

CALIFORNIA COASTAL COMMISSION

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original staff report

Th25a

ADDENDUM

DATE: March 8, 2016

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: **Addendum to Item Th25a:** Coastal Development Permit Application No. 5-15-1393 (Los Cerritos Wetlands Authority), scheduled for the Commission meeting of March 10, 2016

REVISIONS TO THE STAFF REPORT

This addendum modifies Special Condition 1 to be more protective of environmentally sensitive habitat areas and modifies the findings and declarations to better identify the environmentally sensitive habitat areas and the ESHA-dependent educational trail uses. The staff report dated 2/19/16 is modified as follows, with language removed from the staff report identified in ~~strike through~~ and added language identified in **bold underline**.

Page 4 of the staff report – Special Condition 1 is modified as follows:

1. **Restoration Best Practices.** By acceptance of Coastal Development Permit 5-15-1393, the permittee agrees to carry out all restoration activities consistent with the detailed project description submitted with the application on August 21, 2015, and with the following restoration best practices:
 - a. Native Plants. All vegetation planted on the site will consist of native plants typically found in the Los Cerritos Wetlands. The seeds and cuttings employed shall be from local sources in and adjacent to the Los Cerritos Wetlands.
 - b. Invasive Plants. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property.
 - c. Removal of Non-native Plants. Prior to the removal of non-native vegetation, a qualified Wetlands Ecologist shall survey the project site and identify with flags

all areas of existing native vegetation. The permittee shall ensure that the areas of existing native vegetation are protected from disturbance during the implementation of the approved project. Vegetation removal shall be done using only hand operated equipment only (e.g., machetes, weed whackers and chain saws).

- d. No herbicides or persistent chemicals shall be employed within 50 feet of the delineated wetland. Herbicides approved by the EPA (glyphosates) may be applied to limited areas to control infestation of non-native species by a licensed contractor under the supervision of a qualified ecologist.
- e. No bird nests shall be disturbed at any time. Non-native shrubs and trees shall be removed outside of nesting season, which is February 1 through August 31, and only after the inspection by a qualified ornithologist and ecologist who certify there is no nesting or unique ecological phenomena occurring.
- f. The storage or stockpiling of soil, silt, and other organic or earthen materials shall not occur where such materials could pass into coastal waters.
- g. No grading or scraping is permitted.
- h. Maintenance. Native vegetation shall be maintained in good growing condition throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the restoration plan.
- i. Disposal of Plant Matter. No dead plants shall be left on site. All cut non-native plant material shall be disposed of at an appropriate off-site location within ten days of cutting. A separate coastal development permit will be required prior to the placement of any cut plant material in the coastal zone unless the Executive Director determines that no permit is required pursuant to the requirements of the Coastal Act and the California Code of Regulations.
- j. **Removal of special status plant species, including but not limited to southern tarplant (*Centromadia parryi ssp. australis*), is prohibited. Special status plant species may be trimmed or relocated under the supervision of a qualified wetlands ecologist.**
- k. **Cuttings and seeds produced from special status plant species, including but not limited to southern tarplant (*Centromadia parryi ssp. australis*), shall be reused on site.**

Page 7 of the staff report – Findings and Declarations [Habitat] is modified as follows:

The majority of the proposed trails are located in disturbed areas where the soil is predominantly covered with asphalt. Portions of the **proposed** trails cross through areas vegetated with native and non-native species, **including but not limited to southern tarplant (*Centromadia parryi ssp. australis*)**. Construction of the trails will not fill any of the existing wetland, and will be sited at least 10 feet away from the wetland in order to avoid impacts to sensitive **animal** species **including the Beldings savannah sparrow**. The public access and educational trails are an allowable use in an area within and/or adjacent to an environmentally sensitive habitat area under Coastal Act Section 30240.

In this case, the area within the tidally influenced wetland is environmentally sensitive habitat (ESHA) because it provides habitat for Beldings savannah sparrow, a state

endangered species with a state ranking of S3¹. The area identified in Exhibit 2 which supports southern tarplant is also ESHA because southern tarplant is a rare plant species with a state ranking of S2² and a California Native Plant Society ranking of 1B.1³ Southern tarplant is a small to medium-sized annual herb in the sunflower family (Asteraceae). It is glandular, aromatic, and more or less sticky to the touch, and produces solitary or clustered flower heads with short but prominent yellow ray flowers.

The applicant indicates that the proposed trails will be constructed to avoid removal of tarplant but that it may be trimmed. Some four-to-eight foot wide areas adjacent to the tarplant will be covered by mulch or decomposed granite in order to construct the trails, which will prevent new tarplant from naturally spreading to those areas; however the applicant has indicated that any recovered tarplant seeds and cuttings will be reused. The trails proposed by the applicant meet the allowable use test for development within ESHA under Section 30240 because the trails are dependent on the ESHA resource in order to function as public educational resources (i.e. trails whose purpose is to educate the public about wetlands and native plant species are dependent on being constructed in a habitat area consisting of wetlands and native plant species), and because the trails will be installed in a manner that protects against any significant disruption of habitat values. The trails have been sited and designed by a team of qualified wetlands ecologists, who will be on-site during trail construction and vegetation trimming to prevent impacts that would significantly degrade the habitat areas in question.

