

**CALIFORNIA COASTAL COMMISSION**

SOUTH COAST DISTRICT OFFICE  
200 OCEANGATE, 10TH FLOOR  
LONG BEACH, CALIFORNIA 90802-4416  
PH (562) 590-5071 FAX (562) 590-5084  
[WWW.COASTAL.CA.GOV](http://WWW.COASTAL.CA.GOV)

**AMENDMENT TO COASTAL DEVELOPMENT PERMIT**

June 12, 2018

Coastal Development Permit Amendment No. **5-11-085-A1**Permit Number **5-11-085** issued to City of Long Beach for:

**Naples Island Seawall Repair Project (Phase One) involving the installation of 18-in. wide steel sheet-piles on the water side of the existing vertical concrete seawalls along both sides of Rivo Alto Canal (1,915 linear ft.) resulting in the fill of approximately 1,727 sq. ft. of submerged soft-bottom habitat, and mitigation program involving excavation of north bank of Colorado Lagoon to create approximately 20,908 sq. ft. of submerged soft bottom habitat to mitigate for the loss of soft-bottom habitat for this first phase and five future phases of seawall repairs. Also includes new guardrails, landscape beds, sidewalks and street lighting.**

at: **95 Rivo Alto Canal, Long Beach (Los Angeles County) (APNs: 7243009041, 7243009042, 7243009043, 7243009044, 7243010035, 7243010036, 7243010043, 7243010044, 7243010045, 7243011028, 7243011035, 7243014014, 7243014015, 7243014016, 7243014017, 7243014018, 7243014019, 7243014020, 7243014021, 7243014022, 7243014023, 7243014024, 7243014025, 7243014026, 7243015001, 7243015002, 7243015003, 7243015004, 7243015005, 7243015009, 7243015010, 7243015011, 7243015012, 7243015013, 7243015026, 7243015027, 7243016001, 7243016002, 7243016003, 7243016004, 7243016008, 7243016009, 7243016010, 7243016011, 7243016012, 7243016021, 7243016023)** has been amended to include the following changes:

Phase Two of Naples Island Seawall Repair Project. Phase Two includes installation of 2,148 linear feet of new steel sheet-pile seawall on the water sides of the existing vertical seawalls at The Colonnade/ Boca del Naples (the southern entrance to Naples Canals), the south side and eastern end of Treasure Island, and the western end of the Naples Peninsula. Also includes new sidewalks, guardrails, drainage improvements, lighting, seven ADA-accessible view areas with public benches, and replacement of existing private boating facilities (access stairways, platforms and dock guide piles). Approximately 42 palms will be removed and replaced.

This amendment will become effective upon return of a signed copy of this form to the Commission office. Please note that the original permit conditions unaffected by this amendment are still in effect.

Sincerely,

John Ainsworth  
Executive Director

**COASTAL DEVELOPMENT PERMIT**



Mandy Revell  
Coastal Program Analyst

**ACKNOWLEDGMENT**

I have read and understand the above permit and agree to be bound by the conditions as amended of Coastal Development Permit 5-11-085.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

## AMENDMENT TO COASTAL DEVELOPMENT PERMIT

Coastal Development Permit Amendment No. 5-11-085-A1

### 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 permittee 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 or 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 permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### SPECIAL CONDITIONS:

NOTE: The original conditions of Coastal Development Permit 5-11-085 still apply. However, updated and revised versions of the special conditions of the underlying permit are imposed pursuant to this permit amendment as follows. The changes to the conditions reflect the fact that this is a permit amendment and also incorporate the revisions necessary to address the specific impacts of the development authorized in Phase Two of the Naples Island Seawall Repair Project and the concurrent phasing of the required mitigation measures. The original permit conditions of Coastal Development Permit 5-11-085 continue to apply to Phase One of the Naples Seawall Project. The differences between the conditions imposed pursuant to this permit amendment and the original special conditions are shown below as ~~strikethrough~~ for deleted text, and **underlined bold** for added text. One special condition, Special Condition 18, is being added by this permit amendment.

