

APPEAL JUSTIFICATION STATEMENT

TO: City Planning Commission, City of Los Angeles

FROM: Emerson College (Property Owner Across the Street)

SUBJECT: Appeal of Modification Determination Letter (Case No. CPC-2021-1557-DB-SPR-HCA-M1 / ENV-2026-2496-CE)

DATE OF FILING: August 10, 2026

PROJECT SITE: 6007 West Sunset Boulevard (6001–6023 Sunset Blvd; 1503–1517 N. Gordon St; 1506–1512 N. La Baig Ave)

APPLICANT: 6007 Sunset (LA) OZ, LLC (CIM Group)

I. APPELLANT STANDING

Appellant, Emerson College, is a non-profit owner and operator of the real property directly across the street from the Project Site. Appellant's property at 5960 West Sunset Boulevard houses Emerson College's state-of-the-art Los Angeles Campus, a flagship, multi-story academic complex integrating high-density student housing, instructional spaces, advanced media laboratories, and administrative facilities. Pursuant to the provisions of the Los Angeles Municipal Code (LAMC), and as an immediate neighbor whose campus population is directly exposed to the unmitigated physical, environmental, and life-safety impacts of the subject site, the Appellant possesses direct standing to submit this administrative appeal as an owner and occupant of real property situated immediately opposite the designated Project Site, particularly in circumstances where the safety and welfare of the Appellant's student population are potentially compromised.

II. BACKGROUND

Emerson College seeks to overturn the Modification Determination Letter issued by the Department of City Planning (Director's Designee) on July 24, 2026, which improperly granted an after-the-fact administrative entitlement modification to legitimize unauthorized physical construction.

While administrative decisions issued under delegated authority on behalf of the City Planning Commission (CPC) are typically appealable directly to the City Council, this appeal is properly brought before the CPC in the first instance because the required Commission-level review and public process were improperly bypassed. Review by the CPC is necessary to cure this procedural defect and restore the foundational oversight required by law. Appellant submits this filing to the CPC without waiving, and hereby expressly reserves all rights to appeal any final determination to the City Council or any other body of competent jurisdiction.

A. Chronology of Events

- **May 12, 2022 (Original Entitlement Approved):** The City Planning Commission (CPC) approved [Case No. CPC-2021-1557-DB-SPR-HCA](#) to allow a 7-story mixed-use

development with 102,224 SF of floor area, 109 dwelling units, and 11-foot floor-to-floor heights directly across from Appellant's property. Emerson College actively supported this original 7-story, compliant entitlement filing as a compatible and lawfully reviewed addition to the Sunset Boulevard corridor. (*Exhibit 2*)

- **Unpermitted Physical Construction:** Rather than constructing the project approved by the CPC, the Applicant proceeded to build a radically expanded 8-story structure containing 172 units and 121,149 SF of floor area. This unauthorized expansion incorporated an entire unpermitted additional floor and compressed ceiling heights, all constructed without obtaining necessary discretionary entitlements, building permits, or safety clearances. The Applicant constructed this larger project, which appears close to completion, without securing required approvals. As documented in Exhibit 1, Emerson College staff noted that construction for this 8th story was nearing substantial completion in September 2025.
- **May 19, 2026 (Piecemeal Modification Filing):** The Applicant initiated a piecemeal administrative modification (Case No. CPC-2021-1557-DB-SPR-HCA-M1) to compress floor-to-floor parking heights from 11 feet to 10 feet. Through this filing, the Applicant is attempting to leverage the administrative modification process to obtain after-the-fact approval for illegal construction across multiple, separate applications. This ceiling height reduction is a calculated structural manipulation designed to secure post-hoc administrative clearance for an expanded 8-story structure that blatantly deviated from approved plans.
- **July 24, 2026 (Flawed Letter of Determination & Procedural Error):** The Department of City Planning issued the subject Modification Determination Letter providing after-the-fact approval for ceiling height deviations without acknowledging that the Applicant unlawfully constructed an 8-story project (*Exhibit 3*). It is highly irregular and improper for the Department to permit an applicant to segment a project into separate applications that conceal the true scope by addressing isolated structural adjustments while leaving major unpermitted alterations unaddressed.
- **The "Exhibit A" Administrative Failure:** Further compounding these improprieties, the Department issued a Determination Letter endorsing an "Exhibit A" elevation plan depicting an unapproved 8-story building. When Emerson College alerted Planning staff to this fatal defect, staff acknowledged that the published document was "incorrect" and transmitted a revised Exhibit A via email (*Exhibit 4*). Yet, the Department shockingly refused to reissue the Determination Letter, refused to restart the statutory appeal period, and failed to correct the public record on its web portal. As a result, the general public—with the sole exception of Emerson College—has been deprived of accurate notice regarding what was administratively approved.