The Commission has a long history of approving trail projects, including boardwalks and paved and unpaved paths, within a variety of habitats determined to be ESHA. In general in such approvals, the Commission has found that although trails through ESHA may cover a portion of an environmentally sensitive habitat to allow for public access to, within, and through the ESHA, trail development can be considered a form of nature study or similar resource-dependent activity because: (1) it is a development type that is integral to the appreciation and comprehension of the biophysical elements that comprise an environmentally sensitive habitat area; and (2) the trail is dependent upon the presence of the natural area resource through which it passes to provide a nature study and interpretive experience. Thus, such trails through ESHA can constitute resource-dependent interpretive trails when they serve an interpretative purpose, including nature study, and thus meet the resource-dependency test of Coastal Act Section 30240. Most recently in Los Angeles County, the Commission approved Coastal Development Permit 5-08-294 (and a subsequent permit amendment to reduce impacts to ESHA) for construction of a four-foot wide public access path along the upper bank of Ballona Lagoon. In those actions, the Commission found that construction of the proposed path was consistent with Coastal Act policies protecting habitat and biological productivity because the trail was necessary for public access and

¹ S3, *Vulnerable* — Vulnerable in the state due to a restricted range, relatively few populations (often 80 or fewer), recent and widespread declines, or other factors making it vulnerable to extirpation.

² S2, *Imperiled* — Imperiled in the state because of rarity due to very restricted range, very few populations (often 20 or fewer), steep declines, or other factors making it very vulnerable to extirpation from the state.

³ CNPS 1B.1 ranked plants are rare throughout their range with the majority of them endemic to California. Most of the plants that are ranked 1B have declined significantly over the last century.

public education, and was designed to protect against significant disruption of habitat values of several rare plants, including Orcutt's yellow pincushion (*Chaeanactis glabriuscula* var. *orcuttiana*), South Coast saltscale (*Atriplex pacifica*), red sand verbena (*Abronia maritima*), and wooly seablite (*Sueda taxifolia*).

In order to ensure consistency with Section 30240, Special Condition 1 requires, among other things, that all vegetation planted on the site will consist of native plants typically found in the Los Cerritos Wetlands, that prior to the removal of non-native vegetation, a qualified Wetlands Ecologist shall survey the project site and identify with flags all areas of existing native vegetation, that removal of special status plant species, including but not limited to southern tarplant (*Centromadia parryi* ssp. *australis*), is prohibited but may be trimmed or relocated under the supervision of a qualified wetlands ecologist, and that cuttings and seeds produced from special status plant species, including but not limited to southern tarplant (*Centromadia parryi* ssp. *australis*), shall be reused on site.

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Th25a

Filed:	9/20/15
180th Day:	3/18/16
Staff:	Z. Rehm-LB
Staff Report:	2/19/16
Hearing Date:	3/10/16

STAFF REPORT: REGULAR CALENDAR

Application No.:	5-15-1393
Applicant:	Los Cerritos Wetlands Authority
Agent:	Tidal Influence LLC
Location:	24 acre Zedler Marsh parcel specifically described in Los Angeles County Recorded Document ID 06-1501912, Los Cerritos Wetlands, City of Long Beach, Los Angeles County.
Project Description:	Remove non-native vegetation, install native coastal scrub, install new decomposed granite and mulch trails, provide for public access by installing a new gate in an existing fence, and install new interpretive signs under the supervision of a qualified wetland ecologist; and install a 10-foot by 40-foot storage container and shade cover for nursery and educational area on top of an existing asphalt pad a minimum of 10 feet from existing habitat.
Staff Recommendation:	Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

The Los Cerritos Wetlands Authority (LCWA) requests a permit to continue the restoration of Zedler Marsh in southeast Long Beach. The proposed project is Phase 1 of a larger restoration plan for the 540 acre Los Cerritos Wetlands complex – 172 acres of which are owned by the LCWA. The Zedler Marsh parcel was purchased by the LCWA in 2006 and a group of wetland ecologists and public volunteers have been restoring the disturbed areas with native coastal scrub since then. The proposed development includes temporary impacts to native vegetation (trimming to make way for the public trails), a new gate that will increase public access to the site, and after-the-fact approval of a storage container, covered nursery, and educational area on top of an existing asphalt pad. Commission Staff recommends **approval** of the permit with two special conditions to require restoration best practices and conformance with the requirements of the resource agencies.

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APPENDICES

Appendix A – Substantive File Documents

EXHIBITS

Exhibit 1 – Vicinity Map

Exhibit 2 – Habitat Assessment Maps

Exhibit 3 – Site Photos

Exhibit 4 – Trails Plan

Exhibit 5 – Amenities Plans

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 5-15-1393 pursuant to the staff recommendation.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby approves Coastal Development Permit 5-15-1393 for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

This permit amendment is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittees or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittees to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

This permit amendment is granted subject to the following special conditions:

1. **Restoration Best Practices.** By acceptance of Coastal Development Permit 5-15-1393, the permittee agrees to carry out all restoration activities consistent with the detailed project description submitted with the application on August 21, 2015, and with the following restoration best practices:
 - a. **Native Plants.** All vegetation planted on the site will consist of native plants typically found in the Los Cerritos Wetlands. The seeds and cuttings employed shall be from local sources in and adjacent to the Los Cerritos Wetlands.
 - b. **Invasive Plants.** No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property.
 - c. **Removal of Non-native Plants.** Prior to the removal of non-native vegetation, a qualified Wetlands Ecologist shall survey the project site and identify with flags all areas of existing native vegetation. The permittee shall ensure that the areas of existing native vegetation are protected from disturbance during the implementation of the approved project. Vegetation removal shall be done using only hand operated equipment only (e.g., machetes, weed whackers and chain saws).
 - d. **No herbicides or persistent chemicals** shall be employed within 50 feet of the delineated wetland. Herbicides approved by the EPA (glyphosates) may be applied to limited areas to control infestation of non-native species by a licensed contractor under the supervision of a qualified ecologist
 - e. **No bird nests** shall be disturbed at any time. Non-native shrubs and trees shall be removed outside of nesting season, which is February 1 through August 31, and only after the inspection by a qualified ornithologist and ecologist who certify there is no nesting or unique ecological phenomena occurring.
 - f. **The storage or stockpiling of soil, silt, and other organic or earthen materials** shall not occur where such materials could pass into coastal waters.
 - g. **No grading or scraping** is permitted.
 - h. **Maintenance.** Native vegetation shall be maintained in good growing condition throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the restoration plan.
 - i. **Disposal of Plant Matter.** No dead plants shall be left on site. All cut non-native plant material shall be disposed of at an appropriate off-site location within ten days of cutting. A separate coastal development permit will be required prior to the placement of any cut plant material in the coastal zone unless the Executive Director determines that no permit is required pursuant to the requirements of the Coastal Act and the California Code of Regulations.
2. **Resource Agencies.** The permittee shall comply with all requirements, requests and mitigation measures from the California Department of Fish and Wildlife, the Regional Water Quality Control Board, the U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and marine environment. Any change in

the approved project that may be required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

IV. FINDINGS AND DECLARATIONS

A. PROJECT LOCATION AND DESCRIPTION

The Los Cerritos Wetlands Authority (LCWA) requests a permit to continue the restoration of Zedler Marsh in southeast Long Beach (**Exhibit 1**). The Zedler Marsh parcel covers 24 acres and is surrounded by the San Gabriel River channel to the west, a privately owned undeveloped wetland parcel to the north, the Haynes Channel to the east, and a disturbed wetland parcel owned by the Los Angeles County Department of Water and Power to the south. The proposed restoration, trails, and education project is Phase 1 of a larger restoration plan for the 540 acre Los Cerritos Wetlands complex – 172 acres of which are owned by the LCWA.

The Los Cerritos Wetlands Authority (LCWA) is a governmental entity developed in 2006 by a joint powers agreement of the State Coastal Conservancy, the Rivers and Mountains Conservancy, and the cities of Long Beach and Seal Beach. Its mission is to provide for a comprehensive program of acquisition, protection, conservation, restoration, maintenance and operation and environmental enhancement of the Los Cerritos Wetlands area consistent with the goals of flood protection, habitat protection and restoration, and improved water supply, water quality, groundwater recharge, and water conservation. The LCWA has the ability to acquire and own real property, but it does not have the power of eminent domain.

The Zedler Marsh parcel was purchased by the LCWA in 2006. It has been the subject of oil operations for several decades and capped wells, foundations, and asphalt paths are spread throughout the site, but it also supports native and non-native plant species including three special status plant species and one special status animal species, the Beldings Savannah Sparrow (**Exhibit 2**). Since 2011 a group of wetland ecologist and public volunteers have been removing non-native vegetation and planting native coastal scrub around and on top of the disturbed asphalt areas pursuant to Coastal Development Permit 5-10-204 (**Exhibit 3**). The restoration work (removal of non-native vegetation and planting of native vegetation primarily by hand) requires a permit from the Coastal Commission because it is within an uncertified area adjacent to a tidally influenced wetland. No new plant species are proposed within the wetland and no fill is proposed within the wetland.

The applicant proposes to construct an interconnected trail system within the Zedler Marsh parcel, with a new public access point from the San Gabriel River bicycle and pedestrian path (**Exhibit 4**) and future connectivity to other restored areas within the Los Cerritos Wetlands. Approximately 2,000 linear feet of the trails atop existing roads will be shared with vehicles (which access the site both for restoration activities and for active oil operations). Approximately 750 linear feet of “educational trails” and 900 linear feet of “connector trails” are proposed within the areas of active habitat restoration and growth. The educational trails will be constructed of two-inch thick decomposed granite placed atop existing asphalt paths. The paths will be six-feet wide, with several 15-foot wide interpretive points around informational kiosks. The connector trails will be composed

of mulch and natural materials and will be four feet wide, winding through narrower areas with thicker vegetation. Construction of the trails will require removal of non-native vegetation and trimming of native vegetation in some sections.

The new gate will be constructed by cutting a hole in the fence between the San Gabriel River bicycle and pedestrian path and the Zedler Marsh parcel (**Exhibit 5**). The gate will connect to a shared trail/roadway that will increase public access to the site. The gate will be open between 9:00 a.m. and 3:00 p.m. every Saturday and some Wednesdays, with a docent on site to point visitors to the trails and answer questions.

The applicant also requests after-the-fact approval of one 10-foot by 40-foot storage container and a covered nursery and educational area on top of an existing asphalt pad (**Exhibit 5**). The function of the container and nursery is to produce native vegetation for planting in the Los Cerritos Wetlands. The educational area will be one of several temporary facilities with movable wooden benches used for organized school and community groups visiting the wetland.

