

CITY OF LONG BEACH H-1

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 3rd Floor Long Beach, CA 90802 (562) 570-5237 Fax: (562) 570-6205

May 6, 2014

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive the supporting documentation into the record, conclude the public hearing, consider the appeals from John LaBelle, Carolyn LaBelle, Anita Hrishikesan and Jeff Bovernam, and Mark Nevin with 56 others, and uphold the decision of the Planning Commission to approve a Categorical Exemption (CE13-095), Site Plan Review and Conditional Use Permit to allow the demolition of two, one-story commercial buildings, and the construction of a 1,899-square-foot Dunkin' Donuts ready-to-eat establishment with a drive-thru lane, located at 5560 East 7th Street in the CCA zoning district. (District 3)

DISCUSSION

On February 6, 2014, the Planning Commission conducted a public hearing on the Site Plan Review and Conditional Use Permit request for the demolition of two, one-story commercial buildings and the construction of a 1,889-square foot, one-story Dunkin' Donuts ready-to-eat establishment with a drive-thru lane (Exhibit A – Plans and Photographs). After considering testimony from the public and applicant, the hearing was continued to March 6, 2014. On that date, the Planning Commission received the supporting documentation into the record, concluded the hearing, and voted 5-2 to accept the Categorical Exemption (CE 13-095) (Exhibit B – Categorical Exemption), and approve the Site Plan Review and Conditional Use Permit, subject to conditions (Exhibit C – Findings and Conditions of Approval). Four separate appeals to the Planning Commission's decision were filed within the 10-day appeal period. One appeal form had a primary appellant, Mark Nevin, with 56 other co-appellants listed on the form (Exhibit D – Appeals). Issues raised in the appeals related to potential traffic impacts due to the project and its configuration on the site, the City's definition of the use as a "ready to eat" establishment, and issues with the City's approach to reviewing the project in conjunction with the California Environmental Quality Act (CEQA).

The subject site is located on the southwest corner of Flint Avenue and 7th Street in the Community Commercial Automobile-Oriented (CCA) zone (Exhibit E- Location Map), and is currently developed with two, one-story commercial buildings: a 1,100-square-foot retail liquor store and an 864-square-foot coffee shop with two drive-thru lanes, including a

distinctive donut-shaped pole sign. The liquor store is vacant and the coffee shop is currently occupied. According to building permit records, both commercial buildings were constructed in 1958. Since the City did not keep building permit records for signs back in 1958, staff assumes that the sign, which is constructed through the roof of the coffee shop, was constructed at the same time the building was constructed in 1958.

The CCA zoning district permits retail and service uses for an entire community, including convenience and comparison-shopping goods, restaurants, and associated services. The CCA zone allows ready-to-eat establishments as of right. A ready-to-eat establishment with a drive-thru lane is allowed with the approval of a Conditional Use Permit (CUP) when special development standards can be met. Special development standards prohibit fast food restaurants abutting a residential zone (Section 21.52.231), but a ready-to-eat establishment with a drive-thru lane is allowed with a CUP. A ready-to-eat establishment is defined as a use that sells food in a form that is ready to eat at the time of sale, and is primarily designed for takeout, with on-site service area limited to one hundred fifty square feet of dining/in front of counter area. While the proposed use exceeds this limitation, other features of the proposed floor plan, such as the lack of a full kitchen, support the definition as a ready-to-eat establishment as opposed to a fast food restaurant or a sit-down restaurant. Full service kitchens are not allowed in ready-to-eat establishments. Uses such as bakeries, delicatessens, donut shops, ice cream shops, and yogurt shops are common ready-to-eat establishments, and staff has consistently defined such businesses as Starbuck's and It's a Grind, as ready-to-eat establishments. The lack of a full kitchen significantly minimizes the potential impact to adjacent properties as there will be no smoke or odors typically associated with fast food restaurants. In this case, the project meets all other applicable zoning regulations, including parking requirements and drive-thru queuing standards. Additionally, the applicant originally considered placing the drive-thru lane adjacent to the nearest residential property. Based on staff discussions, the site plan oriented the drive thru lane along 7th Street and away from the residential neighbors to reduce potential nuisances associated with cars idling, noise from the speaker box at the point of ordering, and other issues associated with a drive-thru.

At the February 6, 2014 Planning Commission hearing, many speakers testified to the importance of retaining the giant donut sign on site. The donut sign is a prime example of thematic architecture popularized in the late 1950's. As a result of the public testimony and at the direction of the Planning Commission, staff added a Condition of Approval requiring a separate permit under the Creative Sign regulations, which will retain the donut sign on site, and allow corporate branding to be incorporated into the design. The Planning Commission approved this Condition of Approval as part of their March 6, 2014 approval of the overall project.

Also in February, many speakers testified about potential traffic impacts, issues with queuing on and off site, accessibility to and from 7th Street, and the potential for cut-through traffic to utilize the adjacent neighborhood streets or alley to bypass 7th Street. As proposed, the project includes a five-foot dedication along the western property line to widen the throat of the alley, and will remove existing nonconforming curb cuts on 7th Street and consolidate traffic to one access point on 7th Street and one access point on Flint

Avenue. Staff subsequently added a Condition of Approval providing the City Traffic Engineer with the ability to require traffic improvements if traffic impacts materialize after the business operations have commenced. The Planning Commission approved this Condition of Approval as part of their March 6, 2014 approval of the overall project.

Subsequent to the Planning Commission decision, corrections were made to the findings and conditions of approval removing any references to restaurant and replacing them with ready-to-eat establishment. This was done to be consistent with the decision of the Planning Commission to avoid confusion moving forward. The changes to the findings and conditions are shown as strikethroughs and underlined text in the attachments.

In accordance with the California Environmental Quality Act (CEQA), a Class 3 (new construction of small projects), Categorical Exemption (CE13-095) was prepared. The project is not increasing density or overall building square footage on the site as compared to existing conditions, does not require a zoning or General Plan land use modification, is replacing a similar use, and the site is considered an infill site. For these reasons and more, a Categorical Exemption is the appropriate level of environmental review under CEQA for this project.

The proposed development will significantly improve the property with a new one-story commercial building, new block walls along property lines to provide better separation from adjacent residential uses, new paving, curbs and landscaping. Further, the project will remove two outdated commercial buildings, remove two existing curb approaches on 7th Street and provide for improvements to the alley along the entire depth of the site. The proposed Dunkin Donuts will be one of the first stores built in Southern California by this national franchise. Staff feels the project will significantly improve a very busy and prominent corridor in the City with a contemporary building and new landscaping. Thus, with the revisions to the design and improvements to the lot, along with the incorporated Conditions of Approval, staff is recommending approval of this project and a denial of the appeals.

This matter was reviewed by Assistant City Attorney Michael Mais on April 22, 2014 and by Budget Management Officer Victoria Bell on April 16, 2014.

TIMING CONSIDERATIONS

Section 21.21.504 of the Long Beach Municipal Code requires City Council action within 60 days of receiving an application for appeal. The first of the four appeals was received on March 13, 2014.

FISCAL IMPACT

There is no fiscal or local job impact as a result of the recommended action.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:



PATRICK H. WEST
CITY MANAGER

AJB:JW:SV
P:\ExOfc\CC\2014\5.06.14 Dunkin Donuts Appeal v5.doc

Attachments: Exhibit A: Plans and Photographs
Exhibit B: Categorical Exemption CE 13-095
Exhibit C: Revised Findings and Conditions of Approval
Exhibit D: Appeal Applications
Exhibit E: Location Map



NOTICE of EXEMPTION from CEQA

DEPARTMENT OF DEVELOPMENT SERVICES | PLANNING BUREAU
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(562) 570-6194 FAX: (562) 570-6068
lbs.longbeach.gov

TO: [] Office of Planning & Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

FROM: Department of Development Services
333 W. Ocean Blvd. 5th Floor
Long Beach, CA 90802

[x] L.A. County Clerk
Environmental Fillings
12400 E. Imperial Hwy. 2nd Floor, Room 2001
Norwalk, CA 90650

Categorical Exemption CE- 13-095

Project Location/Address: 5560 E. 7th Street

Project/Activity Description: Demolish two, one-story commercial buildings and
construct a one-story, 1,889 square foot ready-to-eat establishment, in
conjunction with a drive-thru lane.

Public Agency Approving Project: City of Long Beach, Los Angeles County, California

Applicant Name: Tom Carpenter, Frontier Investments

Mailing Address: 610 Newport Center Drive, Suite 400; Newport Beach, CA 92660

Phone Number: Applicant Signature:

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1310-11 Planner's Initials: SV

Required Permits: Site Plan Review AND Conditional Use Permit

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH
STATE GUIDELINES SECTION 15303, Class 3, New Construction of Small Structures

Statement of support for this finding: Construction of restaurant less than
2,500 sq ft in floor area

Contact Person: Craig Chaffart Contact Phone: 562-570-6368

Signature: [Signature] Date: 4/16/14

EXHIBIT A

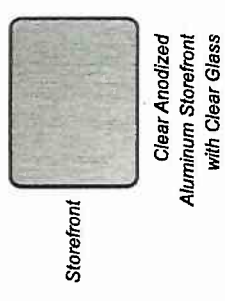
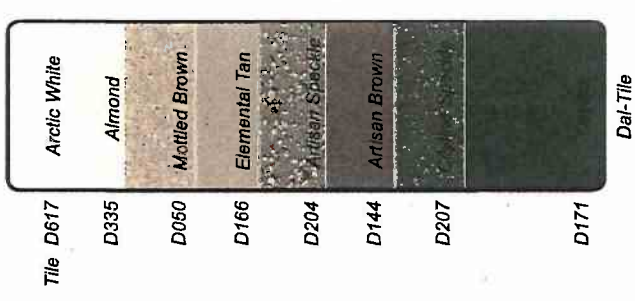
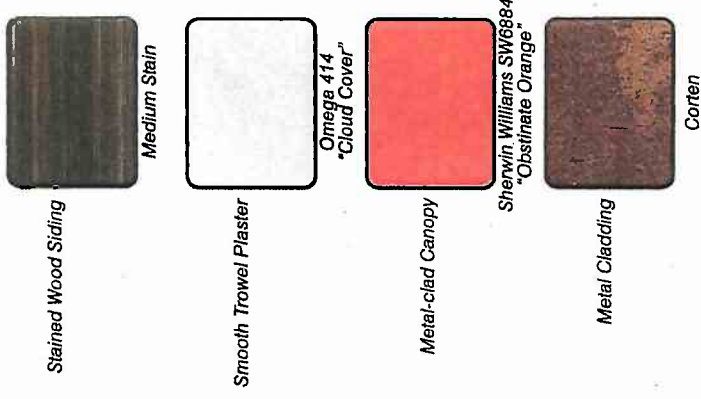


2 WEST ELEVATION



1 NORTH ELEVATION

Color Legend:



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DUNKIN' DONUTS

5560 E. 7TH STREET
 LONG BEACH, CA

FRONTIER
 REAL ESTATE INVESTMENTS

ELEVATIONS

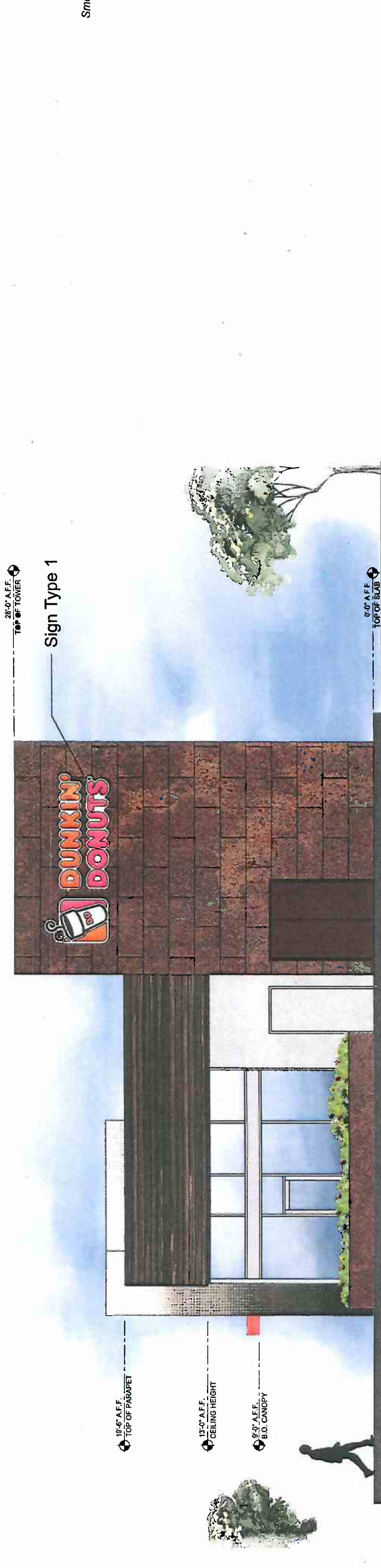
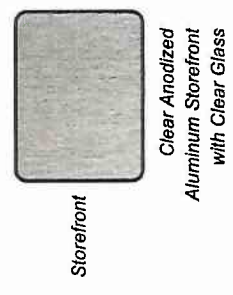
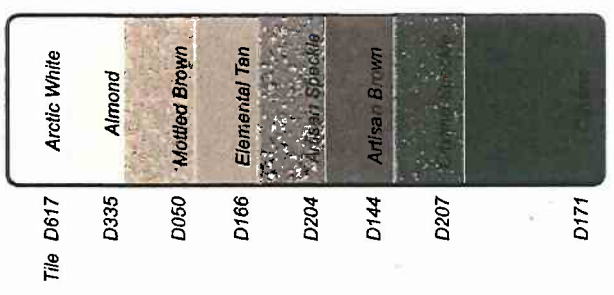
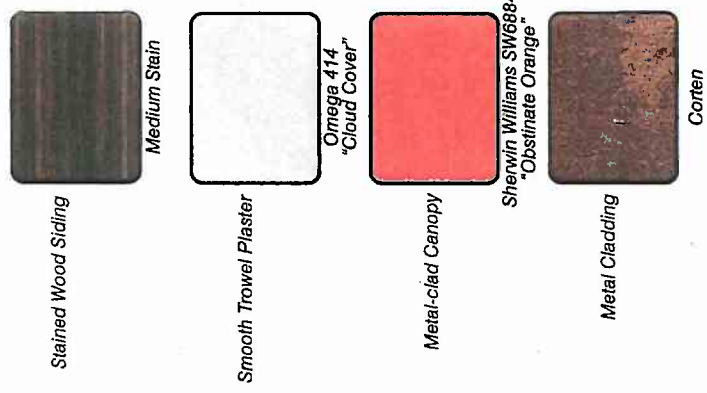
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January 13, 2014

