

**Los Cerritos Wetlands Authority**

**Date:** November 30, 2022

**To:** Governing Board Members

**From:** Sally Gee, Project Manager

**Through:** Mark Stanley, Executive Officer

**Subject:** Item 9: Consideration of resolution to enter into a Memorandum of Agreement with Studebaker Industrial, LLC for the Studebaker Road Industrial Park Land Donation Project

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**RECOMMENDATION:** That the Los Cerritos Wetlands Authority (LCWA) Governing Board authorize entering into a Memorandum of Agreement (MOA) with Studebaker Industrial, LLC for the Studebaker Road Industrial Park Land Donation Project.

**PROJECT DESCRIPTION:**

Exhibit A: Project Location Map and Plans  
Exhibit B: Memorandum of Agreement  
Exhibit C: LCWA Cost Proposal

Studebaker Industrial, LLC owns 8.5 acres of land at the intersection of Studebaker Rd and Loynes Drive in Long Beach, straddling the east and west sides of Studebaker Road. In association with the Studebaker Road Industrial Park Development Project (Development Project), open space parcels totaling 1.81 acres on the west side of Studebaker Road are proposed to be revegetated with native habitat and then donated to the LCWA for long term use and maintenance (Donation Project). The western parcels are located adjacent to the Los Cerritos Channel and across from the proposed Upper Los Cerritos Wetlands Mitigation Bank Project.

A Memorandum of Agreement (MOA) is proposed for the LCWA to collaborate with the owner and Panattoni Development Company, Inc. (developer), to develop the necessary documents to complete the Donation Project. This includes, but is not limited to, the habitat restoration and implementation plans, donation or transfer agreements, and long-term maintenance planning documents. The LCWA will be reimbursed for costs associated with coordinating completion of the Donation Project according to the cost proposal in Exhibit C.

The Donation Project will be complete when all of the following conditions have been satisfied:

- a) An approved restoration plan and long-term maintenance plan for the property are agreed to by both parties;
- b) Execution of a transfer agreement or acceptance of an Irrevocable Offer to Dedicate or other such agreement;
- c) Recordation of LCWA's legal interest in the property; and
- d) All funds due to LCWA for consultant, legal, and administrative costs incurred under the MOA have been received.

The final transfer agreement or other such agreement will require LCWA Governing Board approval, at a future meeting, prior to execution.

**BACKGROUND:**

The 300 Studebaker Road Industrial Park Project involves demolition of 400 sf of existing concrete, on-site pipeline structures, and asphalt paving, and the development of two concrete tilt-up industrial buildings, situated on 6.69 acres of land east of Studebaker Road. Approximately 1.81 acres at the northwest and southwest corners of Studebaker and Loynes Drive is proposed to be kept as open space to meet City of Long Beach zoning requirements. The western parcels are proposed to be donated to the LCWA as part of this project.

The Development Project was approved by the Long Beach City Council on January 7, 2020. An appeal regarding this decision was made to the Coastal Commission (Appeal No. A-5-LOB-20-0006). Additional technical studies were conducted regarding hazardous materials and biological resources to address the appellant's concerns. The studies determined that there was no hazardous waste buried underneath the Donation Project parcels, and there were no Ecologically Sensitive Habitat Areas (ESHA) present in the project. The Coastal Commission approved the Development Project with Special Conditions on September 8, 2021. Special Condition 3 required the final landscaping plan to be submitted with an LCWA-approved planting palette and a commitment for the western project area to be weeded for three years. Special Condition 8 states that prior to issuance an offer to dedicate fee title to a public agency must be recorded in accordance with the terms of the Coastal Development Permit.

The project Initial Study/Mitigated Negative Declaration can be found here: <https://ceqanet.opr.ca.gov/2019099005/2>, and Coastal Commission Report can be found here: <https://www.coastal.ca.gov/meetings/agenda/#/2021/9>.

