



## AGENDA ITEM

# CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5<sup>th</sup> Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6068

December 3, 2009

### CHAIR AND PLANNING COMMISSIONERS

City of Long Beach  
California

### RECOMMENDATION:

Deny the appeals and uphold the Zoning Administrator's decision to approve a Local Coastal Development Permit to allow the import of 1,000 cubic yards of soil to re-establish and maintain the cap over the existing landfill at 6400 Loynes Drive in response to California Coastal Commission Emergency Permit 5-09-068-6. Also approved was weed abatement to comply with a Fire Department order. (District 3)

### APPLICANT:

2H Properties  
c/o Sean Hitchcock  
2651 Walnut Avenue  
Signal Hill, CA 90755  
(Application No. 0904-15)

### DISCUSSION

The subject site is a 9.38-acre vacant lot that is located over a closed landfill. The property is bound by Loynes Drive on the north, the Los Cerritos Channel on the south and east, and the Belmont Shore Mobile Estates to the west (Exhibit A – Location map). The site is located in subarea 23 of PD-1 Southeast Area Development and Improvement Plan (SEADIP) and falls within the appealable area of the coastal zone (Exhibit B – SEADIP and Coastal Maps).

A Local Coastal Development Permit (LCDP) is required when development occurs within the coastal zone. The definition of development per the Long Beach Municipal Code includes land disturbance (grading) as well as the removal or harvesting of major vegetation. In this case, the applicant graded a portion of the site and began to remove vegetation without prior approval. During the grading operation, the landfill cap was apparently disturbed which resulted in a release of methane. As detailed below in the chronology of events, a number of public agencies were involved in this issue. Ultimately, the California Coastal Commission issued an emergency permit due to health and safety concerns that authorized the import of soil to re-establish a six-inch cap over the landfill.

## CHAIR AND PLANNING COMMISSIONERS

Application No. 0904-15

December 3, 2009

Page 2 of 4

The applicant imported the soil and re-established the cap and is now requesting approval of a LCDP as conditioned by the emergency permit.

Following is a chronology of events that occurred at the site:

- March 20, 2009 – The City received notification of a land disturbance at the subject property. In response to the phone calls received, the City issued a Stop Work Order and directed that all earth-moving equipment be removed from the site at 10:30 AM. City inspectors and the City Manager returned to verify compliance at 1:00 PM.
- March 23, 2009 – The City sent a letter to the property owner outlining allowable uses and permit requirements (Exhibit C – Letter to property owner).
- March 26, 2009 - City staff from the Planning Bureau and staff from the California Regional Water Quality Control Board for the Los Angeles Region inspected the site to determine the extent of damage and disturbance.
- March 26, 2009 - The California Integrated Waste Management Board via the local enforcement agency, the Los Angeles County Solid Waste Management Program, made an inspection of the site in conjunction with an inspector from the South Coast Air Quality Management District. At the end of the inspection, the Los Angeles County Solid Waste Management Program issued a report indicating violations at the site and directing compliance (Exhibit D – Los Angeles County Solid Waste Management Program Report).
- March 27, 2009 – Property owner provided a letter regarding plan to place six-inch cap over property in response to California Integrated Waste Management Board order to address exposed land fill area (Exhibit E – Letter from property owner).
- April 3, 2009 - The City issued a letter to the landowner directing him to obtain an emergency permit from the California Coastal Commission to remedy the exposure of the closed landfill and the release of methane gas as identified by the Los Angeles County Solid Waste Management Program (Exhibit F – Letter to property owner).
- April 7, 2009 - The Coastal Commission issued an emergency permit for the importation of 1,000 cubic yards of clean fill dirt to create a minimum six-inch-thick cap on the site. This emergency permit also directed the landowner to obtain a standard Coastal Development Permit from the City, and restoration as appropriate (Exhibit G – Emergency Permit).
- April 9, 2009 – The City issued a grading permit pursuant to the emergency permit issued by the Coastal Commission to cover the exposed landfill and prevent methane gas release (Exhibit H – Grading Permit).

## CHAIR AND PLANNING COMMISSIONERS

Application No. 0904-15

December 3, 2009

Page 3 of 4

- April 28, 2009 - The property owner filed a Planning Permit Application with the City for a Local Coastal Development Permit to satisfy the Coastal Commission's order.
- May 6, 2009 - The California Regional Water Quality Control Board issued notice of violations for the landowner's failure to obtain a National Pollution Discharge Elimination System general permit, and for a violation of landfill post-closure maintenance requirements. The property owner worked directly with the California Regional Water Quality Control Board to address this violation (Exhibit I – Notice of violations).
- June 3, 2009 – The applicant provided a Biological Resources Evaluation and Jurisdictional Waters Delineation for the parcel to complete the filing requirements for the zoning application (Exhibit J – Biological Resources Evaluation).
- September 9, 2009 – A peer review of the Biological Resources Evaluation was completed by a third party consultant to ensure that it met the requirements of a jurisdictional delineation as warranted by the U.S. Army Corps of Engineers, California Department of Fish, Game and Regional Water Quality Control Board and California Coastal Commission (Exhibit K – Peer Review).
- September 11, 2009 – The Long Beach Fire Department issued an inspection report directing the property owner to remove all flammable vegetation and combustible growth within 30 feet of buildings, structures or property lines (Exhibit L – Fire Inspection Report).
- October 7, 2009 – The California Integrated Waste Management Board conducted an inspection of the site and took surface methane gas measurements at various locations. No methane was detectable (Exhibit M – Landfill cap inspection letter).

The Zoning Administrator conducted a public hearing on October 12, 2009; during the hearing, twenty-one individuals spoke in opposition to this project. The issues presented by those opposed to the request included damage to wetlands/wildlife, the need for restoration of the site, violation of state and local law, concern with inadequacy of re-established landfill cap, inadequacy of the biological study, and lack of consequences for the applicant. In addition to the testimony given at the meeting, eighteen letters of opposition with supporting data and two letters of support were submitted for review prior to the meeting (Exhibit N – Public correspondence).

After reviewing all related documentation including SEADIP, the Local Coastal Program, the biological study, peer review and letters/studies submitted by the public, the Zoning Administrator approved the Local Coastal Development Permit subject to conditions. The conditions did not include a requirement to restore the property, as the site is not identified as a wetland or ecologically sensitive habitat area (ESHA) in SEADIP or the Local Coastal Program; nor is it identified as a wetland in the biological study or the subsequent peer review, as the site lacks wetland hydrology, hydric soils and a plant community with a predominance of hydrophytic vegetation.

CHAIR AND PLANNING COMMISSIONERS

Application No. 0904-15

December 3, 2009

Page 4 of 4

A total of five appeals of the Zoning Administrator's decision were filed within the appeal period (Exhibit O–Appeals).

Staff prepared findings and conditions of approval (Exhibit P – Findings and Conditions of Approval) and recommends that the Planning Commission deny the appeals and uphold the decision of the Zoning Administrator.

**PUBLIC HEARING NOTICE**

Public hearing notices were distributed on November 16, 2009, as required by the Long Beach Municipal Code. Two additional responses in opposition to the project has been received as of the date of preparation of this report.

**ENVIRONMENTAL REVIEW**

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, a Categorical Exemption (CE 09-029) was issued for the proposed project (Exhibit Q – Categorical Exemption).

Respectfully submitted,

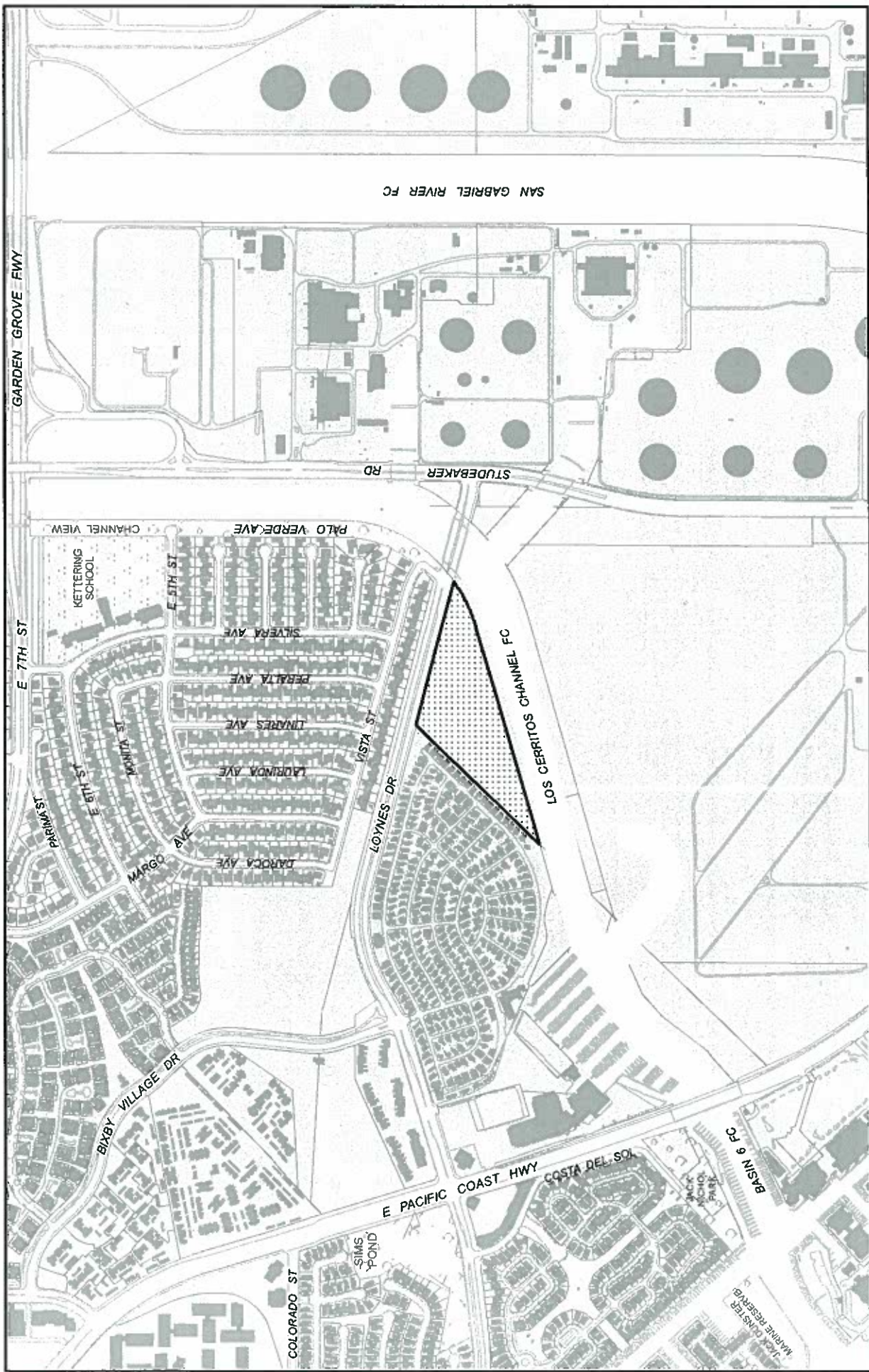
  
CRAIG BECK  
DIRECTOR OF DEVELOPMENT SERVICES

CB:DB:JW

**Exhibits**

- A. Location map
- B. SEADIP and Coastal Maps
- C. Letter to property owner
- D. Los Angeles County Solid Waste Management Program Report
- E. Letter from property owner
- F. Letter to property owner
- G. Emergency permit
- H. Grading permit
- I. Notice of violations
- J. Biological Resources Evaluation
- K. Peer Review
- L. Fire Inspection Report
- M. Landfill cap inspection letter
- N. Public correspondence
- O. Appeals
- P. Findings and Conditions of Approval
- Q. Categorical Exemption CE 09-029

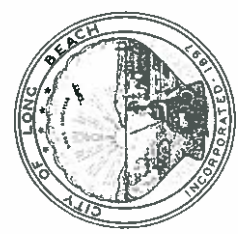




## Exhibit A



**Subject Property:**  
6400 Loyne Dr  
Application No. 0904-15  
Council District 3  
Zoning Code : PD-1 (SubArea 23)





# CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd 4<sup>th</sup> Floor Long Beach, CA 90802 Phone 570.6428 Fax 570.6205

March 23, 2009

Sean Hitchcock  
2H Construction  
2651 Walnut Avenue  
Signal Hill, CA 90755

Mr. Hitchcock:

We have reviewed the proposal to place recreational soccer fields on SEADIP Subareas 23 and 24 (see attached map). Based on our review, placing soccer fields in area 23 and 24 South would be inconsistent with the allowable uses outlined for those areas under the current SEADIP requirements:

- *Subarea 23: To be developed with an 8.3-acre brackish pond that could sustain itself as a separate wetland.*
- *Subarea 24 South: To be developed as an overlook area and interpretive center for the bordering marshlands.*

As a result, an amendment to SEADIP would be required to permit soccer fields in either of these areas. The required entitlements would include:

- Local Coastal Program Amendment to amend the Land Use (General Plan) and Implementation (SEADIP) Plans;
- Local Coastal Development Permit (for consistency with the Local Coastal Program); and
- Environmental Review as per CEQA standards.

Subsequently, the California Coastal Commission would rule on the Local Coastal Program amendments and, on appeal, the Local Coastal Development Permit.

Subarea 24 North is currently zoned for open space uses in SEADIP:

- *Subarea 24 North: To be dedicated to the City for park and playground purposes.*

In order to develop Subarea 24 North with soccer fields, the City would be required to issue a Local Coastal Development Permit after appropriate environmental review. Since Subarea 24 North lies within the City permit jurisdiction area, the issuance of a Local Coastal Development Permit would not be appealable to the California Coastal Commission.

Pursuant to the California Coastal Act (Public Resources Code Section 30106), development is defined as "on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land..." and "change in the intensity of use of water, or of access thereto, construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes... As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line."

Therefore, prior to any grading or vegetation removal, the applicant is required to obtain a Local Coastal Development Permit. This also triggers the requirement for CEQA review to identify any potential impacts that the proposed development may have on the environment including, but not limited to, any nesting sites for protected species

We are happy to answer any questions, or provide any assistance necessary, as you work through the entitlement process. Please feel free to contact me with any concerns at (562) 570-6428.

