### **Shirley Perkins**

**From:** elena dorio

**Sent:** Tuesday, June 28, 2022 3:13 PM

To: Gina Casillas; Alejandro Plascencia; Alison Spindler-Ruiz; Olegario Rodriguez; Scott Ross; Andrea

Urbas; Alexis Oropeza; Christopher Koontz; Stacy Mungo; Council District 5; DV Ombudsman; DV -

Cultural Heritage

**Attachments:** 3758 California Ave. History 2016 through 2022 .pdf

### -EXTERNAL-

To: Members of the Cultural Heritage Commission

From: Elena D'Orio –

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

3758 California Avenue Long Beach, CA 90807

Date: June 28, 2022

I am writing to you as the property owner. My name is Elena D'Orio.

I hope you can understand my intentions were not out of disrespect or spite but from a place of creativity and respect for my home, street, neighbors, and community. My enhancements were not done out of spite.

I have a long-standing history in Long Beach and have been a resident for decades. Before purchasing 3758 California Avenue, my first home purchase, I lived on La Linda Drive and Gundry Avenue. My adult children attended Los Cerritos, Hughes, Long Beach Poly and California State Long Beach.

To date I am out of pocket close to \$30,000. This amount includes labor, supplies, the COA Minor Staff Application fees, COA fines Appeal fee and time. And, yes, I am still unemployed.

That said, I made home modifications for safety and security reasons. While doing so I stayed consistent with the history, architecture, and cohesiveness of the neighborhood. During the process I also feel I made my home among one of the more attractive in the California Heights area. My enhancements not only preserve the historical character of the property, but also boost the curb appeal, thus enhancing the value of neighboring homes.

After my appeal hearing on April 26, 2022, I did an internal audit and crossed referenced all public comments sent and received. It came to my attention that the 75 I hand delivered several were missing from the meeting. I know the planning department sent close to 280 letters in April and again in June yet received minimal support and in June no support. I am sure you are aware that the few public comments supporting the denial were from ex CHC members.

Nonetheless, I walked up and down my neighborhood streets engaging with my community. I received an overwhelming amount of support, a shocking 98% in my support. Although not a good reason to go out and meet neighbors it was one of my best weekends and I created a few new relationships.

That said, I addressed the missing public comments to the planning office but assumed it went on to deaf ears as I did not hear back until June 13, 2022. Within the email sent from the planning office I was asked to participate in another hearing. As you might recall, the hearing in April was not kind. I felt humiliated, attacked and it was made clear the hearing was one sided. I replayed the audio again today and was sickened. However, I want to see this through to an end.

At the very beginning of the Covid-19 Pandemic, on March 5, 2020, I lost my job. After a 30-year career my position was eliminated. At the same time my divorce was finalized, and so I was forced to relocate. While residing in Bixby Knolls and California Heights I created strong relationships and although I had the choice to relocate, I wanted to remain in the area.

In March of 2020 3758 California was on the market. Although unemployed and going through major life events I was determined to outbid all and start creating my forever dream home and vision.

Also, during 2020, because of Covid I moved my elderly father in with me to reduce his expenses. He is approaching 83 years young, frail, but thrives on spending time outdoors, gardening, and socializing.

When I purchased my home, it had shortcomings, but I felt a connection and in June 2020 as soon as I opened the door, I felt I was home.

The property was missing a green space (no back lawn), front entry walkway, fireplace (although there is a chimney) and had a very narrow driveway. I love exterior and interior design and had a new boring and very white canvas to bring to life.

From Covid to the present day, being home, having my father with me and having a small dog we would start and end the day walking the neighborhood. During our walks I started taking photos of other homes including walkways, steps, driveways, landscaping, pergola, lattice, Spanish tile colors and exterior paint colors.

If a neighbor was outside, I would stop, introduce myself. I borrowed paint from neighbors on Lemon and Lewis. I put color samples on a few different areas of my home allowing me to preview the color variations during different times of day/night.

Being on a tight budget I started doing small modifications myself. After speaking with dozens of neighbors I was under the impression my improvements did not need permits from Long Beach.

That is my fault.

Looking at other homes and talking with other homeowners I thought my low stucco wall was okay as it is well under 3 feet and the city guideline.

I was aware that adding a walkway was allowed since one did not exist.

Noticing local front doors, I removed the black iron security door that was covering my original wood door.

I removed the iron bars that were fixed onto the front kitchen window.

# Apparently, these iron bars were attached to the home before 2016 and they were the original front porch gate. They are historic.

As I decided on a paint and trim color, I mailed in my application to paint. No response.

In later months I sent in a second permit for minor work. No response.

I wanted to add privacy and protection between the street and my front door.

I did not think about it but as the holidays approached, I realized I did not receive a reply for my applications. Knowing there are many delays because of covid and talking with neighbors that painted their homes without issues I proceeded. This was an assumption and entirely my fault.

I tried to improve and update my home so that the neighborhood and myself could enjoy it. Because of Covid we are spending time outdoors and time in our front living space. A feature of the Spanish Colonial period was spending time in front courtyards. My low stucco wall creates protection and seating for small outdoor gatherings.

Last Saturday, while walking my dog, I spoke with neighbors. All offered to help. Each had nothing but nice comments and appreciated my enhancements. Each also noted they could not understand the planning departments issue. However, each neighbor had the same question, "do you have a nasty neighbor?" As noted in the staff report a call was made. I guess I do.

My intention is to put this behind me. Since moving into my dream home it has been nothing but a nightmare. After the new findings I again respectfully ask that the Commission rescind the recommendation to deny my appeal and partial denial of the Certificate of Appropriateness. The April hearing was one sided. I hope today I will be treated fairly.

Thank you in advance for your time and consideration.

Elena D'Orio 3758 California Ave. Long Beach, CA 90807 Cell 562.225.9210

Attachments

# Walkway:

I updated the walkway leading from the sidewalk to the front of my home.

Before updating my walkway, it was decomposed granite (DG) with sandstone, was messy and not safe. I installed a cement walkway with cement steps. In a prior email Gina approved adding Spanish tile to the front of the steps including the steps at the front porch. I look forward to adding those finishing touches.

### **Driveway Gates:**

My home currently has two iron gates across the driveway. The gates are not set back. The iron gates are low, see-through and do not offer security or privacy. I applied to replace them with a wood gate (see attached).

# Low Stucco wall with wood gate:

The staff report details the installation of a three-foot tall concrete block wall and gate.

For the record the low wall is stucco not concrete or block.

The low stucco courtyard wall is not only a deterrent to porch theft, it creates a safe space for my father and dog to relax, socialize and play during the day.

Please note I do not have greenery in my backyard. The front yard is my only green space. Being a small dog owner and dog lover, he did not have a safe area to play until now. This green area is important to my physical and mental health. I spend most of my weekends gardening and talking with neighbors.

Also being a caregiver and provider for my elderly father he enjoys time in the front yard.

While working on this appeal he spent the entire day in the front cleaning dirt and turning it into fresh dirt.

As you know spending time in the front was not the norm, but the COVID-19 pandemic elevated my view on the front lawn from a nice-to-have to a necessity.

Turning my lawn area into a safe outdoor area allows me to meet people and still feel safe. As the pandemic subsides, I feel my outdoor enhancements were a wise investment, making my home more livable while adding to its value. I spend my days outside and during the recent months have had more conversations with neighbors including visitors of neighbors. Given the mental and physical benefits of spending more time outside and the convenience and safety of doing so at home. I hope you will not deny me the comfort I created with my outdoor enhancements.

The low wall does not eliminate the significant character of my home; it enhances both the home and landscape. More importantly the low wood gate leading to the sidewalk has a distinct sound alerting me if my father wonders off or someone enters the home.

The wall does not diminish the spatial relationship between the streetscape and the historic home. It does not block the view of my house.

My home in its entirety is visible from the street. The low stucco wall boosts the appearance. Which is not often the case with neighboring homes (see attached).

I hope you would not deny my family green space and open courtyard, which is cohesive to Spanish Revivals and Cal Heights, (see attached).

I ask the commission to approve my low stucco courtyard wall.

### **Dark Paint Color**

The color is an updated option to the original color.

Sometime between 2016 - 2020 the second owner changed both the exterior and trim from the original light terracotta exterior and white trim to off white with black trim. Without a permit or COA.