Accordingly, we must question why the Applicant is permitted to proceed in this piecemeal fashion, why the Determination Letter fails to disclose that substantial physical construction occurred without an approved building permit, and why post-hoc approvals were not submitted to the City Planning Commission for discretionary review. Even if City Planning Commission review were not explicitly mandated by law (and it is under LAMC § 13B.5.4.D.2), the Commission must be made aware that the Applicant deliberately constructed a development fundamentally

different from what was authorized. A material departure of this magnitude cannot be sanctioned behind closed doors.

B. Array of Unapproved Pending Cases & Permits

The Applicant's attempt to secure post-hoc administrative clearance is part of a broader, active effort to legalize this expanded, already constructed project across multiple unapproved entitlement and permit cases, including, but not limited to:

- 1. Case No. ADM-2025-3550-OVR-CPIOC (Filed June 25, 2025):** Demonstrating a persistent pattern of unauthorized expansion, the Applicant initiated this discretionary filing to pursue a larger development scope, which remains active and unapproved (*Exhibit 5*).
- 2. Building Permit Application No. 22010-10002-04324 (Filed March 3, 2025):** The Applicant applied for a permit explicitly describing work on an unapproved 8-story structure with 141 dwelling units. This permit has never been issued, and most mandatory agency clearances remain unfulfilled. Crucially, this includes outstanding California Occupational Safety and Health Administration (Cal/OSHA) permits (8 CCR § 341) required to protect construction workers and safeguard the surrounding community, including the hundreds of students, faculty, and staff occupying Emerson's neighboring campus (*See Exhibit 6*).
- 3. Case No. EAR-2026-1309-TOIA-HCA (Filed March 17, 2026):** The Applicant seeks authorization for a substantial project expansion—increasing height from 7 to 8 stories, density from 109 to 172 units, and floor area from 102,224 SF to 121,149 SF (*Exhibit 7*). In an egregious breach of land use protocol, while this expansion application remains pending and unapproved, the Applicant has already physically constructed the unauthorized 8-story structure on-site.

C. Structural Engineering Hazards & Structural Integrity Risks

Building permits and mandatory plan reviews are not suggestions or administrative red tape; they are society's baseline legal mechanism for safeguarding human life and structural integrity. Bypassing statutory permitting requirements deprives municipal engineers, safety inspectors, and neighboring properties of the mandatory oversight required to prevent structural failure. When a developer builds first and seeks permission later, the protective framework of the municipal land use code collapses.

While a developer can attempt to negotiate with administrative staff, one cannot negotiate with gravity. In structural engineering, adding an unapproved vertical story alters a building's physics, breaks the continuous load path designed to safely transfer weight to the foundation, and introduces severe structural vulnerabilities, including risks of foundation settlement, column buckling, and catastrophic structural failure under wind and seismic stress.

The physical existence of an unpermitted, illegally constructed 8-story structure directly adjacent to Emerson College's academic campus presents a severe and unmitigated public safety hazard. Recent real-world events from within the past month alone demonstrate the catastrophic risks inherent in unapproved vertical expansion and unpermitted structural alterations. As documented in the July 2026 Midtown Manhattan emergency evacuations, unreinforced column

loading during vertical expansion caused primary support beams to buckle, forcing the New York City Fire Department (FDNY) to evacuate seven surrounding blocks, including an active school.¹ Similarly, the July 2026 emergency condemnation of Empire Towers in Maryland highlights how unpermitted alterations to load-bearing systems sever critical rebar, triggering immediate floor shifts, mass evacuations, and collapse perimeters. Bypassing municipal permits and structural plan checks creates immediate collapse risks and severe public safety hazards—proving precisely why post-hoc administrative approvals for unpermitted structural work cannot be sanctioned. (See Exhibit 8).