Sincerely,



Craig Beck  
Director of Development Services

CB:DB

Attachment



Enforcement Agency: <b>County of Los Angeles - SWMP</b>		For Official CIWMB Use Only	
Facility File Number: <b>19-AK-5003</b>		Inspection Date: <b>03/26/2009</b>	
PROGRAM CODE (Select only one code): <input type="radio"/> LEA Periodic <input type="radio"/> CIWMB Closed Sites <input type="radio"/> CIWMB Focused <input checked="" type="radio"/> LEA Focused <input type="radio"/> CIWMB Enforcement Agent <input type="radio"/> CIWMB Periodic		Time In: _____ Time Out: _____ Inspection Time: <b>3 HRS.</b>	
Facility Name: <b>City Dump &amp; Salvage NO. 1&amp;3 (Vacant Lot)</b>		Received By (Operator) Signature: _____	
Facility Location: <b>South of Loynes Dr. @ Palo Verde Ave., Long Beach, CA 90803</b>		Owner Signature (if present): _____	
Inspector: <b>Tom White</b>		Also Present (Name): <b>Min Sue - AQMD</b>	
Inspector Signature: _____		Attachments On File (Not Scanned) <input type="checkbox"/>	

THE ABOVE FACILITY WAS INSPECTED FOR COMPLIANCE WITH APPLICABLE SECTIONS OF DIVISION 30 OF THE PUBLIC RESOURCES CODE (PRC), AND TITLE 14 AND TITLE 27 CALIFORNIA CODE OF REGULATIONS (CCR).  
 TITLE STANDARDS BELOW ARE CONSIDERED IN COMPLIANCE UNLESS OTHERWISE MARKED WITH ONE OF THE FOLLOWING: V=VIOLATION A=AREA OF CONCERN

POSTCLOSURE	V	A	DRAINAGE AND EROSION CONTROL	V	A
20750 - SITE MAINTENANCE	<input type="radio"/>	<input type="radio"/>	20820 - DRAINAGE/EROSION	<input type="radio"/>	<input type="radio"/>
21100 - POSTCLOSURE MAINTENANCE	<input type="radio"/>	<input type="radio"/>	21150 - DRAINAGE/EROSION CONTROL	<input type="radio"/>	<input type="radio"/>
21190 - POSTCLOSURE LAND USE	<input type="radio"/>	<input type="radio"/>	MONITORING AND CONTROL SYSTEMS	<input type="radio"/>	<input type="radio"/>
GAS MONITORING AND CONTROL SYSTEMS	<input type="radio"/>	<input type="radio"/>	20780 - LEACHATE CONTROL	<input type="radio"/>	<input type="radio"/>
20918 - EXEMPTIONS	<input type="radio"/>	<input type="radio"/>	20830 - LITTER CONTROL	<input type="radio"/>	<input type="radio"/>
20919 - GAS CONTROLS	<input type="radio"/>	<input type="radio"/>	21160 - LF GAS CONTROL/LEACHATE CONTACT	<input type="radio"/>	<input type="radio"/>
20919.5 - EXPLOSIVE GAS CONTROL	<input type="radio"/>	<input type="radio"/>	SECURITY	<input type="radio"/>	<input type="radio"/>
20921 - GAS MONITORING AND CONTROLS	<input type="radio"/>	<input type="radio"/>	20530 - SITE SECURITY	<input type="radio"/>	<input type="radio"/>
20923 - MONITORING	<input type="radio"/>	<input type="radio"/>	21135 - SECURITY AT CLOSED SITES	<input type="radio"/>	<input type="radio"/>
20925 - PERIMETER MONITORING NETWORK	<input type="radio"/>	<input type="radio"/>	21137 - STRUCTURAL REMOVAL	<input type="radio"/>	<input type="radio"/>
20931 - STRUCTURE MONITORING	<input type="radio"/>	<input type="radio"/>	RECORDS	<input type="radio"/>	<input type="radio"/>
20932 - MONITORED PARAMETERS	<input type="radio"/>	<input type="radio"/>	21130 - EMERGENCY RESPONSE PLAN	<input type="radio"/>	<input type="radio"/>
20933 - MONITORING FREQUENCY	<input type="radio"/>	<input type="radio"/>	21170 - RECORDING	<input type="radio"/>	<input type="radio"/>
20934 - REPORTING	<input type="radio"/>	<input type="radio"/>	21200 - CHANGE OF OWNERSHIP	<input type="radio"/>	<input type="radio"/>
20937 - CONTROL	<input type="radio"/>	<input type="radio"/>	CLOSURE	<input type="radio"/>	<input type="radio"/>
GRADING/FINAL COVER	<input type="radio"/>	<input type="radio"/>	21880 - CERTIFICATION OF CLOSURE	<input type="radio"/>	<input type="radio"/>
20650 - GRADING OF FILL SURFACES	<input type="radio"/>	<input type="radio"/>	21890 - REVISION OF APPROVED PLANS FOR C/P/C MAINTENANCE	<input type="radio"/>	<input type="radio"/>
21140 - FINAL COVER	<input type="radio"/>	<input type="radio"/>	OTHER	<input type="radio"/>	<input type="radio"/>
21142 - FINAL GRADING	<input type="radio"/>	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>
21145 - SLOPE STABILITY	<input type="radio"/>	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>

Comments: (Note, for additional or continued comments use the CIWMB 03 or attach additional pages.)

March 26, 2009 Closed Site Complaint investigation

Conditions: Mid 70's, Sunny, Moderate Wind

Observations: Observed large area containing exposed trash near center of site and several small areas containing exposed trash at various locations, throughout site. South Coast Air Quality Management District obtained methane gas measurements of up to 7700 ppm in areas containing exposed trash. Also observed large pile of imported fill (Appropriate documentation provided). Operator was in process of removing fill at time of investigation. Owner was given verbal directive to cover expose trash at once (Provided all necessary approvals/permits, from any agencies with jurisdiction over site, have been obtained).

Conclusions: See Addendum

INSTRUCTIONS ON BACK

Correct: ☒ Incorrect: ☐

EXAMPLE 1 2 3

Top White - CIWMB

Middle Pink - LEA

Bottom - Yellow



CIWMB 03

## Addendum To Inspection Report

(Rev 01/07)

Shade or Block Ink Pen

Page \_\_\_\_ of \_\_\_\_

Enforcement Agency: County of Los Angeles - SWMP		For Official CIWMB Use Only	
FACILITY FILE NUMBER: (99-xx-9999)		INSPECTION DATE (MM/DD/YYYY)	
19 - AK - 5003		03/26/2009	
Facility Name:		Received Date:	
City Dump & Salvage No. 1&3 (Vacant Lot)			
Facility Location:		<input type="checkbox"/> Attachments On File (Not Scanned)	
South Of Loynes Dr. @ Palo Verde Ave., Long Beach, CA 90803			
Inspector:		Inspector Signature:	
Tom White			

Comments:

Conclusions: You are hereby directed to:

- 1) Discontinue all operations involving construction, grading, remediation at once, until any/all necessary permits have been obtained.
- 2) Properly cover any/all areas containing exposed trash at once. It is the responsibility of the owner to obtain any/all necessary permits from any agencies with jurisdiction over this site before commencing with mitigation. This report does not constitute approval to proceed with construction, grading, or remediation project.

INSTRUCTIONS ON BACK

Correct:  Incorrect: 

EXAMPLE 123

Top White - CIWMB

Middle Pink - LEA

Bottom - Yellow

March 27, 2009

Exhibit E

Re: Los Angeles County Environmental Health inspection report at Loynes property  
File #19-AK-5003

**California Coastal Commission**

200 Oceangate, 10th Floor  
Long Beach, CA 90802-4416

Fax (562) 590-5084

Attn: **Chuck Posner**

**City of Long Beach**

333 West Ocean Blvd  
Long Beach, CA 90802

Fax (562) 570-6205

Attn: **Craig Beck**

Dear Sirs,

Please reference the attached Closed Disposal Site Inspection Report dated March 26, 2009 for the City Dump and Salvage NO. 1 & 3 vacant lot located south of Loynes at Palo Verde in Long Beach.

I was in attendance to the site investigation and testing of the subject property. I am aware that there was one location on the property where the weeds were scraped away from the dirt that appeared to expose trash located extremely close to the surface of the property which tested to have a methane reading above that which is desired. There were few other locations which also exposed light trash located near the dirt surface as well, however these locations presented normal methane levels.

I am concerned that the assumed "cap" material over the land fill is not as uniform across the site as we would have expected and hoped. The Inspection report from the County of LA environmental health directs me to provide a 6" dirt cover not only at the one area exposed with higher levels of methane, but additionally at the few scattered areas of exposed trash where the methane levels were found to be normal.

Therefore, I propose the following plan to meet the requirements of the inspection report as well as ensure an additional level of comfort to maintain a secure soil cap throughout the entire surrounding area of the exposed trash locations:

1. Import approximately 1000 cubic yards of dirt (which will allow for a not less than 6" coverage of approximately 50,000sf area).
2. Place and spread dirt at a level of not less than 6" throughout the area of concern (reference attached site map). This area incorporates not only the area where nonstandard methane levels were discovered, but additionally the various exposed trash areas where methane levels were normal.

3. Utilize a grading tractor for the proper placement and distribution of the import fill material.
4. Ensure that NO excavation work or removal of any native soil takes place.
5. Provide an on site water truck to keep the dust level to a minimum from the import dirt activities.
6. Provide on site full time supervision of the trucking companies and equipment operator.

**This operation will be limited to import soil, fill and level only.**

I am motivated to meet the requirements of this report in a timely fashion and therefore request your immediate approval and/or permits for the above work plan.

Please contact me to confirm receipt of this letter and advise me of the timing for your approval and issuance of any needed permits for the work plan described above.

I wish to respond back to Mr. Tom White at the Los Angeles Public Health department as soon as possible and schedule the work immediately following your approvals.

I additionally ask that you advise me of any other agency which may have jurisdiction over this property that may be needed prior to starting the directed work.

Sincerely,



Sean Hitchcock  
2651 Walnut Avenue  
Signal Hill, CA 90755  
Cell: (562) 577-7099

Cc: County of Los Angeles  
Public Health department  
5050 Commerce Drive  
Baldwin Park, CA 91706  
Fax: (626) 813-4839  
Attn: Thomas White

South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, CA 91765-4178  
Fax: (909) 396-3342  
Attn: Min Sue

\*Note: This letter has been sent via fax to all parties, email to all with exception of Chuck Posner (unknown email address) and by certified mail in order to help expedite the process. Fax and email were sent out same day as date of letter (after hours).





# CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5<sup>th</sup> Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6068

April 3, 2009

Sean Hitchcock, President  
2H Construction  
2651 Walnut Avenue  
Signal Hill, CA 90755

Dear Mr. Hitchcock,

Pursuant to discussions with the California Integrated Waste Management Board (CIWMB) and the South Coast Air Quality Management District (AQMD), the land disturbance at the site identified as SEADIP Subarea 23 has exposed a closed landfill and resulted in the release of methane gas at the site. This has created a health and safety hazard at the site and the AQMD and CIWMB have determined that a soil cap must be placed on the site to alleviate the release of methane. This action requires the issuance of a coastal development permit, for which the City of Long Beach is the lead regulatory agency. However, the Long Beach Municipal Code does not provide for the issuance of an emergency coastal development permit, which would authorize you to take prompt action to comply with the requirements of the CIWMB and AQMD. In this case, the California Coastal Act does provide for the issuance of emergency permits. Please work directly with the local office of the California Coastal Commission to obtain an emergency permit to remedy the methane issue. This letter shall serve as evidence that the City supports your working directly with the California Coastal Commission in order to obtain an emergency permit. Upon issuance of the emergency coastal permit, a grading permit from the City will be required to complete the work.

Please note that an emergency coastal development permit can only be issued to address the methane issue in the short term. This work may proceed immediately. However, the work authorized by an emergency permit will subsequently require a coastal development permit issued by the City, which will require a public hearing and may include conditions of approval specifying restoration of the site. If you have any questions, please contact me at (562) 570-6261.

Sincerely,

*Lawrence Budget*  
For Derek Burnham  
Current Planning Officer

DB:MR

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
200 Oceangate, Suite 1000  
Long Beach, CA 90802-4302  
(562) 590-5071

**EMERGENCY PERMIT**

**DATE:** April 7, 2009

**EMERGENCY PERMIT:** 5-09-068-G

**APPLICANT:** Sean Hitchcock

**LOCATION:** 6400 E. Loynes Drive (between Loynes Drive and Los Cerritos Channel, about five hundred feet west of Studebaker Road), City of Long Beach [Los Angeles County APN 7237-017-006].

**EMERGENCY WORK PROPOSED:** Import 1,000 cubic yards of clean fill dirt to create a minimum six-inch thick dirt cap over an area no larger than 50,000 square feet to cover exposed trash in order to prevent methane release, per orders to comply issued by California Integrated Waste Management Board (Inspection Report, File No. 19-AK-5003 dated 3/26/2009) and South Coast Air Quality Management District (Case No. D-18289, 3/26/2009).

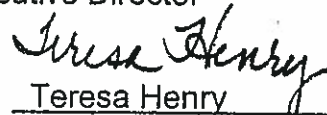
This letter constitutes approval of the emergency work you have requested to be done at the location listed above. I understand from your information that an unexpected occurrence in the form of elevated methane levels requires immediate action to prevent or mitigate loss or damage to life, health, property or essential public services. 14 Cal. Admin. Code Section 13009. The Executive Director hereby finds that:

- (a) An emergency exists which requires action more quickly than permitted by the procedures for administrative or ordinary permits and the development can and will be completed within thirty days unless otherwise specified by the terms of the permit;
- (b) Public comment on the proposed emergency action has been reviewed if time allows; and
- (c) As conditioned the work proposed would be consistent with the requirements of the California Coastal Act and the City of Long Beach LCP.

The work is hereby approved, subject to the attached conditions.

Sincerely,

Peter M. Douglas  
Executive Director

  
By: Teresa Henry  
Title: District Manager

**CONDITIONS OF APPROVAL:**

1. The enclosed form must be signed by the permittee and returned to our office within seven (7) days.
2. Only that work specifically described above and for the specific property listed above is authorized. This permit does not authorize any excavation or export of materials from the site. This permit does not authorize the disturbance or removal of any vegetation from the site.
3. The emergency development authorized by this permit is limited to a term of one-week, unless the Executive Director grants additional time for good cause.
4. A water spraying truck shall be used to minimize dust resulting from the activity.
5. In exercising this permit, the permittee agrees to hold the California Coastal Commission harmless from any liabilities for damage to public or private properties or personal injury that may result from the project.
6. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies.
7. Within thirty days, the applicant shall apply for a local coastal development permit for the proposed activity from the City of Long Beach.

Condition number three (3) indicates that the emergency work is considered to be temporary work done in an emergency situation. If the property owner wishes to have the emergency work become a permanent development, a local coastal development permit must be obtained from the City of Long Beach (as required by Condition number seven). A regular coastal development permit would be subject to the provisions of the California Coastal Act and the certified City of Long Beach Local Coastal Program (LCP), and may be conditioned accordingly. These conditions may include provisions for public access (such as an offer to dedicate an easement), habitat restoration, and/or a requirement that a deed restriction be placed on the property assuming liability for damages. The certified City of Long Beach Local Coastal Program (LCP) sets forth the following land use policy for the project site, which is Subarea 23 of SEADIP (Southeast Area Development and Improvement Plan):

**Subarea 23**

- 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.

If you have any questions about the provisions of this emergency permit, please call the Commission office in Long Beach (562) 590-5071.

Enclosure: Acceptance Form  
cc: Local Planning Department





# CITY OF LONG BEACH

Exhibit H

## DEPARTMENT OF DEVELOPMENT SERVICES

Website: [lbsds.longbeach.gov](http://lbsds.longbeach.gov)

333 W. OCEAN BLVD, 4TH FLOOR

LONG BEACH, CALIFORNIA 90802

(562) 570 - LBDS FAX (562) 570- 6753  
TDD (562) 570- 5794

**24 Hour Inspection Request - Phone 570-6105**

### Job Description

Job Address: 6400 LOYNES DR

Project Number **BGRD11880**

Description: Importing 1000 cu yds. of fill per emergency permit issued by California Coastal Commission to cover exposed trash and prevent methane release.