Permit Amendment 5-11-085-A1 is granted subject to the following special conditions:

1. **Permit Compliance.** Coastal Development Permit Amendment 5-11-085-A1 authorizes the implementation of Phase Two of the Naples Island Seawall Repair Project for the seawalls at The Colonnade/Boca del Naples (the southern entrance to Naples Canals), the south side and eastern end of Treasure Island, and the western end of the Naples Peninsula (as shown on Exhibit 3 of the staff report dated March 30, 2018) as expressly described and conditioned herein. Repairs of other seawalls in other locations (i.e., future phases of the project) shall require

## AMENDMENT TO COASTAL DEVELOPMENT PERMIT

Coastal Development Permit Amendment No. 5-11-085-A1

additional Coastal Commission approval in the form of a new coastal development permit or an amendment to this coastal development permit. Coastal Development Permit 5-11-085 authorizes the implementation of the Colorado Lagoon Soft Bottom Mitigation Plan, as expressly described and conditioned herein.

All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions. Any deviation from the approved plans must be submitted for review by the Executive Director to determine whether another amendment to this coastal development permit is required pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved development shall occur without a Commission amendment to this coastal development permit or a new coastal development permit, unless the Executive Director determines that no amendment or new permit is required.

2. **Protection of Marine Resources.** In order to minimize adverse environmental impacts and the unpermitted deposition, spill or discharge of any liquid or solid into Alamitos Bay, the applicant shall implement the following demolition, staging, and construction best management practices during the staging and construction of the Naples Island Seawall Repair Project and Colorado Lagoon Soft Bottom Mitigation Plan:
  - A. Silt curtains will be utilized to control turbidity during all in-water construction activities, including the placement of sheet piles.
  - B. Floating booms shall be maintained around the project site use and around barges containing equipment in order to capture floating debris during all construction phases.
  - C. Where permitted, disturbance to the ocean bottom and intertidal areas shall be minimized.
  - D. Machinery or construction materials not essential for project improvements are prohibited at all times in the subtidal or intertidal zones.
  - E. Prior to grading and/or construction, all large motile native marine invertebrates, including mollusks (snails), echinoderms (sea stars, urchins, sea cucumbers), arthropods (crabs), and any other large motile native marine invertebrates found in the area to be disturbed, including seawalls, piles and dock floats, shall be removed from the project site and relocated to another part of the bay.
  - F. Sand from the beach, cobbles, or shoreline rocks shall not be used for construction material.
  - G. Netting, sandbags, tarps and/or other forms of barriers shall be installed between the water and all work areas and equipment storage areas to prevent any unpermitted material from entering Alamitos Bay.
  - H. The storage or stockpiling of soil, silt, other organic or earthen materials, or any materials and chemicals related to the construction shall not occur where such materials/chemicals could pass into the waters of Alamitos Bay or the sea. Stockpiled fill shall be stabilized with geofabric covers or other appropriate cover.
  - I. Erosion control/sedimentation BMPs shall be used to control sedimentation impacts to coastal waters during project staging and demolition. BMPs shall include a pre-construction meeting to review procedural and BMP guidelines.
  - J. Spills of construction equipment fluids or other hazardous materials shall be immediately contained on-site and disposed of in an environmentally safe manner as soon as possible. Disposal within the coastal zone shall require a coastal development permit.

## AMENDMENT TO COASTAL DEVELOPMENT PERMIT

Coastal Development Permit Amendment No. 5-11-085-A1

- K. Construction vehicles operating at the project site shall be inspected daily to ensure there are no leaking fluids. If there are leaking fluids, the construction vehicles shall be serviced immediately. Equipment and machinery shall be serviced, maintained and washed only in confined areas specifically designed to control runoff and prevent discharges into Alamitos Bay or the sea. Thinners, oils or solvents shall not be discharged into sanitary or storm sewer systems.
- L. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than fifty feet away from all storm drains, open ditches and surface waters.
- M. All floatable debris and trash generated by construction activities within the project area shall be disposed of as soon as possible or at the end of each day.
- N. Divers will recover non-buoyant debris discharged into coastal waters as soon as possible after loss.
- O. The applicant shall dispose of all demolition and construction debris resulting from the proposed project at an appropriate location in a timely manner. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.
- P. Any wood treatment used shall conform with the specifications of the American Wood Preservation Association for saltwater use. Wood treated with Creosote, CCA (Chromated Copper Arsenate), or ACA (Ammoniacal Copper Arsenate) is prohibited. No wood treated with ACZA (Ammoniacal Copper Zinc Arsenate) shall be used where it could come into direct contact with the water. All treated timber shall be free of chromium and arsenic.
- Q. In the event that hydrocarbon-contaminated soils or other toxins or contaminated material are discovered on the site, such matter shall be stockpiled and transported off-site only in accordance with Department of Toxic Substances Control (DTSC) rules and/or Regional Water Quality Control Board (RWQCB) regulations.
- R. At the end of the construction period, the applicant shall inspect the project area and ensure that no debris, trash or construction material has been left on the shore or in the water, and that the project has not created any hazard to recreation or navigation.