B. HABITAT

The proposed development is located adjacent to a tidally influenced wetland and salt marsh (see Habitat Assessment Maps in **Exhibit 2** and photos in **Exhibit 3**). Sections 30230 and 30231 of the Coastal Act require the protection of biological productivity, coastal water quality, and marine resources. Section 30240 requires that environmentally sensitive habitat areas (ESHA) like the salt marsh shall be protected against significant disruption of habitat values, and only uses dependent on such resources shall be allowed. Also, development adjacent to ESHA shall prevent impacts that would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30240 of the Coastal Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

The Los Cerritos Wetlands Authority commissioned a Habitat Assessment for the entire 540 acre Los Cerritos Wetlands complex, completed by Tidal Influence in 2012. The Habitat Assessment Report identified 12 habitat types, including six plant communities: southern coastal salt marsh, southern coastal brackish marsh, southern willow scrub, mule fat scrub, alkali meadow, and eelgrass beds. The other habitat types identified were intertidal mudflats, salt flats, rocky intertidal zone, subtidal marine water (tidal channels and basins), ruderal wetlands, and ruderal uplands. Additionally, vegetation free zones (levees, dirt roadways, perimeters around pumps and pipes, exclusive oil lease easements) and developments (asphalt roadways, abandoned concrete foundations, and active mineral extraction facilities) exist on the site.

The Habitat Assessment Report indicated that in many instances the filled southern coastal salt marsh habitats never recover to form a distinct native plant community but are identifiable as wetlands versus uplands. In the Los Cerritos Wetlands, invasive plants are widespread and few areas exist where the native plant communities have relatively high species richness and biodiversity without invasive non-native plant species.

The Habitat Assessment Report identified three special status plant species with the area of the Zedler Marsh parcel (**Exhibit 2**): Southern Tarplant (*Centromadia parryi ssp. Australis*), California Boxthorn (*Lycium californicum*), and Woolly Sea-blite (*Suaeda taxifolia*). Southern Tarplant is relatively widespread throughout the LCW complex. The Habitat Assessment Report identified the Beldings Savannah Sparrow as a special status animal species observed in the Zedler Marsh area and called out Beldings Savannah Sparrow habitat surrounding the wetland within Zedler Marsh.

The applicant's proposal to remove non-native vegetation by hand (and authorization to remove mature palm trees using mechanized equipment under the supervision of a qualified wetland ecologist outside of bird nesting season) are consistent with the marine resource and biological productivity restoration requirements of Coastal Act Sections 30230 and 30231. The proposal to plant seeds and provide temporary irrigation necessary to establish coastal sage scrub and coastal bluff scrub is also consistent with those two sections.

The majority of the proposed trails are located in disturbed areas where the soil is predominantly covered with asphalt. Portions of the trails cross through areas vegetated with native and non-native species. Construction of the trails will not fill any of the existing wetland, and will be sited at least 10 feet away from the wetland in order to avoid impacts to sensitive species. The public access and educational trails are an allowable use in an area within and/or adjacent to an environmentally sensitive habitat area under Coastal Act Section 30240.

The proposed 10-foot by 40-foot storage container, covered nursery, and educational area atop an existing asphalt pad are located more than 150 feet from the delineated wetland, providing enough

of a buffer for future wetland expansion. The function of the container and nursery is to produce native vegetation for planting in the Los Cerritos Wetlands, which is consistent with the restoration goals of the project and with Coastal Act Sections 30230 and 30231. The educational facilities will be composed of movable wooden benches located in previously disturbed areas adjacent to native and non-native vegetation.

The proposed gate will be cut through an existing fence, with new decomposed granite and soil placed atop existing disturbed areas adjacent to the gate on either side (**Exhibit 5**). The gate will not adversely affect marine resources or biological productivity. Likewise, the educational kiosks will be placed in already disturbed areas.

The applicant has proposed to carry out all restoration under the supervision of a qualified wetlands ecologist, to remove large non-native shrubs and trees outside of bird nesting season, and to comply with a detailed set of best management practices submitted with the application. Special Condition 1 requires the applicant to comply with the proposal and includes additional restoration best management practices necessary to preserve marine resources or biological productivity. Therefore, as conditioned, the Commission finds that the proposed development is consistent with Sections 30230, 30231, and 30240 of the Coastal Act.

C. PUBLIC ACCESS AND RECREATION

One of the basic goals stated in the Coastal Act is to maximize public access and recreation along the coast. The proposed project must conform with the following Coastal Act policies which protect and encourage public access and recreational use of coastal areas.

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30213 of the Coastal Act states:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30221 of the Coastal Act states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

The subject site is surrounded by channelized waterways to the west and the east and by other wetland parcels to the north and the south. The only vehicular access point is via a gated dirt road accessed from Westminster Avenue to the north. There is currently no pedestrian or bicycle access point. Since the Los Cerritos Wetlands Authority acquired the site in 2006, it has been visited by approximately 75 members of the public each month, in organized school and community groups

accompanied by a wetland ecologist. Members of the public have been invited to access the site during special events associated with the community outreach process for the Los Cerritos Wetlands Conceptual Restoration Plan, ongoing since 2011, and during volunteer days when non-native vegetation removal occurs.

The proposed project will provide additional physical and programmatic public access improvements. The proposed gate will allow any member of the public to visit Zedler Marsh and the trails between 9:00 a.m. and 3:00 p.m. every Saturday and some Wednesdays, with a docent on site to point visitors to the trails and answer questions. The improved trails and educational areas will enable larger organized groups to visit the site, and may attract groups who have not visited before. The shared trails/roads and decomposed granite education trails will be more accessible to persons with disabilities than the current trails, although not fully ADA accessible.

The completion of the proposed project will result in a substantially improved public recreation area with enhanced public access opportunities, and is therefore consistent with the public access and recreation policies of the Coastal Act.

D. UNPERMITTED DEVELOPMENT

Unpermitted development has occurred at the project site subject to this coastal development permit application. The unpermitted development includes portions of the public trails, informational kiosks, and the placement of a storage container and a shade structure surrounding a nursery without a valid coastal development permit issued by the Coastal Commission. Any non-exempt development activity conducted in the Coastal Zone without a valid coastal development permit, or which does not substantially conform to a previously issued permit, constitutes a violation of the Coastal Act.