Present Bldg Use:

Receipt Number: 00435324

Date: 4/9/09

Proposed Bldg Use: Comm

Valuation: \$ 5,000

Type of Construction:

Occupancy Type:

Bldg Height:

Legal Description:

Assessor Number: 7237017009

Planning:

Zone:

Setbacks Front: Side: Rear:

Census Tract: 0

Council District:

### Owner Information

Name:

Mailing Address:

### Applicant Information

Name: Hitchcock Sean

### Engineer Information

Name: Hitchcock Sean

State License No:

City License No:

### Payor Information

Paid by: SEAN HITCHCOCK

\$824.03 Credit or Debit Card (PC)

### Fees Paid

PM Surcharge - General Plan Update	\$23.34	Green Building Standards	\$1.00
PM Surcharge - Technology	\$46.69	Permit Filing	\$40.00
Grading Permit	\$713.00		

Total Paid: \$824.03

4/13/9 3 hours Site Visit w/Sean RCA  
4/14/9 1 hour (my lunch time) RCA  
4/15/9 1 hr OIG A RCA



# California Regional Water Quality Control Board

## Los Angeles Region

Exhibit



Linda S. Adams  
Cal/EPA Secretary

320 W. 4th Street, Suite 200, Los Angeles, California 90013  
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.waterboards.ca.gov/losangeles>

Arnold Schwarzenegger  
Governor

May 6, 2009

Mr. Sean R. Hitchcock  
President  
2H Construction, Inc.  
2651 Walnut Avenue,  
Signal Hill, CA 90755

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
Claim No. 7005 0390 0000 4138 9526

**NOTICE OF VIOLATION - FAILURE TO OBTAIN COVERAGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY (ORDER NO. 99-08 DWQ) AND NOTIFICATION TO COMPLY WITH GENERAL ORDER NO. R4-2002-022; LOYNES DRIVE AND NORTH STUDEBAKER AVEUNUE, CITY OF LONG BEACH, CA**

Dear Mr. Hitchcock:

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board), is the public agency with primary responsibility for the protection of ground and surface water quality for all beneficial uses of water within major portions of Los Angeles and Ventura Counties, including the above-referenced site.

On March 24, 2009, the Regional Board was made aware of grading activities taking place in the vicinity of the former City Dump and Salvage #1 and #3 landfill near the mouth of the San Gabriel River, a water of the United States. Regional Board staff determined that the owner of the construction site (Site), 2H Construction, Inc. (2H Construction), allegedly may have graded up to ten acres of land.

On March 26, 2009, Regional Board staff and City Planner Jeff Winklepleck of Long Beach (City) inspected the Site which is located at the intersection of Loynes Drive and North Studebaker Avenue in Long Beach. Regional Board staff found that the construction activity disturbed more than one acre in area. Staff determined that the City Dump and Salvage #1 and #3 landfill (Landfill) is designated a closed, abandoned, or illegal (CAI) landfill, having closed prior to November 1984 when landfill regulations were revised to include specific closure requirements. The construction and grading activity observed by staff constitutes a change in end-use of the landfill from open space to another use, potentially active recreation, according to Mr. Winklepleck. Staff also found that the landfill cover had been removed and waste was exposed at the surface of the landfill.

*California Environmental Protection Agency*



Recycled Paper

*Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations*

**General Permit for Storm Water Discharges Associated with Construction Activity:**

The State Water Resources Control Board (hereafter State Board) has issued updated statewide general waste discharge requirements for discharges of storm water runoff associated with construction activities involving disturbance of one acre of soil, or more. A "Notice of Intent," (NOI) must be filed prior to beginning construction activities required by section A.2. of Order No. 99-08-DWQ.

You are hereby notified that the 2H Construction is in violation with the requirements established in the State Board Water Quality Order 99-08-DWQ, NPDES General Permit No. CAS000002, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity by failing to file for or obtain a NPDES General Permit for Storm Water Discharges Associated with Construction Activity (SW General Permit).

**Landfill Post-Closure Requirements:**

On January 24, 2002 this Regional Board adopted General Order No. R4-2002-022, incorporating waste discharge requirements (WDRs) for postclosure maintenance of inactive nonhazardous waste landfills (attached). These general WDRs address post-closure maintenance requirements for closed, abandoned, or illegal (CAI) landfills as defined in section 20164 of title 27 of the California Code of Regulations 27 CCR and are specifically targeted towards CAI landfills undergoing redevelopment or modifications in end use.

Regional Board staff have determined that this Landfill meets enrollment criteria of Order No. R4-2002-022 because waste disposal at the Landfill ceased prior to November 1984, because of the significant development activities observed at the site, and because of the concern for a potential release from the landfill. Furthermore, the Landfill is subject to requirements of section 21190 of title 27 of the California Code of Regulations (27 CCR), which apply to post-closure activities that may jeopardize the integrity of previously closed disposal sites or pose a threat to public health and safety. Moreover, pursuant to 27 CCR section 20080(g), 2H Construction may be required to develop and implement a detection monitoring program in accordance with Article 1, Subchapter 3, Chapter 3, Subdivision 1 of 27 CCR section §20380 et seq. If water quality impairment is found, 2H Construction may be required to develop and implement a corrective action program under that article.

As such, we require that 2H Construction enroll the Landfill under general Order No. R4-2002-022 as part of the development at the Landfill by submitting a report of waste of waste discharge described in provision A.2 of general Order No. R4-2002-022 and a completed Form 200 along with annual permit fees by May 28, 2009 to complete enrollment under the general order.

Pursuant to CWC §13385, you are now subject to penalties of up to \$10,000 for each day in which the violation occurs. These civil liabilities may be assessed by the Regional Board, beginning with the date that the violations first occurred, and without further warning.



Mr. Sean R. Hitchcock

- 3 -

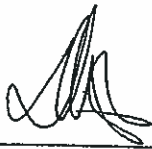
May 6, 2009

The Regional Board may also request that the Attorney General seek judicial civil liabilities or injunctive relief pursuant to CWC §§ 13262, 13264, 13304, 13331, 13340 and 13386.

Also, the Regional Board may also request the United States Attorney, appropriate county District Attorney, or City Attorney seek criminal prosecution. A superior court may be requested to impose civil or criminal penalties.

If you have any question regarding this matter, please call Mr. Hugh Marley at (213) 620-6375 or Ms. Pansy Yuen at (213) 620-6367.

Sincerely,



*Chief Deputy L.O.  
for.*

Tracy J. Egoscue  
Executive Officer

Enclosures: Form 200  
Fee Schedule

cc: Pete Oder, Los Angeles County Solid Waste Management Program  
Jeff Winklepleck, City of Long Beach Zoning and Development Services

*California Environmental Protection Agency*



Recycled Paper

*Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.*



Sound Science. Creative Solutions.

Pasadena Office  
625 Fair Oaks Avenue, Suite 190  
South Pasadena, CA 91030  
Tel 626.240.0587 Fax 626.240.0607  
www.swca.com

May 28, 2009

Mr. Sean Hitchcock  
2651 Walnut Avenue  
Signal Hill, CA 90755

**RE: Biological Resources Evaluation and Jurisdictional Waters Delineation for APN 7237017006**

Dear Mr. Hitchcock:

This letter reports the findings of the biological resources evaluation and wetlands and jurisdictional waters delineation conducted by SWCA Environmental Consultants in April of 2009.

## Introduction

This letter reports on the biological conditions and jurisdictional waters determination found on Assessor's Parcel Number (APN) 7237017006 located west of the intersection of Studebaker Road and Loynes Drive in Long Beach, California (Figure 1). Per your statement, the property was recently subject to weed abatement activities conducted with a bulldozer. This activity resulted in complaints from local residents, resulting in your request that SWCA Environmental Consultants investigate two subject areas: the general biological conditions of the site, including the potential for the site to support sensitive biological resources; and a wetland and jurisdictional waters delineation. To adequately characterize the site, SWCA also investigated the land use history of the site. This letter describes the investigative methodology, results, context, and conclusions.

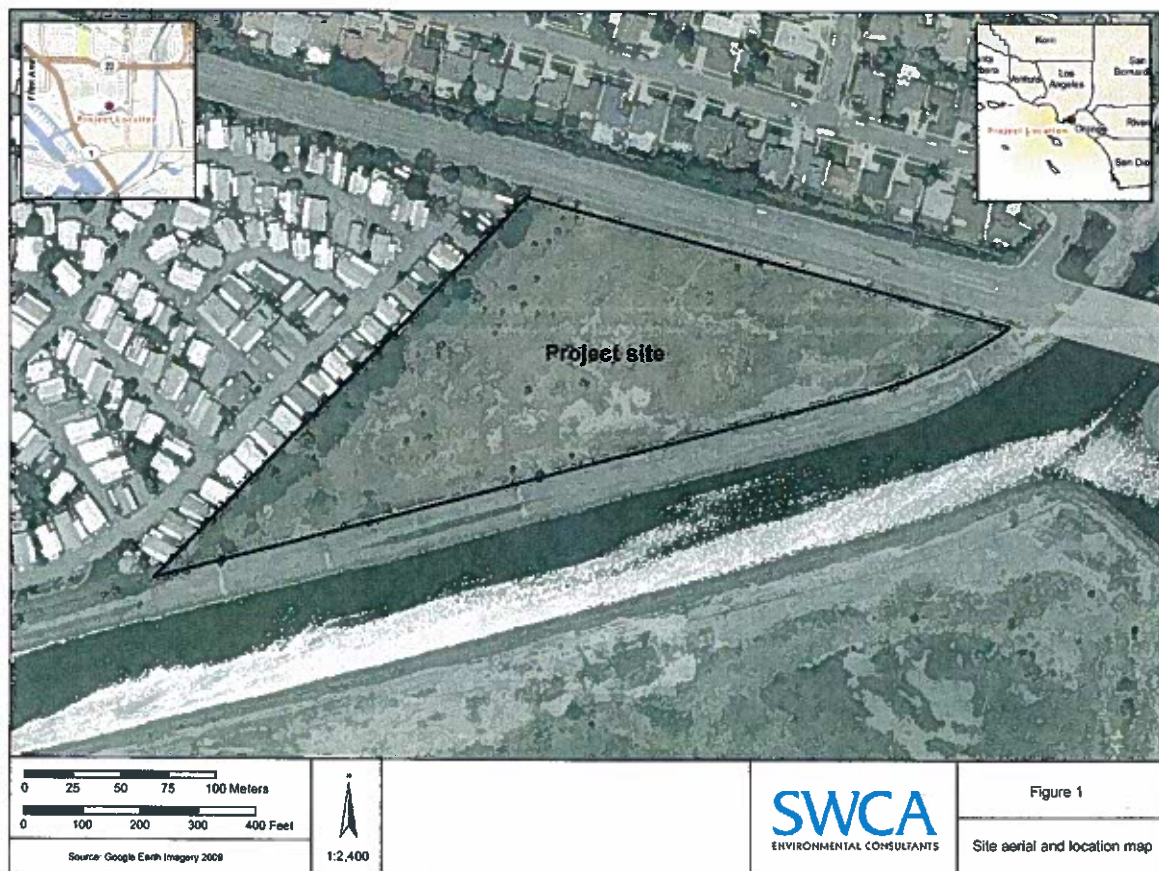
## Survey Methodology

Pedestrian surveys were conducted on the site on April 13 and 20, 2009, by SWCA senior biologist Ty Garrison. On April 13, Mr. Garrison met with property owner Sean Hitchcock and City of Long Beach representative Russel Laker prior to conducting the site survey. Heavy equipment consisting of a bulldozer, water truck, and several dump trucks was working near the center of the site, depositing and compacting new fill earth over the exposed portion of the sanitary landfill. Mr. Garrison surveyed the entire site on foot, concentrating on the periphery of the site where vegetation remained, taking notes on the species observed and photographing the on-site conditions. The center portion of the site, where the vegetation had been removed and where the equipment was still working, was cursorily surveyed.

At the conclusion of the survey, Mr. Garrison noted that Mr. Hitchcock and Mr. Laker were meeting with Mr. Ken Wong and Ms. Melanie Stadler of the U.S. Army Corps of Engineers (USACE) and joined the conversation. In that conversation, Mr. Wong noted that USACE would need to make a jurisdictional determination regarding the potential presence of wetlands or jurisdictional waters of the U.S. on the site. To make that determination, USACE would require a wetland and jurisdictional waters of the U.S. delineation. USACE would determine if any violation

of the Clean Water Act had occurred based on the result of the jurisdictional determination and the extent of the activities that had occurred on the site. Mr. Garrison returned to the site on April 20, 2009, to conduct the wetland delineation. For that survey, he concentrated on determining if there were any water courses or drainages areas on the site, or whether any water entered the site from off-site locations. He also continued to search for any wetland indicator plant species.

Because the site has a history of varied uses, and because the site is clearly not at its original elevation, a brief historical review of the site was conducted by SWCA historian Shannon Carmack. Ms. Carmack searched newspaper records at the Long Beach Public Library and located historic aerial photographs and topographic maps from commercial sources. In addition, her personal library contained copies of some historic planning documents from the City of Long Beach. The historic record presented in this report was developed from these sources.



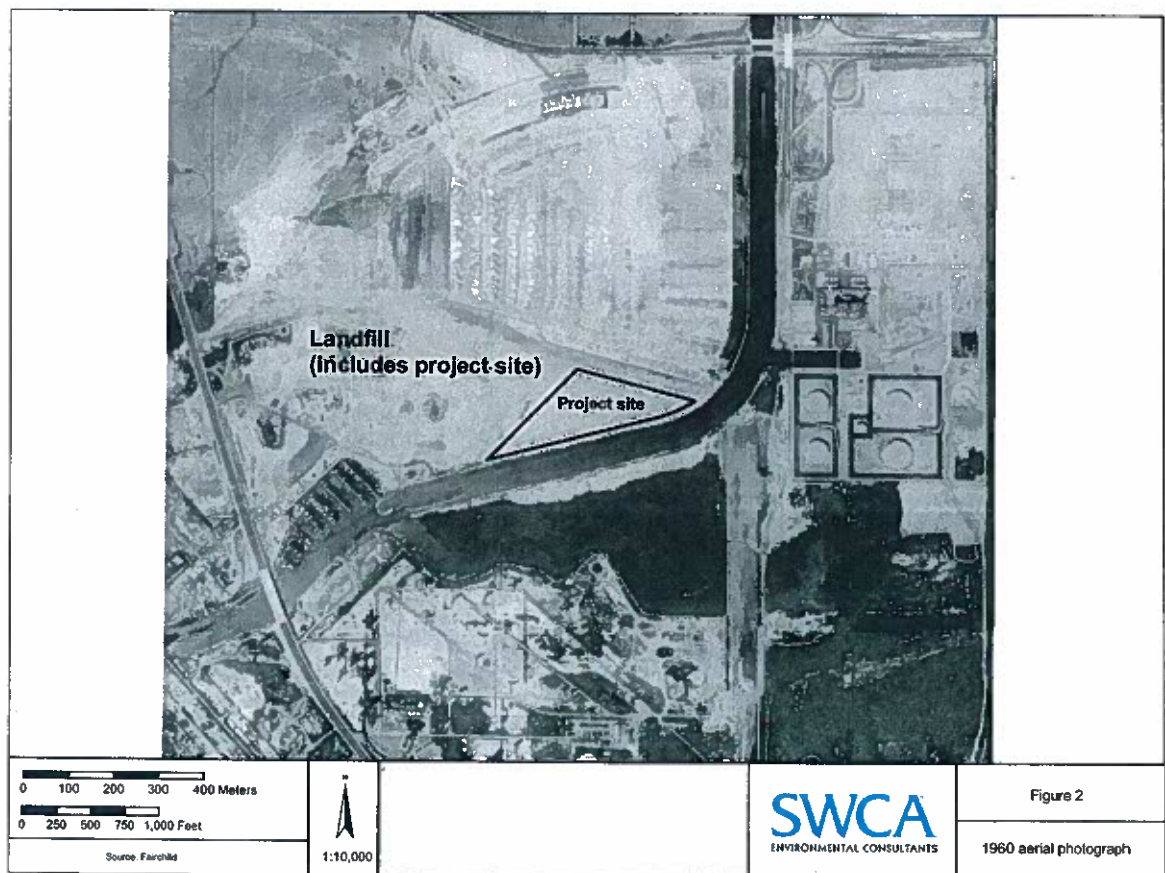


## Historical Context

The history of the site is important because the site is clearly not in a natural state. The site was originally part of the Los Alamitos–Los Cerritos tidal estuary system. The elevation of the site at that time would have been between sea level and about 4 feet above mean sea level (msl).

