power supply equipment is underground	
iii. <input type="checkbox"/> Attached to existing power source in an existing utility box;	
iv. <input type="checkbox"/> Enclosed at the base of the pole on which the antenna is proposed for installation	
v. <input type="checkbox"/> In an existing ground-mounted (grade-level) equipment cabinet, with no expansion or additional cabinets to be added	
vi. <input type="checkbox"/> Within a new equipment enclosure 26 mounted at grade.	



**F – WIRELESS TELECOMMUNICATION FACILITY, Continued**

<b>Site Location Preferences (check the box of the preference being used)</b>	
i. <input type="checkbox"/> Not in a center median, not requiring removal of parkway trees or landscaping, and not requiring modifications or relocation of existing infrastructure	
ii. <input type="checkbox"/> Requires minor alteration to the existing public improvements and/or infrastructure (i.e. reduction of landscape area)	
iii. <input type="checkbox"/> Requires significant alteration to the existing public improvements and/or infrastructure (i.e. removal of a street tree or relocation of infrastructure)	



# insurance requirements and endorsement





# CITY OF LONG BEACH

DEPARTMENT OF PUBLIC WORKS ATTN: RIGHT-OF-WAY COORDINATOR

333 West Ocean Boulevard, 10<sup>th</sup> Floor • Long Beach, California 90802 • (562) 570-7954 FAX (562) 570-5640

## General Liability Endorsement – Public Walkways Occupancy Permits

Minimum Limits: \$1,000,000 per occurrence, \$2,000,000 general aggregate

### A. GENERAL LIABILITY POLICY INFORMATION

1. Insurance Company \_\_\_\_\_
2. Policy No. \_\_\_\_\_ Policy Term (from) \_\_\_\_\_ (to) \_\_\_\_\_
3. Endorsement effective date \_\_\_\_\_ Endorsement expiration date \_\_\_\_\_
4. Name of Insured \_\_\_\_\_
5. Address of Named Insured \_\_\_\_\_
6. Address of Permitted Operations \_\_\_\_\_
7. Deductible or Self-insured Retention (nil unless otherwise specified) \$ \_\_\_\_\_
8. Policy Limits: Occurrence \$ \_\_\_\_\_ General Aggregate: \$ \_\_\_\_\_
9. Policy Form equivalent to: CG 00 01 \_\_\_\_\_ CG 00 02 \_\_\_\_\_ GL 00 02 \_\_\_\_\_

### B. POLICY AMENDMENTS

This endorsement is issued in consideration of the policy premium. Notwithstanding any inconsistent statement in the policy to which this endorsement is attached or any other endorsement attached thereto, it is agreed as follows:

1. **ADDITIONAL INSURED.** The City of Long Beach, its boards and commissions, and their officials, employees, and agents are included as additional insured with respect to all loss, liability, claims, demands causes of action, damages, settlement, expenses, and costs (including but not limited to attorney's fees and defense and investigation expenses) arising out of, or in any manner incident to, operations performed by or on behalf of the Named Insured related to the permit issued by the City.
2. **PRIMARY AND NONCONTRIBUTORY COVERAGE.** The coverage afforded by this policy to the City, its boards and commissions, and their officials, employees and agents shall be primary insurance. Any other insurance or self-insurance maintained by the City, its boards, officials, employees, and agents shall be in excess of this insurance and not contribute to it.
3. **SEVERABILITY OF INTERESTS.** The insurance afforded by this policy applies separately to each insured that is seeking coverage or against whom a claim is made or a suit is brought, except with respect to the Insurer's limit of liability.
4. **CROSS LIABILITY.** The naming of more than one insured under this policy shall not, for that reason alone, extinguish any rights of one insured against another, subject to the insurer's limit of liability.
5. **CANCELLATION NOTICE:** This insurance shall not be cancelled, nonrenewed, or reduced in coverage or limits except after thirty (30) days prior written notice has been given to the City (ten (10) days prior written notice if the policy is cancelled for nonpayment of premium). Such notice shall be addressed to the City of Long Beach at the address above.

### C. INCIDENT AND CLAIM REPORTING PROCEDURES

Incident and claims are reported to the insurer at:

ATTENTION: \_\_\_\_\_  
 (Name) (Title) (Company)

ADDRESS: \_\_\_\_\_

TELEPHONE: ( ) \_\_\_\_\_ FAX: ( ) \_\_\_\_\_

### D. SIGNATURE OF INSURER OR AUTHORIZED REPRESENTATIVE OF THE INSURER

I, (print name) \_\_\_\_\_, warrant that I have authority to bind the insurance company listed above in Item A.1. and by my signature hereon do so bind this company.

