

Application For Appeal

An appeal is hereby made to Your Honorable Body from the decision of the

- ☐ Site Plan Review Committee
☐ Zoning Administrator
☒ Planning Commission
☐ Cultural Heritage Commission

Which was taken on the _____ day of _____, 20 ____.

Project Address: 429 W. 8th Street, Long Beach, CA 90813

I/We, your appellant(s), hereby respectfully request that Your Honorable Body **reject** the decision and ☒ **Approve** / ☐ **Deny** the application or permit in question.

ALL INFORMATION BELOW IS REQUIRED

Reasons for Appeal: See Attached

Appellant Name(s): Kevin Notrica

Organization (if representing) _____

Address: 102 Saint Joseph Avenue

City Long Beach State CA ZIP 90803 Phone 562-715-5961

Signature(s) Kevin Notrica Date 07.07.21

- A separate appeal form is required for each appellant party, except for appellants from the same address, or an appellant representing an organization.
- Appeals must be filed within 10 days after the decision is made (LBMC 21.21.502).
- You must have established *aggrieved* status by presenting oral or written testimony at the hearing where the decision was rendered; otherwise, you may not appeal the decision.
- See reverse of this form for the statutory provisions on the appeal process.

BELOW THIS LINE FOR STAFF USE ONLY

☒ **Appeal by Applicant** ☐ **Appeal by Third Party**

Received by: MC

Case. No.: 2107-11 (APL21-005) Appeal Filing Date: 7/7/21

Fee: \$ 472.06

☒ Fee Paid

Project (receipt) No.: PLNE50625

Division V. - Appeals

21.21.501 - Authorization and jurisdiction.

- A. Authorization. Any aggrieved person may appeal a decision on any project that required a public hearing.
- B. Jurisdiction. The Planning Commission shall have jurisdiction on appeals of interpretations made pursuant to Section 21.10.045 and decisions issued by the Zoning Administrator and Site Plan Review Committee, and the City Council shall have jurisdiction on appeals from the Planning Commission as indicated in Table 21-1. Decisions lawfully appealable to the California Coastal Commission shall be appealed to that body.

21.21.502 - Time to file appeal. An appeal must be filed within ten (10) days after the decision for which a public hearing was required is made.

21.21.503 - Form of filing. All appeals shall be filed with the Department of Planning and Building on a form provided by that Department.

21.21.504 - Time for conducting hearing of appeals. A public hearing on an appeal shall be held:

- A. In the case of appeals to the City Planning Commission, within sixty (60) days of the date of filing of the appeal with the Department of Planning and Building; or
- B. In the case of appeals to the City Council, within sixty (60) days of the receipt by the City Clerk from the Department of Planning and Building of the appeal filed with the Department.

21.21.505 - Findings on appeal. All decisions on appeal shall address and be based upon the same conclusionary findings, if any, required to be made in the original decision from which the appeal is taken.

21.21.506 - Finality of appeals.

- A. Decision Rendered. After a decision on an appeal has been made and required findings of fact have been adopted, that decision shall be considered final and no other appeals may be made except:
 - 1. Projects located seaward of the appealable area boundary, as defined in Section 21.25.908 (Coastal Permit—Appealable Area) of this title, may be appealed to the California Coastal Commission; and
 - 2. Local coastal development permits regulated under the city's Oil Code may be appealed to the city council.
- B. No Appeal Filed. After the time for filing an appeal has expired and no appeal has been filed, all decisions shall be considered final, provided that required findings of fact have been adopted.
- C. Local Coastal Development. Decisions on local coastal development permits seaward of the appealable area shall not be final until the procedures specified in Chapter 21.25 (Coastal Permit) are completed.



City of Long Beach
411 W. Ocean Blvd., 3rd Floor
Long Beach, CA 90802

Visit us at longbeach.gov/lbds



This information is available in alternative format by request at 562.570.3807.
For an electronic version of this document, visit our website at longbeach.gov/lbds.