After purchasing the home, I needed to repaint and wanted to restore it to an updated version in the same soothing color palette pre-2016. The neighbors connected to my south were painting their home, so I tried to coordinate our messes. I used the same trim color as my neighbors, and we painted our homes within weeks of each other.

The new color was borrowed from a neighbor and toned down as recommended by the planner, Gina Casillas.

The new warm hue fits perfectly with the Spanish Colonial Revival style of the house and enhances the drought tolerant landscaping.

The staff report states that it is "a deep red-orange (rust) color" As the planner and I discussed before I purchased the paint it is a lighter version of terracotta.

The new color provides a perfect contrast to the clay tile roof. 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.

I used a color that is cohesive to the Spanish Revival period and used on several homes in California Heights, (see attached).

I hope you agree to leave the paint as is.

I paint the application fee, penalty, paint and labor expense once and hope you agree to suffer that expense twice seems wasteful.

## **Driveway Widening:**

My Audi Q7 just clears the curbs which often forced me to often park on the street.

During a 20-month period my Audi was sideswiped twice and my son's car once. Each time causing significant damage and out of pocket expenses. In addition, being home most days the speed limit on California Ave has significantly increased. It is not safe to open the driver's side door while stopped on California Ave. or back out onto California Ave. to allow a passenger or my father to safely enter or exit my car.

The recommendation to remove the pavers adjacent to the driveway entirely then cover the area with grey colored concrete seems very useless. The labor, land waste and suffering additional expense seems unreasonable. My driveway looks better if not the same as other neighboring homes (see attached).

Should you choose to agree with staff's recommendations I ask that you give me enough time to try and cure the code issues as they are a financial burden.

To date I am out of pocket close to \$30,000. This amount includes labor, supplies, the COA Minor Staff Application fees, COA fines and Appeal fee.

I completed several improvement projects. The most important is in the only green space I own which is in my front yard. I also repainted the exterior and trim back to a similar shade as permitted before 2016.

I am the third owner and purchased this, my first home June 2020 during the beginning of the pandemic.

Sometime between 2016 - 2020 the second owner changed both the exterior and trim from the original light terracotta exterior and white trim to off white with black trim.

For the record I would like to note the staff report dated March 1, 2022 had inaccuracies. After correcting Ms. Casillas on March 10, 2022 they remain as part of this appeal.

### The White Fence

Respectfully I never attached a white picket fence across my porch. While Scott Ross taped a notice to it perhaps, he should have verified. It was a dog gate. It was propped up by a Buddha. I explained this to Gina several times. Within my staff level COA application dated December 30, 2021 I requested a low wood gate at my front porch. When Ms. Casillas asked for a photo of my porch the photos used included a white picket fence. This fence was inherited during my purchase in June of 2020. Since that date I use it as a mobile dog gate and move it around my property when and where needed, (see attached).

Apparently, the white picket fence was used as a property line marker during the sale separating 3760 California Ave. from 3758 California Ave.

That said the letter received from Louise Ivers dated April 21, 2022 opposing my appeal should be rescinded. After reading her letter as representing Long Beach Heritage it was obviously written based solely on the staff report. Long Beach Heritage committee did not independently investigation or research and the reference to the white picket fence being a specific thing Ms. Ivers makes note of is evidence of that. Ms. Iver's letter is based on the errors and misstatements which I addressed and corrected prior to my appeal. Yet it was never corrected. Again, the letter from Ms. Ivers / Long Beach Heritage should be ignored as they clearly have not done any actual investigation.

Last, historically my home **did** have a fixed gate attached to the house. The previous owners removed it and attached it to the front kitchen window (see attached). That said please note the original home is permitted for a fixed gate across the porch.

COA requirements and conditions:

I wish to leave the driveway as is.

I feel removing the pavers and covering the area with grey colored concrete is inefficient.

The staff request creates additional land waste and the heavy burden, and suffering at my expense.

My driveway looks better if not the same as other neighboring homes (see attached).

Repainting:

I disagree with the staff level recommendation to repaint my home.

I used the color and brand recommended by staff and took offence to the documented color "dark rust."

I used a color that is cohesive to the Spanish Revival period and used on several homes in California Heights, (see attached).

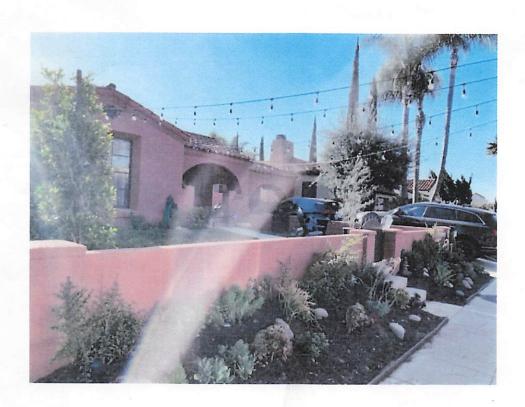
Respecting the California Heights Historic District Ordinance, I took an outdated cold home and turned it into a warm livable space including green space for family, friends, and neighbors.

My home has unity, and is cohesion, based on similarity of housing types and is consistent (see attached).

I respect the California Heights Historic District Ordinance and hope I receive the same treatment. My improvements enhance the architectural continuity.

Attachments for 2016 - 2022





As the name implies, this style emulates architectural traditions of the Spanish Empire in North America.

Now, right off the bat we need to talk about what this is, as well as what it is not. The Spanish Empire was widespread from California through South America, and there was never a single, consistent architectural style.

So, Spanish Revival architecture is not defined by strict rules of style but instead by an aesthetic, by a feeling. Spanish Revival architecture is meant to embrace the feeling of Colonial Spanish styles, a feeling captured by exaggerating certain features. We'll get to those in a minute, but it's important to understand that this is a very eclectic style, meaning it is made by mixing and matching elements of various styles to produce a desired visual impact. All revival styles are inherently eclectic, but this one is especially so. In fact, many architects simply call it the Spanish Eclectic style.

XXXX

# REALTOR AD LISTING "VIBRANT HOME OPTIONS"

# MIRRORING 3758 CALIFORNIA AVE COLOR PHOTO HIGHLIGHTS TERRA COTTA HOME

Explore California Heights Long Beach Homes

California Heights - Hot List



California Heights offers Wonderful Historic Homes

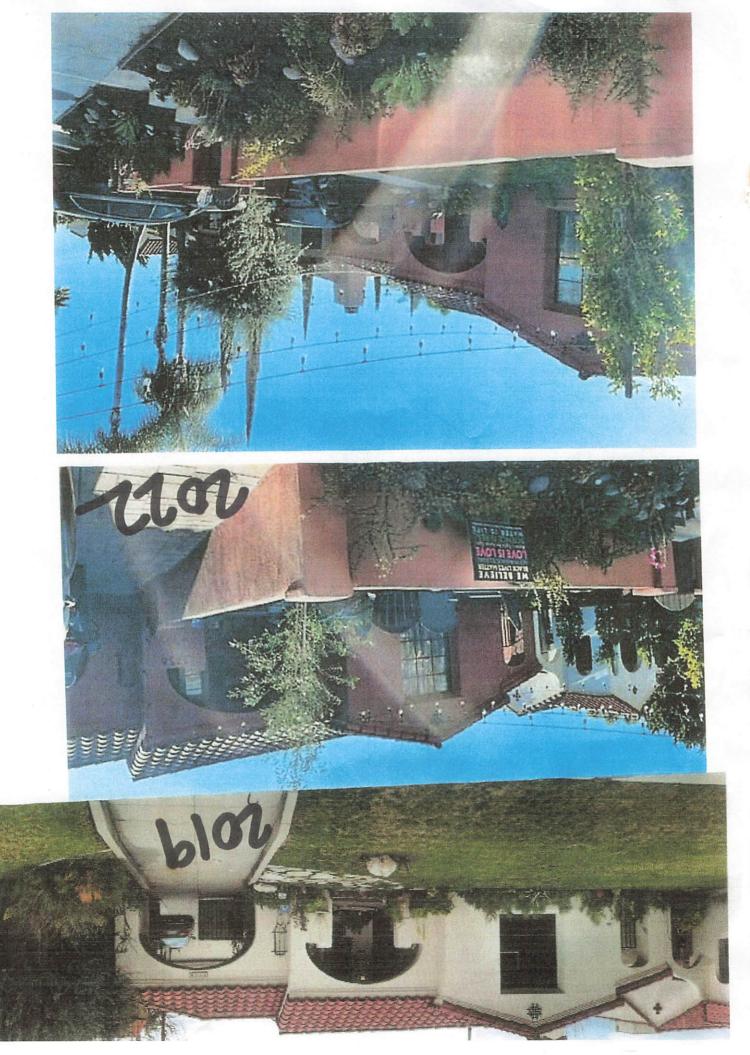
# \*\*Get the Hot-List of Available Long Beach Homes

