



APPLICATIONS:

DEPARTMENT OF CITY PLANNING APPLICATION

THIS BOX FOR CITY PLANNING STAFF USE ONLY

Case Number
Env. Case Number
Application Type
Case Filed With (Print Name) Date Filed

Application includes letter requesting:
Waived hearing
Concurrent hearing
Hearing not be scheduled on a specific date (e.g. vacation hold)
Related Case Number

Provide all information requested. Missing, incomplete or inconsistent information will cause delays.

All terms in this document are applicable to the singular as well as the plural forms of such terms.

Detailed filing instructions are found on form CP-7810

1. PROJECT LOCATION

Street Address1 5401-5425 Wilshire Boulevard; 664-670 S. Cochran Avenue; 665-671 S. Cloverdale Avenue Unit/Space Number
Legal Description2 (Lot, Block, Tract) See Exhibit "A"
Assessor Parcel Number 5508-009-001; 5508-009-029 Total Lot Area 57,486 SF

2. PROJECT DESCRIPTION

Present Use Commercial
Proposed Use Mixed-Use: Commercial/Residential
Project Name (if applicable)

Describe in detail the characteristics, scope and/or operation of the proposed project

The Applicant proposes to demolish the existing building located at 5407 Wilshire Boulevard and occupied by Staples office supplies to construct a new 42-story mixed-use building with up to 348 dwelling units (11% of base density - 29 units - restricted at the Very Low Income and additional 9 units proposed at the Moderate Income Level) and 14,634 square feet of ground floor commercial uses over 3 levels of subterranean parking. The facade of the existing building located 5401 Wilshire Boulevard and occupied by Wilshire Beauty Supply will be preserved and rehabilitated. The building volume will be rebuilt as part of the Project.

Additional information attached [X] YES [] NO

Complete and check all that apply:

Existing Site Conditions

- Site is undeveloped or unimproved (i.e. vacant)
Site is located within 500 feet of a freeway or railroad
Site has existing buildings (provide copies of building permits)
Site is located within 500 feet of a sensitive use (e.g. school, park)
Site is/was developed with use that could release hazardous materials on soil and/or groundwater (e.g. dry cleaning, gas station, auto repair, industrial)
Site has special designation (e.g. National Historic Register, Survey LA)

1 Street Addresses must include all addresses on the subject/application site (as identified in ZIMAS—http://zimas.lacity.org)

2 Legal Description must include all contiguously owned properties (even if they are not a part of the proposed project site)

Proposed Project Information

(Check all that apply or could apply)

- Demolition of existing buildings/structures
- Relocation of existing buildings/structures
- Interior tenant improvement
- Additions to existing buildings
- Grading
- Removal of any on-site tree
- Removal of any street tree

- Removal of protected trees on site or in the public right of way
- New construction: **477,464** square feet
- Accessory use (fence, sign, wireless, carport, etc.)
- Exterior renovation or alteration
- Change of use and/or hours of operation
- Haul Route
- Uses or structures in public right-of-way
- Phased project

Housing Component Information

Number of Residential Units: Existing 0 - Demolish(ed)³ 0 + Adding 348 = Total 348
 Number of Affordable Units⁴ Existing 0 - Demolish(ed) 0 + Adding 38 = Total 38
 Number of Market Rate Units Existing 0 - Demolish(ed) 0 + Adding 310 = Total 310
 Mixed Use Projects, Amount of Non-Residential Floor Area: 14,634 square feet

Public Right-of-Way Information Note: Project includes a Tract Map, no PCRf required.

Have you submitted the Planning Case Referral Form to BOE? (required) YES NO
 Is your project required to dedicate land to the public right-of-way? YES NO
 If so, what is/are your dedication requirement(s)? 3 ft.
 If you have dedication requirements on multiple streets, please indicate: Cochran Avenue

3. ACTION(S) REQUESTED

Provide the Los Angeles Municipal Code (LAMC) Section that authorizes the request and (if applicable) the LAMC Section or the Specific Plan/Overlay Section from which relief is sought; follow with a description of the requested action.

