

A – APPEAL APPLICATION AND JUSTIFICATION

APPLICATIONS



APPEAL APPLICATION Instructions and Checklist

PURPOSE

This application is for the appeal of Los Angeles Department of City Planning determinations, as authorized by the LAMC. For California Environmental Quality Act Appeals use form [CP13-7840](#). For Building and Safety Appeals and Housing Department Appeals use form CP13-7854.

RELATED CODE SECTION

Refer to the Letter of Determination (LOD) for the subject case to identify the applicable Los Angeles Municipal Code (LAMC) Section for the entitlement and the appeal procedures.

APPELLATE BODY

Check only one. If unsure of the Appellate Body, check with City Planning staff before submission.

- ☐ Area Planning Commission (APC) ☒ City Planning Commission (CPC) ☐ City Council
☐ Zoning Administrator (ZA)

CASE INFORMATION

Case Number: DIR-2023-2587-TOC-SPP-HCA

APN: 5544017021

Project Address: 5271 W Sunset Blvd, Los Angeles, CA 90027

Final Date to Appeal: 26 December 2024

APPELLANT

Check all that apply.

- ☒ Person, other than the Applicant, Owner or Operator claiming to be aggrieved
☐ Representative ☐ Property Owner ☐ Applicant ☐ Operator of the Use/Site

APPELLANT INFORMATION

Appellant Name: Richard Fleming

Company/Organization: 5271 W Sunset Blvd Tenants Union

Mailing Address: 5273 W Sunset Blvd

City: Los Angeles State: CA Zip Code: 90027

Telephone: 915-203-6753 E-mail: richard.fleming87@gmail.com

Is the appeal being filed on your behalf or on behalf of another party, organization, or company?

☒ Self ☐ Other: _____

Is the appeal being filed to support the original applicant's position? ☐ YES ☒ NO

REPRESENTATIVE / AGENT INFORMATION

Name: _____

Company/Organization: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ E-mail: _____

JUSTIFICATION / REASON FOR APPEAL

Is the decision being appealed in its entirety or in part? ☒ Entire ☐ Part

Are specific Conditions of Approval being appealed? ☐ YES ☒ NO

If Yes, list the Condition Number(s) here: _____

On a separate sheet provide the following:

☐ Reason(s) for the appeal

☐ Specific points at issue

☐ How you are aggrieved by the decision

APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true.

Appellant Signature: Richard Fleming Digitally signed by Richard Fleming
Date: 2024.12.21 16:13:24 -08'00' **Date:** 12/21/2024

GENERAL NOTES

A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.

The appellate body must act on the appeal within a time period specified in the LAMC Section(s) pertaining to the type of appeal being filed. Los Angeles City Planning will make its best efforts to have appeals scheduled prior to the appellate body's last day to act in order to provide due process to the appellant. If the appellate body is unable to come to a consensus or is unable to hear and consider the appeal prior to the last day to act, the appeal is automatically deemed denied, and the original decision will stand. The last day to act as defined in the LAMC may only be extended if formally agreed upon by the applicant.

THIS SECTION FOR CITY PLANNING STAFF USE ONLY

Base Fee: \$172

Reviewed & Accepted by (DSC Planner): Ruben Vasquez

Receipt No.: 200187115067 **Date:** 12/24/2024

☒ Determination authority notified

☐ Original receipt and BTC receipt (if original applicant)

GENERAL APPEAL FILING REQUIREMENTS

If dropping off an appeal at a Development Services Center (DSC), the following items are required. See also additional instructions for specific case types. To file online, visit our [Online Application System \(OAS\)](#).

APPEAL DOCUMENTS

1. Hard Copy

Provide three sets (one original, two duplicates) of the listed documents for each appeal filed.

☐ Appeal Application

☐ Justification/Reason for Appeal

- ☐ Copy of Letter of Determination (LOD) for the decision being appealed

2. Electronic Copy

- ☐ Provide an electronic copy of the appeal documents on a USB flash drive. The following items must be saved as individual PDFs and labeled accordingly (e.g., “Appeal Form”, “Justification/Reason Statement”, or “Original Determination Letter”). No file should exceed 70 MB in size.

