

May 6, 2021

CHAIR AND PLANNING COMMISSIONERS  
City of Long Beach  
California

**RECOMMENDATION:**

Receive supporting documentation into the record, conclude the public hearing, deny the appeal of Robert and Janice Deardurff (APL21-001); and

Approve a Certificate of Appropriateness for the painting of two murals and changing building façade paint colors on elevations of an existing commercial building located at 2800 East 4<sup>th</sup> Street. The property is developed with a noncontributing structure located in the Bluff Heights Historic District. The application includes an alternate mural proposal for Planning Commission consideration. (District 2)

**APPLICANT:** Ryan Burns Collective  
c/o Amber Morris  
2800 East 4th Street  
Long Beach, CA 90814  
(Application No. COAC2012-03)

**APPELLANT:** Robert and Janice Deardurff  
390 Temple Avenue  
Long Beach, CA 90814  
(Application No. 2103-13 [APL21-001])

**DISCUSSION**

At its February 23, 2021 meeting, the Cultural Heritage Commission (CHC) approved, with conditions, a Certificate of Appropriateness request to paint two murals and change building façade paint colors on elevations of an existing commercial building located at 2800 East 4<sup>th</sup> Street. The property is developed with a noncontributing structure located in the Bluff Heights Historic District (Attachment A - Cultural Heritage Commission Staff Report, February 23, 2021). The Planning Commission is the body, designated by the Municipal Code, to hear appeals from decisions where the Cultural Heritage Commission served as the initial decision-maker.



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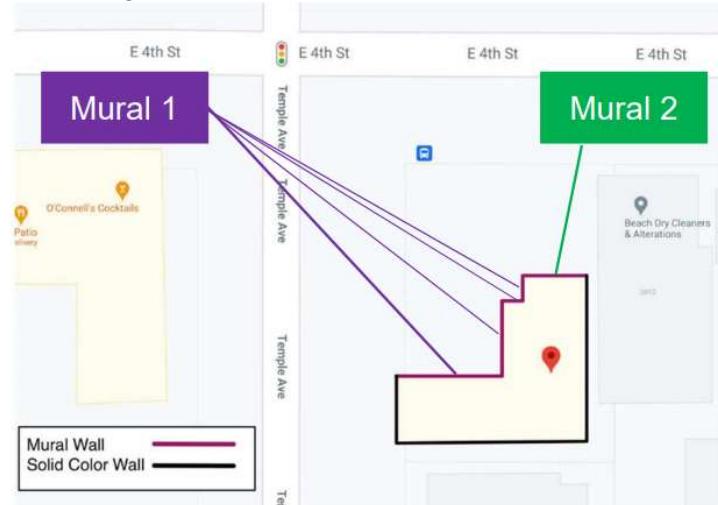
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The subject property is located on the southeast corner of East 4<sup>th</sup> Street and Temple Avenue (Attachment B - Vicinity Map) within the CNR (Neighborhood Commercial and Residential) Zoning District. Currently, the property is developed with a commercial structure that was substantially remodeled in 2004 from its previous use as an automotive repair shop.

The Applicant's Certificate of Appropriateness request is for authorization to paint two murals on the existing building and to repaint the body of the building to a different color (Attachment C - Existing Photos and Proposed Mural Renderings [Approved Project]). As proposed, the murals would be on the north and west elevations of the building, which are substantially setback from East 4<sup>th</sup> Street and Temple Avenue (Figure 1: Proposed Mural Wall Locations). There will be no physical alterations proposed to the existing commercial building.

Figure 1: Proposed Mural Wall Locations



Within a historic landmark district, any alterations to a building that are visible from the public right-of-way, whether to a contributing or noncontributing structure, must be completed in a manner that is compatible with the Secretary of the Interior's Standards. Because the proposed murals do not involve the typical paint color scheme allowable under the Bluff Heights Historic District Guidelines, the project was in the decision-making purview of the CHC.

