

ERRATA TO Agenda Item 2

EXHIBIT E

SITE PLAN REVIEW CONDITIONS OF APPROVAL

Application No. 1601-05 (A through D)

A) Synergy Oil Field at 6433 East 2nd Street;

B) City property at the southeast corner of Studebaker Road and 2nd Street;

C) Pumpkin Patch Site at 6701 E. Pacific Coast Highway;

D) Los Cerritos Wetlands Authority (LCWA) site at the northeast corner of Studebaker Road and 2nd Street)

Date: November 30, 2017

1. This permit and all development rights hereunder shall terminate two years from the effective date (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date) of this permit, or two years from the ~~issuance approval~~ of a Consolidated Coastal Development permit by the California Coastal Commission, whichever is later, unless plans for construction are commenced, a business license establishing the use is obtained or a time extension is granted, based on a written and approved request submitted prior to the expiration of the two-year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
2. This permit shall be invalid if the owner(s) and applicant(s) have failed to return written acknowledgment of their acceptance of the conditions of approval on the *Conditions of Approval Acknowledgment Form* supplied by the Planning Bureau. This acknowledgment must be submitted within 30 days from the effective date of approval (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date). Prior to the issuance of a building permit, the applicant shall submit a revised set of plans reflecting all of the design changes set forth in the conditions of approval to the satisfaction of the Development Services Department.
3. ~~If, for any reason, the Director of Development Services determines that there is a violation of any of the conditions of this permit has occurred, notice shall be provided to the permittee that the City intends to initiate corrective procedures in accordance with procedures set forth in Section 21.10.080 of the Long Beach Municipal Code. is found to be detrimental to the surrounding community, including public health, safety or general welfare, environmental quality or quality of life, such shall cause the City to initiate revocation and termination procedures of all rights granted herewith.~~
4. All four sites are located within the Coastal Zone. The Pumpkin Patch site and the LCWA site are located within the local Permit Jurisdiction, while the Synergy Oil Field and City-owned site are within the State Permit Jurisdiction. In 2014, the City submitted a letter providing, pursuant to Coastal Act Section 30601.3, its consent to the California Coastal Commission assuming responsibility for processing a Consolidated Coastal Development Permit. The applicant must obtain approval of a Consolidated Coastal Development Permit from the California Coastal

Commission prior to the issuance of any permits on any site by the City.

5. This Site Plan Review approval allows the following actions, described broadly as:

- A. Synergy Oil Field: Phase out all oil wells and pipelines, restore wetlands, establish a public access trail, relocate and convert the existing office building to a visitors center, and establish wetlands mitigation bank
- B. City Property: Phase out all oil wells and pipelines, construct an aboveground pipeline to connect the LCWA site and Pumpkin Patch site and an underground utility corridor
- C. Pumpkin Patch site: Develop a 5,200 sq. ft., 2-story office building along with a 9,750 sq. ft. of storage/warehouse, establish 50 new oil wells and associated storage
- D. LCWA site: Establish 70 new oil wells, associated oil storage tanks, and microgrid integrated energy system

Project site development shall be in full compliance with all applicable development standards of PD-1, Southeast Area Improvement and Development Plan (SEADIP), as amended, and Title 21 of the Long Beach Municipal Code, as amended.

6. 1601-05A, B, C- This project contemplates the long-term ~~(up to 44 years)~~ of phase out of oil wells on the Synergy Oil Field, City Property, and Pumpkin Patch site. Within 20 years from the New Occupancy Date (issuance of Certificate of Occupancy for the office or warehouse building on the Pumpkin Patch site), 50 percent of the wells would be removed and abandoned per the DOGGR regulations. The balance of the wells, if not previously abandoned, would be removed and abandoned on or before the 40-year anniversary of the New Occupancy Date.

Furthermore, if an oil well produces less than one full barrel of oil each day consecutively for 18 months after the New Occupancy Date, it shall be abandoned. On an annual basis from one year after the New Occupancy ~~date-of approval~~, the developer shall submit a report to the Zoning Administrator of the City of Long Beach, reporting the past year's production of each active oil well. The developer shall include with the report an affidavit certifying the validity of the document.

7. Prior to the issuance of any permits on the City-owned property, the applicant shall complete an amended Surface Use Release and Grant Easement (SURGE) Agreement to define the rights for surface use of the City Property. The terms of the SURGE Agreement shall be to the satisfaction of the City.