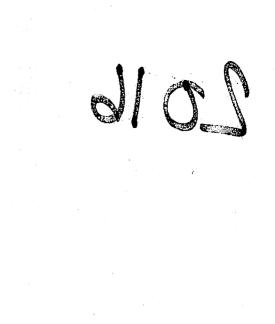
When looking through Long Beach for the right neighborhood, it is important to put California Heights on your check list. California Heights, often referred to as 'Cal Heights', is a small area within the Bixby Knolls section of Long Beach. It is a wonderful historical area of Long Beach that is characterized by quiet tree lined

streets. This is the largest historic district within Long Beach and includes 1500 homes. This Long Beach neighborhood was even voted the best neighborhood by Sunset Magazine in their January 2004 issue! And while this voting may have occurred quite some time ago, the residents of Cal Heights continue to enjoy it's rich history along with some of the most vibrant home options available in any of the historic districts.

"This Long Beach neighborhood was even voted the best neighborhood by Sunset Magazine...

Strolling through the neighborhoods you will find some wonderful architecture examples from Spanish Style homes to the ever popular California Bungalows and Craftsman homes. The original sets of homes were built in the 1920's although there are still many properties that were built in the 40's and 50's. If you are also interested in duplexes and 4 unit properties that have

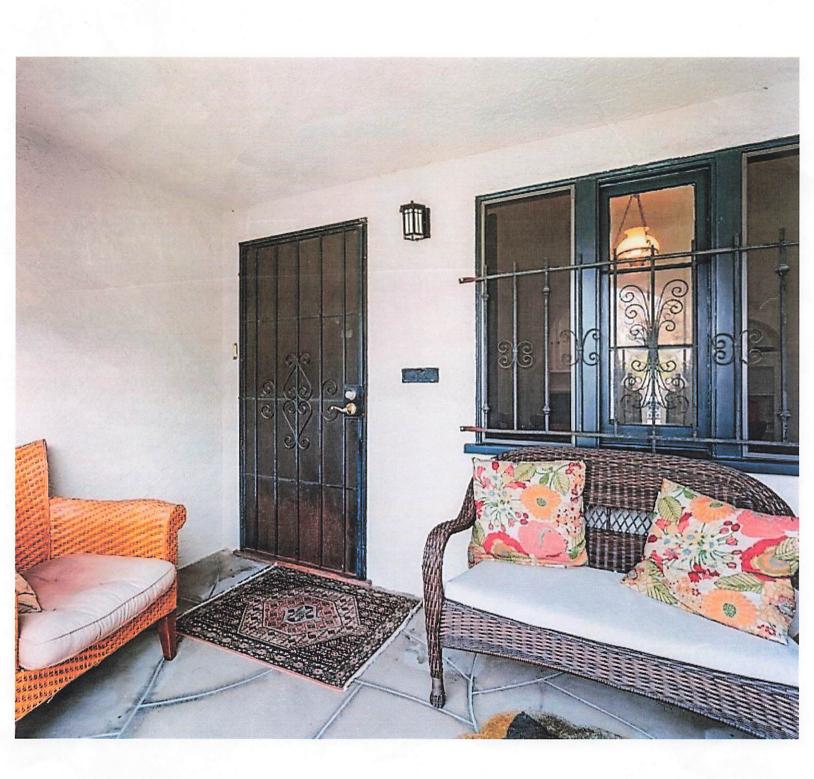




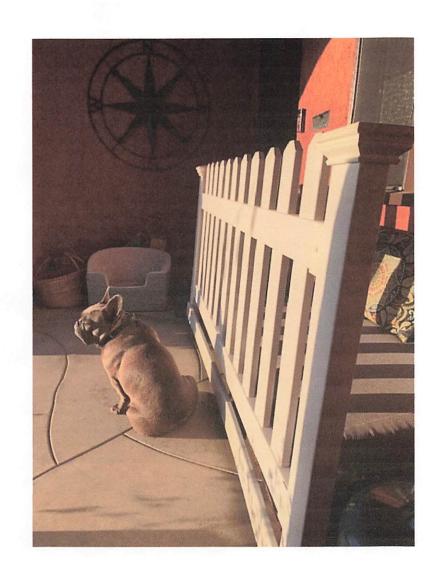
# PRE PERMIT 2016 FIXED IRON GATE ON PORCH FADED PAINT TERRA COTTA NO FRONT PORCH ENTRY



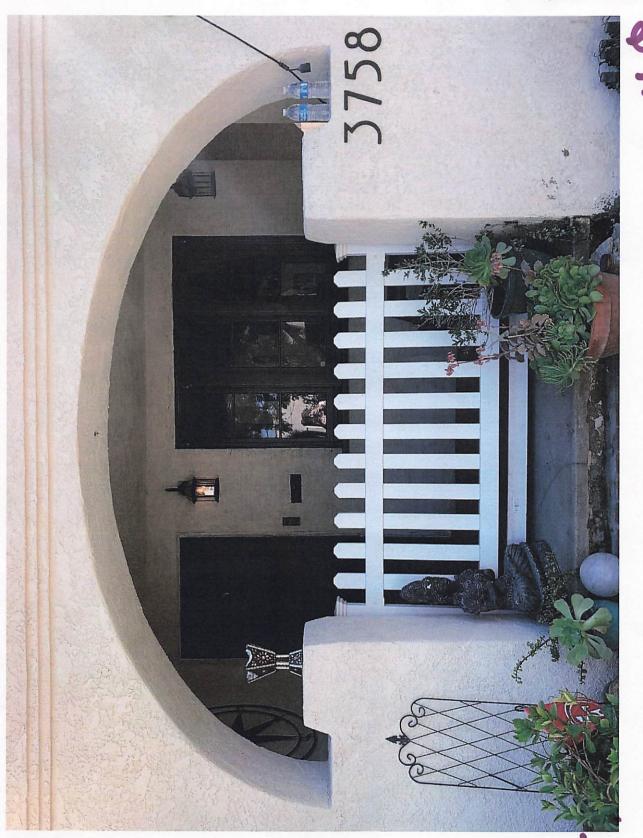








# DOG Gate Not Attached



mailed fine re: this 3 times

DOG Gate Not Hadred

smalled fine 12: His 3 times

# GATE COVERED PORCH

From: Elena D'Orio <elenaleedorio@gmail.com>

Date: March 10, 2022 at 2:48:57 PM PST

To: Gina Casillas < Gina. Casillas@longbeach.gov >

Cc: Scott Ross < Scott.Ross@longbeach.gov >, Olegario Rodriguez

< Olegario.Rodriguez@longbeach.gov >, Elena D'Orio < EDOrio@tandlaac.com >

Subject: Re: 3758 California Ave Appeal

Thank you for confirming Gina.

As you know there are several false statements throughout your notice.

For instance, the "white vinyl picket fence" is not nor has ever been attached to my home. It's a mobile doggie gate that keeps my dog in the back yard as my home was without a secure yard.

No one bothered to go over any of the items verbally. If so, that one error would have saved us all time and ink.

Thank you in advance for your guidance and support.

For your file attached are 2 photos of the original home which I bid on in 2016.

As I lost the bid, the previous owner made several modifications, including exterior paint including blue trim without pulling a permit.

While doing research apparently there is a side yard wall to my north including an arch connected on my home, crossing onto my property both built without permits.

I could have used any assistance, creating community, from city officials, as this is ALL very new to me.

This entire issue is disappointing.

I am always available to chat.