The appeal before the Planning Commission is to consider whether the CHC made the appropriate findings in support of its decision to approve the Certificate of Appropriateness for the proposed project and is principally focused on findings of conformance with applicable Secretary of Interior Standards. The City, including the Cultural Heritage Commission and the Planning Commission, has no role in determining the artistic value or contents of a mural but rather determines only the more narrow question of suitability within the historic district as defined by the appropriate guidelines and standards.

While a revised project, including an alternate mural design, is proposed by the applicant based on outreach with the community, the mural content is outside of the purview of the decision to approve a Certificate of Appropriateness, and, thus, was not before the CHC, and, similarly, is not before the Planning Commission; however, if the Planning Commission determines that the

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CHC supported its decision with the appropriate findings and upholds the decision of the CHC, the Planning Commission may approve either the Approved Project or Alternate Mural proposal, described in more detail below.

### *Certificate of Appropriateness*

Due to the existing building setback and orientation, the murals are oriented toward and would have the highest visibility for pedestrian and vehicle traffic on East 4<sup>th</sup> Street (eastbound and westbound) and Temple Avenue (southbound). This area of visibility is commercial in nature and the bold mural colors is consistent with visual patterns already established at the 4<sup>th</sup> Street and Temple Avenue intersection, which is adjacent to the Retro Row corridor along 4<sup>th</sup> Street. The mural visibility is directed away from the historic residential neighborhood.

As part of the Certificate of Appropriateness, the CHC approved two staff recommended conditions of approval related to the proposed mural/paint scheme in order to enhance compatibility with the Historic District and surrounding context (Attachment D – CHC Conditions of Approval). First, a special condition was approved to require the applicant to coordinate with the adjacent property owner at 390 Temple Avenue for the paint color selection for the solid wall along the southern elevation of the existing building at 2800 East 4<sup>th</sup> Street. Rather than keeping the existing orange-yellow color at this elevation, which is not found on any other elevation of the building, the final color selection shall be neutral in tone and compatible with the residential character to the south. The final paint color for the south elevation shall be documented on the final Certificate of Appropriateness for the project. This would ensure that the elevation most visible from the residential areas is included in the overall design scheme for the building.

Secondly, a special condition requires that the final solid color selected for the one-story portion of the façade (west) along Temple Avenue, currently proposed as a muted purple, as shown in Attachment C, be carried through to at least one north elevation, whether that be on the one- or two-story portion of the building. This condition will ensure that the mural is framed by a more muted, and solid primary building color to bring some visual cohesion to the building and to define the extent of the mural and ensure that it does not appear as though the entire building is covered with the proposed murals.

Public comments were received in response to the original mural proposal with regard to a range of topics, which included, but is not limited to, the content of the mural, overall color scheme compatibility, general support for the mural, and the general role of murals in historic districts (Attachment E - CHC Public Comments).

The approved project meets the requirements set forth in Title 21 of the City's Zoning Code, Section 2.63.080 (Cultural Heritage Commission) of the Long Beach Municipal Code, the Secretary of Interior's Standards for Rehabilitation, and Guidelines for Rehabilitating Historic Buildings and the Bluff Heights Historic District Ordinance (Attachment F - CHC Findings). The CHC approved the Certificate of Appropriateness to allow the painting of murals on the north and west façades of the existing commercial building. The CHC made all the findings in the affirmative