SIGNATURE OF AUTHORIZED REPRESENTATIVE (original signature required) \_\_\_\_\_ DATE \_\_\_\_\_

TITLE: \_\_\_\_\_ ORGANIZATION: \_\_\_\_\_

ADDRESS \_\_\_\_\_

TELEPHONE: ( ) \_\_\_\_\_ FAX NO. ( ) \_\_\_\_\_



# installation and maintenance agreement template

IMA# \_\_\_\_\_

## INSTALLATION AND MAINTENANCE AGREEMENT

FOR \_\_\_\_\_  
(proposed improvements)

AT \_\_\_\_\_, LONG BEACH, CA  
(location)

The CITY OF LONG BEACH ("City"), acting through the Department of Public Works, grants permission to:

\_\_\_\_\_ ("Permittee")  
to install and maintain:

\_\_\_\_\_ ("the permitted installation") within public right-of-way property as shown on the attached Exhibit A, incorporated herein by this reference.

1. Neither Permittee nor the permitted installation shall hinder, impede, or deter public use of the public right of way. Permittee will, on City's written request, promptly remove or modify any improvements which interfere with the use of the public right of way.
2. This Agreement shall commence on \_\_\_\_\_, and shall continue month to month until terminated by either party giving written notice to the other party thirty (30) days' prior to such termination.
3. Permittee shall apply for and obtain any and all required permits and entitlements, including a Public Works street improvement permit, and any other required permits and/or environmental approvals, prior to the effectiveness of this permit.
4. Permittee shall, and its sole cost and expense, maintain the permitted installation in good condition to the satisfaction of the City Engineer. The City makes no warranties or representations of any kind regarding the suitability of this public right-of-way location for the proposed installation.
5. Should the City Engineer determine, in his/her exclusive and unfettered discretion, that Permittee is not maintaining the permitted installation in good condition as set forth in Paragraph 4 of this Agreement, or that some part of the permitted installation hinders, impedes, or otherwise deters free movement in the public right-of-way, City may conduct any required maintenance or repair as

necessary to bring the area back into satisfactory condition and/or may remove any such impediment and charge any expense incurred, including labor and material, to the Permittee, provided that the City gives Permittee notice of the condition and a reasonable opportunity to cure.

6. Permittee may, only with the prior written approval of the Director of the Department of Public Works, or his designee, and at Permittee's sole cost and expense, modify or make further improvements to the permitted installation shown in Exhibit A. Permittee will be responsible for obtaining any and all other necessary permits or entitlements. When this Agreement terminates, the City may require Permittee to remove the permitted installation and restore the public right of way to its previous condition in good repair.
7. Permittee shall, with respect to the permission granted in connection with the permitted installation, indemnify and hold harmless the City, its Boards, Commissions, and their officials, employees and agents (collectively in this section, "City") from and against any and all liability, claims, demands, damage, loss, causes of action, proceedings, penalties, costs and expenses (including attorney's fees, court costs, and expert and witness fees) (collectively "Claims" or individually "Claim"). Claims include allegations and include by way of example but are not limited to: Claims for property damage, personal injury or death arising in whole or in part from any negligent act or omission of Permittee, its officers, employees, agents, sub-consultants, or anyone under Permittee's control (collectively "Indemnitor"). Independent of the duty to indemnify and as a freestanding duty on the part of Permittee, Permittee shall defend City and shall continue such defense until the Claim is resolved, whether by settlement, judgment or otherwise. No finding or judgment of negligence, fault, breach, or the like on the part of Indemnitor shall be required for the duty to defend to arise. Permittee shall notify the City of any Claim within ten (10) days. Likewise, City shall notify Permittee of any claim, shall tender the defense of such Claim to Permittee, and shall assist Permittee as may be reasonably requested, in such defense.
8. City shall not be responsible or liable in any way for Permittee's permitted installation or for Permittee's loss by theft, fire, flood, burglary, vandalism, or any other cause whatsoever.
9. No hazardous or toxic material will be brought into the public right-of-way in association with the installation of the permitted installation.
10. Should City revoke or terminate this Agreement as a result of future development or roadway improvements by the City, or for any other reason whatsoever, Permittee shall not be entitled to any relocation benefits or other compensation from the City due to such revocation or termination.
11. Permittee acknowledges that, by this Agreement, they do not acquire any right, title or interest of any kind in the property on which the permitted installation is installed. This Agreement is personal to Permittee and they shall not assign this



Agreement without the express written consent of the Director, which shall not be unreasonably withheld or delayed.

