



CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT

C-6

333 West Ocean Blvd • Long Beach, California 90802

April 24, 2007

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Refer to Hearing Officer the appeal to the denial of business license by Wesley Simmons and Oscar Alvarez, DBA Sunwood Doors Inc., 700 W. 16th Street and 2130 W. 15th Street. (District 1)

DISCUSSION

On March 22, 2007, the Department of Financial Management denied the business license application of Wesley Simmons and Oscar Alvarez, DBA Sunwood Doors Inc., 700 W. 16th Street and 2130 W. 15th Street, at the recommendation of the Planning and Building and Fire Departments (see attachments A, B, and C). The business failed to obtain required permits and inspections, resulting in outstanding Building and Fire Code violations. The business appealed this decision in a letter dated April 2, 2007 (see attachment D).

Pursuant to the Long Beach Municipal Code (LBMC), the applicant can appeal the denial of a business license to the City Council. The City Council shall set the appeal hearing to be held not less than ten (10) days nor more than thirty (30) days thereafter. Whenever it is provided that a hearing shall be heard by the City Council, the City Council may, in its discretion, conduct the hearing itself or refer it to a hearing officer. If the matter is referred, the City Council shall set the hearing to be held not less than twenty (20) days thereafter.

Deputy City Attorney, Cristyl Meyers, reviewed this matter on April 17, 2007.

TIMING CONSIDERATIONS

If the matter is referred to a hearing officer, the City Council shall set the appeal hearing date to be held not less than twenty (20) days thereafter. Otherwise, the City Council shall set the hearing to be held not less than ten (10) days nor more than thirty (30) days thereafter.

FISCAL IMPACT

There is no fiscal impact associated with this item.

SUGGESTED ACTION:

Approve recommendation.


Respectfully submitted,


MICHAEL A. KILLEBREW
DIRECTOR OF FINANCIAL MANAGEMENT

MAK:PH:RIB:JEM

ATTACHMENTS

APPROVED:


for GERALD R. MILLER
CITY MANAGER



CITY OF LONG BEACH

DEPARTMENT OF PLANNING AND BUILDING

333 W. Ocean Blvd. - Long Beach, CA 90802 - 562/570-6651 - FAX 562/570-6205

Date: February 16, 2007

To: Director of Financial Management

From: *BKG* Bill Gatoff, Acting Building Inspection Officer, Planning and Building Department

Subject: Rejection of Business License Application

The Department of Planning and Building recommends the Director of Financial Management deny the application for a business license by Sunwood Doors Inc., DBA Sunwood Doors, 700 W. 16th St., Long Beach, California. The reason for this recommendation is that the applicant has failed to comply with applicable laws and regulations, pursuant to LBMC 3.80.421.1(B).

Specifically, the business owner has not completed the inspection and approval process for permit # 478674 – to install new circuits, a dust collection system and equipment for the manufacturing of garage doors. These corrections are listed on the Notice of Inspection dated December 5, 2006.

The Planning and Building Department, therefore, recommends that the Director Financial Management deny Sunwood Doors Inc., Sunwood Door's application for a business license.

cc: Business License Section



CITY OF LONG BEACH

DEPARTMENT OF FIRE

925 Harbor Plaza, Suite 100 • Long Beach, CA 90802 • Telephone (562) 570-2500 • FAX (562) 570-2506

DAVID W. ELLIS
FIRE CHIEF

February 18, 2007

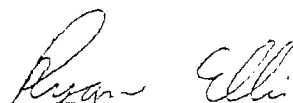
RE: BUSINESS LICENSE DENIAL

The Long Beach Fire Department recommends DENIAL of the business license request for "Sunwood Doors" located at 700 W. 16th street. The following outstanding Fire Code violations were documented during the inspection conducted on 12/5/06

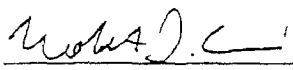
- Have fire sprinkler system serviced, repaired, and obtain 5-year certification.
- Provide 1-year fire alarm certification.
- Complete the planning and permitting process with the fire department.
- Maintain lighted exit signs and exit way lighting CFC 1211.1 & 1212.4

Both fire and building departments told Westley, the owner, to submit plans and obtain permits for any work to be done before they occupy the building. After delaying the business license team inspections for weeks, they were scheduled by the business license office. When the business license team inspected, Sunwood Doors was in full operation without the planning process ever being attempted. Sunwood Doors has operated in the city since 1999 without a business license, and was given ample time to comply with the requirements of the fire department.