8. In the event of transfer of ownership of the property involved in this application, the

new owner shall be fully informed of the permitted use and development of said property as set forth by this permit together with all conditions which are a part thereof. These specific requirements must be recorded with all title conveyance documents at time of closing escrow.

9. All conditions of approval, as well as the signed Conditions of Approval Acknowledgement Form, must be printed verbatim on all plans submitted for plan review to the Development Services Department. These conditions must be printed on the site plan or a subsequent reference page.
10. The Director of Development Services is authorized to make minor modifications to the approved plans or to any of the conditions of approval if such modifications shall not significantly change/alter the approved project. Any major modifications shall be reviewed by the Site Plan Review Committee or Zoning Administrator, respectively.
11. The property shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants. This shall encompass the maintenance of exterior facades of the building, designated parking areas serving the use, fences and the perimeter of the site (including all public parkways).
12. All structures shall conform to the Long Beach Building Code requirements. Notwithstanding this subject permit, all other required permits from the Building Bureau must be secured.
13. Any graffiti found on site must be removed within 24 hours of its appearance.
14. Separate building permits are required for signs, fences, retaining walls, flagpoles, pole-mounted yard lighting foundations and planters.
15. All required utility easements shall be provided to the satisfaction of the concerned department or agency.
16. Demolition, site preparation, and construction activities— (excluding oil and gas wells, per LBMC Section 8.80.260) are limited to the following (except for the pouring of concrete which may occur as needed):
 - a. Weekdays and federal holidays: 7:00 a.m. to 7:00 p.m.;
 - b. Saturday: 9:00 a.m. - 6:00 p.m.; and
 - c. Sundays: not allowed
17. Any off-site improvements found to be damaged by the Developer shall be replaced to the satisfaction of the Director of Public Works.

18. Until construction of the perimeter walls are completed, ~~t~~The Developer shall install FenceScreen.com Custom Printed Flex Mesh screen(s), Series 311, or equivalent, fence screening along up to 25% of the perimeter of the Pumpkin Patch Site and LCWA Site development site, and provide for the printed graphic, to the satisfaction of the Director of Public Works. The Developer shall consult with Public Works prior to submitting the graphic design for printing.
19. Site development shall conform to the approved plans on file in the Department of Development Services. At least one set of approved plans containing Planning, Building, Fire, and, if applicable, Health Department stamps shall be maintained at the job site, at all times for reference purposes during construction and final inspection.
20. Prior to the issuance of a building permit, the applicant must depict all utility apparatus, such as, but not limited to, backflow devices and Edison transformers, on both the site plan and the landscape plan. These devices shall not be located in any front, side, or rear yard setback area that is adjacent to a public street. Furthermore, this equipment shall be properly screened by landscaping or another screening method approved by the Director of Development Services.
21. Prior to the issuance of a building permit, the applicant shall submit complete landscaping and irrigation plans for the approval of the Director of Development Services. The landscaping plan shall demonstrate compliance with Section 21.42.050 of the Zoning Regulations and provide required street trees to be installed consistent with the specifications of the Street Tree Division of the Department of Public Works. Approved root guards shall be provided for all street trees.
22. Prior to the issuance of building permits on the Pumpkin Patch site, 1601-05B, the developer shall meet and confer with the Planning Bureau regarding signage design for the southeast corner of the site. The design of corner signage shall be consistent with the Citywide Signage and Wayfinding program. The design of corner signage shall not be counted towards any On-Premises building signage on the site pursuant to Section 21.44 of the Zoning Regulations.
23. Landscape plans shall be in compliance with Section 21.41 of the Zoning Regulations pertaining to water efficiency landscaping. Where feasible, all landscaped areas shall be planted with drought tolerant plant materials. All landscaped areas shall be provided with water conserving automatic irrigation systems designed to provide complete and adequate coverage to sustain and promote healthy plant life. The irrigation system shall not cause water to spray or flow across a public sidewalk.
24. All landscaped areas must be maintained in a neat and healthy condition, including public parkways and street trees. Any dying or dead plant materials must be

