

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
301 E. OCEAN BLVD, SUITE 300
LONG BEACH, CA 90802-4325
VOICE (562) 590-5071
FAX (562) 590-5084

March 18, 2021

Permit Application Numbers: **5-18-0788, A-5-LOB-17-0032, & A-5-LOB-20-0007****NOTICE OF INTENT TO ISSUE PERMIT**

(Upon satisfaction of special conditions)

THE SOLE PURPOSE OF THIS NOTICE IS TO INFORM THE APPLICANT OF THE STEPS NECESSARY TO OBTAIN A VALID AND EFFECTIVE COASTAL DEVELOPMENT PERMIT ("CDP"). A Coastal Development Permit for the development described below has been approved but is not yet effective. Development on the site cannot commence until the CDP is effective. In order for the CDP to be effective, Commission staff must issue the CDP to the applicant, and the applicant must sign and return the CDP. **Commission staff cannot issue the CDP until the applicant has fulfilled each of the "prior to issuance" Special Conditions.** A list of all the Special Conditions for this permit is attached.

The Commission's approval of the CDP is valid for two years from the date of approval. To prevent expiration of the CDP, you must fulfill the "prior to issuance" Special Conditions, obtain and sign the CDP, and commence development within two years of the approval date specified below. You may apply for an extension of the permit pursuant to the Commission's regulations at Cal. Code Regs. title 14, section 13169.

On February 11, 2021, the California Coastal Commission approved Coastal Development Permit Nos. **5-18-0788, A-5-LOB-17-0032, & A-5-LOB-20-0007** requested by **City of Long Beach** subject to the attached conditions, for development consisting of: **Closure of Olympic Plaza to automobile traffic, removal of park landscaping, demolition of two outdoor pools, conversion of temporary pool and associated facilities to permanent structures, and construction of an outdoor pool complex including a 12,320 sf. competitive pool, 4,560 sf. recreation pool, 1,000 sf. teaching pool, 500 sf. spa, 5,660 sf. diving well, and spray garden, 1,555 permanent seats, a 15,181 sf. approx. 29 ft. high pool facilities building with locker rooms, offices, food concessions, changing rooms, and storage rooms, 141,558 sf. hardscaped open space, 92,297 sf. passive park area, and public restrooms**, more specifically described in the application filed in the Commission offices. **Commission staff will not issue the CDP until the "prior to issuance" special conditions have been satisfied.**

The development is within the coastal zone at: **4000 Olympic Plaza, Long Beach, Los Angeles County (APNs: 7256-039-903 & 7256-040-903)**

If you have any questions regarding how to fulfill the "prior to issuance" Special Conditions for CDP Nos. 5-18-0788, A-5-LOB-17-0032, and A-5-LOB-20-0007, please contact the Coastal Program Analyst identified below.

Sincerely,

John Ainsworth
Executive Director


Dani Ziff
Coastal Program Analyst

ACKNOWLEDGMENT

The undersigned permittee acknowledges receipt of this Notice and fully understands its contents, including all conditions imposed.

Date	Permittee
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Please sign and return one copy of this form to the Commission office at the above address.

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 and 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:

1. **Consistency with the LCP.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, certification of the City of Long Beach Local Coastal Program Amendment LCP-5-LOB-20-0014-1 by the Coastal Commission must be final and effective in accordance with the procedures identified in the California Code of Regulations, Title 14, Division 5.5, Section 13544.
2. **Final Revised Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and approval of the Executive Director two (2) hard copies and one electronic copy of revised final plans in substantial conformance with the plans submitted January 21, 2020, except as follows:
 - A. Revise the project plans to include a ten-foot (10') walkway, accessible to the public without paying to enter the facility, on top of the plinth around the outside of the perimeter wall, which shall be maintained for the life of the development; and a lateral path from east to west that includes the seaward portion of the plinth path (which does not require a fee to pass through or along), which shall be constructed and maintained onsite in perpetuity.
 - B. Revise the project plans to remove or relocate any hardscape and/or structures seaward of the plinth and seaward of the line of development between the plinth and the seaward extent of the adjacent parking lots on either side. No permanent development is authorized seaward of this line of development, including the proposed beach deck, the proposed water utility line, and the proposed fire hydrant. These elements may be relocated inland of the line of authorized hardscape within the project area (e.g. along the entry lane). Pedestrian trails seaward of the plinth may be replaced with easily removable, permeable paths made of natural materials or native dune vegetation.
 - C. Include a Signage Plan that clearly describes, at a minimum, the dimensions, material(s), text, and font of each construction, wayfinding, and/or monument sign. The signs shall facilitate, manage, and provide public access to the public amenities and shoreline throughout construction and the life of the development.
 - D. Relocate the proposed trash enclosure, transformer, and public restroom facilities that are sited seaward of the Belmont Pier parking lot to avoid, or if avoidance is not feasible, minimize, impacts to public views from the Termino Avenue view corridor and use of sandy beach area.
 - E. Include Bird-Safe Treatments on the plans. Plinth railing systems, fences, screen walls, windows, doors, and gates authorized by these permits shall use materials designed to minimize bird-strikes. Such materials may consist, all or in part, of

wood; wrought iron; frosted or partially-frosted glass, Plexiglas or other visually permeable barriers that are designed to prevent creation of a bird strike hazard. Clear glass or Plexiglas shall not be installed unless they contain UV-reflective glazing that is visible to birds. No appliqués shall be used. Use of opaque or partially opaque materials is preferred to clean glass or Plexiglas. All materials shall be maintained throughout the life of the development to ensure continued effectiveness at addressing bird strikes and shall be maintained at a minimum in accordance with manufacturer specifications.

