

**SEC. 62.118.2. IMPROVEMENT IN PUBLIC STREETS –  
REVOCABLE PERMITS FOR.**

Where the Board of Public Works finds that a building, structure or improvement maintained or proposed to be constructed within the public street will not interfere with the maintenance and use of the street and is not intended for use by the public, it may issue a permit other than or in addition to a Class "A", Class "B" or Excavation Permit for the maintenance or proposed construction of such building, structure or improvement or any excavation in connection therewith. Before any investigation necessary to make such determination is performed, the Board of Public Works, through the Bureau of Engineering, shall collect a fee determined and adopted in the same manner as provided in Section 12.3711 of the Los Angeles Municipal Code for establishing fees. Such permit shall be revocable at any time. (Amended by Ord. No. 163,803, Eff. 8/15/88.)

# REQUEST FOR REVOCABLE PERMIT

Application Reference No. 2006000364

**APPLICATION STATUS:** Waiting for Customer Response

Date submitted 10/03/2006

Date Application Processed

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Site Address or Location: 4849 West Santa Monica Boulevard Los Angeles, CA 90029  
Lots 84, 85, 86, and 87 of tract no. 2577, in the City of Los Angeles, County of Los Angeles, State of California, as per map recorded in Book 26, pages 71 and 72 of Maps, in the Office of County Recorder of said county.

Legal Description:

Engineering District Central / Downtown

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Permit will be issued to: Applicant  Owner  Lessee

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Applicant's Name: Fred Stifter  
Restaurant Name (if applicable):  
Applicant's Address: 5657 Hollywood Blvd., Hollywood, CA  
Applicant Email: json@jagarchitects.com  
Applicant's Phone: 323-463-1729

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Owner's Name: Fred Stifter  
Owner's Address: 5657 Hollywood Blvd., Hollywood, CA  
Owner's Phone: 323-463-1729

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City Bus. Lic. No. 109362-65

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Description of Encroachment: Grade-Level landscaping with low level plants and Stamped Colored Concrete @ entries. (4) new trees in tree wells with grates. (3) Bikeracks (9) spaces each. (3) Trash receptacles. (2) Public Benches. Accessible ramp at the middle entry facing Santa Monica Blvd. Accessible ramp and steps at the entry on the corner of Santa Monica & Berendo.

Reason for Encroachment: Landscape to provide attractive buffer to resist graffiti and improve street-side aesthetic. Stamped concrete to improve street-side aesthetic. Trees, and all proposed street fixtures are requirements of the Vermont/Western Station Neighborhood Area Plan Project Permit Determination. The Accessible ramps and steps are required to deal with the existing grades measured on site during construction. Two exits are too high above the existing grade, and Construction has already progressed too far to resolve the issue entirely within the envelope of the building. The proposed encroaching ramps and steps are needed to meet access requirements.

Permit Purpose:

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Payment method

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Permit Fee	\$210.00
Fee Waived	No
Fee Discount	\$0.00
Net Fee	\$210.00
Total Fee (includes 7% surcharge)	\$224.70

ATTACHMENT VI-2

Recording Requested by and  
Recorded Document to be Forwarded  
to:

**City of Los Angeles  
Bureau of Engineering  
Central Records Section  
1149 S. Broadway  
Basement Level, B-10  
Los Angeles, CA 90015-2213**

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**WAIVER OF DAMAGES, INDEMNIFICATION AGREEMENT AND RIGHT OF  
INGRESS AND EGRESS - COVENANT TO RUN WITH THE LAND**

WHEREAS, \_\_\_\_\_

\_\_\_\_\_

is the owner of real property, located at

\_\_\_\_\_

in the City of Los Angeles, County of Los Angeles, State of California, described as

\_\_\_\_\_

in the official records of the County of Los Angeles in Book \_\_\_\_\_, Page \_\_\_\_\_

which land is bounded by or subject to an easement or right of way owned by the City of Los Angeles; and

WHEREAS, said owner has applied to the City of Los Angeles, hereinafter referred to as the City, for permission to install, construct, maintain, \_\_\_\_\_ and/or use as temporary improvements

\_\_\_\_\_

in the right of way or easement at the above described property,

NOW THEREFORE, in consideration of the City granting revocable permission to the applicant to install, construct, maintain and/or use the said improvement in the right of way or easement, the undersigned owner, and for owner's heirs, successors in interest and assignees, does hereby agree as follows:

1) To indemnify and hold harmless the City, its officers, agents and employees, from and against all cost, liability, loss, damage or expenditure of whatsoever kind and nature sustained or incurred by the public or other person and from and against all damage, loss, or expense of whatsoever kind and nature sustained or incurred by the City by reason of this grant of revocable permission in, on, through and/or over said easement or right of way of the City. Permittee hereby further agrees to assume, at its own expense, the defense of any of the aforesaid losses, damages or claims or of any action or actions based thereon. Permittee further agrees to acquire and thereafter to perpetually and permanently maintain public liability and property damage insurance in the policy limits established by the grant of revocable permission, with the policy of insurance naming City of Los Angeles as an additional insured.

Continuation Sheet For:

**WAIVER OF DAMAGES, INDEMNIFICATION AGREEMENT AND RIGHT OF  
INGRESS AND EGRESS - COVENANT TO RUN WITH THE LAND**

2) To waive any right to make or prosecute any claims or demands against the City, or any of its Boards, Departments, Officers, Employees, or Agents for any damage that may occur to said improvement, or any adjacent properties, or relate to permissive use granted, by virtue of the use, construction, maintenance or other act with said easement or right of way by or under authority of said City, or for any damage due to substances or activities emanating from within or without such City facilities.

3) To remove all said improvements, and restore the affected Right of Way or Easement, without expense to the City at the request of the Board of Public Works of said City, or its Officers, Employees, or Agents by virtue of revocation of the permit.

4) To maintain the improvement at all times to the satisfaction of the City or to reimburse the City for expenditures for maintaining the improvements should the undersigned fail to do so.

5) To grant to the City, its Agents, Representatives, Officers and Employees the right of ingress and egress over the above described improvement to any or all portions of said street, easement or right of way including the portions covered by buildings, furnishings, or equipment, for the purpose of construction, maintenance, repair, reconstruction or removal, or other lawful acts in or to said easement of right of way.

6) This permission is not in lieu of and in no way relieves the property owner, and owner's heirs, successors in interest or assigns from contributing to or assessments for city improvements at, in, on or about said Right of Way or Easement.

7) This agreement shall remain in full force and effect until released by the Board of Public Works Commissioners of the City of Los Angeles.

This waiver shall be and constitute a covenant running with the land and be binding upon the heirs, executors, administrators, successors in interest, assignees as their interest may appear, and may be recorded by either said owners of the City of Los Angeles.

IN WITNESS WHEREOF, the owner has caused these presents to be executed this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

NAME \_\_\_\_\_  
Print or Type Signature

NAME \_\_\_\_\_  
Print or Type Signature

NAME \_\_\_\_\_  
Print or Type Signature

Continuation Sheet For:

**WAIVER OF DAMAGES, INDEMNIFICATION AGREEMENT AND RIGHT OF INGRESS AND EGRESS - COVENANT TO RUN WITH THE LAND**

STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES} ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, \_\_\_\_\_,  
a Notary Public in and for said County and State, personally appeared

\_\_\_\_\_

\_\_\_\_\_

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL  
THE DAY AND YEAR HEREINABOVE FIRST WRITTEN.