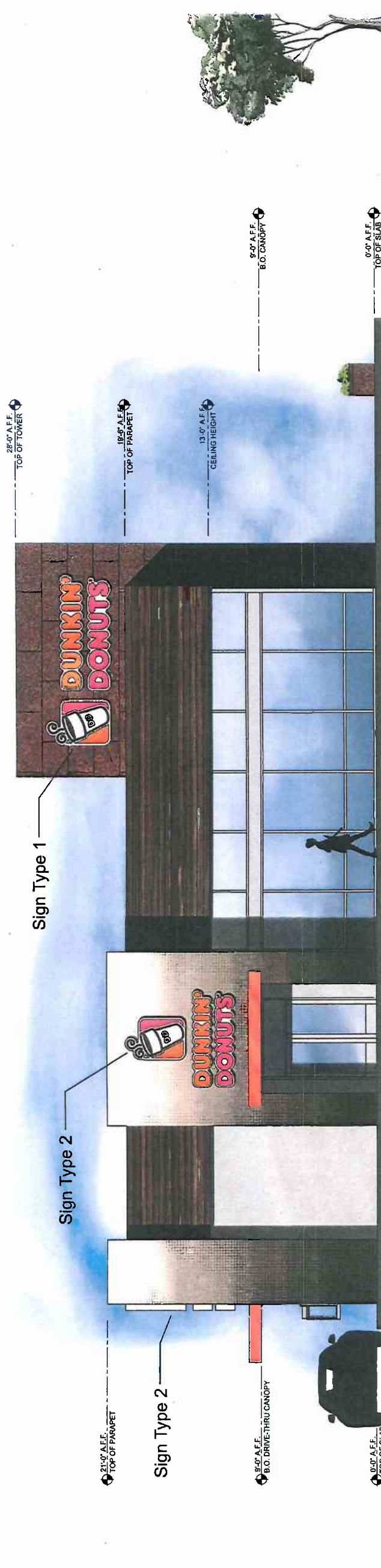
FS1313A150 - Dunkin' Donuts Long Beach 7th and
 Front Design/Elevation/RI 13A150 Elevations.dwg

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Color Legend:



1 EAST ELEVATION



2 SOUTH ELEVATION

ELEVATIONS
 Scale: 1/4" = 1'-0"
 January 13, 2014
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FRONTIER
 REAL ESTATE INVESTMENTS

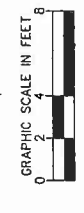
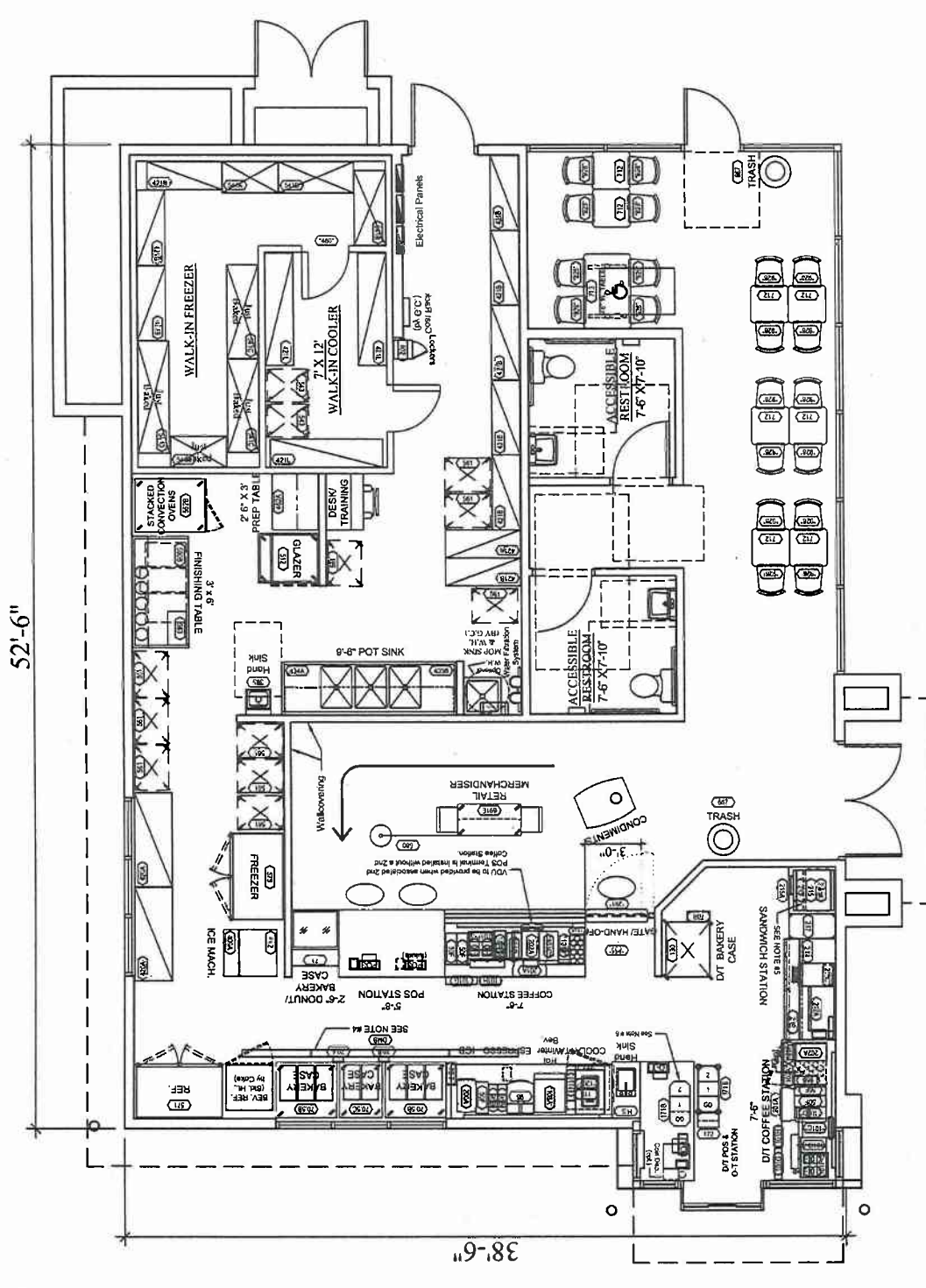
DUNKIN' DONUTS
 5560 E. 7TH STREET
 LONG BEACH, CA



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FLOOR PLAN
 Scale: 1/4" = 1'-0"
 January 13, 2014

FRONTIER
 REAL ESTATE INVESTMENTS

DUNKIN' DONUTS
 5560 E. 7TH STREET
 LONG BEACH, CA

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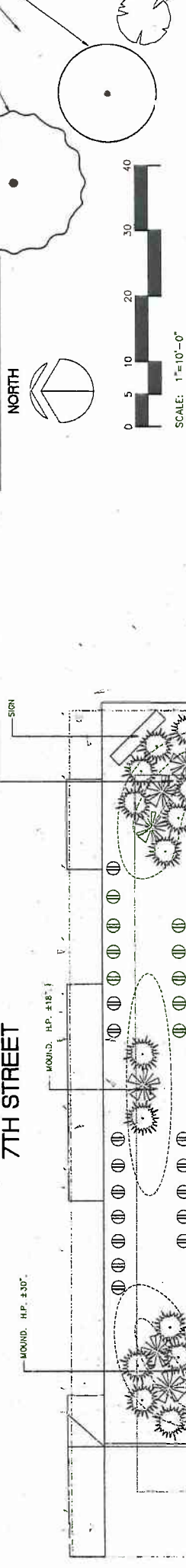


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WATER CONSERVATION CONCEPT
 A TARGET SYSTEM SHALL BE INSTALLED IN ALL NEW PLANTERS. IRRIGATION SYSTEMS SHALL BE EQUIPPED WITH A CONTROLLER CAPABLE OF DUAL PROGRAMMING. PLANTS SHALL BE GROUPED INTO "HYDRICZONES" AND RAIN SHUT-OFF TO BE PROVIDED ON NEW CONTROLLER.

CITY SPECIFIC REQUIREMENTS

- LIVE MATERIAL USED
- AUTOMATED IRRIGATION SYSTEM PROVIDED
- 1 TREE PER 4 SPACES REQUIRED
- 19 SPACES - 5 TREES REQUIRED
- ALL TREES 24" BOX MIN.
- ALL SHRUBS 5 GALLON MIN.
- 90% OF LANDSCAPE IS VERY LOW OR LOW WATER USE



ACCEPTABLE PLANT SIZES, SPECIES AND CONDITIONS AT TIME OF PLANTING:

SHRUBS:
 1 GALLON 18" X 12"
 5 GALLON 24" X 12"
 15 GALLON 36" X 18" OR 75% OF MATURE HEIGHT AS LISTED IN PLANT LEGEND

TREES:
 7-8" x 2'-3'-75"
 9-10" x 4'-9'-75"
 12" x 6'-9'-75"
 18" BOX 16-18" x 8'-9'-75"
 48" BOX 18-24" x 10'-9'-75"

PLANTS SHALL BE HEALTHY WITHOUT PESTS OR DISEASE AND SHALL NOT BE OVERGROWN. SHOW KNICKED OR CURLING ROOTS. HAVE DAMAGED OR TWISTED TRUNKS. SHOW OR EXPRESS EVIDENCE OF CANCAID THAT THE ROOT SYSTEM IS NOT THOROUGHLY DEVELOPED THROUGHOUT THE CAN.

TREES USED IN PLANTER FRIGERS OF PARKING LOTS OR AS STREET FRIGERS TO PLANTER FRIGERS SHALL BE HIGH BRANCHED BY GROWTH OR FRIING TO 5' CLEAR HEIGHT.

THE CALL IN BOTH GROUND COVER, SHRUBS OR STANDARD FORMS AND IS TO PLACE THE PLANT ORDER PER THE LEGEND DROPPING NUMBER OR VARIETY NAME.

AB 1181 LANDSCAPE DOCUMENTATION

PROJECT INFORMATION
 PROJECT APPLICANT: DUNKIN' DONUTS
 PROJECT ADDRESS: 5560 E. 7TH ST. LONG BEACH, CA 90805
 PROJECT TYPE: COMMERCIAL/RESIDENTIAL
 WATER SUPPLY TYPE: POTABLE (METERED) WITH LOCAL WATER FURNISHING
 PROJECT CONTACT: BOB DONOHUE, 5781 (H) 472-3032

WATER EFFICIENT LANDSCAPE WORKSHEET

SPECIES	VARIETY	PLANT TYPE	HYDRICZONES TABLE		PLANTER VOLUME (GALLONS)	PLANTER TYPE	WATER REQUIREMENT (GALLONS PER YEAR)
			AREA	PLANT COUNT			
LW	NAVAJO	B	574	100%	9.36	0.36	3.37
LW	WILLOW	B	274	100%	9.36	0.36	2.53
LW	YUKON	B	274	100%	9.36	0.36	2.53
TOTAL					282.72	1.08	8.43

CONVERSION FACTORS

- 1" DIAMETER TREE = 1.227 SQ FT
- 6" DIAMETER TREE = 2.836 SQ FT
- 8" DIAMETER TREE = 5.027 SQ FT
- 10" DIAMETER TREE = 7.854 SQ FT
- 12" DIAMETER TREE = 11.310 SQ FT
- 14" DIAMETER TREE = 15.490 SQ FT
- 16" DIAMETER TREE = 20.384 SQ FT
- 18" DIAMETER TREE = 25.416 SQ FT
- 20" DIAMETER TREE = 31.416 SQ FT
- 24" DIAMETER TREE = 45.216 SQ FT
- 30" DIAMETER TREE = 70.680 SQ FT
- 36" DIAMETER TREE = 101.784 SQ FT
- 42" DIAMETER TREE = 138.774 SQ FT
- 48" DIAMETER TREE = 181.680 SQ FT
- 54" DIAMETER TREE = 230.514 SQ FT
- 60" DIAMETER TREE = 287.316 SQ FT
- 66" DIAMETER TREE = 351.024 SQ FT
- 72" DIAMETER TREE = 420.774 SQ FT
- 78" DIAMETER TREE = 496.514 SQ FT
- 84" DIAMETER TREE = 578.280 SQ FT
- 90" DIAMETER TREE = 666.024 SQ FT

WATER EFFICIENT LANDSCAPE CALCULATIONS

HYDRICZONES TABLE TOTAL: 282.72

CONVERSION FACTOR: 1.08

PLANT FACTOR: 1.08

HYDRICZONE AREA: 305.43

SPECIAL LANDSCAPE ALLOWANCE: 1.08

NET WATERS USE: 9.10

NET WATERS USE: 9.10

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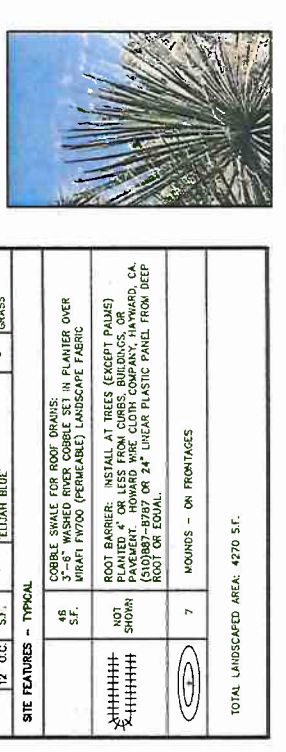
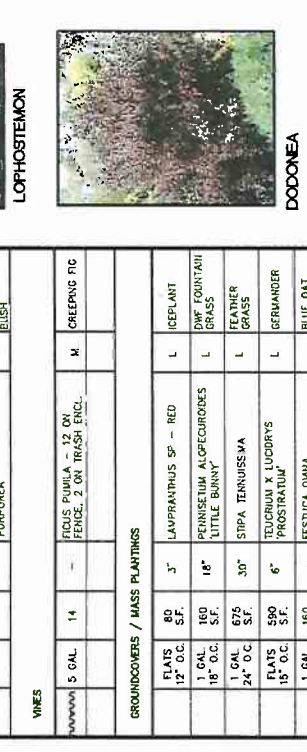
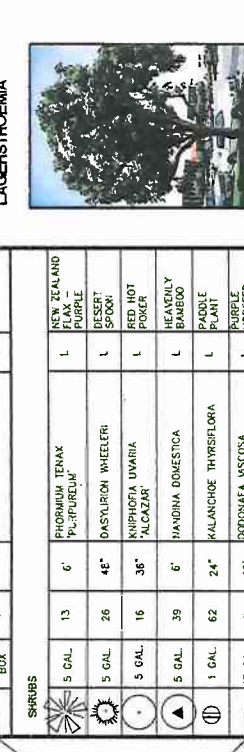
NET WATERS USE: 9.10

NET WATERS USE: 9.10

NET WATERS USE: 9.10

PLANTING LEGEND

SYMBOL	SIZE	QTY.	NATURE HEIGHT	BOTANICAL NAME	WATER REQUIREMENT	COMMON NAME
(Tree)	24"	4	30'	LOPHOSTEMON CONFER US	M	BIRCHBANE
(Tree)	24"	1	27'	LAGESTROEMIA INDICA, STD. PLUSTAGE	M	STD. CRAPE MYRTLE
(Shrub)	5 GAL.	13	6'	PHORMIUM TENAX 'PULCHRUM'	L	NEW ZEALAND PURPLE
(Shrub)	5 GAL.	26	48"	DASYLIRION WHEELERI	L	DESERT SPOON
(Shrub)	5 GAL.	16	38"	KNIPHOFIA UYARIYA	L	RED HOT POKEE
(Shrub)	5 GAL.	39	6'	HANDRIA DOMESTICA	L	HEAVENLY BANBAND
(Shrub)	1 GAL.	62	24"	KALANCHOE THYRSIFLORA	L	PLAUBLE PLANT
(Shrub)	15 GAL.	3	10'	DODONAEA VISCOSA PURPUREA	L	SURBE HOP-SEED BUSH



NOT FOR BIDDING OR CONSTRUCTION
 THESE DRAWINGS ARE UNDER REVIEW AND SUBJECT TO REVISIONS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO OBTAIN FINAL DRAWINGS (INITIALED IN TITLE BLOCK) BEFORE FINALIZING BIDS OR BEGINNING CONSTRUCTION.

