

1 **PUBLIC WALKWAYS OCCUPANCY PERMIT**

2 **29664**

3 This Public Walkways Occupancy Permit ("Permit") is granted this 12th day  
4 of June, 2006, pursuant to minute order adopted by the City Council of the City  
5 of Long Beach at its meeting held on May 16, 2006, to **CAFÉ SEVILLA OF LONG**  
6 **BEACH, INC, a California corporation, ("Permittee")**, whose address is **8560 Production**  
7 **Avenue, San Diego, California 92121**, as the operator of the "**CAFÉ SEVILLA OF LONG**  
8 **BEACH**" restaurant and lessee of premises at **140 Pine Avenue**, Long Beach, California.  
9 It supersedes and replaces the permit granted in 2005.

10 Permission is granted to Permittee to occupy the public right-of-way with the  
11 following obstruction: **seven (7) tables, thirty (30) chairs, seven (7) quartz heaters, three**  
12 **(3') foot clearance from flammable materials , one (1) waiter station 5'6" high x 5'6"**  
13 **wide, a canopy or canopies of the precise dimensions and location indicated on**  
14 **Exhibit "A" and as described on Exhibit "D", attached, and two (2) planter boxes 2'**  
15 **high x 2'-6" x 3' deep, at 140 Pine Avenue**, Long Beach, California. Dimensions and  
16 location of the area to be occupied and the placement of all items are as shown on  
17 Exhibit "A", incorporated by reference and made a part of this Permit; provided that all  
18 obstructions are placed only within the permit area shown on Exhibit "A" (the "Permit  
19 Area.")

20 This Permit is granted with reference to the following facts:

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

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

2           5.       The City Engineer has determined that this use is in compliance with  
3 Chapter 14.14 of the Long Beach Municipal Code, all related to temporary use of the public  
4 rights-of-way.

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

7           1.       The minimum width of the public walkway shall be ten feet, or as  
8 otherwise approved by the City Council pursuant to Chapter 14.14 of the Long Beach  
9 Municipal Code, and any obstruction must permit at least five feet of unobstructed area of  
10 public walkway.

11           2.       The obstruction shall abut the property and not be located in a manner  
12 which interferes with the flow of pedestrian or other traffic.

13           3.       The maximum height of any such obstruction shall be six feet and all  
14 such obstructions shall be entirely portable, except as specifically authorized by the City  
15 Engineer.

16           4.       This permit may be immediately suspended for a designated time  
17 period at any time in the event that, in the discretion of the City Council or City Manager,  
18 such obstruction would interfere with street improvement activities, construction activities,  
19 cleaning efforts or other similar activities.

20           5.       The obstruction shall be kept in a good state of repair and in a safe

1 obstruction described above and as shown on Exhibit "A".

2           8.     The area in front of the entrance to the business shall not be  
3 obstructed by barricades, chairs, tables or other furniture.

4           9.     The Permittee shall place all obstructions, and any accessories or  
5 equipment located within a dining or entertainment area, in strict accordance with Fire  
6 Department and Health and Human Services Department standards and contained within  
7 Chapter 14.14 of the City of Long Beach Municipal Code.

8           10.    No surface improvements, included but not limited to special paving  
9 surfaces, may be removed or altered by the Permittee unless approved in advance in  
10 writing by the City Engineer.

11          11.    The Permittee shall not allow cleaning chemicals, or other foreign  
12 matter to flow into the parkway tree well, and shall otherwise protect the health of adjacent  
13 street trees, and shall likewise prevent the discharge of litter, cleaning chemicals and all  
14 other foreign matter to the storm drain system.

15          12.    The Permittee shall protect any parkway trees in the immediate vicinity  
16 of the permit area from damage due to the Permittee's cleaning or other activities on the  
17 public walkway. The Permittee shall not interfere with the City's access to parkway trees  
18 for maintenance purposes. Any special maintenance of the parkway trees is the  
19 responsibility of the Permittee and must be performed by a qualified landscape contractor  
20 acting under a permit from the City's Street Landscaping Division. The City shall not be  
21 held financially responsible for damage to any obstruction, including sidewalk furniture,  
22 equipment or canopy, occurring in the course of regular street tree maintenance.

23          13.    This Permit includes permission to install conduit under the City  
24 sidewalk for electrical and telephone service. Permittee specifically understands and  
25 acknowledges that this installation is being permitted on a temporary and experimental  
26 basis, and agrees to remove such installation and restore the sidewalk at its sole cost to  
27 the satisfaction of the City Engineer upon thirty (30) days' notice.

28          14.    This Permit includes permission to install a canopy in the Permit Area,

1 under the terms and conditions set forth on Exhibit "D" and incorporated into this permit by  
2 this reference, provided that canopy meets the separate requirements of the Health,  
3 Planning and Building, and Fire Departments.

4           15. Upon any termination of this Permit, whether by revocation or  
5 otherwise, Permittee shall remove the obstructions authorized by this Permit at the sole  
6 discretion of the City Engineer and shall otherwise restore the public street right-of-way to  
7 a condition substantially the same as existed immediately prior to the occupancy provided  
8 for by this Permit. Should Permittee fail or refuse to remove the obstructions, the City may  
9 do so and, in such event, the security deposit paid by Permittee shall be applied to the  
10 City's costs. Permittee shall reimburse the City for any costs in excess of the security  
11 deposit. In the event of removal by the City of all or any portion of the obstructions, City

1 or planter boxes, umbrellas, podiums, menu boards, musical equipment and heaters may  
2 not exceed those enumerated on Exhibit "A", and must be located inside the barrier, as  
3 shown on Exhibit "A".