- 1899 and 1902— U.S. Geological Survey (USGS) “Downey” topographic maps do not ascribe an elevation to the project area, but illustrate the site as coastal marshland.
- 1925— USGS “Long Beach” topographic map illustrates the construction of the Naples neighborhood and the marine stadium, which undoubtedly altered the natural flow characteristics of the site somewhat. However, the site is still shown as marsh land.
- 1947—Aerial photographs show the Los Cerritos channel has been constructed, causing freshwater to bypass the on-site marsh and flow directly into Alamitos Bay. Based on aerial photographs, it appears that the site still supports a tidally influenced marsh habitat. Oil extraction operations are also encroaching onto adjacent properties to the west.
- 1948—Long Beach Press Telegram (8/18) article notes the beginning of landfill operation on an area that includes the project site. At this time, the landfill is actually located to the west of the project site. The site is described as “tideland...of soft mud into which heavy objects sink.... Most of the area is covered with ocean water that rises and falls with the tide, but the owners have the material on hand for a dam to seal off the tide.” The article also states that the operator has a 10-year contract to cut and cover 62 acres with 4 feet of earth. The article later states that that it takes “an average of 20 feet of rubbish packed down by machine to create the fill.”
- 1949— USGS topographic map, Los Alamitos quad, shows the construction of the Cerritos Channel but still shows the project site as marshland.
- 1953—Aerial photographs show the sanitary landfill in operation to the west of the project site, east of Pacific Coast Highway; oil operations are also getting closer to the site. A berm has been built along the western boundary of the site, which is also the City/Grant Line/County boundary. This berm effectively removes the site from tidal connection and begins drying the site.
- 1955—Los Angeles Times 2-24-55 reports that off-shore disposal of rubbish may be required because the dump is too close to the Veteran’s Administration (VA) Hospital, Long Beach State College, high-class residential, and the new marina. The article also states that City Councilman Patrick Ahern considered the site “an eyesore and a menace to health, declaring it a breeding place for flies and mosquitoes.”
- 1955—Los Angeles Times? 2-26-55. George Weeks reports that the City health officer inspected the site and concluded that it is not a threat to health. The article states that

"pollution of subsurface water is not a problem, since the site is in a salt-water marginal area." [Of course, at the time pollution to drinking water was the only concern.] The article goes on to state that "An average of two feet of topsoil is being placed over fill as rapidly as compaction will allow. An average of 1,100 loads of dirt is deposited at the site monthly, to be used a sealing topsoil cover." The article concludes that the site is located "in a swamp area which is being rapidly converted to a useful purpose."



- **1960**—Aerial photographs show the entire site encompassed by the landfill. The neighborhood to the north is under construction, as is Loynes Drive.
- **1964–Present**—USGS topographic map, Los Alamitos quad, shows the ground surface of the site as being approximately 20 feet above msl. The neighborhood to the north and trailer park to the west have both been developed.

- **1976**—The Southeast Area Development Plan (SEADIP) Environmental Impact Report (EIR), Department of City Planning, Long Beach:
  - illustrates the site as an upland area and specifically does not identify the site as low-lying or seasonal freshwater marsh
  - illustrates the site as Sanitary Landfill
  - illustrates the site as proposed RV Storage
  - illustrates the site as open field, described as consisting [sic] “principally of annuals, perennials, forbs, grasses and limited herbaceous materials Vegetation has been subjected to periodic disruption due to grading operation...”
  - illustrates the site as zoned R-1 Residential
  - notes that the site was zoned low density residential in the 1961 General Plan
  - Dproposes a generalized land use as industrial
- **1980**—The Local Coastal Plan (LCP) is produced.
  - The SEADIP Plan is incorporated by reference into the Local Coastal Plan (LCP)
  - LCP illustrates the site as a future park dedication area
  - LCP illustrates the site as proposed Active/Passive Park. Map and key in LCP excerpted from adopted SEADIP Plan
- **1997**—Long Beach General Plan revised and reprinted. The site is zoned PD (Planned Development).
- **Unknown Date**—Long Beach Green Vision Map denotes the site as part of the Los Cerritos Wetlands. The map states: “This map has been developed as a general planning tool through on-going collaboration between the City of Long Beach, Department of Parks, Recreation, and Marine, conservation organizations and agencies, and community groups.” The map is not a scientific evaluation of the site.
- **2006**—Long Beach Wetlands Study Group includes the site in their vision for the Los Cerritos wetlands.
- **2008**—Southeast Area Development Plan Update:
  - illustrates the site as PD-1, Planned Development
  - identified the site as Subarea 23. The plan states: “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.”

## Biological Characteristics

Due to the recent weed clearing by scraping activity, the on-site biological resources are limited. Most of the center of the site is now unvegetated ground. This is partly due to the removal of vegetation as part of the weed-clearing operation and partly because additional fill material was imported to cap the exposed portion of the landfill that underlies most, or all, of the site.

### Floral Components

Nonnative ruderal species dominate the entire site, comprising 94% of the plants noted there. These are species that are able to quickly recruit and become established in areas of ground disturbance and then out-compete many native species. Based on the interpretation of recent aerial photographs and extrapolation of existing floral characteristics of the site, it is assumed that the recently cleared portions of the site were dominated by nonnative vegetation similar to that currently present there. It is likely that the center portions of the site were more heavily populated by halophytes than the periphery of the site, where the remaining vegetation is dominated by less salt-tolerant ruderal species. However, these areas still support a substantial halophyte component. The two dominant species on the site are nonnative iceplants—hotentot fig (*Carpobrotus edulis*) and small-flowered iceplant (*Mesembryanthemum nodiflorum*). Small-flowered iceplant is highly salt tolerant and has a very similar appearance to pickleweed (*Salicornia* sp.). The small-flowered iceplant is likely the species that dominated the center portions of the site where aerial photos indicate areas of very light soil that may be interpreted as salt encrusted. The western edge of the site, near the mobile home park, is dominated by hotentot fig and a variety of landscape species that are either escapees from the residences or were intentionally planted. These landscape species include Japanese black pine (*Pinus thunbergii*), Brazilian pepper (*Schinus terebinthifolius*), southern magnolia (*Magnolia grandiflora*), avocado (*Persea americana*), and numerous South American cactus species, among others. Garland chrysanthemum (*Chrysanthemum coronarium*) is also quite abundant on the site and is dominant along the northern boundary. A complete floral list is attached at the end of this report.

### Faunal Components

There is very little wildlife on the site, and with the exception of the western fence lizard, all of the wildlife species noted on the site are common urban residents or locally common coastal birds. A southern alligator lizard noted near the western edge of the site was the only other reptile species observed. Native bird species noted on the site at the time of the surveys were the mourning dove, white crowned sparrow, house finch, and northern mockingbird. Nonnative species on the site were the rock dove (pigeon) and house sparrow. A brown pelican, great blue heron, and mallard flew over the site during the surveys. California ground squirrels and brush rabbits were the only mammals noted, though several small rodent species are expected to occur on-site. The lack of wildlife present on the site could be attributed to the removal of habitat and equipment working on the site at the time of the initial survey, and to the relative lack of vegetation onsite during the next site survey.



Although no extensive directed survey was conducted for breeding birds on the site, there was some indication that locally common bird species, including the northern mockingbird and house finch, might be nesting on the site. Adults of these two species were exhibiting furtive behavior typical of adults with a nest in the vicinity. These birds were located near the western edge of the site and could be nesting on the property or in the adjacent mobile home park.

## **Regulatory Environment**

For the purposes of this report the regulatory environment consists of the regulations over wetlands, waters of the U.S., and state waters, and the agencies having jurisdiction over them. These are the Regional Water Quality Control Board (RWQCB), USACE, and the California Department of Fish and Game (CDFG).

## **Jurisdictional Overview**

Under provisions of the Clean Water Act, the USACE administers the day-to-day activities required by Section 404. These include the individual permit decisions, jurisdictional determinations, developing policy and guidance, and enforcing provisions of Section 404. The USACE has jurisdiction over the waters of the U.S., which is defined in 33 Code of Federal Regulations (CFR) Part 328 as including all waters whose alteration could or does influence interstate or international commerce, including migratory bird habitat. These waters include navigable waters, interstate waters, intrastate lakes, rivers, streams (including ephemeral streams), mud flats, sand flats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, and natural ponds that could affect interstate or foreign commerce. Also included are waters that are defined in Section 10 of the Rivers and Harbor Act of 1899 as all navigable waters, which includes the territorial seas and those waters of the U.S. that are subject to the ebb and flow of the tide shoreward to the mean high water mark, and/or are presently used or have been used in the past, or may be susceptible to use to transport interstate or foreign commerce. Waters of the U.S. do not include prior converted cropland.

The CDFG asserts jurisdiction over the bed and bank of a stream and associated wildlife and habitats as established in California Fish and Game Code Sections 1600–1616. In accordance with Section 1602 of the Code (Streambed Alteration), the CDFG regulates activities which will “substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake” and requires notification prior to such activities. In addition, Section 1603 of the Code states that “after the notification is complete, the department shall determine whether the activity may substantially adversely affect an existing fish and wildlife resource,” and a Streambed Alteration Agreement may be pursued. These regulations were established to protect the wildlife resources that are associated with the riparian habitats that occur within and adjacent to ephemeral to year-round drainage systems.

The California RWQCB regulates discharge of waste in any region that could affect the waters of the State under the California Porter-Cologne Water Quality Act or waters of the U.S. under Section 401 of the Federal Clean Water Act. Under the Porter-Cologne Act, a Report of Waste Discharge must be submitted prior to discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the State (California Water Code Section 13260). Waste Discharge Requirements (WDRs) or a waiver of WDRs will then be issued by the RWQCB. Waters of the State are defined as any surface water or groundwater, including saline waters, that are within the boundaries of the state (California Codes: Public Resource Code Section 71200). This differs from the Clean Water Act definition of waters of the U.S. by its inclusion of groundwater and waters outside the ordinary high water mark in its jurisdiction. Whereas all waters of the U.S. also fall under the category of waters of the State, some waters of the State may be identified beyond the delineation of waters of the U.S., and the RWQCB may exert authority to regulate waste discharge into these waters even if the waters do not fall under USACE federal jurisdiction. All projects that have a federal component and may affect waters of the U.S., including those that require a Section 404 permit from the USACE, must also comply with Section 401 of the Clean Water Act. If discharge into waters of the U.S. is being proposed, a 401 water quality certification from the RWQCB is required (Sections 3830 through 3869, Title 23 of the California Code of Regulations) in addition to obtaining WDRs for impacts to waters of the State.

## **Determination of Wetlands**

To determine if waters of the U.S. qualify as wetlands, there must be a positive confirmation of each of the three diagnostic environmental characteristics associated with wetlands: hydrophytic vegetation, hydric soils, and wetland hydrology.

### **Hydrophytic Vegetation**

Hydrophytic vegetation occurs in areas where the soil characteristics are affected by frequent or sustained inundations that lead to periods of soil saturation that influences the plant life that is present. These periodic events must occur for sufficient duration to result in anaerobic soil conditions. Species that are indicators of wetlands have been classified in the U.S. Fish and Wildlife Service (USFWS) *National List of Plant Species That Occur in Wetlands: 1996 National Summary*. Frequency of a species occurrence in wetlands has been divided into five categories:

- Obligate Wetland (OBL): Occurs almost always (estimated probability >99%) under natural conditions in wetlands.
- Facultative Wetland (FACW): Usually occurs in wetlands (estimated probability 67%–99%), but occasionally found in non-wetlands.
- Facultative (FAC): Equally likely to occur in wetlands or non-wetlands (estimated probability 34%–66%).

- Facultative Upland (FACU): Usually occurs in non-wetlands (estimated probability 67%–99%), but occasionally found in wetlands (estimated probability 1%–33%).
- Obligate Upland (UPL): Occurs in wetlands in another region, but occur almost always (estimated probability >99%) under natural conditions in non-wetlands in the region specified.

The USACE considers species that fall into the OBL, FACW, and FAC categories as being positive indicators of wetland vegetation. The prevalent vegetation that occurs in a wetland may be associated with more than one community and is characterized by the dominant species. Determining the dominant species is done using the 50/20 Rule, which states that the dominant plant comprises 50% of the species found in the stratum of the community, along with another species that makes up 20% of the stratum. (HQ USACE, 6 Mar. 1992)

### **Hydric Soils**

Hydric soils are formed under conditions of saturation, flooding, or ponding for long enough duration during the growing season to develop anaerobic conditions in the upper layers. The concept of hydric soils includes soils developed under sufficiently wet conditions to support the growth and regeneration of hydrophytic vegetation. Soils that are sufficiently wet because of artificial measures are included in the concept of hydric soils. Soils that were historically hydric until the hydrology that created that condition was artificially altered, resulting in the classification of the soil as non-hydric, are still considered hydric soils. Some series, designated as hydric, have phases that are not hydric depending on water table, flooding, and ponding characteristics.

There are a number of field indicators of hydric soils, including an organic composition that is greater than 50%, the presence of sulfides, gleyed soil, mottled soil, and certain soil color ranges. These will not be described in further detail because the site history makes them irrelevant.

### **Wetland Hydrology**

Wetland hydrology includes all the hydrologic characteristics of areas that are periodically inundated or have soils saturated to the surface for some duration of the growing season. Areas with evident characteristics of wetland hydrology are those where the presence of water has an overriding influence on characteristics of hydrophytic vegetation and reduced soils. Numerous factors, such as precipitation, stratigraphy (rock layers), topography, soil permeability, and plant cover affect the moisture content of an area. Indicators of wetland hydrology may include, but are not necessarily limited to, the following: drainage patterns, drift lines, sediment deposition, watermarks, stream gage data, flood predictions, historic records, visual observation of saturated soils, and visual observation of inundation.