July 7, 2021

Reasons for Appeal:

Why I Replaced the Windows:

Tenants were repeatedly complaining about the exterior windows being difficult to open/close especially during frequent warm weather when the wood windows swell in the heat.

I had a window company out to sand, paint and condition the windows and I had sunshade window screens installed to help prevent the swelling. I even replaced two windows with wood replacement windows to see if there was any improvement. After all these efforts there was minimal improvement as the swelling remained causing safety concerns for myself and my tenants.

The safety of my tenants is paramount and being able to easily open and close the windows is a must. Subsequently, after trying the above options I inquired about replacing the windows with a wood alternative. I found what I needed in the way of a window made of vinyl. It met all of the above requirements, did not swell in the heat, provided my tenants ease of egress in an emergency and was even double glazed which increased energy efficiency and diffused the noise from the busy alley where all apartments back up. Lastly, they looked almost exactly like the original wood windows. I subsequently took a small loan out and replaced 55 exterior facing windows. I did not replace the wood windows in the interior courtyard as they do not get direct sun exposure and did not pose a safety issue.

I did not know that the building was in a historical district until after install when I received a violation from The City, that I needed to "obtain permit to legalize the unpermitted window change out."

I am appealing the Cultural Heritage Commission's decision for the following:

1. The vinyl windows do not alter the windows architecture or design, matching closely the still installed wood windows.
2. Window technology has changed since this building was constructed in 1955.
 - a. Remember this is a commercial building, with many tenants.
 - b. Windows must be safe, provide ease of use, and require minimal maintenance all while being energy efficient and environmentally sustainable.
 - c. These vinyl windows do just that. Had this material been available during the original construction, the builders most likely would have used.
3. Historical ordinances like building materials need to be updated to reflect advancements in technology, energy efficiency and economics.
4. What the City is requesting of me just does not make sense.
 - a. To be clear I was not aware that my building is in a historical neighborhood or that I needed permits to change out to vinyl windows. My ignorance is no excuse and I have and will pay fines for that.
 - b. Current historical ordinances and codes have not been updated in many years and in some cases at all.

- c. The original intent of the historical designation was to preserve and protect a neighborhoods architecture and environment and to prevent drastic development and wholesale slaughter to a neighborhood. My vinyl windows have no impact on the buildings design or architecture. And as my building is not historical it should not have to comply with true historical buildings architectural requirements
 - d. The block where my building is located does not appear to have had historical enforcement except apparently on my building, as there are truly historical buildings from the 30's that have aluminum and vinyl windows and paint colors that are clearly not to period as well as landscaping that is non-existent.
 - e. I have included pictures of my building and those around the neighborhood as a reference.
 - f. My building while not historical stands as a beacon to the original intent of the builder.
5. Lastly, we are in a pandemic. I have lost over \$20,000 in rent. I allow tenants to make payments to me, and have had rent control implemented which has reduced my revenues.
- a. What profits I have made in the last year have been minimal. I am saving to put a new roof on the building all while paying off the window loan. Having to replace 55 perfectly good windows does not make since.

Thank you for your consideration.



Kevin Notrica
102 Saint Joseph Ave.,
Long Beach, CA 90803
Tel: 562-715-5961
Email: kevin.notrica@me.com









