

Shirley Perkins

From: DV - Cultural Heritage
Sent: Tuesday, June 28, 2022 8:41 AM
To: Shirley Perkins; Gina Casillas; Andrea Urbas
Subject: FW: Application No. 2203-10 (APL22-02) – Appeal 22-016CH - 3758 California Avenue, Long Beach, CA 90807
Attachments: 4-24-22 Cultural Heritage Commission 22-016CH.pdf; Application No. 2203-10 (APL22-02) – Appeal 22-016CH - 3758 California Avenue, Long Beach, CA 90807.pdf

Alejandro Plascencia
Planner

Long Beach Development Services | Planning
411 W. Ocean Blvd., 3rd Fl. | Long Beach, CA 90802
Office: 562-570-6437



From: Claire Bothwell <[REDACTED]>
Sent: Tuesday, June 28, 2022 8:10 AM
To: DV - Cultural Heritage <cultural.heritage@longbeach.gov>
Cc: Alison Spindler-Ruiz <Alison.Spindler-Ruiz@longbeach.gov>
Subject: Application No. 2203-10 (APL22-02) – Appeal 22-016CH - 3758 California Avenue, Long Beach, CA 90807

-EXTERNAL-

To: Members of the Cultural Heritage Commission

From: Claire Bothwell – [REDACTED]

Re: Application No. 2203-10 (APL22-02) – Appeal 22-016CH
3758 California Avenue
Long Beach, CA 90807

Date: June 28, 2022

My name is Claire Bothwell, formerly of [REDACTED] in California Heights, currently residing in Los Cerritos. In lieu of in-person public comment I submitted letters to this panel for the previous hearing on this appeal held on April 26th, and I tuned into that hearing using the online link provided.

I understand that you are re-opening this appeal to allow the inclusion of 5 additional letters of public comment that were not included in the packet you reviewed on April 26, 2022. It was brought to my attention that my original letter of support was not included in the packet provided to the CHC panel for the hearing. Neither was the letter written by Mr. Foster Rash of [REDACTED]. Somehow they are now both in the link provided in the most recent hearing notice, but were not there before, and they are not identified as part of the 5 additional letters of public comment that the City staff is including now. (I attach a copy of my original letter emailed to the City on April 24, 2022.) Since you will be meeting again to consider these additional letters, I submit the following in the hope that it might persuade the CHC to re-consider its decision to deny the appeal:

First, I have to say that I was absolutely appalled at the way the homeowner Ms. D'Orio was treated at that April 26 hearing. She was not permitted to share her screen with her presentation with the CHC panel, nor was she allowed to fully present her case for review, even though she had been assured that both of these things would be possible. The report prepared by City staff that was provided to the panel and read into the record contained errors, misstatements, and omitted certain pertinent facts and events that occurred leading up to this appeal. Ms. D'Orio was verbally scolded, mocked, and humiliated by "members of the public" who spoke up to support the City staff's recommendation that the appeal be denied. You all sat there and let that happen – no one reminded anyone else to remain respectful or refrain from ridiculing Ms. D'Orio. As a committee you should be ashamed of the way Ms. D'Orio has been treated throughout this entire process.

I would like to highlight some fundamental flaws in the report issued by Ms. Casillas that you, and apparently all the people who trotted up or wrote in demanding that Ms. D'Orio be denied her appeal and punished for her 'flagrant disregard of city codes and or orders', relied upon in reaching a decision about this issue.

Regarding the white vinyl picket fence "Porch Gate" that Ms. Casillas and her supporters refer to repeatedly – it was never part of the improvements requested or achieved by Ms. D'Orio. It was left at the property by the previous owners and just happened to be in photographs that were taken of the porch as it was propped up there temporarily. The homeowner advised Ms. Casillas of that fact several times in person, in telephone conversations, and in writing. Ms. D'Orio asked more than once that mention of it be taken out of any report or analysis as it is not at issue, and yet it was still included in the report as a violation. I don't know if this is oversight or just plain bias.

Regarding the color of the house – the paint color was provided by Ms. Casillas herself to the homeowner from a list of CHC approved colors, as well as the location of the place the paint must be purchased. This is confirmed in writing in emails with the homeowner. The fact that Ms. Casillas fails to state in her report that SHE provided the brand and name of the color and will now not admit that ever happened denied the CHC panel and all the other “interested parties” the truth. This is obviously unreasonably prejudicial to the homeowner. Additionally, it has been pointed out to Ms. Casillas and the CHC panel that the house was historically terracotta anyway. The color of the house had been changed from the faded terracotta it once was to off-white by the previous owners in 2018 – without a permit apparently. Although evidence of this fact has been provided to the City Planners’ office, Ms. Casillas chose to ignore it and did not present it to the CHC panel.