If there are any questions regarding this notice or the above-mentioned violations please contact firefighter Ryan Ellis at 562-570-2587.



Ryan Ellis, Firefighter



Robert Espinosa, Assistant Chief



100 St. ...

Attachment C
FP Requirements ...

CITY OF LONG BEACH FIRE DEPARTMENT FIRE PROTECTION & LIFE SAFETY EQUIPMENT PERFORMANCE CERTIFICATE

Inspection Hours _____

Page _____ of _____

RESPONSIBLE PARTY/BUILDING OWNER

NAME (Last, First, MI)		TITLE:		FIRM or D.B.A.:	
MAILING ADDRESS: (Street)			(CITY)	(STATE)	(ZIP)
TEST SITE ADDRESS: (Street)			(CITY)	(STATE)	(ZIP)
700 W 16TH ST			LONG BEACH	CA	90813
OCCUPANCY TYPE:		NUMBER OF STORIES	YEAR BUILT:	CONSTRUCTION TYPE:	SQUARE FOOTAGE:
F3		1	1955	CEMENT	35,250
TEST SITE PHONE: 562-436-1450					

INITIAL TEST (FIRE DEPARTMENT SHALL BE NOTIFIED 72 HOURS PRIOR TO TEST)

DATE (S) OF TESTING:	TESTING AGENCY:	LICENSE NO.	PHONE:
12/4/06	executive Fire	C-16 547963	562-429-5211
ADDRESS OF TESTING AGENCY: (Street) (CITY) (STATE) (ZIP)			
65 PINE AVE LONG BEACH CA, 90802			
EQUIPMENT TESTED AND DESCRIPTION: CERTIFIED			
1. Fire SPINKLER SYSTEM	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	4.	YES <input type="checkbox"/> NO <input type="checkbox"/>
2.	YES <input type="checkbox"/> NO <input type="checkbox"/>	5.	YES <input type="checkbox"/> NO <input type="checkbox"/>
3.	YES <input type="checkbox"/> NO <input type="checkbox"/>	6.	YES <input type="checkbox"/> NO <input type="checkbox"/>

NOTEWORTHY CHARACTERISTICS, SYSTEM DESCRIPTION, PROCEDURES PERFORMED, AND DEFECTS FOUND IN EQUIPMENT TESTED (IF NONE, SO NOTE):

② SYSTEMS IN BUILDING, BACKFLUSH DONE, ALL BELLS & ALARMS IN GOOD WORKING CONDITION, SPINKLERS ARE OVER 50 YEARS OLD & HAVE BEEN SENT TO U.L FOR TESTING. ALL OTHERS AREAS ARE O.K. NO COVERAGE IN BOTH BATHROOMS

ADDITIONAL INFORMATION ON ATTACHED SHEET (S)

I HEREBY CERTIFY THAT THE FIRE PROTECTION EQUIPMENT LISTED ABOVE HAS BEEN FULLY TESTED IN ACCORDANCE WITH THE CALIFORNIA FIRE CODE AND THAT THE RESULTS ARE ACCURATELY LISTED ABOVE AND THE EQUIPMENT IS FULLY OPERABLE EXCEPT AS NOTED.

TESTER'S NAME	DATE	TESTER'S SIGNATURE	FIRE DEPARTMENT WITNESS (Signature & Assignment)
M M	1-17-07	M M	
REPAIR AND RETEST: IF DEFECTS ARE FOUND IN EQUIPMENT TESTED, CORRECTION ON SUCH DEFECTS SHALL COMMENCE FORTHWITH AND SHALL BE COMPLETED AS SOON AS POSSIBLE BUT IN EVERY CASE WITHIN 30 DAYS OF INITIAL TEST. AT THE COMPLETION OF REPAIR, THE SYSTEM OR DEVICE SHALL BE RETESTED AS NECESSARY TO DETERMINE THAT IT IS FULLY OPERABLE.			