Elena 562.225.9210

email to fina

RE: 3736 California Ave Appeal

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### **Heather Flores**

From:

elena dorio

Sent:

Monday, April 25, 2022 3:13 PM

To:

DV - Cultural Heritage; Historic Preservation; Alejandro Plascencia

Subject:

3758 California Ave. Reply to opposition

Attachments:

IMG\_1387.jpeg; historical photo 3758 California.jpg; 3758 CALIFORNIA AVE 2016 FRONT PORCH METAL GATE FIXED .jpg; IMG\_1387.JPG; 3758 CALIFORNIA AVE 2020 FOR SALE WHITE PORCH FENCE

AND ARCH .jpg; IMG\_2742.jpg; IMG\_2764.jpg

#### -EXTERNAL-

April 25, 2022

Subject: Long Beach Heritage response to Item 22-016CH on Cultural Heritage Commission agenda, April

In connection to the SAID <u>"vinyl gate on the front porch."</u> That gate has been a sore suspect for two years. I told Ms. Casillas more than once I inherited the gate from the prior owner. It was used as a marker defining the property line between 3760 and 3758 California, see attached.

The GATE has never been attached to my home.

Since inheriting it, NOT having front privacy or protection, I use it as a doggie gate.

I hope to never address the white gate again and take offence to it continually being used against me. What should be noticed is code violation at 3760 California Ave and the wood gate between our two homes including two black metal mail boxes hanging from it. THAT negatively affects the appearance of the façade of the STREET.

I hope The Secretary of the Interior's Standards for historic homes is opposed to altering the porches, driveways, and yards of contributing structures in historic districts for all homeowners and not just 3758 California Ave.

Elena D'Orio 3758 California Ave. Long Beach, CA 90807





To: <u>Cultural.Heritage@longbeach.gov</u>; <u>historicpreservation@longbeach.gov</u>; <u>Alejandro.Plascencia@longbeach.gov</u>; <u>cityclerk@longbeach.gov</u>

From: Louise Ivers, Vice President for Advocacy, Long Beach Heritage

Subject: Long Beach Heritage response to Item 22-016CH on Cultural Heritage Commission agenda, April 26, 2022

Long Beach Heritage agrees with Development Services staff that the Cultural Heritage Commission should deny the appeal and uphold the partial denial of a Certificate of Appropriateness to legalize front yard work and painting at the residence located at 3758 California Avenue in the California Heights Historic District. This home is a contributing structure in California Heights and it appears that the owner did not receive a Certificate of Appropriateness for work done in the front yard, driveway, and front porch, or for painting the exterior of the house. The owner received numerous stop work and violation letters, but did not comply with Code Enforcement.

The work on the home and its landscaping does not follow the California Heights District Guidelines for appropriate construction. For example, the owner put a vinyl gate on the front porch which negatively affects the appearance of the façade of the house. The Secretary of the Interior Standards for historic homes are opposed to altering the porches, driveways, and yards of contributing structures in historic districts.

Long Beach Heritage supports the Development Services staff decision that the Cultural Heritage Commission should deny the appeal and uphold the partial denial of a Certificate of Appropriateness for the work done without approval by the owner of 3758 California Avenue.

\* Louise Ive TS ex CHC member based this letter solely on the Staff report.

The Staff report is false and one Gided.

# **Shirley Perkins**

From:

Sent:

To: Subject: Karen Highberger

Monday, April 25, 2022 5:26 PM

DV - Cultural Heritage; Historic Preservation; Alejandro Plascencia; CityClerk

Comments from the California Heights Neighborhood Association on 3758 California

Based on Sto

Ave.

**Attachments:** 

CHNA comments for CHC Hearing April 26.pdf

### -EXTERNAL-

To Whom It May Concern,

Please enter this letter into the record of the CHC Hearing April 26 and please distribute copies to all the CHC Commissioners.

Thank you,

California Heights Neighborhood Association

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April 22, 2022

To: <u>Cultural.Heritage@longbeach.gov</u>, <u>historicpreservation@longbeach.gov</u>, <u>Alejandro.Plascencia@longbeach.gov</u>, <u>cityclerk@longbeach.gov</u>

Comments from the California Heights Neighborhood Association (CHNA) on the property located at 3758 California Ave.

The CHNA wants to express its support of the Staff Recommendation to deny the appeal and uphold the partial denial of a Certificate of Appropriateness to legalize front yard work including the installation of a low perimeter wall, the installation of a new concrete walkway and steps, the installation of a gate across the porch, the removal of a 12" tall concrete curb abutting the driveway, the installation of inappropriate pavers to widen the driveway and the repainting of the house, wall and garage.

The CHNA works very hard to educate the residents of California Heights on the rules and requirements of living in a Historic District. Information is available on our website, and we feature articles in our newsletter. Residents of California Heights are proud of their neighborhood and most residents are respectful of the Design Guidelines and their neighbors. We also have an email address and phone number for residents to contact with any questions about the process and we promptly reply. When this project started, Board members were contacted by multiple residents complaining about un-permitted work that was in obvious violation of the Guidelines.

This home is a contributing property in the District. The alterations the homeowner made to the property diminishes the historic fabric of the home. The low wall and gate would never have been approved, since it gives a false sense of history, and the enclosed space is larger than other homes in the neighborhood, thus breaking up the visual rhythm of the streetscape. Many Spanish style homes in the neighborhood have original courtyards or patios on the front elevation. They are much more modest in size and most important of all, they are original to the home. The widening of the driveway and the use of contemporary pavers is visually jarring. The paint color is inappropriate for a Spanish Colonial Revival style home in a Historic District and the front walkway is a major change to the front elevation. Regarding the driveway gates, it would be best if they are installed at the same location as the iron gates shown in the "before" photos.

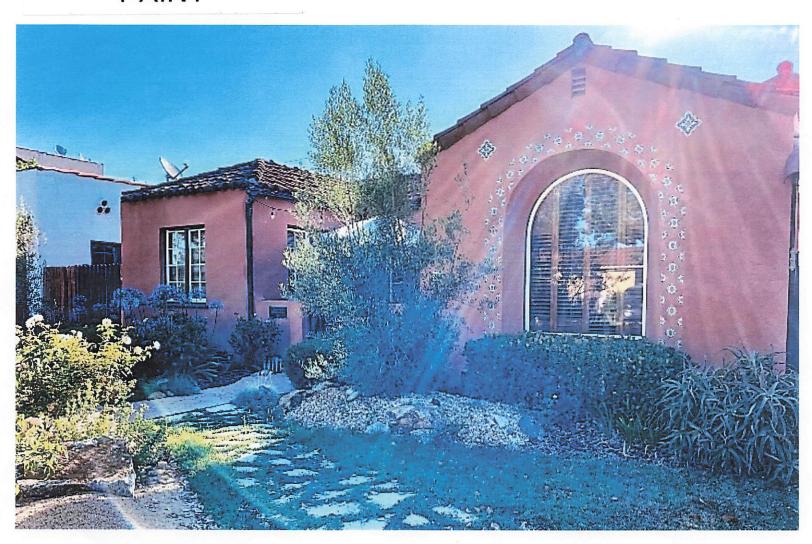
The changes to this home are in violation of both the Secretary of the Interior Standards and the California Heights Historic District Guidelines. CHNA appreciates the diligence Staff has shown on this challenging project and hopefully the homeowner will appreciate the efforts on behalf of Staff to work with her with the compromises they are proposing.

We respectfully request that Staff add another condition of approval- the removal of the decorative lighting the homeowner has attached to the restored historic lamppost on the parkway. It could potentially damage the lamppost and the decorative top globe.