12. City may revoke this Agreement for any reason by giving thirty (30) days' notice to Permittee. Upon revocation, Permittee shall remove all permitted installations constructed or placed by Permittee or any previous party to this Agreement at no cost to City and in accordance with all applicable laws.
13. Permittee, during the term of this Agreement, shall comply with all applicable laws, ordinances, rules and regulations of and obtain permits from all federal, state and local governmental authorities having jurisdiction over the permit area and Permittee's use thereof.
14. Any notice under this permit shall be in writing and personally delivered or deposited in the U.S. Postal Service, first class, postage prepaid, to Permittee at 269 Argonne Avenue, Long Beach, CA 90803, and to City at 333 West Ocean Boulevard, Long Beach, California 90802, Attn: Director of Public Works. Notice shall be deemed given on the date of personal delivery or on the date of deposit in the mail, whichever first occurs.
15. This Agreement shall never be construed as a grant by the 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 the City, or as an estoppel against it, which would in any manner whatsoever bar or limit, or otherwise prejudice, City's right to at any time whatsoever require a discontinuance of the use or occupancy of all or any part of the public right-of-way, the removal therefrom of all or any obstructions erected or maintained under this Agreement and as the restoration of such public right-of-way to a clean condition, all at the sole cost and expense of the Permittee.
16. In case suit shall be brought for the recovery of possession of all or any portion of the public right-of-way, the removal of any permitted installations or any impediments to the public right-of-way, or the breach of any covenant, promise, or agreement made by Permittee pursuant to the Agreement, Permittee shall pay to the City reasonable costs including attorney's fees which shall be fixed by the court.
17. The provisions of this Agreement shall be binding upon and shall inure to the benefit of the heirs, executors, assigns and successors in interest of the parties hereto.

PERMITTEE and CITY have executed this Agreement as of the dates shown below.

**DATE:** \_\_\_\_\_

**BY:** \_\_\_\_\_

**Signed:** \_\_\_\_\_

**Signed:** \_\_\_\_\_

**CITY OF LONG BEACH, a municipal corporation**

**DATE:** \_\_\_\_\_

**By:** \_\_\_\_\_

**Director of Public Works**

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INTENTIONALLY BLANK.





**City of Long Beach**  
333. W. Ocean Blvd.  
Long Beach, CA 90802

Visit us at [www.longbeach.gov/PW](http://www.longbeach.gov/PW)



@LBPublicWorks

This information is available in alternative format by request at 562.570.5938.

For an electronic version of this document, visit our website at [www.longbeach.gov/PW](http://www.longbeach.gov/PW)

# PROPOSED CHANGES TO MUNICIPAL CODE

## Attachment B

### CHAPTER 14.14 - OCCUPATION OF PUBLIC WALKWAYS

#### 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 through its Department of Public Works.

"Existing permit in good standing" means a public walkways occupancy permit that has been issued by the City 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 or a change of equipment or fixtures within the permit area with no change to the total square footage occupied, unless the Director of Public Works deems such change to be negligible.

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

"Portable" means items capable of being carried or moved about without the use of heavy moving equipment.

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

"Public walkways" means all or any portion of territory within the City set apart and designated for the use of the public as a thoroughfare for travel, including alley and sidewalk which is generally considered the right-of-way between the curblin and the adjacent property line intended for use by pedestrians.

#### 14.14.020 - General requirements.

- A. No person shall use or occupy the public walkway with any obstruction for any purpose without first obtaining a written permit from the City through its Department of Public Works. Permits are not transferable. This Chapter shall not be applicable to any activity performed pursuant to and permitted by other Chapters of this Code.
- B. Permits may only be issued to owners of property directly adjoining that portion of the public walkway upon which the obstruction is to be located, or to lessees of such property with the consent of the property owner.
- C. The permit may be suspended or canceled at any time at the discretion of the Director of Public Works, in the event that it is determined that the obstruction would interfere with street improvement activities,

# PROPOSED CHANGES TO MUNICIPAL CODE

## Attachment B

construction activities, cleaning efforts or other similar activities. The permit may also be suspended at any time, if, in the discretion of the City Engineer or Fire Marshal, the obstruction threatens the public health or safety.