The applicant shall include the requirements of this condition on all plans and contracts issued for the project. The applicant shall implement and carry out the project staging and construction plan during all demolition, staging, and construction activities.

3. **Eelgrass Mitigation Program.** All direct impacts to eelgrass associated with the Naples Island Seawall Repair Project (Phase Two One) shall be mitigated at the Colorado Lagoon Eelgrass Mitigation Site which was constructed pursuant to Coastal Development Permit 5-09-071 and Amendment 5-09-071-A1. All direct impacts to eelgrass associated with the Colorado Lagoon Soft Bottom Mitigation Plan required pursuant to **Special Condition Six** shall be mitigated within Colorado Lagoon. All direct impacts to eelgrass shall be mitigated at a minimum ratio of 1.2:1 (mitigation:impact) in accordance with the Southern California Eelgrass Mitigation Policy and the following provisions:
  - A. Pre-Construction Eelgrass Survey. The applicant shall complete a valid pre-construction eelgrass (*Zostera marina*) survey during the period of active growth of eelgrass (typically March through October). The pre-construction survey shall be valid until the next period of

## AMENDMENT TO COASTAL DEVELOPMENT PERMIT

Coastal Development Permit Amendment No. 5-11-085-A1

active growth. The survey shall be prepared in full compliance with the “Southern California Eelgrass Mitigation Policy” Revision 8 (except as modified by this special condition) adopted by the National Marine Fisheries Service and shall be prepared in consultation with the California Department of Fish and Wildlife. The applicant shall submit the eelgrass survey for the review and approval of the Executive Director within five (5) business days of completion of the eelgrass survey and in any event no later than fifteen (15) business days prior to commencement of the approved development.

- B. **Post Construction Eelgrass Survey.** If any eelgrass is identified in the project area by the survey required in Subsection A of this condition above, within one month after the conclusion of construction, the applicant shall survey the project site to quantify the amount of eelgrass that was adversely impacted. The survey shall be prepared in full compliance with the “Southern California Eelgrass Mitigation Policy” Revision 8 (except as modified by this special condition) adopted by the National Marine Fisheries Service and shall be prepared in consultation with the California Department of Fish and Wildlife. The applicant shall submit the post-construction eelgrass survey for the review and approval of the Executive Director within thirty (30) days after completion of the survey. If any eelgrass has been impacted, the applicant shall replace the impacted eelgrass at a minimum 1.2:1 ratio in accordance with the Southern California Eelgrass Mitigation Policy. The exceptions to the required 1.2:1 mitigation ratio found within SCEMP shall not apply.
- C. **Annual Reports - Colorado Lagoon Eelgrass Mitigation Site.** The applicant shall submit annual eelgrass surveys and monitoring reports (each January), for the review and approval of the Executive Director, that quantify the amount of eelgrass that exists in the Colorado Lagoon Eelgrass Mitigation Site. The annual reports shall include an accounting of all mitigation requirements (referenced by coastal development permit numbers) which are permitted/required to be satisfied in the Colorado Lagoon Eelgrass Mitigation Site. Monitoring of the Colorado Lagoon Eelgrass Mitigation Site shall be carried out in conformance with the Habitat Mitigation and Monitoring Plan Naples Island Seawall Repair Phase 1, prepared by Anchor QEA, LLC (Dated June, 2014).
4. ***Caulerpa Taxifolia* Pre-Construction Survey.** Prior to construction of each phase of the Naples Island Seawall Repair Project in Rivo Alto Canal and Colorado Lagoon, the applicant shall undertake a *Caulerpa Taxifolia* Survey consistent with the following provisions:
- A. No earlier than ninety days nor later than thirty days prior to commencement or re-commencement of any development authorized under this coastal development permit (the “project”), the applicant shall undertake a survey of the project area and a buffer area at least ten meters beyond the project area to determine the presence of the invasive alga *Caulerpa taxifolia*. The survey shall include a visual examination of the substrate.
- B. The survey protocol shall be prepared in consultation with the Regional Water Quality Control Board, the California Department of Fish and Wildlife, and the National Marine Fisheries Service.