## **Jurisdictional Waters Delineation**

### **ACOE**

As explained earlier, wetland determination requires three parameters, dominant hydrophytic vegetation, hydrology, and hydric soils. The project site has none of these indicators.

### **Hydrophytic Vegetation**

As described above and indicated in the attached floral compendium, only two of the species found on the site, rabbits-foot grass (*Polypogon monspeliensis*) and broad-leaved peppergrass (*Lepidium latifolium*), are wetland indicators. Each of these species is listed as facultative wetland and is uncommon on the site. The vast majority of the species on the site, more than 96%, are upland species. Upland species have an even greater dominance when considered by biomass or population because the two facultative wetland species on the site are uncommon.

### **Hydrology**

The site is relatively flat and at a higher elevation than most of the surrounding area, preventing offsite runoff from entering the site. Most of the trailer park to the west is slightly higher than the site, but there are no points or drains along this boundary that would allow concentrated water flows to enter the property. There are a few low areas along the western edge of the site that are not contiguous with any channels or drainage areas. These low areas are also covered with deep hotentot fig iceplant. The north side of the site, along Loynes Drive, is bounded by an off-site concrete drainage ditch that prevents any runoff from the street from entering the site. The southern edge of the site drops off steeply to the adjacent maintenance road along the Los Cerritos Channel. These combined circumstances indicate that the site does not have any wetland or streamcourse hydrology.

### **Hydric Soils**

As noted in the site history, there is a well-documented history of the site's use as a landfill, including the importation of the fill earth required to seal the landfill daily. At present, the ground elevation of the site is approximately 16 to 20 feet above the natural marsh that was present at the location until the 1940s. Large quantities of shell fragment and sand on the surface of the site indicate that dredge materials from the adjacent Los Cerritos Channel may also have been deposited on the site. The presence of these fill materials makes the question of whether the on-site soils are hydric or not irrelevant because they did not originate there.

### **Non-wetland Jurisdictional Waters of the U.S.**

Other jurisdictional waters of the U.S in this situation would be indicated by the presence flow indicators such as a swale or stream with an ordinary high water mark. If there were an on-site stream or other indicator of flowing water, it would require a significant nexus with a "traditionally navigable water" to be considered jurisdictional. There are no indicators of flow on the property



and there is no connection to any "traditionally navigable water," the nearest of which is the adjacent Los Cerritos Channel.

### **RWQCB**

There are no indicators of water flows onto or across the site, nor does any surface water originate on the site. Site history leads to the conclusion that there would be groundwater at an undetermined depth below the site but probably near sea level.

### **CDFG**

There are no indications of a river, stream, or lake on the property. There is no riparian habitat on the project site.

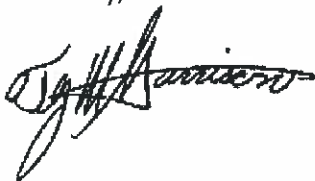
### **Conclusions**

Nesting birds are the only protected natural resource currently occupying the project site. An after-the-fact site survey cannot accurately assess whether there were any impacts to nesting birds on the project site. If any nesting birds were disturbed by the vegetation-clearing activities, it is likely that they would have been common cosmopolitan species like those noted on the site. Based on the information presented above, there are no state or federally listed or otherwise special-status species occupying the project site.

There are no wetlands or jurisdictional waters of the U.S. or waters of the state or riparian habitats under the jurisdiction of the CDFG or RWQCB on the site. If proposed activities on the site were to involve dewatering, that is, the removal of groundwater, or if they involved the addition of enough water to cause runoff from the site, the RWQCB would have jurisdiction over these activities. The recent vegetation-clearing and importation of fill material did not involve these activities; thus, there is no RWQCB jurisdiction.

I'm sure that this letter report will satisfy the requirements of the City and of the USACE. If you have any questions or require further assistance, please feel free to call.

Sincerely,



Ty M. Garrison  
Senior Biologist  
SWCA Environmental Consultants  
tgarrison@swca.com

## Vascular Plants

*/@	Scientific Name	Common Name	Federal Wetland List
<b>PINACEAE - PINE FAMILY</b>			
*@	<i>Pinus thunbergii</i>	Japanese black pine	No entry
<b>AIZOACEAE - ICE PLANT FAMILY</b>			
*	<i>Carpobrotus edulis</i>	Hottentot-fig	No entry
*	<i>Mesembryanthemum crystallinum</i>	Common ice plant	FAC
*	<i>Mesembryanthemum nodiflorum</i>	Small-flowered ice plant	FAC
<b>ANACARDIACEAE - SUMAC FAMILY</b>			
*@	<i>Schinus terebinthifolius</i>	Brazilian pepper-tree	NI
<b>ASTERACEAE - SUNFLOWER FAMILY</b>			
	<i>Ambrosia psilostachya</i>	Western ragweed	FAC
*	<i>Centaurea melitensis</i>	Tocalote	No entry
*	<i>Chrysanthemum coronarium</i>	Garland chrysanthemum	No entry
*	<i>Conyza canadensis</i>	Horseweed	FAC
	<i>Heterotheca grandiflora</i>	Telegraph weed	No entry
*	<i>Lactuca serriola</i>	Prickly lettuce	FAC
*	<i>Silybum marianum</i>	Milk thistle	No entry
*	<i>Sonchus oleraceus</i>	Common sow-thistle	NI*
<b>BRASSICACEAE - MUSTARD FAMILY</b>			
*	<i>Brassica nigra</i>	Black mustard	No entry
*	<i>Lepidium latifolium</i>	Broad-leaved peppergrass	FACW
	<i>Lepidium nitidum</i>	Common peppergrass	FAC
*	<i>Raphanus sativus</i>	Wild radish	UPL
*	<i>Sisymbrium irio</i>	London-rocket	No entry
<b>CACTACEAE - CACTUS FAMILY</b>			
@	Multiple South American cactus species as escapees from adjacent tract		
<b>CHENOPODIACEAE - GOOSEFOOT FAMILY</b>			
*	<i>Atriplex semibaccata</i>	Australian saltbush	FAC
*	<i>Bassia hyssopifolia</i>	Five-hooked bassia	FAC
*	<i>Beta maritima</i>	Sea beet	No entry
*	<i>Salsola tragus</i>	Russian-thistle	FACU
<b>CRASSULACEAE - STONECROP FAMILY</b>			
*@	<i>Crassula ovata</i>	Jade plant	No entry
<b>FABACEAE - PEA FAMILY</b>			
*	<i>Medicago polymorpha</i>	Bur-clover	FACU-
*	<i>Melilotus indicus</i>	Yellow sweet-clover	FAC
<b>GERANIACEAE - GERANIUM FAMILY</b>			
*	<i>Erodium cicutarium</i>	Red-stemmed filaree	No entry
*	<i>Pelargonium sp.</i>	Ornamental geranium	No entry
<b>LAURACEAE - LAUREL FAMILY</b>			
*@	<i>Persea americana</i>	Avocado	No entry

## Vascular Plants, Continued

*/@	Scientific Name	Common Name	Federal Wetland List
MAGNOLIACEAE-MAGNOLIA FAMILY			
*@	<i>Magnolia grandiflora</i>	Southern magnolia	N/A
MALVACEAE-MALLOW FAMILY			
*	<i>Malva parviflora</i>	Cheeseweed	No entry
*	<i>Malva sylvestris</i>	High mallow	No entry
MYRSINACEAE-MYRSINE FAMILY			
*	<i>Anagallis arvensis</i>	Scarlet pimpernel	FAC
MYRTACEAE-MYRTLE FAMILY			
*	<i>Eucalyptus</i> sp.	Gum tree	No entry
OLEACEAE-OLIVE FAMILY			
*@	<i>Fraxinus uhdei</i>	Evergreen ash	No entry
OXALIDACEAE-WOOD-SORREL FAMILY			
*	<i>Oxalis pes-caprae</i>	Bermuda-buttercup	No entry
SAPINDACEAE-SOAPBERRY FAMILY			
*@	<i>Cupaniopsis anacardioides</i>	Carrotwood tree	No entry
SOLANACEAE-NIGHTSHADE FAMILY			
	<i>Solanum douglasii</i>	Douglas' nightshade	FAC
ARACEAE-PALM FAMILY			
*@	<i>Phoenix canariensis</i>	Date palm	No entry
*@	<i>Washingtonia robusta</i>	Mexican fan palm	No entry
LILIACEAE-LILY FAMILY			
*@	<i>Aloe</i> sp.	Aloe	No Entry
*@	<i>Yucca aloifolia</i>	Spanish bayonet	N/A
POACEAE-GRASS FAMILY			
*	<i>Avena barbata</i>	Slender wild oat	No entry
*	<i>Bromus diandrus</i>	Ripgut grass	No entry
*	<i>Bromus madritensis</i> var. <i>rubens</i>	Red brome	No entry
*	<i>Cynodon dactylon</i>	Bermuda grass	FACU
*	<i>Hordeum murinum</i>	Hare barley	UPL
*	<i>Parapholis incurva</i>	Sickle grass	OBL
*	<i>Phalaris canariensis</i>	Annual canarygrass	FACU
*	<i>Polypogon monspeliensis</i>	Rabbit's-foot grass	FACW+

\* Nonnative; @ Ornamental/Landscape.





September 9, 2009

Mr. Jeff Winklepleck, Planner  
**LONG BEACH DEVELOPMENT SERVICES**  
333 West Ocean Blvd.  
Long Beach, CA 90802

**Re: PEER REVIEW OF THE BIOLOGICAL RESOURCES EVALUATION AND  
JURISDICTIONAL WATERS DELINEATION FOR APN 7237017006**

Dear Mr. Winklepleck:

**PCR Services Corporation (PCR)** conducted a peer review of the May 28, 2009 Biological Resources Evaluation and Jurisdictional Waters Delineation for APN 7237017006 report prepared by SWCA Environmental Consultants (SWCA), for the "project site" located west of the intersection of Studebaker Road and Loynes Drive, Long Beach (the "City"), Los Angeles County, California. The primary purpose of this peer review was to ensure that it meets the requirements of a jurisdictional delineation as warranted by the U.S. Army Corps of Engineers (ACOE), California Department of Fish and Game (CDFG), and Regional Water Quality Control Board (RWQCB) survey and reporting standards.

PCR Senior Wetland Ecologist, Richard Haywood, conducted an assessment of the project site on July 20, 2009 to confirm the project site's conditions. Upon reviewing SWCA's Biological Resources Evaluation and Jurisdictional Waters Delineation for APN 7237017006 (May 28, 2009) and based on the findings of the site visit conducted by PCR, PCR was able to confirm that the findings in the SWCA report are consistent with the ACOE, CDFG, and RWQCB survey and reporting standards. No "waters of the U.S.," "waters of the State," or CDFG jurisdictional waters occur on the project site.

PCR also researched the project site to determine if it is subject to any regulations by the California Coastal Commission (CCC) through the City's Local Coastal Program (LCP). The project site is within the City's Southeast Area Development and Improvement Plan (SEADIP). The City's LCP does not identify the project site as an environmentally sensitive habitat area (ESHA).<sup>1</sup>

The CCC defines wetlands slightly differently than the ACOE. Whereas the ACOE utilizes a "three parameter definition," that requires the presence of wetland hydrology, hydric soils and a plant community with a predominance of hydrophytic vegetation, the CCC uses a "one parameter" definition requiring evidence of only one of the above-mentioned parameters in order for it to qualify as a wetland. Based on the initial site assessment conducted on July 20, 2009 PCR determined that the project site did not support a plant community with dominance of wetland indicator plant species, and lacked indicators of sufficient hydrology to support a wetland system.

---

<sup>1</sup> *City of Long Beach Department of Planning and Building. 1980. City of Long Beach Local Coastal Program, An Element of the City General Plan. Includes Conditions and Amendments through January 1994. Reprinted 2003.*





The plant species and plant communities observed on the project site were consistent with the species identified in the SWCA report, and are typical of disturbed areas. While many of these species are classified as facultative wetland indicator species, they are often considered weed species which are common in upland, disturbed areas. Further, most vegetated areas of the project site had plant communities with an herbaceous component, a large percentage of which was comprised of upland grass species including red brome (*Bromus madritensis*), Ripgut brome (*Bromus diandrus*), and wild oat (*Avena barbata*), or exotic species such as Russian thistle (*Salsola tragus*), iceplant (*Mesembryanthemum crystallinum*), and star thistle (*Centaurea* sp.). The presence of these and other upland species precluded the presence of a plant community with a predominance of wetland indicator plant species.

The hydrology of the project site appeared limited to precipitation and street runoff from Loynes Drive, which appears to discharge local street runoff onto the northern portion of the project site via two concrete v-ditches. PCR did not review the project site's location within its local watershed, or the effects (if any) of tidal influence, or groundwater movement through the area. As such, we cannot determine if the Los Cerritos Channel (the "Channel"), located parallel to the southern boundary of the project site, approximately 65 feet to the south, may influence local hydrology on the project site. However, an existing gravel road, located between and directly abutting both the Channel and the project site, as well as the ground surface on the project site itself, lacked any visible evidence of surface flow or flooding that could be attributed to the Channel. As such, PCR concluded that if the Channel were to influence the surface hydrology on the project site it would likely occur at such an infrequent and irregular occurrence interval that it would not support a wetland system on the project site. The potential effect of ground water is addressed in the soils discussion, below.

To determine if hydric soils were present on the project site PCR conducted a second site inspection on August 18, 2009.<sup>2</sup> To assess the soils on the project site PCR took several soil cores throughout the project site. Because the majority of the project site has undergone significant earthwork, the areas targeted for these soil cores are located around the perimeter of the project site, which appeared relatively undisturbed from recent activities. One soil core was taken in the interior of the project site, but because of the aforementioned earthwork no sample could be accurately obtained. Please note that due to the history of the project site, as outlined in the SWCA report, the entire site was considered likely to have disturbed soils.

---

<sup>2</sup> Please note that this determination is based upon a two site visits that occurred within a period of approximately one month. If the channel regularly overtops its banks resulting in local flooding, and if corrective measures are regularly undertaken to repair related flooding damage from the Channel, PCR is not aware of them, and therefore the conclusions reached in this discussion may need to be revised. However, no evidence of flooding or flow attributable to the Channel was observed on the project site.



### **Soil Core 1**

Location: Along southern boundary, just west of center of the boundary line. Approximately 12 feet from the fence.

Texture: very fine sand (silt loam):

0" - 6"	2.5Y 6/3 (100%)	1% high chroma (no color recorded);
6" - 10"	2.5Y 6/3 (90%) / 2.5Y 7/1 (10%)	1% high chroma;
10" - 16"	2.5Y 6/3 (60%) / 2.5Y 7/1 (40%).	

While Soil Core 1 becomes a depleted matrix at a depth of 10 inches this is too deep and lacks sufficient redoximorphic features (mottles) to be considered a hydric soil as either an F3 Depleted Matrix or a S5. Sandy Redox soil, and is therefore considered an upland soil.

### **Soil Core 2**

Location: Along southern boundary, near westernmost corner. Approximately 10 feet from the fence. Within small, local depression approximately 54'x33' in size.