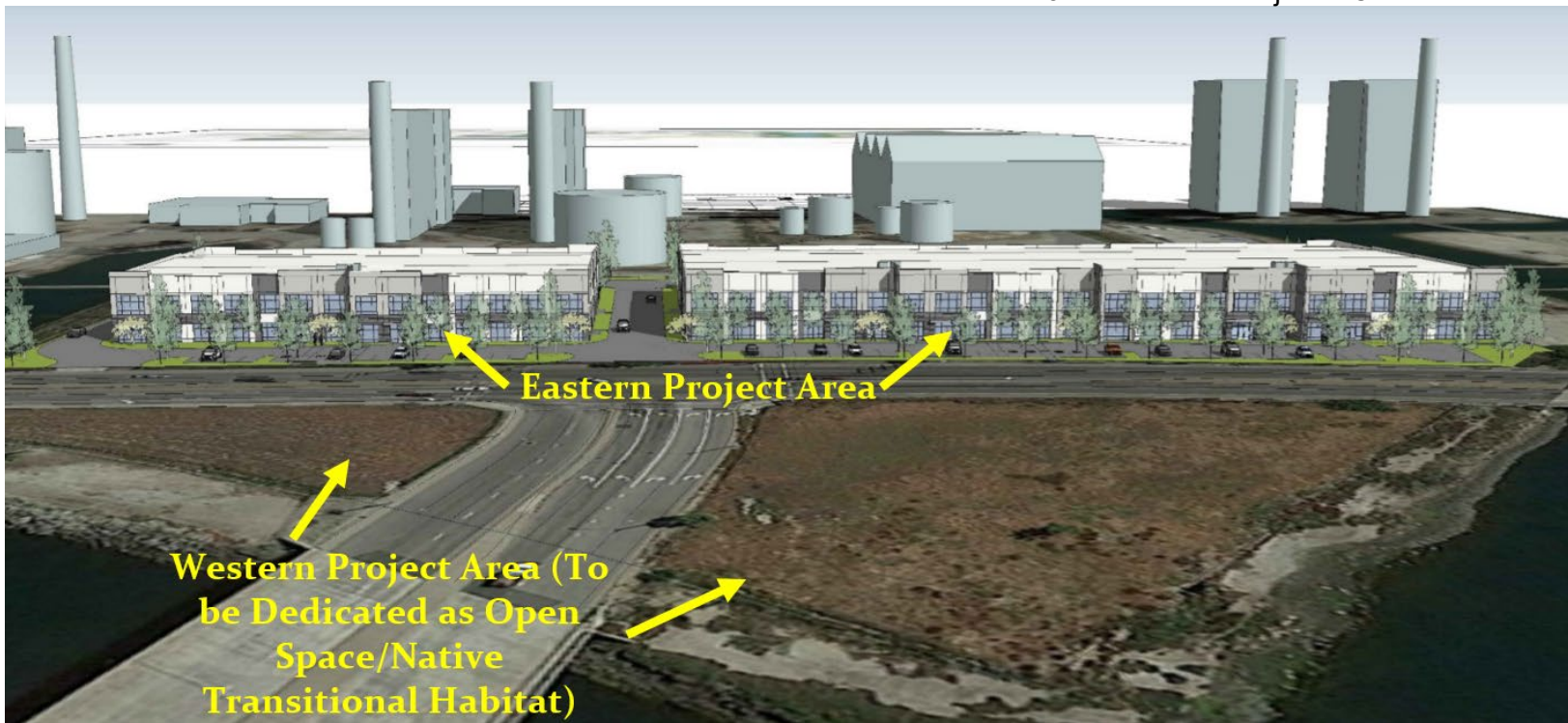
**FISCAL:**

Studebaker Industrial, LLC will reimburse LCWA for consultant, legal, and administrative costs associated with completion of the Donation Project for a total of \$19,316.00. Additional costs may be charged per the labor rates in the cost proposal if required.