3. Appeal Fee

- ☐ *Original Applicant.* The fee charged shall be in accordance with LAMC Section 19.01 B.1(a), or a fee equal to 85% of the original base application fee. Provide a copy of the original application receipt(s) to calculate the fee.
- ☐ *Aggrieved Party.* The fee charged shall be in accordance with LAMC Section 19.01 B.1(b)

4. Noticing Requirements (Applicant Appeals Only)

- ☐ *Copy of Mailing Labels.* All appeals require noticing of the appeal hearing per the applicable LAMC Section(s). Original Applicants must provide noticing per the LAMC for all Applicant appeals.
- ☐ *BTC Receipt.* Proof of payment by way of a BTC Receipt must be submitted to verify that mailing fees for the appeal hearing notice have been paid by the Applicant to City Planning’s mailing contractor (BTC).

See the Mailing Procedures Instructions ([CP13-2074](#)) for applicable requirements.

SPECIFIC CASE TYPES

ADDITIONAL APPEAL FILING REQUIREMENTS AND / OR LIMITATIONS

DENSITY BONUS (DB) / TRANSIT ORIENTED COMMUNITIES (TOC)

Appeal procedures for DB/TOC cases are pursuant to LAMC Section 13B.2.5. (Director Determination) of Chapter 1A or LAMC Section 13B.3.3. (Class 3 Conditional Use) of Chapter 1A as applicable.

- Off-Menu Incentives or Waiver of Development Standards are not appealable.
- Appeals of On-Menu Density Bonus or Additional Incentives for TOC cases can only be filed by adjacent owners or tenants and is appealable to the City Planning Commission.

- ☐ Provide documentation confirming adjacent owner or tenant status is required (e.g., a lease agreement, rent receipt, utility bill, property tax bill, ZIMAS, driver's license, bill statement).

WAIVER OF DEDICATION AND / OR IMPROVEMENT

Procedures for appeals of Waiver of Dedication and/or Improvements (WDIs) are pursuant to LAMC Section 12.37 I of Chapter 1.

- WDIs for by-right projects can only be appealed by the Property Owner.
- If the WDI is part of a larger discretionary project, the applicant may appeal pursuant to the procedures which govern the main entitlement.

[VESTING] TENTATIVE TRACT MAP

Procedures for appeals of [Vesting] Tentative Tract Maps are pursuant LAMC Section 13B.7.3.G. of Chapter 1A.

- Appeals must be filed within 10 days of the date of the written determination of the decision-maker.

NUISANCE ABATEMENT / REVOCATIONS

Appeal procedures for Nuisance Abatement/Revocations are pursuant to LAMC Section 13B.6.2.G. of Chapter 1A. Nuisance Abatement/Revocations cases are only appealable to the City Council.

Appeal Fee

- ☐ *Applicant (Owner/Operator)*. The fee charged shall be in accordance with the LAMC Section 19.01 B.1(a) of Chapter 1.

For appeals filed by the property owner and/or business owner/operator, or any individuals/agents/representatives/associates affiliated with the property and business, who files the appeal on behalf of the property owner and/or business owner/operator, appeal application fees listed under LAMC Section 19.01 B.1(a) of Chapter 1 shall be paid, at the time the appeal application is submitted, or the appeal application will not be accepted.

- ☐ *Aggrieved Party*. The fee charged shall be in accordance with the LAMC Section 19.01 B.1(b) of Chapter 1.

December 23, 2024

The 5271 W. Sunset Tenants Union
5271-5277 W. Sunset Boulevard
Los Angeles, CA 90027

City of Los Angeles, Department of City Planning
200 N. Spring St.
Los Angeles, CA 90012

Appeal of: **Case No: DIR-2023-2587-TOC-SPP-HCA**
Project Address: 5271 West Sunset Boulevard
(5271-5277 West Sunset Boulevard)
Los Angeles, CA 90027

This is a full appeal of the TOC, SNAP, and CEQA approvals under Case No. DIR-2023-2587-TOC-SPP-HCA for the project located at 5271 West Sunset Boulevard.