442 8th St. Across the
Street from 429.
Same vinyl windows

LICENSED CONTRACTORS DECLARATION				WORKER'S COMPENSATION DECLARATION			
<p>I hereby affirm that I am licensed under provisions of Chapter 9 {Commencing with Section 7000} of Division 3 of the Business and Professional Code, and my license is</p> <p>License _____ License _____</p> <p>Dat _____ Contract _____</p> <p style="text-align: center;">OWNER-BUILDER DECLARATION</p> <p>I hereby affirm that I am exempt from the Contractors License Law for the following reason {Sec.7031 California Business and Professional Code: Any City which requires a permit to construct, alter, improve, demolish or repair any structure prior to its issuance also requires the applicant for such permit to file a signed statement that he is a licensed contractor pursuant to the provisions of the Contractors License Law {Ch.9} {Commencing with Sec.7000 of Div.3 of the B. & P. C.} or that he is exempt therefrom and the basis for the alleged exemption. Any violation of Sec.7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars {\$500.00}::</p> <ul style="list-style-type: none"> I as owner of the property, or my employees with wages as their sole compensation, will do the work and the structure is not intended or offered for sale {Sec.7044, B. & P. C. : The Contractors License Law does not apply to an owner of property who builds or improves thereon, and who does such work himself or through his own employees, provided that such improvements are not intended or offered for sale. If, however, the building or improvements is sold within one year of completion, the owner-builder will have burden of proving that he did not build or improve for the <ul style="list-style-type: none"> I am exempt under _____, B. & P. C. for this _____ <p>Dat _____ Own _____</p> <p style="text-align: center;">- IMPORANT -</p> <p>Application is hereby made to the Superintendent of Building and Safety for a permit subject to the conditions and restrictions set forth on the front faces of this application</p> <ol style="list-style-type: none"> Each person upon whose behalf this application is made and each person at whose benefit work is performed under or pursuant to any permit issued as a result of this application agrees to and shall indemnify and hold harmless the City of Long Beach its officers, agents, and employees from any liability arising out of the issuance of any permit from this application. Any permit issued as a result of this application becomes null and void if work is 				<p>____ I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:</p> <p>Carrier: _____ Policy _____</p> <p>(This Section need not be completed if the permit is for one hundred dollars (\$100) or less)</p> <p>____ I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California, and agree that if I should become subject to the workers' compensation provisions of Section 3700 of the Labor Code, I shall</p> <p>Dat _____ Applica _____</p> <p>WARNING: FAILURE TO SECURE WORKERS' COMPENSATION COVERAGE IS UNLAWFUL, AND SHALL SUBJECT AN EMPLOYER TO CRIMINAL PENALTIES AND CIVIL FINES UP TO ONE HUNDRED THOUSAND DOLLARS, IN ADDITION TO THE COST OF COMPENSATION DAMAGES AS PROVIDED FOR IN SECTION</p> <p>I hereby state that there is a construction lending agency for the performance of the work for which this permit is issued {Sec.3907, Civ. C.}.</p> <p>Lender's _____</p> <p>Lender's _____</p> <p>I certify that I have read this application and state that the above information is correct. I agree to comply with all City and State laws relating to the building construction, and hereby authorize representatives of this city to enter upon the</p> <p>_____ Signature of Owner or Contractor</p> <p>_____ Date</p>			
JOB ADDRESS 429 8TH ST				RECEIPT NO. 03910001		DATE 7/9/21	
JOB DESCRIPTION Appeal to CHC for staff denial of COAS2105-17.				PROJECT NO. PLNE50625		AREA 0	
OWNER				OCCUPANCY		PLANNING MIXED USES	
ADDRESS				ASSESSOR NO.		ZONE PD-10	
CITY		STATE		ZIP CODE		CENSUS TRACT 575802	
APPLICANT KEVIN M TR NOTRICA				FSB			
CONTRACTOR				S			
ADDRESS				RSB			
CITY		STATE		ZIP CODE		PHONE NO.	
STATE LICENSE NO.				CITY LICENSE NO.			
ARCHITECT/ENGINEER				LICENSE NO.			
ADDRESS				CITY LICENSE NO.			
CITY		STATE		ZIP CODE		PHONE NO.	
VALUATION 0.00		PRESENT BLDG USE		PROPOSED BLDG USE		BLDG HEIGHT 4	
TYPE OF CONSTRUCTION							
LEGAL DESCRIPTION							

Paid by: KEVIN M TR NOTRICA

\$472.06 Credit or Debit Card (PC)

22629066	13.26	Surcharge Technology		
22629067	16.80	Surcharge General Plan		
22629068	442.00	COA Appeal Fee		N
	472.06		CHECK	