4 C. All dining and entertainment which takes place on the public  
5 right of way shall conform to the requirements of Chapter 8.80 of the municipal code  
6 regarding noise. Complaints regarding noise shall be logged by city staff and may be the  
7 basis for suspension, cancellation, or non-renewal of a permit. Businesses located in the  
8 Downtown area may be required to obtain and comply with a separate Entertainment  
9 Permit.

10 D. The permittee shall be responsible for maintaining the Permit  
11 Area in a clean condition to the satisfaction of the City and in compliance with all applicable  
12 laws and regulations.

13 18. Any permit issued within the downtown area as defined on Exhibit "B"  
14 and made a part of this permit shall comply with all of the foregoing requirements and the  
15 following additional requirements:

16 A. No tents or windbreaks may be used in, over, or around dining  
17 or entertainment areas. A canopy which conforms to the requirements of Exhibit "D" is  
18 permitted.

19 B. Temporary banners, not exceeding the height of the barrier and  
20 attached to the barrier are permitted for a two-week period no more than four times per  
21 year.

22 C. Menu boards must be portable, located within the dining area,  
23 and must not exceed five feet, six inches tall. Menu boards may be either a single pole  
24 pedestal of painted metal or a board attached to the inside of the barrier, parallel to the  
25 barrier.

26 D. Television monitors and A-frame signs are prohibited on any  
27 portion of the public walkway, including the permit area, in the downtown area.

28 Upon expiration, a new permit must be obtained on the basis of a new

1 application and payment of a new fee and any security deposit amount due. Renewal of  
2 the permit is not automatic and there is no right or entitlement to any use of the public right-  
3 of-way. Security deposits may be adjusted from year to year based on permit compliance  
4 and enforcement cost history. This Permit shall never be construed as the grant by the  
5 City of any right to permanently use or occupy all or any portion of the public right-of-way.

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

**EXHIBIT A**  
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1 public street right-of-way or appurtenances to it.

2 In partial performance of this obligation, Permittee shall obtain and keep in  
3 full force and effect such public liability insurance and property damage insurance as  
4 required by the Long Beach Municipal Code. Said insurance shall specifically  
5 acknowledge the canopy, electrical and telephone installation in the City's right-of-way.

6 Nothing in this Permit shall be construed to excuse compliance by Permittee  
7 with any and all of the laws and ordinances of the City and State; neither shall this Permit  
8 be deemed to obviate the necessity of Permittee's obtaining such other permits or licenses  
9 as are required to conduct specific activities within the area, including but not limited to  
10 entertainment or the sale, service or consumption of alcoholic beverages.

11 19. The terms of this permit shall be enforced by the procedure set forth  
12 on Exhibit "C", attached and made a part of this permit.

13 In case suit shall be brought for the recovery of possession of all or any  
14 portion of the public right-of-way or because of the breach of any covenant contained in  
15 this Permit to be kept and performed on the part of Permittee, Permittee shall pay to the  
16 City reasonable attorneys' fees which shall be fixed by the court.

17 Permittee shall not assign this Permit, or any interest in it, nor shall this  
18 Permit, or any interest in it, be subject to transfer or assignment by order of any court. Any  
19 such transfer or assignment shall not create any right whatsoever in the transferee or  
20 assignees and shall entitle the City Manager, at his discretion, to terminate this Permit.

21 The acceptance of this Permit by Permittee shall be endorsed on this Permit  
22 and shall be an acceptance by Permittee of all of the terms and conditions of this Permit

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1 that Permittee shall conduct all activities hereunder in compliance with such chapter.

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DATED this 12th day of June, 2006.

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

By: [Signature]  
City Manager  
CITY

ACCEPTED this 23 day of May, 2006.

**CAFÉ SEVILLA OF LONG BEACH, INC.**  
a California corporation

By: [Signature]  
Title: CEO

By: [Signature]  
Title: CEO/SEC

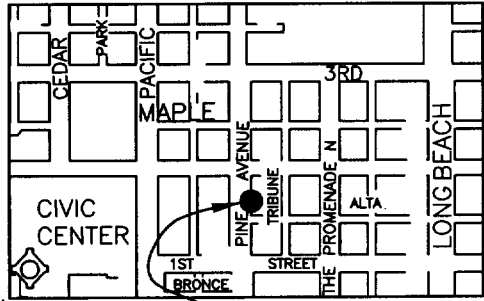
PERMITTEE

Approved as to form this 2nd day of June, 2006.