LINEAR ROOT BARRIER SPECIFIED.
 DO NOT USE PLASTIC BOX BARRIERS.

ALL NEW LANDSCAPING IS LOW/MED WATER USE HYDRICZONE AND WILL BE IRRIGATED WITH POTABLE WATER.

TOTAL LANDSCAPED AREA: 4270 S.F.

RESIDENTIAL ZONE
 ALLEY
 7TH STREET
 FLINT AVENUE

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DUNKIN' DONUTS
 5560 E. 7TH STREET
 LONG BEACH, CA

LANDSCAPE PLAN
 Scale: 1" = 10'-0"
 January 13, 2014

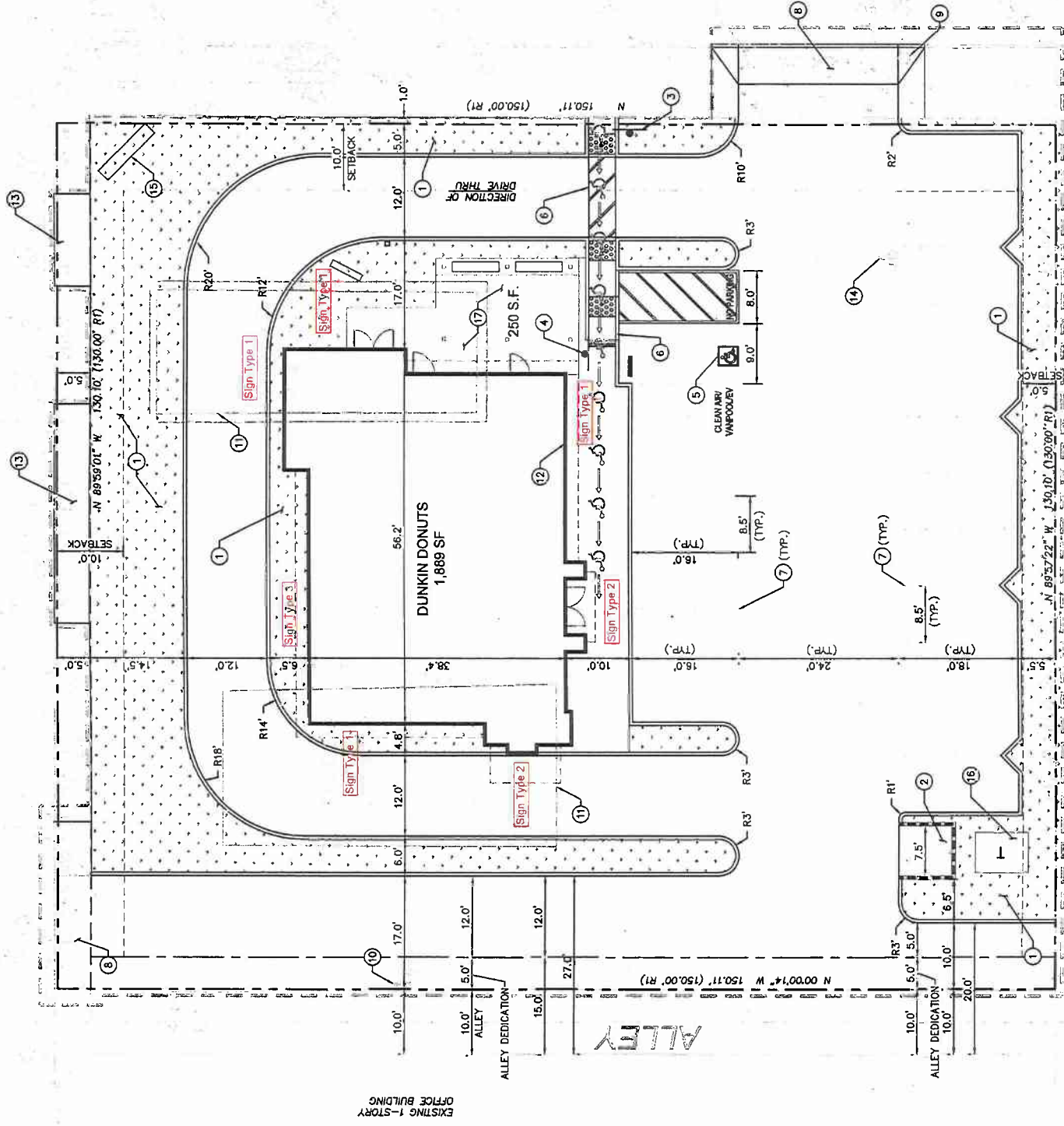
FRONTIER
 REAL ESTATE INVESTMENTS



THE ARCHITECT ASSUMES NO RESPONSIBILITY FOR THE CONSTRUCTION OF THIS PLAN. THE ARCHITECT IS NOT TO BE RESPONSIBLE FOR THE CONSTRUCTION OF THIS PLAN. THE ARCHITECT IS NOT TO BE RESPONSIBLE FOR THE CONSTRUCTION OF THIS PLAN.

7th STREET

FLINT AVENUE



LEGEND:

- PROPERTY LINE
- SETBACK LINE
- CIVIL LIMIT OF WORK LINE
- ASPHALT CONCRETE PAVEMENT
- STANDARD DUTY CONCRETE PAVEMENT
- HEAVY DUTY CONCRETE PAVEMENT
- LANDSCAPE/PLANTER AREA
- EXISTING BUILDING TO BE DEMOLISHED
- ACCESSIBLE ROUTE (LOCATION PURPOSES ONLY, DO NOT PAINT)
- PARKING STALLS

PAVING CONSTRUCTION NOTES

- 1 LANDSCAPE/PLANTER AREA. REFER TO LANDSCAPE PLANS FOR MORE INFORMATION.
- 2 TRASH ENCLOSURE AREA
- 3 ACCESSIBLE PATH OF TRAVEL SIGN
- 4 ACCESSIBLE PARKING SIGN
- 5 ACCESSIBLE 90° PARKING STALL
- 6 ACCESSIBLE RAMP WITH DETECTABLE WARNING (TRUNCATED DOMES)
- 7 STANDARD 90° PARKING STALL
- 8 PROPOSED CONCRETE DRIVEWAY APPROACH
- 9 RELOCATE EXISTING LIGHT POLE
- 10 EXISTING BUILDING FOOTPRINT
- 11 PROPOSED BUILDING FOOTPRINT
- 12 PROPOSED SIDEWALK PER CITY OF LONG BEACH STANDARD PLAN NO. 116
- 13 EXISTING MONITORING WELL
- 14 MONUMENT SIGN
- 15 TRANSFORMER PAD
- 16 OUTDOOR PATIO EATING AREA

PROJECT INFORMATION

PROJECT DESCRIPTION: DEMOLITION OF TWO EXISTING PADS AND NEW CONSTRUCTION OF A DUNKIN' DONUTS

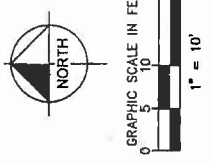
APN: 7241-031-013
 ADDRESS: 5560 E. 7TH STREET, LONG BEACH, CA 90804
 ZONING DESIGNATION: COMMUNITY AUTOMOBILE-ORIENTED (CCA) DISTRICT

TOTAL DISTURBED AREA:	19,507 S.F.	0.448 AC
TOTAL PAD AREA:	2,144 S.F.	0.048 AC
GROSS SQUARE FOOTAGE:	2197 S.F.	
ARCHITECTURAL ELEMENTS:	-108 S.F.	
ELECTRICAL UTILITY CLOSET:	-31 S.F.	
RESTROOMS:	-169 S.F.	
ADJUSTED GROSS SQUARE FOOTAGE:	1889 S.F.	
LOT COVERAGE:	PROVIDED	(0.448 AC) 100%
TOTAL LOT AREA:	19,507 S.F.	(0.448 AC) 10.9%
BUILDING PAD AREA:	2,144 S.F.	(0.289 AC) 66.8%
IMPERVIOUS AREA:	13,020 S.F.	(0.101 AC) 22.4%
LANDSCAPE AREA:	4,400 S.F.	

PARKING / LANDSCAPE BUFFER:	REQUIRED	PROVIDED
FRONT:	10'	10'
REAR:	5'	5'
SIDE (E):	10'	10'
SIDE (W):	10'	10'

PARKING SUMMARY:
 1,894 SF RESTAURANTS (10 STALL / 1000 SF) = 19 REQUIRED PARKING SPACES PER CITY CODE
 ADA PARKING FOR 0-25 PARKING SPACES PROVIDED = 1 ADA SPACES REQUIRED PER CITY CODE

PARKING TABLE:	REQUIRED	PROVIDED
STANDARD:	19	19
ACCESSIBLE:	1	1
TOTAL:	20	20





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DUNKIN' DONUTS

5560 E. 7TH STREET
 LONG BEACH, CA

FRONTIER
 REAL ESTATE INVESTMENTS

SITE PLAN
 Scale: 1" = 10'-0"
 January 13, 2014

THIS PLAN, SPECIFICATIONS AND ANY OTHER INFORMATION IS PREPARED BY THE ARCHITECT OR ENGINEER AND IS NOT TO BE USED FOR ANY OTHER PROJECT OR PURPOSE WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT OR ENGINEER. THE ARCHITECT OR ENGINEER IS NOT RESPONSIBLE FOR ANY CONSTRUCTION DEFECTS OR OMISSIONS. THE ARCHITECT OR ENGINEER IS NOT RESPONSIBLE FOR ANY CONSTRUCTION DEFECTS OR OMISSIONS. THE ARCHITECT OR ENGINEER IS NOT RESPONSIBLE FOR ANY CONSTRUCTION DEFECTS OR OMISSIONS.

^{3rd} REVISION
SITE PLAN REVIEW AND CONDITIONAL USE PERMIT
CONDITIONS OF APPROVAL
5560 E. 7th Street
Application No. 1310-11
Date: May 6, 2014

1. A Site Plan Review and Conditional Use Permit approval to allow the demolition of two one-story commercial buildings and construction of a one-story, 1,889-square-foot ready-to-eat establishment restaurant, in conjunction with a Conditional Use Permit request for a drive thru lane at 5560 E. 7th Street in the CCA zoning district.
2. This permit and all development rights hereunder shall terminate one year from the effective date of this permit unless construction is commenced or a time extension is granted, based on a written and approved request submitted prior to the expiration of the one year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
3. This permit shall be invalid if the owner(s) and/or applicant(s) have failed to return written acknowledgment of their acceptance of the conditions of approval on the *Conditions of Approval Acknowledgement Form* supplied by the Planning Bureau. This acknowledgment must be submitted within 30 days from the effective date of approval (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date).

Special Conditions:

4. Subject to a separate Creative Sign Application, the existing donut sign shall be evaluated and brought up to current standards. This will include the addition of signage consistent with the applicant's intended use which will be integrated into the sign to the satisfaction of the Director of Development Services. The sign will be placed in a location on site to the satisfaction of the Director of Development Services.
5. Prior to the issuance of a Certificate of Occupancy, the applicant shall provide traffic counts and a corresponding traffic report, to the satisfaction of the City Traffic Engineer, explaining current turning movements into and out of the site from Flint Street, 7th Street, and the portion of the alley that directly abuts the adjoining residential properties during typical morning and afternoon time periods. Traffic counts and corresponding reports shall also be provided by the applicant at six months and at one year after the issuance of a Certificate of Occupancy. All traffic counts and corresponding traffic reports will be reviewed and analyzed by the City Traffic Engineer. Should the City Traffic Engineer determine that the project has caused a significant change in traffic patterns that negatively impact the surrounding neighborhood, the City Traffic Engineer may require that the applicant develop and implement traffic control changes

on site, potentially including, but not limited to, pavement markings, channelization, and signage to address the impacts at the applicant's cost.

6. The applicant shall replace the existing wood fence located at the alley with a six-foot-tall block wall.
7. A five-foot-wide landscape buffer shall be provided along Flint Avenue, along the rear property line, and at the public alley. One tree and three shrubs shall be planted for every 15 linear feet of the property line. All landscaping shall be drought tolerant. The use of palm trees is prohibited.
8. The building shall be constructed as shown on the approved plans on file with the City of Long Beach, except as modified by said conditions. The Site Plan Review Committee shall approve any alterations or modification to the plans.
9. The north facing elevation shall be modified by incorporating faux windows, landscaping, or commercial identification signage to the satisfaction of the Director of Development Services.
10. Signage shall be placed at the driveway entrance at the alley and at the exit to the drive-thru to direct customers to the exits and drive-thru entrance.
11. Installation of any exterior newsstands, pay phones or vending machines shall be prohibited.
12. Video or coin operated games and the like shall be prohibited on site so as to discourage loitering on the premises.
13. The operator of the approved use shall prevent loitering and loud noises around the project site, and in all parking areas serving the use during and after hours of operation.
14. An attendant shall monitor the drive-thru lane when more than ten vehicles are stacked in the drive-thru lane to mitigate potential traffic issues on 7th Street and Flint Avenue.
15. The parking lot and building shall be significantly lit to reduce loitering. The lights shall be limited to 15-feet in height and contain glare shields. The lighting plan shall be approved to the satisfaction of the Chief of Police.
16. The hours of operation for the business and drive-thru lane shall be limited to 5 a.m. – 10:00 p.m., Monday-Sunday.

