

September 29, 2023

BY EMAIL

Shannon Clark
Governor's Office of Planning and Research
1400 10th Street, #100
Sacramento, CA 95814

Edgar Khalatian
T: +1 213 229 9548
ekhalatian@mayerbrown.com

Re: Fourth & Central Project: ELDP Accessible Application

Dear Ms. Clark:

This letter responds to your email correspondence, dated September 22, 2023, requesting additional information/clarification related to the above-mentioned application submitted by CP LA Cold Storage, LLC (the "Applicant") on September 19, 2023. We have confirmed that the application materials are formatted to comply with state and federal accessibility requirements [Web Content Accessibility Guideline (WCAG) 2.1 Level AA Standards], as set forth on the Governor's Office of Planning and Research's website.

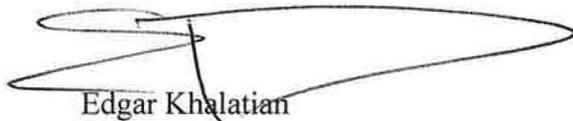
Please use the link below to access Applicant's comprehensive ELDP submittal in accessible format, which also includes the attached supplemental materials addressing the remaining items you requested (Applicant's Commitment to LEED Gold Certification, Acknowledgment of Obligations under Public Resources Code Sections 21183(b) and 21183.5(c), and Acknowledgment of Obligations under Public Resources Code Sections 21183(h) and 21186).

Link: <https://oneesa.egnyte.com/fl/Kf5xPLThNr>

Password: yCEE3LMH

Please feel free to contact me if you have further questions.

Sincerely,



Edgar Khalatian

September 25, 2023

BY EMAIL

Edgar Khalatian

T: +1 213 229 9548
ekhalatian@mayerbrown.com

Shannon Clark
Governor's Office of Planning and Research
1400 10th Street, #100
Sacramento, CA 95814

Re: Fourth & Central Project: Commitment to LEED Gold Certification

Dear Ms. Clark:

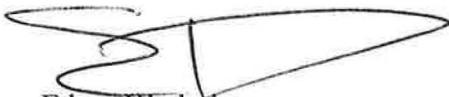
CPLA Cold Storage, LLC (the "Applicant") has submitted an application to the Governor's Office of Planning and Research for certification of the Fourth & Central Project ("Project") as an Environmental Leadership Development Project ("ELDP") pursuant to the Jobs and Economic Improvement through Environmental Leadership Act of 2021, Public Resources Code section 21178 *et seq.* ("Act").

As discussed in the ELDP application materials, the Project commits to achieve the requirement to meet the United States Green Building Standards LEED Gold Certification, which requires obtaining at least 60 points satisfying seven categories. Further, the "Master Site LEED Gold Strategy: Sustainability Basis of Design," attached to the ELDP application as Exhibit 3, demonstrates the Project can achieve LEED Gold certification.

Because final LEED certification is not granted until a project is completed and operational, and consistent with other ELDPs certified by the Governor (including the 469 Stevenson Street Project, which the Governor certified on March 18, 2023), the Applicant will petition the Governor to approve construction and project operation pending completion of the certification process, as permitted under Public Resources Code Section 21178 *et seq.*

Please feel free to contact me if you would like to discuss.

Sincerely,



Edgar Khalatian

CP LA Cold Storage, LLC
1881 16th Street, Suite 500
Denver, Colorado 80202

September 25, 2023

Shannon Clark
Governor's Office of Planning and Research
1400 10th Street, # 100
Sacramento, CA 95814

Re: Fourth & Central Project: Acknowledgment of Obligations under Public Resources Code Sections 21183(b) and 21183.5(c)

Dear Ms. Clark:

CP LA Cold Storage, LLC (the "Applicant") has submitted an application to the Governor's Office of Planning and Research for certification of the Fourth & Central Project ("Project") as an Environmental Leadership Development Project ("ELDP") pursuant to the Jobs and Economic Improvement through Environmental Leadership Act of 2021 ("Act").

By this letter, the Applicant acknowledges and agrees to its obligations under Public Resources Code Sections 21183(b) and 21183.5(c) as follows.