Regarding the low wall and gate – Ms. D’Orio was under the impression that she had the approval for that improvement. A colleague of Ms. Casillas came out to the property in person and questioned Ms. D’Orio about it. Ms. D’Orio showed him the paper receipt she had received regarding her application for a certificate of appropriateness. He reviewed it, gave it back to her and left. At no time did he advise her that that was only a receipt for the application and not the actual certificate. Believing that it was the required certificate, she proceeded with the construction of the low wall and gate. Ms. D’Orio did not learn that the actual certificate had not been issued until after the construction was complete. Ms. Casillas and her colleagues were aware of this miscommunication with the homeowner but again, rather than admit that this process was fraught with delays in responses from City staff throughout the entire application process due to the pandemic and staffing situations, they choose to paint Ms. D’Orio as a scofflaw who has deliberately broken rules and created violations just for the heck of it. This is simply not true, and if the CHC panel were told instead that mistakes were made in the process, not out of willful malice on the homeowner’s part, but because of miscommunications and ignorance, they might have considered the appeal differently. Instead, the report is silent as to this and therefore biased and prejudicial against Ms. D’Orio. The low wall complies with City of Long Beach codes and in addition to providing necessary safety and privacy for Ms. D’Orio, because it is built at the lower street level, it neither “diminishes the spatial relationship between the streetscape and the historic home by blocking the view of the historic house” nor does it “adversely affect any significant historical, cultural, architectural or aesthetic feature of the property.” And as mentioned in the 44 separate letters of support from the actual neighbors of the property and residents of California Heights, it enhances it.

The bias Ms. Casillas apparently holds against Ms. D’Orio was evidenced in another conversation that she had with Ms. Casillas during this process – Ms. D’Orio said that once all of these improvements had been made, she would like to later submit an application to put a new wall or fence in at the rear of her property on the alley. Ms. Casillas told Ms. D’Orio that she would never approve any future requests from her for anything. Throughout this process City staff have not only failed to support the homeowner in navigating this quite complicated process, but they have harassed, bullied, and criticized her harshly.

Regarding the stop notices the report states were issued and served on the homeowner, she did not receive the first two of those. It is possible that they were handed to workers on the project, but they did not find their way to Ms. D’Orio. By

the time Ms. D'Orio was made aware of the third stop notice, the improvements were complete. The City has been made aware of this and yet again would rather depict Ms. D'Orio as a villain who would willfully fail to comply with the guidelines than entertain the fact that she did not receive them. Discussions regarding this were not included in the City's report or analysis.

Regarding the widening of the driveway – this was absolutely necessary for the safety of the homeowner and her disabled father when exiting a vehicle to avoid falling over the 12-inch high curb that existed there. There is no doubt that driveways in this neighborhood are generally more narrow than in others, but most do not have the 12-inch cement curb on both sides that pose a trip and fall hazard to residents and visitors driving today's average-sized vehicles. It is clear that the City and the CHC object to the use of pavers in driveways as they are not considered historically accurate, but a person could easily be forgiven for not realizing that when you see just how many, many other houses have pavers in their driveways and walkways. Some are made entirely of pavers! Photographs of just some of these houses were provided to the City in at least two letters of support, but perhaps the CHC panel just didn't have time to review them. Clearly no consideration was given to the safety of the homeowner and her disabled father.

I can't help but wonder if the CHC panel was ever given enough of an opportunity to review all the letters of support that came in for the homeowner in this appeal. They certainly were not given an accurate analysis of the process or able to hear and see evidence that the homeowner wished to present. Overwhelmingly neighbors are appealing to the CHC to approve the improvements made to the home despite the mistakes that may have been made during the application process and construction. Over and over members of the public and the neighborhood are asking the committee not to follow the flawed report's recommendation to deny the appeal but to instead grant it. An appeal is just that, the CHC has an opportunity to consider all of the evidence that has been placed in front of them and instead acknowledge that the changes are improvements and enhance the historical appeal of the property while its architectural integrity is preserved by voting 'No' on the city's motion to follow the recommendation in the report to deny the appeal. The CHC can choose to approve the improvements even if the way to achieve them was not entirely 'by the book'. In fact, the CHC has no reason not to approve these changes other than to punish Ms. D'Orio for making honest mistakes in this process. The overwhelming support for the improvements to this property comes from neighbors who are the actual residents and taxpayers of California Heights.