17. Security cameras shall be installed along the exterior of the building to monitor the business on a 24-hour basis. The cameras should monitor all portion of the property, to the satisfaction of the Director of Development Services.
18. The speakers associated with the drive thru lane shall not face the residential properties to the south. Additional landscaping shall be added along the south property line, to reduce the potential noise from the speaker, to the satisfaction of the Director of Development Services.

Standard Conditions:

19. The developer shall complete the following requirements to the satisfaction of the Director of Public Works:

GENERAL REQUIREMENTS

- a. Prior to the start of any on-site/off-site construction, the Developer shall submit a construction plan for pedestrian protection, street lane closures, construction staging, shoring excavations and the routing of construction vehicles (excavation hauling, concrete and other deliveries, etc.).

PUBLIC RIGHT-OF-WAY

- b. The Developer shall construct all off-site improvements needed to provide full ADA accessibility compliance within the adjacent public right-of-way to the satisfaction of the Director of Public Works. If a dedication of additional right-of-way is necessary to satisfy ADA requirements, the right-of-way dedication way shall be provided to the satisfaction of the Director of Public Works.
- c. The Developer shall dedicate and improve 5 feet of right-of-way for alley purposes and relocate existing facilities as necessary to accommodate the alley widening.
- d. The Developer shall dedicate and improve 5 feet for sidewalk purposes along 7th Street adjacent to the project site resulting in a 10.5 –foot-wide public walkway. Improvements shall be constructed with Portland cement concrete to the satisfaction of the Director of Public Works.
- e. The Developer shall reconstruct the full width of existing alley pavement adjacent to the project site and construct the alley curb return at 7th Street to align with the new alley widening to the satisfaction of the Director of Public Works.

ENGINEERING BUREAU

- f. The Developer shall be responsible for the maintenance of the off-site improvements during construction of the on-site improvements. All off-site improvements found damaged as a result of construction activities shall be reconstructed or replaced by the Developer to the satisfaction of the Director of Public Works.

- g. The Developer shall construct a new 4-foot-wide parkway within the public walkway along 7th Street fronting this project site. The parkway shall be located south of the curbface and the 6.5-foot widened sidewalk to the satisfaction of the Director of Public Works.
- h. The Developer shall improve the parkway with drought-tolerant accent shrubbery and permeable groundcover such as decomposed granite as described in Section 21.42.060 of the Municipal Code, to the satisfaction of the Director of Public Works.
- i. The Developer shall provide for new street trees with root barriers and irrigation within the treewalls where a tree is missing adjacent to the project site on Flint Avenue. The Developer and/or successors shall privately maintain all street trees, landscaping and sprinkler systems required in connection with this project.
- j. The Developer shall contact the Street Tree Division of the Department of Public Works, at (562) 570-2770, prior to beginning the tree planting, landscaping, and irrigation system work. The Street Tree Division will assist with the size, type and manner in which the street trees are to be installed. The use of palm trees is prohibited.
- k. The Developer shall provide for the resetting to grade of existing manholes, pullboxes, and meters in conjunction with the required off-site improvements to the satisfaction of the Director of Public Works.
- l. The Developer shall repair the cracked, uplifted, asphalt patched and/or deteriorated sidewalk pavement adjacent to the construction site along Flint Avenue. Sidewalk improvements shall be constructed with Portland cement concrete to the satisfaction of the Director of Public Works. All sidewalk removal limits shall consist of entire panel replacements (from joint line to joint line).
- m. Public improvements shall be constructed in accordance with approved plans. Detailed off-site improvement plans shall be submitted to the Department of Public Works for review and approval.

TRAFFIC & TRANSPORTATION BUREAU

- n. The Developer shall remove the driveways along 7th Street adjacent to the project site and replace with full-height curb, curb gutter, sidewalk and parkway as required in line items "g". Sidewalk improvements shall be constructed with Portland cement to the satisfaction of the Director of Public Works. Ingress and egress for the drive-through and parking lot shall be from Flint Avenue or the north/south alley west of the development site. Contact the Traffic and Transportation Bureau at (562) 570-6331 to request additional information regarding driveway construction requirements.
- o. The Developer shall salvage and reinstall all traffic signs that require temporary removal to accommodate new construction within the public right-of-way. All traffic signs shall be reinstalled to the satisfaction of the City Traffic Engineer.
- p. The Developer shall replace all traffic signs and mounting poles damaged or misplaced as result of construction activities to the satisfaction of the City Traffic Engineer.

- q. The Developer shall repaint all traffic markings obliterated or defaced by construction activities to the satisfaction of the City Traffic Engineer.
 - r. All traffic control device installations, including pavement markings within the private parking lot, shall be installed in accordance with the provisions of the Manual On Uniform Traffic Control Devices (MUTCD), 2012 edition (i.e., white parking stalls, stop signs, entry treatment signage, handicapped signage, etc.).
 - s. The Developer shall contact the Traffic & Transportation Bureau, at (562) 570- 6331, to modify the existing curb marking zones, adjacent to the site.
20. If, for any reason, there is a violation of any of the conditions of this permit or if the use/operation is found to be detrimental to the surrounding community, including public health, safety or general welfare, environmental quality or quality of life, such shall cause the City to initiate revocation and termination procedures of all rights granted herewith.
21. In the event of transfer of ownership of the property involved in this application, the new owner shall be fully informed of the permitted use and development of said property as set forth by this permit together with all conditions that are a part thereof. These specific requirements must be recorded with all title conveyance documents at time of closing escrow.
22. This approval is required to comply with these conditions of approval as long as the use is on the subject site. As such, the site shall allow periodic re-inspections, at the discretion of City officials, to verify compliance. The property owner shall reimburse the City for the inspection cost as per the special building inspection specifications established by City Council (Sec. 21.25.412, 21.25.212).
23. All conditions of approval must be printed verbatim on all plans submitted for plan review to the Department of Development Services. These conditions must be printed on the site plan or a subsequent reference page.
24. The Director of Development Services is authorized to make minor modifications to the approval design plans or any of the conditions of approval if such modifications shall not significantly change/alter the approved design/project. Any major modifications shall be reviewed by the Planning Commission, respectively.
25. The property shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants. This shall encompass the maintenance of exterior facades of the building, designated parking areas serving the use, fences and the perimeter of the site (including all public parkways).

26. Any graffiti found on site must be removed within 24 hours of its appearance.
27. As a condition of any City approval, the applicant shall defend, indemnify, and hold harmless the City and its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul the approval of the City concerning the processing of the proposal/entitlement or any action relating to, or arising out of, such approval. At the discretion of the City and with the approval of the City Attorney, a deposit of funds by the applicant may be required in an amount sufficient to cover the anticipated litigation costs.

2nd Revision
SITE PLAN REVIEW
CONDITIONAL USE PERMIT FINDINGS

5560 E. 7th Street
No. 1310-11
March 6, 2014

Pursuant to Section 21.25.206 of the Long Beach Municipal Code, a Conditional Use Permit can be granted only when positive findings are made consistent with the following criteria set forth in the Zoning Ordinance. These findings and staff analysis are presented for consideration, adoption and incorporation into the record of proceedings:

- 1. THE APPROVAL IS CONSISTENT WITH AND CARRIES OUT THE GENERAL PLAN, ANY APPLICABLE SPECIFIC PLANS SUCH AS THE LOCAL COASTAL PROGRAM AND ALL ZONING REGULATIONS OF THE APPLICABLE DISTRICT;**

The subject site is located in Land Use District 8N – Shopping Nodes and within the Community Automobile-Oriented (CCA) zoning district. The CCA zoning district allows retail, ready-to-eat restaurants establishment, office and service related uses by right. The operation of a drive-thru lane requires approval of a Conditional use Permit (CUP). A CUP is consistent when it carries out the intent of the land use district in which is located, and otherwise complies with the required findings of the Zoning Regulations. Approval of a Conditional Use Permit would allow a commercial use with conditions of approval required.

The Land Use Element designation of LUD 8N – Shopping Nodes was created to accommodate retail and service uses exclusively, primarily in small clusters. It is widely dispersed in the form of numerous clusters of neighborhood-serving uses. The district requires adequate off-street parking, minimization of curb cuts, maximization of side street access, and de-emphasis of curbside parking. The proposed drive-thru and ready-to-eat restaurant establishment will operate on the project site and, as conditioned, will eliminate two curb approaches, thereby emphasizing side street access, while at the same time de-emphasizing curb side parking by providing adequate off-street parking. Furthermore, the construction and operation of the drive-thru lane is designed to allow exiting from the north/south alley and Flint Avenue. As such, all customers visiting the site will be directed by signage to exit the site at either Flint Avenue or the public alley. The customers visiting the site are expected to come eastbound on 7th Street, since accessibility from 7th street heading westbound is not allowed. With incorporated conditions of approval, which includes adequate directional signage, the proposal is consisted and carries out the intent of the General Plan.

The subject site is not within the Coastal Zone.

2. THE PROPOSED USE WILL NOT BE DETRIMENTAL TO THE SURROUNDING COMMUNITY INCLUDING PUBLIC HEALTH, SAFETY, GENERAL WELFARE, ENVIRONMENTAL QUALITY OR QUALITY OF LIFE; AND

In accordance with the California Environmental Quality Act and the CEQA Guidelines, a Categorical Exemption (CE 12-032) was prepared for this project and is attached for your review.

The propose use is not anticipated to be detrimental to the surrounding community as the proposed drive-thru design far exceeds the required queuing distance for drive-thru lanes. Furthermore, with the closure of two curb approaches on 7th Street and the utilization of the alley and Flint Avenue as exits, the traffic flow and potential backups will be reduced.

It is anticipated that the peak hours of drive-thru usage and functionality will be from 6:00 a.m. – 9:00 a.m., and 4:00 p.m. – 6:00 p.m., Monday thru Friday, with a gradual decline in traffic thereafter. These peak hours occur before most businesses are open. Thus, the drive-thru functionality is not expected to increase the amount of trips in the areas, as it will service commuters that are already established. However, to address potential issues with vehicles traveling into the residential neighborhood to the south, conditions of approval are incorporated to address potential negative impacts. Conditions of approval will require the applicant to provide traffic counts before the building is constructed, 6-months and one-year after issuance of a Certificate of Occupancy. The traffic counts will be used to determine what impacts need to be mitigated, per the City Traffic Engineer. In addition to traffic counts, the hours of operation were limited, directional signage required, and compliance with all applicable standards of the Health Department. Approval of such requested Conditional Use Permits enables the City to enforce these conditions and address potential nuisances that may arise in the future.

3. THE APPROVAL IS IN COMPLIANCE WITH THE SPECIAL CONDITIONS FOR THE USE ENUMERATED IN CHAPTER 21.52

Chapter 21.52 has standards pertaining to restaurants and fast food eating facilities. The following conditions shall apply to fast-food restaurants. Although the proposed use is not defined as a fast food restaurant, staff provided these conditions to show how the use was being defined.

A. The site shall not adjoin or abut a residential use district;

The property is abutting a residential use district. Although the standards prohibit fast-food restaurants near residential districts, the use is by definition

not considered a fast-food establishment. A "Ready-to-eat ~~restaurant~~ restaurant establishment is a use, whether it meets the definition of "restaurant" or not, that sells food in a form that is ready to eat at the time of sale, and is primarily designed for takeout, with on-site service area limited to one hundred fifty (150) square feet of dining/in front of counter area. Full service kitchens are not allowed in "ready-to-eat ~~restaurants establishments~~". Such uses as bakeries, delicatessens, donut shops, ice cream shops, and yogurt shops are common ready-to-eat ~~restaurants establishments~~. The proposed Dunkin' Donuts will provide coffee, donuts, and breakfast sandwiches to their customers. The coffee and sandwiches sold will be prepared off-site and delivered to the store for consumption. To demonstrate they are a ready-eat-~~restaurant establishments~~ the proposed floor plan does not show a full kitchen or a bakery. Only microwaves and sinks will be provided. The definition also states that, such uses as donut shops, delicatessens, and bakeries are common ready-to-eat ~~restaurants establishments~~. The proposed use offers donuts, coffee and breakfast sandwiches (delicatessens), and operates very similar to Starbucks. The proposed use clearly meets the definition of a ready-to-eat ~~restaurant establishment~~, with the exception of the 150 square feet of dining limitation. The 150 square foot limitation of dining areas was implemented to allow for the conversion of existing retail establishments into ready-to-eat ~~restaurants establishments~~, since parking standards are the same for both (4 per 1,000). The intent was not to limit the square footage of new ready-to-eat ~~restaurants establishments~~ when adequate parking could be provided. There are numerous examples throughout the city, where a ready-to-eat ~~restaurant establishment~~ was approved with a dining area more than 150 square feet in size. A couple of examples are the Starbucks in Belmont Shore and 7th Street and Park Avenue. Another example of ready-to-eat establishments is Subway and Togo's restaurants.

B. The proposed site shall not interrupt or intrude into a concentration of retail uses and shall not impede pedestrian circulation between retail uses;

The proposed ready-to-eat ~~restaurant establishment~~ and drive thru lane will not interrupt or intrude into a concentration of retail uses and will not impede pedestrian circulation between retail uses. With the improvements to the lot, the site will be improved, alleyways and sidewalks widened and circulation improved between adjoining retail uses.

C. The use shall not constitute a nuisance to the area due to noise, litter, loitering, smoke or odor; and

Operational conditions of approval were added to address potential issues with noise, litter, smoke and odor.

D. Order board speakers shall be oriented and directed away from adjacent residential uses

A condition was added, requiring the menu board to be re-oriented away from adjacent residential uses. Furthermore, additional landscaping and a new block wall will be required, which will help reduce the potential impact that the noise emanating from the menu board may have.

2nd Revision
SITE PLAN REVIEW FINDINGS

App. No. 1310-11

Date: Mar 6, 2014

Pursuant to Chapter 21.25, Division V of the Long Beach Municipal Code, the Site Plan Review Committee or City Planning Commission shall not approve a Site Plan Review unless positive findings are made consistent with the criteria set fourth in the Site Plan Review regulations.

- 1. THE DESIGN IS HARMONIOUS, CONSISTENT AND COMPLETE WITHIN ITSELF AND IS COMPATABLE IN DESIGN, CHARACTER AND SCALE, WITH NEIGHBORING STRUCTURES AND THE COMMUNITY IN WHICH IT IS LOCATED;**

The proposed demolition of two one-story commercial buildings and construction of a one-story ready-to-eat is located in LUD No. 8N - Shopping Nodes and within the Community Automobile-Oriented (CCA) zoning district. The CCA zoning district allows retail, ~~restaurant~~ establishment, office and service related uses by right. The construction of a ready-to-eat ~~restaurant~~ establishment with a drive-thru lane is allowed with the approval of a Conditional Use Permit and Site Plan Review application in the CCA zone.