- D. Permits for occupancy may contain restrictions for hours of the day or days of the week during which the obstruction may occupy a public walkway as determined by the Director of Public Works in his or her discretion.
- E. Permits shall be issued for an initial period not to exceed one (1) year. Upon expiration, a new permit must be obtained on the basis of a new application or a renewal permit must be obtained. Notwithstanding the above, such permits may be terminated by the City upon thirty (30) days' notice of the City Engineer.
- F. The Director of Public Works or designee is authorized to renew an existing permit in good standing for additional one (1) year periods provided either: (1) the applicant is not seeking any modification of the existing permit or (2) any modification sought by either the applicant, the City Engineer or the Fire Marshal is deemed by the Director of Public Works to be a "minor modification of an existing permit", as defined in Section 14.14.010.
- G. No permit obtained under this Chapter shall excuse the permittee's obligation to obtain and comply with any other permit or license required by the City or any other regulatory agency.

### 14.14.030 - Public walkways occupancy permit—Application.

A person desiring to occupy a public walkway shall file an application for such authorization with the City. The applications shall be on a form provided by the City or accessible from the City's website and shall be signed by the permittee or his/her duly authorized agent. Any person signing the application as an agent shall furnish a written authorization executed by the permittee designating the person signing the permit as the permittee's duly authorized agent for such purpose. Such authorization will remain in full force and effect until revoked by a written document signed by the permittee and filed with the City. Such application shall be accompanied by plans satisfactory to the City, which show in detail the proposed obstruction and method of securing it to public property including public infrastructure.

### 14.14.035 - Fees, refunds and security deposits.

- A. Every applicant for a public walkway occupancy permit under this Chapter shall pay to the City, before a permit is issued, an annual fee as adopted by the City Council by resolution and specified in the fee schedule.
- B. Every applicant for a public walkway occupancy permit under this Chapter shall pay to the City a security deposit in an amount equivalent to the permit fee or in such additional amount as determined by the City Engineer. Such security deposit shall be applied to the cost of repairing any damage to public property attributable to the permittee's use of public property. Any balance shall be "rolled over" until the permit is terminated or canceled, at which time the security deposit shall be applied to the cost of restoring the public property to its prior condition and the remainder, if any, refunded to the permittee.
- C. In the event that any permit issued pursuant to this Chapter is canceled because the permittee has violated a condition of his or her permit or any regulation or law, or because the permittee no longer owns or controls the property directly abutting the portion of the public walkway upon which the obstruction is located, no portion of a permit fee paid by him or her shall be refunded. If the permit is canceled by the City for any other reason, the unearned portion of the permit fee shall be refunded.



# PROPOSED CHANGES TO MUNICIPAL CODE

## Attachment B

### 14.14.040 - Public walkway occupancy standards.

The public walkway occupancy standards for location, design and operations shall comply with the City of Long Beach Sidewalk Dining and Parklets Handbook to be made available by the City. The Director of Public Works and/or City Engineer may require additional conditions for the location, design and operation of the public walkway occupancy. In addition, any public walkway occupancy subject to the terms of this Chapter shall conform to all of the following requirements:

- A. The minimum width of the public walkway shall be not less than ten feet (10'), and such obstructions must permit at least five feet (5') of unobstructed area of public walkway, unless otherwise approved by the City Engineer on the basis of the considerations specified in this Chapter;
- B. The obstruction shall not be located in a manner which interferes with the flow of pedestrian or other traffic, or which creates a potential threat to public safety, as determined by the City Engineer or Fire Marshal;
- C. The obstruction shall be kept in a good state of repair and in a safe, sanitary and attractive condition;
- D. Such obstruction shall be located in a manner which will not interfere with visibility, vehicular or pedestrian mobility or access to City or public utility facilities and will not compromise the safe use of any public walkway or other right-of-way. Permitted locations shall be determined by the City Engineer after consideration of the above and other relevant factors in relation to the proposed site. The City Engineer may, in his or her discretion, place additional conditions upon the issuance of such permit in order to ensure the protection of the public health and welfare and public property.
- E. Minor modifications to these standards may be made by the Director of Public Works to an existing permit in good standing.

### 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 or modified by the Director of Public Works in his or her discretion.
- 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.
  - 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 walkway and 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.

# PROPOSED CHANGES TO MUNICIPAL CODE

## Attachment B

- E. The permittee shall be responsible for cleaning the public walkway occupied by a dining or entertainment area.
- F. Canopy structures, including overhead structures and windbreaks, are permitted, provided such structures are approved as part of a public walkway occupancy permit and are consistent with any approved master plan applicable to the installation and the design guidelines. Such structures must comply with all applicable laws and regulations, including, but not limited to, all fire, health, and building code regulations. Signage on or adjacent to a canopy structure shall be limited to business identification signs and shall be included in the calculation of total signage permitted pursuant to Chapter 21.44 of this Code.
- G. 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.
- H. Menu boards must be portable, located within the dining area, and must not exceed five feet (5'), six inches (6") 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.
- I. A-frame signs, television monitors, and canopies are not permitted at any location beyond the permit area.