Does the project include Multiple Approval Requests per LAMC 12.36? YES NO

Authorizing Code Section LAMC Section 12.22.A.25

Code Section from which relief is requested (if any): _____

Action Requested, Narrative: The Applicant requests approval of Density Bonus On-Menu and Off-Menu Incentives

Authorizing Code Section LAMC Section 16.05

Code Section from which relief is requested (if any): -

Action Requested, Narrative: The Applicant requests Site Plan Review for a project with more than 50 dwelling units.

Additional Requests Attached YES NO

³ Number of units to be demolished and/or which have been demolished within the last five (5) years.

⁴ As determined by the Housing and Community Investment Department

Authorizing Code Section LAMC Section 13.08.E

Code Section from which relief is requested (if any): -

Action Requested, Narrative: The Applicant requests a Community Design Overlay Plan Approval for a project located within the boundary of the Miracle Miles Community Design Overlay ("CDO") District.

Authorizing Code Section LAMC Section 17.01 and 17.15

Code Section from which relief is requested (if any): -

Action Requested, Narrative: The Applicant requests approval of a Vesting Tentative Tract Map No. 82716 to permit the merger and re-subdivision of the site to create airspace lots.

4. RELATED DEPARTMENT OF CITY PLANNING CASES

Are there previous or pending cases/decisions/environmental clearances on the project site? YES NO

If YES, list all case number(s) DIR-2019-3936-TOC-CDO-SPR (terminated); VTT-82716; ENV-2019-3937-EAF ZA-1983-79; ZA-1995-0118-CUZ-PAD; ORD-176332

If the application/project is directly related to one of the above cases, list the pertinent case numbers below and complete/check all that apply (provide copy).

Case No. ENV-2019-3937-EAF, VTT-82716 Ordinance No.: _____

- Condition compliance review
- Clarification of Q (Qualified) classification
- Modification of conditions
- Clarification of D (Development Limitations) classification
- Revision of approved plans
- Amendment to T (Tentative) classification
- Renewal of entitlement
- Plan Approval subsequent to Master Conditional Use

For purposes of environmental (CEQA) analysis, is there intent to develop a larger project? YES NO

Have you filed, or is there intent to file, a Subdivision with this project? YES NO

If YES, to either of the above, describe the other parts of the projects or the larger project below, whether or not currently filed with the City:

Merger, resubdivision for airspace lots

5. RELATED DOCUMENTS / REFERRALS

To help assigned staff coordinate with other Departments that may have a role in the proposed project, please provide a copy of any applicable form and reference number if known.

- a. Specialized Requirement Form _____
- b. Geographic Project Planning Referral _____
- c. Citywide Design Guidelines Compliance Review Form _____
- d. Affordable Housing Referral Form _____
- e. Mello Form _____
- f. Unpermitted Dwelling Unit (UDU) Inter-Agency Referral Form _____
- g. HPOZ Authorization Form _____
- h. Management Team Authorization _____
- i. Expedite Fee Agreement _____
- j. Department of Transportation (DOT) Referral Form _____
- k. Preliminary Zoning Assessment Referral Form _____
- l. SB330 Preliminary Application _____
- m. Bureau of Engineering (BOE) Planning Case Referral Form (PCRF) _____
- n. Order to Comply _____
- o. Building Permits and Certificates of Occupancy _____
- p. Hillside Referral Form (BOE) _____
- q. Low Impact Development (LID) Referral Form (Storm water Mitigation) _____
- r. SB330 Determination Letter from Housing and Community Investment Department _____
- s. Are there any recorded Covenants, affidavits or easements on this property? YES (provide copy) NO

PROJECT TEAM INFORMATION (Complete all applicable fields)

Applicant⁵ name Wally Marks
Company/Firm Walter N. Marks, Inc
Address: 8758 Venice Boulevard Unit/Space Number 100
City Los Angeles State CA Zip Code: 90034
Telephone (310) 204-1865 E-mail: _____
Are you in escrow to purchase the subject property? YES NO

Property Owner of Record Same as applicant Different from applicant
Name (if different from applicant) Diogenes Holdings Wilshire, LLC, a Delaware limited liability company
Address 8758 Venice Boulevard Unit/Space Number _____
City Los Angeles State CA Zip Code: 90034
Telephone (310) 204-1865 E-mail: _____