- F. Provide a final Foundation Plan, in substantial conformance with the plans dated April 6, 2020, that includes:
- i. All permanent foundation elements including retaining walls, piles, footings, and concrete/cement, etc.
 - ii. The level of the current groundwater table in relation to all foundational elements and a note regarding potential changes to groundwater levels given projected sea level rise for the life of the development. The foundations of the structures shall be designed for shallow groundwater conditions over the full life of the development, accounting for both high groundwater levels under the highest observed tide in the present day (+7.7 ft NAVD88) and foreseeable increases in groundwater levels under the OPC (2018) high emissions, medium-high risk sea level rise scenario, with 6.7 feet of sea level rise by 2100. Accordingly, project structures shall be waterproofed and designed for buoyant conditions and hydrostatic forces below an elevation of +14.4 feet NAVD88 (+11.8 feet MSL). Additionally, all foundational elements shall be designed to accommodate any elevated liquefaction potential associated with future high groundwater levels.
 - iii. A final Dewatering Plan.
 - iv. Information about how each foundation element may be removed in the future.
 - v. Certification from a qualified geotechnical engineer that the final Foundation Plan has been reviewed, minimizes the amount of landform alteration to only the amount necessary to safely construct the facility, and will ensure geologic stability and public safety for the life of the development.
- G. Provide an Opportunistic Beach Fill Program for potential reuse of exported sediment that includes the following, at a minimum:
- i. A testing framework that provides assurance that the source material is uncontaminated and clean and that the grain size is appropriate for deposition at this beach.
 - ii. A site plan and associated detailed description of where sand may be potentially placed. Sand placement event(s) shall avoid placement of material on wet sand or in marine waters.
 - iii. Onsite monitoring and supervision during implementation shall be provided.

- iv. Procedures for producing and submitting to the Executive Director a Project Notification Report for each opportunistic sand deposition event.

H. Provide a revised Planting Plan that:

- i. Includes in the plant palette primarily tree species that wading birds are known to nest in including New Zealand Christmas (*Metrosideros excelsa*) commonly called Pohutukawa, Monterey pine (*Pinus radiata*), Torrey pine (*Pinus torreyana*), and California fan palm (*Washingtonia filifera*) instead of thornless South American mesquite and chitalpa.
- ii. Places additional new trees in the entry way median(s) labelled “1” in the Planting Plan (i.e. New Zealand Christmas trees or California fan palms) and landscaped areas seaward of the pool facilities labelled “2” (i.e. palm trees).
- iii. Designates specific areas (i.e. Olympic Plaza and the two locations identified in the previous subsection) as “quiet dark zones.” Tree planting shall be concentrated in these “quiet dark zones,” including taller, more mature trees suitable for wading bird roosting and nesting. Trees shall be planted in stands that create micro-climates including canopy cover attractive to wading birds for roosting and nesting.
- iv. For the area seaward of the Bennett Avenue/Granada parking lot, modifies the plant palette to transition from upland palm grove to native backdune habitat to southern foredune habitat.
- v. Consists of native plants or non-native drought tolerant plants, which are non-invasive. Salt-tolerant plants shall be used wherever feasible and the use of landscaping chemicals shall be minimized. 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. All plants shall be low water use plants as identified by California Department of Water Resources (See: <http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf> and <http://ucanr.edu/sites/WUCOLS/files/183488.pdf>).
- vi. Uses reclaimed water for irrigation, where feasible. If using potable water for irrigation, only drip or microspray irrigation systems may be used. Other water conservation measures shall be considered, such as weather based irrigation controllers.

I. Provide a final Lighting and Noise Plan that includes:

- i. For the area east of the entry lane at Bennett Avenue, the following shall apply:

- (1) All lights, with the exception of pedestrian safety lighting and lights that serve the parking lot, shall be turned off when the Myrtha pool facilities are not in use.
 - (2) The existing approximately 65-foot high Musco sports lighting and approximately 40-foot high LED lighting shall be removed.
 - (3) Lighting, only to the extent necessary to achieve safety and circulation illumination, will be allowed at the Myrtha pool deck level per IES standards. This lighting shall be no more than one foot below the maximum height of any adjacent wall or fence, shall be designed to shield light to the maximum extent feasible (e.g. through the use of mounted sconces), shall average 8 foot candles at the pool deck, and shall not exceed 13 foot candles.
 - (4) The surface of the pool deck shall be made of non-reflective materials.
 - (5) A photometric analysis of the existing lighting, including illumination levels at the canopy of the trees known to historically support bird nesting activities, and proposed lighting design shall be provided. The analysis shall clearly document a reduction in illumination from current conditions and that illumination at the adjacent tree canopies does not exceed one foot candle.
 - (6) There shall be no public address system.
 - (7) A list of expected aquatic programs that identifies anticipated noise levels (i.e. whistles, music, public address). The quieter programs shall, when feasible, be provided at the Myrtha pool.
- ii. For the landscaped areas surrounding the plinth west of the entry lane at Bennett Avenue, limits lighting to ground lighting necessary to provide public safety along public pathways.
 - iii. The lighting throughout the project area shall be turned off while the facilities are not in use and shall be designed to achieve the minimum degree of illumination necessary for public safety, minimize light trespass into adjacent non-target areas, and limit the illumination of open space and sensitive habitat areas to the maximum extent feasible. Lighting shall be downward directed, shielded, energy efficient, dark sky-compatible, and shall incorporate state-of-the-art improvements in lighting technology when replaced thereafter. Replacement bulbs or fixtures shall be upgraded to incorporate best available technology over the life of the installation. Programmable timing devices shall be utilized to turn off unnecessary lights where feasible. The lighting plan shall not include illuminated signs. Lighting on the east side of the development shall be limited to the minimum needed for pedestrians, traffic, and parking with motion detection lighting used to the greatest extent possible.
 - iv. Whistles used within the facility shall not exceed 90 decibels.

- v. The use of whistles after 8:00 p.m. shall be prohibited except in emergency situations.
- vi. The use of airhorns shall be prohibited.
- vii. Public address systems shall be downward directed and shall not exceed 90 decibels. Amplified sound, including music, after 8:00 p.m. shall be prohibited.
- viii. In the event the Long Beach Health and Human Services Department identifies nonconforming noise levels emanating from the facility, the permittee shall submit a CDP amendment application to implement additional noise reduction measures for the review and approval of the Executive Director unless the Executive Director determines that no amendment is legally required.

