

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
 200 OCEANGATE, 10TH FLOOR
 LONG BEACH, CA 90802-4416
 VOICE (562) 590-5071 FAX (562) 590-5084

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Los Cerritos Wetlands Land Trust

Mailing Address: P.O. Box 30165

City: Long Beach

Zip Code: 90853

Phone: 714/357-8576

SECTION II. Decision Being Appealed

1. Name of local/port government:

City of Long Beach

2. Brief description of development being appealed:

A Local Coastal Development Permit to allow the import of 1,000 cubic yards of soil to re-establish and maintain the cap over an existing landfill in response to California Commission Emergency Permit 5-09-068-6.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

6400 Loynes Drive, Long Beach, CA

4. Description of decision being appealed (check one.):

- Approval; no special conditions
 Approval with special conditions:
 Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: _____

DATE FILED: _____

DISTRICT: _____

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5. Decision being appealed was made by (check one):

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- Other

6. Date of local government's decision: December 3, 2009

7. Local government's file number (if any): 0904-15

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

2H Properties
c/o Sean Hitchcock
2651 Walnut Avenue
Signal Hill, CA 90755

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1)

(2)

(3)

(4)

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SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

1. Without obtaining a coastal development permit or any other permits and without regard to the certified Local Coastal Program designation for the property, the property owner destroyed habitat and wetland areas on the property and breached a protective cap beneath the soil using heavy grading equipment in an effort to create a flat bare surface for a future development.

2. The Certified Local Coastal Program designation for the parcel (Subarea 23) is as follows:

"a. The two wetland concepts generally outlined shall include a 8.3 acre brackish pond on Area 23 provided that the Executive Director of the California Coastal Commission determines (i) in addition to the setback for buffer, the elevation and setbacks between development and wetland edge shall be sufficient to ensure stability during liquefaction events caused by the maximum credible earthquake; (ii) that the location and operation of the proposed wetland are acceptable to the Regional Water Quality Control Board, the State Department of Health and to the Local Mosquito Abatement District.

b. If approval from these agencies results in reductions to the net size of the proposed wetland, restoration at this site shall only occur if the remaining area is sufficient to create a wetland at least the same size as the existing brackish pond at the Marketplace."

3. The City's Planning Commission voted to issue a coastal development permit without recognizing that its action included inconsistent provisions. The Planning Commission adopted a motion to deny the appeal of a decision by the City's Zoning Administrator that did not require the property owner to restore the property or remediate the damage done, but in the same motion directed City Staff to prepare a remediation or restoration plan of undetermined standards and scope for the Planning Commission to consider and for the property owner to implement. No such plan has been prepared or considered and its enforceability is uncertain. In any event, the City has not taken its final action on this matter and it is improper to attempt to separate a permit approval from conditions of approval as if they were unrelated.

4. Except for a conclusionary finding unsupported by facts, the decision did not address the issue of its consistency, or lack thereof, with the requirements of the Local Coastal Program. The grading and destruction of wetland and habitat values that were permitted were inconsistent with the designated land use and zoning designations contained in the City's certified Local Coastal Program.

5. It is the contention of the appellant that the property should be recognized as containing wetlands and sensitive habitat and that it is subject to the public trust.

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SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.



Signature of Appellant(s) or Authorized Agent

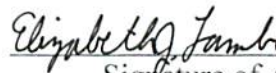
Date: JANUARY 19, 2010

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize Melvin L. Nutter

to act as my/our representative and to bind me/us in all matters concerning this appeal.


Signature of Appellant(s) EXECUTIVE DIRECTOR
LOS CERRITOS WETLANDS
LAND TRUST.

Date: January, 19, 2010