



# CITY OF LONG BEACH

# C-7

DEPARTMENT OF PUBLIC WORKS

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August 23, 2011

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

## RECOMMENDATION:

Authorize the City Manager to execute any and all documents necessary for a License Agreement with Belmont Brewing Company, Inc., Baja La Palapa Restaurant Group, Inc., and Beach Ventures, Inc. (collectively, Licensee), to refurbish and maintain a sign located on the City-owned parkway median at Livingston Drive and Termino Avenue. (District 3)

## DISCUSSION

The City of Long Beach owns and maintains an illuminated cabinet style sign (Sign) located on the City-owned parkway median at the intersection of Livingston Drive and Termino Avenue. The Sign is currently used to provide direction to the Belmont Plaza Pool, Belmont Veterans Memorial Pier, and ocean-front restaurants, as these locations are not readily visible from the major corridors of Ocean Boulevard and Livingston Drive. The City leases property to two ocean-front restaurants and a concession operator, which include Belmont Brewing Company, Inc., Baja La Palapa Restaurant Group, Inc., and Beach Ventures, Inc.

In a mutual partnership effort, these establishments have proposed to refurbish the Sign to provide name specific wayfinding for their businesses and to add an additional illuminated cabinet to maintain directional signage for the City facilities. The approval of the initial design and any future modifications to the Sign shall be subject to the approval of the City.

Staff recommends a license agreement containing the following major terms and provisions:

- Licensor: City of Long Beach.
- Licensee: Belmont Brewing Company, Inc., a California corporation, Baja La Palapa Restaurant Group, Inc., a California corporation, and Beach Ventures, Inc., a California corporation (collectively, Licensee).

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- License Area: An illuminated cabinet style sign on the City-owned median at the intersection of Livingston Drive and Termino Avenue.
- Term: The term shall commence upon the mutual execution of the License Agreement and shall run co-terminous with each party's respective restaurant lease.
- Early Termination: Licensee, either individually or collectively, shall have the right to terminate the License Agreement at any time for any reason upon 30 days written notice. After the tenth anniversary of the commencement date, the City shall have the right to terminate the License Agreement for any reason upon 30 days written notice.
- Restoration: At the termination of the License Agreement with respect to one or more parties, Licensee shall, at its sole cost and expense, remove any terminated party's designation on the Sign to the satisfaction of the City. Upon termination of the License Agreement, with respect to all parties, Licensee shall, at its own cost and expense, remove all Licensee-specific signage and return the Sign to the City in good condition with text acceptable to the City.
- Use: Licensee shall use the Sign for the purpose of providing name specific wayfinding for the businesses operated by Licensee located along the waterfront, as well as provide direction to the Pier and Pool.
- Rent: As consideration for the use of the License Area, the Licensee shall install, maintain, and repair the Sign at its own cost and expense. City shall have no obligation to maintain, repair, or replace the Sign.

In accordance with the California Environmental Quality Act, Categorical Exemption No. CE-95-11 has been issued for the project. This letter was reviewed by Deputy City Attorney Richard F. Anthony on July 28, 2011, and Budget Management Officer Victoria Bell on August 3, 2011.

TIMING CONSIDERATIONS

City Council action is requested on August 23, 2011, in order to finalize and execute the License Agreement in a timely manner.

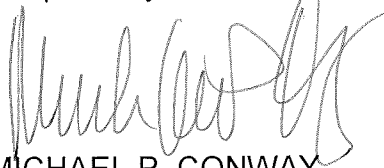
FISCAL IMPACT

The City shall receive an enhanced sign at no cost and shall no longer be responsible for future maintenance of the Sign. No other fiscal impact is anticipated. There is no local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



MICHAEL P. CONWAY  
DIRECTOR OF PUBLIC WORKS



GEORGE CHAPJIAN  
DIRECTOR OF  
PARKS, RECREATION AND MARINE

MPC:GC:MTB

08.23.11 Livingston Median Sign Agreement v2

APPROVED:



PATRICK H. WEST  
CITY MANAGER