California Heights Neighborhood Association

Not 2019 said phitos

# PAINT



# PAINT DRIVEWAY





WOOD GATE PRIVACY PROTECTION



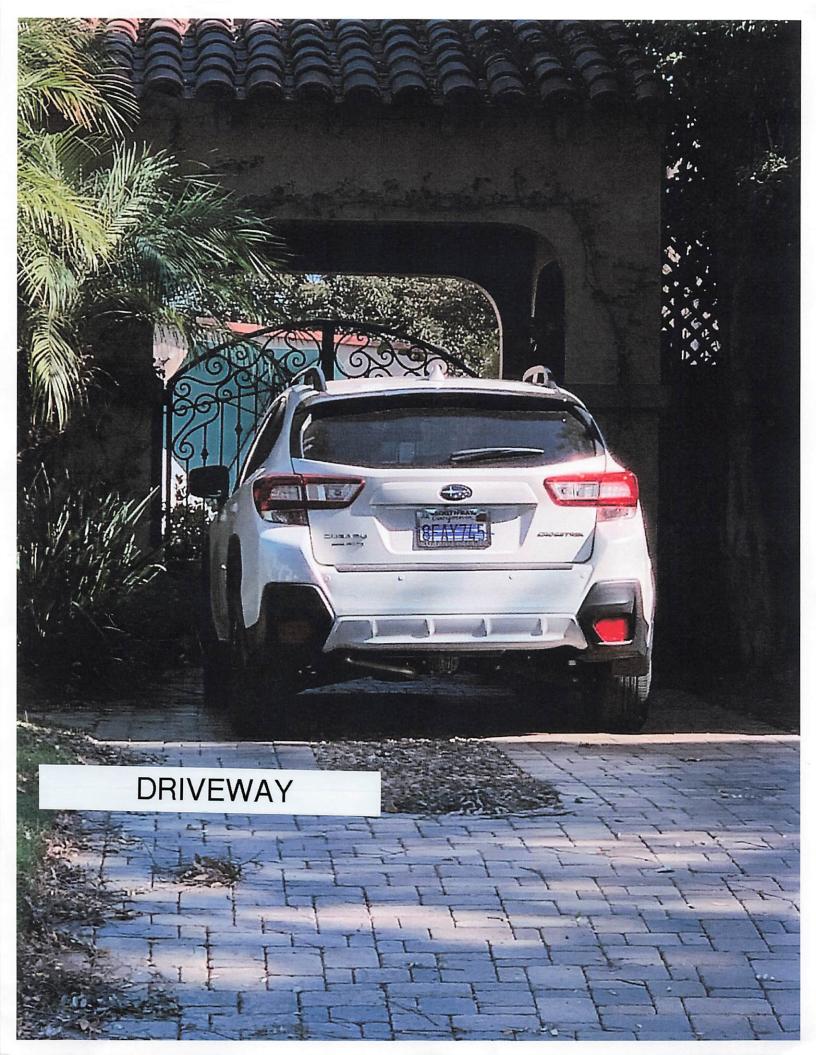


DRIVEWAY WOOD GATE



DRIVEWAY





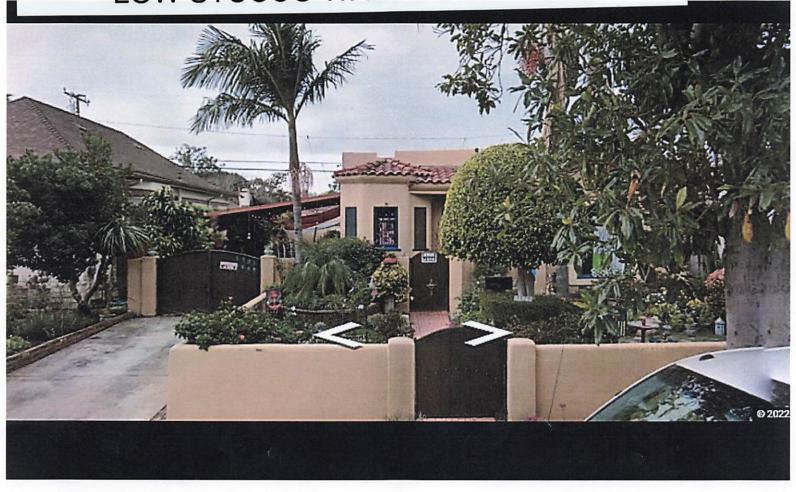
# WALL AND PAINT

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# PAINT LOW STUCCO WALL COURTYARD