The project was found to have a promotional relationship to the site and its surroundings. The project design is contemporary in style and is also harmonious, consistent, and complete within itself through the use of similar materials, a variety of compatible colors and varying heights. The building design has ample articulation through the use of projections, and is similar in style to the adjacent Vitamin Store. The ready-to-eat ~~restaurant~~ establishment is consistent with other uses in the area and is sensitive to nearby uses through the incorporation of landscaping buffers and block walls.

A fast food restaurant, according to the Conditional Use Permit findings, is not allowed adjacent to a residential zone. Although the use is adjacent to a residential zone to the south, the ~~restaurant~~ establishment is not defined as a fast food establishment because a full kitchen is not provided, and only pre-packaged sandwiches, coffee, and donuts are provided. The Site Plan Review Committee recommended approval on the location, layout and design of the building on November 15, 2013. The Site Plan Review Committee at that time defined the proposed ~~restaurant~~-use as a ready-to-eat ~~restaurant~~ establishment and not a fast food establishment given the use is very similar to a Starbucks, a delicatessen, and a donut shop, and given that no kitchen is provided. As a ready-to-eat operation, the use is allowed by right in the CCA zone and is in compliance with CUP standards, regulations and guidelines.

- 2. THE DESIGN CONFORMS TO THE “DESIGN GUIDELINES FOR R-3 AND R-4 MULTI-FAMILY DEVELOPMENT, THE “DOWNTOWN DESIGN GUIDELINES”, THE GENERAL PLAN, AND ANY OTHER DESIGN GUIDELINES OR SPECIFIC PLANS WHICH MAY BE APPLICABLE TO THE PROJECT;**

The proposed project is consistent with the intent of the LUD #8N – Shopping Nodes in that a ready-to-eat ~~restaurant~~ establishment use is allowed by right in the CCA zone. There are no design guidelines or specific plans that apply to this location.

- 3. THE DESIGN WILL NOT REMOVE SIGNIFICANT MATURE TREES OR STREET TREES, UNLESS NO ALTERNATIVE DESIGN IS FEASIBLE;**

The proposed project is consistent with the intent of LUD #8N and will not result in the removal of mature trees.

- 4. THERE IS AN ESSENTIAL NEXUS BETWEEN THE PUBLIC IMPROVEMENT REQUIREMENTS ESTABLISHED BY THIS ORDINANCE AND THE LIKELY IMPACTS OF THE PROPOSED DEVELOPMENT; AND**

The street and alley dedication required by this project are directly related to the proposal, and are necessary to allow for a better, safer entry to the alley, and property. The widening of the sidewalk to a width required by the General Plan is necessary to ensure a safe and improved pedestrian flow in front of the project.

- 5. THE PROJECT CONFORMS TO ALL REQUIREMENTS SET FORTH IN CHAPTER 21.64 (TRANSPORTATION DEMAND MANAGEMENT)**

The conditions of approval require compliance with Chapter 21.64.



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5th Floor Long Beach, CA 90802 (562) 570-6194 FAX (562) 570-6068

PLANNING BUREAU.

APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the

<input type="checkbox"/>		
<input checked="" type="checkbox"/>	Planning Commission	on the 6 day of March, 2014
<input type="checkbox"/>		
<input type="checkbox"/>		

Project Address: 5560 E. 7th street Long Beach, CA

Reasons for Appeal: The propose Dunkin Donut site plan currently directs the take-out window traffic down our narrow alley. The alley currently only has 14 motor vehicles a day going down it (weekly averages). The Dunkin Donut take-out window alley traffic will exceed 14 cars in a few hours of operation during the morning rush hours. The take-out window traffic will find using 7th st. to exit nearly impossible because of heavy 7th st. traffic in the morning. Some small changes to the site/building plans could be made that would prevent take-out window traffic from using our alley (curbing, bollards or fencing). If, for any reason, take-out window traffic cannot be prevented from using our alley, the hours take-out window operation should be limited to 6:00AM to 9:00PM. This will prevent the quality of our sleep and lives from suffering for the Dunkin Donuts take-out window operation.

Your appellant herein respectfully requests that Your Honorable Body **reject** the decision and **Approve** / **Deny** this application.

	Appellant 1	Appellant 2
Name:	John LaBelle	
Organization		
Address:	636 Ultimo Ave	
City/ZIP:	Long Beach, CA 90814	
Phone:	(562) 498-3977	
Signature:	<i>John LaBelle</i>	
Date:	3/12/2014	

- A separate appeal form is required for each appellant party, except for appellants from the same address, or those representing an organization.
- Appeals must be filed within 10 days after the decision is made (LBMC 21.21.502).
- You must have established *aggrieved* status by presenting oral or written testimony at the hearing where the decision was rendered; otherwise, you may not appeal the decision.
- See reverse of this form for the statutory provisions on the appeal process.

(Below This Line for Staff Use Only)

Appeal by Applicant, or Appeal by Third Party

Received by: SV App. No.: 1310-11 Filing Date: 3/13/14
 Fee: \$50.00 Fee Paid Project (receipt) No.: PLNB31422

LICENSED CONTRACTORS DECLARATION

I hereby affirm licensed under provisions of Chapter 9 (Commencing with Section 7000), of the Business and Professional Code, and my license is

License _____
 Class _____ No. _____ Contract _____

OWNER-BUILDER DECLARATION

I hereby affirm that I am exempt from the Contractors License Law for the following reason (Sec.7031 California Business and Professional Code: Any City which requires a permit to construct, alter, improve, demolish or repair any structure prior to its issuance also requires the applicant for such permit to file a signed statement that he is a licensed contractor pursuant to the provisions of the Contractors License Law (Ch.9) (Commencing with Sec.7000 of Div.3 of the B. & P. C.) or that he is exempt therefrom and the basis for the alleged exemption. Any violation of Sec.7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars (\$500.00).:

• I as owner of the property, or my employees with wages as their sole compensation, will do the work and the structure is not intended or offered for sale (Sec.7044, B. & P. C. : The Contractors License Law does not apply to an owner of property who builds or improves thereon, and who does such work himself or through his own employees, provided that such improvements are not intended or offered for sale. If, however, the building or improvements is sold within one year of completion, the owner-builder will have burden of proving that he did not build or improve for the

• I am exempt under _____, B. & P. C. for this _____
 Reason _____

Application is hereby made to the Superintendent of Building and Safety for a permit subject to the conditions and restrictions set forth on the front faces of this application

- Each person upon whose behalf this application is made and each person at whose benefit work is performed under or pursuant to any permit issued as a result of this application agrees to and shall indemnify and hold harmless the City of Long Beach its officers, agents, and employees from any liability arising out of the issuance of any permit from this application.
- Any permit issued as a result of this application becomes null and void if work is

WORKER'S COMPENSATION DECLARATION

I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:

Carrier: _____ Policy _____
 Number: _____

(This Section need not be completed if the permit is for one hundred dollars (\$100) or less)

I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California, and agree that if I should become subject to the workers' compensation provisions of Section 3700 of the Labor Code, I shall

Date _____ Applicant _____

WARNING: FAILURE TO SECURE WORKERS' COMPENSATION COVERAGE IS UNLAWFUL, AND SHALL SUBJECT AN EMPLOYER TO CRIMINAL PENALTIES AND CIVIL FINES UP TO ONE HUNDRED THOUSAND DOLLARS, IN ADDITION TO THE COST OF COMPENSATION DAMAGES AS PROVIDED FOR IN SECTION

I hereby state that there is a construction lending agency for the performance of the work for which this permit is issued (Sec.3907, Civ. C.).

Lender's Name _____
 Lender's Address _____

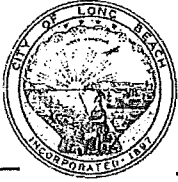
I certify that I have read this application and state that the above information is correct. I agree to comply with all City and State laws relating to the building construction, and hereby authorize representatives of this city to enter upon the

Signature of Owner or Contractor _____ Date _____

JOB ADDRESS 5560 7TH ST		RECEIPT NO. 02066523	DATE 3/14/14	PROJECT NO. PLNB31422
JOB DESCRIPTION An appeal of the Planning Commissions decision to approve a Conditional Use Permit an				AREA 0
OWNER		OCCUPANCY		PLANNING SHOPPING NODES
ADDRESS		ASSESSOR NO.		ZONE CCA
CITY	STATE	ZIP CODE	FSB	S
			RSB	CENSUS TRACT 577603
APPLICANT John John LaBelle				
CONTRACTOR				
ADDRESS				
CITY	STATE	ZIP CODE	PHONE NO.	
STATE LICENSE NO.			CITY LICENSE NO.	
ARCHITECT/ENGINEER			LICENSE NO.	
ADDRESS				
CITY	STATE	ZIP CODE	PHONE NO.	
VALUATION 0.00	PRESENT BLDG USE	PROPOSED BLDG USE	BLDG HEIGHT 0	TYPE OF CONSTRUCTION APPHTPTY
LEGAL DESCRIPTION				

Paid by: JOHN AND CAROLYN LABELLE CK 9125

\$50.00 Check (CK)



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5th Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6068

PLANNING BUREAU

APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the

<input type="checkbox"/> Zoning Administrator	on the <u>17</u> day of <u>March</u> , 20 <u>14</u>
<input checked="" type="checkbox"/> Planning Commission	
<input type="checkbox"/> Cultural Heritage Commission	
<input type="checkbox"/> Site Plan Review Committee	

Project Address: 5560 E. 7th Street

Reasons for Appeal: _____

The proposed site of the Dunkin Donut drive-thru is 25 ft from current CA Regional Water Board cleanup site at 5600 E. & 7th [T0603762297]. Giving so quickly a CUP and exemption from EIR will impact the health & safety of the neighborhood during the time of demolish & construction of the existing site and could involve asbestos release, benzene fumes, MTBE. This plume will also affect our drinking water supply. Please deny this until an EIR is required and available to the public & agencies.

Your appellant herein respectfully requests that Your Honorable Body **reject** the decision and Approve / Deny this application.

	Appellant 1	Appellant 2
Name:	<u>Parolyn La Belle</u>	
Organization		
Address:	<u>636 Uletimo Ave</u>	
City/ZIP:	<u>Long Beach 90814</u>	
Phone:	<u>562-995-0645</u>	
Signature:	<u>[Signature]</u>	
Date:	<u>3/17/14</u>	

- A separate appeal form is required for each appellant party, except for appellants from the same address, or those representing an organization.
- Appeals must be filed within 10 days after the decision is made (LBMC 21.21.502).
- You must have established *aggrieved* status by presenting oral or written testimony at the hearing where the decision was rendered; otherwise, you may not appeal the decision.
- See reverse of this form for the statutory provisions on the appeal process.

(Below This Line for Staff Use Only)

Appeal by Applicant, or Appeal by Third Party

Received by: SV App. No.: 1310-11 Filing Date: 3/17/14

Fee: \$50.00 Fee Paid Project (receipt) No.: PLNB31440

LICENSED CONTRACTORS DECLARATION

I hereby affirm that I am licensed under provisions of Chapter 9 (Commencing with Section 7000) of Division 3 of the Business and Professional Code, and my license is

License _____ License _____
 Class _____ No. _____ Contract _____

OWNER-BUILDER DECLARATION

I hereby affirm that I am exempt from the Contractors License Law for the following reason (Sec.7031 California Business and Professional Code: Any City which requires a permit to construct, alter, improve, demolish or repair any structure prior to its issuance also requires the applicant for such permit to file a signed statement that he is a licensed contractor pursuant to the provisions of the Contractors License Law (Ch.9) (Commencing with Sec.7000 of Div.3 of the B. & P. C.) or that he is exempt therefrom and the basis for the alleged exemption. Any violation of Sec.7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars (\$500.00).:

• I as owner of the property, or my employees with wages as their sole compensation, will do the work and the structure is not intended or offered for sale (Sec.7044, B. & P. C. : The Contractors License Law does not apply to an owner of property who builds or improves thereon, and who does such work himself or through his own employees, provided that such improvements are not intended or offered for sale. If, however, the building or improvements is sold within one year of completion, the owner-builder will have burden of proving that he did not build or improve for the

• I am exempt under _____, B. & P. C. for this _____
 Reason _____

OWNER - IMPORANT -

Application is hereby made to the Superintendent of Building and Safety for a permit subject to the conditions and restrictions set forth on the front faces of this application

- Each person upon whose behalf this application is made and each person at whose benefit work is performed under or pursuant to any permit issued as a result of this application agrees to and shall indemnify and hold harmless the City of Long Beach its officers, agents, and employees from any liability arising out of the issuance of any permit from this application.
- Any permit issued as a result of this application becomes null and void if work is

WORKER'S COMPENSATION DECLARATION

____ I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:

Carrier: _____ Policy _____
 Number: _____

(This Section need not be completed if the permit is for one hundred dollars (\$100) or less)

____ I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California, and agree that if I should become subject to the workers' compensation provisions of Section 3700 of the Labor Code, I shall

Date _____ Applicant _____

WARNING: FAILURE TO SECURE WORKERS' COMPENSATION COVERAGE IS UNLAWFUL, AND SHALL SUBJECT AN EMPLOYER TO CRIMINAL PENALTIES AND CIVIL FINES UP TO ONE HUNDRED THOUSAND DOLLARS, IN ADDITION TO THE COST OF COMPENSATION DAMAGES AS PROVIDED FOR IN SECTION

I hereby state that there is a construction lending agency for the performance of the work for which this permit is issued (Sec.3907, Civ. C.).

Lender's Name _____
 Lender's Address _____

I certify that I have read this application and state that the above information is correct. I agree to comply with all City and State laws relating to the building construction, and hereby authorize representatives of this city to enter upon the

Signature of Owner or Contractor _____ Date _____

JOB ADDRESS 5560 7TH ST		RECEIPT NO. 02068154	DATE 3/17/14	PROJECT NO. PLNB31440
JOB DESCRIPTION An appeal of the Planning Commission's decision to approve a Conditional Use Permit				AREA an 0
OWNER		OCCUPANCY		PLANNING SHOPPING NODES
ADDRESS		ASSESSOR NO.		ZONE CCA
CITY	STATE	ZIP CODE	FSB	S
			RSB	CENSUS TRACT 577603
APPLICANT Carolyn LaBelle				
CONTRACTOR				
ADDRESS				
CITY	STATE	ZIP CODE	PHONE NO.	
STATE LICENSE NO.			CITY LICENSE NO.	
ARCHITECT/ENGINEER			LICENSE NO.	
ADDRESS				
CITY	STATE	ZIP CODE	PHONE NO.	
VALUATION 0.00	PRESENT BLDG USE	PROPOSED BLDG USE	BLDG HEIGHT 0	TYPE OF CONSTRUCTION APPHTPTY
LEGAL DESCRIPTION				

Paid by: CAROLYN LABELLE CK 1026

\$50.00 Check (CK)



PERI 30524

CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5th Floor Long Beach, CA 90802 (562) 570-6194 FAX (562) 570-6068

PLANNING BUREAU

APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the

<input type="checkbox"/> Zoning Administrator	
<input checked="" type="checkbox"/> Planning Commission	on the <u>6th</u> day of <u>MARCH</u> , 20 <u>14</u>
<input type="checkbox"/> Cultural Heritage Commission	
<input type="checkbox"/> Site Plan Review Committee	

Project Address: 5560 E. 7th St. Long Beach 90814

Reasons for Appeal: Hundreds of cars using DUNKIN DRIVE THROUGH waiting to enter will cause 7th St. traffic back up; only 1-2 cars able to exit to 7th St. from Flint per signal change. Back up will cause RIGHT HAND lane of 7th virtually IMPASSABLE. "Cut through" traffic make our streets UNSAFE for CHILDREN, runners, bike riders. Increase in exhaust/noise pollution from idling cars, radios, order speaker. Two local Starbucks DO NOT HAVE DRIVE THROUGH service. DO NOT ALLOW A DRIVE THROUGH in our residential neighborhood.

