

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

This Information Bulletin provides the procedure for processing requests for Modification of Building Ordinances (Request for Modification) and, subsequently, appeals alleging error or abuse of discretion by the Los Angeles Department of Building and Safety (“LADBS”) concerning the City of Los Angeles 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. PROCESSING FEES

The customer shall complete the Request for Modification Form and provide the request to the LADBS staff member along with exhibits and any pertinent information for the request. The LADBS staff member’s supervisor will determine the processing fees pursuant to LAMC Section 98.0403.2(a) and refer the customer to cashier with (3) copies. Processing fees are \$130.00 for the first item and \$39.00 for each additional item, plus \$208.00 for two (2) hours of research. For complex requests 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.

2. DETERMINATION

The LADBS Staff member’s supervisor shall make a determination to grant, grant with conditions, or deny the Request for Modification and provide said information to the customer. If dissatisfied with any of the supervisor’s Zoning Code interpretation, the customer can file an appeal under LAMC Section 12.26K.

LAMC Section 12.26K appeals shall be submitted to the Chief Inspector, Building Civil Engineer and above 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 required “Supplemental Application for Appeals” Form (Appeal Form) and instruct the appellant how to complete the form.

The appellant must specify the applicable LAMC interpretations they chose to appeal to City Planning and itemize the grounds for the appeal on the Appeal Form. The Request for Modification Form and 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.

3. REVIEW OF APPEAL FORMS AND FEE FOR WRITTEN REPORT

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 complete the LADBS Special Fees Form and determine the processing fees pursuant to LAMC Section 98.0415 (f) and refer the customer to cashier with (3) copies. The processing fee for a written report is \$208.00 for two (2) hours of staff time. For complex requests requiring more than two (2) hours for the report, an additional fee may be imposed.

4. ROUTE ORIGINAL APPEAL PACKAGE

After the report 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 shall assist the assigned staff member to prepare a report and presentation setting forth the justifications and findings for LADBS’s determination, specifically addressing the appellant’s issues. The report shall be completed within 60 days from the date of the appeal’s submittal. For complex requests, additional time may be required to complete the report.

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 appeal to planning must be accompanied by LADBS's written determination. The Department of City Planning will provide an appeal form along with the applicable fee schedule to the appellant to file an appeal.