

April 28, 2020

CHAIR AND CULTURAL HERITAGE COMMISSIONERS

City of Long Beach
California

RECOMMENDATION:

Deny the appeal and uphold denial of a Certificate of Appropriateness to legalize the installation of fifteen (15) vinyl windows in the same window openings on an existing two-story multifamily residential building addressed as 2206 E. 2nd Street located in the Bluff Park Historic District. (District 3)

APPLICANT: Mr. Edward Arnold
25 Laguna Place
Long Beach, CA 90803
(Application No. HLM1908-01)

THE REQUEST

The applicant is requesting approval of a Certificate of Appropriateness to legalize the unpermitted installation of fifteen (15) vinyl windows on an existing two-story multifamily residential building located at the rear of the property. The size and location of the window openings will not change from the existing condition. The matter before the Cultural Heritage Commission (CHC) is an appeal (Exhibit A – Applicant Appeal) of the decision by staff to deny the requested Certificate of Appropriateness.

BACKGROUND

This application was originally noticed for the March 31, 2020 Cultural Heritage Commission meeting. The applicant requested a continuance of this item due to the public hearing's change to a web-based format. This item was continued to April 28, 2020, the CHC's next regularly scheduled meeting.

The subject site, addressed as 2204 and 2206 East 2nd Street, is located on the southside of 2nd Street between Junipero and Kennebec Avenues. The subject site is located within the R-3-S (Three-Family Residential District with Small Lots) zoning district. The property is located in the Bluff Park Historic Landmark District (Ordinance C-6835). The period of significance for the Bluff Park Historic District is from 1903 to 1949. The property totals 8,250 square feet in area (55'-0" x 150'-0") (Exhibit B – Location Map).

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The site is developed with two separate structures, a two-story single family house located in the front of the lot and a two story five-unit multifamily building located at the rear of the lot. The front house was constructed in the craftsman architecture style and is considered a contributing resource to the historic district. The two-story house maintains the massing and orientation and design of its original construction in 1912. The house features front and side facing gables, shiplap wood siding, large overhanging eaves with exposed roof rafters, and a large front porch. The dwelling still retains majority of the original wood windows.

The five-unit apartment building, addressed as 2206 E. 2nd Street, was first constructed in 1950 with four units and modified in 1957, with the addition of an attached residential unit constructed above a two-car garage. The modest, postwar apartment building features stucco exterior, a hip roof system and composite roof material. The building originally featured metal casement windows.

A detailed permit history of the property is listed below for reference.

Permit history

- 1912 - Two-story, single-family dwelling and detached two-car garage
- 1949 – Single-story, 300 square-foot, rumpus room (which was converted into an apartment unit in 1953)
- 1951 – Four-unit apartment complex built over enclosed garages
- 1957 – Single dwelling unit located above a new two-car garage attached to the existing apartment building

The property owner removed fifteen (15) original metal casement windows on the five-unit apartment building and replaced them with vinyl windows without the issuance of a building permit or a Certificate of Appropriateness. On May 10, 2019, the property owner was issued a Code Enforcement citation (Number CEPH260456) for window replacement without the approval of a Certificate of Appropriateness or the issuance of a building permit. The property owner submitted a Certificate of Appropriateness (minor) application requesting the approval (retroactively) for the installation of the fifteen (15) vinyl windows on September 19, 2019. Long Beach Municipal Code (LBMC) Section 2.63.080 establishes specific regulations that permit staff to consider and issue (minor) Certificate of Appropriateness applications such as the replacement of windows and doors with like materials.

On October 15, 2019, staff denied the Certificate of Appropriateness application (Exhibit C – Staff Denial). LBMC Section 2.63.100 states that determinations made by the Director of Development Services may be appealed by the Applicant to the Cultural Heritage Commission. On February 7, 2020, the applicant filed an appeal of staff's decision, citing that the building was built outside the period of significance of the district and the vinyl windows are not visible from the street. The decision of the Cultural Heritage Commission on the appeal shall be final.

ANALYSIS

The apartment building was first constructed in 1950 (and modified in 1957), which is outside the period of significance for the historic district. However, due to the age of the front structure, the property is classified as a contributing property within the historic district and any work to the exterior of buildings on the site are subject to the issuance of a Certificate of Appropriateness. The Certificate of Appropriateness requires a determination that the proposed improvements comply with the Secretary of the Interior's Standards and Guidelines for Rehabilitation of Historic Structures (The Guidelines), the Bluff Park Historic District Ordinance (Ord. C-6835), and the Bluff Park Historic District Design Guidelines.

The original windows for the apartment building were metal casement windows, as evidenced by remaining original windows and photos of the building prior to the window replacement (Exhibit D – Site Photos). The Bluff Park Design Guidelines state that historic windows should always be regularly maintained and protected and repaired rather than replaced. Preservation of historically appropriate windows is critical to maintaining the historic character of a property. In the event that an original window on any elevation is demonstrated to be damaged beyond repair and needs to be replaced, it should be replaced in kind. Any replacement of original (metal casement) windows, should have been with materials that are characteristics of the architecture style and the period of construction for the structure, in this case, metal (or aluminum) windows. The introduction of incompatible materials, such as vinyl, is out of character with architecture style of the building and therefore is not permitted.