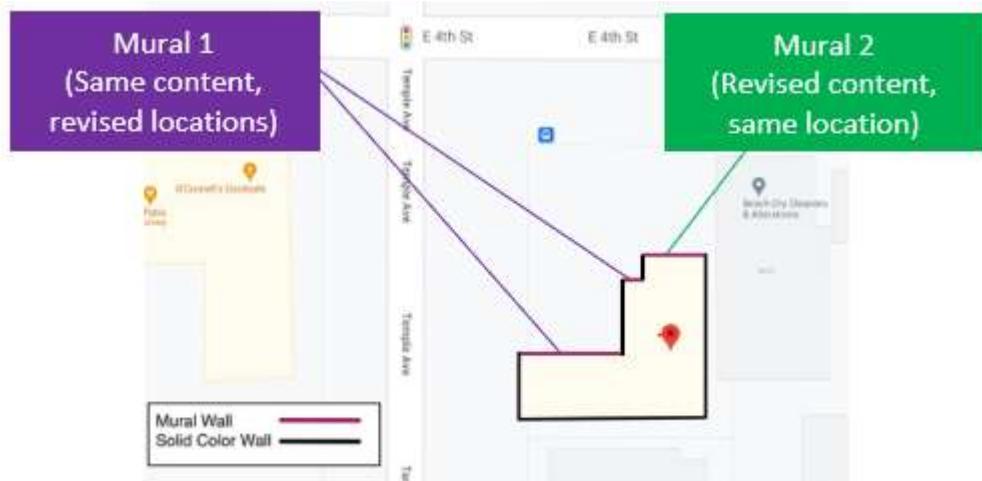
for the proposed project, as the building is a noncontributing structure and the murals do not damage or alter any original historic building materials or character defining features. CHC approved the Certificate of Appropriateness, subject to the conditions of approval.

### *Appeal and Revised Project*

One appeal of the CHC's approval of the Project, filed by Robert and Janice Deardurff (APL21-001), opposes the painting of murals at the project site and location within the historic district (Attachment G - Application for Appeal). Staff's response to the appeal is attached and demonstrates that the Project would be consistent with all required findings (Attachment H - Staff Response to Appeal).

After Project approval, the Applicant conducted outreach with the concerned parties that provided comments on the original project proposal (Approved Project) presented at CHC. As a result, the Applicant provided an alternate proposal to change the location and design of the proposed murals (Attachment I - Alternate Mural Proposal). As shown on Figure 2 (Proposed Alternate Mural Wall Locations), the Alternate Mural Proposal would remove the mural area on the west 2-story elevation (Mural 1) and change the content of the mural on the north 2-story elevation (Mural 2). The western 2-story elevation would be converted from mural area to the same muted, solid purple color closest to the Temple Avenue elevation. Thus, the alternate mural proposal would limit the mural areas to the north elevations of the existing structure only, which face away from the Bluff Heights Historic District. This alternate proposal would reduce mural areas and increase the solid purple color on the commercial building.

Figure 2: Proposed Alternate Mural Wall Locations



As a result of this Alternate Mural Proposal, Staff prepared revised findings and conditions that analyze the revised project for compliance with the required standards and findings for a Certificate of Appropriateness (Attachment J - Revised Findings and Attachment K - Revised Conditions of Approval). Staff removed the special condition related to adding a solid color to one of the north elevations because of the change in the proposed mural scope. The special condition