**AMENDMENT TO COASTAL DEVELOPMENT PERMIT**

Coastal Development Permit Amendment No. 5-11-085-A1

- C. Within five business days of completion of the survey, the applicant shall submit the survey for the review and approval of the Executive Director; and to the Surveillance Subcommittee of the Southern California Caulerpa Action Team (SCCAT). The SCCAT Surveillance Subcommittee may be contacted through William Paznokas, California Department of Fish & Wildlife (858/467-4218) or National Marine Fisheries Service (562/980-4043).
- D. If *Caulerpa taxifolia* is found within the project or buffer areas, the applicant shall not proceed with the project until: 1) the applicant provides evidence to the Executive Director that all *C. taxifolia* discovered within the project and/or buffer area has been eliminated in a manner that complies with all applicable governmental approval requirements, including but not limited to those of the California Coastal Act, or 2) the applicant has revised the project to avoid any contact with *C. taxifolia*. No revisions to the project shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.
5. **Construction and Pile Driving Noise Level Restrictions.** By acceptance of this coastal development permit amendment, the applicant agrees to retain the services of a qualified independent biologist or environmental resources specialist with appropriate qualifications acceptable to the Executive Director, to conduct a biological survey of the trees within five hundred feet of the project site prior (within seven days) to the commencement of construction activities, and once a week upon commencement of construction activities that include use of heavy equipment that can cause excessive noise, odors, or vibrations (e.g., pile driving). The environmental resource specialist shall be directed to conduct the survey in order to determine the presence of black-crowned night herons, great blue herons, snowy egrets, raptors, or other sensitive species within five hundred feet of the work site and immediately report the findings of the survey to the applicants and the Executive Director of the Coastal Commission.

In the event that the environmental specialist reports any black-crowned night herons, great blue herons, snowy egrets, raptors, or other sensitive species exhibiting reproductive or nesting behavior within five hundred feet of the work site, the following restrictions shall apply:

- A. Construction noise reduction measures such as sound shields made from plywood or sound-board or molded sound shields shall be used and measures shall be taken to minimize loud noise generation to the maximum feasible extent during construction. Permanent lighting shall be shielded and directed downward. Bright upward shining lights shall not be used during construction and construction employees shall not bring pets (e.g. dogs and cats) to the construction site.
- B. Noise generated by construction (including, but not limited to, pile driving) shall not exceed 65 dB at any active nesting site within five hundred feet of project site for black-crowned night herons, snowy egrets, great egrets, great blue herons, raptors, or other sensitive species. If construction noise exceeds 65 dB, then alternative methods of pile driving (including, but not limited to, vibratory pile driving, press-in pile placement, drilling, dewatered isolation casings, etc.) or other sound mitigation measures (including, but not limited to, sound shielding and noise attenuation devices) shall be used as necessary to achieve the required

**AMENDMENT TO COASTAL DEVELOPMENT PERMIT**

Coastal Development Permit Amendment No. 5-11-085-A1

dB threshold levels. If these sound mitigation measures do not reduce noise levels, construction within five hundred feet of the nesting trees shall cease and shall not recommence until either new sound mitigation can be employed or nesting is complete.

6. **Colorado Lagoon Soft Bottom Habitat Mitigation Plan.** The permittee has implemented the Colorado Lagoon Soft Bottom Mitigation Plan, which entails the excavation and re-contouring of the northern bank and north arm of Colorado Lagoon in order to create at least 20,908 additional square feet of submerged soft bottom habitat to mitigate (at a minimum ratio of 2:1) the fill of the bay that will result from the implementation of the Naples Island Seawall Repair Project (Phases One through Six).