I. PROJECT BACKGROUND

The proposed “5271 W. Sunset Blvd” project involves the demolition of a 2-story, 4-unit apartment building totaling approximately 5,427 square feet, and an accessory structure. The existing building, which was constructed in 1920, predates several historical Los Angeles buildings including, the Egyptian Theatre, the Biltmore and Culver Hotels, Hotel Figueroa, Chateau Marmont, Greystone Mansion and the Hollyhock House, which was the first Frank Lloyd Wright California commission. The applicants, Michael Eghbali and Farshad Zaghi propose to construct a 4-story, 16,820 square-foot mixed-use building, consisting of 19 dwelling units and 570 square feet of commercial floor area within Subarea B (Mixed Use Boulevards) of the Vermont/Western Station Neighborhood Area Plan (SNAP) Specific Plan. The site’s underlying zoning is C2-1D.

The applicant proposes to reserve two (2) dwelling units, only equal to 10% of the total units, for Extremely-Low Income Household Occupancy for a period of 55 years, with Base Incentives permitted pursuant LAMC 12.21 A.31, in addition to the following Additional Incentives:

a. Height.

- (i) An up to 4.25% increase in the height requirement, allowing up to 52 foot, three (3) inches of maximum building height in lieu of the maximum 50 feet per SNAP Subarea B;
- (ii) Transitional height per TOC in lieu of the otherwise required SNAP transitional height requirement for a lot that abuts a parcel within the SNAP Subarea A;
- (iii) A one (1)-story increase in the height allowance of the portion of the building located within 10 feet of the property line, allowing up to three (3) stories in lieu of the maximum two (2)-stories within 10 feet of the property line along Sunset Boulevard per SNAP Subarea B.
- (iv) An up to 11-foot increase in the height allowance of the portion of the building located within 15 feet of the property line, allowing up to 41 feet of maximum building height in lieu of the maximum 30 feet within 15 feet of the property line along Sunset Boulevard per SNAP Subarea B.

b. Open Space Dimension. An up to 25 percent reduction to permit a minimum common open space width of 15 feet in lieu of the minimum 20 feet otherwise required;

c. Open Space Setback. An up to 25 percent reduction to permit a minimum distance of 15 feet from the roof perimeter to the required common open space area in lieu of the minimum 20 feet otherwise required.

The proposed project is not consistent with SNAP's goals, objectives, and policies as it is reducing the open space dimension and open space setback.

Under the Conditions of Approval for TOC Affordable Housing and Incentive Program Grant Clause and Conditions, "the applicant will need to either replace or all withdrawn RSO units with affordable units on a one-for-one basis or provide at least 20 percent of the total number of newly constructed rental units as affordable, whichever results in the greater number." Currently, there are only 2 units reserved as affordable which is only 10% of the 19-unit project.

II. SIGNIFICANT ADVERSE IMPACTS

We the tenants have lived and paid affordable rent in this building for 16, 12, and 3.5 years, respectively, and have planned for a future that involves living in our current residency. None of us have any desire to leave and are being forced out of a building that was previously owned by a family since the 1940s. Any potential move will not only be a wrecking ball through our building but through all of our lives as we know them. We've built our lives and communities here and feel there are several significant adverse impacts of this project.

Taking an average of the current rental market in our area for comparable 2-bedroom units, if forced to move, our rent will increase by 278% a month. We'll soon be responsible for coming up with, on average, an extra \$3200 more a month just to cover rent. That amount doesn't even reflect utilities, pet fees, and the cost and labor of moving. It also doesn't factor in inflation or the potential of having to move into a building that isn't rent stabilized. We'll also be paying new and higher security deposits and will be forced to put our credit scores in jeopardy by applying for tenancy. For those of us who qualify to return and would choose to do so, there's also no guarantee of how long we'd be displaced or for how long we'd have to cover the higher costs; it will most likely be several years. The current relocation assistance does not adequately cover the significant increase of costs we would be burdened with while either waiting to return or having to move on. Furthermore, with the current average rental cost, there is nothing even close to comparable in this area at our current monthly rate and square footage/amenities. Without being made whole, we'll be forced to not only move from our chosen neighborhood but mostly likely out of Los Angeles or even the state altogether.

