

## APPLICATIONS

# BUILDING AND SAFETY / HOUSING APPEAL APPLICATION

### Instructions and Checklist



## PURPOSE

This application is for appeals related to Zoning Code determinations by the Los Angeles Department of Building and Safety (LADBS) or the Los Angeles Housing Department (LAHD).

An appeal to the Director of Planning may only be made after LADBS or LAHD have rendered a decision in writing and provided written justification and findings on an appeal to those agencies. The Director of Planning is the initial decision maker in these appeals; and the Director's decision is further appealable to the Area Planning Commission or the City Planning Commission. The Director of Planning, pursuant to [LAMC Section 13A.1.6.D.4. \(Specific Authority\) of Chapter 1A](#), has delegated authority to act on their behalf to the Zoning Administrator.

**Appeals related to the Linkage Fee have additional filing requirements; see the section "Linkage Fee Appeals – Additional Requirements" below.**

## RELATED CODE SECTION

[Los Angeles Municipal Code \(LAMC\) Section 13B.10.2. \(Appeals from LADBS Determinations\) of Chapter 1A](#) authorizes the Department of City Planning to investigate and make a decision upon appeals from determinations by LADBS made pursuant to [LAMC Section 98.0403.2\(a\) \(Procedures for Appeals to the Department and to the Board\) of Chapter 9 \(Building Regulations\)](#) in relation to the Zoning Code where an error of an abuse of discretion is alleged.

[LAMC Section 161.1003 \(Appeal of Zoning Order\) of Chapter 16 \(Housing Regulations\)](#) authorizes appeals of LAHD determinations related to its application or enforcement of the Zoning Code.

Procedures for appeals of initial determinations by LADBS and LAHD are governed by [LAMC Section 13B.10.2. of Chapter 1A](#). Procedures for an appeal of the Director's Decision by the Department of City Planning are pursuant to [LAMC Section 13B.10.2.G. of Chapter 1A](#).

## APPEAL REQUEST

If there is a prior decision, is the decision being appealed in its entirety or in part?

☐ Entire ☐ Part

**Type of Appeal Requested (check one):**

- ☐ **Initial appeal** to City Planning of a determination by LADBS related to (check all that apply):
- ☐ Enforcement/administration of Zoning Code
  - ☐ Linkage Fee amount or calculation

- ☐ Constitutionality of Linkage Fee pursuant to [LAMC Section 19.18.B.3 of Chapter 1](#), or [LAMC Section 15.4.3.B.2. of Chapter 1A](#), as applicable depending on the Chapter of the LAMC that a project's zoning is established
- ☐ **Initial appeal** to City Planning of a determination by LAHD
- ☐ **Further appeal** of a City Planning decision on an **initial appeal** of an LAHD/LADBS determination

**Party filing this form (check one)**

- ☐ Same party that filed initial appeal of LAHD/LADBS determination
- ☐ Other aggrieved party

**Director finding on Citywide impact (check one)**

- ☐ Director of Planning found the matter **does** have a citywide impact (Appeal will be heard by City Planning Commission)
- ☐ Director of Planning found the matter **does not** have a citywide impact (Appeal will be heard by relevant Area Planning Commission)

## NOTICING REQUIREMENTS AND FILING FEES

### Original Applicant

For the purposes of noticing and filing fees, the party filing an **initial appeal** of an LADBS/LAHD determination to City Planning is considered the Original Applicant and **must provide noticing and pay mailing and application filing fees.**

#### *Noticing Requirements*

- *Copy of Mailing Labels.* Original Applicants must provide noticing per the LAMC for all Applicant appeals. Appellants of an LADBS/LAHD determinations are considered Original Applicants for a City Planning determination and **must provide mailing labels.**

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

#### *Filing Fees*

##### Initial Appeals to City Planning

For **initial appeals** of determinations by LADBS and LAHD, the fee shall be in accordance with [LAMC Section 19.01 B.2 of Chapter 1](#) or [LAMC Section 15.4.3.B.1. of Chapter 1A](#), as applicable depending on the Chapter of the LAMC that a project's zoning is established (i.e., the fee

specified in Table 4-A, [Section 98.0403.2 \(Procedures for Appeals to the Department and to the Board\) of Chapter 9 \(Building Regulations\)](#), plus surcharges.

#### Further Appeals of a City Planning Decision

For an Original Applicant (i.e. the party that filed the **initial appeal** of an LADBS/LAHD determination), the fee charged shall be in accordance with [LAMC Section 19.01 B.1\(a\) of Chapter 1](#) or [LAMC Section 15.1.1.F.1.a. \(Appeal by Applicant\) of Chapter 1A](#), as applicable; 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.

### Other Aggrieved Party

An aggrieved party other than the Original Applicant is considered an appellant when filing for a **further appeal** of a City Planning decision on an initial appeal of an LAHD/LADBS determination.