Texture: silt loam:

0" - 3"	10YR 3/1 ((70%) / 2.5Y 4/2 (30%)	1-2% high chroma (no color recorded); oxidized rhizospheres present;
3" - 8"	10YR 5/1 (60%) / 10YR 7/1 (40%)	<1% high chroma (no color recorded).

Texture: silt loam, some clay:

8" - 12"	2.5Y 4/2 (100%)	2% high chroma (10YR 4/4).
----------	-----------------	----------------------------

Refusal at 12" 'tight' silt/clay layer.

Soil Core 2 should be classified as a F3 Depleted Matrix soil due to its low chroma and redoximorphic features. Therefore, this should be considered a hydric soil.

### **Soil Core 3**

Location: Along western boundary, approximately 1/3 distance north from southern boundary. Approximately 25 feet from the property line. Within a natural depression at the edge of earthwork.

Texture: very fine sand (silt loam):



0" – 6"      2.5Y 6/3 (100%)      2% hi chroma (no color recorded); 4% low chroma (2.5Y 7/1 (7/2));

6" – 10"      2.5Y 6/3 (80%) / 2.5Y (7/1) (20%)      5% high chroma (no color recorded);

10" – 11"      coarse construction fill      10% high chroma (no color recorded).

Refusal at 11".

Soil Core 3 should be considered an upland soil. Although significant redoximorphic features were identified the primary soil matrix color is too bright (chroma of 3).

Soil cores 1 and 3 should not be considered hydric soils due to a lack of sufficient hydric soil indicators observed. However, some indicators suggest either ground water or possibly subsurface water, originating from precipitation and stormwater runoff collected on the project site which subsequently percolates down into the soil column from the surface and moves (horizontally) through the project site.

Soil Core 2 was the only hydric soil identified on the project site. Its location within a small depression likely allows water to pool during seasonal rains for a duration long enough to generate anaerobic conditions within the surface soil horizons, and therefore creating a hydric soil. A thin siltation layer (3-4 mm thick), and some salt crust build up, produced through evaporation, further support this determination. The lack of a predominantly hydrophytic plant community precludes the area as being considered an ACOE wetland; however, under the CCC one parameter rule this area may be considered jurisdictional. However, because of the distinct separation of the project site from the Los Cerritos Channel, and because of the local topography within which the hydric soil was identified it is likely that these hydric soils developed independently from any coastal influence.

Thank you for the opportunity to assist you with reviewing the project site's biological resources. If you have any questions, please contact Rick Haywood at (949) 753-7001 or [r.haywood@pcrnet.com](mailto:r.haywood@pcrnet.com).

Sincerely,


**PCR SERVICES CORPORATION**

A handwritten signature in black ink, appearing to read "Rick Haywood".

Rick Haywood  
Senior Wetland Ecologist/Certified Arborist

A handwritten signature in black ink, appearing to read "Stephanie Gasca".

Stephanie Gasca  
Senior Regulatory Specialist II

 <b>LONG BEACH FIRE DEPARTMENT</b> Fire Inspection Report <b>FIR 17732</b> Bureau of Fire Prevention • 3205 Lakewood Blvd • Long Beach, California 90808 • (562) 570-2560 • Fax (562) 570-2566					
Business Name	Phone	Occupancy Class	Sq. Ft.	Council Dist.	Incident Number
Business Address <b>6400 LANE DR. (LONG BEACH AIRPORT)</b>				<b>3</b>	
City	State	Zip	Business / Property Owner or Management Company <b>SEAN HUTCHCOCK</b>		Phone (562) <b>424-5567</b>
Contact	Phone	Address <b>2651 WILLOW AVE</b>		City <b>Signal Hill</b>	State <b>CA.</b> Zip <b>90755</b>

<input type="checkbox"/> <input type="checkbox"/> <b>ACCESS / EXITING</b> 1. Exit doors shall be openable from the inside by single motion, no key or special knowledge required. CFC 1008.1.8 <input type="checkbox"/> <input type="checkbox"/> 2. Doors with required PANIC HARDWARE shall have no other LOCKING DEVICES. Including gates or other doors leading to a public way. CFC 1008.1.9 <input type="checkbox"/> <input type="checkbox"/> 3. Remove storage and obstructions from exits, aisles, corridors and stairways. CFC 315.2.2 <input type="checkbox"/> <input type="checkbox"/> 4. Fire doors shall not be obstructed, altered, removed, or propped open with doorstops. CFC 703.2 <input type="checkbox"/> <input type="checkbox"/> 5. Maintain lighted exit signs and exit pathway lighting. CFC 1011.2 & 1006.1 <input type="checkbox"/> <input type="checkbox"/> 6. Provide a KNOX type key box for fire department access. Three sets of keys required where possible. CFC 506.1 <b>FIRE EXTINGUISHING SYSTEMS</b> <input type="checkbox"/> <input type="checkbox"/> 7. Fire Protection systems shall be maintained in an operative condition at all times and shall be replaced or repaired where defective. CFC 901.6 <input type="checkbox"/> <input type="checkbox"/> 8. RE-CERTIFY FIXED FIRE SUPPRESSION SYSTEMS SEMI-ANNUALLY (Dry / Wet Chemical, Halon, CO <sub>2</sub> (6 months) CFC 904.11.6 CERT DATE <input type="checkbox"/> <input type="checkbox"/> 9. RE-CERTIFY fire sprinkler and standpipe systems. (5-year) C.C.R. T19 904 CERT DATE <b>FIRE ALARM SYSTEMS</b> <input type="checkbox"/> <input type="checkbox"/> 10. Fire alarm systems shall be operational at all times. C.C.R. T19 3.24 <input type="checkbox"/> <input type="checkbox"/> 11. RE-CERTIFY fire alarm systems annually. (1-year) CFC 907.20 CERT DATE <b>FIRE EXTINGUISHERS</b> <input type="checkbox"/> <input type="checkbox"/> 12. RE-CERTIFY FIRE EXTINGUISHERS ANNUALLY. (1-year) C.C.R. T19 575.1 CERT DATE <input type="checkbox"/> <input type="checkbox"/> 13. General Business - Provide at least one 2A-10:BC or larger extinguisher within 75 feet of travel and on every floor. CFC 906 <b>SIGNAGE</b> <input type="checkbox"/> <input type="checkbox"/> 14. 704 M placarding is required. (See back for an example). CFC 2703.5 <input type="checkbox"/> <input type="checkbox"/> 15. Address numbers shall be plainly visible. CFC 505.1 <input type="checkbox"/> <input type="checkbox"/> 16. Post sign stating, "THIS DOOR TO REMAIN UNLOCKED WHEN BUILDING IS OCCUPIED". CFC 1008.1.8.3 <input type="checkbox"/> <input type="checkbox"/> 17. Post Occupant Load signs in assembly occupancies without fixed seating. CFC 1004.3		<input type="checkbox"/> <input type="checkbox"/> 18. Post "No Smoking" signs as required. CFC 310.3 <b>ELECTRICAL AND HEATING EQUIPMENT</b> <input type="checkbox"/> <input type="checkbox"/> 19. Extension cords shall not be used as a substitute for permanent wiring. CFC 605.5 <input type="checkbox"/> <input type="checkbox"/> 20. Power taps / surge protectors shall be connected directly to an outlet. CFC 605.4.2 <input type="checkbox"/> <input type="checkbox"/> 21. Maintain 30 inches in width, 36 inches in depth and 78 inches in height to electrical panels. CFC 605.3 <b>HOUSEKEEPING (&amp; STORAGE)</b> <input type="checkbox"/> <input type="checkbox"/> 22. Remove combustibles stored in boiler, mechanical or electrical equipment rooms. CFC 315.2.3 <input type="checkbox"/> <input type="checkbox"/> 23. Reduce storage height to at least 24 inches below ceilings or 18 inches below sprinklers. CFC 315.2.1 <input type="checkbox"/> <input type="checkbox"/> 24. Dumpsters shall not be placed near openings or under combustible roof eaves, unless protected by fire sprinklers. CFC 304.3.3 <b>FLAMMABLE &amp; COMBUSTIBLE LIQUIDS</b> <input type="checkbox"/> <input type="checkbox"/> 25. See back for maximum allowable table. <input type="checkbox"/> <input type="checkbox"/> 26. Flammable or combustible liquids shall not be stored in or near exit ways, stairways, or basements. CFC 3404.3.3 & 3803.2.1.1 <input type="checkbox"/> <input type="checkbox"/> 27. Flammable or combustible liquids for use, over 10 gallons, shall be stored in approved flammable liquid storage cabinets. CFC 3404.3.4.4 <b>PLANS / PERMITS</b> <input type="checkbox"/> <input type="checkbox"/> 28. A RE-INSPECTION FEE HAS BEEN ASSESSED. (See back for procedures to re-schedule another inspection) <input type="checkbox"/> <input type="checkbox"/> 29. FIRE WATCH POSTED. (See back for duties and responsibilities.) CFC 901.7 <input type="checkbox"/> <input type="checkbox"/> 30. Plans are required for installation, alterations, or repairs of building systems or fire protection systems. SEE EXPLANATION BELOW: CFC APPENDIX 105.4 and LBM 18.48.560 <input type="checkbox"/> <input type="checkbox"/> 31. Annual fire permits are required. CFC APPENDIX 105.6 and LBM 18.48.540 <b>COMPRESSED GASES (&amp; LPG)</b> <input type="checkbox"/> <input type="checkbox"/> 32. Secure compressed gas cylinders to prevent cylinders from falling or being knocked over. CFC 3003.5.3 <input type="checkbox"/> <input type="checkbox"/> 33. LP-Gas shall not be located near exits or stairs. CFC 3809.4 <input type="checkbox"/> <input type="checkbox"/> 34. Per Long Beach Municipal Code: No LP Gas is allowed in any occupancy. LBM 18.48.430	
--	--	---	--

<input checked="" type="checkbox"/>	<input type="checkbox"/>	REMOVE ALL FLAMMABLE VEGETATION AND COMBUSTIBLE GROWTH WITHIN 30FT OF BUILDINGS, STRUCTURES, OR PROPERTY LINES, WHICHEVER IS NEARER, PER THE CALIFORNIA CODE OF REGULATIONS TITLE 19, DIVISION 1, CHAPTER 1, ARTICLE 3, SECTION 3.07 (SEE ATTACHED).
<input type="checkbox"/>	<input type="checkbox"/>	* THIS AREA IS KNOWN TO THE COMMUNITY TO HAVE VARIOUS WHICHEVER THEREFORE, CARE SHALL BE TAKEN WHEN CLEARING THE FLAMMABLE VEGETATION & COMBUSTIBLE GROWTH FROM THIS AREA TO PREVENT THE SPREAD OF FIRE TO ADJACENT AND SURROUNDING AREAS, AND WHEN MAINTAINING THIS 30FT CLEARANCE ON A REGULAR BASIS.

NOTICE RECEIVED BY: <input type="checkbox"/> NO RP AVAILABLE <input type="checkbox"/>		PRINT NAME: <b>SEAN HUTCHCOCK</b>		Resident / Employee <input type="checkbox"/> Owner / Manager <input checked="" type="checkbox"/>	
INITIAL INSPECTION CONDUCTED BY: <b>DANIE ZUNIGA</b> DID # <b>70881</b>		FIRE RE-INSPECTION ON OR AFTER DATE: <b>12-11-09</b>		SECOND RE-INSPECTION ON OR AFTER DATE:	
FIRST RE-INSPECTION CONDUCTED BY: <input type="checkbox"/> ABATED / IN COMPLIANCE <input type="checkbox"/> NO VIOLATIONS OBSERVED		DATE: <input type="checkbox"/> DATE: <input type="checkbox"/>		INSPECTOR (562):	





California Integrated Waste Management Board

## Closed Disposal Site Inspection Report

Page 1 of 1

Enforcement Agency: <u>County of Los Angeles - SWMP</u>		<b>For Official CIWMB Use Only</b>	
FACILITY FILE NUMBER (99-xx-9999) <u>19 - A K - 5003</u>		INSPECTION DATE (MM/DD/YYYY) <u>10/07/2009</u>	
PROGRAM CODE (Select only one code) <input checked="" type="radio"/> LEA Periodic <input type="radio"/> CIWMB Closed Sites <input type="radio"/> CIWMB Focused <input type="radio"/> LEA Focused <input type="radio"/> CIWMB Enforcement Agent <input type="radio"/> CIWMB Periodic		Time In:	Inspection Time <b>5 HRS.</b>
		Time Out:	
Facility Name <u>City Dump &amp; Salvage No. 3 (Vacant Lot)</u>		Received By (Operator) Signature <u>US Mail</u>	
Facility Location <u>South of Loynes Dr. @ Palo Verde Ave., Long Beach, CA 90803</u>		Owner Signature (if present) <u>NA</u>	
Inspector <u>Tom White</u>		Also Present (Name) <u>NA</u>	
Inspector Signature <u>JL</u>			

THE ABOVE FACILITY WAS INSPECTED FOR COMPLIANCE WITH APPLICABLE SECTIONS OF DIVISION 30 OF THE PUBLIC RESOURCES CODE (PRC), AND TITLE 14 AND TITLE 27 CALIFORNIA CODE OF REGULATIONS (CCR).

THE STANDARDS BELOW ARE CONSIDERED IN COMPLIANCE UNLESS OTHERWISE MARKED WITH ONE OF THE FOLLOWING: V=VIOLATION A=AREA OF CONCERN

POSTCLOSURE	V	A	DRAINAGE AND EROSION CONTROL	V	A
20750 - SITE MAINTENANCE	<input type="radio"/>	<input type="radio"/>	20820 - DRAINAGE/EROSION	<input type="radio"/>	<input type="radio"/>
21180 - POSTCLOSURE MAINTENANCE	<input type="radio"/>	<input type="radio"/>	21150 - DRAINAGE/EROSION CONTROL	<input type="radio"/>	<input type="radio"/>
21190 - POSTCLOSURE LAND USE	<input type="radio"/>	<input type="radio"/>	<b>MONITORING AND CONTROL SYSTEMS</b>		
<b>GAS MONITORING AND CONTROL SYSTEMS</b>			20790 - LEACHATE CONTROL	<input type="radio"/>	<input type="radio"/>
20918 - EXEMPTIONS	<input type="radio"/>	<input type="radio"/>	20830 - LITTER CONTROL	<input type="radio"/>	<input type="radio"/>
20919 - GAS CONTROLS	<input type="radio"/>	<input type="radio"/>	21160 - LF GAS CONTROL/LEACHATE CONTACT	<input type="radio"/>	<input type="radio"/>
20919.5 - EXPLOSIVE GAS CONTROL	<input type="radio"/>	<input type="radio"/>	<b>SECURITY</b>		
20921 - GAS MONITORING AND CONTROLS	<input type="radio"/>	<input type="radio"/>	20530 - SITE SECURITY	<input type="radio"/>	<input type="radio"/>
20923 - MONITORING	<input type="radio"/>	<input type="radio"/>	21135 - SECURITY AT CLOSED SITES	<input type="radio"/>	<input type="radio"/>
20925 - PERIMETER MONITORING NETWORK	<input type="radio"/>	<input type="radio"/>	21137 - STRUCTURAL REMOVAL	<input type="radio"/>	<input type="radio"/>
20931 - STRUCTURE MONITORING	<input type="radio"/>	<input type="radio"/>	<b>RECORDS</b>		
20932 - MONITORED PARAMETERS	<input type="radio"/>	<input type="radio"/>	21130 - EMERGENCY RESPONSE PLAN	<input type="radio"/>	<input type="radio"/>
20933 - MONITORING FREQUENCY	<input type="radio"/>	<input type="radio"/>	21170 - RECORDING	<input type="radio"/>	<input type="radio"/>
20934 - REPORTING	<input type="radio"/>	<input type="radio"/>	21200 - CHANGE OF OWNERSHIP	<input type="radio"/>	<input type="radio"/>
20937 - CONTROL	<input type="radio"/>	<input type="radio"/>	<b>CLOSURE PLANS</b>		
<b>GRADING/FINAL COVER</b>			21880 - CERTIFICATION OF CLOSURE	<input type="radio"/>	<input type="radio"/>
20650 - GRADING OF FILL SURFACES	<input type="radio"/>	<input type="radio"/>	21890 - REVISION OF APPROVED PLANS FOR C/P/C MAINTENANCE	<input type="radio"/>	<input type="radio"/>
21140 - FINAL COVER	<input type="radio"/>	<input type="radio"/>	<b>OTHER</b>		
21142 - FINAL GRADING	<input type="radio"/>	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>
21145 - SLOPE STABILITY	<input type="radio"/>	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>
				<input type="radio"/>	<input type="radio"/>

Comments: (Note: for additional or continued comments use the CIWMB 03 or attach additional pages.)