The applicant is proposing after-the-fact approval of the unpermitted development noted above and described in more detail in the project description. Although the development has taken place prior to submittal of this application, consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Commission review and action on this permit will resolve the violations identified in this section once the permit has been fully executed and the terms and conditions of the permit complied with by the applicant.

E. LOCAL COASTAL PROGRAM

Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3.

The City of Long Beach LCP was certified by the Commission on July 22, 1980. However, the subject development is proposed within the South East Area Development Improvement Plan (SEADIP) area of deferred certification. The Commission has not certified several parcels of the SEADIP area, including the subject site designated as Area 27. The City of Long Beach is in the process of modifying the SEADIP to submit to the Commission for certification in the future.

Consequently, the Commission's standard of review is the Chapter 3 policies of the Coastal Act and the City's LCP may be used as guidance. The proposed development is consistent with Chapter 3 of

the Coastal Act and with the certified LCP for the area. Approval of the project will not prejudice the ability of the local government to prepare a Local Coastal Program for this area that is in conformity with the provisions of Chapter 3.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096 of the California Code of Regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Los Cerritos Wetlands Authority is the lead agency for the purposes of CEQA review. On August 21, 2015, the Authority determined that the project is categorically exempt from CEQA review under Section 15303(e) (New Construction or Conversion of Small Structures) and Section 15304 (Minor Alterations to Land).

The purpose of the project is to restore a disturbed marsh area and provide public access amenities. The proposed trail alignment minimizes impacts to native vegetation and will not impact the adjacent wetland or the San Gabriel River Channel. As conditioned, there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and complies with the applicable requirements of the Coastal Act to conform to CEQA.

Appendix A – Substantive File Documents

- 1) City of Long Beach certified Local Coastal Program, July 22, 1980.
- 2) Los Cerritos Wetlands Habitat Assessment Report. Tidal Influence. August 31, 2012.
- 3) Los Cerritos Wetlands Conceptual Restoration Plan. Moffat and Nichol. August 2015.
- 4) Coastal Development Permit 5-10-204 (Los Cerritos Wetlands Authority) Zedler Marsh Restoration Project.
- 5) Coastal Development Permit 5-09-071 (City of Long Beach) Colorado Lagoon Restoration Project.

Exhibit 1

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California Coastal
Commission



LEGEND

Los Cerritos Wetlands Complex ●●●●●●●●●●
 LCWA Properties ————
 Bryant ————
 State Lands Commission ————
 LA County DWP ————

Hellman ————
 Berger and Dean ————
 County Line - - - - -
 Parks ■■■■

OC Retention Basin ■■■■
 Roads ————
 City Of Long Beach ————
 Water bodies ■■■■



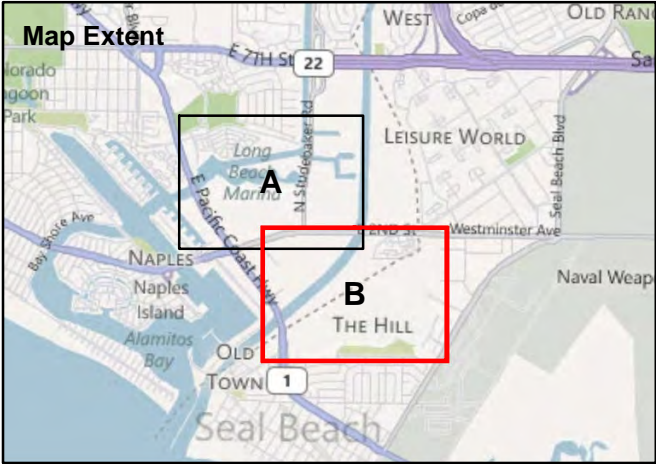
June 2010

LOS CERRITOS WETLANDS AUTHORITY
 Los Cerritos Wetlands Area

SCALE 1"=400'

0' 400' 1000'