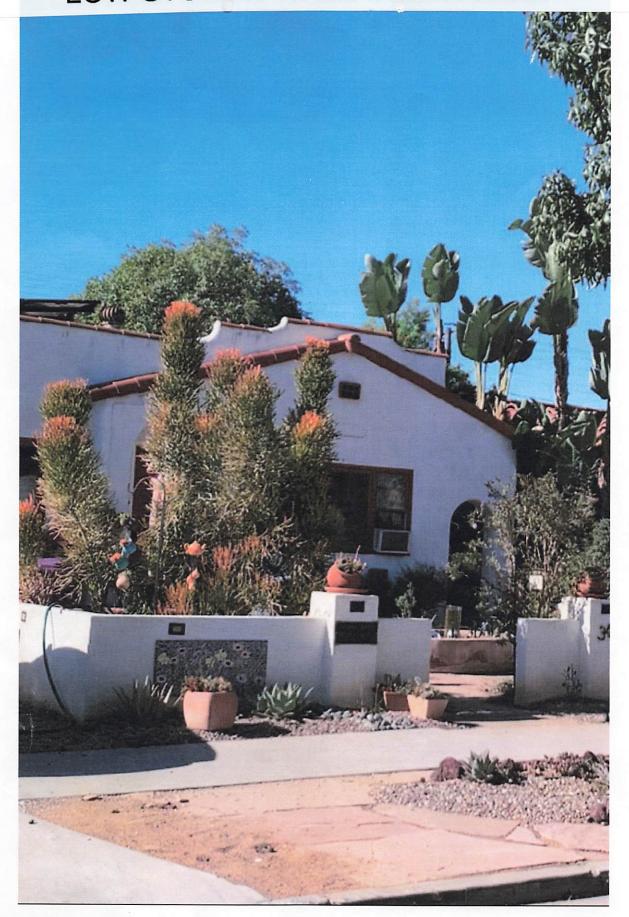




## LOW STUCCO WALL COURTYARD

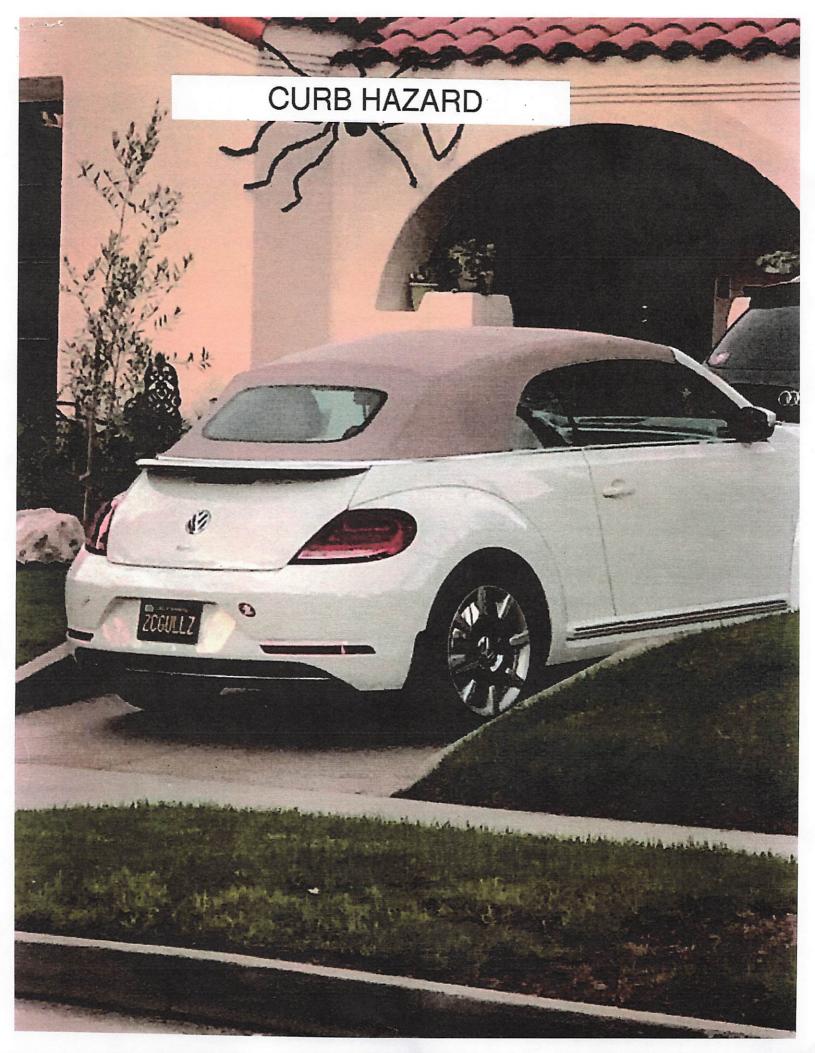


# LOW STUCCO WALL COURTYARD



# LOW WALL COURTYARD

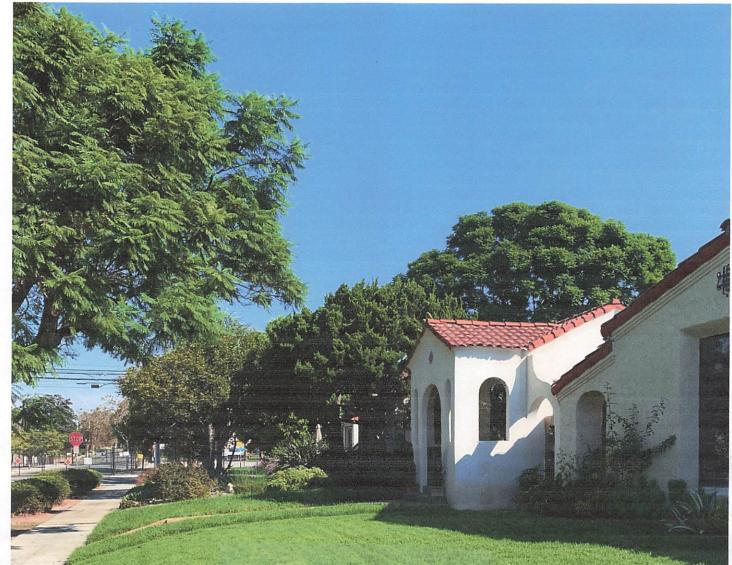




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IMG\_0131.JPG

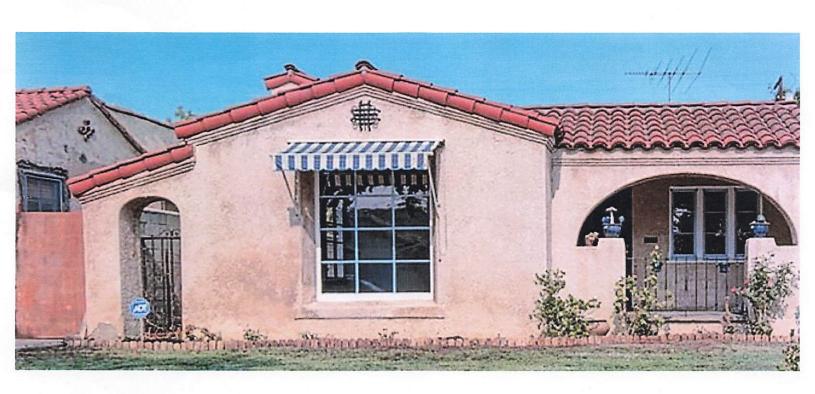
2022





3758

# 2016 "THE ARCH"



## January 26, 2022 - New walkway and steps are installed



## **CODE VIOLATION 5.4.2020**

Start Date:

05/04/2020

Dase #:

CEAC270015

Address:

3760 CALIFORNIA AVE

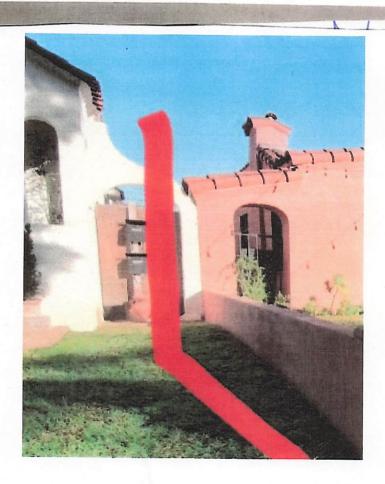
Description:

unpermitted arch enlarged and moved from its original location with out Certificate of Appropriateness and permit

\_ast Insp. Date: 08/26/2020

\_ast Insp. Type: Pre-Citation Inspection

## PRIOR TO PURCHASE



are.	Page 1					
1	SUPERIOR COURT OF THE STATE OF CALIFORNIA					
2	FOR THE COUNTY OF LOS ANGELES - LONG BEACH					
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	MICHAEL KIMEL, an individual; and )					
5	HEATHER KIMEL, an individual, )					
6	Plaintiffs, )					
	and ) the anapara at the Life					
7	vs. ) No. NC061940					
	) CU-OR-NC					
8	DONNA WATKINS; GRAHAM STANLEY AND )					
	ASSOCIATES, INC.; All Persons Unknown,)					
9	Claiming Any Legal Or Equitable Right,)					
	Title, Estate, Lien or Interest in the)					
0	Property Described in the Complaint )					
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4	ANITA A. SHENIAN					
	CSR NO. 12325, RPR					
25	VERITEXT LEGAL SOLUTIONS ASSIGNMENT NO. 3533247					

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7	) vs. ) No. NC061940	8				
8	) CU-OR-NC	9		EXHIBI	TS	
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9	ASSOCIATES, INC.; All Persons Unknown,) Claiming Any Legal Or Equitable Right,)	11 12		PLAINT	IFFS.	
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17 18	Deposition of ALEXIS OROPEZA, Person Most	20	5	Project D	etail Report	48
19	Knowledgeable of CITY OF LONG BEACH, taken on behalf of	21	•	,		
20	Plaintiffs, at Veritext Legal Solutions, 2049 Century		6	Three Pho	otographs	58
21	Park East, Suite 2450, Century City, California 90067, commencing at 9:36 a.m., Thursday, October 3, 2019,	22				
23	before ANITA A. SHENIAN, CSR No. 12325, RPR.	23				
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Two excerpts from the deposition of Alexis Oropeza (attached).

From the deposition of by Alexis Oropeza

Page 34

"Q. Would a permit ever allow for a structure being built on one property to encroach upon another property?

A. No."

Page 42

"Q. Would the City allow an owner of a property like Ms. Watkins to build a structure on somebody else's property?

A. No.

Q. What if the other property gave consent?

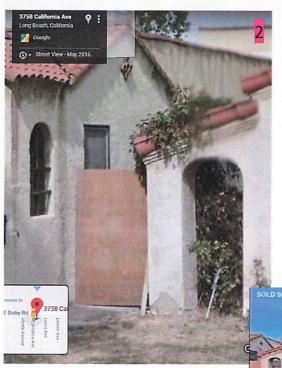
A. There are Building Code requirements that preclude you from crossing the property line with a structure.

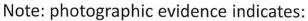
Q. Even if the other property owner agrees?

A. Correct."



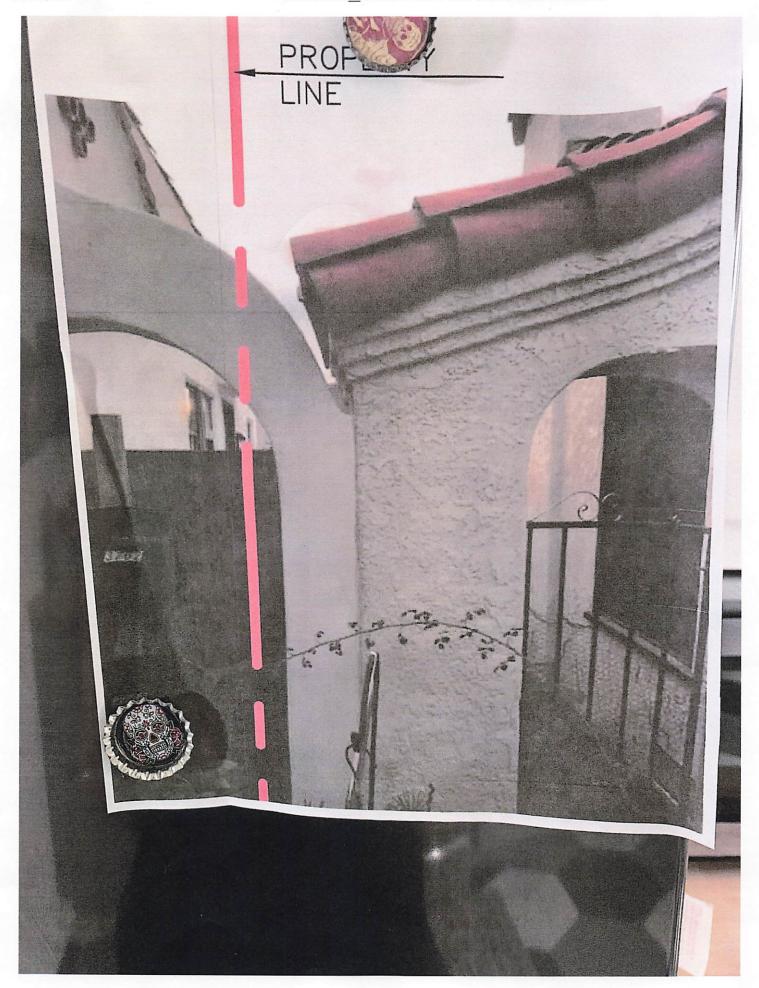
Notice lip of 3758 Planter extends about a foot north of the 3758 Arch in "Old Arch"