ROBERT E. SHANNON, City Attorney

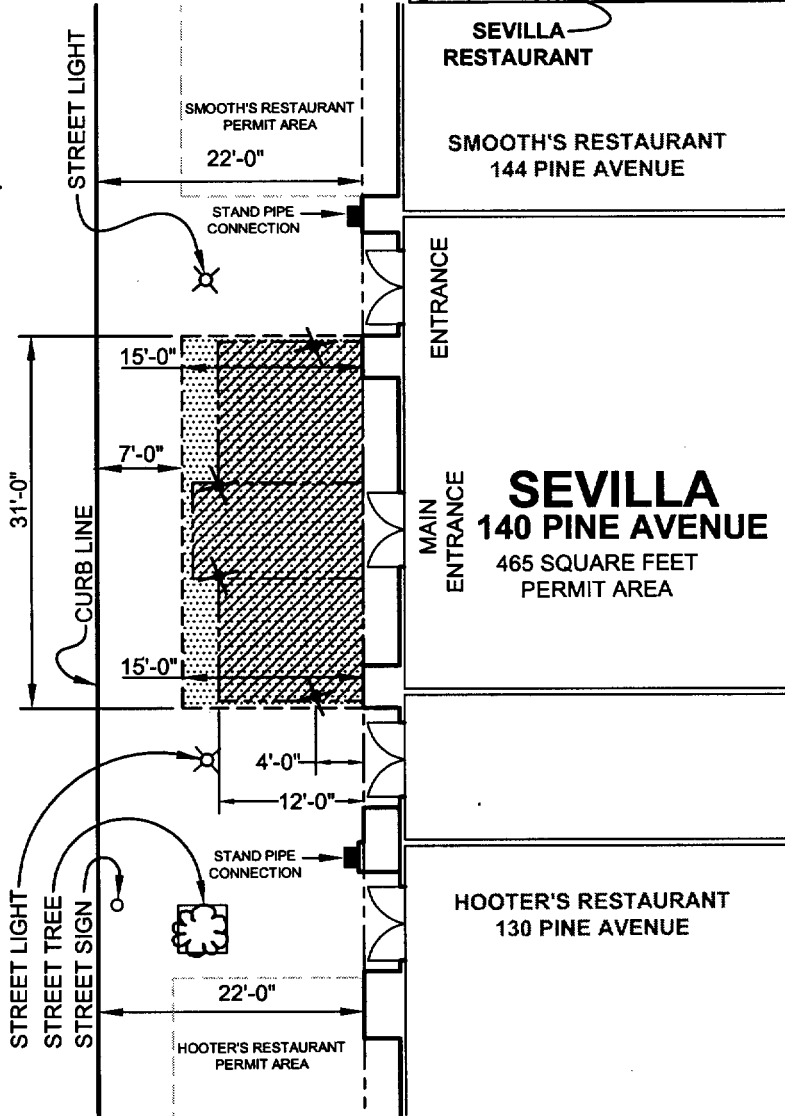
By: [Signature]  
Deputy








**AVENUE**

**PINE**



-  CANOPY SUPPORTS
-  SHOWS AREA OF PERMIT
-  SHOWS CANOPY LOCATION

CITY OF LONG BEACH - CALIFORNIA  
 DEPARTMENT OF PUBLIC WORKS, ENGINEERING BUREAU

**PUBLIC WALKWAYS OCCUPANCY  
 PERMIT  
 SEVILLA RESTAURANT  
 140 PINE AVENUE**

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

Restaurant: Sevilla Permittee: Café Sevilla of Long Beach, Inc.

Address: 140 Pine Avenue Telephone: (619) 520 - 6427

X Tables 7  
number: \_\_\_\_\_

X Chairs 30  
number: \_\_\_\_\_

0 Umbrella(s)  
height & number: \_\_\_\_\_  
\_\_\_\_\_

X Heater(s)  
height & number: 7  
\_\_\_\_\_

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

1 Waiter station 5'-6" High X 5'-6" Wide  
size: \_\_\_\_\_

2 Planters for trees or other greenscaping  
describe: 2 rectangular planters 2' x 2' x 3'  
4 hanging baskets

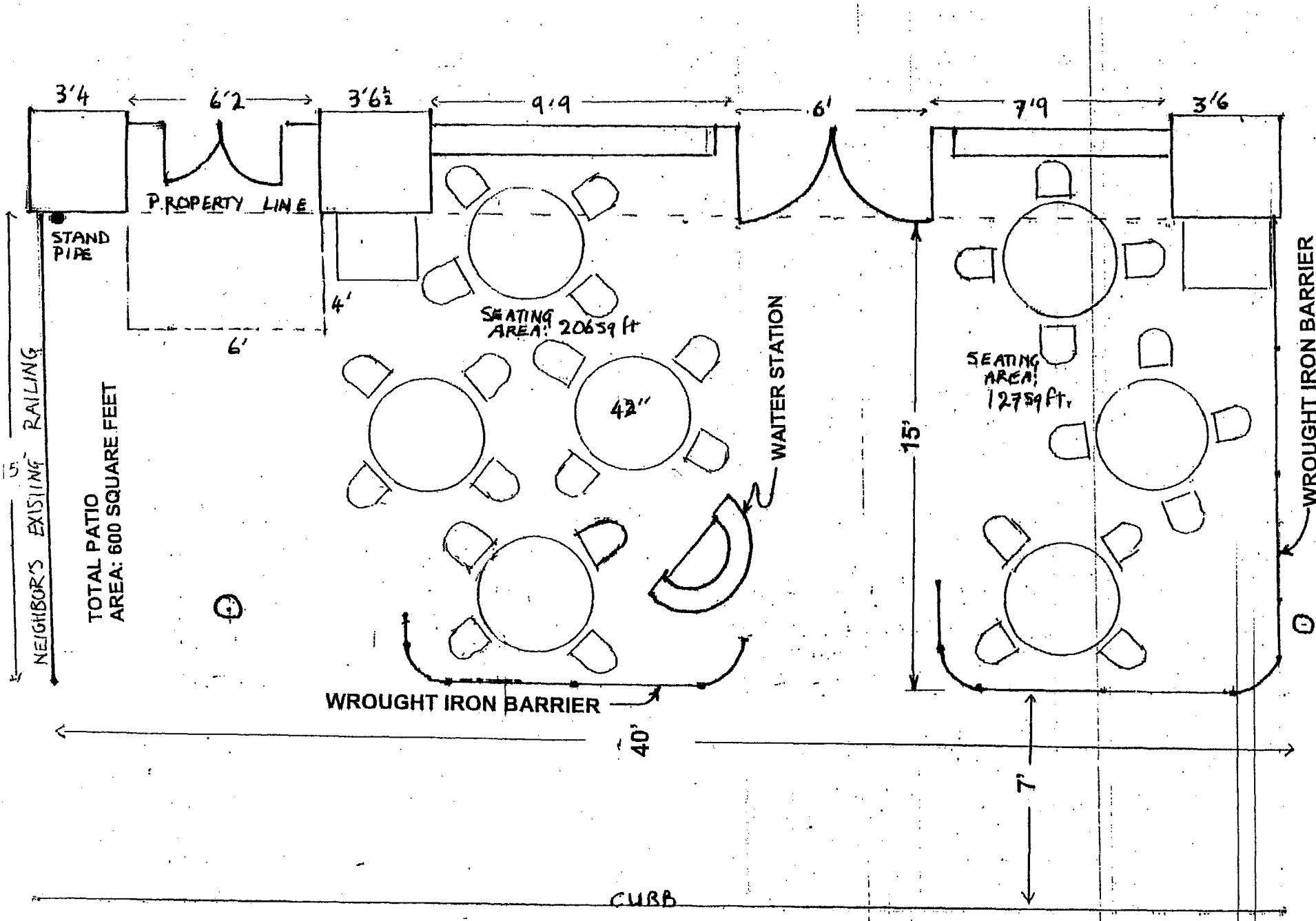
Other: 3 ground supported canopies (see attached drawings)  
\_\_\_\_\_  
\_\_\_\_\_