-  Study Site Boundary
- Special Status Plant Species
- 

 California Boxthorn (*Lycium californicum*)
- 

 Woolly Sea-blite (*Suaeda taxifolia*)
- 

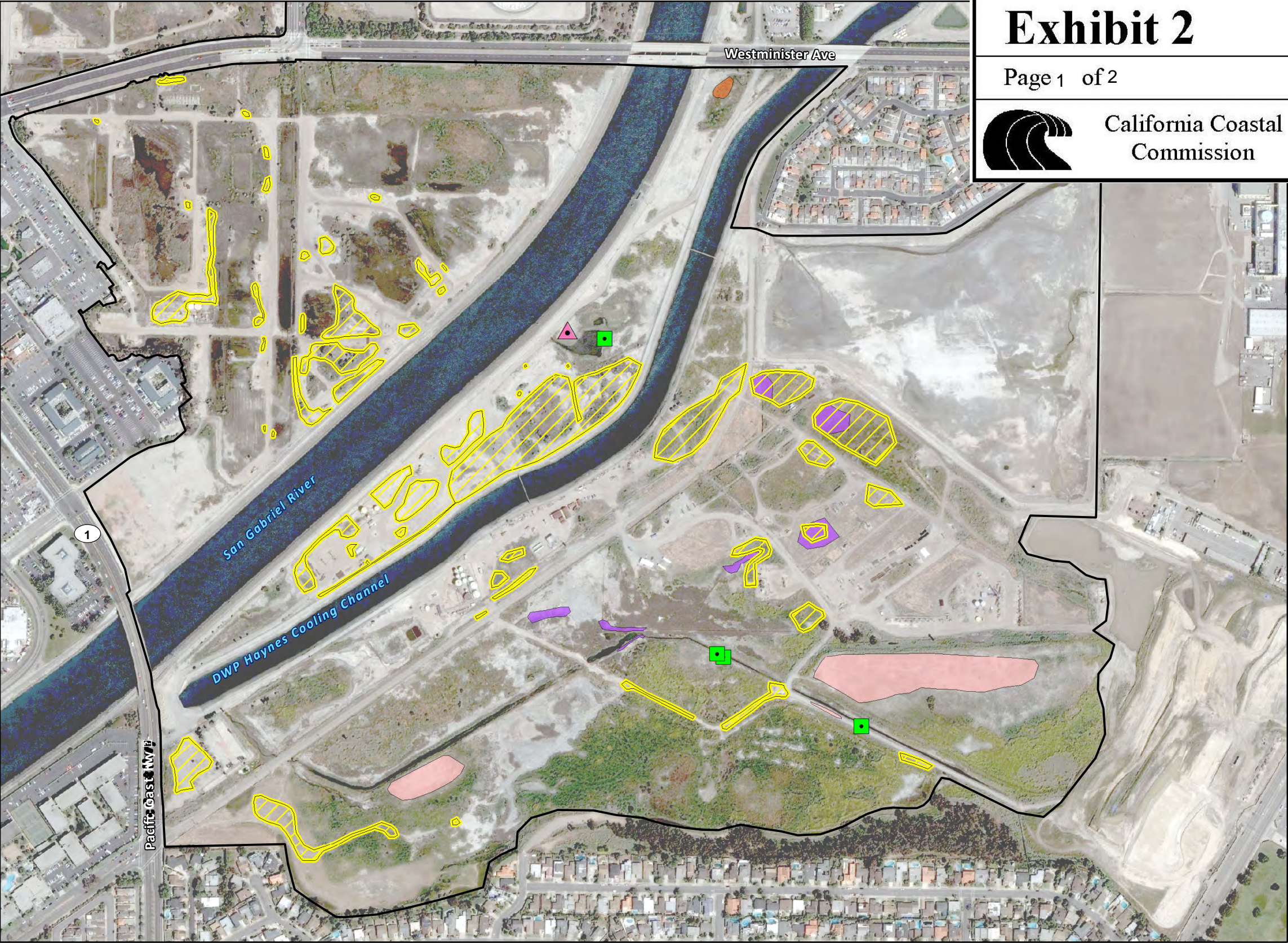
 Coulter's Gold Fields (*Lasthenia glabrata* ssp. *coulteri*)
- 

 Estuary Sea-blite (*Suaeda esteroa*)
- 

 Lewis' Primrose (*Camissonia lewisii*)
- 

 Southern Tarplant (*Centromadia parryi* ssp. *australis*)
- 

 Southwestern Spiny Rush (*Juncus acutus* ssp. *leopoldii*)



Special Status Plant Species

View B

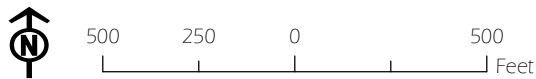


Figure 6b: Special status plant species present within the study site south of 2nd st./ Westminister Ave.