RETEST IF NEEDED (FIRE DEPARTMENT SHALL BE NOTIFIED 72 HOURS PRIOR TO TEST)

DATE OF RETEST:	TESTING AGENCY:	LICENSE NO.	PHONE:
_____	_____	_____	_____
ADDRESS OF TESTING AGENCY:			
EQUIPMENT RETESTED AND DESCRIPTION:			
I HEREBY THAT ALL NECESSARY MAINTENANCE AND REPAIRS HAVE BEEN MADE TO THE EQUIPMENT LISTED ABOVE IN COMPLIANCE WITH THE CALIFORNIA FIRE CODE AND THE EQUIPMENT IS FULLY OPERABLE.			
TESTER'S NAME	DATE	TESTER'S SIGNATURE	FIRE DEPARTMENT WITNESS (Signature & Assignment)
_____	_____	_____	_____

ACKNOWLEDGEMENTS

FIRE DEPARTMENT REPRESENTATIVE:				
NAME:	RANK:	ASSIGNMENT:	PHONE #:	DATE:
_____	_____	_____	_____	_____



CITY OF LONG BEACH FIRE DEPARTMENT
FIRE PROTECTION & LIFE SAFETY EQUIPMENT PERFORMANCE CERTIFICATE

FP Requirement 12.001

Inspection Hours 11:45A-
 Page of

RESPONSIBLE PARTY/BUILDING OWNER

NAME (Last, First, MI) DEBBIE SIMMONS		Title controller		Firm or D.B.A. SUNWOOD Doors	
MAILING ADDRESS (Street) 2130 W. 15th ST.		(City) Long Beach		(Zip) 90813	PHONE 562-951-9401
TEST SITE ADDRESS (Street) 700 W. 16th STREET		(City) LONG BEACH		(Zip) 70813	TEST SITE PHONE 562-435-7418
OCCUPANCY TYPE F3	NUMBER OF STORIES ①	YEAR BUILT 1955	CONSTRUCTION TYPE CURRENT		
					SQUARE FOOTAGE 35,250

INITIAL TEST (FIRE DEPARTMENT SHALL BE NOTIFIED 72 HOURS PRIOR TO TEST)

DATE(S) OF TESTING 1-24-07	TESTING AGENCY McNeill Security	LICENCE NO. AC0602893	PHONE 800-622-5276
ADDRESS OF TESTING AGENCY (Street) 13079 GARVELY AVE	(City) Baldwin Park	(State) CA	(Zip) 91706

EQUIPMENT TESTED AND DESCRIPTION	CERTIFIED:			CERTIFIED:	
	Yes	No		Yes	No
1. West EAST Riser SHUTOFF VALVE 3" WV	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1. WEST WATERFLOW Riser 55secs.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Waterflow EAST Riser 42secs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2. WEST Riser SHUTOFF VALVE 3" WV	<input type="checkbox"/>	<input type="checkbox"/>
3. Riser SHUTOFF VALVE 3" WV	<input checked="" type="checkbox"/>	<input type="checkbox"/>	3. WEST Riser SHUTOFF VALVE 3" WV	<input type="checkbox"/>	<input type="checkbox"/>

NOTEWORTHY CHARACTERISTICS, SYSTEM DESCRIPTION, PROCEDURES PERFORMED, AND DEFECTS FOUND IN EQUIPMENT TESTED (IF NONE, SO NOTE):

TESTED!
 EAST Riser W.FLOW = 42secs delay
 West " W.FLOW = 55secs delay
 EAST SHUTOFF VALVE Below riser = 3 TURNS
 West " " " " = 4 TURNS

RAV TEST ON DC POWER
 RETURNED TO NORMAL OPERATION
 AT 12:35pm ON 1/24/07

ADDITIONAL INFORMATION ON ATTACHED SHEET(S)

I HEREBY CERTIFY THAT THE FIRE PROTECTION EQUIPMENT LISTED ABOVE HAS BEEN FULLY TESTED IN ACCORDANCE WITH THE CALIFORNIA FIRE CODE AND THAT THE RESULTS ARE ACCURATELY LISTED ABOVE AND THE EQUIPMENT IS FULLY OPERABLE EXCEPT AS NOTED.