- a. The old 3760 Arch was at least a foot North and several feet West of the new 3760 Arch
- The old 3760 Arch was taken down by Donna Watkins replaced by plywood for at least 1 year – which occurred immediately after Merton Garlick died

Photo 1: Google Maps, July 2015 Photo 2, Google Maps, May 2016 Photo 3, 3758 California Ave Listing Photo, taken Summer 2016,





### City of Long Beach Department of Development Services Building and Safety Bureau

### Residential Fence and Garden Walls

Information Bulletin

**BU-041** 

Eff: 04-01-2014 Rev: 05-25-2018

The purpose of this information bulletin is to provide general zoning and building code requirements for the construction of fence and garden walls in residential areas. Under certain conditions, a building permit may not be required. In all cases, the Planning Bureau's review and approval is required to approve the location, height, and material of fence and garden walls. For fence and/or garden walls constructed of concrete masonry units greater than four feet (4'), please see Information Bulletin BU-009 for additional information

### GENERAL ZONING CODE REQUIREMENTS

Fences and garden walls are permitted accessory structures in all zones, subject to the conditions and requirements set forth in this information bulletin. (LBMC §21.43.010)

#### **Height Limits** A.

Fence and garden wall heights shall not exceed the maximum heights set forth in the Long Beach Municipal Code ("LBMC") Table 43-1. The pertinent part of this table for residential fence and garden walls areas are as follows: (LBMC §21.43.020)

Zone Districts	Maximum Permitted Height <sup>(a)</sup>
Residential	
Front yard	3 ft. (b), (e)
Other yard area	6 ft. 6 in.
Outside of required yard area	10 ft.
Abutting a nonresidential area	8 ft.
Abutting an alley/other public right-of-way other than a street	8 ft. (c)
Abutting a major arterial/regional corridor	8 ft. <sup>(d)</sup>
Corner Cut Off Area	3 ft.

(a) The limitations shall not apply in the following instances:

i) Where a greater height is required by any other City ordinance;

ii) Where a greater height is required by a conditional approval of a permit pursuant to this Title or is required by State or Federal law;

iii) Where a wall return of greater height is allowed; or

## City of Long Beach Information Bulletin BU-041 • Residential Fence and Garden Walls

- iv) Fence heights shall be measured from grade adjoining the fence on the public right-of-way side of the fence (for fences adjoining the public right-of-way) and the average grade of both sides of the fence (for fences between 2 private properties). Factors such as flood hazard zone heights or averaged lot elevations shall not apply to fences; or
- v) In corner cutoff areas, chain link and wrought iron fences above three feet (3') are allowed if they do not obstruct visibility.
- (b) In the area designated as the special fence height area, as designated by resolution of City Council, the fence height in the front yard setback shall be increased to four feet (4'), provided the additional foot of height is wrought iron or chain link.
- (c) Only applicable for rear and side lines that abut an alley or other public right-of-way other than a street.
- (d) Only applicable for a rear property line that abuts a major arterial/regional corridor as designated in the transportation element of the General Plan. Also, applicable for side property lines of a reverse corner lot that abuts a major arterial regional corridor, and is in a continuous formation with the rear property lines of the remainder of the block facing the arterial.
- (e) Fence height may exceed three feet (3') in the front yard of residential lots located in high crime areas, through approval of an administrative use permit. (See Section 21.52.231.5 for criteria.)

### B. Prohibited Materials

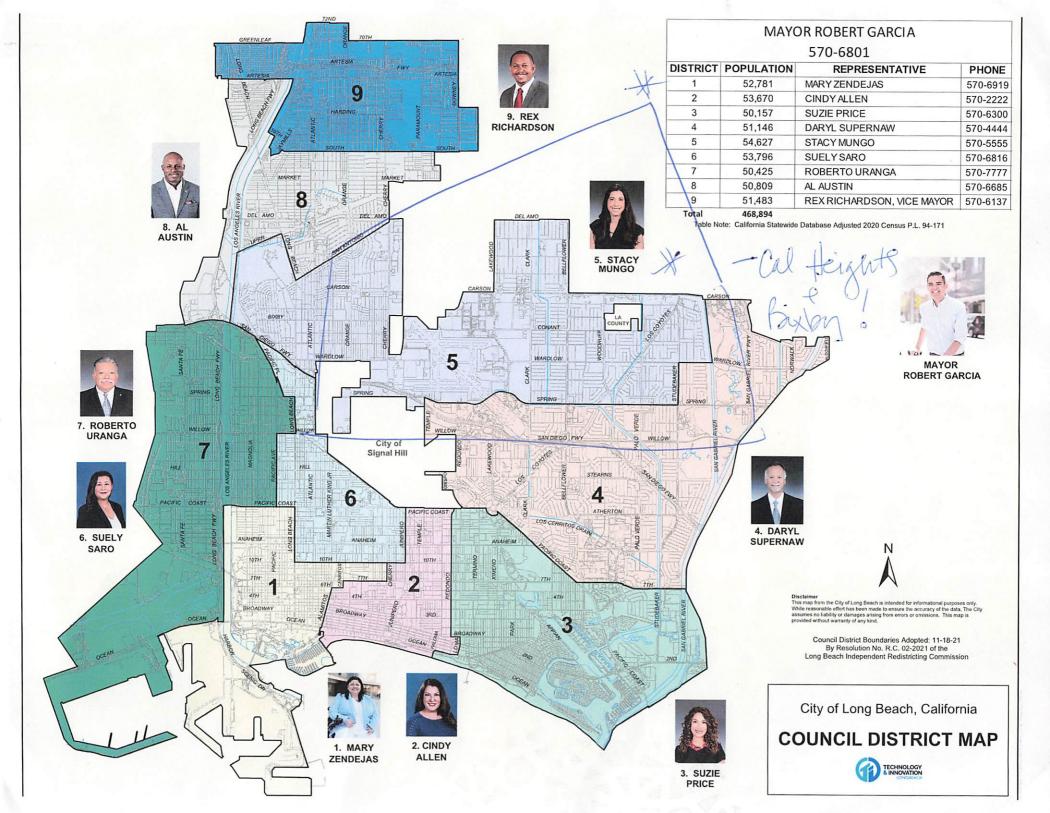
In all residential zones, barbed wire or similar fencing with sharp, protruding objects capable of cutting or puncturing a person is prohibited. Such objects shall not be attached to, imbedded in, or laid upon any fence or wall. This restriction does not include decorative wrought iron. (LBMC §21.43.030)

### C. Other General Requirements

- Gates, fences, doors, and similar objects cannot swing over the public property or right-of-way.
- A corner cut off area shall be required in at all intersections of streets, driveways, or alleys.
  Nothing shall be erected or allowed to grow within the corner cutoff area in such a manner
  as to impede visibility or accessibility from three feet to eight feet (3' to 8') in height. Corner
  cutoff areas shall be a minimum of six feet by six feet (6' × 6'). (LBMC §21.31.215.G)
- Fence and garden walls located in historic districts or on historic landmarks will require the approval of a Certificate of Appropriateness before issuance of a building permit.