(Seal)

My license expires on \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Notary Public in and for said County and State

Accepted by the City Engineer of the City of Los

Plan No. \_\_\_\_\_

Angeles on \_\_\_\_\_, 20\_\_\_\_.

Y-Map No. \_\_\_\_\_

BY \_\_\_\_\_

Drainage Map No. \_\_\_\_\_

District Map No. \_\_\_\_\_

\_\_\_\_\_  
(Division and District Office)

Plans Submitted Yes \_\_\_\_\_ NO \_\_\_\_\_

Waiver Number W - \_\_\_\_\_



JAMES K. HAHN  
CITY ATTORNEY

Office of the City Attorney  
Los Angeles, California

WRITER'S DIRECT DIAL (213) 485-5419  
FAX: (213) 485-8899  
TTY:

April 10, 2000

Mr. Robert Janovici  
Chief Zoning Administrator  
Department of City Planning  
221 N. Figueroa Street, Room 1500  
Los Angeles, CA 90012

RECEIVED  
CITY OF LOS ANGELES  
APR 12 2000  
CITY PLANNING DEPT  
ZONING ADMINISTRATION

Re: Applicability of the Zoning Code to Public Rights of Way

Dear Mr. Janovici:

This communication is in response to your request for our views on the above described subject matter. It will confirm in writing oral advice already given to you.

In a March 10, 2000 memorandum to this office, as well as in subsequent conversations, you indicate that questions have arisen in connection with the construction and maintenance of fences and walls on private property. More specifically, fences or structures located in whole or in part within that portion of the lot subject to a dedication for street purposes. In order to maintain a fence or wall at such location, the property owner must obtain what is known as a "revocable permit" from the Board of Public Works.

You have asked our views about the applicable law in those cases wherein the property owner has obtained a revocable permit for a fence or wall but the structure exceeds the height limits set forth in the zoning provisions of the Los Angeles Municipal Code. It has been suggested that a revocable permit granted by the Board of Public Works conveys with it an exemption from the zoning regulations.

Your inquiry is general in its terms; therefore, this response can only set forth the general parameters applicable to this kind of situation. As explained in further depth below, it is our view that the grant of a revocable permit does not relieve a property owner of the duty to comply with the otherwise applicable zoning regulations.

## DISCUSSION

Your inquiry involves an issue of statutory interpretation. "The fundamental objective of statutory interpretation is to ascertain and effectuate the legislative intent. [Citation.] In determining such intent we look first to the words of the statute themselves, giving them their usual and ordinary meaning. [Citation.]" (*City of Santa Cruz v. Municipal Court* (1989) 49 Cal. 3d 74, 90.). Your inquiry involves the proper interpretation of two provisions of the Los Angeles Municipal Code.

The first provision, Section 12.21 A 1 (a) of the Los Angeles Municipal Code,\* provides in relevant part as follows:

"Sec. 12.21. General Provisions

A. Use

1. Conformance and Permits Required.

(a) No building or structure shall be erected, reconstructed, structurally altered, enlarged, moved, or maintained, nor shall any building, structure or land be used or designed to be used for any use other than is permitted in the zone in which such building, structure or land is located and then only after applying for and securing all permits and licenses required by all laws and ordinances."

The second relevant provision is Section 62.118.2 which reads in relevant part as follows:

"Sec. 62.118.2. Improvement in Public Streets - Revocable Permits for.

Where the Board of Public Works finds that a building, structure or improvement maintained or proposed to be constructed within the public street will not interfere with the maintenance and use of the street and is not intended for use by the public, it may issue a permit.... for the maintenance or proposed construction of such building, structure or improvement or any excavation in connection therewith.... Such permit shall be revocable at any time."

\* Section 12.21 A 1 (a) provides that fences, hedges and walls must be "erected, reconstructed, structurally altered, enlarged, moved, or maintained" only as permitted by the applicable zoning regulations. This provision also makes clear that such fences can only be constructed after "all permits and licenses required by all laws and ordinances" have been obtained. In our view, the revocable permit required by Section 62.118.2 is one such permit.

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\*All citations are to the Los Angeles Municipal Code unless otherwise indicated.

Mr. Robert Janovici  
Chief Zoning Administrator  
Department of City Planning  
Page 3

\* The purpose of Section 62.118.2 is to allow the placement of a private structure within that portion of a private lot that is subject to a street dedication. Revocable permits issued by the Board of Public Works do not purport to relieve property owners of their duty to comply with the City's zoning regulations. There is nothing in Section 62.118.2 that suggests or implies that the City Council, by enacting this measure, intended that a revocable permit relieve a property owner of the owner's duty to comply with Section 12.21 A 1 (a) quoted above.

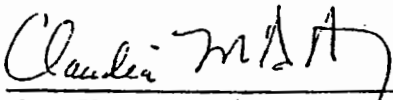
Therefore, the mere existence of a revocable permit without more does not relieve a property owner of the owner's duty to comply with zoning regulations. This advice also applies to the case wherein a revocable permit relates to a fence or a wall in an alley.


You have also asked our views with respect to revocable permits and specific plans. In your communication you do not identify any particular specific plan. Because the ordinances adopting specific plans contain widely varying provisions, each specific plan must be reviewed separately with respect to this question.

If you have any further questions on this matter, please do not hesitate to contact this office.

Very truly yours,

JAMES K. HAHN, City Attorney

By   
CLAUDIA MCGEE HENRY  
Senior Assistant City Attorney

By   
CHRISTOPHER WESTHOFF  
Assistant City Attorney

CMH:pat:53228  
cc: Board of Public Works



CITY OF LOS ANGELES  
BOARD OF PUBLIC WORKS

**REVOCABLE PERMIT**

**INSURANCE SUBMITTAL INSTRUCTIONS**

Revocable permit holders must retain proof of insurance on file with the Board of Public Works as long as the encroachment exists. It is not a permit for the construction period only. Please follow the Board of Public Works instructions for submitting proof of insurance at [www.lacity.org/bpw/](http://www.lacity.org/bpw/). The completed insurance industry certificate of insurance (such as an ACORD Certificate) with Additional Insured Endorsement naming the City of Los Angeles as an additional insured should be sent electronically (preferred method) to [Grace.Hernandez@lacity.org](mailto:Grace.Hernandez@lacity.org) with a copy to [CAO.insurance.bonds@lacity.org](mailto:CAO.insurance.bonds@lacity.org) or faxed to 213-978-0278 (the Office of the Board of Public Works, attention: Grace Hernandez) with a fax copy to 213-978-7615 (Office of the City Administrative Officer, Risk Management).

**For Residential Revocable Permits Only**

The City of Los Angeles, Board of Public Works, will accept an insurance industry certificate of insurance (such as an ACORD Certificate) or a copy of the Declarations Page of a Homeowners Liability Insurance Policy. The Declarations Page must include the name of the insured, policy number, policy period and liability limits. The proof of insurance can be submitted electronically (preferred method) to [Grace.Hernandez@lacity.org](mailto:Grace.Hernandez@lacity.org) with a copy to [CAO.insurance.bonds@lacity.org](mailto:CAO.insurance.bonds@lacity.org), faxed to 213-978-0278 (the Office of the Board of Public Works, attention: Grace Hernandez) with a fax copy to 213-978-7615 (Office of the City Administrative Officer, Risk Management), or mailed or hand-carried to the address below.

**Contact Information:**

Direct all correspondence and questions to the contact listed below.