TESTER'S NAME RICHARD McNeill JR.	DATE 1/24/07	TESTER'S SIGNATURE <i>Richard McNeill Jr.</i>	FIRE DEPARTMENT WITNESS (Signature & Assignment)
---	------------------------	--	--

*REPAIR AND RETEST: IF DEFECTS ARE FOUND IN EQUIPMENT TESTED, CORRECTION ON SUCH DEFECTS SHALL COMMENCE IMMEDIATELY AND SHALL BE COMPLETED AS SOON AS POSSIBLE BUT IN EVERY CASE WITHIN 30 DAYS OF INITIAL TEST. AT THE COMPLETION OF REPAIR, THE SYSTEM OR DEVICE SHALL BE RETESTED AS NECESSARY TO DETERMINE THAT IT IS FULLY OPERABLE.

RETEST IF NEEDED (FIRE DEPARTMENT SHALL BE NOTIFIED 72 HOURS PRIOR TO TEST)

DATE OF RETEST:	TESTING AGENCY, LICENSE NO.	PHONE	
ADDRESS OF TESTING AGENCY:			
EQUIPMENT RETESTED AND DESCRIPTION:			
I HEREBY CERTIFY THAT ALL NECESSARY MAINTENANCE AND REPAIRS HAVE BEEN MADE TO THE EQUIPMENT LISTED ABOVE IN COMPLIANCE WITH THE CALIFORNIA FIRE CODE AND THE EQUIPMENT IS FULLY OPERABLE.			
TESTER'S NAME	DATE	TESTER'S SIGNATURE	FIRE DEPT. WITNESS (SIGNATURE & ASSIGNMENT)

ACKNOWLEDGEMENTS

FIRE DEPARTMENT REPRESENTATIVE NAME:	RANK:	ASSIGNMENT:	PHONE #:	DATE:
--------------------------------------	-------	-------------	----------	-------



Manufacturers of fine wood sectional doors.

April 2, 2007

Richard I. Bartlett
 Business Services Officer
 Commercial Services Bureau
 City of Long Beach
 333 West Ocean Blvd.,
 Long Beach, CA 90813

OC # 16337, \$1050.00
RECEIVED
 4/2/07
 RP

Re: Business license application # 20640600
Business address: 700 West 16th Street.

Dear Mr. Bartlett:

We received a letter dated March 22, 2007 on March 23, 2007 from the Business Licensing section requiring us to cease business operations with 10 days of the receipt of the letter. We are writing to appeal the denial of our business license application. We request an extension to complete the open items remaining on our project. Attached is our check in the amount of \$1,050.00. We are proud to be located in Long Beach and desperately want to complete our permitting process. We realize the seriousness of our situation and value a safe working place for our employees and the community. We are also very concerned for the financial well being of our employees and their families.

Background:

Sunwood Doors started operation in December, 1999 at 2130 West 15th Street in Long Beach. The company started with six employees. Over the past five years the company has grown to employ as many as 62 employees. We are located in the Enterprise Zone. Our management team filed for and paid for a license but failed to follow through with the process of getting the proper inspections and related permits.

In August, 2005 Business Licensing Corrections were issued. We began working on the corrections. We hired an Electrical Engineer to draw up and submit plans to the building and fire departments. We also hired an Architect to draw up and submit plans. We also went through inspections with Hazardous Materials and Health and received our permits. We worked on corrections from the Fire Department. After months and several follow up visits by various Fire Inspectors, we were told that code called for a wood working facility with more 2500 square feet to be sprinklered. We attended a group meeting with the Fire Department, Planning Department, Jorge Ramirez and our architects. At this meeting we were told that we could not continue to operate as we were. We explored the possibility of adding sprinklers to the building we now lease and received quotes in excess of \$ 80,000. We approached our landlord and explored the possibility of sharing the cost and were turned down. To avoid closing our business, we began our search to find another building. Locating a building with a sprinkler system in it was difficult. We even advertised for an investor in the hopes of buying a building and putting in the sprinkler system.

In August of 2006 after months of searching we discovered the building at 700 W. 16th Street. The prior tenant had been a furniture manufacturer. The building contained a sprinkler system and a dust collection system. We negotiated a lease with Mike Moinee the building owner and signed a lease to move in. We applied for a building permit in August 2006. Our mistake was not realizing that the City Inspection Teams needed to sign off and permits needed to be issued before we moved in.