### 14.14.055 - Entertainment on the public right-of-way.

- A. No person shall perform or cause to be performed any entertainment activity on the public right-of-way without first obtaining a public walkways occupancy permit which permits such entertainment.
- B. In the downtown area, nonamplified outdoor entertainment is permitted from ten o'clock (10:00) a.m. until twelve o'clock (12:00) midnight each day. Amplified outdoor entertainment is permitted from five o'clock (5:00) p.m. to twelve o'clock (12:00) midnight Monday through Friday, except if such day is a holiday. Amplified outdoor entertainment is permitted from ten o'clock (10:00) a.m. to twelve o'clock (12:00) midnight on Saturday, Sunday and holidays.
- C. This Section shall not apply to any holder of a permit issued pursuant to Chapter 5.60 or Section 14.04.070 of this Code. Nothing in this Section shall operate to modify any requirement of Chapter 3.80 or 5.72 of this Code.

### 14.14.060 - Public walkways occupancy permit—Failure to obtain.

- A. Any person who occupies any public sidewalk with any "obstruction," as defined herein, prior to obtaining a permit therefor, shall pay a fee double the fee calculated by the method prescribed in this Chapter.
- B. The payment of the additional fee shall not relieve such person from the obligations imposed by this Chapter, or from penalties prescribed herein.

### 14.14.070 - Indemnification of City.

A permit issued for public walkway occupancy under this Chapter shall provide that the permittee shall defend, indemnify, save and keep the City, its officers, agents and employees free and harmless from and against any and all claims for injury, damage, loss, liability, cost and expense of any name or nature whatsoever which the City, its officers, agents and employees may suffer, sustain, incur, or pay out as a result of any and all actions, suits, proceedings, claims and demands which may be brought, made or filed

# PROPOSED CHANGES TO MUNICIPAL CODE

## Attachment B

against the City, its officers, agents and employees, by reason of or arising out of, or in any manner connected with, any and all operations authorized or permitted by the permit.

### 14.14.080 - Insurance.

- A. Concurrent with the issuance of the permit, the permittee shall procure and maintain, at its cost, during the term of the permit insurance as prescribed in regulations issued by the City Manager pursuant to Section 2.84.040.
- B. Insurance required herein shall not be deemed to limit the permittee's liability under this permit.
- C. Permittee shall keep the insurance in full force and effect during the term of any public walkway occupancy permit issued pursuant to this Chapter. No permit granted pursuant to this Chapter shall be effective until the permittee has complied with all insurance requirements.
- D. Any public walkway occupancy permit so terminated may be reinstated only upon application therefor submitted and approved by the City and upon the payment of twenty dollars (\$20.00) per day for every day on which no insurance was provided and also upon payment of all sums due and unpaid to the City under the provisions of this Chapter, as well as full indemnification during the uninsured period.

### 14.14.090 - Default.

Upon the termination of the public walkway occupancy permit by reason of the failure of the permittee to comply with the provisions of this Chapter, the City may notify the permittee in writing of the default and specify the time within which the default is to be remedied. If the permittee fails or refuses to remedy the default within the period of time specified, the right of permittee to use the public walkway shall cease and the City shall have the right to remove the public walkway obstruction as provided under this Chapter. The permittee shall reimburse the City for any expense incurred by the City in removing the obstruction. Should the permittee continue to use the public walkway after the permit has been terminated and should the City file suit to restrain the use of the public walkway by permittee, the permittee shall reimburse the City for its reasonable costs and expenses in connection therewith, including a reasonable attorney fee.

### 14.14.100 - Revocation and nonrenewal.

- A. The Director of Public Works or City Engineer may revoke, refuse to issue or renew a public walkway occupancy permit if such person has failed or refused:
  - 1. To pay any fees for permits, security deposits or charges as established by the City Council;
  - 2. To repair public improvements damaged as a result of the occupancy of the public walkway;
  - 3. To comply with the terms of this Chapter or of a permit granted hereunder.
- B. The Director of Public Works may also refuse to issue or renew a permit for public walkway occupancy in an area where such occupancy will be inconsistent with the public's use of the public walkway, access needs or the use of any property located adjacent to the public walkway.