Many of us work in the surrounding area and would potentially be forced to move far away from our current jobs or have to take on longer commutes as this area is central to the film/TV studios where some of us work. That means more money out of our pockets each month for gas and car maintenance as well as more dedicated time and stress in LA traffic. It's untenable and potentially means we'd not only be searching for new housing but also new places of employment. We are essentially being forced to start our lives over after having done nothing wrong and not asked for any of this. There's no guarantee that any of us will find gainful employment in our current professional fields, let alone in our current vicinity.

Some of us have also invested our time and money into creating suitable work-from-home environments and our homes play important roles in our abilities to generate income. For some, the second bedroom is a dedicated office space, and the outdoor space is essential for building props for the business, per the ventilation requirements of the Occupational Safety and Health Administration (OSHA). The in-unit washer and dryer as well as the dedicated, gated parking right out front is also essential for business duties such as laundering a high volume of costumes and being able to move and load/unload heavy equipment easily and safely. Forcing us out potentially extinguishes our abilities to run our businesses we've worked so hard at establishing.

One of the tenants also has a disability (per ADA guidelines) and relies on the adequate square footage and storage areas within the unit to do mobility activities and store numerous medical supplies relating to the physician-diagnosed conditions.

We'll also be losing the sense of community we've garnered with one another and would be moving away from the communities of friends we've spent a decade building. Not only will the new cost of renting be astronomical, but we also see doctors and get weekly/regular medical care in this area. A good doctor who you trust and see results with is hard to find. Uprooting us puts our health into flux. Many of us also take advantage of the numerous amenities the neighborhood offers including hiking in Griffith Park, the Los Feliz Library, Barnsdall Park, and easy access to the 101 and 5 freeways as well as the Red Line of the Metro. We're regular patrons of several cafes or eateries where we're able to shop small and invest back into the neighborhood we love. Not to mention the safety our building provides as well as a large communal outdoor space, gated parking for each tenant, and in-unit laundry. These things are hard to come by for any renter in Los Angeles at any price and are also in jeopardy.

We're being forced to uproot our whole lives so that a 19-unit, mixed-use building, with no allocated residential or commercial parking spaces, can be erected. Of these 19 units, only 2 will be reserved for Extremely-Low Income Households per SB 8, which does not meet the required 20% or one-

for-one ratio. In the existing structure there are 4 residential RSO units. This means the new building will be taking 2 residential RSO units out of the neighborhood and will keep driving up rental prices in an already astronomically expensive market.

It will also most likely be adding a large number of automobiles to the area and creating even more congestion than currently exists. The nearest streets to park (Hobart and Harvard) are already jam-packed with cars, many even spilling over illegally into the median or shoulders. This could also significantly impact public safety by adding to the numbers of people having to walk to and from their cars alone, especially at night or with heavy loads, such as groceries.

Furthermore, based on the Entitlements, the new structure is going to be 4-stories tall (52 ft and 3 inches) and will successfully block the sunlight and direct air flow from the current residential buildings directly behind and in the surrounding areas. There are no air or solar studies included in the Letter of Determination to assess the significant impacts of building a new structure that is essentially twice the height of the existing one and has less front, side, and rear yard setbacks. No noise studies have been done either to assess the potential significant impacts to the surrounding areas, but the project is somehow exempt from CEQA? The construction could also significantly affect business for America's Best Value Inn, the motel directly next to the property on the East. Years of demolition and construction out your window doesn't exactly attract guests or tourists to the area.

The project does not qualify for a CEQA categorical exemption. The project's cumulative impacts have not been properly studied, and when combined with the enormous number of other proposed TOC projects in the vicinity will have a significant, adverse impact upon public health and safety.