- replaced with the minimum size and height plant(s) required by Chapter 21.42 (Landscaping) of the Zoning Regulations. At the discretion of City officials, a yearly inspection shall be conducted to verify that all irrigation systems are working properly and that the landscaping is in good healthy condition. The property owner shall reimburse the City for the inspection cost as per the special building inspection specifications established by City Council.
25. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
 26. All parking areas serving the Pumpkin Patch Site and LCWA Site shall provide appropriate security lighting with light and glare shields so as to avoid any light intrusion onto adjacent or abutting residential buildings or neighborhoods pursuant to Section 21.41.259. In addition to the aforementioned requirements, the parking area adjacent to the proposed visitors center on the Synergy Oil Field Site shall be in -compliance with Mitigation Measure AES-2. Other security measures may be required to be provided to the satisfaction of the Chief of Police.
 27. All rooftop mechanical equipment shall be fully screened from public view, with the exception of solar photovoltaic panels on structures on the Pumpkin Patch site. Said screening must be architecturally compatible with the building in terms of theme, materials, colors and textures. If the screening is not specifically designed into the building, a rooftop mechanical equipment plan must be submitted showing screening and must be approved by the Director of Development Services and Building prior to the issuance of a building permit.
 28. Adequately sized trash enclosure(s) shall be designed and provided for this project as per Section 21.46.080 of the Long Beach Municipal Code. The designated trash area shall not abut a street or public walkway and shall be placed at an inconspicuous location on the lot.
 29. Approval of this development project is expressly conditioned upon payment (prior to building permit issuance or prior to Certificate of Occupancy, as specified in the applicable Ordinance or Resolution for the specific fee) of impact fees, connection fees and other similar fees based upon additional facilities needed to accommodate new development at established City service level standards, including, but not limited to, sewer capacity charges, Park Fees and Transportation Impact Fees.
 30. The applicant shall file a separate plan check submittal to the Long Beach Fire Department for their review and approval prior to the issuance of a building permit.
 31. The plans submitted for plan review must explicitly call out and describe all materials, textures, accents, colors, window, door, planter, and paving details that were approved by the Site Plan Review Committee and/or the Planning

Commission. No substantial changes shall be made without prior written approval of the Site Plan Review Committee and/or the Planning Commission.

32. Prior to issuance of a building permit, the developer shall coordinate with the Gas and Oil Department at (562) 570-5991 for information on gas meter location requirements
33. 21.33.090 – Performance Standard. All uses and activities shall comply with the noise regulations contained in Chapter 8.80 (Noise) of the City of Long Beach Municipal Code. Hours of Operation Standards. Between the hours of ten (10:00) p.m. and seven (7:00) a.m., industrial businesses shall discontinue operations that produce noise levels at the nearest residential district or hospital property line higher than those permitted under Chapter 8.80 (Noise) of the Municipal Code.
34. 21.33.090 – Performance Standard. All lighting, reflective surfaces, or any other source of illumination shall not produce adverse effects on public streets or on any other parcel. Lights shall be shielded at lot lines so as not to be directly visible from any adjoining residential district.
35. 21.33.090 – Performance Standard. No material or waste shall be deposited on a property in such a form or manner that it may be transferred off the property by natural causes or forces such as wind or rain. All materials or wastes which might cause fumes or dust, or which constitute a fire hazard, or which may be edible by or otherwise attractive to rodents or insects, shall be stored outdoors only in closed containers approved by the Director of Planning and Building.
36. ~~The project will conform to all applicable requirements set forth in Section 21.64.030, Transportation Demand and Trip Reduction Measures, of the Long Beach Municipal Code.~~
37. The following requirements shall be completed to the satisfaction of the Director of Public Works:

GENERAL REQUIREMENTS

- a. Prior to the start of any on-site/off-site construction, the Developer shall submit a construction plan for pedestrian and bicycle lane protection, street lane closures, construction staging, shoring excavations and the routing of construction vehicles (excavation hauling, concrete and other deliveries, etc.)
- b. All work within the public right-of-way must be performed by a contractor holding a valid State of California Contractor's License and City of Long Beach Business License, sufficient to qualify the contractor to do work. The Contractor shall have on file with the City Engineer a Certificate of General Liability insurance, and endorsement evidencing minimum City of Long Beach

limits of required general liability insurance.