4th Quarter 2009 Closed Site Inspection

Conditions: Temperature = High 70's, Clear Skies, Moderate Wind

Observations: No significant land use changes since last inspection. Observed no overgrown vegetation or accumulation of litter. Surface methane gas measurements were taken at various locations, throughout site (All were non-detectable).

Conclusions: No significant violations regarding methane gas emissions (Title 27 CCR) observed at time of inspection.

INSTRUCTIONS ON BACK

Correct: ☒Incorrect: ☐☒

EXAMPLE 123

Top White - CIWMB

Middle Pink - LEA

Bottom - Yellow



# CITY OF LONG BEACH

Department of Development Services

333 West Ocean Blvd., 5<sup>th</sup> Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6088

PLANNING BUREAU/COMMUNITY DESIGN & DEVELOPMENT DIVISION

## APPLICATION FOR APPEAL

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

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

on the 12 day of October 2009

Appellant(s): "OUR TOWN - Long-Beach" (see Attached List)

Project Address: 6400 LOYNES 90803

Project Description: CCC Emergency Permit (retroactively) followed by a local COASTAL Development Permit

### Reasons for Appeal:

Zoning Administrator ignored all evidence presented by 4 biologists who looked at LAND & said it had wetland markers. FAILED to acknowledge that the CCC Emergency permit was not complied with by SEAN HITCHCOCK. Illegal Grading - Removal of vegetation. No conditions put on weed abatement per. Denied complete restoration. Ignored all ore 1 photos of destroyed Subarea 23. Ignored Ty Carr's mis quotes regarding SEADIP history & mitigation on #23

Your appellant herein respectfully requests that Your Honorable Body reject the decision and ☐ Approve this application. ☒ Deny

Local Coastal Development Permit  
Soil not comp.

### Appellant(s) Contact Information

	Appellant 1	Appellant 2	Appellant 3
Name:	<u>SANDIE VAN HORN</u>	<u>TARA OLSEN</u>	<u>Cindy Crawford</u>
Address:	<u>845 STEVELY</u>	<u>3712 E 1ST</u>	<u>1821 Mantara St</u>
City/ZIP:	<u>LONG BEACH 90805</u>	<u>LONG BEACH 90805</u>	<u>Long Beach 90815</u>
Phone:	<u>562-596-6987</u>	<u>562-563-7377</u>	<u>(562) 508-1309</u>
Signature:	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>

(Staff Use Only Below This Line)

Received by: SM

Case No.: 0904-15

Date of Appeal: 10/22/09

Materials Required:

☐ Plans

☐ Photographs

☒ Special Materials

Fee: 50-

☐ Fee Paid

Date of Appeal Hearing: \_\_\_\_\_

PH159224



# CITY OF LONG BEACH

Department of Development Services

333 West Ocean Blvd., 6<sup>th</sup> Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6068

PLANNING BUREAU/COMMUNITY DESIGN & DEVELOPMENT DIVISION

## APPLICATION FOR APPEAL

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

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

on the 12<sup>th</sup> day of October, 2009

Appellant(s):

See List of Appellants ~ San Jer  
6400 Loynes C.B. 90803

Project Address:

Project Description:

Reasons for Appeal:

Your appellant herein respectfully requests that Your Honorable Body reject the decision and

☐ Approve  
☒ Deny

this application.

### Appellant(s) Contact Information

	Appellant 1	Appellant 2	Appellant 3
Name:	<u>Patricia J. Turner</u>		
Address:	<u>6239 E. 6<sup>th</sup></u>		
City/ZIP:	<u>Long Beach 90803</u>		
Phone:	<u>562-394-6210</u>		
Signature:	<u>Patricia J. Turner</u>		

(Staff Use Only Below This Line)

Received by: \_\_\_\_\_ Case No.: \_\_\_\_\_ Date of Appeal: \_\_\_\_\_

Materials Required: ☐ Plans ☐ Photographs ☐ Special Materials

Fee: \_\_\_\_\_ ☐ Fee Paid Date of Appeal Hearing: \_\_\_\_\_



# CITY OF LONG BEACH

Department of Development Services

333 West Ocean Blvd., 5<sup>th</sup> Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6068

PLANNING BUREAU/COMMUNITY DESIGN & DEVELOPMENT DIVISION

## APPLICATION FOR APPEAL

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

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

on the 12 day of Oct, 20 09

Appellant(s): "Our Town - Long Beach" (see Attached List)

Project Address: 6400 Loyves L.B. 90803

Project Description: \_\_\_\_\_

Reasons for Appeal: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Your appellant herein respectfully requests that Your Honorable Body reject the decision and ☐ Approve ☒ Deny this application.

### Appellant(s) Contact Information

	Appellant 1	Appellant 2	Appellant 3
Name:	<u>Joan Hawkey-McGrath</u>	<u>Brenda McMillan</u>	<u>Margaret A. White</u>
Address:	<u>6257 Marina View Dr.</u>	<u>7360 Vassar Ave.</u>	<u>6268 E. MARINA VIEW DR</u>
City/ZIP:	<u>Long Beach 90803</u>	<u>La Mesa CA 91942</u>	<u>L.B. 90803</u>
Phone:	<u>(562) 596-9387</u>	<u>(619) 462-5659</u>	<u>562 8224718</u>
Signature:	<u>Joan Hawkey-McGrath</u>	<u>Brenda McMillan</u>	<u>Margaret A. White</u>

(Staff Use Only Below This Line)

Received by: \_\_\_\_\_ Case No.: \_\_\_\_\_ Date of Appeal: \_\_\_\_\_

Materials Required: ☐ Plans ☐ Photographs ☐ Special Materials

Fee: ☐ Fee Paid Date of Appeal Hearing: \_\_\_\_\_





# CITY OF LONG BEACH

Department of Development Services

333 West Ocean Blvd., 5<sup>th</sup> Floor

Long Beach, CA 90802

(562) 570-6184

FAX (562) 570-6068

PLANNING BUREAU/COMMUNITY DESIGN & DEVELOPMENT DIVISION

## APPLICATION FOR APPEAL

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

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

on the 12 day of Oct, 2009

Appellant(s): "Our Town - Long Beach"

Project Address: 6400 LOYNES DR. L.B

Project Description: \_\_\_\_\_

Reasons for Appeal: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Your appellant herein respectfully requests that Your Honorable Body reject the decision and

☐ Approve

☒ Deny

this application.

### Appellant(s) Contact Information

	Appellant 1	Appellant 2	Appellant 3
Name:	KERRIE ALEY	ALLAN SONGER	JENNIFER GOMEZ
Address:	PO BOX 41217	PO BOX 41217	1315 HUNTERBORD ST
City/ZIP:	LONG BEACH / 90803	LONG BEACH / 90803	Long Beach, 90805
Phone:	(562) 212-0461	(562) 212-0461	262-710-9891
Signature:			

(Staff Use Only Below This Line)

Received by: \_\_\_\_\_ Case No.: \_\_\_\_\_ Date of Appeal: \_\_\_\_\_

Materials Required: ☐ Plans ☐ Photographs ☐ Special Materials

Fee: \_\_\_\_\_ ☐ Fee Paid Date of Appeal Hearing: \_\_\_\_\_



# CITY OF LONG BEACH

Department of Development Services

333 West Ocean Blvd., 5<sup>th</sup> Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6068

PLANNING BUREAU/COMMUNITY DESIGN & DEVELOPMENT DIVISION

## APPLICATION FOR APPEAL

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

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

on the 12 day of October, 2009

Appellant(s): "Our Town Long-Beach" (see Attached)

Project Address: 6400 Loynes Dr. Long Beach 90803

Project Description: \_\_\_\_\_

Reasons for Appeal: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Your appellant herein respectfully requests that Your Honorable Body reject the decision and ☐ Approve ☒ Deny this application.

### Appellant(s) Contact Information

	Appellant 1	Appellant 2	Appellant 3
Name:	<u>Mary Buttle</u>	<u>Virginia Woodbury</u>	<u>James R. Buttle</u>
Address:	<u>6215 Marina View</u>	<u>6215 Marina View</u>	<u>6215 Marina View</u>
City/ZIP:	<u>Long Beach 90803</u>	<u>Long Beach 90803</u>	<u>Long Beach 90803</u>
Phone:	<u>(562) 431-2111</u>	<u>562-400-6293</u>	<u>562-311-6111</u>
Signature:	<u>Mary Buttle</u>	<u>Virginia Woodbury</u>	<u>James R. Buttle</u>

(Staff Use Only Below This Line)

Received by: \_\_\_\_\_ Case No.: \_\_\_\_\_ Date of Appeal: \_\_\_\_\_

Materials Required: ☐ Plans ☐ Photographs ☐ Special Materials

Fee: ☐ Fee Paid Date of Appeal Hearing: \_\_\_\_\_



# CITY OF LONG BEACH

Department of Development Services

333 West Ocean Blvd., 5<sup>th</sup> Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6068

PLANNING BUREAU/COMMUNITY DESIGN & DEVELOPMENT DIVISION

## APPLICATION FOR APPEAL

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

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

on the 12 day of Oct, 2009

Appellant(s): "Our Town Long Beach" (see typed list)  
Project Address: 6400 Loyales Dr. Long Beach 9080

Project Description: \_\_\_\_\_

Reasons for Appeal: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Your appellant herein respectfully requests that Your Honorable Body reject the decision and ☐ Approve ☒ Deny this application.

### Appellant(s) Contact Information

	Appellant 1	Appellant 2	Appellant 3
Name:	JIM REID	LEONA REID	NORMAN BEDLEY
Address:	6259 E. MARINA VIEW	6259 E. MARINA VIEW DR.	6253 E. MARINA VIEW
City/ZIP:	LONG BEACH, 90803	LONG BEACH, CA 90803	LONG BEACH, CA 90803
Phone:	562-799-1709	562-799-1709	562-431-1241
Signature:	<i>Jim Reid</i>	<i>Leona Reid</i>	<i>Norman Bedley</i>

(Staff Use Only Below This Line)

Received by: \_\_\_\_\_ Case No.: \_\_\_\_\_ Date of Appeal: \_\_\_\_\_

Materials Required: ☐ Plans ☐ Photographs ☐ Special Materials

Fee:

☐ Fee Paid

Date of Appeal Hearing: \_\_\_\_\_

**"Our Town Long-Beach"**  
**P.O. Box 3661**  
**Seal Beach, CA. 90740**  
**Phone: 562-397-8004**  
**ourtownlb.com**

**Appellants on "Our Town-Long Beach" Appeal**

1. Sandie Van Horn  
845 Stevely Ave.  
Long Beach, CA 90815  
Phone: 562-493-2479
2. Pat Towner  
6239 East 6<sup>th</sup> St.  
Long Beach, CA 90803  
Phone: 562-430-7103
3. Joan Hawley McGrath  
6257 E. Marina View Drive  
Long Beach, CA 90803  
562- 596-9387
4. Tarin Olsen  
3712 E. 1<sup>st</sup> St.  
Long Beach, CA 90803  
562-856-3777
5. Brenda McMillan  
7360 Vassar Ave.  
La Mesa, CA 91942  
Phone: 619 462-5659
6. Kerri Aley  
P.O. Box 41217  
Long Beach, CA 90803  
562-212-0461
7. Allan Songer  
P.O. Box 41217  
Long Beach CA 90803  
562-212-0461
8. Cindy Crawford



6821 Mantoya St  
Long Beach 90815  
562-508-1369

9. Jennifer Gomez  
1315 Hungerford St.,  
Long Beach, CA 90805  
Phone 562-760-9892
10. Margaret A White  
6268 E Marina View Drive  
Long Beach, CA 90803  
562-8224718
11. Mrs. Mary Burtle  
6245 E Marina View Dr.  
Long Beach CA 90803  
562- 431-2111
12. Virginia Wooldridge  
6261 E Marina View Dr.  
Long Beach, CA 90803  
562-400-6293
13. James R. Burtle  
6229 Seabreeze  
Long Beach 90803  
562-316-6667
14. Jim Reid  
6259 E Marina View Dr.  
Long Beach, CA 90803  
phone 562 799-1709
15. Leona Reid  
6259 Marina View Dr  
Long Beach, CA 90803  
562-799-1709
16. Norman Bedley  
6253 E Marina View Dr.  
Long Beach Ca 90803  
562-431-1241

**Reasons for Appeal:**

Zoning administrator ignored all evidence presented by 4 biologists who looked at land and found wetland markers. Failed to acknowledge that the California Coastal Emergency permit was not complied with by Sean Hitchcock, (2H).

Illegal grading and removal of vegetation.

No conditions put on weed abatement permit.

Denied complete restoration.

Ignored all pre photos, (before destruction) of destroyed subarea # 23

Ignored Ty Garrison, (SWCA) misquotes regarding SEADIP history and mitigations.



# CITY OF LONG BEACH

Department of Development Services

333 West Ocean Blvd., 5<sup>th</sup> Floor

Long Beach, CA 90802

(562) 570-6194 FAX (562) 570-6068

PLANNING BUREAU/COMMUNITY DESIGN & DEVELOPMENT DIVISION

## APPLICATION FOR APPEAL

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

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

on the 12 day of October, 2009

Appellant(s): EL DORADO AUDUBON SOCIETY  
a California Chapter of the National Audubon Soc  
 Project Address: 6400 Logans Drive

Project Description: Subarea 23

Reasons for Appeal: The Zoning Administrator's decision ignored the habitat & wetlands resource values prior to unpermitted grading of the site, and Brenda McMillan Biology report. Also ignored Land Protection Partners report. In fact, the city's peer review report states that hydric soils were exhibited in a core sample tested where grading took place.