Grace Hernandez  
[Grace.Hernandez@lacity.org](mailto:Grace.Hernandez@lacity.org)  
Phone: 213-978-0264  
Fax: 213-978-0278

City of Los Angeles  
Board of Public Works  
Room 355, City Hall  
200 North Spring Street  
Los Angeles, CA 90012

## INSTRUCTIONS FOR SUBMITTING PROOF OF INSURANCE TO THE BOARD OF PUBLIC WORKS

(Share this information with your insurance agent or broker.)

### CONTACT INFORMATION:

Direct all correspondence, questions, and request for additional forms, etc., to the contacts listed below. To download Insurance Forms please go to [www.lacity.org/bpw/](http://www.lacity.org/bpw/). Insurance documents can be mailed, faxed or sent electronically to:

Insurance Coordinator  
Grace Hernandez  
Grace.Hernandez@lacity.org

Board of Public Works  
200 N. Spring Street,  
Rm., 355, City Hall  
Los Angeles, CA 90012

Phone: 213-978-0264  
Fax: 213-978-0278  
[www.lacity.org/bpw/](http://www.lacity.org/bpw/)

1. **Agreement/Reference** All evidence of insurance must identify the nature of your business with the CITY. **Clearly show any assigned number of a bid, contract, lease, permit, etc. or give the project name and the job site or street address to ensure that your submission will be properly credited.** Provide the **types of coverage and minimum dollar amounts** specified on the Required Insurance and Minimum Limits sheet (Form Gen. 146) included in your CITY documents.

2. **When to submit** Normally, no work may begin until an Office of the City Administrative Officer, Risk Management insurance approval number has been obtained, so documents should be submitted as early as practicable. For **As-needed Contracts**, insurance need not be submitted until a specific job has been awarded. **Design Professionals** coverage for new construction work may be submitted simultaneously with final plans and drawings, but before construction commences.

3. **Acceptable Evidence and Approval: An Insurance Industry Certificate of Insurance (such as an ACORD Certificate)** containing a thirty (30) days' cancellation notice provision (ten (10) days for non-payment of premium) AND an Additional Insured Endorsement naming the CITY an additional insured completed by your insurance company or its designee is the preferred form of evidence of insurance. If policy includes an automatic or blanket additional insured endorsement, the ACORD certificate must state the City is covered by this endorsement. An endorsement naming the CITY an Additional Named Insured and Loss Payee as Its Interests May Appear is required on property policies. All evidence of insurance must be authorized by a person with authority to bind coverage, whether that is the authorized agent/broker or insurance underwriter.

#### Acceptable Alternatives to Insurance Industry Certificates of Insurance:

- **Binders and Cover Notes** are acceptable as interim evidence for up to 90 days from date of approval.

Additional Insured Endorsements DO NOT apply to the following:

- Indication of compliance with statute, such as Workers' Compensation Law or the California Financial Responsibility Law for Automobile Liability.
- Professional Liability insurance.

Completed **Insurance Industry Certificates of Insurance** can be sent electronically to ([Grace.Hernandez@lacity.org](mailto:Grace.Hernandez@lacity.org)) or faxed to the Office of the Board of Public Works, Insurance Section (213) 978-0278). Electronic submission is the preferred method of submitting your documents. Verification of approved insurance may be obtained by checking the Office of the

City Administrative Officer, Risk Management, Insurance & Bonds Compliance System at <http://www.lacity.org/cao/risk/index.htm>.

4. **Renewal:** When an existing policy is renewed, submit an Insurance Industry Certificate of Insurance or a renewal endorsement. If your policy number changes, you must submit a new Additional Insured Endorsement.
5. **Alternative Programs/Self-Insurance** Risk financing mechanisms such as Risk Retention Groups, Risk Purchasing Groups, off-shore carriers, captive insurance programs and self-insurance programs are subject to separate approval after the CITY has reviewed the relevant audited financial statements. To initiate a review for approval of your program, you should complete and submit the Applicant's Declaration of Self Insurance form (Grace.Hernandez@lacity.org to the Office of the Board Of Public Works, Insurance Section).
6. **General Liability** insurance covering your operations (and products, where applicable) is required whenever the CITY is at risk of third-party claims which may arise out of your work or your presence or special event on CITY premises. Sexual Misconduct coverage is a required coverage when the work performed involves minors. Fire Legal Liability is required for persons occupying a portion of CITY premises. (Information on two City insurance programs, the SPARTA program, an optional source of low-cost insurance which meets most minimum requirements, and PROMPT COVER, which provides liability coverage for short-term special events on CITY premises or streets, is available at [www.2sparta.com](http://www.2sparta.com), or by calling (800) 420-0555.)
7. **Automobile Liability** insurance is required only when vehicles are used in performing the work of your Contract or when they are driven off-road on CITY premises; it is not required for simple commuting unless CITY is paying mileage. However, compliance with California law requiring auto liability insurance is a contractual requirement.
8. **Errors and Omissions** coverage will be specified on a project-by-project basis if you are working as a licensed or other professional. The length of the claims discovery period required will vary with the circumstances of the individual job.
9. **Workers' Compensation and Employer's Liability** insurance are not required for single-person contractors. However, under state law these coverages (or a copy of the state's Consent To Self Insure) must be provided if you have any employees at any time during the period of this contract. Contractors with no employees must complete a Request for Waiver of Workers' Compensation Insurance Requirement form from [www.lacity.org/bpw/](http://www.lacity.org/bpw/). A Waiver of Subrogation on the coverage is required only for jobs where your employees are working on CITY premises under hazardous conditions, e.g., uneven terrain, scaffolding, caustic chemicals, toxic materials, power tools, etc. The Waiver of Subrogation waives the insurer's right to recover (from the CITY) any workers' compensation paid to an injured employee of CONTRACTOR/CONSULTANT.
10. **Property Insurance** is required for persons having exclusive use of premises or equipment owned or controlled by the CITY. Builder's Risk/Course of Construction is required during construction projects and should include building materials in transit and stored at the project site.

**GENERAL LIABILITY CERTIFICATE**

FOR THE CITY OF LOS ANGELES

Form Gen. 135 GL (Rev. 12 2003)

2. Issue Date (mm/dd/yy)

**3. Producer**

Telephone: \_\_\_\_\_

**5. Policy Information**

Carrier: \_\_\_\_\_

Policy No.: \_\_\_\_\_

Policy Period: \_\_\_\_\_

Coverage Trigger (Check one):  Occurrence  Claims Made

Check  if Loss Adjustment Expense is included in Limits

**4. Named Insured**

6.  Deductible  Self-Insured Retention (check which) of \$ \_\_\_\_\_

with a stop loss cap of \$ \_\_\_\_\_ applies to \_\_\_\_\_

coverage.  Per occurrence  Per Claim

7. **Applicability** This insurance pertains to the operations and/or tenancy of the Named Insured under all written agreements and permits in force with the City of Los Angeles unless checked here  in which case only the following specific agreements and permits with the City of Los Angeles are covered:

City Agreement/Permit No.: \_\_\_\_\_

**8. Type of Insurance**

**General Liability (Check one)**

Commercial General Liability

Comprehensive Form (1973 Occurrence) \_\_\_\_\_ (Retroactive Date)

10. **Other Provisions:** (Description of operations, premises, vehicles, pertinent exclusions, names of other insureds, etc.)

**9. Coverages**

**Liability Limits in Thousands \$**

	<u>Each Occurrence</u>	<u>Aggregate</u>
<input type="checkbox"/> Premises/Operations		
<input type="checkbox"/> Underground & Collapse Hazard		
<input type="checkbox"/> Products/Completed Operations		
<input type="checkbox"/> Contractual		
<input type="checkbox"/> Independent		

11. **Claims:** Underwriter's representative for claims pursuant to this insurance.

