

November 30, 2021

CHAIR AND CULTURAL HERITAGE COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Deny the appeal (APL21-008) and uphold the denial of a staff-level Certificate of Appropriateness (COAS2109-07) to legalize the unpermitted installation of vinyl windows and one sliding door on an existing two-story, multi-family residential building. on a structure located at 761 Obispo Avenue within the Rose Park Historic District. The structure is a non-contributing building in the Rose Park Historic District that was built in 1971. (District 2)

APPLICANT: Nancy Newnes for Centennial Properties
P.O. Box 4397
Long Beach, CA 90804
(Application No. COAS2109-07)

APPELLANT: Phyllis Ford c/o Nancy Newnes for Centennial Properties
P.O. Box 4397
Long Beach, CA 90804
(Application No. 2109-34 [APL21-008])

THE REQUEST

The applicant is requesting approval of a Certificate of Appropriateness to legalize the unpermitted installation of five (5) vinyl windows and one (1) sliding door on an existing two-story, multi-family residential building located at 761 Obispo Avenue. The application also proposes the addition of white trim and paint to existing aluminum windows to match the unpermitted vinyl windows and door. The matter before the Cultural Heritage Commission (CHC) is an appeal (Attachment A – Appeal) of the decision by staff to deny the requested Certificate of Appropriateness based on the replacement materials.



BACKGROUND

The subject site is located at 761 Obispo Avenue, on the west side of Obispo Avenue between East 8th Street and East 7th Street (Attachment B – Location Map). A 10-foot-wide alley ends at the northwest corner of the site but does not provide vehicular access to the site. The subject site is located in the R-2-N (Two-Family Residential District with Standard Lots) Zoning District. The property is located in the Rose Park Historic Landmark District (Ordinance C-7497), which was established in 1997.

The property is developed with a two-story, 4-unit, multi-family structure that is set back 16 feet from the front property line on Obispo Avenue. The structures on the lot also include a detached five-car garage at the rear of the lot. The front and east building elevations are visible from Obispo Avenue due to the location of the driveway along the eastern side of the property. The structure was built in 1971 and is not listed as a contributing resource to the Rose Park Historic District. The two-story structure maintains the massing, orientation and design of its original construction. It features a shingle roof, stucco, stone façade treatment at the front facade, overhanging eaves, and aluminum windows. The structure still retains some of the original aluminum windows at the various elevations.

On April 10, 2020, the property owner was issued a Code Enforcement citation (Number CEPH268505) for window and door replacement without the approval of a Certificate of Appropriateness or the issuance of a building permit. A total of five (5) windows and one (1) patio sliding door were noted in the citation. Deteriorated roof fascia was also cited but is not the subject of this appeal. On July 16, 2021, the property owner submitted a Certificate of Appropriateness (minor) application requesting the approval (retroactively) for the installation of the vinyl windows and door with a request to paint the aluminum windows white to correspond with the vinyl windows that were installed.

Long Beach Municipal Code (LBMC) Section 2.63.080 establishes specific regulations that permit staff to consider and issue (minor) Certificate of Appropriateness applications for projects such as the replacement of windows and doors with like materials. On October 1, 2021, staff denied the Certificate of Appropriateness application (Attachment C – Staff Denial) due to the incompatible material. 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 October 6, 2021, the property owner filed an appeal of staff's decision. The appeal is currently before the Cultural Heritage Commission, and the Commission's decision on the appeal shall be final.

ANALYSIS

The apartment building was first constructed in 1971, which is outside the period of significance for the historic district. However, because the property is within the historic district, any work to the exterior of buildings located within the district 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 Rose Park Historic District Ordinance (Ord. C-7497), and the Rose Park Historic District Design Guidelines.

The original windows for the apartment building were aluminum windows, as evidenced by remaining original windows. Preservation of historically appropriate windows is critical to maintaining the historic character of a property, and, in the case of non-contributing buildings, changes to the building exterior should ensure compatibility with and should not degrade the district as a whole. 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 (Secretary of the Interior Standard No. 6). Any replacement of original windows should have been with materials that are characteristic of the architectural style and the period of construction of the structure, in this case, aluminum windows. The introduction of incompatible materials, such as vinyl, is out of character with the architectural style of the building and is incompatible with the district and is therefore not permitted.

The Rose Park Historic District Ordinance and Rose Park Historic District Design Guidelines state that replacement windows should be architecturally compatible and period appropriate. The majority of the windows within the Rose Park Historic District appear to be original or are generally compatible with their respective architectural styles. Introducing a non-original material, such as vinyl, is not compatible with the year of construction of the building or the period of significance of the Rose 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.