### **GENERAL BUILDING CODE REQUIREMENT**

The construction of new fence and/or garden walls may require the approval of construction documents (i.e., plans and structural details). A fully detailed and dimensioned plot plan showing the proposed location of the fence and/or garden walls on the property in relation to existing buildings, structures, and property lines is required. For fence and/or garden walls constructed of wood, chain link, wrought iron, and other similar materials measuring six feet six inches (6'-6") or less in height, OR concrete, masonry, brick, or other similar materials measuring four feet (4') or less in height, construction details may not be required. (LBMC §18.05.030)



From: Gina Casillas

Sent: Monday, January 31, 2022 3:31 PM
To: Elena D'Orio < elenaleedorio@gmail.com>

Subject: FW: 3758 California Ave. Certificate of Appropriateness Help

Hi Elena

As a follow up to our conversation I wanted to provide you a detailed list of what I need in order to process the Certificate of Appropriateness applications you submitted for review.

#### **Paint**

Provide a current photo of the house. According to the submitted application, the proposed body color is Terra Cotta Clay (Behr) and the proposed trim color is Van Buren Brown (Benjamin Moore).

The Design Guidelines

(<a href="https://www.longbeach.gov/link/10695583f8174103b735dae6faf23a44.aspx">https://www.longbeach.gov/link/10695583f8174103b735dae6faf23a44.aspx</a>) indicate that Spanish Colonial Revival architectural style were traditionally painted a light neutral color (for example white, cream, beige or tan). The Terra Cotta Clay appears a shade too bright for this style home. I suggest choosing a lighter tone of that color. The brown color for the trims is acceptable. I can issue the CofA for repainting, with the stipulation that the color will be toned down.

With reference to the exterior improvements: Minor CofA

- 1. Legalize new walkway leading from side walk to front porch Provide a current photo of property illustrating the walkway for reference. Provide a site plan the will illustrate the length and width of the new walkway. What material was used in creating this pathway?
- Install low gate between walls of the covered porch provide a sketch that will illustrate the dimensions (width and height) of this low gate. Include the material, designs and color of the low gate.

2. Install Spanish tiles on the existing porch floor- this is acceptable.

3. Install a gate along the driveway – Provide a plan that will illustrate where this new gate will be located. Include the dimension of the gate. The gate should be setback far enough to provide 20 feet of driveway in front of it.

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### **Gina Casillas**

Planner

#### Long Beach Development Services | Planning Bureau

T 562.570.6879 F 562.570.6068 411 West Ocean Blvd., 3rd Floor | Long Beach, CA 90802 Gina.Casillas@longbeach.gov | www.longbeach.gov

<image001.png>



From: Elena D'Orio <elenaleedorio@gmail.com> Sent: Monday, February 07, 2022 1:32 PM

To: Gina Casillas < Gina. Casillas @longbeach.gov>

Subject: Re: 3758 California Ave. Certificate of Appropriateness Help

-EXTERNAL-

Perfecto!

Only because there's been so much back-and-forth please confirm what the payment will apply to. And of the SW colors is there a preferred color or just tone the one color I love down?

Thank you,

Elena

562.225.9210

On Feb 7, 2022, at 12:44 PM, Gina Casillas < Gina. Casillas @longbeach.gov> wrote:

Hi Elena

Thank you for emailing me the supporting documents I requested. Once payment has been processed I will process the applications.

I am not sure what historical members and a calendar detailing community meetings you are refereeing to.

California Heights Neighborhood Association can be found online http://calheights.org/.

#### Gina Casillas

Planner

### Long Beach Development Services | Planning Bureau

T 562.570.6879 F 562.570.6068 411 West Ocean Blvd., 3rd Floor | Long Beach, CA 90802 Gina.Casillas@longbeach.gov | www.longbeach.gov

<image001.png>

From: Elena D'Orio <elenaleedorio@gmail.com> Sent: Monday, February 07, 2022 10:53 AM To: Gina Casillas < Gina. Casillas @longbeach.gov>

Cc: Stephen Mann <Stephen.Mann@longbeach.gov>; Alejandro Plascencia

<Alejandro.Plascencia@longbeach.gov>; Alison Spindler-Ruiz

<a href="mailto:</a> <a href="mailto:Alison.Spindler-Ruiz@longbeach.gov"><a href="mailto:Spindler-Ruiz@longbeach.gov"><a href="mailto:Spindler-Ruiz@longbeac

<Scott.Ross@longbeach.gov>

Subject: Re: 3758 California Ave. Certificate of Appropriateness Help

-EXTERNAL-

Hi,

I hope you had a nice weekend.

I added a reply to items 1-3. Please see below, in capital letters.

Because this is all new to me and when you have a moment please send me a list of the historical members and a calendar detailing community meetings. I assume all California Heights residents are invited to meetings.

Thank you,

From: Gina Casillas



elena dorio <elenaleedorio@gmail.com>

### Re: 3758 California Ave. Certificate of Appropriateness Help

1 message

Elena D'Orio <elenaleedorio@gmail.com>

Wed, Feb 9, 2022 at 12:20 PM

To: Gina Casillas < Gina. Casillas @longbeach.gov>

Cc: Scott Ross <Scott.Ross@longbeach.gov>, Elena D'Orio <elena@brendarichie.com>

Bcc: elenaleedorio@gmail.com

Hi! I just met with Olegario Rodriquez. He took a photo of the front of the house and explain to me that he got a weird email and had to follow up. As you know we discussed the color you offered me the shade I pay the city and I emailed you I was heading to Sherwin-Williams. I've posted a copy of the COA on the front of my window I showed him a copy of the receipt and the COA I also have a copy on me at all times. I've spoken to my neighbors Both north and south who have been supportive and I've commented how they love the color. I hope that this weird email "" is an error and it's just a standard follow up. I hope you enjoy your day. Reach out to me if there's anything that I am missing. Again I've stated I'm doing this work on my own and this process is new and I wanna make sure that I have everything in order so I can paint.

Thank you, Elena 562.225.9210

On Feb 7, 2022, at 2:08 PM, Elena D'Orio <elenaleedorio@gmail.com> wrote:

All paid. Heading to Sherwin Williams ~ Thank you for all of your patience, understanding and assistance with my home enhancements.

<image0.png>

Thank you, Elena 562.225.9210

On Feb 7, 2022, at 1:58 PM, Gina Casillas < Gina. Casillas @longbeach.gov> wrote:

The payment invoice reflects the fees associated with the CofA application. The fee was doubled as penalty to work started without the issuance of the CofA.

Gina Casillas

Planner

Long Beach Development Services | Planning Bureau

COA/Paint/Irim/paid

elena dorio <elenaleedorio@gmail.com>

### Fwd: 3758 California Ave. Certificate of Appropriateness Help

1 message

Elena D'Orio <elenaleedorio@gmail.com>
To: Olegario Rodriguez <Olegario.Rodriguez@longbeach.gov>
Bcc: elenaleedorio@gmail.com

Wed, Feb 9, 2022 at 1:43 PM

Hi,

Thank you for stopping by today.

However I thought I was compliant, paying my fee, and speaking with Gina and Scott for what seems years.

I believed I was following all Long Beach codes and lawn to garden enhancements including coping neighborhood friends home improvements.

It appears I'm getting no assistance from the historical association. Speaking for myself and dozens and dozens of my community members we are all a bit confused and frustrated with the new layer of rules. I myself more than ever. I know you have to follow you supervisors lead and have way more important issues on your plate but I hope you can help me and you appeared to be a nice guy.

Thank you, Elena 562.225.9210

Begin forwarded message:

From: Elena D'Orio <elenaleedorio@gmail.com>
Date: February 9, 2022 at 1:12:46 PM PST
To: Gina Casillas <a href="mailto:Gina.Casillas@longbeach.gov">Gina.Casillas@longbeach.gov</a>

Cc: Scott Ross <Scott.Ross@longbeach.gov>

Subject: Re: 3758 California Ave. Certificate of Appropriateness Help

I sent this Monday after payment.
I sent the color and you asked for one shade down. That's is what I did.

Thank you, Elena 562.225.9210

On Feb 7, 2022, at 2:08 PM, Elena D'Orio <elenaleedorio@gmail.com> wrote:

All paid. Heading to Sherwin Williams ~ Thank you for all of your patience, understanding and assistance with my home enhancements.

<image0.png>

Thank you, Elena 562.225.9210

> From: Elena D'Orio <elenaleedorio@gmail.com> Sent: Monday, February 07, 2022 1:32 PM

Paid teel COA Paint/No concerted
Mr. Rodriques