We had a City Team Inspection on September 14, 2006. Our General Manager handled the inspection and did not relay any information to anyone else in the company. Now the clock was ticking. We completed the manufacturing department move to the 700 W. 16th Street in mid November. On December 5, 2006 we had a City Team Inspection handled by Deborah Simmons and were issued a 30 notice to cease operations. Looking back, at that time there was no way we could complete our tasks within 30 days.

We have worked hard to meet the request but have met with several challenges.

Challenge #1: Being new to the permitting process.

We tried to get information to ascertain the scope of the entire project. We went up to the 4th floor more than four times and sent emails and made calls to get an overview. We were told to hire an architect or engineer and that they would tell us what to do. This represented a huge expense to our company along with the rapidly growing repair list that was depleting our working capital. As business owners we felt we should be able to develop an overview of the project and make a game plan on how to proceed, especially with the clock ticking away and business closure eminent. After our futile attempts to get any information from the City, we were left to just follow the trail and wait for the next bomb to drop. Not being able to get that overview has cost us valuable time and money.

Challenge #2: Our plans were submitted by a company whose staff is not licensed.

We hired Practical Design Solutions to submit our plans. After we submitted our plans back to the Fire Department for first plan check, we received them back and then re-submitted. I was in contact with S. Daughtery, our Lbfd Plan Reviewer, for clarification on some of the questions that were sent back. In our conversation, we were going to schedule a meeting. The week before last he called back and let us know our plans could go no further as they were submitted by an unlicensed architect.

Challenge #3: Time needed to identify specialized outside contractors.

Finding contractors who have the specialization to help us with our repair items on our list has been particularly challenging. One of the items on our repair list for the Dust Collection Permit required that the Mechanical Inspectors know what type of fan blower and motor was on roof connected to our dust collection system. On January 31, 2007

when the Inspector and our General Manager went up on the roof, they discovered that the fan unit was unmarked. The Inspector asked us to find a Registered Engineer to write a letter to the City giving the specification of the fan. We called for and received a quote from a company specializing in dust collections on December 6, 2007. On January 3, 2007 we went to the 4th floor to find out what we needed to do to get our project started. We even paid for the Business License for the Contractor in anticipation of that company doing the work. Ultimately when it came time to identify the fan blower they were not able to readily do so. We had already received services on other parts of the system and received bills that we felt were excessive. So we searched for another company and ultimately found someone who has completed the identification of the blower and issued a report for the Inspector's use.

We had the same challenge finding a contractor to certify our machinery and equipment, after two weeks of searching we called for and did receive help from Ron Woolhether our City electrical Inspector.

Challenge #4: The evolution of the inspection and additional requests that arise during the inspection process.

We started service on our sprinkler system in early December, prior to the Team Inspection. A five year inspection was performed along with some repairs to the piping system and new sprinkler heads being installed. Our sprinkler contractor interfaced with our alarm inspector and both sides made multiple visits. Our sprinkler contractor determined that a 50 year inspection was needed. This was completed. Our sprinkler contractor notified us that he was ready to issue certification contingent upon the plans from the Fire Department being approved and the Underwriter Labs testing being completed. This involved sending a sample of 4 sprinkler heads to Underwriter Labs. There was a two week delay by our sprinkler contractor in mailing out the samples to Underwriter Labs. The results were delivered in a letter dated January 30, 2007. Two of the four sprinkler heads tested as good. We were notified in early February by our sprinkler contractor that as two out of four heads were bad the Fire Department would be requesting all 500 sprinkler heads be replaced. We told our sprinkler contractor to hold off on the repairs until the fire plans were approved. Our sprinkler contractor had said our system was ready for certification so we felt comfortable that our system was operational and safe. We did not want to incur double expense should the fire department request a change in our fire sprinkler layout.

Challenge #5: Lack of working capital.

Another challenge we have is lack of working capital. We are paying double rent as our landlord would not let us out of our old lease. We had a \$50,000 line of credit with our bank and have drawn on the entire \$50,000 to help with the new deposit, first month's rent and the repairs we completed. December and January were terrible cash collections months for us and we just didn't have the money to start up some of the modifications, repairs and certifications that were needed. With the recent downturns in the housing market and the lack of consumer confidence our sales have slowed. This move has put a financial squeeze on our company. We have laid off eight people and not replace positions as someone leaves. This has left our company in a precarious position.