Letters and statements against the appeal (7 written and one in person) come mostly from people who don't even live in California Heights and are obviously based upon the flawed report and analysis presented by City staff that vilifies the homeowner. These individuals seem to be far more concerned with scolding and penalizing the homeowner for violating procedures than they are with endorsing improvements and modifications that still manage to preserve the historic charm of a house in this neighborhood. Oppositions to the changes are based on misrepresentations written by a biased individual that no one seems interested in exploring in any further depth. Some of the naysayers, again, mostly people who do not live in California Heights, say they want everyone to be treated the same, but what about all the other homes

that have violated the rules? The neighborhood is riddled with them, and some of them are absolute eyesores, and no one is doing anything punitive to those homeowners. How does ignoring all of that and at the same time denying this appeal assure the CHC's mission to preserve a historical district with unity and cohesion that preserves and enhances its community?

The answer is simple: the denial of certain of Ms. D'Orio's home improvements and subsequent appeal is prejudicial and wrong. I can't begin to understand why this level of animosity is being leveled against her, but there is no doubt in my mind that she is being persecuted and discriminated against.

Sincerely yours,

Claire M. Bothwell

To: Members of the Cultural Heritage Commission
From: Claire Bothwell – [REDACTED]
Re: Application No. 2203-10 (APL22-02) – Appeal 22-016CH
3758 California Avenue
Long Beach, CA 90807
Date: April 24, 2022

I write as a long-time local resident to support the improvements made by the owner of the above-referenced property, and respectfully encourage the Cultural Heritage Commission (CHC) not to follow the recommendation of the City's staff to deny the homeowner's appeal and allow the improvements to remain in place.

The improvements made to 3758 California are exactly that: improvements. They have enhanced the appearance of the property, as well as the safety of the residents.

The lovely wall that now contains the front garden has created a safe and welcoming space for the people who live in the home and their visitors, and many of the other residents in the neighborhood admire it too. It is also consistent with other homes in the neighborhood, many of which have perimeter walls (although not all as nice as this one). While it is important to try and preserve the neighborhood's historical appeal, it is also important for any resident to feel safe in their own home and to be able to protect young children or pets from running into the street and into traffic. (California Avenue is a particularly busy street for cars, and many people speed driving up and down that street.) The April 26, 2022, staff report refers to *"Preservation Standard Number 2 and Rehabilitation Standard Number 2 [which] states that "the historic character of a property will be retained and preserved. ... A majority of the properties within the District have a clear line of sight from the street to the historic house without visual obstructions such as a fencing or walls in the front yard. The installation of a three-foot tall concrete block wall and gate located within the front yard setback diminishes the spatial relationship between the streetscape and the historic home by blocking the view of the historic house ..."* The wall built at 3758 California does nothing to diminish the spatial relationship between the streetscape and the house. The view of the house is not blocked by the wall – the house in its entirety is visible from the street. And it does in fact improve the appearance of the house. Walking through the neighborhood one sees many other houses with low walls (and some not so low). The attached photos were taken this weekend and are only some of the numerous other houses with walls.

The new color of the house also is a great improvement to the property. It is bright and warm and fits perfectly with the aesthetics the Spanish Colonial Revival style of the house. The staff report states that it is *"a deep red-orange (rust) color[.]"* but I would disagree with that and describe it more as terracotta or adobe; and the new color does indeed provide enough of a contrast to the red clay tile roof. And while the CHC may recommend that *"historically Spanish Colonial Revival buildings were light in color, as they took inspiration from whitewash, stucco and adobe buildings of the Spanish Colonial era"* that is only a guide and certainly not true of all Spanish Colonial Revivals. There are many other houses in the neighborhood painted in similar colors, and it is therefore consistent with those existing homes.

As far as the widening of the driveway is concerned, that seems not only necessary for the safety of the residents trying to exit their vehicles to enter the house without falling, but completely appropriate given how narrow the existing driveway was and how high and hazardous the 12-inch curb between the driveway and the access to the house was. Although the April 26, 2022, report states that *“repaving driveways with a visually different material such as brick, pavers, or flagstone is not permitted[.]”* that is clearly not something that is followed or enforced in the neighborhood as many, many homes have done just that. And some of them are true eyesores. The attached photos were taken this weekend and are only some of the numerous other houses with widened driveways and/or pavers, brick, flagstone, etc.