X We intend to make occasional use of the permit area for live or recorded entertainment  
(Note: 1. Television monitors are prohibited  
2. A separate entertainment permit is required).

Permittee signature: Janet A. Hurdobis

Date: 3-14-06

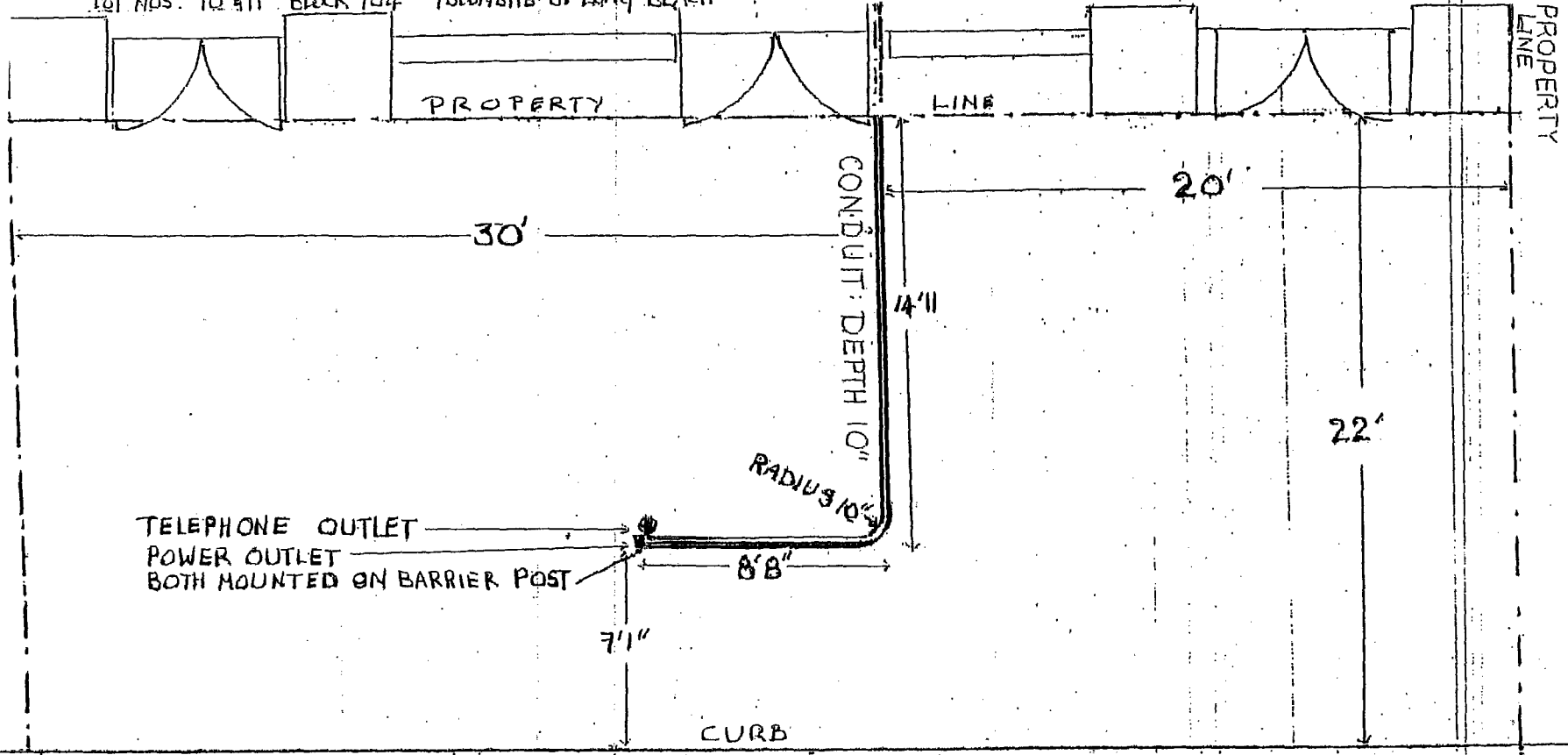
Print name here: JANET A. HURDOBIS



PATIO OF "SEVILLA", 140 PINE ST. LONG BEACH.