### 14.14.110 - Appeal—City Council.

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



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- A. The request for appeal shall be in writing, shall set forth the specific ground(s) on which it is based and shall be submitted to the Director of Public Works.
- B. If the appeal is made by a permittee involving such permittee's existing permit, such appeal shall be accompanied by an appeal deposit in an amount determined by the City Council by resolution. For appeals made by any person other than the permittee, there shall be no required appeal deposit.
- 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.

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### CHAPTER 14.15 - PARKLETS

#### 14.15.010 - 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 permit that has been issued by the City through its Department of Public Works, or the City Council for uses other than dining, entertainment, seating, planting, landscaping, lighting, shade, bicycle parking and/or artwork.

"Existing permit in good standing" means a permit that has been issued by the City 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 or a change of equipment or fixtures within the permit area with no change to the total square footage occupied, unless the Director of Public Works deems such change to be negligible.

"Obstruction" means any temporary or permanent structure or stationary object, including, but not limited to, signs, displays, barriers, furniture, plants or plant containers, musical equipment, or merchandise placed on a public walkway or other right-of-way.

"Parklet" or "sidewalk extension parklet" means a small area open to public use, utilizing one or more on-street parking spaces and may include adjacent public walkways or other right-of-way, that may combine elements including dining, entertainment, seating, planting, landscaping, lighting, shade, bicycle parking and/or artwork.

"Permit" or "parklet permit" means a public walkways occupancy with sidewalk extension parklet permit issued by the City through its Department of Public Works.

"Portable" means items capable of being carried or moved about without the use of heavy moving equipment.

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

"Public walkways" means all or any portion of territory within the City set apart and designated for the use of the public as a thoroughfare for travel, including alley and sidewalk which is generally considered the right-of-way between the curblin and the adjacent property line intended for use by pedestrians.

#### 14.15.020 - General requirements.

- A. No person shall use or occupy the public walkway or other right-of-way with any obstruction for providing a parklet without first obtaining a written permit from the City through its Department of Public

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Works, or shall be obtained from the City Council for uses other than dining, entertainment, seating, planting, landscaping, lighting, shade, bicycle parking and/or artwork. Permits are not transferable. This Chapter shall not be applicable to any activity performed pursuant to and permitted by other Chapters of this Code.

- B. Permits may only be issued to owners of property directly adjoining that portion of the public walkway and/or other right-of-way upon which the obstruction is to be located, or to lessees of such property with the consent of the property owner.
- C. Permits for providing a parklet may only be issued for obstructions in areas located outside the coastal zone, unless a separate Local Coastal Permit has been issued for such obstructions subject to the terms of this Chapter.
- D. Permits for providing a parklet may only be issued if the vehicular speed limit of the adjoining street is no more than twenty-five miles per hour (25 mph).
- D. The permit may be suspended or canceled at any time at the discretion of the Director of Public Works, in the event that it is determined that the obstruction would interfere with street improvement activities, construction activities, cleaning efforts or other similar activities. The permit may also be suspended at any time, if, in the discretion of the City Engineer or Fire Marshal, the obstruction threatens the public health or safety.
- E. Permits may contain restrictions for hours of the day or days of the week during which the obstruction may occupy a public walkway and/or other right-of-way as determined by the Director of Public Works in his or her discretion.
- F. Permits shall be issued for an initial period not to exceed one (1) year. Upon expiration, a new permit must be obtained on the basis of a new application or a renewal permit must be obtained. Notwithstanding the above, such permits may be terminated by the City upon thirty (30) days' notice of the City Engineer.
- G. The Director of Public Works or designee is authorized to renew an existing permit in good standing for additional one (1) year periods provided either: (1) the applicant is not seeking any modification of the existing permit or (2) any modification sought by either the applicant, the City Engineer or the Fire Marshal is deemed by the Director of Public Works to be a "minor modification of an existing permit", as defined in Section 14.15.010.
- H. No permit obtained under this Chapter shall excuse the permittee's obligation to obtain and comply with any other permit or license required by the City or any other regulatory agency.

### 14.15.030 - Parklet permit—Application.

- A. A person desiring to occupy a public walkway and/or other right-of-way for providing a parklet shall file an application for such authorization with the City. The applications shall be on a form provided by the City or accessible from the City's website and shall be signed by the permittee or his/her duly authorized agent. Any person signing the application as an agent shall furnish a written authorization executed by the permittee designating the person signing the permit as the permittee's duly authorized agent for such purpose. Such authorization will remain in full force and effect until revoked by a written document signed by the permittee and filed with the City. Such application shall be accompanied by plans satisfactory to the City, which show in detail the proposed obstruction and method of securing it to public property including public infrastructure.