Did not recognize significance of Certified LCP land use design

Your appellant herein respectfully requests that Your Honorable Body reject the decision and ☐ Approve this application.  
☒ Deny

\* a California chapter  
 of the National Audubon

### Appellant(s) Contact Information

	Appellant 1	Appellant 2	Appellant 3
Name:	EL DORADO AUDUBON Society*		
Address:	P.O. Box 90713		
City/ZIP:	Long Beach, CA 90809-0713		
Phone:	562-525-825		
Signature:	Mary Farrell, LCP		

(Staff Use Only Below This Line)

Received by: JW

Case No.: 090415

Date of Appeal: 10/22/09

Materials Required: ☐ Plans ☐ Photographs ☐ Special Materials

Fee: \_\_\_\_\_

☐ Fee Paid

Date of Appeal Hearing: \_\_\_\_\_

The determines effect that the Emergency Permit & temporary work had on respectively the Certified LCP land use design

PHIS9222



# CITY OF LONG BEACH

Department of Development Services

333 West Ocean Blvd., 5<sup>th</sup> Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6068

PLANNING BUREAU/COMMUNITY DESIGN & DEVELOPMENT DIVISION

## APPLICATION FOR APPEAL

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

☒ Zoning Administrator

☐ Planning Commission

☐ Cultural Heritage Commission

☐ Site Plan Review Committee

on the 12<sup>th</sup> day of October, 2009

Appellant(s): Heather Altman

Project Address: 6400 Loynes Dr

Project Description: \_\_\_\_\_

Reasons for Appeal:

restoration should be made a condition of  
the requested permit.

Your appellant herein respectfully requests that Your  
Honorable Body reject the decision and

☐ Approve

☒ Deny

this application.

### Appellant(s) Contact Information

	Appellant 1	Appellant 2	Appellant 3
Name:	Heather Altman	Lisa Rinaldi	
Address:	PO BOX 3825	5624 LA PAZ ST	
City/ZIP:	Seal Beach 90740	LONG BEACH 90803	
Phone:	562.433.4741	(562) 961-8272	
Signature:			

(Staff Use Only Below This Line)

Received by: SK

Case No.: 0904-15

Date of Appeal: 10-21-09

Materials Required: ☐ Plans ☐ Photographs ☒ Special Materials

Fee: \$50<sup>00</sup>

☒ Fee Paid

Date of Appeal Hearing: TBD

PHS9062





# CITY OF LONG BEACH

Department of Development Services

333 West Ocean Blvd., 5<sup>th</sup> Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6068

PLANNING BUREAU/COMMUNITY DESIGN & DEVELOPMENT DIVISION

## APPLICATION FOR APPEAL

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

<input checked="" type="checkbox"/> Zoning Administrator	on the <u>12</u> day of <u>OCTOBER</u> , 20 <u>09</u>
<input type="checkbox"/> Planning Commission	
<input type="checkbox"/> Cultural Heritage Commission	
<input type="checkbox"/> Site Plan Review Committee	

Appellant(s): LOS CERRITOS WETLANDS LAND TRUST

Project Address: 6400 LOYNE S

Project Description: APPLICATION No 0904-15

Reasons for Appeal: SEE ATTACHED

Your appellant herein respectfully requests that Your Honorable Body reject the decision and ☐ Approve ☒ Deny this application.

### Appellant(s) Contact Information

	Appellant 1	Appellant 2	Appellant 3
Name:	ELIZABETH LAMBE LOS CERRITOS WETLANDS LAND TRUST		
Address:	P.O. BOX 30165		
City/ZIP:	LONG BEACH 90853		
Phone:	714.357-8576		
Signature:	<i>Elizabeth Lambe</i> elambe@verizon.net		

(Staff Use Only Below This Line)

Received by: CJ

Case No.: 0904-15

Date of Appeal: 10/20/09

Materials Required: ☐ Plans ☐ Photographs ☐ Special Materials

Fee: \$50.00

☐ Fee Paid

Date of Appeal Hearing: 10/26/09

PH159022

The decision of the Zoning Administrator failed to include conditions the Coastal Commission's Emergency Permit suggested be imposed by the City including "provisions for public access (such as an offer to dedicate an easement), habitat restoration and /or a requirement that a deed restriction be placed on the property assuming liability for damages." The Zoning Administrator ignored undisputed findings contained in of the City's own peer review report that the only tested site in the area where the grading took place exhibited hydric soils. All evidence concerning onsite habitat and wetland resource values prior to the unpermitted grading was ignored and the extensive evaluation contained in the Land Protection Partners report was simply ignored. The decision failed to recognize the significance of the Certified Local Coastal Program land use designation and the fact that the unpermitted activity and the temporary work done in an emergency situation makes it more difficult to respect that designation.



# CITY OF LONG BEACH

Department of Development Services

333 West Ocean Blvd., 5<sup>th</sup> Floor

Long Beach, CA 90802

(562) 570-6194 FAX (562) 570-6068

PLANNING BUREAU/COMMUNITY DESIGN & DEVELOPMENT DIVISION

## APPLICATION FOR APPEAL

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

☒ Zoning Administrator

☐ Planning Commission

☐ Cultural Heritage Commission

☐ Site Plan Review Committee

on the 12<sup>th</sup> day of OCTOBER, 2009

Appellant(s): MARY SUTTIE & DAVID ROBERTSON

Project Address: 6400 LOYNES DRIVE

Project Description: LOCAL COASTAL DEVELOPMENT PERMIT

Reasons for Appeal: LACK OF RESTORATION REQUIREMENT.

Your appellant herein respectfully requests that Your Honorable Body reject the decision and

☐ Approve  
☒ Deny

this application.

### Appellant(s) Contact Information

	Appellant 1	Appellant 2	Appellant 3
Name:	DAVID ROBERTSON	MARY SUTTIE	
Address:	331 LINARES AVE.	331 LINARES AVE.	
City/ZIP:	LONG BEACH, 90803	LONG BEACH, 90803	
Phone:	(562) 439-8727	(562) 439-8727	
Signature:	<i>David Robertson</i>	<i>Mary Suttie</i>	

(Staff Use Only Below This Line)

Received by: CJ

Case No.: 0904-15

Date of Appeal: 10/18/09

Materials Required:

☐ Plans

☐ Photographs

☐ Special Materials

Fee: \$50.00

☒ Fee Paid

Date of Appeal Hearing: \_\_\_\_\_

Respectfully Submitted based upon information and belief, and in my individual capacity,

Thomas Marchese J.D.  
Director; Los Cerritos Wetlands Land Trust  
Past President, Vice President; University Park Estates N.A.  
Co Founder; Los Cerritos Wetlands Study Group, SEADIP Review 2004-6

Your appellant herein respectfully requests that Your Honorable Body reject the decision and deny this application.

Appellant(s) Contact Information

Appellant 1

Thomas Marchese

6312 E 5TH ST

Long Beach 90803

562 598-1190

Signature; I hereby witness my hand by submission of this email by Tom Marchese, and offer the 50\$ check mailed to the above, this day, as evidence of my consent. I received permission from Derek Burnham to file in this manner.

Appellant 2; To be determined before the hearing.

Received by; 

Case No; 0904-15



Date of Appeal; 10/22/09

Materials Required ✓

Fee 50 -

Fee Paid ✓

Date of Appeal Hearing 12/3/09



Derek Burnham/DV/CLB

To THOMAS MARCHESE J D <tommarchese@verizon.net>

cc Jeffrey Winklepleck/DV/CLB@CLB

bcc

10/22/2009 03:04 PM

Subject Re: 6400 Loynes Appeal- Appellant Addition

Mr. Marchese,

confirmed. Thanks.

**Derek Burnham**  
*Current Planning Officer*



**Building A Better Long Beach**  
**LONG BEACH DEVELOPMENT SERVICES**

333 West Ocean Blvd.  
Long Beach, CA 90802  
T: 562.570.6261  
F: 562.570.6068  
<http://lbsds.longbeach.gov/>

THOMAS MARCHESE J D <tommarchese@verizon.net>



THOMAS MARCHESE J D  
<tommarchese@verizon.net>

10/22/2009 02:40 PM

To Derek Burnham <Derek.Burnham@longbeach.gov>,  
"Stephanie Loftin Esq." <ASLoftin@aol.com>

cc THOMAS MARCHESE <tommarchese@verizon.net>

Subject 6400 Loynes Appeal- Appellant Addition

Dear Mr Burnham,

Please add the first additional appellant to my Appeal. We need to place recently retired Asst. City Attorney fair man.

His address is 359 Loma Ave., Long Beach, CA, 90814. His email is [jim\\_mcc@earthlink.net](mailto:jim_mcc@earthlink.net), (jim\_mcc) a

Mr. McCabe has read the appeal, and is familiar with the facts and circumstances surrounding this important

I appreciate your help on this issue and respect and recognize the difficulty of your tasks. Would you be so kind of this expert ?

Yours Very Truly,

Tom Marchese

562 598 1190

**LOCAL COASTAL DEVELOPMENT PERMIT FINDINGS****Application No. 0904-15****Date: December 3, 2009**

Pursuant to Chapter 21.25, Division IX of the Long Beach Municipal Code, the City shall not approve a Local Coastal Development Permit unless positive findings are made consistent with the criteria set forth in the Local Coastal Development Permit regulations.

**1. THE PROPOSED DEVELOPMENT CONFORMS TO THE CERTIFIED LOCAL COASTAL PROGRAM, INCLUDING BUT NOT LIMITED TO ALL REQUIREMENTS FOR REPLACEMENT OF LOW AND MODERATE-INCOME HOUSING; AND**

The Local Coastal Program and land use regulations for the project site are contained within the Southeast Area Development and Improvement Plan (PD-1) dated January 3, 2006, and are intended to provide for a total community of residential, business and light industrial uses integrated by an extensive system of parks, open space and trails.

The zoning designation for the project site is the Southeast Area Development and Improvement Plan (PD-1) Subarea 23. The 9.38-acre site is identified to be developed as an 8.3-acre brackish pond by the developer(s) of Subareas 11a and 25.

The proposed project is in response to Emergency Permit 5-09-068-G that was issued by the California Coastal Commission on April 7, 2009. The project includes the completed import of 1,000 cubic yards of clean fill dirt to re-establish and maintain the cap over the existing landfill and weed abatement in response to an order issued by the Long Beach Fire Department.

Based on review of the Local Coastal Program, the delineation study and subsequent peer review, the proposed development (import of soil and weed abatement) conforms to the certified Local Coastal Program.

The site is vacant and is therefore not subject to the requirements for replacement of low and moderate-income housing.

**2. THE PROPOSED DEVELOPMENT CONFORMS TO THE PUBLIC ACCESS AND RECREATION POLICIES OF CHAPTER 3 OF THE COASTAL ACT. THE SECOND FINDING ONLY APPLIES TO DEVELOPMENT LOCATED SEAWARD OF THE NEAREST PUBLIC HIGHWAY TO THE SHORELINE.**

Chapter 3 of the Coastal Act deals with the public's right to use of the beach and water resources for recreational purposes. The chapter provides the basis for state and local governments to require beach access dedication and to prohibit development that restricts public access to the beach and/or water resources.

The project as currently proposed will not reduce access or public views to the beach.





**CONDITIONS OF APPROVAL  
LOCAL COASTAL DEVELOPMENT PERMIT  
Application No. 0904-15  
Date: December 3, 2009**

1. This permit shall be invalid if the owner(s) and/or applicant(s) have failed to return written acknowledgment of their acceptance of the conditions of approval on the *Conditions of Approval Acknowledgment Form* supplied by the Planning Bureau. This acknowledgment must be submitted within 30 days from the effective date of approval (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date). Prior to the issuance of a building permit, the applicant shall submit a revised set of plans reflecting all of the design changes set forth in the conditions of approval to the satisfaction of the Zoning Administrator.
2. The use permitted on the site shall be the previously completed import of 1,000 cubic yards of clean fill dirt to create a minimum 6-inch thick dirt cap over an area no larger than 50,000 square feet to cover exposed trash in order to prevent methane release, per orders to comply issued by California Integrated Waste Management Board (Inspection Report, File No. 19-AK-5003 dated 3/26/2009) and South Coast Air Quality Management District (Case No. D-18289, 3/26/2009). Additionally, weed abatement to comply with a Long Beach Fire Department order is also permitted.
3. Per Long Beach Fire Inspection Report 17732, weed abatement shall include removal of all flammable vegetation and combustible growth within 30 feet of buildings, structures, or property lines, whichever is nearer, per the California Code of Regulations Title 19, Division 1, Chapter 1, Article 3, Section 3.07.
4. Violation of any of the conditions of this permit shall be cause for the issuance of an infraction, citation, prosecution, and/or revocation and termination of all rights thereunder by the City of Long Beach.
5. All conditions of approval must be printed verbatim on all plans submitted for plan review to the Development Services Department. These conditions must be printed on all plans submitted for plan review.
6. The property shall be maintained in a neat, quiet and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants.
7. Hours of operation shall be limited from 7:00 a.m. to 4:00 p.m. Monday-Friday and Saturday 9:00 a.m. to 4:00 p.m. No work is permitted Sunday or holidays.

Local Coastal Development Permit

Application No. 0904-15

December 3, 2009

8. The applicant shall comply with City of Long Beach Noise regulations, Chapter 8.80 of the Long Beach Municipal Code.
9. The applicant shall defend, indemnify, and hold harmless the City of Long Beach, its agents, officers, and employees from any claim, action, or proceeding against the City of Long Beach or its agents, officers, or employees brought to attack, set aside, void, or annul an approval of the City of Long Beach, its advisory agencies, commissions, or legislative body concerning this project. The City of Long Beach will promptly notify the applicant of any such claim, action, or proceeding against the City of Long Beach and will cooperate fully in the defense. If the City of Long Beach fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Long Beach.



# CITY OF LONG BEACH NOTICE OF EXEMPTION

DEPARTMENT OF DEVELOPMENT SERVICES  
333 W. OCEAN BLVD., 5<sup>TH</sup> FLOOR, LONG BEACH, CA 90802  
(562) 570-6194 FAX: (562) 570-6068  
lbds.longbeach.gov

TO: ☐ Office of Planning & Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

FROM: Department of Development Services  
333 W. Ocean Blvd, 5<sup>th</sup> Floor  
Long Beach, CA 90802

☒ L.A. County Clerk  
Environmental Fillings  
12400 E. Imperial Hwy. 2<sup>nd</sup> Floor, Room 2001  
Norwalk, CA 90650

Categorical Exemption CE- 09-029

Project Location/Address: APN - 7237-017-006 / Loynes Drive, Long Beach, CA  
Project/Activity Description: Import approximately 1000 cubic yards of dirt  
to re-establish and maintain cap over land fill.

Public Agency Approving Project: **City of Long Beach, Los Angeles County, California**

Applicant Name: Sean Hitchcock

Mailing Address: 2657 Walnut Ave. Signal Hill, CA 90755

Phone Number: (32) 424-5567

Applicant Signature: \*

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 0904-15 Planner's Initials: SN

Required Permits: LCSP

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH  
STATE GUIDELINES SECTION 15308 Actions by Regulatory Agencies for  
Protection of the Environment

Statement of support for this finding: Class 8 is the appropriate exemption for the  
proposed project, which is the recapping of an exposed land fill.

The recapping is a step towards restoration of the project site.

Contact Person: Jill Griffiths

Contact Phone: 562.430.6340

Signature: Jill Griffiths

Date: 09/21/09