In consideration of the premium charged and notwithstanding any inconsistent statement in the policy to which this certificate applies or any certificate now or hereafter applied thereto, it is agreed as follows:

12. **Additional Insured.** The City of Los Angeles and its officers and employees are included as additional insureds with regard to liability and defense of suits arising from the operations and uses performed by or on behalf of the Named Insured.

13. **Contribution Not Required.** The insurance program of the City of Los Angeles shall be excess of this insurance and shall not contribute with it.

14. **Separation of Insureds.** This insurance applies separately to each insured against whom claim is made or suit is brought except with respect to the Company's limits of liability. The inclusion of any person or organization as an insured shall not affect any right which such person or organization would have as a claimant if not so included.

15. **Cancellation Notice.** If the Company elects to cancel this insurance before the stated expiration date, or declines to renew in case of a continuous policy, or reduces the stated limits other than by impairment of an aggregate limit, the Company will, with respect to the City's interests, provide the City at least thirty (30) days prior written notice of such election. Ten (10) days written notice for non-payment of premium is acceptable. Notice will be addressed as follows: **City Administrative Officer, Risk Management, 200 North Main Street, Room 1240, City Hall East, Los Angeles, CA 90012.**

Except as stated above nothing herein shall be held to waive, alter or extend any of the limits, conditions, agreements or exclusions of the policy to which this certificate is applied.

**Certificate Holder**

**16. City Department/Bureau**

**BOARD OF PUBLIC WORKS  
Room 355, City Hall  
200 North Spring Street  
Los Angeles, California 90012**

**17. Authorized**

**Representative**  Broker/Agent  Underwriter  \_\_\_\_\_

I \_\_\_\_\_ (print/type name), warrant that I have authority to bind the above-mentioned insurance company and by my signature hereon do so bind this company to this certificate.

Signature \_\_\_\_\_  
(Authorized Representative)

Telephone: \_\_\_\_\_ Date Signed \_\_\_\_\_

CENTRAL

BOND

REVOCABLE PERMIT

KNOW ALL MEN BY THESE PRESENTS.

That I, L.A. Arena Land Co., LLC (hereinafter called the Principal), as principal, and the \_\_\_\_\_, a corporation organized and existing under and by virtue of the laws of the State of \_\_\_\_\_ as Surety, and duly licensed for the purpose of making guaranteeing, or becoming sole Surety upon the bonds or undertakings required or authorized by the laws of the State of California, as Surety, are held and firmly bound unto the City of Los Angeles, California (hereinafter called the obligee) in the just and full sum of Eight hundred five thousand and No/100 Dollars (\$805,000.00) lawful money of the United States of America, for the payment of which, well and truly to be made, we hereby bind ourselves and each of our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal contemplates construction of a multiple use development located at 900 W. Olympic Blvd. in the City of Los Angeles, California, and in so doing plans to construct permanent subterranean structures in the area that is currently part of the public right-of-way, which will be merged as part of the private property at the time a Final Tract Map is recorded. At such time when the Final Tract Map is recorded, this revocable permit will become void and the associated revocable permit bond could be released.

WHEREAS, allowing construction of private permanent structures in the area that is currently part of the public right-of-way will change the current configuration of the public right-of-way, and

WHEREAS, this permanent change will require recordation of the Final Tract Map.

NOW, THEREFORE, the condition of this obligation is such that the principal shall pay to the City of Los Angeles any and all loss, cost or damage sustained by the City to restore the public right-of-way to its original condition prior to the construction performed by the Principals, if the recordation of the Final Tract Map is not completed.

This bond is effective from the date hereof until such time when the Final Tract Map is recorded.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 2005.

\_\_\_\_\_

(Principal)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Surety)

1. File in quadruplicate.
2. Present the bond to the City Attorney for approval, 12th Floor, 200 N. Spring St., Los Angeles.
3. Take approved bond to the Engineering office where you seek to obtain a permit.

**NOTE: EXECUTE ALL FOUR (4) COPIES OF EACH FORM EXACTLY AS REQUIRED IN THE INSTRUCTIONS CHECKED BELOW. FACSIMILE SIGNATURES AND PHOTOCOPIES WILL NOT BE ACCEPTED!!**

- INDIVIDUALS** - Each individual principal must sign all copies, and each signature must be acknowledged by an **INDIVIDUAL NOTARY ACKNOWLEDGMENT JURAT**.
- PARTNERSHIPS** - All General Partners must sign all copies, and each signatures must be acknowledged by a **PARTNERSHIP NOTARY ACKNOWLEDGMENT JURAT**. You must attach one (1) copy of your **RECORDED CERTIFICATE OF PARTNERSHIP OR PARTNERSHIP AGREEMENT** listing the names and addresses of ALL partners. If the partnership includes one or more corporations, refer to **CORPORATIONS** below for details.
- CORPORATIONS** - Two (2) Corporate Officers \*(President/Vice-President and Secretary/Assistant Secretary) must sign all copies, and both signatures must be acknowledged by a **CORPORATE NOTARY ACKNOWLEDGMENT JURAT**. The **CORPORATE SEAL** must be impressed or affixed on each copy. **CORPORATE PARTNERSHIP** signatures must be acknowledged by a **CORPORATION AS PARTNER NOTARY ACKNOWLEDGMENT JURAT**, and one (1) copy of your **RECORDED CERTIFICATE OF PARTNERSHIP OR PARTNERSHIP AGREEMENT** must be attached as required under **PARTNERSHIPS** above. \*The Chief Financial Officer or Assistant Treasurer may execute the forms in lieu of the Secretary or Assistant Secretary.
- JOINT VENTURE** - Each corporation and/or partnership participating in the joint venture must comply with the instructions under **INDIVIDUALS**, **PARTNERSHIPS** or **CORPORATIONS** above. You must also attach one (1) copy of your **JOINT VENTURE AGREEMENT**.
- TRUSTEES** - Execute as required under **INDIVIDUALS**, **PARTNERSHIPS** or **CORPORATIONS** above. Attach one (1) copy of the **RECORDED TRUST AGREEMENT**.
- ATTORNEY-IN-FACT** - Execute all copies a Attorney-in-Fact and have your signature acknowledged as same on each copy of the form. Attach a **CERTIFIED COPY** of your **POWER-OF-ATTORNEY** attested to by each party you are acting on behalf of.
- CORPORATE SURETY** - The enclosed surety bond(s) **MUST** be executed by a Corporate Surety Company of your choice that is authorized to act as surety under the laws of the State of California, and which **MUST** also have a Certificate of Authority to act as surety on Federal Bonds. The surety's Attorney-in-Fact **MUST** verify that each copy of the enclosed surety bond(s) have been properly executed by the Principal in accordance with the instructions checked above. The Attorney-in-Fact **MUST** also (1) sign each copy on behalf of the surety; (2) impress or affix the surety's **CORPORATE SEAL** to each copy; (3) attach an **ATTORNEY-IN-FACT CORPORATE NOTARY ACKNOWLEDGMENT** attesting to his/her signature to each copy; (4) attach **ONE (1) copy of his/her CURRENT POWER OF ATTORNEY** to the **ORIGINAL** copy of the bond(s). **\_NOTE: SURETY BOND RIDERS MUST BE EXECUTED BY THE SURETY SHOWN ON THE FORM.**

Surety's Address:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Bonding Company's Address:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Phone No.: \_\_\_\_\_

Phone No.: \_\_\_\_\_

Representative's Name: \_\_\_\_\_

Representative's Name: \_\_\_\_\_

(sign and notarize the front page)

DEPARTMENT OF PUBLIC WORKS

OFFICE OF COMMUNITY BEAUTIFICATION  
AUGUST 4, 2005

COUNCIL DISTRICT 5

REVOCABLE PERMISSION REQUEST FOR ENCROACHMENT IN PUBLIC RIGHT-OF-WAY

**RECOMMENDATION**

- Grant Revocable Permission to encroach within the public right-of-way, subject to listed conditions to: **Elysian Landscapes, Michael Kirchmann, Jr.** (724 Academy Road, Los Angeles 90012, 323-226-9588) ENCROACHMENT: Planting two trees on median island at 8401 Melrose Place.
- Direct City Engineer to issue no-fee Revocable permit for work to be performed.
- Direct Bureau of Contract Administration to provide no-fee inspection of the project.