The applicant shall continue to implement the Colorado Lagoon Soft Bottom Habitat Mitigation Plan and conduct all landscaping consistent with the terms of this condition and the terms of amended Coastal Development Permit 5-09-071:

- A. **Re-vegetation.** All vegetation planted on the site shall consist of native plants typically found on the banks of Alamitos Bay and the Los Cerritos Wetlands. As much as possible, the seeds and cuttings employed shall be from local sources adjacent to Alamitos Bay and the Los Cerritos Wetlands. The existing native vegetation and all required plantings 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 re-vegetation plan. Re-vegetation activities may continue during the least tern nesting season.
- B. **Invasive Plants.** No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), 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. **Monitoring.** The applicant shall actively monitor the site, remove non-natives and reinstall plants that have failed for at least five years following the initial planting, consistent with the final re-vegetation plan approved by the Executive Director. The applicant shall monitor and inspect the site no less than once each thirty days during the first year that follows the initial planting. Thereafter, the applicant will monitor the site at least once every ninety days or on the City’s regular landscape maintenance schedule, whichever is more frequent.

The applicant shall undertake the approved development in accordance with this condition and the final plans approved by the Executive Director. To ensure compliance, the applicant shall include the requirements of this condition on all plans and contracts issued for the project. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

**AMENDMENT TO COASTAL DEVELOPMENT PERMIT**

Coastal Development Permit Amendment No. 5-11-085-A1

7. **Tree Trimming/Removal.** The removal and/or trimming of trees shall not interfere with or disrupt any active birds' nests, and shall comply with the 1918 Migratory Bird Treaty Act. Prior to the removal, transplanting or trimming of trees in the project area, the applicant shall provide documentation, subject to the review and approval of the Executive Director, which demonstrates that a qualified biologist or resource specialist has inspected the trees and confirmed in writing that no active bird nests will be disturbed. In the event that any nests are discovered, or evidence of past or present roosting or nesting, or reproductive or nesting behavior is observed in the trees on the project site, the applicant shall cease all work and immediately notify the Executive Director. The applicant shall submit a request to amend the permit in order to modify the proposed development in order to avoid the disturbance of the trees used by birds or develop mitigation measures to minimize disturbance of the bird habitat. Trees removed as a result of the Naples Island Seawall Repair Project shall be replaced at a minimum 1:1 ratio with non-invasive tree species of varying container sizes.
8. **Dock Float Dimensions.** In order to reduce further encroachment of development into the navigable channel, the dimensions of dock floats in Rivo Alto Canal and Naples Canal shall be restricted to a width of six feet (the width is the dimension of the dock float that is measured seawardly from the inland edge of the float to the seaward edge of the float). All dock floats in Rivo Alto Canal and Naples Canal shall conform to the size limits when they are replaced or substantially repaired, and all docks shall comply with the size limitation no later than December 31, 2028. The City shall include the dock float size limit on all future dock leases and/or permits.
9. **Dock Floats - Temporary Storage.** A) Prior to the issuance of the coastal development permit amendment, the applicant shall submit a float storage plan, subject to the review and approval of the Executive Director, which identifies the proposed location(s) for the temporary storage of the residents' dock floats while the proposed seawalls are being installed. The location(s) of the temporary dock float storage area(s) shall not adversely affect public access to the shoreline, public recreational activities, or sensitive environmental resources (e.g., eelgrass). If the proposed location of any temporary dock float storage area is located in the water, the applicant shall provide a valid eelgrass survey with the float storage plan which clearly demonstrates that no proposed float storage location is located within any area where eelgrass is growing.  
  
B) The applicant shall inspect each dock float prior to attaching the dock float to the walls of the canal upon completion of the seawall repairs. Any dock float deemed unsafe or in a deteriorated condition by the applicant shall be removed from the water, and shall be disposed of properly in compliance with all environmental regulations. In addition, the applicant shall inventory and measure the dimensions of all dock floats in the canal, record the location of each dock float placed in the canal, and submit a copy of the dock float inventory to the Executive Director within three months of reinstallation.
10. **Dock Float and Pier Leases.** Prior to the placement of any dock floats after the completion of the approved Phase Two seawall repairs, the applicant shall institute a lease program for the project area (all phases), with appropriate prices established in relation to the lease area and

## AMENDMENT TO COASTAL DEVELOPMENT PERMIT

Coastal Development Permit Amendment No. 5-11-085-A1

temporal length of each lease. The lease program shall allow for the limited-term private use and occupation of state tidelands for development associated with recreational boating activities (i.e., private docks and piers). The money generated by the leases shall be deposited into the City's Tidelands Fund to be utilized for public access improvements, including the public walkway required by Special Condition Fourteen of this coastal development permit, and future seawall repairs.