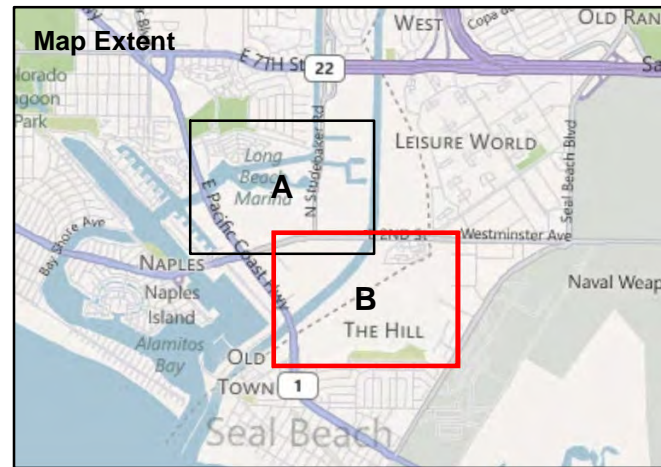


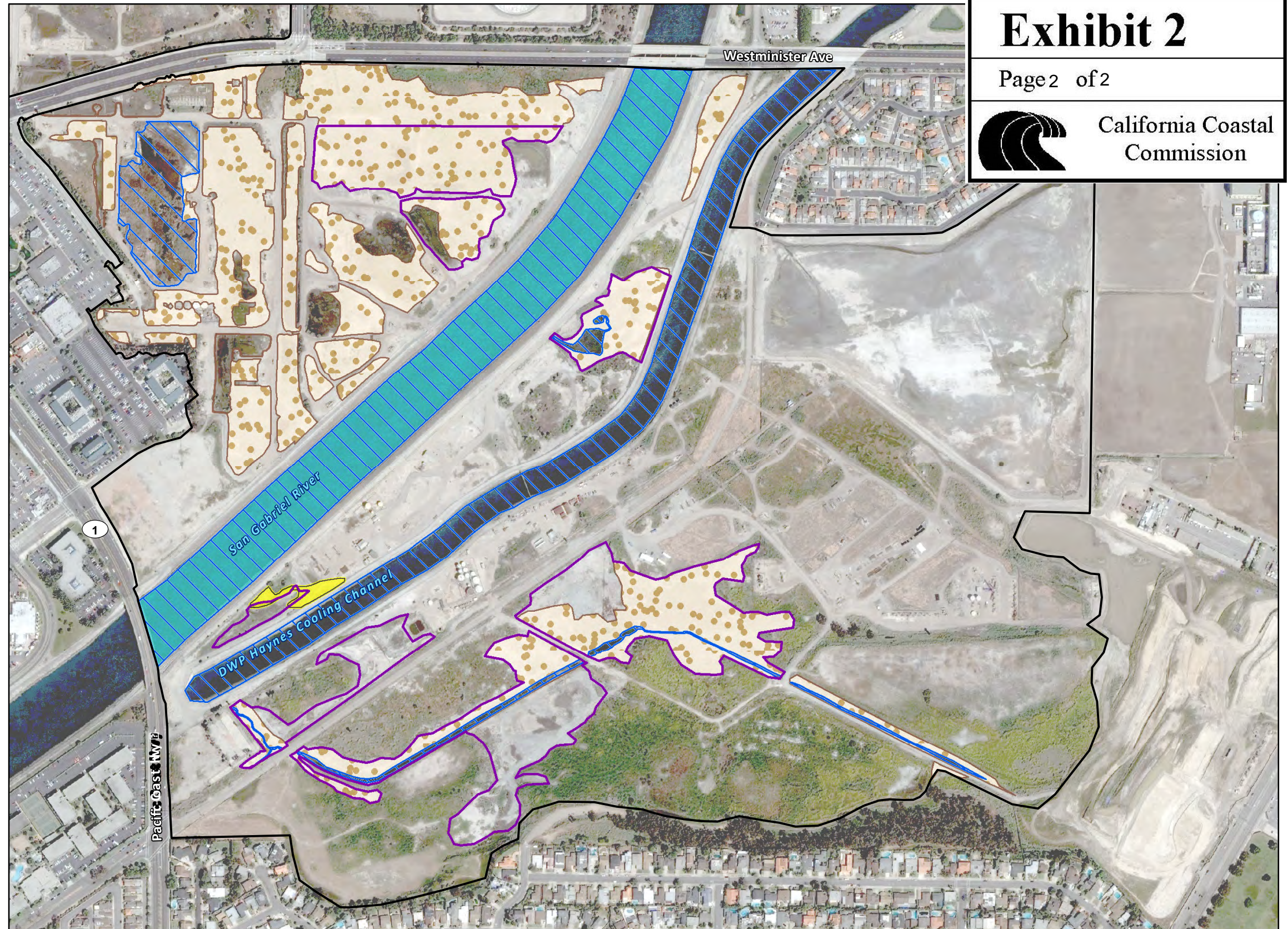
Exhibit 2

Page 2 of 2



California Coastal Commission

- Study Site Boundary**
- Special Status Animal Species**
- Beldings Savannah Sparrow Habitat
 - Burrowing Owl Habitat
 - California Least Tern Habitat
 - Pacific Green Sea Turtle Habitat
 - Salt Marsh Wandering Skipper Habitat



Special Status Animal Species

View B

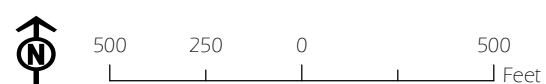


Figure 7b: Special status animal species present within the study site north of 2nd St./Westminister Ave.

Exhibit 3

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California Coastal
Commission



Exhibit 3

Page 2 of 4



California Coastal
Commission



Exhibit 3

Page 3 of 4



California Coastal
Commission



Exhibit 3

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California Coastal
Commission