Constructing an additional top floor before mandatory building permits, city structural inspections, and Cal/OSHA safety clearances are obtained poses unacceptable risks to surrounding property and public safety. Under California Code of Regulations Title 8 § 341, state law mandates that a Cal/OSHA Construction Safety Permit be secured prior to erecting any building exceeding three stories or 36 feet in height. Official public agency records—including a printout from the LADBS portal dated September 25, 2025 attached in Exhibit 6—confirm that mandatory agency clearances required, including from Cal/OSHA, remained unfulfilled and unissued. Yet, as documented in the photo exhibit from that exact same timeframe, the Applicant had already framed and nearly completed the illegal 8th floor without those critical safety clearances in place (Exhibit 1).

Emerson College cannot comprehend how the Planning Department can justify issuing a piecemeal project approval without considering all various approvals required to legalize unpermitted construction or order the removal of the illegal eighth floor. Permitting the Applicant to obtain after-the-fact administrative modifications that retroactively legitimize construction undertaken in blatant disregard of required permits sets a profoundly dangerous precedent. It signals that compliance is optional, rewarding unauthorized construction and exposing occupants and the public to potentially catastrophic structural and life-safety risks. Accordingly, the subject Modification of Entitlement must return to the initial decision-maker (the CPC) for review at a publicly noticed hearing.

III. STATEMENT OF APPEAL & EXPLICIT GROUNDS

Appellant hereby appeals the Department of City Planning's Letter of Determination (LOD), issued on July 24, 2026, approving a Modification of Entitlement to Conditions Nos. 1 and 7(e) under Case No. CPC-2021-1557-DB-SPR-HCA-M1 and adopting Categorical Exemption ENV-2026-2496-CE.

The decision should be **vacated and remanded** on the following three grounds:

A. GROUND 1: PROCEDURAL ERROR & LACK OF JURISDICTION (LAMC § 13B.5.4.D.2.a)

The Procedural Violation: Under LAMC Section 13B.5.4.D.2, a Modification of Entitlement must be determined by the initial decision-maker on the original action. On May 12, 2022, the Original Entitlement for a 7-story mixed-use development with 102,224 SF of floor area, 109

¹ See ABC7 New York, "[Midtown East buildings evacuated after construction workers find buckling beams](#)," July 2026

dwelling units, and 11-foot floor-to-floor heights was formally acted upon and approved by the CPC at a public hearing. Pursuant to LAMC Section 13B.5.4.D.2, a Modification of Entitlement for this original action must be approved by the CPC as the initial decision-maker, and the only legal way for the CPC to take action is to hold a publicly noticed hearing.

However, the Modification of Entitlement was issued administratively by Department of City Planning staff (the Director of Planning's Designee) without a publicly noticed hearing or CPC review. LAMC Section 13A.1.6 does not grant authority to the Director of Planning to make a decision on behalf of the CPC. Pursuant to LAMC Section 13A.1.6.D.1, the Director of Planning may *review and submit recommendations* regarding a decision within the original jurisdiction of the CPC but cannot make a decision on the CPC's behalf. The initial approval was not issued by the Director of Planning as a designee of the CPC; therefore, the entitlement cannot be modified by the Director.

Given the Applicant's construction of an entire floor without permits and deviation from approved plans, it is improper to cover up these misdeeds outside of a public hearing. Since the CPC approved a completely different project, the Commission must be allowed to review what has occurred. We do not believe the Planning Commission will condone piecemeal approvals that hide the scope of illegal construction.

Moreover, the Applicant's attempt to bypass CPC review reflects a documented history of regulatory circumvention that raises serious concerns. Most notably, during the construction of the Sunset Gordon Tower (located across the street from the subject site), developer CIM Group similarly circumvented CPC and City Council authority by securing improper administrative permits to alter core project conditions and illegally demolish a historic building. While that prior matter involved administrative permits issued by Building & Safety, the underlying pattern of bad faith remains identical: exploiting administrative staff channels to legitimize work that exceeds discretionary approvals. That multi-year saga culminated in a landmark ruling by the California Court of Appeal finding the Applicant's actions unlawful, resulting in the revocation of the project's Certificate of Occupancy and the mandatory shutdown and eviction of the entire 22-story tower.² The Department must not repeat this embarrassing institutional failure by granting post-hoc administrative approvals for an unpermitted 8-story expansion built without mandatory inspections, Cal/OSHA safety clearances, or CPC public hearings.