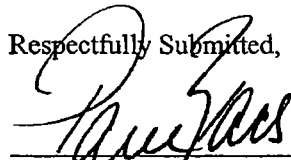
**CONDITIONS**

1. All work must conform to City standards as outlined in the approved work plans.
2. That all project participants, before any work being performed (but not necessarily before permit is issued) sign agreements releasing the City of Los Angeles from liability to volunteers working on the project.

**DISCUSSION**

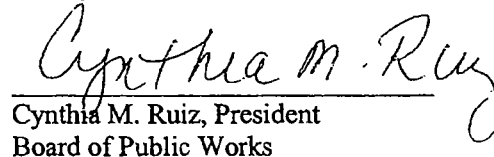
1. The City of Los Angeles, through Office of Community Beautification continues to encourage and coordinate volunteer beautification projects throughout all parts of Los Angeles.
2. The Bureau of Street Services, Street Tree Division has reviewed and approved the plans.
3. The Department of Transportation has reviewed and approved the plans.
4. The Office of Councilmember Jack Weiss supports this community effort.

Respectfully Submitted,



Paul Racs, Director  
Operation Clean Sweep

Approved:



Cynthia M. Ruiz, President  
Board of Public Works

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DEPARTMENT OF  
PUBLIC WORKS

BUREAU OF  
ENGINEERING

GARY LEE MOORE P.E.  
CITY ENGINEER

650 SOUTH SPRING ST., SUITE 200  
LOS ANGELES, CA 90014-1911  
213-847-8766

<http://eng.lacity.org>

*Revised*

University of Southern California  
Town & Gown Foyer 200  
Los Angeles, CA 90089

AUG 02 2004

Attn: Allen Ono, Bruce A. Miller & Associates, Inc.

**REVOCABLE PERMIT REQUEST – 3701 S. Flower Street**

A revocable permit to install red brick pavers and colored concrete sidewalk at SW corner of Figueroa Street and 37<sup>th</sup> Street and landscaping, trees and irrigation along the dedicated right of way of 37<sup>th</sup> Place and 37<sup>th</sup> Street, (except at Figueroa Street and Flower Street which are within private property) will be issued upon completion of the following conditions:

- 9/22/04 1. The property owner(s) shall execute the attached Waiver of Damages agreement and submit the notarized copy to the Bureau of Engineering, Central District, 201 N. Figueroa Street, 3<sup>rd</sup> floor, Revocable Permit Counter, for review prior to recording with the County Recorder.
- 9/28/04 2. The property owner(s) shall provide liability and property damage insurance satisfactory to the City Attorney. The City Risk Manager recommends coverage in the amount of at least \$1,000,000. Evidence of insurance must be presented annually to the Board of Public Works.
3. Any proposed sidewalk, access ramp or proposed improvements to an existing sidewalk or access ramp shall comply with the requirements of the Americans with Disabilities Act. The access ramp will be colored concrete. No brick pavers or tiles on the access ramp area.
- ✓ 4. The plans for the street trees shall be reviewed and approved by Bureau of Street Services, Street Tree Division, 600 S. Spring Street, Suite 1000.
- 12/12/04 5. The brick pavers and colored concrete shall conform to the standards approved by the Cultural Affairs Department, 433 S. Spring Street, Suite 1000, (213) 473-7721.
- 6. The brick pavers and colored concrete shall be approved by the Design Standards & Investigation Group, 650 S. Spring Street, Suite 400, Hugh Lee at (213) 847-8776.
7. The property owner(s) shall be required to keep a sufficient volume of the pavers and the ad-mixture necessary to make repairs because City Departments and Utilities will only make repairs with standard colored portland cement concrete





8. The design and construction within the public way shall comply with appropriate permit procedures including any necessary special inspection. Provisions for improvements satisfactory to the City Engineer such as drainage, erosion control and other necessary requirements shall be shown on the plans submitted for a Class-B Permit. The B-Permit can be obtained from the B-Permit Counter of the Central District, 201 N. Figueroa Street, Room 770, upon completion of the requirements for issuance of the permit
9. The conditions herein must be accomplished and the permit issued within 180 days of notification of the above date.

**This is not a permit.** The conditions shall be satisfied before the Revocable Permit is issued.

If you have any questions, please contact Alfredo Ingalla at (213) 482-7056.

Sincerely,



Lemuel M. Paco, District Engineer  
Central District  
Bureau of Engineering

ACI:FlowerSt.3701  
Enc.



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BOARD OF PUBLIC WORKS**  
200 NORTH SPRING ST.  
Room 381, CITY HALL  
LOS ANGELES, CA 90012

JAMES A. GIBSON  
EXECUTIVE OFFICER

**GENERAL INFORMATION**  
Tel: 213-978-0261  
Fax: 213-978-0278

<http://www.lacity.org/BPW>

Date

Dear Applicant,

Your application for revocable permission to encroach into the public right-of-way has been inactive for more than 90 calendar days. You have 30 calendar days from the date of this letter to notify us if you would like to keep your permit application active. If a response is not received within 30 calendar days, your application will be canceled.

All future requests for a revocable permit will require the submittal of a new application and payment of fees.

Please contact the appropriate Bureau of Engineering District Office if you have any questions.

Central District Office  
201 N. Figueroa St., 3<sup>rd</sup> Floor  
Los Angeles, CA 90012  
(213) 482-7030

Harbor District Office  
638 S. Beacon St., Suite 402  
San Pedro, CA 90731  
(310) 732-4677

Valley District Office  
6262 Van Nuys Blvd., Ste 202  
Van Nuys, CA 91401  
(818) 374-5090

West Los Angeles District Office  
1828 Sawtelle Blvd., 3<sup>rd</sup> Floor  
West Los Angeles, CA 90025  
(310) 575-8384

Sincerely,

Gary Lee Moore, P.E.  
City Engineer  
Bureau of Engineering

cc: Bureau of Engineering, \_\_\_\_\_ District Office

160881 A

Department of Public Works

Revocable Permit Request

Bureau of Engineering

March 21, 2002

CD No. 9

**100 S. MAIN STREET - REQUEST FOR REVOCABLE PERMISSION TO ENCROACH INTO THE PUBLIC WAY**

**RECOMMENDATIONS**

1. Authorize the City Engineer to issue a Revocable Permit to encroach within the public way, subject to the Conditions listed. ENCROACHMENT: Cantilever portion of a new 13-story building, eighty-foot (80') vertical clearance from the sidewalk and sixteen feet (16') to twenty-four feet (24') into the right-of-way on First Street. A Caltrans sign protruding seven feet (7') into the right-of-way and thirty-two-foot (32') vertical clearance from sidewalk grade on Main Street.
2. Transmit a copy of this report to the Department of Building and Safety.
3. Transmit a copy of this report to Clark Construction, 9 Executive Circle, Suite 290, Irvine, CA 92614.