3. Public Access Program. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and approval by the Coastal Commission at a noticed public hearing, a Public Access Program in substantial conformance with the framework in the plan submitted August 10, 2018 titled "City-wide and Underserved Programming to Enhance Access to the Proposed Facility" except the program/plan shall be developed and expanded as required by this condition. The applicant shall:

- A. Develop a Community Outreach Program in consultation with Commission staff that:
 - i. Includes a report of the underserved communities in Long Beach and tailored outreach methods and language access policies for these communities. The outreach methodology shall include culturally appropriate outreach methods, which may include digital, paper, and in-person options, and a language access protocol that outlines how materials will be developed in accordance with the City's Language Access Policy, such as translation into non-English languages (including at a minimum Spanish, Tagalog, and Khmer), tailored to be culturally relevant, and written in plain language to prevent educational and cultural barriers from access to the project site.
 - ii. Equitably engages and surveys Long Beach residents and/or all users of Long Beach community pools to:
 - (1) Collect baseline demographic and socioeconomic information on community use of Long Beach's public pools.
 - (2) Determine how often pool users use community pool facilities, which pools they frequent, and what days of the week and times they use the facilities.
 - (3) Identify the mode(s) of transportation used to access community pools (i.e. public transit, personal car, carpool, bicycle, etc.).
 - (4) Determine whether enhanced access to the new pool facility and/or enhanced access to other existing community pools is preferred.

- (5) Identify barriers to access to the Belmont Pool.
 - (6) Collect input on what types of programming is desired.
- B. Upon approval by the Coastal Commission's Executive Director, the Community Outreach Program shall be implemented by the City. A final summary report of the public outreach and engagement process and survey results shall be provided to the Executive Director in association with the Final Public Access Program described in the following subsection of this condition.
- C. The Final Public Access Program shall be based on the results of the Community Outreach Program and shall include the items listed in this subsection, except as modified to address the results of the Community Outreach Program, including but not limited to any changes to the hours of operation, entry fees, programming provided, and transportation options.
 - i. The hours and days of the week that the public will be able to access each of the public facilities (i.e. each pool/spa, the concession stands, the locker rooms, the spray garden, and other elements of the facility if different than normal operating hours). Provide the anticipated hours and days that the facilities would be used for competitive aquatic events. The public shall be allowed use of the facility from 5:30 a.m. to 9 p.m. Monday through Thursday, 5:30 am to 2 p.m. Fridays, and 8 a.m. to 2 p.m. on weekends, at a minimum.
 - ii. During operating hours, a minimum of four bodies of water, including at least one of the two 50M pools, be available to the general public for recreational purposes (i.e. not for competitive events, private instruction or use by exclusive clubs, or temporary events). Temporary events that are not available to the public for free or require closure of pool facilities to the public shall be minimized and require a coastal development permit unless the Executive Director determines that no permit is legally required. If closure of the facility for a temporary event is permitted, access through and along the site and sandy beach shall be maintained and every effort shall be taken to provide the public with use of at least one water body onsite.
 - iii. Provide and facilitate access for people with limited means to pay for pool use, including youth, seniors, and visitors from underserved communities (i.e. discounted and/or free pool passes). This shall include facilitated access to competitive swimming programs for individuals with limited financial means (e.g. scholarships that would cover costs of competitive swim programs, competitions, uniforms, travel expenses, etc. during the individual's training). The concession stands shall stock relatively inexpensive food and drink items and offer food and drink items that can be easily carried out. There shall be no parking rate increases for the adjacent public beach parking lots as a result of operating the development.
 - iv. Concrete objectives and benchmarks for measuring success of the public outreach components of the Public Access Program.

- v. An explanation of how the Public Access Program will be funded for the life of the development.
 - vi. Continue to work with transportation partners, including but not limited to Long Beach Transit, to identify and implement additional alternative transportation improvements.
 - vii. If the programming included in the City-wide and Underserved Programming to Enhance Access to the Proposed Facility plan is part of the revised Public Access Program, then, at a minimum, the following details shall be added:
 - (1) A program schedule,
 - (2) Bus routes and timetables, and
 - (3) Details regarding the fees for the programs and use of the bus.
 - viii. An evaluation program for the revised Public Access Program. Annual reports shall be provided no later than December 31 of each year that the facility is open to the public for the life of the development detailing the recreational programs developed and operated; the number, zip code of residence, and demographics of youth and adults participating in such programs; a summary of marketing and outreach efforts; and operational modes of transportation to and from the pool. The evaluation program shall identify whether public access improvements are equitably accessed by all communities in Long Beach. If the permittee or Executive Director finds that the evaluation program identifies substantial inequities in access to the facilities or adjacent beach, then the Public Access Program shall be revised to address any inequities in public participation in recreational activities, subject to review and approval by the Executive Director.
- D. The Final Public Access Program shall be implemented PRIOR TO THE OPENING OF THE FACILITIES TO THE PUBLIC and shall continue to be implemented for the life of the development. The Public Access Program shall be funded for the life of the development.
- E. The applicant 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 a Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.
- 4. Breeding and Nesting Bird Surveys During Construction.** For any construction activities, including tree trimming and relocation, between January 15th and September 1st, the applicant shall retain the services of a qualified biologist with experience in conducting bird behavior, nesting bird, and noise surveys (hereinafter, "biologist") to conduct said surveys in order to assess bird behavior, the presence of nesting birds including, but not limited to, black-crowned night herons, great blue herons, great egrets, and snowy egrets, and to document ambient and project noise

levels. All project construction and operations shall be carried out consistent with the following:

- A. The applicant shall ensure that a qualified biologist shall conduct the surveys 15 calendar days prior to the construction activities, including any tree trimming or relocation, to detect any active bird breeding behavior or active bird nests in all trees within 500 feet of the project and to document ambient and project noise levels. A follow-up survey must be conducted three (3) calendar days prior to the initiation of project activities and nest surveys must continue on a monthly basis throughout the nesting season or until the project is completed, whichever comes first. All bird breeding behavior, nesting bird, and noise surveys shall be submitted to the Executive Director within two (2) days of completion.
- B. If an active nest(s) of any song birds, shore birds, or wading birds is found within 300 ft. of the project, an active nest(s) for any raptor species is found within 500 ft. of the project, or bird nesting or courtship behavior is observed within the project site, the applicant's biologist shall monitor bird behavior and construction noise levels. The nest(s) and nesting bird(s) shall not be removed or disturbed. The biologist shall be present at all relevant construction meetings and during all significant construction activities (those with potential noise impacts) to ensure that nesting birds are not disturbed by construction related noise. The biologist shall monitor birds and noise every day at the beginning of the project and continuing throughout all periods of significant construction activities. Construction activities may occur only if construction noise levels are at or below the demonstrated ambient noise levels or a peak of 65 dB at the nest site(s). If construction noise exceeds the ambient noise levels or a peak level of 65 dB at the nest site(s), sound mitigation measures such as sound shields, blankets around smaller equipment, mixing concrete batches off-site, use of mufflers, and minimizing the use of back-up alarms shall be employed. If these sound mitigation measures do not reduce noise levels, construction shall cease and shall not recommence until either new sound mitigation can be employed or the birds have fledged.
- C. If an active nest of a federally or state-listed threatened or endangered species or bird species of special concern is found within 300 ft. of the project, or an active nest for any species of raptor is found within 500 ft. of the project, the applicant will notify the appropriate State and Federal Agencies within 24 hours, and appropriate action specific to each incident will be developed. The applicant will notify the California Coastal Commission by e-mail within 24 hours and consult with the Commission regarding determinations of State and Federal agencies.
- D. The applicant must cease work if informed by the biologist that proceeding with any development authorized by this permit would adversely affect breeding or nesting birds. The biologist shall immediately notify the Executive Director if activities outside of the scope of the subject Notice of Impending Development occur. If significant impacts or damage occur to sensitive habitats or to wildlife species, the applicant shall be required to submit a revised or supplemental program to adequately mitigate such impacts.

5. Final Tree Replacement Plan and Bird and Tree Monitoring Plan. BY

ACCEPTANCE OF THESE PERMITS, the permittee hereby agrees to implement a Final Tree Replacement Plan and a Bird and Tree Monitoring Plan, in substantial conformance with the application on file, except as modified herein, for the existing trees and any trees planted within the project area for the life of the development.

- A. Provide for replacement of any removed trees at a two to one ratio (2:1) ratio, including any trees removed from the site pursuant to the proposed project, any trees removed from the site within the last ten years without the benefit of a coastal development permit, and any trees removed from the site throughout the life of the development approved by this permit. Any trees which are, have been, or will be removed, shall be replaced with trees as large as a qualified arborist recommends that will survive consistent with the final approved landscaping plan and special conditions of this permit.
- B. Require the permittee to retain a qualified arborist to monitor any new or relocated trees annually for the first five years followed by annual monitoring on at least one day during bird nesting season for the life of the project. Annual reports prepared by the qualified arborist shall be submitted to the Executive Director. If the report includes recommendations from the arborist to improve tree health and success, then the City shall provide the Executive Director with evidence and written verification that the arborist's recommendations have been implemented within six (6) weeks of the City's receipt of the arborist's recommendation. Each annual monitoring report shall include:
 - i. A summary of the prior annual report and discussion of implementation of recommendation(s) made by the qualified arborist;
 - ii. A list and map of any trees that required maintenance, trimming, or replacement during the prior year and a plan for continued monitoring of those trees;
 - iii. Photographic documentation of the trees' conditions after maintenance, trimming, or relocation;
 - iv. An "A" through "F" designation for each tree within the project site using the grading system identified in the final Monitoring Plan;
 - v. A discussion of establishment success of new trees in the project area. If any of these trees have a "D" or "F" designation, then the tree establishment shall be considered unsuccessful and the City shall submit a revised Tree Replacement Plan prepared by a qualified arborist to reestablish healthy trees that are suitable for nesting habitat on the project site. The Tree Replacement Plan shall specify measures to remediate the portions of the Plan that failed or are not in conformance with the original approved Plan and mitigate for any temporal impacts resulting from the Plan's failures;
 - vi. Recommendations for continued tree maintenance, including plans to improve the health of any trees with a "B" or "C" designation and irrigation plans.

C. Bird and Tree Monitoring Plan.

- i. For ten years, the applicant shall employ a qualified biologist and arborist, to survey breeding and nesting birds and tree health, respectively, annually during bird breeding season from January 15th through September 1st, including as follows:
 - (1) Annually during bird breeding season the biologist shall survey the number (adults, juveniles, chicks), breeding, and nesting activity, tree type, and location of all birds within the project footprint.
 - (2) Annually during bird breeding season the arborist shall assess the health (e.g. "A" through "F" rating) of the trees within the project footprint.
 - (3) The arborist shall make recommendations for continued tree maintenance, including plans to improve the health of any trees with a "B" or "C" designation.
 - (4) Where the arborist finds that a tree(s) is a health and safety risk, dead, diseased, or dying (e.g. "D" or "F" rating), the applicant shall make provisions for replacement.
 - (5) No later than December of each year, the biologist and arborist shall submit a report to the Executive Director, USFWS, CDFW, and local Audubon Society summarizing the data collected, the patterns observed for the respective year and cumulatively (looking across all years), and adaptive management recommendations. The applicant, in consultation with the ED, USFWS, CDFW (and other), shall implement any such agreed upon adaptive management actions deemed necessary for the continued success of bird breeding and nesting and tree health (e.g. tree replacement/additions, lighting and/or noise adjustments, etc.).
- ii. Include a plan for appropriate disposal of trees that require replacement pursuant to the final Tree Replacement Plan.
 - (1) The City shall adhere to the Special Conditions of CDP No. 5-08-187, the City's Tree Trimming and Removal Policy for trees located within the Commission's retained jurisdiction area. The City shall maintain trees within the project area subject to the terms of these CDPs for the life of the development. Any removal or replacement of trees within the project area in the future shall require an amendment to the CDPs, unless the Executive Director determines that no amendment is required.
- iii. If any annual report identifies impacts to mature trees within the project area, or if the Executive Director identifies cumulative impacts to habitat that supports nesting shorebirds within the project area, the Executive Director shall notify the City that a permit amendment is required to provide mitigation for the

impacts. The City shall submit a permit amendment request to the Commission within sixty (60) days following notification from the Executive Director that a permit amendment is required.