Public Resources Code Section 21183(b)

The project creates high-wage, highly skilled jobs that pay prevailing wages and living wages, provides construction jobs and permanent jobs for Californians, helps reduce unemployment, and promotes apprenticeship training. For purposes of this subdivision, a project is deemed to create jobs that pay prevailing wages, create highly skilled jobs, and promote apprenticeship training if the applicant demonstrates to the satisfaction of the Governor that the project will comply with Section 21183.5. (Public Resources Code Section 21183(b)).

Public Resources Code Section 21183.5(c)

For a project undertaken by a private entity that is certified under this chapter, the applicant shall do both of the following:

- (1) Certify to the lead agency that either of the following is true:
 - (A) The entirety of the project is a public work for purposes of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code.
 - (B) If the project is not in its entirety a public work, all construction workers employed in the execution of the project will be paid at least the general prevailing rate of per diem wages for the type of work and geographic area, as determined by the Director of Industrial Relations under Sections 1773 and 1773.9 of the Labor Code, except that apprentices registered in programs approved by the Chief of the

Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate. If the project is subject to this subparagraph, then, for those portions of the project that are not a public work, all of the following shall apply:

(i) The he applicant shall ensure that the prevailing wage requirement is included in all contracts for the performance of the work.

(ii) All contractors and subcontractors at every tier shall pay to all construction workers employed in the execution of the work on the project or contract at least the general prevailing rate of per diem wages, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate.

(iii) (I) Except as provided in subclause (III), all contractors and subcontractors at every tier shall maintain and verify payroll records under Section 1776 of the Labor Code and make those records available for inspection and copying as provided by that section.

(II) Except as provided in subclause (III), the obligation of all contractors and subcontractors at every tier to pay prevailing wages may be enforced by the Labor Commissioner through the issuance of a civil wage and penalty assessment under Section 1741 of the Labor Code, which may be reviewed under Section 1742 of the Labor Code, within 18 months after the completion of the project, by an underpaid worker through an administrative complaint or civil action, or by a joint labor-management committee through a civil action under Section 1771.2 of the Labor Code. If a civil wage and penalty assessment is issued, the contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the assessment shall be liable for liquidated damages under Section 1742.1 of the Labor Code.

(III) Subclauses (I) and (II) do not apply if all contractors and subcontractors at every tier performing work on the project or contract are subject to a project labor agreement that requires the payment of prevailing wages to all construction workers employed in the execution of the project or contract and provides for enforcement of that obligation through an arbitration procedure.

(iv) Notwithstanding subdivision (c) of Section 1773.1 of the Labor Code, the requirement that employer payments not reduce the obligation to pay the hourly straight time or overtime wages found to be prevailing shall not apply if otherwise provided in a bona fide collective bargaining agreement covering the worker. The requirement to pay at least the general prevailing rate of per diem wages does not preclude use of an alternative workweek schedule adopted under Section 511 or 514 of the Labor Code.

(2) Certify to the lead agency that a skilled and trained workforce will be used to perform all construction work on the project or contract. All of the following requirements shall apply to the project:

(A) The applicant shall require in all contracts for the performance of work that every contractor and subcontractor at every tier will individually use a skilled and trained workforce to complete the project.

(B) Every contractor and subcontractor at every tier shall use a skilled and trained workforce to complete the project.

(C) (i) Except as provided in clause (ii), the applicant shall provide to the lead agency, on a monthly basis while the project or contract is being performed, a report demonstrating compliance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code. A monthly report provided to the lead agency under this clause shall be a public record under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) and shall be open to public inspection. An applicant that fails to provide a monthly report demonstrating compliance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code shall be subject to a civil penalty of ten thousand dollars (\$10,000) per month for each month for which the report has not been provided. Any contractor or subcontractor that fails to use a skilled and trained workforce shall be subject to a civil penalty of two hundred dollars (\$200) per day for each worker employed in contravention of the skilled and trained workforce requirement. Penalties may be assessed by the Labor Commissioner within 18 months of completion of the project using the same procedures for issuance of civil wage and penalty assessments under Section 1741 of the Labor Code, and may be reviewed under the same procedures in Section 1742 of the Labor Code. Penalties shall be paid to the State Public Works Enforcement Fund.