11. **Public Access.** The applicant and the development shall not interfere with public access and use of the public walkways situated immediately inland of the seawalls (except for the temporary disruptions that may occur during the completion of the permitted development).
12. **Development on the Public Right-of-Way.** Prior to issuance of the coastal development permit amendment, the applicant shall submit, for review and approval of the Executive Director, final project plans for the development proposed on the public property (e.g., sidewalks, benches, and all private encroachments such as walls, yards landscaped areas) located between the seawalls and the private properties .
  - A. The final plans shall include a public sidewalk at least six feet wide within the public right-of-way that runs along the inland side of the seawalls for the entire length of the project area, and public benches. The sidewalks shall remain open and accessible to the general public 24 hours a day, consistent with the other Naples Island and Treasure Island public walkways. The Executive Director shall review the final plans to determine whether there are any substantial changes which may require an amendment to this coastal development permit pursuant to the requirements of the Coastal Act and the California Code of Regulations.
  - B. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), 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.

The approved development shall be carried out consistent with the final plans approved by the Executive Director.

13. **No Future Seaward Extension of the Shoreline Protective Device.** By acceptance of this coastal development permit amendment, the applicant waives, on behalf of itself and all successors and assigns, any rights that may exist under Public Resources Code Section 30235 to extending development seaward of the shoreline protective device approved as part of Phase Two of the Naples Island Seawall Repair Project.
  - A. By acceptance of this coastal development permit, the applicant agrees, on behalf of itself and all successors and assigns, that: 1) no future repair or maintenance, enhancement, reinforcement, modifications to address rising sea level, increased risk of flooding or other hazards, or any other activity affecting the shoreline protective device approved pursuant to

## AMENDMENT TO COASTAL DEVELOPMENT PERMIT

Coastal Development Permit Amendment No. 5-11-085-A1

Coastal Development Permit 5-11-085 as amended, shall be undertaken if such activity extends the footprint seaward of the subject shoreline protective device, and 2) no activity (i.e., attaching tiebacks, etc.) affecting the shoreline protective device approved pursuant to Coastal Development Permit 5-11-085 as amended shall be undertaken if such activity would preclude the requirement for no future seaward extension of the shoreline protective device. All future repair or maintenance, enhancement, reinforcement, or modifications shall be evaluated for compliance with this condition pursuant to a coastal development permit.

- B. Prior to issuance of the coastal development permit amendment, the applicant shall provide the Executive Director with evidence that the proposed project does not include any construction barriers that would preclude the requirement for no future seaward extension of the shoreline protective device. This can be demonstrated through identification of the construction steps necessary for the future construction of a shoreline protective device (i.e., new seawall) that is in the same footprint, or inland of, the currently approved development; and submittal of plans that identify all structures that will need to be removed and/or modified in order to ensure that there will be no future seaward extension of the shoreline protection.
14. **Sorrento Alamitos Bay Shoreline Trail.** As required by this coastal development permit, the City shall construct the Shoreline Trail improvements in segments concurrent with the phased construction of the Naples Island Seawall Repair Project, as described below. Construction of the Shoreline Trail improvements shall be consistent with the general alignment depicted on Exhibit 10 of the Staff Report dated March 30, 2018 and the parameters approved pursuant to Local Coastal Development Permit No. LCDP17-015 (City of Long Beach).
- A. Segment One (425 feet) of the Shoreline Trail, between 5425 E. Sorrento Drive (near 2nd Street Bridge) and 5455 E. Sorrento Drive, shall be improved prior to or concurrent with Phase Two of the Naples Island Seawall Repair Project. Segment One shall be completed and open for public use prior to the submittal of the application for the next phase (Phase Three) of the Naples Island Seawall Repair Project.
- B. Segment Two (510 feet) of the Shoreline Trail, between 5455 E. Sorrento Drive and 5501 E. Sorrento Drive, shall be improved prior to or concurrent with Phase Three of the Naples Island Seawall Repair Project. Segment Two shall be completed and open for public use prior to the submittal of the application for the next phase (Phase Four) of the Naples Island Seawall Repair Project.
- C. Segment Three (565 feet) of the Shoreline Trail, between 5501 E. Sorrento Drive and 5609 E. Sorrento Drive, shall be improved prior to or concurrent with Phase Four of the Naples Island Seawall Repair Project. From 5609 E. Sorrento Drive, the public accessway shall continue east on the sandy beach/mudflat (in an unimproved state) to the vertical accessways adjacent to 5633 and 5617 East Sorrento Drive. Segment Three shall be completed and open for public use prior to the submittal of the application for the next phase (Phase Five) of the Naples Island Seawall Repair Project.