Error in Law & Bypassing Public Hearing: By delegating this entitlement modification to administrative staff, the Department directly violated mandatory procedural provisions under Chapter 1A, Article 13 of the LAMC establishing the City's exclusive, non-delegable processes governing land use decision-making. Administrative staff acted *ultra vires* and lacked legal authority to unilaterally modify or waive conditions of approval established in a CPC determination. This procedural failure was compounded by the administrative endorsement and publication of an Exhibit A elevation plan depicting an unapproved 8-story building—a material

² *La Mirada Avenue Neighborhood Assn. of Hollywood v. City of Los Angeles* (2016) 2 Cal.App.5th 586 (holding that the City abused its discretion by granting exceptions and post-hoc planning approvals that violated applicable land use regulations and project consistency requirements).

revision executed in complete circumvention of mandatory public notice and hearing procedures required under Article 13.

By denying Emerson College a public hearing before the CPC, the Department deprived Emerson and the community of an important due process right. The failure to comply with statutory hearing requirements is not a mere procedural irregularity that can be cured after the fact. The hearing requirement exists to protect substantive rights—allowing abutters, affected community members, and the public to receive notice, be heard, present evidence, and influence decisions before governmental action is taken. By bypassing the required public hearing, interested parties are deprived of the opportunity guaranteed by law to participate in reviewing a proposal that directly affects property interests, safety, and community welfare.

B. GROUND 2: SUBSTANTIVE MISREPRESENTATION & CEQA PIECEMEALING

Misrepresentation on Public Applications: In its application for this modification, the Applicant explicitly represented to the City that reducing floor-to-floor parking heights from 11 feet to 10 feet was merely a minor structural adjustment with no intent for further expansion or concurrent discretionary requests. The LOD improperly relied on this assertion, explicitly stating that the project *"does not seek any new rights or any deviation from the underlying zoning regulations."* As demonstrated by the Applicant's active parallel filings and ongoing 8-story construction, these representations were demonstrably false and served to conceal ongoing expansion. While Emerson College acknowledges underlying zoning might permit an eighth floor, the Applicant is bound by a discretionary entitlement limiting height to seven stories. Asserting that underlying zoning allows additional height is a red herring; developers cannot ignore approved entitlements and build to maximum zoning caps without discretionary review.

Active Parallel Filing for 8-Story Expansion: The Determination Letter's representation that the project does not seek new rights is contradicted by the Department's own public records. Active filings confirm the Applicant is aggressively pursuing an expanded scope across multiple pending cases. Despite no discretionary approval being granted for an 8-story expansion, the Department's LOD improperly endorsed and published an Exhibit A elevation plan depicting an 8-story configuration, retroactively attempting to legitimize unpermitted work. Although the Department withdrew that Exhibit A elevation plan when confronted by Emerson College, it refused to reissue a new Determination Letter to the public or post the correct Exhibit A on its website. The Applicant not only possesses intent to expand but has physically built the larger 8-story structure and is improperly pursuing post-hoc, retroactive approvals after completing unauthorized work.

Violation of CEQA: Pursuant to the California Environmental Quality Act (CEQA), lead agencies are strictly prohibited from engaging in "piecemealing"—the segmentation of a single project into smaller approvals to evade environmental review, particularly when intent to develop a larger project exists.

- **Integral Structural Step:** The requested floor-to-floor height compression is an integral structural precursor intended to enable the unapproved 8th story and 63 additional units.