Your appellant herein respectfully requests that Your Honorable Body reject the decision and Approve / Deny this application.

	Appellant 1	Appellant 2
Name:	<u>Anita Hrishikeshan</u>	<u>Jeff Boverman</u>
Organization:	<u>Resident</u>	<u>Resident</u>
Address:	<u>655 Ultimo Av.</u>	<u>655 Ultimo Av</u>
City/ZIP:	<u>Long Beach / 90814</u>	<u>Long Beach / 90814</u>
Phone:	<u>(323) 363-2675</u>	<u>(214) 267-9449</u>
Signature:	<u>AHrishikeshan</u>	<u>J Boverman</u>
Date:	<u>3/16/14</u>	<u>3/17/14</u>

- A separate appeal form is required for each appellant party, except for appellants from the same address, or those representing an organization.
- Appeals must be filed within 10 days after the decision is made (LBMC 21.21.502).
- You must have established *aggrieved* status by presenting oral or written testimony at the hearing where the decision was rendered; otherwise, you may not appeal the decision.
- See reverse of this form for the statutory provisions on the appeal process.

(Below This Line for Staff Use Only)

Appeal by Applicant, or Appeal by Third Party

Received by: SV App. No.: 1310-11 Filing Date: 3/17/14

Fee: \$50.00 Fee Paid Project (receipt) No.: PER30524

LICENSED CONTRACTORS DECLARATION

I hereby affirm that I am licensed under provisions of Chapter 9 (Commencing with Section 7000) of Division 3 of the Business and Professional Code, and my license is

License _____ License _____
 Class _____ No. _____ Contract _____

OWNER-BUILDER DECLARATION

I hereby affirm that I am exempt from the Contractors License Law for the following reason (Sec. 7031 California Business and Professional Code: Any City which requires a permit to construct, repair or remodel any structure prior to its issuance also requires the applicant for such permit to file a signed statement that he is a licensed contractor pursuant to the provisions of the Contractors License Law (Sec. 7000 of Div. 3 of the B. & P. C.) or that he is exempt therefrom and the basis for the alleged exemption. Any violation of Sec. 7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars (\$500.00):

• I as owner of the property employed with wages as the ir sole compensation, will do the work and the structure is not intended or offered for sale (Sec. 7044, B. & P. C. : The Contractors License Law does not apply to an owner of property who builds or improves, ~~therein~~ does such work himself or through his own employees and such improvements are not intended or offered for sale. If, however, the building or improvements is sold within one year of completion the owner-builder will have burden of proving that he did not build or improve for the

• I am exempt under _____, B. & P. C. for this _____
 Sec. _____ Reason _____

Application is hereby made to the Superintendent of Building and Safety for a permit subject to the conditions and restrictions set forth on the front faces of this application

- Each person upon whose behalf this application is made and each person at whose benefit work is performed under or pursuant to any permit issued as a result of this application agrees to and shall indemnify and hold harmless the City of Long Beach its officers, agents and employees from any liability arising out of this state of any permit from this application.
- Any permit issued as a result of this application becomes null and void if work is

WORKER'S COMPENSATION DECLARATION

I have and will maintain workers compensation insurance required by Section 3700 of the Labor Code for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:

Carrier: _____ Policy _____
 Number: _____

(This Section need not be completed if the permit is for one hundred dollars (\$100) or less)

I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers compensation laws of California and I agree that if I should become subject to the workers' compensation provisions of Section 3700 of the Labor Code, I

Date _____ Applicant _____

WARNING: FAILURE TO SECURE WORKERS COMPENSATION COVERAGE IS UNLAWFUL, AND SHALL SUBJECT A NEEMPLOYER TO CRIMINAL PENALTIES AND CIVIL FINES UP TO ONE HUNDRED THOUSAND DOLLARS TO THE COST OF COMPENSATION DAMAGES AS PROVIDED FOR IN SECTION

I hereby state that there is a construction lending agency for the performance of the work for which this permit is issued (Sec. 3907, Civ. C.).

Lender's Name _____
 Lender's Address _____

I certify that I have read this application and state that the above information is correct. I agree to comply with all City and State laws relating to the building construction, and hereby authorize representatives of this city to act upon the

Signature of Owner or Contractor _____ Date _____

JOB ADDRESS 5560 7TH ST		RECEIPT NO. 02069182	DATE 3/17/14	PROJECT NO. PSPR30524
JOB DESCRIPTION A SPR request to allow the removal of two one-story building, and the construction of a one				AREA 0
OWNER		OCCUPANCY		PLANNING SHOPPING NODES
ADDRESS		ASSESSOR NO.		ZONE CCA
CITY	STATE	ZIP CODE	FSB	S
			RSB	CENSUS TRACT 577603
APPLICANT Andrew Brack				
CONTRACTOR				
ADDRESS				
CITY	STATE	ZIP CODE	PHONE NO.	
STATE LICENSE NO.			CITY LICENSE NO.	
ARCHITECT/ENGINEER			LICENSE NO.	
ADDRESS				
CITY	STATE	ZIP CODE	PHONE NO.	
VALUATION 0.00	PRESENT BLDG USE	PROPOSED BLDG USE	BLDG HEIGHT 0	TYPE OF CONSTRUCTION PCOMAPPR
LEGAL DESCRIPTION				

Paid by: **JEFFERY L. BOVERMAN**

\$50.00 Credit or Debit Card (PC)

From: jeff.boverman
To: gary@GaryDeLong.com; cityattorney@longbeach.gov; amy.bodek@longbeach.gov; jeffrey.winklepleck@longbeach.gov; Julie.Maleki@longbeach.gov; suziepriceforcitycouncil@gmail.com; teresa.dennis@longbeach.gov; steven.valdez@longbeach.gov
Cc: lhawley50@gmail.com; nevin562@charter.net; ronancohen@yahoo.com; garymorrison@verizon.net; ci.labelle@verizon.net; kikaram@gmail.com; jax.humphrey@gmail.com; anewland@atlantictrust.com; superdeluxmom@yahoo.com; sallymeyerhofer@gmail.com
Subject: Notice of Appeal: PSPR 30524 for Application 1310-11 Drive-thru Lane at 5560 E. 7th Street
Date: 04/17/2014 07:51 PM

We have filed a PSPR No. 30524 to bar a Drive-Thru at 5560 E. 7th Street by Frontier Real Estate Investments and will be presenting this appeal before the Long Beach City Council on May 6th, 2014

CE and CUP issues:

1. **Decision DID NOT take into account impact to LBT services southbound on 7th between Santiago and Pacific Coast Highway: LBT lines 81, 91, 92, 93, 94 and 96**
2. **CE/CUP decision DID NOT take into account PROPOSED conditions – it was based on EXISTING business volume/conditions.**
3. **Decision DID NOT take into account greatly INCREASED VOLUME of business at proposed site.**
4. **Decision DID NOT take into account impact to PUBLIC TRANSIT for Southbound LBT lines 81, 91, 92, 93, 94, 96**
5. **7TH STREET SOUTHBOUND RIGHT LANE WILL BE EFFECTIVELY BLOCKED due to back-up at proposed drive-thru FROM 6AM – 10AM Monday-Friday at car 9 in drive-thru queue**
 - a. **WILL IMPACT access to: 605, 405, CSULB, VA, PCH and Bellflower Blvd**
 - b. **WILL IMPACT 2,750 cars per hour (CPH) and 28,500 cars per day (AADT)**

(source: 2014 by Given Place Media)

Decision DID NOT take into account that residents WILL BE UNABLE to access garage and parking spaces in Flint/Ultimo alley at the following locations

- a. **Hudavi Wellness Spa 5550 7th St.**
- b. **Ultimo Ave homes: 676, 674, 670, 660**
- c. **Flint Ave. homes: 667, 659, 653**

Email from Amy Bodek, AICP to Mark Nevin 03/13/14 09:00am
Subject: RE: 5560 E. 7th Street - Categorical Exemption

"The CE was completed by a planner who has significant training in CEQA and NEPA clearances. He handles most of the CEs for the department, as well as oversees preparation of Negative Declarations, EIRs, and NEPA clearances for federal projects.

The CE was issued based on existing conditions, as compared to the proposed conditions. The current configuration includes similar square footage of buildings and also includes an existing drive-thru. The drive-thru

on its own would not trigger anything higher than a CE. The CUP for the drive-thru allows us to ensure that conditions are placed on a project that will protect the environment, which also allows us to rely on a CE for appropriate CEQA clearance. A CE was also considered the appropriate environmental clearance given the level of development that is being proposed, which is not significant.”

Amy J. Bodek, AICP
 Director
 Long Beach Development Services
 March 13, 2014

Current operation: Daily Grind	Proposed Development with Drive-thru
Peak Sales Time: 6:00am – 10:00am	Peak Sales Time: 6:00am – 10:00am
Average drive-thru @ peak: 25 cars per hour (90 day sales cycle audit 02/02/14 – 04/14/14)	Average drive-thru @ peak: 144 cars per hour*
Average sale: \$3.85	Average sale: \$ \$5.92*
Register Receipts per hour @ peak: \$130	Register Receipts per hour @ peak: \$ 852.48*
Daily totals: 144 customers, \$556 (90 day sales cycle audit 02/02/14 – 04/14/14)	Daily totals: 579 customers, \$3,427*
Number of employees per operation cycle: 4	Number of employees per operation cycle: 18*
Hours of operation: 5:30 am – 7pm Does not include pre and post operations	Hours of operations: 5am – 11pm Does not include pre and post operations
Hours of delivers: 4:30 am & 6:30am	Hours of Deliveries: 24 hours
Method of delivery: car & van	Method of delivery: Semi trailer truck
Route of deliveries: Right turn on 7 th street at Flint into parking lot	Route of deliveries: Off-load from Flint

(*sources: 2008 & 2013 Dunkin’ Donuts Non-Disclosure Document, Disclosed information by Frontier Development, The National Employment Law Project, Technomic, Inc., geezeo.com, Spack Consulting, QSR Archive Resources)

1. Environmental and current Traffic Conditions as Basis for Appeal

- a. **On any average day 7th street south has 2,750 cars per hour (CPH) and 28,500 cars per day cross Pacific Coast Highway Annual Average Daily Total (AADT).** (source: 2014 by Given Place Media)

- b. **On any average day 90,000 cars traverse the intersection of Pacific Coast Highway and 7th street.**

(source: 2014 loopNet.com)

- c. **Within a 5 mile radius of this point there are 435,900 people.** (source: 2014 loopNet.com)

- d. **Average service time** for a Dunkin' Donuts drive-thru is 187 seconds – as menu items are increased (**currently there are menu 51 items**)

- e. **Single Line Multiple Phase:** Drive Thru -> Order -> order decision pre-made+ Pay/Pickup, with no obstructions, i.e. sales dispute, payment slowdown, temporal distribution of traffic; time to place order; time at service window; number of people at drive-through window.

(sources: 2012 QSR Drive-Thru Study: Average Service Time and By Cory Greene, P.E., PTOE and Vijay Kannan, P.E..)

2. Based on this traffic and Trip Generation Vehicle Queuing

- a. **LBPC the 9th car in the drive-thru will block the right lane of 7th street south**

(sources: A Trip Generation Study of Coffee/Donut Shops in Western New York: By Cory Greene, P.E., PTOE and Vijay Kannan, P.E.)

- b. **THERE WILL BE significant Impact to public transit services southbound on 7th LBT lines 81, 91, 92, 93, 94, 96 between Santiago Ave interchange and Pacific Coast Highway**

- c. **THERE WILL BE significant loss of right lane use on southbound 7th street between Santiago Ave. and Pacific Coast Highway**

3. Based on existing conditions (current site plan and business volumes), as compared to the proposed conditions and business volume requirements, in developer's submission for LBPC conditional approval.

Residents WILL BE UNABLE to access garage and parking spaces in Flint/Ultimo alley at the following locations (non-compensated encroachment on private property)

- a. **Hudavi Wellness Spa 5550 7th St.**
- b. **Ultimo Ave homes: 676, 674, 670, 660**
- c. **Flint Ave. homes: 667, 659, 653**

This appeal will bar any drive-thru lane in proposed project application No. 1310-11

"1889-square-foot fast food restaurant with a drive-thru lane 5560 E.7th Street in the CCA zoning district".

If significant environmental effects have been identified as a result of the proposed conditional use permit, have conditions been required, or has the project been redesigned, to mitigate those effects?

Source: **CONDITIONAL USE PERMIT CHECKLIST**, Governor's Office of Planning and Research, Sacramento, CA

Jeffery L. Boverman

Anita G. Hrishikesan

655 Ultimo Ave

Long beach, ca 90814

(GMT-08:00) Pacific Time (USA)

Phone: 714.267.9449

Email: jeff@boverman.com



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5th Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6068

PLANNING BUREAU

APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the

<input type="checkbox"/> Zoning Administrator	on the <u>6th</u> day of <u>March</u> , 20 <u>14</u>
<input checked="" type="checkbox"/> Planning Commission	
<input type="checkbox"/> Cultural Heritage Commission	
<input type="checkbox"/> Site Plan Review Committee	

Project Address: 5560 E. 7th Street

Reasons for Appeal: We are appealing all of the Project Entitlements granted by the Planning Commission on March 6, 2014, including, but not limited to, the Site Plan Review, CUP and Categorical Exemption. With the drive-through, Title 9 of the LBMC defines the project as a "Drive-in Restaurant". Title 21 states that a "drive-in restaurant" is a "fast-food restaurant". Title 21 states that "fast-food restaurants" shall not abut a residential district. The project meets all the requirements of a "fast-food restaurant". With the drive-through, the project will have multiple negative impacts on the neighborhood and will not be consistent with the General Plan. Title 21 states that the project must not be detrimental to the surrounding community and be consistent with and carry out the General Plan.