Challenge #6: Family Illness

My mother has survived two heart attacks, on December 21, 2007 she suffered a rupture in her stomach and was admitted to the Emergency Room at Presbyterian Intercommunity Hospital in Whittier. She had no blood pressure at the time of admittance. After emergency surgery she was convalescing at home and suffered a third heart attack on or around January 3, 2007. On February 13th, I had cataract surgery and after having a history of detached retinas in both eyes took a week to deal with my own medical issues. We are a family owned business these medical issues pulled us away from our normal duties of running the business along with working on tasks for the City.

Where do we stand with inspection repairs as of today?

Fire Inspection

- a. Our fire sprinkler system has been serviced, repaired and a 5 year certification is attached.
- b. Our 1-year fire alarm certification is attached.
- c. We have contracted with McDonald, Soutar and Paz, Inc., Architects to submit plans to City and handle the interface with the City on our behalf. They have access to Fire Protection Consultants who will be able to give them advice on our project. Estimated Cost is \$10,000 to \$15,000.
- d. Our lighted exits signs are installed we are awaiting further direction from the Fire Department when our plans are approved.

Dust Collection

We will have completed items 2 through 6 on the 2/6/07 Notice of Inspection by this Thursday April 4, 2007. We have place a call for inspection for those items. The only item open is to move our dust collector that can be accomplished within three weeks of plan approval.

Electrical

We have contracted with ETI Conformity Services to test our machinery and equipment. Estimated Cost is \$10,000 to \$15,000. Work can commence within a week or two and completion will be contingent upon issues that come up in the inspection. We are prepared to either repair the equipment promptly or retire it.

Summary

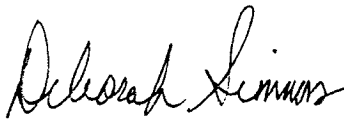
We made a mistake at 2130 in not getting the permits and give our sincere apologize to everyone involved for doing that. Our General Manager interfaced with the City Team Inspectors and they have told me that they feel he is purposely trying to avoid complying with the City requests. They see him as a bad guy trying to fly under the Inspection Team's radar. Our Landlord met with firefighter Ellis, in an effort to help, and said that Mr. Ellis told him that we were bad people. This is not true. Different people in companies have different strengths. Our General Manager made a mistake by trying to handle a situation that he had no experience in. I became the point person as of December 5, 2006 and our entire management team has worked to remedy our situation. We have all been very worried and concerned. We contract with an outside Safety Company that conducts monthly classes for employees and performs quarterly inspections of our facility. Our various insurances offer Loss Prevention consulting and we take advantage of those services. We also successfully underwent an O.S.H.A. Inspection in 2003.

We are not bad people. We take our responsibility to our employees, our vendors, our customers and our community very seriously. Our family are long term Long Beach residents, my husband, our General Manager, went to Jordan High School. His family moved here in 1945. His father was an Electrical Engineer who worked on many projects for the City of Long Beach, in Downtown Long Beach, at City College and Cal State University Long Beach. We are not bad people. We made a serious mistake and have been trying desperately trying to rectify it. Our error and inexperience will cost the company in excess of \$100,000.

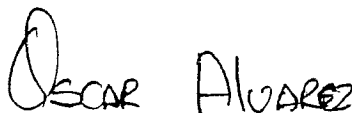
Please also consider our employees and their families. We do not have the working capital to pay salaries should our business be forced to close for a period of time. I think in all of this we are most concerned about them.

We respectfully request a three month extension on our project. We only request the ninety days because we don't know the scope of the equipment testing for the machinery and equipment.

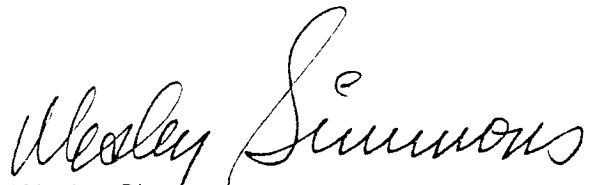
Sincerely,



Deborah Simmons
Controller/Owner



Oscar Alvarez
Production Mgr./Owner



Wesley Simmons
General Mgr./Owner

Cc: Jeannine Montoya, Supervisor, Business License Section
Vice Mayor, Bonnie Lowenthal
Jeff Bennet, Magnolia Industrial Group
Edgar Paz, MSP Architects, Inc.