- **Improper Shielding of Cumulative Impacts:** Reliance on a Class 1 Categorical Exemption (ENV-2026-2496-CE) pursuant to 14 CCR § 15301 improperly shields cumulative height, shadow, noise, traffic, air quality, and greenhouse gas impacts of the actual eight-story expansion from comprehensive environmental review; furthermore, these environmental impacts have never been properly evaluated in relation to the structure that has actually been constructed on-site
- **Misuse of Existing Facilities Exemption:** Class 1 Categorical Exemptions are strictly limited to approvals concerning lawful, existing facilities. In the present matter, the exemption is improperly utilized to provide retroactive validation for a structure that was non-existent at the time of initial entitlement and was erected entirely absent the requisite regulatory approvals.
- **Manifest Intent & Non-Negligible Expansion:** Pursuant to 14 CCR § 15301, the critical determinant for a Class 1 Categorical Exemption *"is whether the project involves negligible or no expansion of use."* In this instance, the intent to develop an expanded project that significantly increases use is manifest, as the larger structure has already been physically constructed, and the request to reduce floor-to-floor heights is required specifically to accommodate that existing eighth floor.
- **Exceeds Expansion Caps:** Under 14 CCR § 15301, allowable additions approved under a Class 1 Categorical Exemption are typically restricted to 2,500 square feet, with a potential extension up to 10,000 square feet only if the project is located in an area where public services and facilities are available to accommodate maximum General Plan development and the site is not situated within an environmentally sensitive area. However, the Applicant's pending entitlement and permit cases indicate an intent to increase floor area by approximately 20,000 square feet for the constructed larger project, thereby exceeding the maximum limit permitted by State law for a Class 1 Categorical Exemption by one hundred percent.

C. GROUND 3: UNADDRESSED CONCERNS REGARDING SURROUNDING COMPATIBILITY & CONSTRUCTION IMPACTS

Failure of Site Plan / Project Review Compatibility Findings: Under Site Plan Review / Project Review findings (LAMC § 16.05), proposed physical alterations must demonstrate spatial, operational, and visual compatibility with neighboring uses. Unilaterally shrinking parking deck clearances as a pretext for staging an unpermitted vertical expansion directly harms adjacent properties. Emerson College and surrounding neighbors are directly and adversely impacted by this unanalyzed vertical expansion, which degrades established view corridors, blocks light and air, and creates operational friction across Sunset Boulevard by generating significant shadow, visual, traffic, noise, and environmental impacts.

For Emerson, whose Los Angeles campus was specifically sited and architecturally designed as a flagship film, media, and performing arts institution, the unauthorized 8th story inflicts immediate, tangible harm on our academic facilities and established view corridors.

Omission of Mitigation & Protective Conditions: By granting an administrative modification without updating mandatory project conditions, the Department omitted critical construction

management, traffic mitigation, and pedestrian safety protocols required along the heavy Sunset Boulevard corridor. Appellant is deeply concerned that the Applicant physically erected an unapproved 8th story expansion without undergoing essential structural evaluations or safety inspections, creating an unmonitored hazard directly across from an active residential and educational campus.

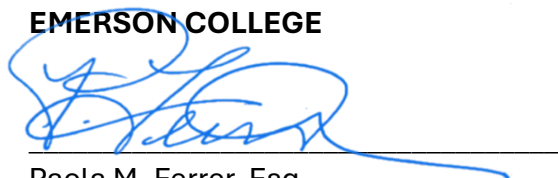
IV. REQUESTED RELIEF & REQUISITE ACTIONS

Based on the foregoing legal, procedural, and environmental defects, Appellant respectfully requests the following:

- 1. Vacate and Rescind** the Letter of Determination issued on July 24, 2026, under Case No. CPC-2021-1557-DB-SPR-HCA-M1.
- 2. Remand the File to the City Planning Commission (CPC)** with instructions to schedule a duly noticed public hearing as required for a Modification of Entitlement under LAMC § 13B.5.4.D.2.a, together with all required approvals for the illegally constructed building. The Planning Department must not allow the Applicant to cover up illegalities by processing required approvals in a piecemeal fashion and must apprise the CPC that the Applicant constructed an entire floor without permits, increased density substantially without permits, and completely deviated from approved plans.
- 3. Conduct Appropriate Environmental Review** under CEQA to prevent illegal project segmentation and evaluate cumulative impacts.

Respectfully Submitted,

EMERSON COLLEGE



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Emerson College
Date: August 10, 2026