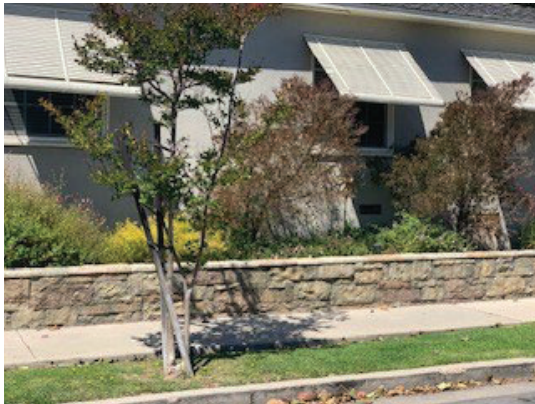
Additionally, the report mentions the resident’s application for new driveway gates and states that *“gates should be set back from the primary elevation (front wall of the house) and be made of material the is compatible with the style of the house.”* This, again, seems to be a guideline that is neither followed nor enforced in the rest of the neighborhood. Walking through the streets one sees many with gates that are in front of the porte-cochères, attached to the house at the primary elevation, and made of materials incompatible with the house. The attached photos were taken this weekend and are only some of the numerous other houses with these gates.

As I have been walking in the neighborhood and chatting with other residents about this project, I’ve learned that many of the neighbors appreciate and support the improvements that have been made to 3758 California Avenue and welcome these changes to the house. It is a lovely home that has truly been enhanced by these modifications and yet it still remains consistent and cohesive with the historical feeling and unity of the district. Its character is retained and preserved. I urge the CHC not to single out and punish the resident at 3758 California Avenue for mistakes in the application process to achieve the same improvements that already exist in other homes throughout the neighborhood. This home looks splendid with these updates and improvements while still respecting its history and style, and I hope it is allowed to stay that way.