The Certificate of Appropriateness application includes a proposal to paint the original aluminum windows to match the unpermitted vinyl windows and doors that were installed to achieve a uniform look. While overall window/door compatibility and consistency is sought through the Certificate of Appropriateness review process, the vinyl material remains incompatible with the style of the structure. In this application it is the use of incompatible materials, rather than window/door color, that is the subject of the staff denial as the required findings cannot be made to support the legalization of vinyl windows/doors.

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 nonoriginal materials as replacement windows, including on non-contributing structures. A brief summary and the determination of some of these precedent cases are provided below. The staff reports for these cases may also be found in Attachments D-1 to D-8 as summarized below (Attachment D – Precedent Staff Reports).

D-1 September 2015 – 3732 Cerritos Avenue (California Heights, built 1930, HP15-300): Recommendation for Denial Upheld: 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 and denied the appeal. (District 7)

D-2 June 2016 – 305 Obispo Avenue (Bluff Heights, built 1920, HP16-129): Recommendation for Denial Upheld: 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 and denied the appeal. (District 2)

D-3 April 2017 – 3637 Gaviota Avenue (California Heights, built 1938, HP16-563) (Legal verdict in City's favor): Recommendation for Denial Upheld: 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 and denied the appeal. 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)

D-4 January 2018 – 3574 Walnut Avenue (California Heights, built 1939, HP17-583): Recommendation for Denial Upheld: 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 and denied the appeal. (District 7)

D-5 September 2018 - 2302 East 2nd Street (Bluff Park, built 1964, HP18-371): Recommendation for Denial Upheld: A request to allow the replacement of fourteen (14) unpermitted vinyl windows with new vinyl windows on a non-contributing multi-family residential structure addressed as 2302 East 2nd Street in the Bluff Park Historic District. The Commission affirmed the staff recommendation and denied the appeal. (District 3)

D-6 March 3. 2019 - 800 Gladys Avenue (Rose Park, built in 1950, HP18-494): Recommendation for Denial Upheld: 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. The Commission affirmed the staff recommendation and denied the appeal. (District 2)

D-7 April 28, 2020 – 2206 E. 2nd Street (Bluff Park, built in 1950, COAS1909-34): Recommendation for Denial Upheld: A request to legalize the installation of fifteen (15) vinyl windows in the same window openings on an existing two-story multi-family residential building addressed as 2206 E. 2nd Street located in the Bluff Park Historic District. The apartment building was constructed outside the period of significance for the historic district. The Commission affirmed the staff recommendation and denied the appeal. (District 3)

D-8 August 31, 2021 – 429 West 8th Street (Drake Park/Willmore City, built in 1955, COAS2105-17): Recommendation for Denial Upheld: A request to legalize the installation of fifty-five (55) vinyl windows in the same window openings leaving the wood jambs and sills on an existing two-story, non-contributing multi-family residential building located at 429 West 8th Street in the Drake Park/Willmore City Historic District. The Commission affirmed the staff recommendation and denied the appeal. (District 1)

CONCLUSION

Based on the analysis above, staff determined that the legalization of five (5) vinyl windows and one (1) sliding door for the two-story apartment building does not comply with the Rose Park Historic District Ordinance, Rose Park Historic District Design Guidelines, and the Secretary of the Interior's Standards. Replacement of windows with new material is deemed appropriate only when the original material is not available. Replacement aluminum windows are still widely available and are considered the appropriate replacement window for this 1970s apartment building, given that vinyl was not a readily available material in that time period.

The role of the Commission in hearing an appeal is to determine if the subject request is in compliance with the applicable Municipal Code regulations, the Secretary of Interior Standards, and the applicable historic district guidelines and standards. In this case, the Cultural Heritage Ordinance requires that no Certificate of Appropriateness be issued that is not in compliance with the Rose Park Historic District. As previously noted, the decision of the Cultural Heritage Commission on an appeal is final.

RECOMMENDATION

Staff has analyzed the proposed project and has determined that the proposed vinyl windows and sliding door do not meet the requirements set forth in Section 2.63.080 (Cultural Heritage Commission) of the Long Beach Municipal Code and the Rose Park Historic District Ordinance (Ordinance C-7497). Staff recommends that the CHC deny the appeal and uphold the staff

denial of the requested Certificate of Appropriateness. The findings for denial are attached (Attachment E – Findings).

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.

PUBLIC HEARING NOTICE

On November 8, 2021, 1,098 Public Hearing Notices were mailed. As of this date, no letters have been received in response to the public notice.

Respectfully submitted,



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PROJECT PLANNER



ALEJANDRO PLASCENCIA
PRESERVATION PLANNER



ALISON SPINDLER-RUIZ, AICP
ADVANCE PLANNING OFFICER



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PLANNING BUREAU MANAGER

PAD:ASR:AP:mc

Attachments: Attachment A – Appeal
Attachment B – Location Map
Attachment C – Staff Denial
Attachment D – Precedent Staff Reports
Attachment E – Findings