- c. Public improvements shall be constructed in accordance with plans reviewed and approved by Public Works. The City's Public Works Engineering Standard Plans are available online at the following webpage: www.longbeach.gov/pw/resources/engineering/standard-plans Detailed off-site improvement plans shall be prepared by a licensed Civil Engineer, stamped, signed and submitted to the Department of Public Works for approval.
- d. All conditions of approval, including the Notice of Final Action signed by the Planning Officer and Case Planner, must be printed verbatim on all plans submitted for plan review to the Department of Public Works.
- e. Prior to approving an engineering plan, all projects greater than one acre in size must demonstrate coverage under the State Construction General NPDES Permit. To meet this requirement, the applicant must submit a copy of the letter from the State Water Resource Control Board acknowledging receipt of the Notice of Intent (NOI) and a certification from the developer or engineer that a Storm Water Pollution Prevention Plan (SWPPP) has been prepared. Should you have any questions regarding the State Construction General NPDES Permit or wish to obtain an application, please call the State Regional Board Office at (213) 576-6600 or website for instructions at www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml Left-click on the Construction General Permit Order 2009-0009-DWQ link.

ENGINEERING BUREAU

- f. Public improvements shall be constructed in accordance with City standards per plans reviewed and approved by the Public Works. Detailed off-site improvement plans shall be prepared by a licensed Civil Engineer, stamped, signed and submitted to the Department of Public Works for approval.
- g. The Developer shall provide easements to the City of Long Beach for any City facilities including traffic signal controls, signage, required slopes, bus stops, refuse collection access, and any other public necessities, to the satisfaction of the interested Department or agency.
- h. The Developer shall provide the necessary storm drain easements to the County of Los Angeles or successor. If additional storm drain easements are required by the County of Los Angeles and provided by separate instrument, recorded copies of same shall be provided to the Director of Public Works for our records.
- i. Unless approved by the Director of Public Works, easements shall not be

granted to third parties within areas proposed to be granted, dedicated, or offered for dedication to the City of Long Beach for public streets, alleys, utility or other public purposes until the final map filing with the County Recorder.

- j. All pipelines proposed for this development to be installed within the public rights-of way require an Excavation/Facility Pipeline Permit issued by the Department of Public Works. Contact Russ Caveness of Construction Services for information about excavation permits at (562) 570-6530.
- k. Public improvements shall be constructed in accordance with Public Works Standards per approved plans. Sidewalk improvements shall be constructed with Portland Cement Concrete (PCC) to the satisfaction of the Director of Public Works. All sidewalk improvement, curb and curb gutter removal and/or current to new sidewalk tie-in limits shall consist of entire panel replacements or from joint line to joint line.
- l. The Developer shall provide to the Department of Public Works Civil Engineer prepared off-site improvement plans for review and approval for all off-site improvement conditioned on the development.

TRAFFIC & TRANSPORTATION BUREAU

- m. The Developer shall provide for bike lane street markings and striping improvements to the existing and/or planned bike lanes adjacent to the project site, on Pacific Coast Highway and 2nd Street. Bike lane improvements shall be made per plans reviewed and approved to the satisfaction of the City Traffic Engineer. Improvement plans shall be prepared by a registered Traffic Engineer, stamped, signed and submitted to the Department of Public Works for approval.
- n. The Developer shall replace all traffic signs and mounting poles damaged or misplaced as result of construction activities to the satisfaction of the City Traffic Engineer.
- o. The Developer shall repaint all traffic markings obliterated or defaced by construction activities to the satisfaction of the City Traffic Engineer.
- p. All traffic control device installations shall be installed in accordance with the provisions of the 2013 or current edition of the California Manual on Uniform Traffic Control Devices (MUTCD), (i.e., white parking stalls, stop signs, entry treatment signage, handicapped signage, etc.).
- q. The size and configuration of all proposed driveways serving the project site

shall be subject to review and approval of the City Traffic Engineer; contact the Traffic & Transportation Bureau at (562) 570-6331 to request additional information regarding driveway construction requirements.

- r. Pacific Coast Highway is a State highway under the jurisdiction of the California Department of Transportation (Caltrans). A street improvement permit from Caltrans will be required for all work within the Pacific Coast Highway right-of-way. Contact Joyce Minzey at (213) 897-7632 to request additional information regarding the Caltrans permitting process.

SITE SPECIFIC CONDITIONS – The developer shall construct, or with the approval of the Director of Development Services and the Director of Public Works, post financial security in an approved amount for the following improvements as part of the improvements for those sites.