#### *Noticing Requirements*

The City will provide the necessary notification when the appellant is an aggrieved person other than the applicant.

#### *Filing Fees*

##### Initial Appeals to City Planning

Not applicable.

##### Further Appeals of a City Planning Decision

The fee charged shall be in accordance with [LAMC Section 19.01 B.1\(b\) of Chapter 1](#) or [LAMC Section 15.1.1.F. \(Appeal Fees\) of Chapter 1A](#).

## CASE INFORMATION

Case Number (LADBS or LAHD reference number for initial appeals, or a City Planning case number for second level appeals):

APN: \_\_\_\_\_

Project Address: \_\_\_\_\_

Final Date to Appeal: \_\_\_\_\_

## APPEAL APPLICANT CONTACT INFORMATION

Appellant Name: \_\_\_\_\_

Relationship to Project (e.g. Property Owner, Project Proponent/Applicant, Operator, Tenant):

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

☐ Self ☐ Other: \_\_\_\_\_

Company/Organization: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone: \_\_\_\_\_ E-mail: \_\_\_\_\_

## REPRESENTATIVE / AGENT INFORMATION

Representative/Agent Name: \_\_\_\_\_

Company/Organization: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone: \_\_\_\_\_ E-mail: \_\_\_\_\_

## 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. The last day to act as defined in the LAMC may only be extended if formally agreed upon by the applicant.*

## APPEAL APPLICANT AFFIDAVIT

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

Appeal Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### THIS SECTION FOR CITY PLANNING STAFF USE ONLY

Base Fee: \_\_\_\_\_

Reviewed & Accepted by (DSC Planner): \_\_\_\_\_

Receipt No.: \_\_\_\_\_ Date: \_\_\_\_\_

☐ Determination authority notified

☐ Receipt Number)

## FILING REQUIREMENTS

When dropping off an appeal at a Development Services Center (DSC), the following items are required. See also additional instructions for specific case types.

### 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. On a separate sheet provide the following:
  - Reason(s) for the appeal
  - Specific points at issue
  - How you are aggrieved by the decision
- ☐ Copy of initial determination by LADBS/LAHD

#### 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. Proof of Payment of Appeal Fee

#### 4. Proof of Noticing Requirements

### LINKAGE FEE APPEALS – ADDITIONAL REQUIREMENTS

In addition to the requirements above, appeals from Linkage Fee requirements are required to provide an attachment/s with the following:

#### All Linkage Fee Appeals

- ☐ The following information used to calculate the Linkage Fee based on the schedule, pursuant to [LAMC Section 19.18 C.3 of Chapter 1](#) or [LAMC Section 15.4.3.C.3. of Chapter 1A](#), as applicable, that was in place at the time of building permit issuance<sup>1</sup>:

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<sup>1</sup> Current Linkage Fee schedule available here: <https://housing2.lacity.org/policy-data/affordable-housing-linkage-fee-background>

- ☐ The type of use - Nonresidential, Residential (6 or more units), Residential (2-5 units), Residential (single-family), and/or Development Project resulting in a net loss of housing units
- ☐ The market area (Low, Medium, Medium-High, or High) for the use (which may differ for Nonresidential and Residential uses)
- ☐ The amount of square footage for the use
- ☐ The fee per square foot
- ☐ What Linkage Fee was assessed
- ☐ What Linkage Fee was paid
- ☐ Receipt for Linkage Fee payment (if applicable)
- ☐ Narrative Project Description (including a timeline of permits with permit numbers and fees paid, where applicable)
- ☐ Site plan showing the location of all structures proposed and those to remain, as well as those demolished or to be demolished. The site plan approved as part of the building permit application can be used.

### Calculation/Fee Amount Appeals

- ☐ For matters related to Linkage Fee calculation or fee amounts, provide a copy of the initial determination from LADBS

### Constitutionality Appeals

- ☐ For protests including Adjustments or Waivers pursuant to [LAMC Section 19.18 B.3 of Chapter 1](#) or [LAMC Section 15.4.3.B.2. \(Affordable Housing Linkage Fee\) of Chapter 1A](#) ("Constitutionality"), as applicable, provide a referral form or other documentation from LADBS to substantiate/validate the information provided by the applicant to the satisfaction of the Department of City Planning.
- ☐ In addition to the Appeal Justification, provide a Protest Statement pursuant to [LAMC Section 19.18 B.3\(b\) of Chapter 1](#) or [LAMC Section 15.4.3.B.2.b. \(Protests, Adjustments, and Waivers\) of Chapter 1A](#), as applicable, that includes the following:
  - ☐ A statement that the required payment is tendered, or will be tendered when due, under protest; and,
  - ☐ A statement informing the Director of the factual elements of the dispute and the legal theory forming the basis for the protest or request for adjustment or waiver, along with the substantial evidence that supports the protest or request, including any supporting documentation