Your appellant herein respectfully requests that Your Honorable Body reject the decision and Approve / Deny this application.

	Appellant 1	Appellant 2
Name:	Mark Nevin	SEE ATTACHMENT FOR
Organization:		ADDITIONAL APPELANTS
Address:	653 Flint Ave	
City/ZIP:	Long Beach 90814	
Phone:	562-537-8233	
Signature:		
Date:	3-13-14	

- A separate appeal form is required for each appellant party, except for appellants from the same address, or those representing an organization.
- Appeals must be filed within 10 days after the decision is made (LBMC 21.21.502).
- You must have established *aggrieved* status by presenting oral or written testimony at the hearing where the decision was rendered; otherwise, you may not appeal the decision.
- See reverse of this form for the statutory provisions on the appeal process.

(Below This Line for Staff Use Only)

Appeal by Applicant, or Appeal by Third Party

Received by:

App. No.: 1310-11

Filing Date: 3/14/14

Fee: \$50

Fee Paid

Project (receipt) No.: PLNB 31433

LICENSED CONTRACTORS DECLARATION

I hereby affirm that I am licensed under provisions of Chapter 9 (Commencing with Section 7000) of Division 3 of the Business and Professional Code, and my license is

License _____ License _____
 Class _____ No. _____ Contract _____

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• I as owner of the property, or my employees with wages as their sole compensation, will do the work and the structure is not intended or offered for sale (Sec.7044, B. & P. C. : The Contractors License Law does not apply to an owner of property who builds or improves thereon, and who does such work himself or through his own employees, provided that such improvements are not intended or offered for sale. If, however, the building or improvements is sold within one year of completion, the owner-builder will have burden of proving that he did not build or improve for the

• I am exempt under _____, B. & P. C. for this _____
 Reason _____

IMPORTANT -

Application is hereby made to the Superintendent of Building and Safety for a permit subject to the conditions and restrictions set forth on the front faces of this application

- Each person upon whose behalf this application is made and each person at whose benefit work is performed under or pursuant to any permit issued as a result of this application agrees to and shall indemnify and hold harmless the City of Long Beach its officers, agents, and employees from any liability arising out of the issuance of any permit from this application.
- Any permit issued as a result of this application becomes null and void if work is

WORKER'S COMPENSATION DECLARATION

____I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:

Carrier: _____ Policy _____
 Number: _____

(This Section need not be completed if the permit is for one hundred dollars (\$100) or less)

____I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California, and agree that if I should become subject to the workers' compensation provisions of Section 3700 of the Labor Code, I shall

Date _____ Applicant _____

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I hereby state that there is a construction lending agency for the performance of the work for which this permit is issued (Sec.3907, Civ. C.).

Lender's Name _____
 Lender's Address _____

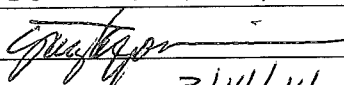
I certify that I have read this application and state that the above information is correct. I agree to comply with all City and State laws relating to the building construction, and hereby authorize representatives of this city to enter upon the

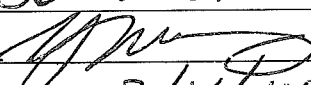
Signature of Owner or Contractor _____ Date _____

JOB ADDRESS 5560 7TH ST		RECEIPT NO. 02067589	DATE 3/14/14	PROJECT NO. PLNB31433
JOB DESCRIPTION 3rd Party Appeal of App. No. 1310-11				AREA 0
OWNER		OCCUPANCY		PLANNING SHOPPING NODES
ADDRESS		ASSESSOR NO.		ZONE CCA
CITY	STATE	ZIP CODE	FSB	S
			RSB	CENSUS TRACT 577603
APPLICANT MARK NEVIN				
CONTRACTOR				
ADDRESS				
CITY	STATE	ZIP CODE	PHONE NO.	
STATE LICENSE NO.			CITY LICENSE NO.	
ARCHITECT/ENGINEER			LICENSE NO.	
ADDRESS				
CITY	STATE	ZIP CODE	PHONE NO.	
VALUATION 0.00	PRESENT BLDG USE	PROPOSED BLDG USE	BLDG HEIGHT 0	TYPE OF CONSTRUCTION APPTHPTY
LEGAL DESCRIPTION				

Paid by: MARK NEVIN
\$50.00 Cash (CA)

We, the undersigned, being residents of Alamitos Heights, are appealing all of the Project Entitlements granted by the Planning Commission on March 6, 2014, including, but not limited to, the Site Plan Review, CUP and Categorical Exemption. With the drive-through, Title 9 of the LBMC defines the project as a "Drive-in Restaurant". Title 21 states that a "Drive-in Restaurant" is a "fast-food restaurant". Title 21 states that "fast-food restaurants" shall not abut a residential district. The project meets all requirements of a "fast-food restaurant". With the drive-through, the project will have multiple negative impacts on the neighborhood and will not be consistent with the General Plan. Title 21 states that the project must not be detrimental to the surrounding community and be consistent with and carry out the General Plan.

Name:	GARY MORRISON	Jean Calder
Address:	385 FLINT AVENUE	366 Flint
City/ZIP:	LONG BEACH 90814	Long Beach
Phone:	562 569 3455	562 4982967
Signature:		Jean Calder
Date:	3/14/14	3-14-14

Name:	Jeanne Ribbanc	Lynda Ramsey
Address:	385 Flint Ave	361 FLINT AVE
City/ZIP:	LB 90804	LB 90814
Phone:	562 4387677	562-498-9274
Signature:		Lynda Ramsey
Date:	3/14/14	3-14-2014

Name:	HAROLD ASPIZ	CALVIN BARNES
Address:	378 Flint Ave	336 FLINT AVE
City/ZIP:	LONG BEACH 90814	Long Beach 90814
Phone:	562 408 2820	562 5978197
Signature:	Harold Aspiz	Calvin Barnes
Date:	3/14/14	3/14/14

Name:	Sylvia Aspiz	MEL E LINDSEY
Address:	378 Flint Ave	384 FLINT AVE
City/ZIP:	LONG BEACH 90814	LONG BEACH CA 90814
Phone:	562 408 2820	562 498 7827
Signature:	Sylvia E Aspiz	Mel E Lindsey
Date:	3/14/14	3/14/14

We, the undersigned, being residents of Alamilos Heights, are appealing all of the Project Entitlements granted by the Planning Commission on March 6, 2014, including, but not limited to, the Site Plan Review, CUP and Categorical Exemption. With the drive-through, Title 9 of the LBMC defines the project as a "Drive-in Restaurant". Title 21 states that a "Drive-in Restaurant" is a "fast-food restaurant". Title 21 states that "fast-food restaurants" shall not abut a residential district. The project meets all requirements of a "fast-food restaurant". With the drive-through, the project will have multiple negative impacts on the neighborhood and will not be consistent with the General Plan. Title 21 states that the project must not be detrimental to the surrounding community and be consistent with and carry out the General Plan.


Name:	Joan T Lindsey	
Address:	384 FLINT AVE	
City/ZIP:	LONG BEACH CA 90814	
Phone:	562 498 7822	
Signature:	<i>Joan T. Lindsey</i>	
Date:	3/14/14	

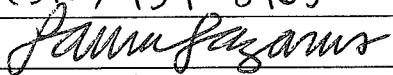
Name:		
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City/ZIP:		
Phone:		
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Date:		

Name:		
Address:		
City/ZIP:		
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Signature:		
Date:		

Name:		
Address:		
City/ZIP:		
Phone:		
Signature:		
Date:		

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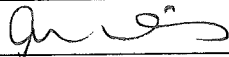
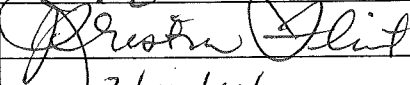
Name:	KAREEM J. KARAM	
Address:	660 ULTIMO AVE.	
City/ZIP:	LONG BEACH, CA 90814	
Phone:	562-331-0004	
Signature:		
Date:	3/14/14	

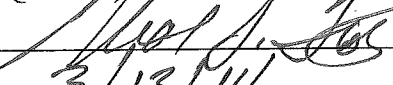

Name:	Laura L. Lazarus	
Address:	660 Ultimo Ave.	
City/ZIP:	Long Beach, CA 90814	
Phone:	(310) 434-8963	
Signature:		
Date:	03/14/14	

Name:		
Address:		
City/ZIP:		
Phone:		
Signature:		
Date:		

Name:		
Address:		
City/ZIP:		
Phone:		
Signature:		
Date:		

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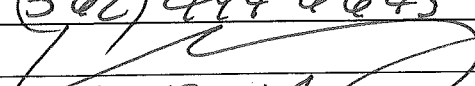
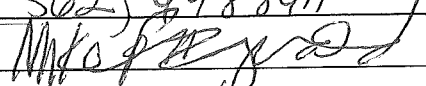
Name:	ALICE DEERING	Krishna Flint
Address:	653 FLINT AVE	645 FLINT AVE.
City/ZIP:	LONG BEACH, CA 90814	LONG BEACH, CA
Phone:	(562) 413 1866	(562) 209-9600
Signature:		
Date:	3/13/14	3/13/14



Name:	NEAL FOX	MIKE FLINT
Address:	667 FLINT AVE	645 FLINT AVE
City/ZIP:	LONG BEACH, CA. 90814	LONG BEACH CA 90814
Phone:	(362) 556-8337	(626) 705-5666
Signature:		
Date:	3/13/14	3/13/14

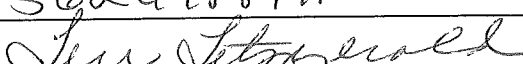

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Address:		
City/ZIP:		
Phone:		
Signature:		
Date:		

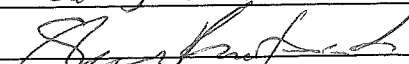

Name:		
Address:		
City/ZIP:		
Phone:		
Signature:		
Date:		

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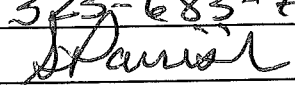
Name:	DAVID M. DANNY	MICHAEL FITZGERALD
Address:	444 FLINT AVE	502 FLINT AVE
City/ZIP:	LONG BEACH, CA 90814	LONG BEACH, CA 90814
Phone:	(562) 494-6645	562) 4988411
Signature:		
Date:	3-13-14	3-13-14


Name:	Debbie Danny	Jack Fitzgerald
Address:	444 Flint Ave	502 FLINT AVE
City/ZIP:	Long Beach, 90814	LONG BEACH 90814
Phone:	562.832-2725	562 4988411
Signature:		
Date:	3-13-2014	3-13-14

Name:	Terri Fitzgerald	Loggie Stonick
Address:	502 FLINT AVE	505 FLINT AVE
City/ZIP:	LONG BEACH 90814	Long Beach 90814
Phone:	562 4988411	562) 8185763
Signature:		
Date:	3-13-2014	3-13-2014

Name:	Shaun Fitzgerald	Bob Stonick
Address:	502 FLINT AVE	505 FLINT AVE
City/ZIP:	LONG BEACH 90814	Long Beach CA 90814
Phone:	562) 4988411	562) 818-5763
Signature:		
Date:	3-13-2014	3-13-2014

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Name:	Steve Parish	
Address:	600 Flint Ave	
City/ZIP:	Long Beach 90814	
Phone:	323-683-7513	
Signature:		
Date:	3-13-2014	

Name:	MAX PARISH	
Address:	600 Flint ave	
City/ZIP:	Long Beach 90814	
Phone:	(562) 448-3073	
Signature:		
Date:	3/13/14	

Name:		
Address:		
City/ZIP:		
Phone:		
Signature:		
Date:		

Name:		
Address:		
City/ZIP:		
Phone:		
Signature:		
Date:		

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

Name:	Loretta Hawley	
Address:	610 Ultimo Ave	
City/ZIP:	Long Beach, CA 90814	
Phone:	562-810-2432	
Signature:	<i>Loretta Hawley</i>	
Date:	03-13-2014	


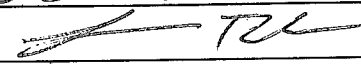
Name:	Patricia B. Kent	
Address:	611 Flint Ave	
City/ZIP:	Long Beach CA 90814	
Phone:	562 495 1116	
Signature:	<i>Pat B Kent</i>	
Date:	3-13-14	

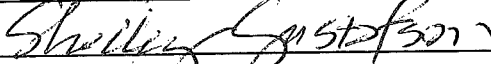
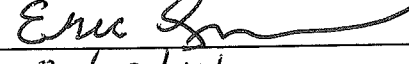
Name:	CHRISTIAN BERGMANN	
Address:	611 Flint	
City/ZIP:	Long Beach CA	
Phone:	90814	
Signature:	<i>Christian Bergmann</i>	
Date:	3/13/14	

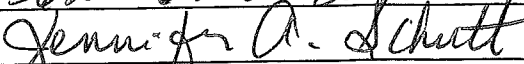

Name:		
Address:		
City/ZIP:		
Phone:		
Signature:		
Date:		

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Name:	JOHN WENSBES	CATHERINE WENSBES
Address:	435 FLINT AVE	435 FLINT AVE
City/ZIP:	LB 90814	LB 90814
Phone:	562 547 5214	562 547 5214
Signature:		
Date:	3/13/14	3/13/14

Name:	KIM DEUTSCH	Stephen Best
Address:	6222 TOBRUK CT.	445 Flint Ave
City/ZIP:	Long Beach, 90803	Long Beach CA 90814
Phone:	562 498 7981	562 857 0357
Signature:		
Date:	3/13/14	3/13/14

Name:	Shelley Gustafson	Eric Gustafson
Address:	515 Flint Ave.	515 Flint Ave.
City/ZIP:	LB 90814	LB 90814
Phone:	(562) 716-0448	(562) 716-0417
Signature:		
Date:	3/13/14	3/13/14

Name:	Jennifer A. Schutt	Dennis A. Schutt
Address:	516 Flint Avenue	516 Flint Avenue
City/ZIP:	Long Beach 90814	Long Beach CA 90814
Phone:	562-682-8043	562-809-0699
Signature:		
Date:	3-13-14	3-13-14

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Name:	Lisa Wicker	
Address:	365 Flint Ave.	
City/ZIP:	Long Beach 90814	
Phone:	(562) 498-4422	
Signature:	Lisa Wicker	
Date:	3/14/14	

Name:		
Address:		
City/ZIP:		
Phone:		
Signature:		
Date:		

Name:		
Address:		
City/ZIP:		
Phone:		
Signature:		
Date:		

Name:		
Address:		
City/ZIP:		
Phone:		
Signature:		
Date:		