California Coastal Commission  
CDP No. A-5-LOB-20-0006  
Exhibit 1  
Page 1 of 2  
(edited to show the Los  
Cerritos Wetlands Complex)





California Coastal Commission  
CDP No. A-5-LOB-20-0006  
Exhibit 2  
Page 2 of 2

## Memorandum of Agreement

By and between

The Los Cerritos Wetlands Authority

and

Studebaker Industrial, LLC

This Memorandum of Agreement (MOA) is made by and between the Los Cerritos Wetlands Authority ("LCWA"), a California joint powers authority between the State Coastal Conservancy, the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, the City of Long Beach and the City of Seal Beach, and Studebaker Industrial, LLC ("Owner"). LCWA and Owner are sometimes referred to herein individually as a "Party" and together as "Parties."

**Recitals**

WHEREAS, the LCWA was established to provide for a comprehensive program of acquisition, protection, conservation, restoration, maintenance, and operation and environmental enhancement of the Los Cerritos Wetlands area consistent with the goals of flood protection, habitat protection and restoration, and improved water supply, water quality, groundwater recharge and water conservation; and

WHEREAS, Owner is proposing the 300 Studebaker Road Industrial Park Project ("Development Project") that will include two light industrial buildings with parking and landscaping on 6.69 acres of land on the eastside of Studebaker Road; and

WHEREAS, in association with the Development Project, Owner is proposing to restore and then donate non-adjacent open space parcels totaling 1.81 acres on the west side of Studebaker Road to the LCWA to be used and maintained consistent with LCWA's mission, as recited above ("Donation Project"); and

WHEREAS, the Parties desire to enter into a MOA to collaborate on developing the necessary documents to complete the Donation Project, including but not limited to restoration planning and implementation documents, donation or transfer agreements, long-term maintenance planning documents, and provide the LCWA sufficient funds to facilitate LCWA's involvement in the planning, implementation, completion and long-term maintenance of the Donation Project.

THEREFORE, the parties agree as follows:

1. The Parties agree that all work contemplated under this MOA must be consistent with the terms of the LCWA joint powers agreement. Should there be any conflicts between the terms and conditions of the LCWA joint powers agreement, the terms and conditions of the LCWA joint powers agreement shall control first, followed by the MOA.
2. Owner shall coordinate with LCWA staff and/or LCWA contractors from planning and permitting through implementation of the Donation Project.

3. Owner will compensate LCWA in arrears for costs associated with coordinating the Donation Project according to the attached cost proposal (Exhibit A). The Parties may amend, supersede or supplement this provision by written agreement.
4. The effective date of the MOA is the date in which all Parties have executed the MOA. The MOA will remain in effect until the Donation Project is complete. The Donation Project is complete when all of the following conditions have been satisfied:
  - a. Owner has prepared a restoration plan and long-term maintenance plan for the property that LCWA agrees to in writing. The Parties may amend such plans as needed by written agreement;
  - b. The Parties have executed an agreement in writing, such as a Transfer Agreement or Acceptance of an Irrevocable Offer to Dedicate or other such agreement, dictating the terms of (1) Owner's donation of the property to LCWA, (2) LCWA's acceptance of the same, (3) Owner's responsibilities to fund and/or implement the rehabilitation and maintenance of the natural features of the open space property, and (4) LCWA's responsibilities to maintain the same;
  - c. LCWA's legal interest in the property has been recorded; and
  - d. Owner has provided all funds due to LCWA to cover costs incurred by LCWA under this MOA per the cost proposal agreed to in Exhibit A.
5. Neither the LCWA nor any officer, agent or consultant thereof is responsible for any injury, damage or liability resulting from any acts or omissions of Owner incurred in connection with any work, authority or obligation conferred upon Owner and arising under this MOA. It is understood and agreed that Owner shall fully defend, indemnify and hold harmless the LCWA and all its officers, agent or consultant from all claims, suits or actions of every name, nature, kind and description, including, but not limited to claims, suits or actions sounding in tort, contract, inverse condemnation and other theories or assertions of liability occurring as a result of any acts or omissions of Owner in connection with or arising from this MOA.
6. Neither Owner nor any officer or employee thereof is responsible for any injury, damage or liability resulting from any acts or omissions of the LCWA under or in connection with any work, authority or jurisdiction conferred upon by the LCWA and arising under this MOA. It is understood and agreed that LCWA shall fully indemnify and hold harmless Owner and all its officers and employees from all claims, suits or actions of every name, nature, kind and description, including, but not limited to, claims, suits or actions sounding in tort, contract, inverse condemnation and other theories or assertions of liability occurring as a result of any acts or omissions of the LCWA in connection with or arising from this MOA.