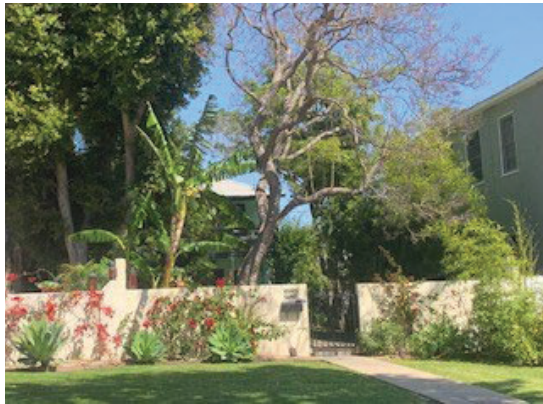
Sincerely,

Claire M. Bothwell

Photos of Walls, Driveways, Gates, and similar color houses



Block wall at perimeter



block wall at perimeter



Cinder block wall at perimeter



cinder block wall at perimeter



block wall



wall at perimeter



Wall at perimeter



wall at perimeter covered with ivy



Wall made of flagstones



wall at perimeter



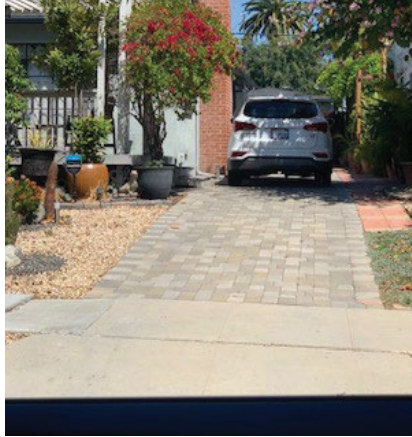
Wall at perimeter



wall at perimeter



Widened driveway – all pavers



widened driveway – all pavers



Widened driveway – all pavers



widened driveway – all pavers



Widened driveway – all tiles



widened driveway and gate at front



Widened driveway with bricks



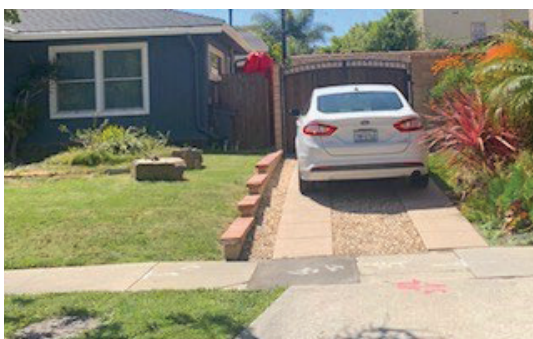
widened driveway with bricks



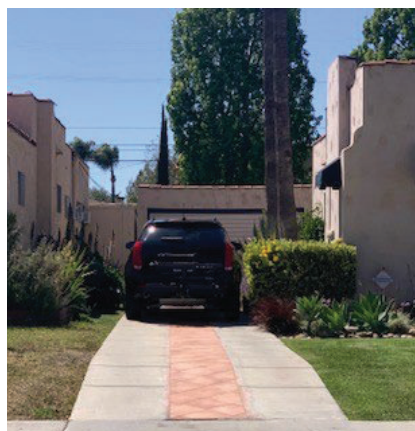
Widened driveway with cement and bricks



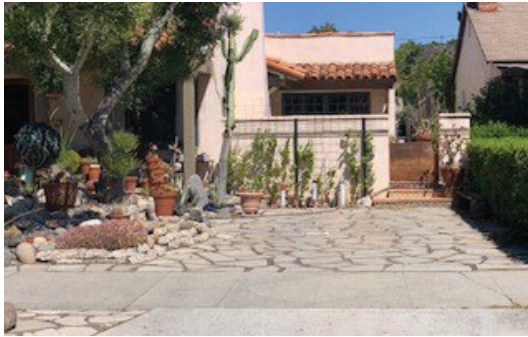
widened driveway with concrete slabs and gate at front



Widened driveway with slabs and gravel



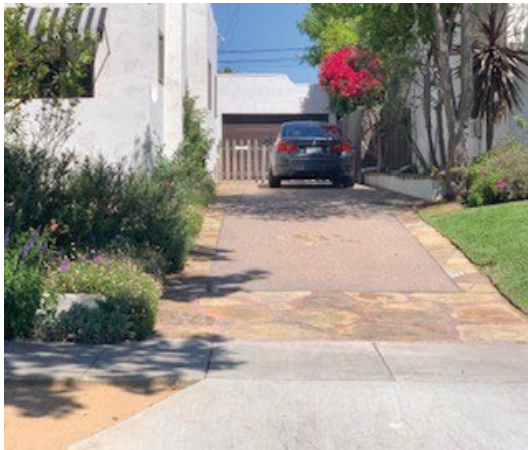
widened driveway with slabs and tiles



Widened driveway with crazy-paving



widened driveway with dirt



Widened driveway with flagstones



widened driveway with pavers and scrub grass



Widened driveway w. pavers



widened driveway w. bricks



Widened driveway with pavers and block wall



widened driveway with pavers



Cinder block wall, random flagstones and gravel



crazy-paving walkway



Cinder block wall, random tiles and pavers,
random other fencing on perimeter



white Vinyl fencing



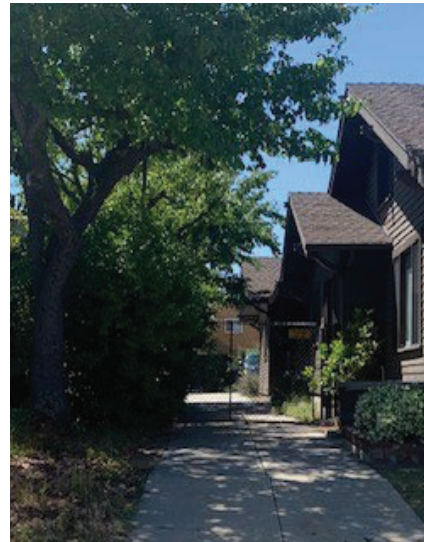
Gate at front elevation



gate at front elevation



Gate at front elevation



chain link fence gate attached to house



Similar color and front gate



similar color



? color ?



similar color

From: [Claire Bothwell](#)
To: [DV - Cultural Heritage](#)
Cc: [Alison Spindler-Ruiz](#)
Subject: Application No. 2203-10 (APL22-02) – Appeal 22-016CH - 3758 California Avenue, Long Beach, CA 90807
Date: Tuesday, June 28, 2022 8:10:38 AM
Attachments: [4-24-22 Cultural Heritage Commission 22-016CH.pdf](#)

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Re: Application No. 2203-10 (APL22-02) – Appeal 22-016CH
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