

RESPONSE TO APPEAL
COAC2012-03 (App. No. 2103-13 [APL21-001])
2800 East 4th Street

Table 1: Robert and Janice Deardurff (APL21-001)

Appeal Comment No.	Comment	Staff Response
1	To ensure all concessions and considerations made by Michael Forrest (Applicant Representative), and acknowledged by the CHC during 02/23/2021 meeting, are included in CHC's final ruling.	<p>This comment requests that the concessions and considerations made by the Applicant are included in the approval.</p> <p>As documented in Attachment F (CHC Findings), the required findings can be made in the affirmative for the Approved Project. The referenced concessions during the CHC proceedings were not formal proposals, but an offer to work with the neighbors and interested parties.</p> <p>Subsequent to the Cultural Heritage Commission (CHC) Approval, an alternate mural proposal was voluntarily submitted by the Applicant to the Planning Bureau based on community input and coordination. Revised findings can be made in the affirmative (Attachment J). Revised conditions of approval have also been drafted for Planning Commission consideration. Both the previously Approved Project and the Alternate Mural Proposal can be approved consistent with the required findings.</p>
2	To ensure the 2 story tall oversexualized image (AKA "Flower Girl") cannot be introducing as prior approved mural image to be painted on the property located at 2800 East 4 th St., Long Beach, Ca. 90814.	<p>This comment is related to the content of Mural 2 on the Approved Project.</p> <p>The First Amendment of the Constitution of the United States protects free speech and, as a result, limits the government's right to regulate or censor the content of works of art.</p> <p>As described in Response to Comment No. 1, subsequent to the CHC Approval, an alternate mural proposal was voluntarily submitted by the Applicant to the Planning Bureau based on community input and coordination. Revised findings and conditions are prepared for Planning Commission consideration. Both the previously Approved Project and the Alternate Mural Proposal are consistent with the</p>

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		required findings. Both mural proposals are not in violation of the First Amendment.
3	Restrict modifications to the 2800 East 4 th Street property that causes Cultural, Historic and / or economic harm to my adjacent property (AKA 390 Temple Ave.).	<p>This comment requests restrictions to the existing commercial structure at 2800 East 4th Street (Subject Site) that could cause cultural, historic and/or economic harm to the abutting property at 390 Temple Ave.</p> <p>The CHC's purview is to determine a project's consistency with the Secretary of the Interior's Standards and the required findings for a Certificate of Appropriateness. The Approved Project and Alternate Mural Proposal have been found consistent with the required findings. Therefore, the painting of a mural and the proposed building paint scheme of the existing noncontributing building on the subject site would not cause cultural/historic harm to an abutting property.</p> <p>As noted above, the CHC's review is a form of design review. Furthermore, there are no Municipal Code requirements that require discretionary approvals for murals. It is speculative that the painting of murals and the repainting of a structure at one site would have economic harm on an abutting property.</p>
4	Stop the encroachment of the Retro Row murals into the protected Bluff Heights Historical zone.	<p>This comment requests that the murals from Retro Row area are prevented from expanding into the Bluff Heights Historical District.</p> <p>As noted in Response to Comment No. 3, the CHC's purview is to determine a project's consistency with the Secretary of the Interior's Standards and the required findings for a Certificate of Appropriateness. Furthermore, there are no Municipal Code requirements that require discretionary approvals for murals.</p> <p>For murals approved by the CHC, there is a site analysis that examines the context of a structure (contributing or non-contributing) and its relationship to the historic district. For all murals, a Certificate of Appropriateness shall be issued by the CHC, which would ensure public participation. Murals typically consist of paint that can be reversed over time and</p>

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		<p>does not remove historic building materials. Therefore, the current procedures for review of murals in historic district and/or landmark buildings is consistent with the provisions of the Municipal Code related to the issuance of a Certificate of Appropriateness (Chapter 2.63 of the Long Beach Municipal Code).</p> <p>The subject property is developed with a commercial structure that was substantially remodeled in 2004 from its previous use as an automotive repair shop. Similar to past mural proposals, the site analysis for this proposal examines and considers the specific context of each structure.</p>