- 6. Conformance with Geotechnical Recommendations.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the Executive Director's review and approval, along with two (2) sets of final plans, evidence that an appropriately licensed professional has reviewed and approved all final design and construction plans to be submitted pursuant to Special Condition 2 including foundation, grading, and drainage plans and certified that each of those final plans are consistent with the recommendations contained in the Preliminary Geotechnical Report prepared by AESCO dated April 24, 2014, with the exception of any modifications to recommendations made in response to changes in the project since the preparation of the report.

The applicant 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 a Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

- 7. Archeological and Paleontological Resources Monitoring.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and approval by the Executive Director, a Construction (and Demolition) Monitoring Treatment Plan prepared by a qualified professional that includes the following:
- A. A list of the applicant's retained qualified resource specialists [a paleontologist, an archaeologist, at least one Native American monitor, and the Native American most likely descendent (MLD) when State Law mandates identification of a MLD] and their duties associated with the construction of the project. The applicant shall retain the services of a qualified paleontologist, an archaeologist, and a Native American monitor(s) for any ground disturbing activities.
 - i. Native American monitor(s) shall be selected from tribal groups with documented ancestral ties to the area, and preferably from groups that participated in the tribal consultation process.
 - ii. All project monitors shall be notified a minimum of 30 days prior to commencement of any construction activities that could disturb native soils; notification shall occur via email, telephone, and U.S. Mail.
 - iii. Prior to the commencement and/or re-commencement of any monitoring, the permittee shall notify each archeological and Native American monitor of the requirements and procedures, and shall provide a copy of this special condition, any archeological monitoring or research plans, past archeological reports, and any other plans required pursuant to this condition and which have been approved by the Executive Director, to each monitor.

- iv. The Native American MLD, as identified by the Native American Heritage Commission, shall be allowed a minimum of two weeks to arrive at the site to inspect human remains discovered on-site and identified by the coroner as pre-historic, and to offer recommendations for their disposition.
- v. The landowner is agreeing at this time and by acceptance of this permit to allow MLD inspection of pre-historic human remains discovered on site.
- vi. The recommendations of the Native American MLD, shall be the predominant guidance when addressing ultimate disposition of pre-historic human remains discovered on site.

B. Monitoring requirements, procedures, and best management practices.

C. The ultimate disposition of any other archaeological/cultural resources discovered at the site, shall be determined in consultation with the Native American groups with documented ancestral ties to the area as determined by the Native American Heritage Commission.

8. Construction Phase Pollution Prevention Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the written approval of the Executive Director, a Construction-Phase Pollution Prevention Plan that includes, at a minimum, the following requirements to protect coastal water quality during construction and demolition activities:

A. General Best Management Practices and Procedures

- (1) Construction work and equipment operations below the mean high water line shall be prohibited.
- (2) All work shall be performed during favorable tidal, ocean, wind, and weather conditions that will enhance the ability to contain and remove, to the maximum extent feasible, construction and demolition debris.
- (3) Equipment or construction materials shall not be allowed at any time in the intertidal zone.
- (4) The footprint of areas within which demolition and construction activities are to take place (including staging and storage of equipment, materials, and debris; and equipment fueling and maintenance) shall be minimized to the extent feasible, to minimize impacts on the marine environment. Construction activities shall be prohibited outside of designated construction, staging, storage, and maintenance areas.
- (5) Vegetable-oil-based hydraulic fluids shall be used in heavy equipment used in construction lasting one week or longer overwater or adjacent to coastal waters, if feasible.
- (6) Biodiesel fuel shall be used in heavy equipment used in construction lasting one week or longer overwater or adjacent to coastal waters, if feasible.

B. Best Management Practices for Construction Activities Adjacent to Coastal Waters

- (1) All demolition and construction materials, equipment, debris, and waste shall be properly stored and contained, and shall not be placed or stored where it may be subject to wave, wind, rain, or tidal dispersion, to prevent pollutants from entering coastal waters, sensitive habitats, and the storm drain system.
- (2) All stockpiles, construction materials, and demolition debris shall be enclosed on all sides, covered during rain events, and not stored in contact with the soil, and shall be located a minimum of 50 feet from coastal waters, sensitive habitat, and storm drain inlets.
- (3) Sediment control BMPs shall be installed at the perimeter of staging and storage areas, to prevent sediment in runoff from construction-related activities from entering coastal waters.
- (4) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs, to prevent the accumulation of debris, sediment, and other pollutants that may potentially be discharged into coastal waters.
- (5) All trash and debris shall be disposed of in the proper trash and recycling receptacles at the end of every construction day.
- (6) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
- (7) All debris resulting from demolition or construction activities, and any remaining construction materials, shall be removed from the project site within 24 hours of completion of the project.
- (8) Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.

C. Best Management Practices for Stockpile and Debris Management

- (1) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of construction products or materials that may have adverse environmental impacts. The discharge of any construction products or materials into coastal waters shall be prohibited.
- (2) Leaks or spills of fuel, oil, grease, lubricants, hydraulic fluid, chemicals, preservatives, paints, or other construction products or materials shall be immediately contained on-site and disposed of in an environmentally safe manner as soon as feasible.

