

June 28, 2022

CHAIR AND CULTURAL HERITAGE COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Reopen the public hearing from the April 26, 2022 Cultural Heritage Commission (CHC) meeting for the limited purpose of accepting into the record and conducting further deliberations regarding five (5) written public comments timely submitted in advance of the April 26, 2022 public hearing, which were not previously transmitted to and/or considered by the CHC in relation to CHC's decision to deny in part, grant in part and modify in part Planning Staff's denial of a Certificate of Appropriateness; and reaffirming CHC's findings and decision from the April 26, 2022 hearing. The property at 3758 California Avenue is a contributing building in the California Heights Historic District. (District 5)

APPLICANT: Elena D'Orio
3758 California Avenue
Long Beach, CA 90807
Application No. 2203-10 (APL22-02)

THE REQUEST

The Development Services Planning Bureau and City Attorney are requesting that the CHC reopen the public hearing from the April 26, 2022 CHC meeting for the limited purpose of accepting into the record, and conducting further deliberations regarding five (5) written public comments timely submitted in advance of the April 26, 2022 public hearing, which were not previously transmitted to and/or considered by the CHC in relation to CHC's decision to deny in-part, grant in-part and modify in-part Planning Staff's denial of a Certificate of Appropriateness; and reaffirming CHC's findings and decision from the April 26, 2022 hearing.

Staff recommendation is that the CHC review five (5) additional public comments not previously sent to the CHC for its consideration; and reaffirm the decision to uphold the staff decision to deny the Certificate of Appropriateness.



BACKGROUND

On April 26, 2022, the Cultural Heritage Commission denied the appeal and upheld staff's partial denial / partial approval of a Certificate of Appropriateness to legalize the unpermitted installation of a low perimeter wall, installation of a new concrete walkway and steps, installation of a gate across the porch, removal of the 12-inch tall concrete curb/edge flanking the driveway, widening of the driveway with pavers abutting the existing driveway, and repainting the house, garage and low wall on an existing one-story single-family dwelling (Attachment A – CHC Staff Report and Attachments).

Written public comments were received in support and in opposition of the appeal during the 14-day public notice period. A total of 44 written public comments were received, processed and transmitted to the CHC (Attachment B – Public Comments Received by CHC). These written public comments in addition to testimony provided by staff, and oral comments received during the hearing, were considered by the CHC to render a decision on the appeal.

After the hearing, staff became aware that some written public comments were received but were not transmitted to the CHC, and therefore were not entered into the record for the appeal. This occurred as a result of the large number of public comments received leading up to the hearing and received on the day of the hearing. On April 27th, the following day, staff discovered five (5) additional public comments in addition to 44 previously transmitted to CHC, that were emailed before the start of the meeting at 5:00 P.M. but not transmitted to the CHC for consideration.

Subsequently, five (5) written public comments are now being formally entered into the record for this appeal (Attachment C – Five Additional Public Comments).

No additional public comments will be added into the record for this appeal, other than the five missed comments and the 44 comments already transmitted to the CHC on the April 26th meeting date.

ANALYSIS

The purpose of this hearing is to provide the Commission the opportunity to review all of public comments received on the application, and to allow the Commission the opportunity to reassess (reaffirm) its decision on the appeal. Five (5) written public comments are now being formally entered into the record for this appeal.

Four (4) of the comments generally support the changes that were made to the property and the comments describe the commenters' opinions that the changes represent an improvement to the property. One (1) comment opposes the changes, and supports staff's denial of the application, stating that the changes "violate both the California Heights Historic District Guidelines and the Secretary of the Interior Standards for Historic Districts which strive to maintain the districts overall cohesiveness, uniqueness, and architectural integrity."

The role of the Commission is to formalize a determination that the scope of work outlined above conforms to the California Heights Historic District Ordinance, the Secretary of the Interior Standards, and the California Heights Historic District Design Guidelines. General improvement and aesthetics are not a finding that can be made.

CONCLUSION

Based on the new evidence entered into the record and considered by the commission, staff recommends that the Cultural Heritage Commission uphold staff's partial denial of the Certificate of Appropriateness and deny the low perimeter CMU wall and gate, the gate located on the porch and the stucco wall color and approve the driveway gates, new walkway and steps, and the conditioned widening of the driveway (Attachment D – Conditions of Approval). The Cultural Heritage Commission is the appeal body and all decisions rendered are final.

RECOMMENDATION

After reviewing the five (5) additional public comments, staff recommends that the CHC review the past partial approval and partial denial, findings, and reaffirm its decision based on the five additional public comments (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 15303 (a) (new construction or conversion of small structures) of the CEQA Guidelines. No further environmental review is required.

PUBLIC HEARING NOTICE

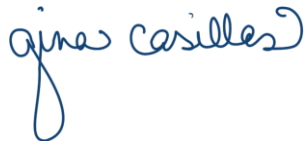
On June 13, 2022, 279 public notices were mailed pursuant to the requirements of Chapter 2.63. As of this date, no letters were received in response to this project.

CHAIR AND CULTURAL HERITAGE COMMISSION

JUNE 28, 2022

Page 4 of 4

Respectfully submitted,



GINA CASILLAS
PROJECT PLANNER



ALEJANDRO PLASCENCIA
PRESERVATION PLANNER



ANDREA URBAS, AICP CEP CUD
ACTING ADVANCE PLANNING OFFICER



ALISON SPINDLER-RUIZ, AICP
ACTING PLANNING BUREAU MANAGER

ASR:AU:AP:gc

Attachments:

- Attachment A – CHC Staff Report 4/26/22 and Attachments
- Attachment B – Public Comments Received by CHC
- Attachment C – Five Additional Public Comments
- Attachment D – Conditions of Approval
- Attachment E – Findings