***Signatures***

**Studebaker Industrial, LLC,  
a Delaware limited liability company**

By: Studebaker Industrial PG, LLC,  
a Delaware limited liability company,  
its Managing Member

By: PDC LA/SD LLC,  
A Delaware limited liability company,  
its Manager

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Name: Bill Bullen  
Title: Local Partner

**Los Cerritos Wetlands Authority**

By: \_\_\_\_\_  
Name: Mark Stanley  
Title: Executive Officer

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

## Exhibit A

Task	Description	Cost
Consultant Review	Tidal Influence to review landscape designs, advise on management plan, and implementation plans	\$ 5,760.00
LCWA Legal Costs	Legal review of transfer agreements	\$ 11,800.00
LCWA PM Costs	LCWA Project Coordination (10%)	\$ 1,756.00
<b>Total</b>		<b>\$ 19,316.00</b>
<i>*if additional costs are needed than proposed above, they will be charged per hour based on consultant and legal rates; and LCWA PM costs of 10%</i>		
<b>Personnel Labor rates per hour (may be subject to change)</b>		
Tidal Influence	Principal Ecologist	\$120
	Associate Ecologist	\$80
Legal Costs	Attorney	\$295



November 30, 2022 – Item 9

RESOLUTION 2022 – 13

RESOLUTION OF THE LOS CERRITOS WETLANDS AUTHORITY  
AUTHORIZING ENTERING A MEMORANDUM OF AGREEMENT WITH  
STUDEBAKER INDUSTRIAL, LLC FOR THE STUDEBAKER ROAD  
INDUSTRIAL PARK LAND DONATION PROJECT

WHEREAS, the Los Cerritos Wetlands Authority (LCWA) has been established between the Coastal Conservancy, the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, the City of Seal Beach and the City of Long Beach to facilitate the acquisition, protection, conservation, restoration, maintenance and operation an environmental enhancement of the Los Cerritos Wetlands; and

WHEREAS, the LCWA has further been established to focus on projects which will provide open space, habitat restoration, and watershed improvement projects within the Los Cerritos Wetlands; and

WHEREAS, Studebaker Industrial, LLC (Owner) owns 8.5 acres of land at the intersection of Studebaker Road and Loynes Drive in Long Beach, straddling the east and west sides of Studebaker Road; and

WHEREAS, the Owner is proposing the 300 Studebaker Road Industrial Park Project (Development Project) that will include two light industrial buildings with parking and landscaping on 6.69 acres of land on the eastside of Studebaker Road; and

WHEREAS, in association with the Development Project, Owner is proposing to restore and then donate non-adjacent open space parcels totaling 1.81 acres on the west side of Studebaker Road to the LCWA to be used and maintained consistent with LCWA's mission (Donation Project); and

WHEREAS, the LCWA and Owner desire to enter into a Memorandum of Agreement to collaborate on developing the necessary documents to complete the Donation Project and provide the LCWA sufficient funds to facilitate LCWA's involvement; and

WHEREAS, this action is exempt from the environmental impact report requirements of the California Environmental Quality Act (CEQA); NOW

Therefore be it resolved that the LCWA hereby:

1. FINDS that this action is consistent with the purposes and objectives of the LCWA.
2. FINDS that the actions contemplated by this resolution are exempt from the environmental impact report requirements of the California Environmental Quality Act.
3. ADOPTS staff report dated November 30, 2022.

4. AUTHORIZES entering a Memorandum of Agreement with Studebaker Industrial, LLC for the Donation Project.

~ End of Resolution ~

Passed and Adopted by the Board of the LOS CERRITOS WETLANDS AUTHORITY  
On November 30, 2022

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Suzie Price  
LCWA Board Chair

ATTEST:

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Elizabeth St. John  
Deputy Attorney General