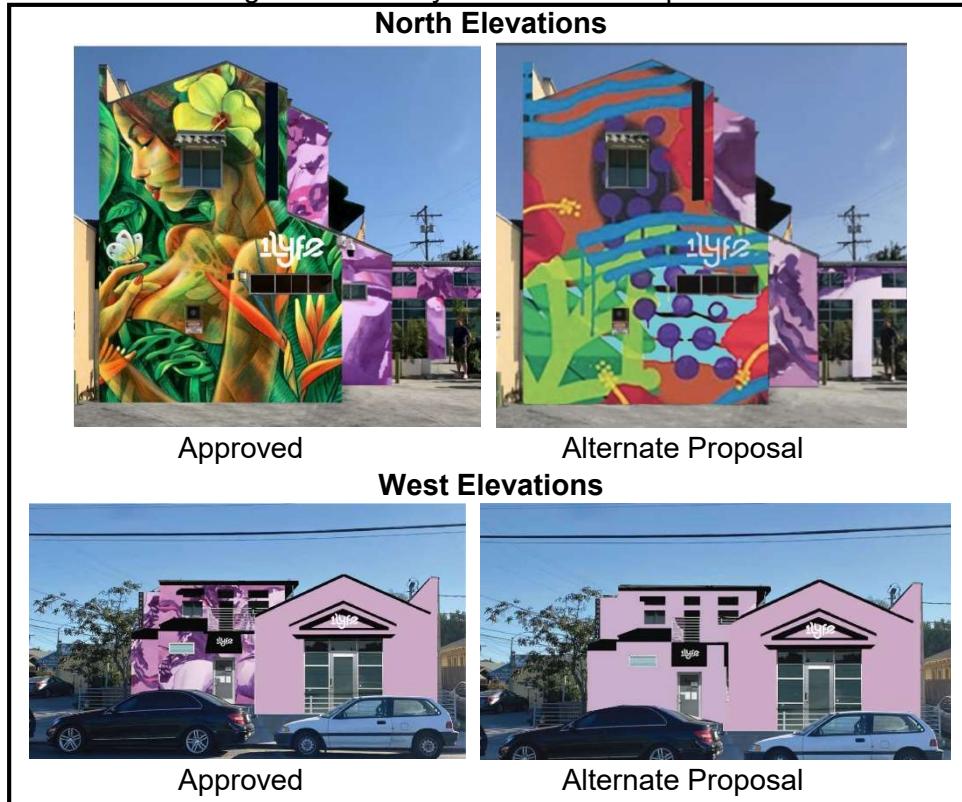
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for coordination with the neighbor to the south (390 Temple Avenue) for the paint selection at the south elevation remains in effect for the Alternate Mural Proposal. The Alternate Mural Proposal would remain consistent with required findings, similar to the Approved Project, with conditions of approval incorporated. Furthermore, the Certificate of Appropriateness project description would remain the same, as follows: the painting of two murals and changing building façade paint colors on elevations of an existing commercial building located at 2800 East 4<sup>th</sup> Street. A side-by-side comparison of the originally proposed mural and alternate mural proposal is provided in Figure 3, Side-By-Side Mural Comparison.

Figure 3: Side-By-Side Mural Comparison



Staff analyzed the Approved Project and the Alternate Mural Proposal in accordance with the required findings for a Certificate of Appropriateness and finds that positive findings can be made for approval of a Certificate of Appropriateness for both the Approved and Alternate proposal. The Alternate Mural Proposal materials provided by the Applicant in response to the appeal are consistent with the materials considered and approved by the Cultural Heritage Commission.

## **PUBLIC HEARING NOTICE**

A total of 1019 notices of public hearing were distributed on April 19, 2021 in accordance with the requirements of Chapter 21.21 of the Zoning Regulations. As of the preparation of this report, three letters in response to the noticed project were received (Attachment L - Public Comment Received).

## **ENVIRONMENTAL REVIEW**

This project has been reviewed for compliance with the California Environmental Quality Act (CEQA). Based on that assessment, the City has determined the project to be Categorically Exempt from the provisions of CEQA pursuant to the provisions of Article 19 Section 15301 (Existing Facilities) of the CEQA Guidelines. No further environmental review is required.

All the findings can be made in the affirmative for the Approved Project and the Alternate Mural Proposal, as the murals would be painted on a noncontributing structure and would not damage or alter any original historic building materials or character defining features. Staff recommends approval of the Certificate of Appropriateness subject to the conditions of approval for one of the proposed options: 1) Approved Project or 2) Alternate Mural Proposal.

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Respectfully submitted,



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OO:CK:PAD:AO:ASR:mc

Attachments: Attachment A - CHC Staff Report - February 23, 2021

Attachment B - Vicinity Map

Attachment C - Existing Photos & Proposed Renderings (Approved Project)

Attachment D - CHC Conditions of Approval

Attachment E - CHC Public Comments

Attachment F - CHC Findings

Attachment G - Application for Appeal

Attachment H - Staff Response to the Appeal

Attachment I - Alternate Mural Proposal

Attachment J - Revised Findings for Alternate Mural Proposal

Attachment K - Revised Conditions of Approval for Alternate Mural Proposal

Attachment L - Public Comments Received