

August 31, 2021

CHAIR AND CULTURAL HERITAGE COMMISSIONERS

City of Long Beach
California

RECOMMENDATION:

Deny the appeal (APL21-05) and uphold denial of a Certificate of Appropriateness (COAS2105-17) 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 multi-family residential building located at 429 West 8th Street in the Drake Park/Willmore City Historic District. (District 1)

APPLICANT/APELLANT: Kevin Notrica
102 Saint Joseph Avenue
Long Beach, CA 90803
(Application No. 2107-11 [APL21-005, COAS2105-17])

THE REQUEST

The applicant is requesting approval of a Certificate of Appropriateness to legalize the unpermitted installation of fifty-five (55) vinyl windows on an existing two-story multi-family residential building located at 429 West 8th Street. The size and location of the window openings will not change from the existing condition. The matter before the Cultural Heritage Commission (CHC) is an appeal (Attachment A - Applicant 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 429 West 8th Street, on the north side of 8th Street between Magnolia Avenue and Chestnut Avenue (Attachment B - Location Map). A named 16-foot-wide alley (Virginia Court) abuts the entire western boundary of the site. A named 10-foot-wide alley (Cypress Way) abuts the entire northern boundary of the site and functions as the vehicular access point for the rear attached garages. The subject site is located in Subarea 1 of the Willmore City Planned Development Plan (PD-10). The property is also located in the Drake Park/Willmore City Historic Landmark District (Ordinance C-7538), which was established in 1998.

The property is developed with a two-story, 12-unit multi-family dwelling. The building features two (2) one-car garages with access to West 8th Street and four (4) one-car attached garages



at the rear with access to Cypress Way. The two-story, multi-family structure covers the entire property. Due to its location at the corner of Virginia Court (alley), which abuts the property on the west, and 8th Street, both the front and west building elevations are highly visible from West 8th Street. The structure was built in 1955 and is not listed as a contributing resource to the Willmore City Historic District Planned Development Plan (PD-10). The two-story structure maintains the massing and orientation and design of its original construction. The house features a composition shingle roof, smooth stucco, wood siding at the front facade, overhanging roof eaves, and a ground-level stone façade treatment. The structure still retains some of the original wood windows at the courtyard area.

The Applicant removed fifty-five (55) original wood hung windows on the apartment building and replaced them with vinyl windows within the existing wood window frame and sills. On September 24, 2019, the property owner was issued a Code Enforcement citation (Number CEPH264269) for unpermitted window replacement without the approval of a Certificate of Appropriateness or the issuance of a building permit. The property owner submitted a Certificate of Appropriateness (minor) application requesting the approval (retroactively) for the installation of the fifty-five (55) vinyl windows on May 10, 2021.

Long Beach Municipal Code (LBMC) Section 2.63.080 establishes specific regulations that permit staff to consider and issue (minor) Certificate of Appropriateness applications such as the replacement of windows and doors with like materials. On June 30, 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 July 7, 2021, the applicant filed an appeal of staff's decision, citing safety, longevity, and energy-efficiency concerns with replacement and installation of wood windows. The decision of the Cultural Heritage Commission on the appeal shall be final.

ANALYSIS

The apartment building was first constructed in 1955, 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 on the site 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) and the Drake Park/Willmore City Historic District Ordinance (Ord. C-7538).

The original windows for the apartment building were hung wood windows, as evidenced by remaining original windows (Figure 1, Original Windows). Preservation of historically appropriate windows is critical to maintaining the historic character of a property. 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 (wood hung) windows, should have been with materials that are characteristic of the architectural style and the period of construction of the structure, in this case, wood windows. The introduction of incompatible materials, such as vinyl, is out of character with architectural style of the building and therefore is not permitted.

Figure 1, Original Windows



The Drake Park/Willmore City Historic District Ordinance states that alterations with substitute materials that are uncharacteristically different from the predominant style of the immediate surroundings is not permitted. The majority of the windows within the Drake Park/Willmore City Historic District appear to be original or are generally compatible with their respective historic styles. Introducing a material, such as vinyl, is not compatible with the year of construction of the building or the period of significance for the Drake Park/Willmore City 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.

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-7 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 Commission affirmed the staff recommendation and denied the appeal. (District 3)

CONCLUSION

Based on the analysis above, staff determined that the legalization of fifty-five (55) vinyl windows for the two-story apartment building does not comply with the Drake Park/Willmore City Historic District Ordinance 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 wood windows are still widely available and are considered the appropriate replacement window for this 1950s 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 Drake Park/Willmore City 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 do not meet the requirements set forth in Section 2.63.080 (Cultural Heritage Commission) of the Long Beach Municipal Code and the Drake Park/Willmore City Historic District Ordinance (Ordinance C-7538). 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 August 16, 2021, 1864 Public Hearing Notices were mailed. As of this date, no letters have been received in response to the public notice.

Respectfully submitted,

CHAIR AND CULTURAL HERITAGE COMMISSIONERS

AUGUST 31, 2021

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Attachments:

- Attachment A – Applicant Appeal
- Attachment B – Location Map
- Attachment C – Staff Denial
- Attachment D – Precedent Staff Reports
- Attachment E – Findings