- s. Synergy Oil Field site, 6433 E. 2nd Street, prior to the issuance of a Certificate of Occupancy for the relocated of the Bixby Ranch Office Building, issuance of a Certificate of Occupancy for the new office and warehouse building on the Pumpkin Patch site, or ~~issuance of permits for any new oil wells~~, whichever comes first:
 - i. The Developer shall provide for pedestrian sidewalk improvement adjacent to the Synergy Oil Field site along Pacific Coast Highway, Second Street and Studebaker Road sufficient for a safe public sidewalk to the satisfaction of the Director of Public Works.
 - ii. The Developer shall construct an ADA compliant sidewalk curb ramp with truncated domes on the north side of 2nd Street at the shopkeeper Road crosswalk crossing 2nd Street, and also the northwest corner of 2nd Street and Studebaker Road.
 - iii. The Developer shall improve the faded crosswalk stripping with new thermoplastic paint to the satisfaction of the City Traffic Engineer.
- t. Pumpkin Patch site, 6701 E. PCH, prior to the issuance of a Certificate of Occupancy for the new office and warehouse buildings, ~~or issuance of permits for any new oil wells on the Pumpkin Patch site~~:
 - i. The Developer shall dedicate right-of-way on its property to extend the 110' wide Studebaker Road ROW adjacent to the westerly property line of the "Pumpkin Patch site, and provide funding on a fair share, pro rata basis to construct a turnaround. The funding shall be coordinated with the Department of Public Works, to the satisfaction of the City Engineer.

- ii. The Developer shall repair the cracked, uplifted and/or deteriorated sections of sidewalk, curb and curb gutter pavement along the rights-of-way(s) adjacent to the project site(s). Sidewalk improvements shall be constructed with Portland cement concrete to the satisfaction of the Director of Public Works. All sidewalk removal limits shall consist of entire panel replacements (from joint line to joint line).
- u. City Property, prior to the issuance of a Certificate of Occupancy for the relocated of the Bixby Ranch Office Building or the new office and warehouse building on the Pumpkin Patch site, ~~or issuance of any permit for a pipeline on this site~~, whichever comes first:
 - i. The Developer shall provide for pedestrian sidewalk improvement along the right-of-way (ROW) along 2nd Street).
- v. LCWA site, adjacent Studebaker and Second Street), prior to the issuance of a Certificate of Occupancy for the new office and warehouse buildings, ~~or issuance of permits for any new oil wells on the LCWA site, whichever comes first~~:
 - i. The Developer shall provide for pedestrian sidewalk improvement along the right-of-way (ROW) along 2nd Street and Studebaker Road adjacent to the LCWA site. The Developer shall also construct ADA compliant crosswalk curb ramps with truncated domes on the corner of 2nd Street and Studebaker Road, all to the satisfaction of the City Engineer.

OFF-SITE IMPROVEMENTS

- w. The Developer shall be responsible for the maintenance, repair and replacement of off-site improvements abutting the project boundary during construction of the on-site improvements until final inspection of the on-site improvements by the City. All off-site improvements adjacent to the development site, and/or along the truck delivery route found damaged as a result of construction activities shall be reconstructed or replaced by the Developer to the satisfaction of the Director of Public Works.
- x. If damaged, the Developer shall provide for the resetting to grade all existing manholes, pullboxes, and meters adjacent to the project site to the satisfaction of the Director of Public Works.
- y. ~~All major utility service equipment such as electricity transformers, gas meters, and back-flow prevention devices must be accommodated on-site, and shall be shown at an early stage of the project plans.~~

~~z-y.~~ Public improvements on public rights of way shall be constructed in accordance with plans reviewed and approved by the Public Works Department. Detailed off-site improvement plans shall be prepared by a licensed Civil Engineer, stamped, signed and submitted to the Department of Public Works for approval.

38. The Developer shall obtain a Certificate of Occupancy for the office and warehouse building on the Pumpkin Patch site prior to the extraction of any oil, including the issuance of required Well Permits for new oil wells pursuant to Chapter 12 of the Long Beach Municipal Code.

~~38.~~39. The applicant shall comply with the following Mitigation Monitoring and Reporting Program set forth in the Environmental Impact Report (EIR 03-15, State Clearinghouse No. 2016041083) for this project, incorporated as Exhibit A to this set of Conditions of Approval.

~~39.~~40. As a condition of any City approval, the applicant shall defend, indemnify, and hold harmless the City and its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul the approval of the City concerning the processing of the proposal/entitlement or any action relating to, or arising out of, such approval. At the discretion of the City and with the approval of the City Attorney, a deposit of funds by the applicant may be required in an amount sufficient to cover the anticipated litigation costs. Applicant will be responsible only for actual litigation costs incurred by the City.