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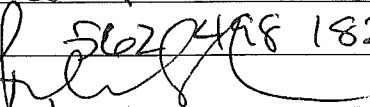
Name:	William A. Smith	Natalie N. Schutt
Address:	434 Flint Ave	516 Flint Avenue
City/ZIP:	Long Beach 90814	Long Beach CA 90814
Phone:	(562) 607-8580	562-394-5895
Signature:	WAS	Natalie N Schutt
Date:	3/13/14	3-13-14

Name:	Christine L. Jocoy	Ken Dorrain
Address:	434 Flint Ave	519 Flint
City/ZIP:	Long Beach, CA 90814	Long Beach
Phone:	562-544-9354	562-260-8492
Signature:	Christine Jocoy	Ken Dorrain
Date:	3-13-14	3-13-14


Name:	Anette Schibig	Joyce Clark
Address:	425 Flint ave	519 Flint
City/ZIP:	Long Beach, 90814	Long Beach, CA
Phone:	562-498-3664	NCh
Signature:	Anette Schibig	
Date:	Mar 13-14	


Name:	Lorraine E Schibig	Jennifer Barth
Address:	425 Flint ave	6025 542 Flint Ave
City/ZIP:	Long Beach, 90814	Long Beach, CA
Phone:	562-498-3664	
Signature:	Lorraine E Schibig	Jennifer Barth
Date:	Mar 13-14	3/13/14

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Name:	PAULA S. COHEN	Michelle Aqatep
Address:	644 FLINT AVE	635 Flint Ave
City/ZIP:	LONG BEACH 90814	Long Beach Ca 90814
Phone:	562 498 1820	562 597-1946
Signature:		M. Aqatep
Date:	3/14/14	

Name:	MANLEY COHEN	DOUG ABATER
Address:	650 FLINT AVE	635 FLINT AVE
City/ZIP:	LONG BEACH 90814	LONG BEACH, CA
Phone:	562 498 5885	562 597-1946
Signature:	Manley Cohen	Doug Abater
Date:	14 March 2014	

Name:	ROMAN COHEN	Fina Meyer
Address:	644 FLINT AVE	626 Flint Ave.
City/ZIP:	LONG BEACH 90814	Long Beach, CA 90814
Phone:	740 498 1820	562. 537. 1317
Signature:		Fina Meyer
Date:	14. MARCH '14	3/13/14

Name:	BARBARA H. COHEN	
Address:	650 Flint Ave	
City/ZIP:	Long Beach Ca 90814	
Phone:	201-349-2784	
Signature:		
Date:	3/13/14	

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Name:	Mike Hunziker	
Address:	339 Flint Avenue	
City/ZIP:	Long Beach, CA 90814	
Phone:	(562) 982-5446	
Signature:	<i>Mike Hunziker</i>	
Date:	03/13/14	

Name:	Sharon Hagen	
Address:	600 Flint Ave	
City/ZIP:	Long Bch, 90814	
Phone:	310-480-8489	
Signature:	<i>Sharon Hagen</i>	
Date:	3/13/04	

Name:		
Address:		
City/ZIP:		
Phone:		
Signature:		
Date:		

Name:		
Address:		
City/ZIP:		
Phone:		
Signature:		
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Name:	JOHN W. HUMPHREY	
Address:	620 Ultimo Avenue	
City/ZIP:	Long Beach, CA 90814	
Phone:	562/494-8056	
Signature:	<i>John W. Humphrey</i>	
Date:	3/12/2014	

Name:	VIVIAN A. HUMPHREY	
Address:	620 Ultimo Avenue	
City/ZIP:	Long Beach, CA 90814	
Phone:	562/494-8056	
Signature:	<i>Vivian A. Humphrey</i>	
Date:	3/12/2014	

Name:		
Address:		
City/ZIP:		
Phone:		
Signature:		
Date:		

Name:		
Address:		
City/ZIP:		
Phone:		
Signature:		
Date:		

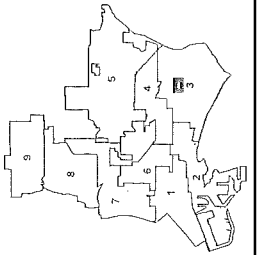
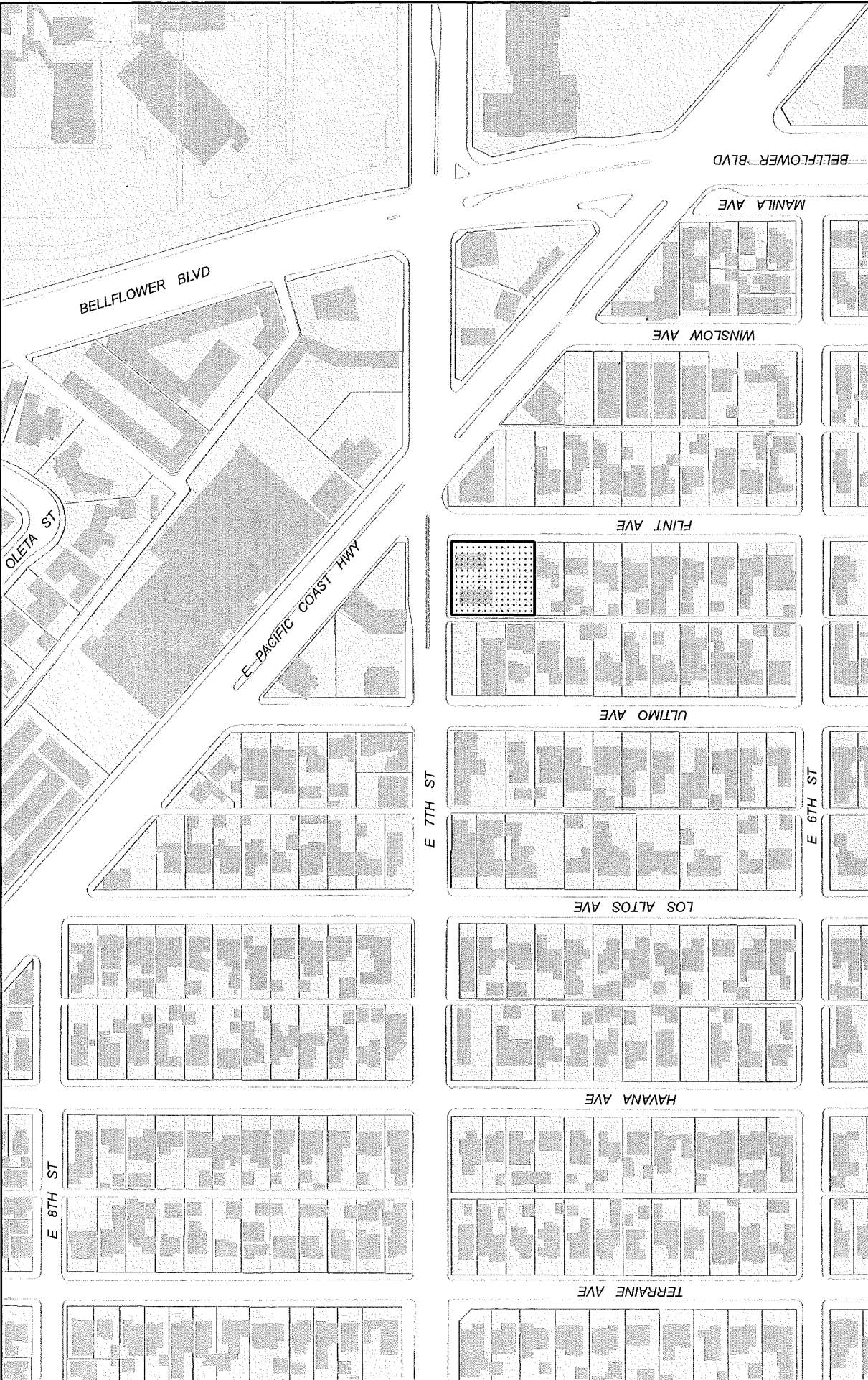
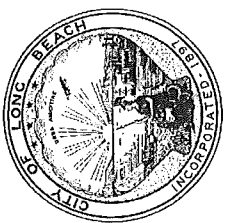


EXHIBIT E



Subject Property:
 5560 E 7th St
 Application No. 1310-11
 Council District 3
 Zoning Code : CCA



NOTICE OF PUBLIC HEARING

A Site Plan Review, Categorcial Exemption (13-095) and Conditional Use Permit request to demolish two, one-story commercial buildings, and construct a one-story, 1,889-square-foot ready-to-eat establishment with a drive thru lane at 5560 E. 7th Street in the CCA zoning district.

We had no idea it would be a drive through.

Project Title:

Application No. 1310-11

Project Description:

Deny the appeals of a Planning Commission recommendation to approve a Site Plan Review and Conditional Use Permit to construct a one-story, 1,889-square-foot ready-to-eat establishment with a drive thru lane.

Project Location:

5560 E. 7th Street (Council District 3)

Hearing Date:

May 6, 2014 at 5:00 PM (City Council Meeting)

Project Applicant:

Frontier Real Estate Investments

Project Appellants:

John LaBelle, Carolyn LaBelle, Mark Nevin, Jeff Boverman, and 56 others named on the appeal of Mark Nevin.

Hearing Location:

City Council Chamber
City of Long Beach
333 W. Ocean Boulevard, Long Beach, California

A City Council report will be available for your review on or about April 28, 2014. This report may be viewed on the City website at www.longbeach.gov.

If you have detailed questions about this notice or would like to determine if a hearing date was postponed or continued, please contact **Steven Valdez, Planner**, at **562-570-6571**.

At the above time and place anyone interested will be heard and all written testimony will be considered.

Note: If you challenge the action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or issues raised via written correspondence delivered to the City Clerk Department at or prior to the public hearing.

Larry G. Herrera
City Clerk

Dated: April 10, 2014

Prepared by:
Steven Valdez

*We do not want the CUP to be approved. It's not a good fit for our neighborhood
Larry & Christeen Brauen 540 Los Altos
Patudis Family Trust 545 Los Altos*



To:
Cc:
Bcc:
Subject: Fw: Council Item

Dear City Clerk,

Please see email below that was sent to councilmember DeLong on April 10th. & his colleagues on the City Council today.

Please confirm receipt.

Thanks

Bill Tripodi
530 Flint Ave. (3rd. District)
Long Beach, CA., 90814
(562) 743 7956

From: williamtripodi@msn.com
To: district1@longbeach.gov; district4@longbeach.gov; district2@longbeach.gov;
district5@longbeach.gov; district6@longbeach.gov; district7@longbeach.gov;
district8@longbeach.gov; district9@longbeach.gov
CC: williamtripodi@msn.com
Subject: FW: Dunkin Donuts proposed development
Date: Mon, 28 Apr 2014 16:28:45 +0000

I will not be able to attend your May 6th. council meeting therefore I'm forwarding for your review a copy of the email I sent to Councilmember Gary DeLong on April 10th. concerning the Dunkin Donuts proposed development

Subject: Dunkin Donuts proposed development
Date: Thu, 10 Apr 2014 16:07:47 -0400
From: WilliamTripodi@MSN.com
To: District3@LongBeach.gov

Dear Gary,

I'm writing in support of the proposed project at 5560 E. 7th. Street. The site plan review and conditional use permit **approved** at the planning commission March 6th. meeting allowing for the demolition of two one-story commercial buildings and construction of a one-store 1,899 square foot "ready-to-eat

restaurant" in conjunction with a single drive-thru lane known as Dunkin Donuts. We currently reside on Flint Ave (have for over 25 years) approximately 1 block south of this location and feel that the planning commission have successfully worked with the developer to address & mitigate most if not all issues previously presented such as:

1. "All traffic counts and corresponding traffic reports will be reviewed and analyzed by the city traffic engineer, should the city traffic engineer determine that the project has caused significant change in traffic patterns that negatively impact the surrounding neighborhood, the city traffic engineer may require the applicant develop and implement traffic control on site, potentially including, but not limited to, pavement markings, channelization, and signage to address the impacts at the applicants cost".
2. Landscaping on the property and surrounding the property will significantly be improved as detailed in items 6 – 10 in the "conditions of approval".
3. Items 13 – 15 clearly address parking lot concerns that the developer has agreed to.
4. Item 18 deals with the speaker associated with the single drive thru land and related issues as to eliminate possible disturbing the adjoining residential neighborhood.
5. The public right-of-way has been dealt with in item 19, C – E.

The conditions of approval item 20 states: "If, for any reason, there is a violation of any of the conditions of this permit or if the use/operation is found to be detrimental to the surrounding community, including public health, safety or general welfare, environmental quality or quality of life, such shall cause the City to initiate revocation and termination procedures of all rights granted herewith.

As residents of Alamitos Heights for over 25 years and someone who has patronized the current and past businesses for over 50 years I'm very happy to see this developer willing to invest millions to modernize and improve this property, provide jobs & sales tax revenue into our local economy.

I applaud our city in particular the planning commission, the city traffic engineer, the developer who "wants to be a good neighbor" and ask that you and your colleagues on the city council agree with the planning commission deny the appeals and grant the permit to develop the property at 5560 E. 7th. Street.

Thank You,

Bill & Terry Tripodi
530 Flint Ave.
Long Beach, CA., 90814

----- Forwarded by Irma Heinrichs/CC/CLB on 04/28/2014 01:47 PM -----

From: William Tripodi <williamtripodi@msn.com>
To: "cityclerk@longbeach.gov" <cityclerk@longbeach.gov>,
Cc: Dan Almquist <dan@frontierrei.com>, Tom Carpenter <tom@frontierrei.com>
Date: 04/28/2014 12:49 PM
Subject: FW: [editor] Dunkin Donuts

Dear City Clerk,

Please see below regarding the proposed Dunkin Donuts in the 3rd. district. It's important to note that there **is neighborhood support for this project.**

Thanks

Bill & Terry Tripodi
530 Flint Ave. (3rd. district)
Long Beach, CA., 90814
(562) 743 7956

From: editor@gazettes.com
Date: Mon, 28 Apr 2014 08:23:16 -0700
Subject: Re: [editor] Dunkin Donuts
To: williamtripodi@msn.com

Thank you for your submission.

On Mon, Apr 28, 2014 at 8:11 AM, William Tripodi <williamtripodi@msn.com> wrote:
Please confirm receipt

To the editor,

We have been residents of Alamitos Heights for over 25 years. When we bought our home we knew there was a liquor store & donut shop at the corner and have enjoyed both over the years and now a responsible developer will be opening a Dunkin Donuts on this property. We are pro business and feel we should embrace a project that will enhance our neighborhood & city. Some people in our neighborhood have mis-information, we hope they get the facts straight so that we all can enjoy the new Dunkin Donuts together.

Bill & Terry Tripodi
Alamitos Heights