Exhibit 4

Page 1 of 1



California Coastal
Commission

Trail and interpretive point locations

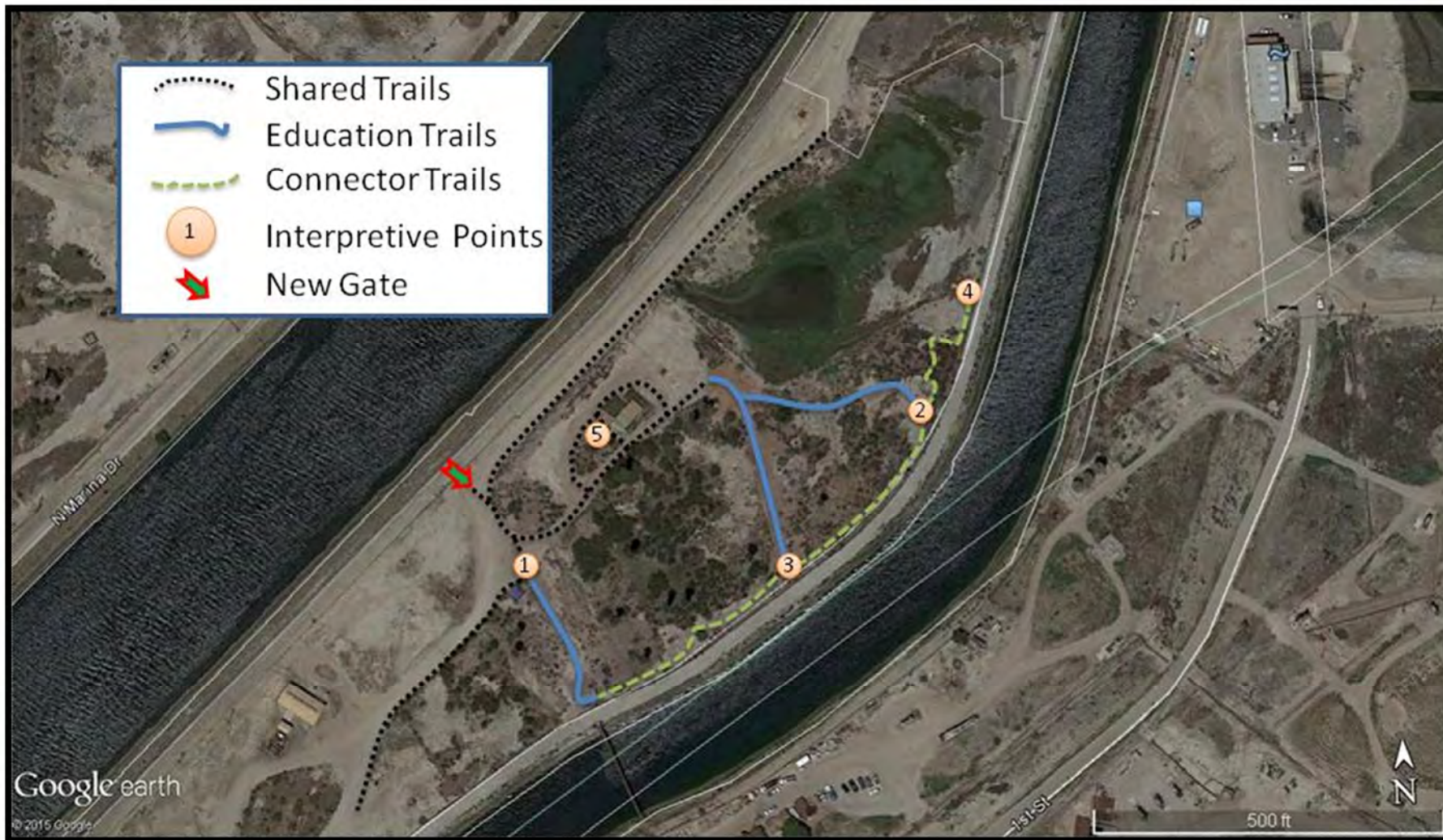


Exhibit 5

Page 1 of 4

Proposed gate installation location

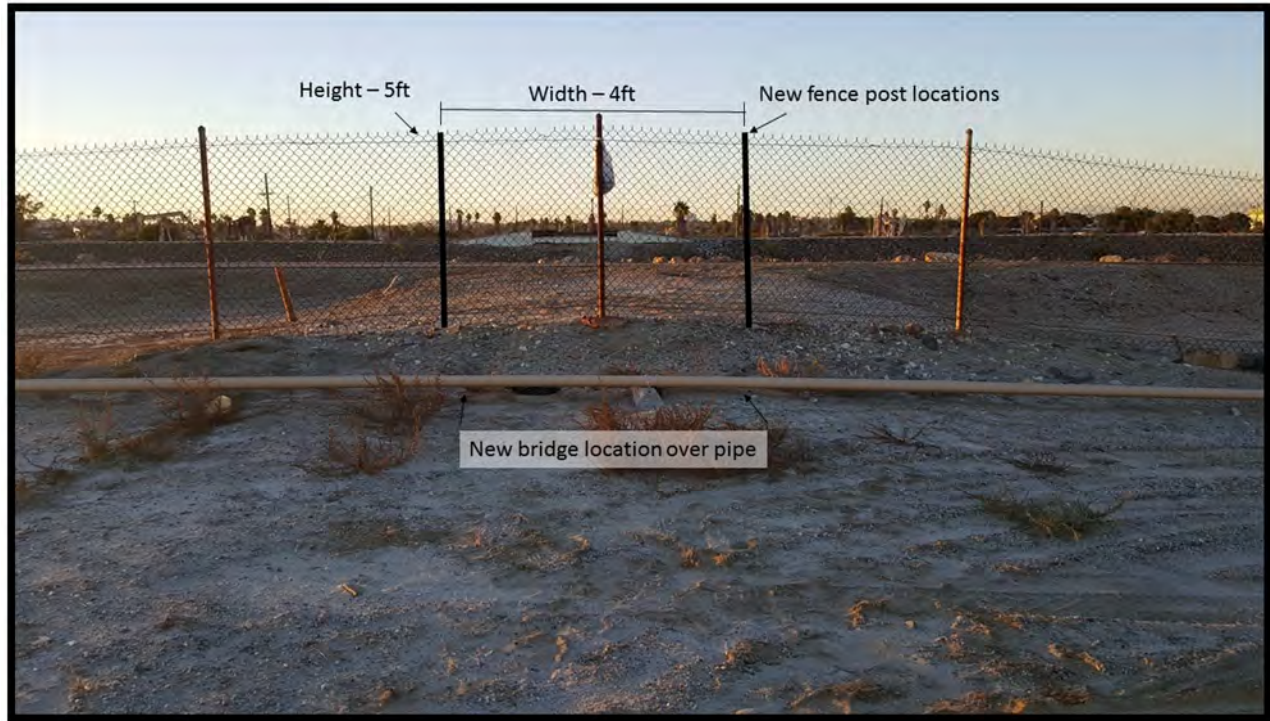


Figure 5. Trail Cross Section diagram



Exhibit 5

Page 2 of 4



California Coastal
Commission

60ft

60ft

Nursery/Shade Area

Educational seating

Educational seating



Temporary set-up of movable picnic
tables and benches



Amphitheater with movable benches

Exhibit 5

Page 3 of 4



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Proposed Kiosk locations (from top left kiosk location 1-5 as seen on Figure 1)



Exhibit 5

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Figure 2: Kiosk Design Dimensions