SCALE: 1/4" = 1'

LOT NOS. 101 & 11 BLOCK 104 TOWNSHIP OF LONG BEACH

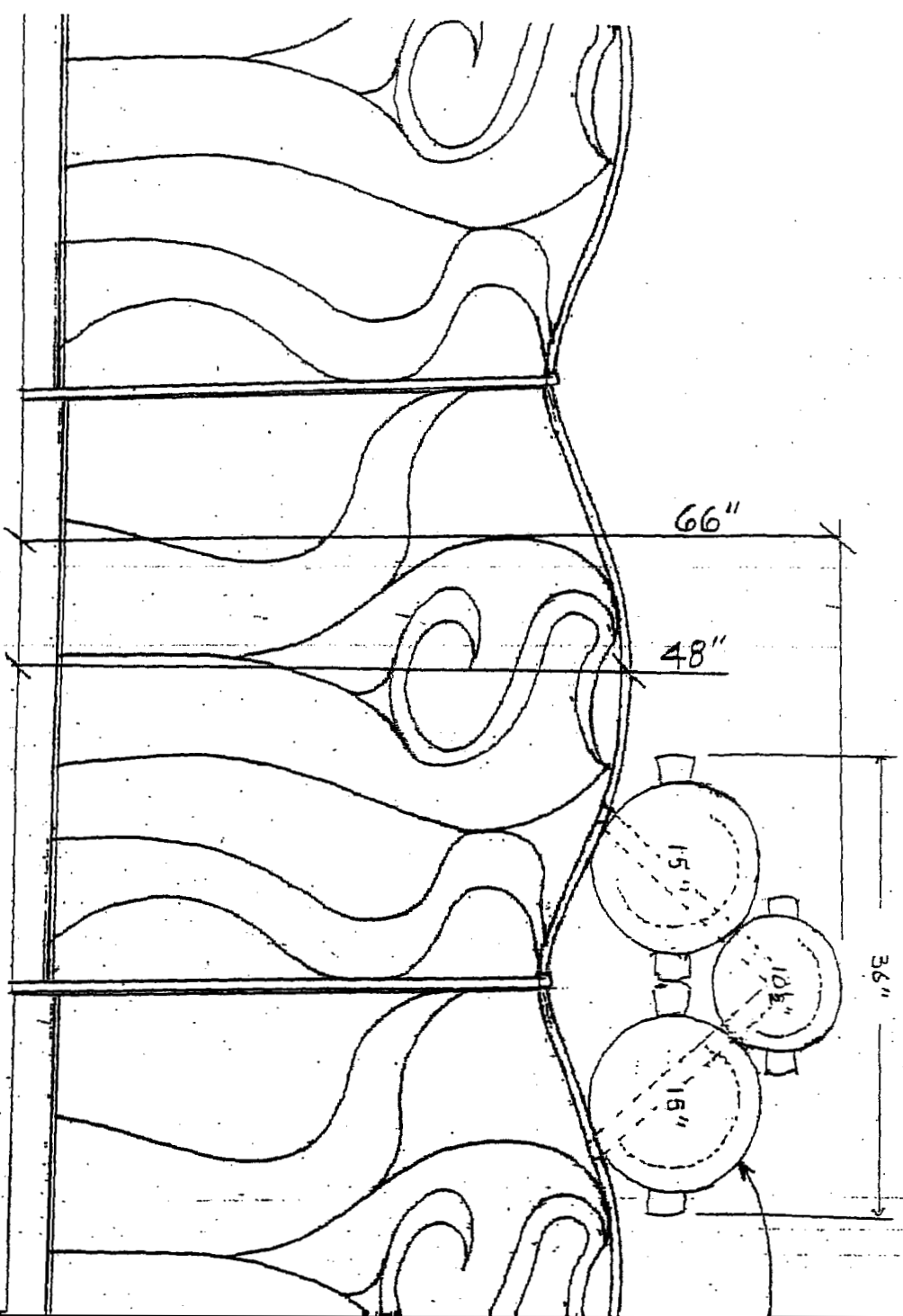


CONDUIT AND PHONE LINE  
DETAIL

