



Los Cerritos Wetlands Land Trust
for Long Beach and Seal Beach

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November 23, 2009

Mr. Phillip J. Saumur
Chairman, Long Beach Planning Commission
333 W. Ocean Blvd.
Long Beach, CA 90802

Re: 6400 Loynes Drive – Appeal of Approval of Local Coastal Development Permit
California Coastal Commission Emergency Permit 5-09-068-6

Dear Mr. Saumur:

At the December 3rd Planning Commission meeting you will review the request to grant a retroactive permit for the scraping and grading that took place near the corner of Loynes and Studebaker on March 19 and 20, 2009. We would like to call your attention to the results of a similar case that was decided by the Coastal Commission at their November 2009 meeting and which we believe is important to your review of this permit request.

In March, Sean Hitchcock, owner of 2H Properties, a well-known local construction company, scraped bare all habitat, including trees, on 8.38 acres he owns near the corner of Loynes and Studebaker. He states that his action was in response to a weed abatement order issued by the city. In the process he opened an old city dump and caused the escape of methane gas. To prevent the escape of further methane, the Coastal Commission issued an emergency permit to cap the exposed waste with 1000 cubic yards of clean fill dirt. Instead, Mr. Hitchcock spread the imported dirt over the whole site, leveling it but barely covering the exposed waste. What is most egregious about this act is that Sean Hitchcock undertook the original land scraping with not a single permit from any entity at the local, county or state level. He also apparently did not investigate the proper process of capping the escaping gases to comply with the permit.

The Coastal Commission, as mentioned earlier, recently ruled on a similar case where a property owner (Mills PCH LLC) graded and filled an important wetlands habitat area in Huntington Beach. This grading was also done with no permits or approval at either the local, county or state level. After investigation of the incident by Coastal Commission staff and review by the Commission, the land owner was asked to restore the land with native vegetation, agree to ongoing monitoring of the site to assess the success of the restoration, and pay a substantial fine. These cases are so similar that we believe Mr. Hitchcock should be held to the same standard and

consequently urge you to attach an “order to restore” to the permit application before you. We believe that the result of Mr. Hitchcock’s reckless act is even more irresponsible than that in Huntington Beach since the uncapping of methane gas threatened the health of residents in the adjacent mobile home estate.

Mr. Hitchcock has provided a biological report which argues that the land is not wetlands. This is a point of view presented after complete destruction of habitat. This timing is not defensible, and other experts disagree with this finding, but this argument is also not the major point. Although it is important to recognize that wetlands obligate plants were destroyed, trees were toppled and the shape and contours of the land were obliterated and habitat was wiped out, what we believe is more important is that Mr. Hitchcock’s actions were illegal.

How can a city, which expects its residents to comply with the law, send the right message to those of us who live here and are landowners ourselves? It’s simple. We urge you to impose an “order to restore” condition on this request for a retroactive permit. The property must be restored to its condition on March 18, 2009. The landowner can then determine in an orderly, legal manner, and in a way that complies with the city’s zoning laws, what he is legally entitled to do with his property.

Attached you will find pertinent information regarding the Coastal Commission’s ruling on the Mills case and biological report information commissioned by the Los Cerritos Wetlands Land Trust which clearly demonstrates the property’s important ecological value. We ask the Long Beach Planning Commission to issue an “order to restore” condition to this permit request to demonstrate that habitat destruction will not be tolerated in Long Beach.

Sincerely,

Ann Denison
President
Los Cerritos Wetlands Land Trust

Enclosures

cc: Mr. Charles Posner, California Coastal Commission - South Coast District Office
cc: Mayor Bob Foster, City of Long Beach City and Long Beach City Council