(ii) Clause (i) does not apply if all contractors and subcontractors at every tier performing work on the project are subject to a project labor agreement that requires compliance with the skilled and trained workforce requirement and provides for enforcement of that obligation through an arbitration procedure.

CP LA Cold Storage, LLC
a Colorado limited liability company

By: 

Mark G. Falcone
Manager

CP LA Cold Storage, LLC
1881 16th Street, Suite 500
Denver, Colorado 80202

September 25, 2023

Shannon Clark
Governor's Office of Planning and Research
1400 10th Street, #100
Sacramento, CA 95814

Re: Fourth & Central Project: Acknowledgment of Obligations under Public Resources Code Sections 21183(h) and 21186

Dear Ms. Clark:

CP LA Cold Storage, LLC (the "Applicant") submitted an application to the Governor's Office of Planning and Research for certification of the Fourth & Central Project ("Project") as an Environmental Leadership Development Project ("ELDP") pursuant to the Jobs and Economic Improvement through Environmental Leadership Act of 2021 ("Act").

Exhibit 8 to the Project's ELDP application includes Applicant's agreement to pay the costs of preparing the Project's record of proceedings in a form and manner specified by the City of Los Angeles ("City"), concurrent with review and consideration of the Project pursuant to the California Environmental Quality Act ("CEQA") and the Act. Applicant's acknowledgement of its obligation was also acknowledged by the City.

By this letter, Applicant further acknowledges and affirms that the record of proceedings will be prepared in accordance with Public Resources Code Sections 21183(h) and 21186 as follows.

Public Resources Code Section 21183(h)

For a project for which environmental review has commenced, the applicant demonstrates that the record of proceedings is being prepared in accordance with Section 21186.

Public Resources Code Section 21186

Notwithstanding any other law, the preparation and certification of the record of proceedings for a leadership project certified by the Governor shall be performed in the following manner:

(a) The lead agency for the project shall prepare the record of proceedings under this division concurrently with the administrative process.

(b) All documents and other materials placed in the record of proceedings shall be posted on, and be downloadable from, an internet website maintained by the lead agency commencing with the date of the release of the draft environmental impact report.

(c) The lead agency shall make available to the public in a readily accessible electronic format the draft environmental impact report and all other documents submitted to, or relied on by, the lead agency in preparing the draft environmental impact report.

(d) Any document prepared by the lead agency or submitted by the applicant after the date of the release of the draft environmental impact report that is a part of the record of the proceedings shall be made available to the public in a readily accessible electronic format within five days after the document is released or received by the lead agency.

(e) The lead agency shall encourage written comments on the project to be submitted in a readily accessible electronic format, and shall make any comment available to the public in a readily accessible electronic format within five days of its receipt.

(f) Within seven days after the receipt of any comment that is not in an electronic format, the lead agency shall convert that comment into a readily accessible electronic format and make it available to the public in that format.

(g) Notwithstanding paragraphs (b) to (f), inclusive, documents submitted to or relied on by the lead agency that were not prepared specifically for the project and are copyright protected are not required to be made readily accessible in an electronic format. For those copyright-protected documents, the lead agency shall make an index of these documents available in an electronic format no later than the date of the release of the draft environmental impact report, or within five days if the document is received or relied on by the lead agency after the release of the draft environmental impact report. The index must specify the libraries or lead agency offices in which hardcopies of the copyrighted materials are available for public review.

(h) The lead agency shall certify the final record of proceedings within five days of its approval of the project.

(i) Any dispute arising from the record of proceedings shall be resolved by the superior court. Unless the superior court directs otherwise, a party disputing the content of the record shall file a motion to augment the record at the time it files its initial brief.

(j) The contents of the record of proceedings shall be as set forth in subdivision (e) of Section 21167.6.

CP LA Cold Storage, LLC
a Colorado limited liability company

By: 

Mark G. Falcone
Manager