Having been built in 1920, the Mediterranean-influenced building also has a significant amount of architectural charm. Each unit has a number of built-in shelving units, beautiful hardwood flooring and trim, coved ceilings and decorative arches or archways. The Marinoff family bought the building in the 1940s and owned it up until the applicants purchased the project in 2022 after the passing of the owner. He received the building from his grandmother, who painstakingly scraped the paint off the original woodwork and trim and restained it, returning it to its former glory. The interior doorplates are still the original brass fixtures with skeleton keyhole locks. Sash windows provide ample sunlight and are operated by a cord and pulley system. It is possibly the last residential building on Sunset Boulevard in this area that was built during a major construction boom in Hollywood. The current building even pre-dates the famous Hollywood sign and adds historical value to the neighborhood. Demolishing it erases a piece of history from Hollywood. The new building is going to be a large, faceless tower that will cram as many dwelling units in as possible with no real regard to how people actually want and need to live in such a bustling metropolis. *Please see attached pictures at the end of the document for examples.

Consider the stress of not only moving house but also the search just to find a place that is affordable, safe, and dare we say, a place we actually want to live. Some have invested over sixteen years of our time, money, and energy into building lives within this community and it's about to be erased by the flick of a pen. The stress of this entire process has been immeasurable. We've been unsure of the status of our living situation for years now as the new project has made its way through the pipeline. We've spent many sleepless nights stressing about where we'll all go if displaced and have invested money in therapy or mental health services. It has put a pin in some major life plans as well and has made us all feel like we are living our lives in limbo. Some of us are at a point where we want to start having children and growing our families and currently have the physical space to do so. With the average rent now, some of us wouldn't even be able to afford a studio apartment in this area. Many of us also have family in the vicinity that a displacement would potentially further remove us from. We love our home

and the community we've created within it. Being forced to move is not a simple, easy, or affordable process.

It's confusing how the proposed project is exempt from SNAP, TOC, and CEQA guidelines, especially when it is taking affordable rentals off the market. It feels like this project has just been given a rubber stamp approval from the city that doesn't look into the finer details and significant, adverse impacts to the tenants and community as a whole. We're asking you to please look at those finer details and to consider all the lives this proposed project will unnecessarily disrupt, which are not limited to the tenants.

We also have the full support of the East Hollywood Neighborhood Council as they voted unanimously in opposing this project. By approving this project, the city is creating significant adverse impacts for the tenants due to our displacement, and we hereby appeal the decision. We also reserve the right to enter additional objections into the record prior to the public hearing and/or at any time during this ongoing matter.

Signed,

The 5271 W. Sunset Tenants Union

*Photos showing some of the character and charm of this 1920s building below



(Photo of living room showcasing woodwork/trim)



(Photo showcases original woodwork and coved ceilings)



(Photo showcases beautiful wooden built-in and decorative arch)



(Photo showcases hardwood floors and architectural features)



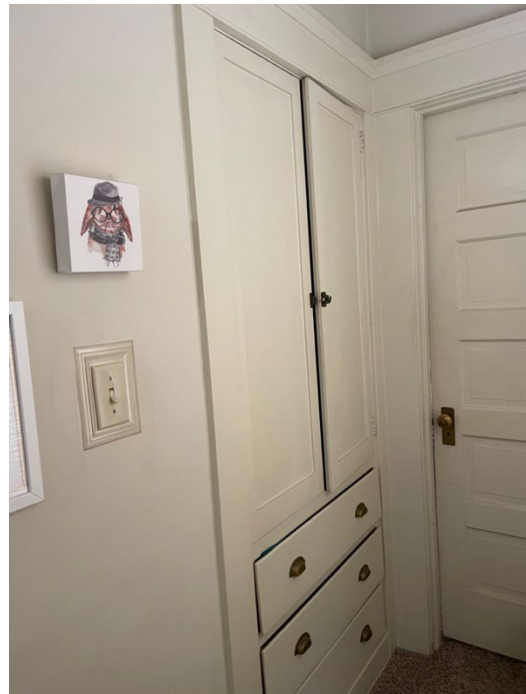
(Photo showcases hallway/stairway with wooden details)

(Photo showcases hallway/stairway with



(Photos above show front and inside of bread cabinet that was used to keep newly baked bread fresh.)

(Photos below show more built in cabinetry and features in bathroom and hallway)



(Photos below show brass skeleton keyhole doorplates and sash cord/pulley windows)





(Photo is the façade design of the proposed project)