Agent/Representative name Jamie Poster & Jon Meyer
Company/Firm Craig Lawson & Co., LLC
Address: 3221 Hutchison Avenue Unit/Space Number Suite D
City Los Angeles State CA Zip: 90034
Telephone (310) 838-2400 E-mail: jamie@craiglawson.com; jon@craiglawson.com

Other (Specify Architect, Engineer, CEQA Consultant etc.) CEQA Consultant
Name Chris Joseph
Company/Firm CAJA Environmental Services, LLC
Address: 15350 Sherman Way Unit/Space Number 315
City Van Nuys State CA Zip Code: 91406
Telephone (310) 469-6701 E-mail: _____

Primary Contact for Project Information Owner Applicant
(select only one) Agent/Representative Other

To ensure notification of any public hearing as well as decisions on the project, make sure to include an individual mailing label for each member of the project team in both the Property Owners List, and the Abutting Property Owners List.

⁵ An applicant is a person with a lasting interest in the completed project such as the property owner or a lessee/user of a project. An applicant is not someone filing the case on behalf of a client (i.e. usually not the agent/representative).

PROPERTY OWNER

7. **PROPERTY OWNER AFFIDAVIT.** Before the application can be accepted, the owner of each property involved must provide a notarized signature to verify the application is being filed with their knowledge. Staff will confirm ownership based on the records of the City Engineer or County Assessor. In the case of partnerships, corporations, LLCs or trusts the agent for service of process or an officer of the ownership entity so authorized may sign as stipulated below.

- **Ownership Disclosure.** If the property is owned by a partnership, corporation, LLC or trust, a disclosure identifying the agent for service of process or an officer of the ownership entity must be submitted. The disclosure must list the names and addresses of the principal owners (25% interest or greater). The signatory must appear in this list of names. A letter of authorization, as described below, may be submitted provided the signatory of the letter is included in the Ownership Disclosure. Include a copy of the current partnership agreement, corporate articles, or trust document as applicable.
- **Letter of Authorization (LOA).** A LOA from a property owner granting someone else permission to sign the application form may be provided if the property is owned by a partnership, corporation, LLC or trust or in rare circumstances when an individual property owner is unable to sign the application form. To be considered for acceptance, the LOA must indicate the name of the person being authorized the file, their relationship to the owner or project, the site address, a general description of the type of application being filed and must also include the language in items A-D below. In the case of partnerships, corporations, LLCs or trusts the LOA must be signed and notarized by the authorized signatory as shown on the Ownership Disclosure or in the case of private ownership by the property owner. Proof of Ownership for the signatory of the LOA must be submitted with said letter.
- **Grant Deed.** Provide a Copy of the Grant Deed If the ownership of the property does not match City Records and/or if the application is for a Coastal Development Permit. The Deed must correspond exactly with the ownership listed on the application.
- **Multiple Owners.** If the property is owned by more than one individual (e.g. John and Jane Doe or Mary Smith and Mark Jones) notarized signatures are required of all owners.

- a. I hereby certify that I am the owner of record of the herein previously described property located in the City of Los Angeles which is involved in this application or have been empowered to sign as the owner on behalf of a partnership, corporation, LLC or trust as evidenced by the documents attached hereto.
- b. I hereby consent to the filing of this application on my property for processing by the Department of City Planning.
- c. I understand if the application is approved, as a part of the process the City will apply conditions of approval which may be my responsibility to satisfy including, but not limited to, recording the decision and all conditions in the County Deed Records for the property.
- d. By my signature below, I declare under penalty of perjury under the laws of the State of California that the foregoing statements are true and correct.