**CONDITIONS**

1. The property owner(s) shall execute the attached Waiver of Damages agreement and submit two (2) executed copies to the Bureau of Engineering, Central District, 201 N. Figueroa Street, 3rd Floor, Counter 23A, for review prior to recording with the County Recorder.
2. A letter of approval from the Cultural Affairs Department for the building facade into the public right-of-way shall be submitted to the Central District.
3. Any proposed sidewalk or driveway, or proposed improvements to an existing sidewalk or driveway shall comply with the requirements of the Americans with Disabilities Act.
4. The property owner shall obtain a City Engineer's Revocable Permit at 201 N. Figueroa Street, 3rd Floor, Counter 23A, when Conditions No. 1 and 2 have been satisfied.
5. The Conditions herein must be accomplished and the Permit issued within one hundred eighty (180) days of notification of the approval of this report.

**TRANSMITTALS**

1. Request for Revocable Permit dated March 12, 2002 from Daniel Rosenfield.

ATTACHMENT VI-10

## Revocable Permit Request

Page 2

2. Vicinity map.
3. Sketch.
4. Waiver of Damages Agreement forms, with instructions.

### DISCUSSION

On March 12, 2002, Daniel Rosenfield, acting for the State of California, Department of General Services, Project Management Branch, requested revocable permission to construct a cantilever portion of a new building encroaching sixteen feet (16') to twenty-four feet (24') into the right-of-way on First Street and a Caltrans sign protruding seven feet (7') into the right-of-way on Main Street. The portions that overhang are essential and defining portions of the Caltrans Building design, selected by the State of California's design jury under the State's Design Excellence Program. The portions of the building, which overhang the sidewalk, strengthen the pedestrian sidewalk experience and street scape of Main Street and 1<sup>st</sup> Street across from City Hall. They also reinforce the concept of the building as a transportation headquarters for the State and the City. The City of Los Angeles Department of Transportation will also be a major tenant of the building. 1<sup>st</sup> Street is a Major Highway with a 37-foot half-roadway and 18-foot sidewalk within a 110-foot right-of-way. Main Street is a Secondary Highway with a 25.5-foot half roadway and 14.5-foot sidewalk within an 80-foot right-of-way. Los Angeles Street is a Secondary Highway with a 35 to 39-foot half roadway and an 8-foot sidewalk within an 88-96-foot right-of-way. 2<sup>nd</sup> Street is a Secondary Highway with a 20-foot half roadway and a 10-foot sidewalk within a 60-foot right-of-way.

Subject to the conditions of this report, the granting of this request will allow the applicant to construct the building with a cantilever portion encroaching sixteen to twenty-four feet (16' to 24') into the right-of-way on First Street and a Caltrans sign protruding seven feet (7') into the right-of-way on Main Street. The shape and form of the building respect its relationship with City Hall, the landmark structure in the area, and helps define a new public open space in the Civic Center of Los Angeles.

There is no known controversy or conflict associated with the proposed encroachment. The proposed encroachment is consistent with the aesthetics and environmental characteristics of the immediate area and does not adversely impact on vehicular or pedestrian movements. Therefore, subject to meeting the conditions of this report, we recommend granting the City Engineer authority to issue a revocable permit. Jeff Catalano of Councilmember Jan Perry's Office has been informed of this matter and concurs with our recommendations.

The applicant has paid the appropriate Revocable Permit fees of \$ 1,005.80.

Department of Public Works  
Bureau of Engineering

March 21, 2002

Page 3

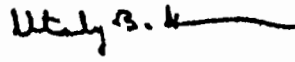
( HMM CWR )

Report prepared by:


Respectfully submitted,

Central District

Homer M. Morimoto  
District Engineer  
Phone No. (213) 977-6040

  
Vitaly B. Troyan, P.E.  
City Engineer

APPROVED:

  
Valerie Lynne Shaw, President  
Board of Public Works

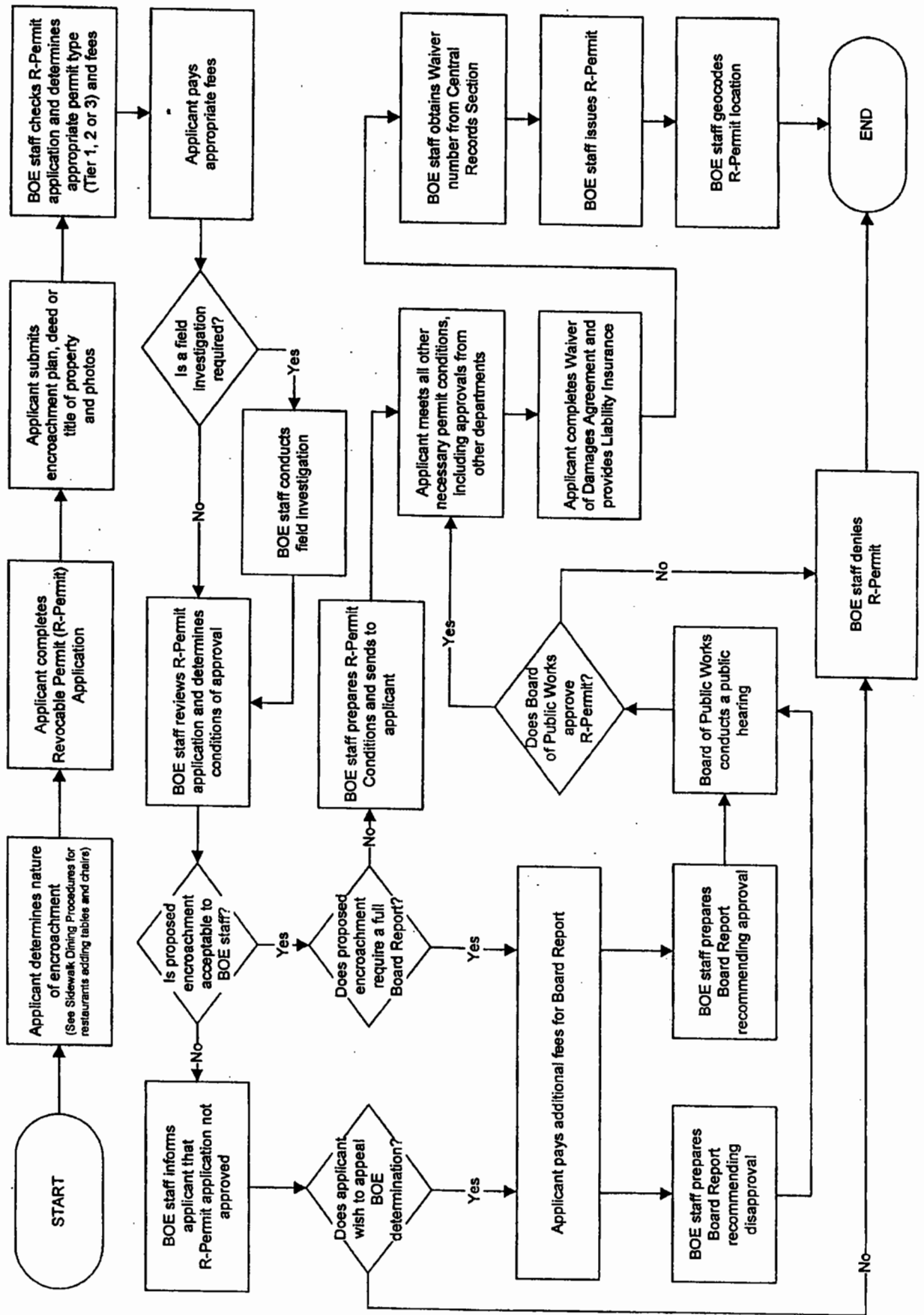
3/22/02  
Date

HMM/AI/03-2002-0656.CEN.gva

Questions regarding this report  
may be referred to:  
Writer: Alfredo Ingalla  
Phone No. (213) 977-6240  
Fax No. (213) 977-6025