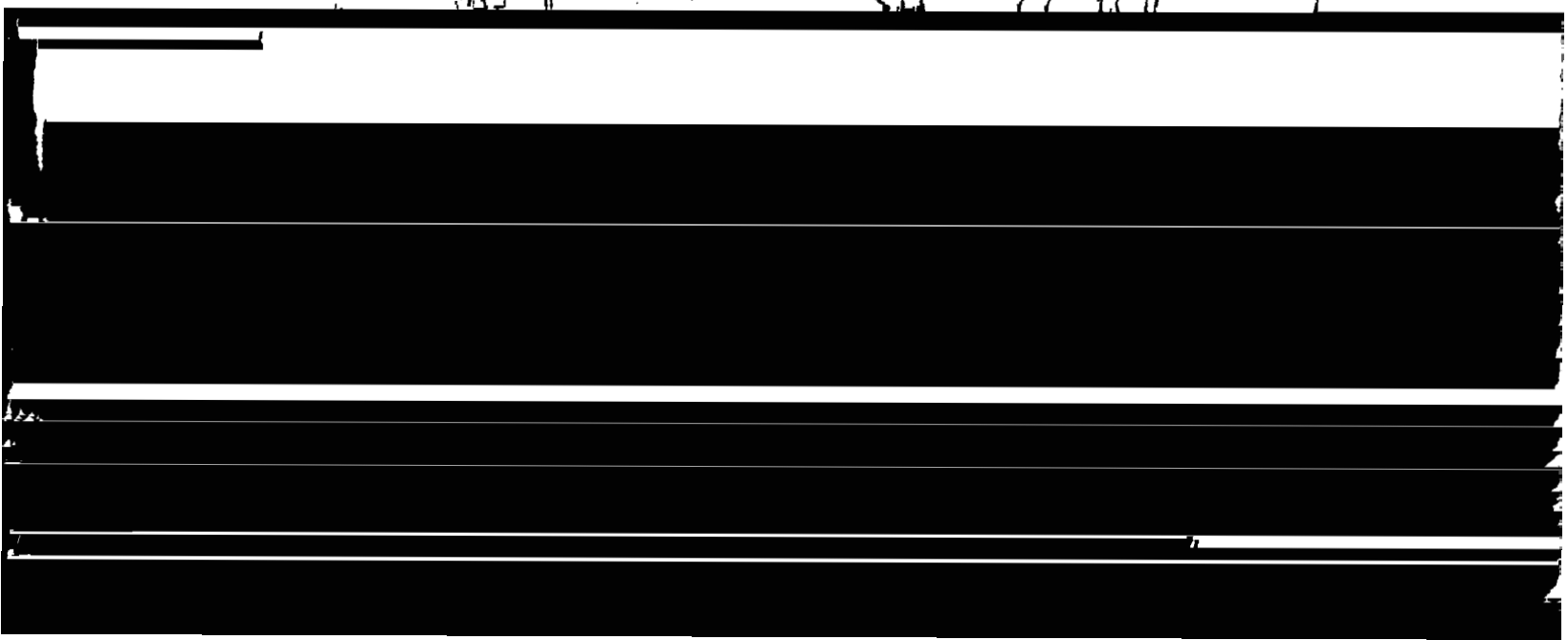
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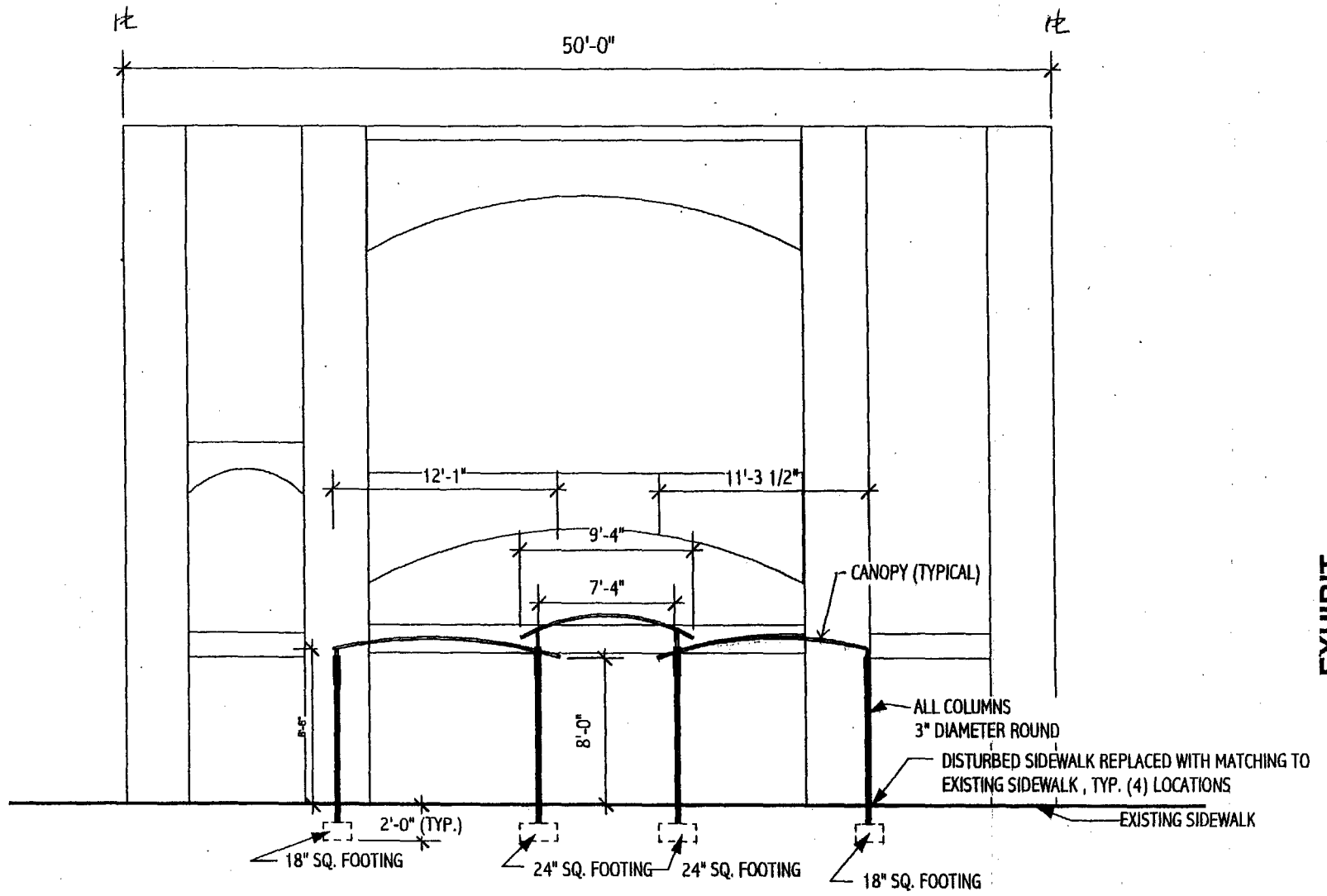
SEVILLA, 140 PINE AVENUE