- (3) Construction vehicles operating at the project site shall be inspected daily to ensure there are no leaking fluids and shall be serviced immediately if a leak is found.
- (4) Fueling and maintenance of construction equipment and vehicles shall be conducted off-site, if feasible. Any fueling and maintenance of mobile equipment conducted on site shall take place at a designated area located at least 50 feet from coastal waters, sensitive habitat, and storm drain inlets (unless these inlets are blocked to protect against fuel spills). The fueling and maintenance area shall be designed to fully contain any spills of fuel, oil, or other contaminants. Equipment that cannot be feasibly relocated to a designated fueling and maintenance area (such as cranes) may be fueled and maintained in other areas of the site, provided that procedures are implemented to fully contain any potential spills.
- (5) Equipment, machinery, and vehicles shall be washed only in designated areas specifically designed to contain runoff and prevent discharges into coastal waters. Thinners, oils, and solvents shall not be discharged into the sanitary sewer or storm drain systems.

9. Water Quality Protection Measures and Best Management Practices. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, a final Water Quality and Hydrology Plan, prepared by a qualified licensed professional.

- A. The final Water Quality and Hydrology Plan shall demonstrate that the project complies with the following requirements:
 - (1) Runoff from all new or replaced impervious and semi-pervious surfaces shall be addressed in the plan. For sites where the area of new or replaced impervious and semi-pervious surfaces is greater than or equal to 50% of the pre-existing impervious and semi-pervious surfaces, runoff from the entire developed area, including the pre-existing surfaces, shall be addressed in the plan.
 - (2) Any Low Impact Development (LID), Runoff Control, and Treatment Control BMP (or suite of BMPs) implemented to comply with the plan requirements shall be sized, designed, and managed to infiltrate, retain, or treat, at a minimum, the runoff produced by the 85th percentile 24-hour storm event for volume-based BMPs, or two times the 85th percentile 1-hour storm event for flow-based BMPs.
 - (3) The permittee shall provide overflow capacity calculations to substantiate the design of the pools within the project area to verify that the design of the pools can contain without overflowing the 85th percentile 24-hour storm event.
 - (4) A final plan for the installation of the proposed permeable pavement, including a description of type of permeable pavement to be used, the type, size, and

- storage capacity of sub-surface materials sub-base, and any related drainage systems associated with the permeable pavements on the project site.
- (5) Appropriate protocols shall be implemented to manage BMPs (including ongoing operation, maintenance, inspection, and training), to protect coastal water quality for the life of the development.
- B. The Water Quality and Hydrology Plan shall include, at a minimum, the following required components:
- (1) All project details related to site design strategies and source control BMPs.
 - (2) Documentation of polluted runoff and hydrologic characterization of the existing site (e.g., potential pollutants in runoff, soil properties, infiltration rates, depth to groundwater, and the location and extent of hardpan and confining layers) as necessary to design the proposed BMPs. Include a map showing the site's Drainage Management Areas, and calculations of the runoff volumes from these areas.
 - (3) A description of the BMPs that will be implemented, including documentation of the expected effectiveness of the BMPs. Include a schedule for installation or implementation of all post-development BMPs.
 - (4) A characterization of post-development pollutant loads, and calculations, per applicable standards, of changes in the stormwater runoff flow regime (i.e., volume, flow rate, timing, and duration of flows) resulting from the proposed development when implementing the proposed BMPs.
 - (5) Supporting calculations demonstrating that required BMPs have been sized and designed to infiltrate, retain, or treat, at a minimum, the runoff produced by the 85th percentile 24-hour storm event for volume-based BMPs, or two times the 85th percentile 1-hour storm event for flow-based BMPs.
 - (6) A description and calculations demonstrating that the 85th percentile design storm runoff volume will be retained on-site, giving precedence to a LID approach. If the 85th percentile runoff volume cannot be retained onsite using LID, an alternatives analysis shall demonstrate that no feasible alternative project design will substantially improve runoff retention.
 - (7) A description and schedule for the ongoing management of all post-development BMPs (including operation, maintenance, inspection, and training) that will be performed for the life of the development if required for the BMPs to function properly.
- C. The permittee shall undertake development in accordance with the Water Quality and Hydrology Plan unless the Commission amends this permit or the Executive Director issues a written determination that no amendment is legally required for any proposed minor deviations.

10. Structural and/or Non-Structural Best Management Practices.

- A. The applicant shall implement structural or non-structural Best Management Practices (BMPs) designed to minimize pollutant loads contained in runoff prior to entering the stormwater conveyance system, and to maintain post-development peak runoff rate and average volume from the site at levels similar to pre-development conditions, to the extent feasible. The BMPs may include, but are not limited to:
- (1) Design elements that serve to minimize directly-connected impervious areas (i.e., impervious surfaces that impede stormwater infiltration and generate surface runoff) and maintain permeable space within the development shall be incorporated where feasible. Options include the use of alternative design features such as concrete grid driveways or pavers for walkways, or porous material for or near walkways and driveways; and
 - (2) Routine maintenance, including inspection and regular cleaning of approved BMPs, to ensure their effectiveness prior to, and during, each rainy season from October 15th through April 31st of each year. Debris and other water pollutants contained in BMP device(s) shall be contained and disposed of properly. All BMP traps/separators and filters shall be cleaned before the start of the winter storm season, no later than October 15th each year. The BMPs shall be maintained to uphold their functionality.
- B. All permanent structural BMPs within the project area need to account for sea level rise and rising groundwater levels. If the BMPs are at risk of inundation (i.e., flooding or wave uprush) or rising groundwater making them non-functional, alternative BMPs should be considered.

11. Post-Development Treatment Control Best Management Practices. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, a map, drawn to scale, showing the property boundaries, pavement footprint, runoff flow directions, and permanent water quality Treatment Control Best Management Practices locations. The applicant shall provide written documentation that demonstrates that the project protects or restores water quality to the maximum extent feasible.

12. Construction Staging Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the written review and approval of the Executive Director, two copies of a Construction Staging Plan. The construction staging plan shall:

- A. Specify where construction equipment is proposed to be stored during construction in order to minimize impacts to water quality, biological resources, and public access to the beach and parking lots.
- (1) Construction materials shall not be stored on the beach.
 - (2) The permittee shall post the site with a notice, in accordance with the City of Long Beach Language Access Policy, indicating expected dates of

- construction activities and/or closures of public amenities, including but not limited to the Myrtha pool.
- (3) Use of public parking areas for storage of construction and/or maintenance materials shall be minimized to the greatest extent feasible.
- B. Identify a disposal site outside of the Coastal Zone for waste materials and recyclable materials.