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- B. Every applicant for a parklet permit under this Chapter shall submit to the satisfaction of the Director of Public Works, before a permit is issued, written consents from the applicable community organizations and building associations providing evidence of the organizations' approval or lack of objections to the parklet installation, loss of a parking space(s) and/or impacts on dining operations.

### 14.15.035 - Fees, refunds and security deposits.

- A. Every applicant for a parklet permit under this Chapter shall pay to the City, before a permit is issued, an annual fee as adopted by the City Council by resolution and specified in the fee schedule.
- B. Every applicant for a parklet permit under this Chapter shall pay to the City a security deposit in an amount equivalent to the permit fee or in such additional amount as determined by the City Engineer. Such security deposit shall be applied to the cost of repairing any damage to public property attributable to the permittee's use of public property. Any balance shall be "rolled over" until the permit is terminated or canceled, at which time the security deposit shall be applied to the cost of restoring the public property to its prior condition and the remainder, if any, refunded to the permittee.
- C. In the event that any permit issued pursuant to this Chapter is canceled because the permittee has violated a condition of his or her permit or any regulation or law, or because the permittee no longer owns or controls the property directly abutting the portion of the public walkway or other right-of-way upon which the obstruction is located, no portion of a permit fee paid by him or her shall be refunded. If the permit is canceled by the City for any other reason, the unearned portion of the permit fee shall be refunded.

### 14.15.040 - Parklet standards.

The parklet standards for location, design and operations shall comply with the City of Long Beach Sidewalk Dining and Parklets Handbook to be made available by the City. The Director of Public Works and/or City Engineer may require additional conditions for the location, design and operation of the parklet. In addition, any parklet subject to the terms of this Chapter shall conform to all of the following requirements:

- A. The minimum width of the public walkway directly adjoining the parklet shall be not less than five feet (5'), and such obstructions must permit at least five feet (5') of unobstructed area of public walkway, unless otherwise approved by the City Engineer on the basis of the considerations specified in this Chapter;
- B. The obstruction shall not be located in a manner which interferes with the flow of pedestrian or other traffic, or which creates a potential threat to public safety, as determined by the City Engineer or Fire Marshal;
- C. The obstruction shall be kept in a good state of repair and in a safe, sanitary and attractive condition;
- D. Such obstruction shall be located in a manner which will not interfere with visibility, vehicular or pedestrian mobility or access to City or public utility facilities and will not compromise the safe use of any public walkway or other right-of-way. Permitted locations shall be determined by the City Engineer after consideration of the above and other relevant factors in relation to the proposed site. The City Engineer may, in his or her discretion, place additional conditions upon the issuance of such permit in order to ensure the protection of the public health and welfare and public property.
- E. Minor modifications to these standards may be made by the Director of Public Works to an existing permit in good standing.

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### 14.15.045 - Parklet dining permits and entertainment permits.

- A. No person may occupy or cause to be occupied any portion of the public walkway or other right-of-way for the purpose of providing dining or entertainment within a parklet except as permitted by this Chapter or as elsewhere provided for in this Code.
- B. Permits to occupy a portion of the public walkway or other right-of-way for the purposes of dining or entertainment within a parklet may contain restrictions for hours of the day or days of the week during which dining or entertainment may occur within the parklet as determined or modified by the Director of Public Works in his or her discretion.
- C. In addition to the other requirements set forth in this Chapter, permits to occupy a portion of the public walkway or other right-of-way for the purpose of dining or entertainment within a parklet 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.
  - 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 walkway or other right-of-way within a parklet 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 and other right-of-way occupied by a dining or entertainment area within a parklet, as well as any public property adjacent to the parklet.
- F. Canopy structures, including overhead structures and windbreaks, are permitted, provided such structures are approved as part of a parklet permit and are consistent with any approved master plan applicable to the installation and the design guidelines. Such structures must comply with all applicable laws and regulations, including, but not limited to, all fire, health, and building code regulations. Signage on or adjacent to a canopy structure shall be limited to business identification signs and shall be included in the calculation of total signage permitted pursuant to Chapter 21.44 of this Code.
- G. Temporary banners, not exceeding the height of the barrier and attached to the barrier facing the public sidewalk are permitted for a two (2) week period no more than four (4) times per year. Banners shall not be attached to the street facing sides of a parklet.
- H. Menu boards must be portable, located within the dining area, and must not exceed five feet (5'), six inches (6") 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.
- I. A-frame signs, television monitors, and canopies are not permitted at any location beyond the permit area.