ATTACHMENT

# REVOCABLE PERMIT (R-PERMIT) FLOWCHART



DEPARTMENT OF PUBLIC WORKS

BUREAU OF ENGINEERING  
REPORT NO. 1 SECTION 1

CD 2

4816 BEN AVENUE (BRICK PAVERS, BRICK PILLASTERS AND WOODEN FENCE  
IN PUBLIC RIGHT-OF-WAY REVOCATION OF PERMIT

RECOMMENDATIONS

1. Revoke the permit, VAL-020122, to occupy the parkway area and portions of the alley adjacent to 4816 Ben Avenue issued to Kevin Michael and Sai-ling Michael on January 22, 2002.
2. Send a copy of this report to the permittee and instruct them to vacate the area within 30 days.

TRANSMITTALS

1. Vicinity map
2. City Engineer's Revocable Permit issued January 22, 2002.
3. Letter to Kevin and Sai-Lug Michael dated May 23, 2002
4. Location map
5. Photographs

DISCUSSION

On January 22, 2002 a Revocable Permit, VAL-020122, was issued to you under authority of Council Action dated November 13, 1998 delegating the City Engineer to issue such permit. The Revocable Permit issued was for encroachments at 4816 Ben Avenue which consist of low brick wall and brick pavers in the 12-foot parkway of Ben Avenue. Also included in the Revocable Permit are a wooden fence, brick pilasters and concrete coping in a 20-foot wide passable dirt alley (See attachments).

The Valley District of the Bureau of Engineering was informed on May 21, 2001 that the encroachments at 4816 Ben Avenue go beyond the scope of that allowed under Revocable Permit VAL-020122. The Bureau Street Services, Street Use Division cited the property owner on May 21, 2001 for additional non-permitted encroachments in both the Ben Avenue parkway and also in the Alley.

The wooden fence constructed in the alley is over height and requires a City Planning Department Variance. A portion of a patio type structure with a roof, walls, glass windows is attached to the wooden fence and is not permitted with either the Bureau of Engineering or the Department of Building and Safety. There is a Metal storage shed located in the alley right-of-way that is not permitted. In the Ben Avenue parkway right-of-way, some small plants of been placed in the middle of the brick pavers area along with some rock (for decorative purposes) next to the low brick wall. Neither the plants nor rock have not been permitted.

This office is recommends that the Board revoke permit VAL-020122, All inconsistent encroachments should be removed. After, the removal of the above-mentioned non-permitted encroachments, The owners may apply for a new revocable permit for the portion of the existing encroachments that may be allowed.

(FVB JMF CR WEW)

Report prepared by

Respectfully submitted

Valley District

Frank V. Bonoff  
District Engineer  
818-756-8424

Vitaly B. Troyan P.E.  
City Engineer

(Ben Ave 4816 BR)

Writer: Frank Drobny  
Phone No. (818) 756-9566  
Fax No. (818) 786-9859

CC: Bureau of Street Services  
City Attorney's Office, Atten: Chris Westhoff  
Department of Building & Safety, Atten: Michael Martin,  
Council District No.2, Valley Office, Atten: Candace Campbell



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LOS ANGELES, CA 90012

JAMES A. GIBSON  
EXECUTIVE OFFICER  
GENERAL INFORMATION  
Tel: 213-978-0261  
Fax: 213-978-0278

<http://www.lacity.org/BPW>

Date

Mr. & Mrs. Property Owner  
Address  
City, State, Zip

Subject: **NOTIFICATION OF PROPOSED SIDEWALK DINING  
RESTAURANT ADDRESS - RESTAURANT NAME**  
Application Reference No.: 2005000000

Dear Mr. & Mrs. Property Owner,

\_\_\_\_\_ is proposing to encroach into the public right-of-way along the restaurant frontage. The proposed encroachments consist of placing \_\_\_\_\_ tables and \_\_\_\_\_ chairs adjacent to the building and encroaching approximately \_\_\_\_\_ feet into the right-of-way. A site plan of the proposed encroachments is enclosed for your information.

The Bureau of Engineering has made a preliminary determination that the proposed encroachment meets the requirements for issuance of a sidewalk dining permit. If you wish to appeal this determination, you must reply, in writing within 14 days of the date of this letter and submit it to:

City of Los Angeles  
Bureau of Engineering  
Central District Office  
Address  
Los Angeles, CA 90012  
Attn: \_\_\_\_\_ (revocable permit engineer)

If you have any questions regarding this correspondence, please call \_\_\_\_\_ (revocable permit engineer) \_\_\_\_\_, at (213) 556-0000.

Sincerely,

Lemuel M. Paco, P.E.  
Central District Engineer  
Bureau of Engineering

Attachments: Site Plan

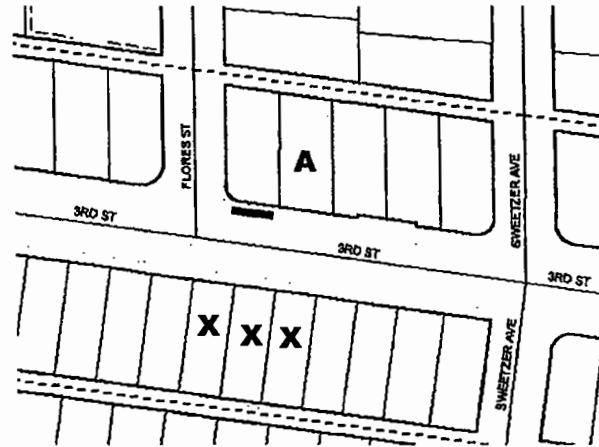
cc: Council District \_\_\_\_\_, Deputy, Address, MS \_\_\_\_\_  
Applicant, Address



# EXAMPLES OF ADJACENT PROPERTIES

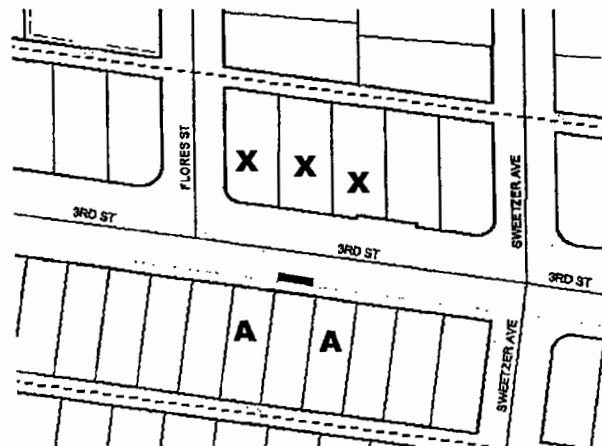
## Example 1

Corner lot with encroachment proposed on the frontage of one street. One Adjacent lot with three lots located across the street.