13. Shoreline Change, Sea Level Rise Monitoring, and Adaptation Program.

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the written review and approval of the Executive Director, two (2) copies of a Shoreline Change, Sea Level Rise Monitoring, and Adaptation Program (Monitoring and Adaptation Program). The Monitoring and Adaptation Program shall include the following:
- i. Objectives of the monitoring program (e.g. to monitor long-term and seasonal changes in beach width over the life of the development, to monitor impacts to the site and access to the site from coastal hazards, to inform sea level rise adaptation planning, to develop triggers for adaptation measures, and to identify adaptation measures including, but not limited to managed retreat of some or all elements of the project).
 - ii. Baseline conditions based on the final project plans. Follow-up monitoring should, to the extent possible, compare future changes to these baseline conditions.
 - iii. Specific features that will be measured, including but not limited to beach width, duration and extent of flooding, damage from storms (such as bluff retreat, reduced beach width, etc.), and where the features will be measured, possibly shown on a map or site plan.
 - iv. Monitoring methods, which should be provided in written protocol, including how the important project features will be monitored through techniques such as visual inspection, technical beach surveys, surveys of pool users, qualitative examination of the project site, aerial photography, and regular photographs taken from the same vantage point in the same direction.
 - v. Beach change monitoring elements. The beach change elements of the Monitoring and Adaptation Program shall include, among other items:
 - (1) locations of at least 3 profile lines from wading depth to the line of development (including the seaward extent of paved areas and/or permanent structures, the plinth, and non-sandy landscaped areas) with precise coordinates to allow reoccupation of these same profile lines over the survey period;
 - (2) a monitoring schedule that will provide for biannual (winter and summer) or more frequent surveys and will include a plan for increasing monitoring frequency, including potential daily monitoring

sufficient to allow detection of adaptation triggers, when there is evidence that the beach is narrowing or that there is increased frequency or intensity of storm events;

- (3) a survey plan that will provide sufficient detail to identify seasonal and annual changes in the mean high tide shoreline position, beach slope, and width of dry beach, based on location of the mean higher high water shoreline position;
- (4) two or more fixed locations from which to take photographs or provide visual representation of the beach conditions at the time of the surveys;
- (5) any other features, such as scour, wrack lines, beach changes, or others identified and required to satisfy requirements of the adaptation plan for triggers or other responses;
- (6) survey methods and equipment that will be used to undertake profile surveys; and
- (7) qualifications of person or persons undertaking these surveys.

Survey results shall be provided annually in a monitoring report that includes analysis of changes and trends in the surveyed features.

vi. Flooding and coastal hazard elements. The flooding and coastal hazard elements of the Monitoring and Adaptation Program shall include, among other items:

- (1) triggers or events that will be used to initiate surveys of flooding and coastal hazards, such as storms in excess of some recurrence interval, anticipated water levels in excess of some amount, King Tides, or other;
- (2) documentation for areas on the site and on the access roads of flooding extent, wrack lines or other indications of high water, scour areas, timing, and duration of any access or facility closures due to any flooding or erosion damages to the access or facility, tides, and sea levels at the time of the damage; and
- (3) qualifications of person or persons undertaking these surveys.

vii. Stormwater and LID elements. If follow-up monitoring indicates that there is risk to stormwater and LID improvements, this would trigger a comprehensive report evaluating the effectiveness of stormwater and LID improvements for the project. If that report indicates that there is declining stormwater effectiveness and LID improvements, then the permittee shall submit a CDP amendment application to implement protective actions that will prevent impacts to coastal and marine water quality, for the review and approval of the Executive Director unless the Executive Director determines that no amendment is legally required.

viii. Adaptation Program. The adaptation elements of the Monitoring and Adaptation Program shall include, among other items:

- (1) identification of triggers for submittal of a CDP amendment application that includes a comprehensive adaptation plan to preserve public access and coastal recreation opportunities when conditions that could threaten or limit the availability of public beach access seaward of the facility (with public beach access represented by the area between the facility and the mean high water location) or consistent access to the public facilities, including, at a minimum:
 - a. when the width of the dry sandy beach seaward of the development (including, but not limited to the seaward extent of paved areas, plinth, and landscaped areas) is less than or equal to 150 feet during a storm or King Tide event;
 - b. when the site is inaccessible by public transit due to impacts from flooding or other coastal hazards for a period of five or more consecutive days or 15 days total throughout a one-year period;
 - c. when available parking at any of the public parking lots serving the development reaches 100% capacity (not attributed to a special event) for more than three consecutive days; and
 - d. when flooding of the adjacent public parking areas, which provide access to the development, occurs for a period of five or more consecutive days or 15 days total throughout a one-year period.
- (2) establishment of the frequency and duration of any other occurrences that could limit public beach access or access to the public facilities through loss of public transit or parking capacity due to coastal hazards such that the public access and recreation resources reach the point of threat that would trigger adaptation responses;
- (3) development of a suite of possible adaptation responses that would maintain or restore, at a minimum, the public beach access of at least 150 feet, such as alternative access for the time that the minimum beach width is unavailable, beach nourishment, or removal or relocation of some or all facilities;
- (4) development of a suite of possible adaptation responses that would maintain or restore, at a minimum, temporary public shuttles that operate at least hourly during hours that the facility is open to replace the loss of public transportation; or shuttles and modified parking arrangements to restore parking losses;
- (5) an estimation of the time between identification of threats and ability to implement options to remove or remedy the threat; and
- (6) types of damage that could limit or restrict the use of the facility, such as flooding of the project site, some amount of scour at the foundation,

limitations on access to the facility, measures to correct or remediate these damages, and triggers for damage that would be sufficient to preclude correction.

ix. Reporting. The City shall provide monitoring reports to the Commission each year, beginning one year from the date of Commission issuance of this permit, including reports of all surveys, photographs, and documentation of the facility, beach access, and inland access, with analysis of trends and changes; and notification of all flooding and coastal hazard damages. If the permittee or Executive Director determine that any adaptation trigger is met, the permittee shall notify the Executive Director within 3 days and reporting shall also be provided within 3 months of any event that results in an adaptation trigger, providing all survey information developed prior to and as a result of the trigger event.