## AMENDMENT TO COASTAL DEVELOPMENT PERMIT

Coastal Development Permit Amendment No. 5-11-085-A1

- D. The existing vertical access connections between Sorrento Drive and the bay shall be improved prior to or concurrent with the improvement of each Shoreline Trail segment each vertical accessway connects to. The two existing vertical accessways adjacent to 5617 and 5633 E. Sorrento Drive shall be improved prior to or concurrent with Phase Five of the Naples Island Seawall Repair Project.
- E. An improved public sidewalk on the northern side of East Sorrento Drive shall be constructed prior to or concurrent with the final phase (Phase Six) of the of the Naples Island Seawall Repair Project. The required sidewalk shall connect the two vertical accessways adjacent to 5617 and 5633 E. Sorrento Drive to East Apian Way.
- F. At the time each Shoreline Trail segment is improved, the City shall install Coastal Access signage at key locations: along East Sorrento Drive, at the vertical access points, and along the Shoreline Trail. The required signs shall inform the general public of the public nature of the vertical accessways and the improved Shoreline Trail. The signage shall clearly indicate that the Sorrento Alamitos Bay Shoreline Trail is open to the general public, and that the Shoreline Trail was provided through the cooperative efforts of the City of Long Beach and the California Coastal Commission.

The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without approval by the Commission of a subsequent amendment to the coastal development permit unless the Executive Director determines that no amendment is legally required

- 15. **Resource Agencies.** The applicant shall comply with all requirements, requests and mitigation measures from the California Department of Fish and Wildlife, Regional Water Quality Control Board, 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.
- 16. **Assumption of Risk, Waiver of Liability and Indemnity Agreement.** By acceptance of this permit amendment, the applicant, on behalf of 1) themselves; 2) their successors and assigns and 3) any other holder of the possessory interest in the development authorized by this permit, acknowledge and agree (i) that the site may be subject to hazards from waves, storm waves, flooding and erosion; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and

**AMENDMENT TO COASTAL DEVELOPMENT PERMIT**

Coastal Development Permit Amendment No. 5-11-085-A1

amounts paid in settlement arising from any injury or damage due to such hazards; and (v) to agree to include a provision in any subsequent sublease or assignment of the development authorized by this permit requiring the sublessee or assignee to submit a written agreement to the Commission, for the review and approval of the Executive Director, incorporating all of the foregoing restrictions identified in (i) through (v).

17. **Liability for Costs and Attorney's Fees.** By acceptance of this coastal development permit amendment, the Applicant/Permittee agrees to reimburse the Coastal Commission in full for all Coastal Commission costs and attorney's fees -- including (1) those charged by the Office of the Attorney General, and (2) any court costs and attorney's fees that the Coastal Commission may be required by a court to pay -- that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the Applicant/Permittee against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval or issuance of this permit. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission.
  
18. **Public Access to the Water (Naples Island).** The City shall prepare an evaluation and community involvement process to identify the appropriate location(s) to incorporate at least one public access facility in the next phase (Phase Three) of the Naples Island Seawall Repair Project to provide access from Naples Island's vertical seawalls to the waters of Alamitos Bay for swimmers, kayakers, stand-up paddle boards and other small vessels. The public access facilities may be in the form of ramps, stairways, gangways, dock floats, or a combination of these and/or similar amenities. The evaluation shall identify potential locations for such facilities, and shall identify at least one feasible location. Potential locations to be considered shall include the seawall at the south end of The Colonnade, the seawall at East Naples Plaza, and other locations acceptable to the Executive Director. The City shall submit the evaluation and a proposed plan for locating and constructing the public access facility to the Executive Director for review and comment.

Prior to the submittal of the application for the next phase (Phase Three) of the Naples Island Seawall Repair Project, and not later than one year from the date of Commission action on this application (or within such additional time as the Executive Director may grant for good cause), the City shall propose and act upon a local coastal development permit application for at least one public access facility to be constructed concurrent with Phase Three of the Naples Island Seawall Repair Project.