

PROCEDURE FOR PROCESSING “ERROR OR ABUSE OF DISCRETION” APPEALS OF LADBS ACTIONS CONCERNING ZONING ISSUES

This Information Bulletin provides the procedure for processing appeals alleging error or abuse of discretion by the Los Angeles Department of Building and Safety (“LADBS”) concerning the City of Los Angeles’s Zoning Code or other land use ordinance.

Under Los Angeles Municipal Code (“LAMC”) Section 12.26K, an appeal alleging that an LADBS action concerning **the Zoning Code or other land use ordinance** constitutes **error or abuse of discretion** is directly appealable to the Director of Planning, and not to the Board of Building and Safety Commissioners. Section 12.26K requires that LADBS provide a written determination responding to the appellant’s allegations of error or abuse of discretion before referring the matter to the Director of Planning.

LADBS staff uses the following guidelines to process appeals filed under LAMC Section 12.26K:

1. DETERMINATION

If a customer disagrees with an LADBS staff member’s interpretation of the Zoning Code or other land use ordinance, the customer shall contact the staff member’s supervisor for clarification and the supervisor’s interpretation. If dissatisfied with the supervisor’s interpretation, the customer can file an appeal under LAMC Section 12.26K. Where the supervisor agrees with the customer’s interpretation, the supervisor shall take the appropriate corrective actions and no appeal is necessary.

LAMC Section 12.26K appeals shall be submitted to the **Senior Structural Engineer, Chief Inspector** (or more senior staff position) in charge of the office where the determination was made. (The term “Manager” shall be used hereinafter to describe this senior staff position.)

If the Manager determines that LADBS neither erred nor abused its discretion in making the determination, and the appellant wishes formally to initiate the appeal process, the Manager shall provide the attached required appeal form (Request for Modification) and instruct the appellant how to complete the form.

The appellant must itemize the grounds for the appeal, along with applicable LAMC sections, on the first page of the form under the heading “Request” and, if additional space is required, continue on the third page of the form. Any evidence supporting the appeal, such as photographs and correspondence should be submitted as an attachment to the appeal form.

No additional information will be accepted by the Department after the appeal form has been submitted unless a new appeal form is filed and applicable fees are paid.

2. REVIEW OF APPEAL FORMS

The Manager shall review the appeal package for completeness. If the Manager determines that the form and all attachments clearly state the grounds for the appeal and cannot be approved administratively, the Manager shall officially deny the appeal and sign the Request for Modification.

3. PROCESSING FEES

After the Manager officially denies the appeal and signs the Request for Modification, the appellant shall take the original appeal package and three (3) copies to any LADBS cashier to pay the processing fees under LAMC Section 98.0403.2(a). Processing fees are \$130.00 for the first item and \$30.00 for each additional item, plus \$204.00 for two (2) hours of research. For complex appeals requiring more than two (2) hours of research, an additional research fee may be imposed.

Note: At satellite offices where cashiers are not available, the appellant may leave a check or money order made out to the "City of Los Angeles" for the appropriate amount. LADBS shall process the application and send a copy with receipt of payment to the appellant.

4. ROUTE ORIGINAL APPEAL PACKAGE

After the processing fees are paid, the appellant shall return the original and a copy to the Manager. The Manager shall ensure that the appellant's original appeal package is hand delivered to the Commission Office. The Commission staff shall log the appeal by assigning a case number, creating a case file and assigning the case to the responsible manager.

5. WRITTEN DETERMINATION

The Manager assigned to the case shall prepare a report setting forth the justifications and findings for LADBS's determination, specifically addressing the appellant's issues. The report shall be completed within 45 days from the date of the appeal's submittal.

6. NOTIFICATION

When the report is complete, the Commission staff shall notify the appellant of LADBS's written determination. Notice shall be given by email or U.S. mail. The report shall advise the effective date of the written determination and the date on which the 15-day period to appeal to the Director of Planning expires. The Commission staff shall return a copy of the appeal package and report to the appellant. The original appeal package and report will be maintained in the Commission office files for two (2) years.

7. APPEAL TO THE DIRECTOR

If after reviewing the report the appellant elects to continue with the appeal process, the appellant shall file the appeal at the public counter of the Department of City Planning within the 15-day appeal period specified in the report. The Department of City Planning will provide an appeal form along with the applicable fee schedule to the appellant to file an appeal.