### 14.15.055 - Entertainment on the public right-of-way.

- A. No person shall perform or cause to be performed any entertainment activity on the public right-of-way without first obtaining a parklet permit which permits such entertainment.

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- B. In the downtown area, nonamplified outdoor entertainment is permitted from ten o'clock (10:00) a.m. until twelve o'clock (12:00) midnight each day. Amplified outdoor entertainment is permitted from five o'clock (5:00) p.m. to twelve o'clock (12:00) midnight Monday through Friday, except if such day is a holiday. Amplified outdoor entertainment is permitted from ten o'clock (10:00) a.m. to twelve o'clock (12:00) midnight on Saturday, Sunday and holidays.
- C. This Section shall not apply to any holder of a permit issued pursuant to Chapter 5.60 or Section 14.04.070 of this Code. Nothing in this Section shall operate to modify any requirement of Chapter 3.80 or 5.72 of this Code.

### 14.15.060 - Parklet permit—Failure to obtain.

- A. Any person who occupies any public sidewalk or other right-of-way with any "obstruction," as defined herein, prior to obtaining a permit therefor, shall pay a fee double the fee calculated by the method prescribed in this Chapter.
- B. The payment of the additional fee shall not relieve such person from the obligations imposed by this Chapter, or from penalties prescribed herein.

### 14.15.070 - Indemnification of City.

A parklet permit issued under this Chapter shall provide that the permittee shall defend, indemnify, save and keep the City, its officers, agents and employees free and harmless from and against any and all claims for injury, damage, loss, liability, cost and expense of any name or nature whatsoever which the City, its officers, agents and employees may suffer, sustain, incur, or pay out as a result of any and all actions, suits, proceedings, claims and demands which may be brought, made or filed against the City, its officers, agents and employees, by reason of or arising out of, or in any manner connected with, any and all operations authorized or permitted by the permit.

### 14.15.080 - Insurance.

- A. Concurrent with the issuance of the permit, the permittee shall procure and maintain, at its cost, during the term of the permit insurance as prescribed in regulations issued by the City Manager pursuant to Section 2.84.040.
- B. Insurance required herein shall not be deemed to limit the permittee's liability under this permit.
- C. Permittee shall keep the insurance in full force and effect during the term of any parklet permit issued pursuant to this Chapter. No permit granted pursuant to this Chapter shall be effective until the permittee has complied with all insurance requirements.
- D. Any parklet permit so terminated may be reinstated only upon application therefor submitted and approved by the City and upon the payment of twenty dollars (\$20.00) per day for every day on which no insurance was provided and also upon payment of all sums due and unpaid to the City under the provisions of this Chapter, as well as full indemnification during the uninsured period.

### 14.15.090 - Default.

Upon the termination of the parklet permit by reason of the failure of the permittee to comply with the provisions of this Chapter, the City may notify the permittee in writing of the default and specify the time within which the default is to be remedied. If the permittee fails or refuses to remedy the default within the period of time specified, the right of permittee to use the public walkway or other right-of-way shall cease and the City shall have the right to remove the public walkway or other right-of-way obstruction as provided



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under this Chapter. The permittee shall reimburse the City for any expense incurred by the City in removing the obstruction. Should the permittee continue to use the public walkway or other right-of-way after the permit has been terminated and should the City file suit to restrain the use of the public walkway or other right-of-way by permittee, the permittee shall reimburse the City for its reasonable costs and expenses in connection therewith, including a reasonable attorney fee.

### 14.15.100 - Revocation and nonrenewal.

- A. The Director of Public Works or City Engineer may revoke, refuse to issue or renew a parklet permit if such person has failed or refused:
  - 1. To pay any fees for permits, security deposits or charges as established by the City Council;
  - 2. To repair public improvements damaged as a result of the parklet occupancy of the public walkway or other right-of-way;
  - 3. To comply with the terms of this Chapter or of a permit granted hereunder.
- B. The Director of Public Works may also refuse to issue or renew a permit for providing a parklet in an area where such occupancy will be inconsistent with the public's use of the public walkway or other right-of-way, access needs or the use of any property located adjacent to the public walkway or other right-of-way.

### 14.15.110 - Appeal—City Council.

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

- A. The request for appeal shall be in writing, shall set forth the specific ground(s) on which it is based and shall be submitted to the Director of Public Works.
- B. If the appeal is made by a permittee involving such permittee's existing permit, such appeal shall be accompanied by an appeal deposit in an amount determined by the City Council by resolution. For appeals made by any person other than the permittee, there shall be no required appeal deposit.
- 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.