50'  
PROPOSED ELECTRICAL CONDUIT BELOW SIDEWALK  
TO PODIUM, FOR POWER AND PHONE



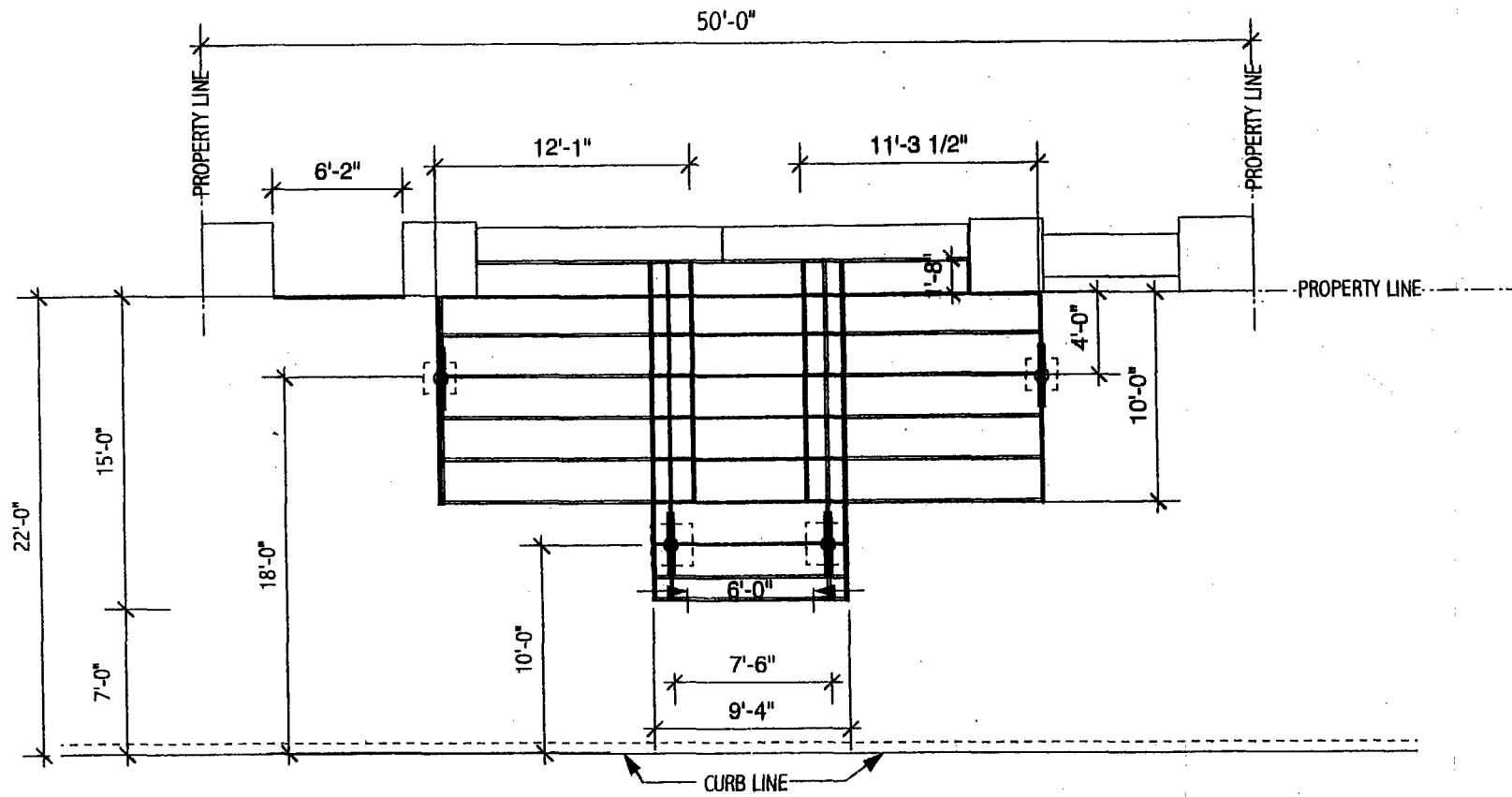
TELEPHONE  
POWER OUTLETS





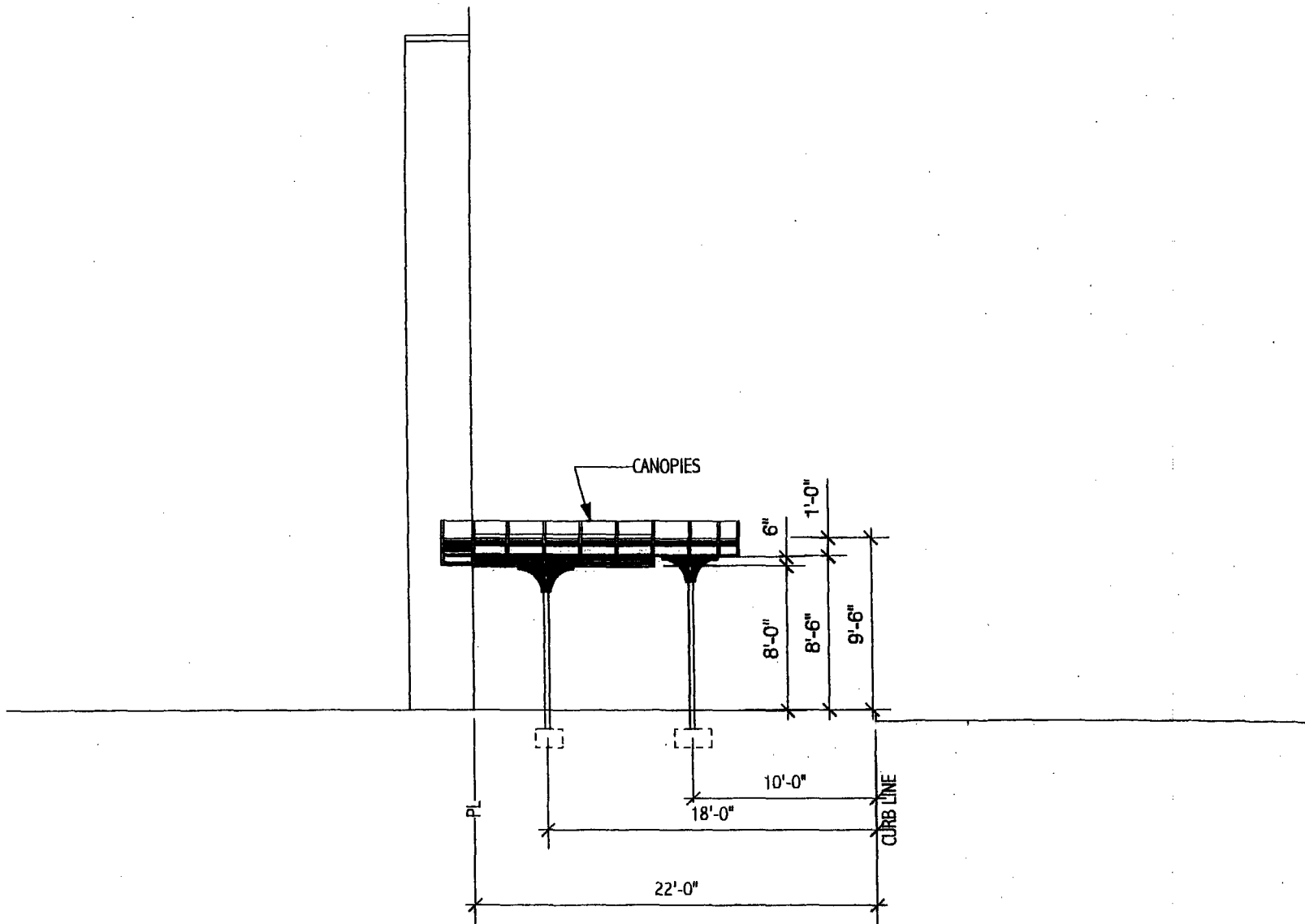
FRONT VIEW  
SCALE: 1/8"=1'-0"

SEVILLA  
140 PINE STREET  
LONG BEACH, CA



PLAN VIEW  
 SCALE: 1/8"=1'-0"

SEVILLA  
 140 PINE STREET  
 LONG BEACH, CA



SIDE VIEW  
 SCALE: 1/8"=1'-0"

SEVILLA  
 140 PINE STREET  
 LONG BEACH, CA



## EXHIBIT "B"

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

EXHIBIT "C"

PUBLIC WALKWAYS OCCUPANCY PERMITS  
ENFORCEMENT PROCESS

1. Letter of information sent to permittee regarding Municipal Code requirements and requested to correct an observed violation of permit conditions.
  - If not remedied in 10 working days, send official Notice of Violation.
2. Notice of Violation
  - Indicates that permittee can be found in default for failure to comply with permit conditions per Municipal Code Section 14.14.090.
  - Notes that uncorrected violations will be reported to the City Council at the next permit application.
  - Alerts permittee that the Alcoholic Beverage Control (ABC) will be notified of all permits declared in default.
  - If violation of permit conditions is not corrected within 10 working days, send Second Notice of Violation by certified mail.
  - Copies of Notice of Violation to be sent to the City Manager, Downtown Long

## EXHIBIT "D"

### Canopy Requirements and Description

#### Requirements

1. Permittee acknowledges that it is Permittee's obligation to comply with the requirements of the Fire, Health, and Planning & Building departments, including obtaining any separate permits required by those departments. In some cases, the requirements of those departments may limit the portion of the Permit Area that may be covered with a canopy, or whether a canopy can be permitted at all.
2. The dimensions of a proposed canopy over a Permit Area must be clearly indicated on Exhibit "A." **All of the canopy, including the foundations, must be contained within the Permit Area.**
3. A minimum clearance of 8 feet shall be provided underneath the canopy. Permission to place sidewalls or windbreaks is NOT included as part of this permit.
4. No canopy shall be installed in such a manner or location as to enclose, obstruct or impair the usefulness of any street light or any informational, parking or traffic control sign, or to enclose any street tree.
5. No signage or advertisements may be added without the specific review and written approval of the Planning Bureau's Zoning Officer and the Director of Public Works.
6. When this permit is terminated or revoked, Permittee is responsible for removing the foundations and restoring the surface of the Permit Area to the satisfaction of the city. Should Permittee fail or refuse to remove the obstructions, the City may do so and, in such event, the security deposit paid by Permittee shall be applied to the City's costs. Permittee shall reimburse the City for any costs in excess of the security deposit.

#### Description of Permitted Canopy

1. The canopy shall be solid maroon without pattern.
2. The canopy, in three sections, shall be supported by four 3-inch diameter tube columns. Two of the columns, placed 12 feet west of the front property line, will have 24-inch square foundations set 1 foot 6 inches below the sidewalk surface.