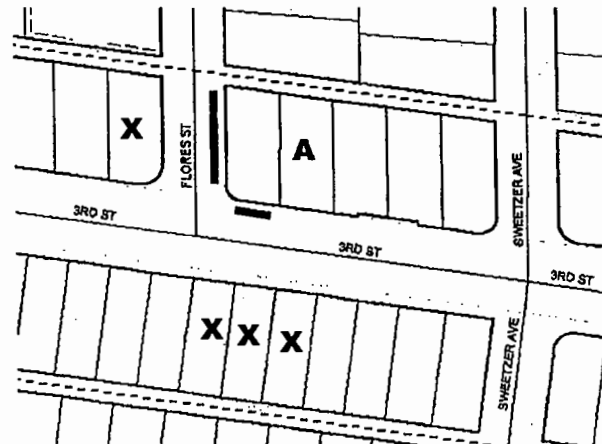
## Example 2

Mid-block lot with encroachment proposed along the frontage. Two Adjacent lots with three lots located across the street.




## Example 3

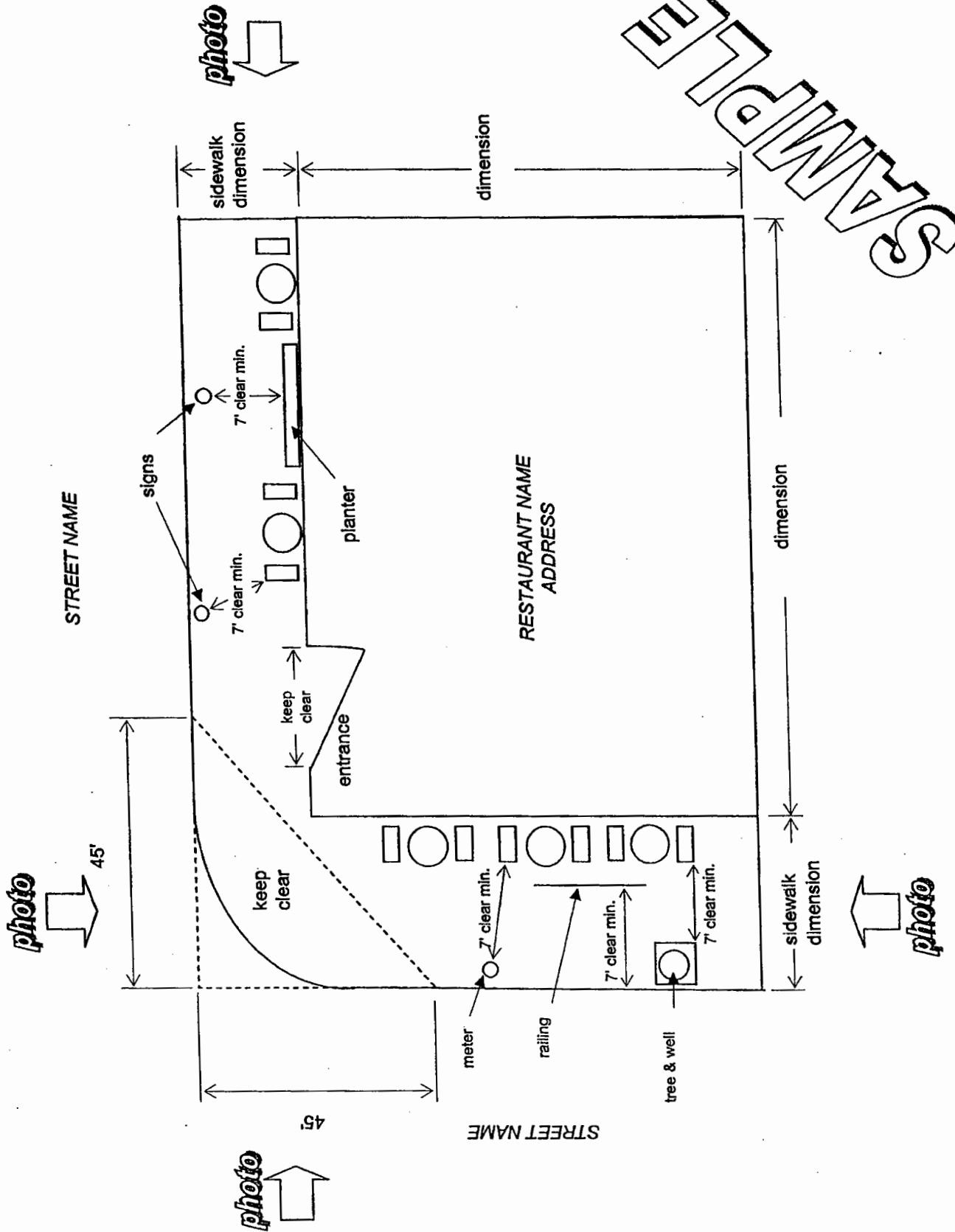
Corner lot with encroachments proposed along the frontage of both streets. One Adjacent lot with four lots located across the street.



## Legend

-  Proposed encroachment
- A** Adjacent Lot
- X** Lot Across the street

**SAMPLE**



**CITY OF LOS ANGELES  
BUREAU OF ENGINEERING  
REVOCABLE PERMIT FOR SIDEWALK DINING**

**WHAT YOU NEED TO APPLY:**

- Application fee: \$1,005.80 (basic) to \$2,675.00 (board report). A Board Report is necessary when approval from the Board of Public Works is required.
- Sketch showing dimensions and proposed encroachments (see sample).
- Photographs of the area (see sample).
- Lease agreement or Grant Deed/Title Report.

**WHAT IS REQUIRED:**

- BOE personnel will notify adjacent property owners of the proposed encroachments.
- BOE personnel will conduct a field investigation to verify site condition.
- Existing or proposed awnings hanging above the sidewalk dining area will require a LADBS building permit.
- Waiver of Damages.
- Proof of General Liability Insurance (\$1,000,000).
- Provide a 7-foot clear space between encroachments (tables and chairs) and physical obstructions, such as, but not limited to power poles, street lights, parking meters and trees.
- If railings are proposed a minimum height of 30 and a maximum of 42-inches is required. Attached railings require an "A-Permit" for installation.
- Pay Sewerage Facility Charge (SFC).
- Other conditions may be required on a case-by-case basis.

**HOW TO MAINTAIN YOUR R-PERMIT:**

- Pay the Bi-annual Administrative and Inspection Fee (\$300).
- Update General Liability Insurance annually.
- Display the R-permit in plain view of public.
- Maintain a 7-foot clearance between encroachments and obstructions at all times.
- Maintain the sidewalk in front of restaurant in a clean and uncluttered manner.
- No sidewalk dining is allowed within the visibility triangle (see sample).
- Umbrellas must be approved by BOE personnel.
- If the restaurant ownership changes, a new permit is required.

**WHERE TO APPLY FOR THE R-PERMIT:**

- Online at: <http://eng.lacity.org/rpermits>

**Sidewalk dining permits are issued by the appropriate district office where additional information may be found at:**

- Central District: 201 N. Figueroa St., 3<sup>rd</sup> Floor, Los Angeles, (213) 482-7030.
- Valley District: 6262 Van Nuys Blvd., Room 351, Van Nuys, (818) 374-5090.
- West LA District: 1828 Sawtelle Blvd., 3<sup>rd</sup> Floor, West Los Angeles, (310) 575-8384.
- Harbor District: 638 S. Beacon St., Suite 402, San Pedro, (310) 732-4677.

**CITY OF LOS ANGELES**  
Department of Public Works  
Bureau of Engineering

**REVOCABLE PERMIT  
FOR  
SIDEWALK DINING**

Is hereby granted to: RESTAURANT NAME

Address: 1234 MAIN ST

For: 4 Tables, 8 chairs, 2 umbrellas

R-0550-01234

W-123456

Date Issued: 09/01/2005

Expires: 09/01/2007

**DRAFT**