The Bluff Park Historic District Ordinance states that alterations with substitute materials that are uncharacteristically different from the predominant style of the immediate surroundings is not permitted. Majority of the windows within the Bluff Park Historic District appear to be original or are generally compatible with their respective historic styles. Introducing a material, such as vinyl, is not compatible with the year of construction of the building or the period of significance for the Bluff Park Historic District. Permitting the legalization of the vinyl windows, would significantly affect the historical, cultural, architectural and aesthetic features of the historic district as a whole.

CONSISTENCY WITH PRECEDENT CASES

In the past several years, the Cultural Heritage Commission has heard a number of similar appeals on staff denial of Certificates of Appropriateness applications proposing to use non-original materials as replacement windows. Excerpts of these project descriptions are listed below. Precedent Staff Reports for these cases may be found in Exhibits E-1 to E-6.

- E-1 September 2015 – 3732 Cerritos Avenue (California Heights, built 1930, HP15-300)**
Recommendation for Denial Approved: A request to replace four existing wood windows with wood and polymer composite (Fibrex, Renewal by Andersen) windows at an existing one-story single-family residence located at 3732 Cerritos Avenue. The property is a contributing structure within the California Height Historic Landmark District. The Commission affirmed the staff recommendation. (District 7)

E-2 June 2016 – 305 Obispo Avenue (Bluff Heights, built 1920, HP16-129)

Recommendation for Denial Approved: A request to replace five aluminum windows with vinyl windows and to enlarge two of the five window openings at an existing one-story, single-family residence located at 305 Obispo Avenue. The property is a contributing structure located within the Bluff Heights Historic District. The Commission affirmed the staff recommendation. (District 2)

E-3 April 2017 – 3637 Gaviota Avenue (California Heights, built 1938, HP16-563) (Legal verdict in City's favor)

Recommendation for Denial Approved: A request to replace thirteen (13) non-historic windows with new fiberglass and vinyl windows on an existing single-family residence located at 3637 Gaviota Avenue. The site is a contributing property within the California Heights Historic Landmark District. The Commission affirmed the staff recommendation. Subsequently, the applicant filed writ of mandate with the Superior Court of the State of California. On April 27, 2018 the court ruled in favor of the City's decision to require that the replacement windows to be wood. (District 7)

E-4 January 2018 – 3574 Walnut Avenue (California Heights, built 1939, HP17-583)

Recommendation for Denial Approved: A request to replace thirteen (13) aluminum windows with wood-composite (Fibrex, Renewal by Andersen) windows at 3574 Walnut Avenue on a non-contributing structure in the California Heights Historic District. The Commission affirmed the staff recommendation. (District 7)

E-5 September 2018 - 2302 East 2nd Street (Bluff Park, built 1964, HP18-371)

Recommendation for Denial Approved: A request to allow the replacement of fourteen (14) unpermitted vinyl windows with new vinyl windows on a non-contributing structure addressed as 2302 East 2nd Street in the Bluff Park Historic District. The Commission affirmed the staff recommendation. (District 3)

E-6 March 3, 2019 - 800 Gladys Avenue (Rose Park, built in 1950, HP18-494)

Recommendation for Denial Approved: A request to replace twelve (12) unpermitted, vinyl windows located on an existing single-family residence at 800 Gladys Avenue on a contributing structure in the Rose Park Historic District. (District 2)

CONCLUSION

Based on all the findings above, staff determined that the legalization of fifteen (15) vinyl windows for the two-story apartment building does not meet the guidelines for the Bluff Park Historic District Ordinance or the Bluff Park Historic District Design Guidelines. The Bluff Park Historic District Design Guidelines prioritize maintenance to extend the life of the window, followed by repair of existing window components, followed by replacement with original materials. Replacement of windows with new material is deemed appropriate only when the original material is not available. Replacement metal windows are still widely available and are considered the appropriate replacement window for this 1950s apartment building.

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The role of the Commission in hearing an appeal is to conduct a *de novo* review. In this case, the Cultural Heritage Ordinance requires that no Certificate of Appropriateness be issued that is not in compliance with the Bluff Park Historic District and the Bluff Park Historic District Design Guidelines. The Cultural Heritage Commission is the appeal body and all decisions rendered are final.

RECOMMENDATION

Staff has analyzed the proposed project and has determined that the proposed vinyl windows do not meet the requirements set forth in Section 2.63.080 (Cultural Heritage Commission) of the Long Beach Municipal Code, the Bluff Park Historic District Ordinance (Ord. C-6835), and the Bluff Park Design Guidelines. Staff recommends denial of the appeal and upholding of the staff denial of the requested Certificate of Appropriateness. The findings for denial are attached as (Exhibit F – Findings).

ENVIRONMENTAL REVIEW

In accordance with Section 15301(e), Guidelines for Implementation of the California Environmental Quality Act (CEQA), environmental review is not required for construction of small additions to single-family residences.

PUBLIC HEARING NOTICE

Public notices were distributed on March 17, 2020. This case was continued to a date certain at the March 31, 2020 Cultural Heritage Commission meeting, and therefore, no additional noticing is required.

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Respectfully submitted,



GINA CASILLAS
PROJECT PLANNER



ALEJANDRO PLASCENCIA
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CK:PD:AP:gc:ps

Attachments: Exhibit A – Applicant Appeal
 Exhibit B – Location Map
 Exhibit C – Staff Denial
 Exhibit D - Site Photos
 Exhibit E – Precedent Staff Reports
 Exhibit F – Findings