



CITY OF LONG BEACH

OFFICE OF THE CITY MANAGER

333 West Ocean Boulevard • Long Beach, CA 90802 • (562) 570-6711 FAX (562) 570-7650

34242

September 1, 2016

APPROVED AS TO FORM

9-1-16

CHARLES PARKIN, City Attorney

Plenary Properties Long Beach LLC
10100 Santa Monica Blvd., Suite 410
Los Angeles, California 90067
Attn: Joshua Coulter

Re: Application of Section 7.20 Regarding LEED Requirements - Project Agreement
Contract Administration Memorandum No. 2

Dear Mr. Coulter:

Reference is hereby made to that certain Project Agreement dated as of April 20, 2016 ("Project Agreement") executed by and among the City of Long Beach ("City"), the City of Long Beach, acting by and through its Board of Harbor Commissioners ("Port"), and Plenary Properties Long Beach LLC ("Project Company"). This letter agreement constitutes a Contract Administration Memorandum as that term is defined and described in Section 28.7 of the Project Agreement. All initially-capitalized terms used herein which are not otherwise defined shall have the meanings given them in the Project Agreement.

Section 7.20 of the Project Agreement generally requires the Project Company to achieve LEED-NC Gold and LEED-ND Gold Certifications in respect of the Project in accordance with Section 5 of Appendix 5 of the Project Agreement. Section 7.20(C) of the Project Agreement makes reference to both LEED-NC Gold (2009 version 3) and LEED-ND Gold (2015 version 4), implying that 2009 version 3 applies to LEED-NC Gold certification and that 2015 version 4 applies to LEED-ND Gold certification. Appendix 5 does not provide any further detail on the matter. The parties do not wish that different versions of LEED requirements apply to the "New Construction" (NC) and the "Neighborhood Development" (ND) certifications. The energy model and other design elements of the Project were prepared by the Project Company, and reviewed and approved by the City and the Port, assuming that 2009 version 3 would apply to both the NC and ND Project certifications.


Therefore, notwithstanding anything to the contrary in the Project Agreement, the City and the Port will accept registration of the Project under LEED-ND 2009 version 3. The Project Company shall not be in violation of Section 7.20(A) of the Project Agreement provided it fulfills its registration obligations thereunder on or before September 2, 2016.

CITY OF LONG BEACH,

By:

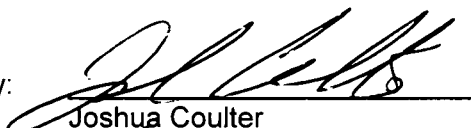
Patrick H. West
City Manager

CITY OF LONG BEACH, ACTING BY AND
THROUGH ITS BOARD OF HARBOR
COMMISSIONERS

By: 
Jon Slangerup
Chief Executive
Long Beach Harbor Department

Acknowledged and Agreed:

PLENARY PROPERTIES LONG BEACH LLC

By: 
Joshua Coulter
9/26/16

APPROVED AS TO FORM AND RETURNED

SEP 06 2016

CHARLES PARKIN, City Attorney


PRINCIPAL DEPUTY CITY ATTORNEY