*Property Owner's signatures must be signed/notarized in the presence of a Notary Public.
The City requires an original signature from the property owner with the "wet" notary stamp.
A Notary Acknowledgement is available for your convenience on following page.*

Signature 

Date 3/2/2020

Print Name WALTER N. MARKS III

Signature _____

Date _____

Print Name _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Los Angeles)
On 3/2/20 before me, Lauren Finkel, Notary Public,
Date Here Insert Name and Title of the Officer
personally appeared Walter Nathan Marks III
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Handwritten Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: D CPA Document Date: _____
Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

APPLICANT

- 8. APPLICANT DECLARATION.** A separate signature from the applicant, whether they are the property owner or not, attesting to the following, is required before the application can be accepted.
- a. I hereby certify that the information provided in this application, including plans and other attachments, is accurate and correct to the best of my knowledge. Furthermore, should the stated information be found false or insufficient to fulfill the requirements of the Department of City Planning, I agree to revise the information as appropriate.
 - b. I hereby certify that I have fully informed the City of the nature of the project for purposes of the California Environmental Quality Act (CEQA) and have not submitted this application with the intention of segmenting a larger project in violation of CEQA. I understand that should the City determine that the project is part of a larger project for purposes of CEQA, the City may revoke any approvals and/or stay any subsequent entitlements or permits (including certificates of occupancy) until a full and complete CEQA analysis is reviewed and appropriate CEQA clearance is adopted or certified.
 - c. I understand that the environmental review associated with this application is preliminary, and that after further evaluation, additional reports, studies, applications and/or fees may be required.
 - d. I understand and agree that any report, study, map or other information submitted to the City in furtherance of this application will be treated by the City as public records which may be reviewed by any person and if requested, that a copy will be provided by the City to any person upon the payment of its direct costs of duplication.
 - e. I understand that the burden of proof to substantiate the request is the responsibility of the applicant. Additionally, I understand that planning staff are not permitted to assist the applicant or opponents of the project in preparing arguments for or against a request.
 - f. I understand that there is no guarantee, expressed or implied, that any permit or application will be granted. I understand that each matter must be carefully evaluated and that the resulting recommendation or decision may be contrary to a position taken or implied in any preliminary discussions.
 - g. I understand that if this application is denied, there is no refund of fees paid.
 - i. I understand and agree to defend, indemnify, and hold harmless, the City, its officers, agents, employees, and volunteers (collectively "City"), from any and all legal actions, claims, or proceedings (including administrative or alternative dispute resolution (collectively "actions"), arising out of any City process or approval prompted by this Action, either in whole or in part. Such actions include but are not limited to: actions to attack, set aside, void, or otherwise modify, an entitlement approval, environmental review, or subsequent permit decision; actions for personal or property damage; actions based on an allegation of an unlawful pattern and practice; inverse condemnation actions; and civil rights or an action based on the protected status of the petitioner or claimant under state or federal law (e.g. ADA or Unruh Act). I understand and agree to reimburse the City for any and all costs incurred in defense of such actions. This includes, but it not limited to, the payment of all court costs and attorneys' fees, all judgments or awards, damages, and settlement costs. The indemnity language in this paragraph is intended to be interpreted to the broadest extent permitted by law and shall be in addition to any other indemnification language agreed to by the applicant.
 - i. By my signature below, I declare under penalty of perjury, under the laws of the State of California, that all statements contained in this application and any accompanying documents are true and correct, with full knowledge that all statements made in this application are subject to investigation and that any false or dishonest answer to any question may be grounds for denial or subsequent revocation of license or permit.

The City requires an original signature from the applicant. The applicant's signature below does not need to be notarized.

Signature: _____



Date: _____

3/2/2020

Print Name: _____

WALTER N. MARKS III

EXHIBIT "A"

LEGAL DESCRIPTION

(PER STEWART TITLE COMPANY PRELIMINARY REPORT ORDER No. 18000110987 DATED JUNE 28, 2018)

THE LAND REFERRED TO HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF LOS ANGELES, CITY OF LOS ANGELES AND DESCRIBED AS FOLLOWS:

PARCEL 1:

LOTS 185, 186 AND 187 OF TRACT NO. 7705, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 89 PAGES 33 TO 35 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL 2:

LOT 113 OF TRACT NO. 7705, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 89 PAGES 33 TO 35 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL 3:

LOT 114, TRACT NO. 7705, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 89 PAGES 33 TO 35 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

APN: 5508-009-029

LEGAL DESCRIPTION

(PER STEWART TITLE COMPANY PRELIMINARY REPORT ORDER No. 18000111826 DATED OCTOBER 15, 2018)

LOT 112, OF TRACT NO. 7705, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP, RECORDED IN BOOK 89, PAGES 33 TO 35 INCLUSIVE, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

APN: 5508-009-001