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CITY PLANNING**

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January 23, 2020

Los Angeles City Council  
c/o Office of the City Clerk  
City Hall, Room 395  
Los Angeles, California 90012

Attention: PLUM Committee

Dear Honorable Members:

**TECHNICAL MODIFICATIONS FOR THE 5TH AND HILL PROJECT; CF 20-0016**

On its meeting of September 12, 2019, the City Planning Commission (CPC) approved a Master Conditional Use Permit, Conditional Use Permit, Zoning Administrator's Determination, Director's Decision, and Site Plan Review for Case No. CPC-2016-3765-TDR-MCUP-CUX-ZAD-DD-SPR. Further, CPC continued the Commission's action related to the Transfer of Floor Area Rights (TFAR) until the Agency Board acts on the requested TFAR Plan and Public Benefits Payment and requested that within six months of the receipt of the Public Benefits Payment by the Public Benefit Trust Fund, the Chief Legislative Analyst convene the Public Benefit Trust Fund Committee. On its meeting of November 14, 2019, CPC recommended that the City Council approve the requested TFAR Transfer Plan and Public Benefits Payment and request that within six months of the receipt of the Public Benefits by the Public Benefit Trust Fund, the Chief Legislative Analyst convene the Public Benefit Trust Fund Committee.

Condition of Approval No. 3c included in the Letter of Determination for Case No. CPC-2016-3765-TDR-MCUP-CUX-ZAD-DD-SPR, dated December 17, 2019 inadvertently referenced a Public Benefit Payment amount of \$3,634,848.85. Staff requests that the following corrections to Condition of Approval 3c be made. Deleted text is shown in ~~strikethrough~~ and added text is shown in underline.

**3. Transfer of Floor Area Rights.**

- c. **Public Benefit Payment.** The Project is subject to and shall pay a Public Benefit Payment in conformance with Section 14.5.6 through 14.5.12 of the Code.
- i. The Applicant shall provide a Public Benefit Payment consistent with LAMC Section 14.5.9 in the amount of ~~\$3,634,848.85~~ \$3,584,970.70 provided that at least 50 percent (or ~~\$1,817,424.28~~ \$1,792,485.35) of the Public Benefit Payment consist of cash payment by the Applicant to the Public Benefit Trust

Fund. Direct provision payments shall be paid directly to the recipients and not to the City of Los Angeles. Proof shall be provided in the form of a cleared check or bank statement and a letter signed by the Executive Director of each organization. Consistent with the TFAR Ordinance, the Project shall provide 50 percent (or ~~\$1,817,424.28~~ \$1,792,485.35) of the Public Benefit Payment by directly providing the following public benefits:

1. A payment to the Los Angeles Citywide Affordable Housing Fund in the amount of \$1,000,000 (55 percent). The funds shall be utilized for construction and operation of affordable housing developments.
2. A payment to the Pershing Square Improvement Fund in the amount of ~~\$817,424.28~~ \$792,485.35 (45 percent). The funds shall be utilized towards redevelopment and beautification of Pershing Square Public Park.

Sincerely,

VINCENT P. BERTONI, AICP  
Director of Planning

A handwritten signature in blue ink, appearing to read 'Kathleen King', is written over the printed name.

Kathleen King  
City Planner

VPB:LW:DL:KK