C. The Monitoring and Adaptation Program may be integrated into regional adaptation efforts that have been approved by the Commission pursuant to a Local Coastal Program amendment or other action(s); however, any changes to the approved Monitoring and Adaptation Program shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment.

D. When an access trigger is met, as determined by the Executive Director based on the information required pursuant to Special Condition 13, the permittee shall submit an application within one year of the Executive Director's determination that a triggering event has occurred to amend CDP Nos. 5-18-0788, A-5-LOB-17-0032, and A-5-LOB-20-0007 to implement an adaptation plan, such as a sand replenishment program, BBAC access enhancement plan, and/or a facilities removal program. If a sand replenishment and/or public access enhancement program are proposed, the CDP application shall include an alternatives analysis that also analyzes alternatives for removal of part or all of the development.

14. Assumption of Risk, Waiver of Liability, and Indemnity. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from bluff and slope instability, sea level rise, erosion, landslides and wave uprush or other tidal induced 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; and (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 amounts paid in settlement arising from any injury or damage due to such hazards.

15. Shoreline Protection Waiver and Removal of Development.

- A. By acceptance of this permit, the permittee agrees, on behalf of itself and all successors and assigns, that the development authorized by Coastal Development Permit Nos. 5-18-0788, A-5-LOB-17-0032, and A-5-LOB-20-0007—including the plinth, water bodies, park improvements, pool facilities building, and any future improvements—constitutes new development and is, therefore, not entitled to a shoreline protective device under Section 30235 of the Coastal Act or the Local Coastal Program. In addition, by acceptance of this permit, the permittee hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under Section 30235, the Local Coastal Program, or other applicable law.
- B. By acceptance of this permit, the permittee further agrees, on behalf of itself and all successors and assigns, that they are required to remove the development authorized by this permit, including all pool facilities (including the Myrtha Pool) and support structures, the plinth and foundational elements (per the final approved Foundation Plan), and park improvements, and restore the site if:
- (1) any other government agency with legal jurisdiction has issued a final order, not overturned through any appeal or writ proceedings, determining that the structures are currently and permanently unsafe for occupancy or use due to damage or destruction from waves, flooding, erosion, bluff retreat, landslides, or other hazards related to coastal processes, and that there are no feasible measures that could make the structures suitable for habitation or use without the use of bluff or shoreline protective devices;
 - (2) essential services to the site (e.g., utilities, roads) can no longer feasibly be maintained due to the coastal hazards listed above;
 - (3) removal is required pursuant to LCP policies for sea level rise adaptation planning or a Commission-approved adaptation plan;
 - (4) or the development requires new and/or augmented shoreline protective devices that conflict with relevant LCP or Coastal Act policies.
- C. In the event portions of the development fall to the beach or water before they are removed, the landowner(s) shall remove all recoverable debris associated with the development from the beach, ocean, and/or bay and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit. Prior to removal, the permittee shall submit two copies of a Removal Plan to the Executive Director for review and written approval. The Removal Plan shall clearly describe the manner in which such development is to be removed and the affected area restored so as to best protect coastal resources, including the beach, Pacific Ocean, and Alamitos Bay.

16. Permit Compliance. The permittee shall undertake and maintain the development in conformance with the special conditions of the permit and the final plans, including but not limited to the final approved public access program and tree, bird, and shoreline monitoring programs. Any proposed changes to the approved plans shall be reported 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. No changes to the approved plans shall occur without a Commission-approved permit amendment unless the Executive Director determines that no permit amendment is required.

17. Future Improvements. This permit is only for the development described in Coastal Development Permit Nos. 5-18-0788, A-5-LOB-17-0032, and A-5-LOB-20-0007. Pursuant to Title 14 of the California Code of Regulations Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(b) shall not apply to this development governed by Coastal Development Permit Nos. 5-18-0788, A-5-LOB-17-0032, and A-5-LOB-20-0007. Accordingly, any future improvements to the structures authorized by this permit, including but not limited to, repair and maintenance identified as requiring a permit in Public Resources Section 30610(d) and Title 14 of the California Code of Regulations Sections 13252(a)-(b) and temporary events (Public Resources Code Section 30610(i)), shall require an amendment to Permit Nos. 5-18-0788, A-5-LOB-17-0032, and A-5-LOB-20-0007 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

18. Conditions Imposed by Local Government. This action has no effect on conditions imposed by the City of Long Beach pursuant to an authority other than the Coastal Act, except as provided in the last sentence of this condition. The permittees are responsible for compliance with all terms and conditions of this coastal development permit in addition to any other requirements imposed by other local government permit conditions pursuant to the local government's non-Coastal Act authority. In the event of conflicts between terms and conditions imposed by the local government and those of this coastal development permit, the terms and conditions of this coastal development permit shall prevail.

19. Liability for Costs and Attorneys' Fees. The permittee shall reimburse the Coastal Commission in full for all Coastal Commission costs and attorneys' fees—including (1) those charged by the Office of the Attorney General, and (2) any court costs or attorneys' 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 permittee against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval or issuance of this permit, the interpretation and/or enforcement of permit conditions, or any other matter related to this permit. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission.

NOTE: IF THE **SPECIAL CONDITIONS** REQUIRE THAT DOCUMENT(S) BE RECORDED WITH THE COUNTY RECORDER, YOU WILL RECEIVE THE LEGAL FORMS TO COMPLETE (WITH INSTRUCTIONS). IF YOU HAVE ANY QUESTIONS, PLEASE CALL THE DISTRICT OFFICE.