

## 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):

DIR-2024-7352-BSA

APN: 7439-003-036

Project Address: 23416 S. President Ave., Los Angeles, CA 90710

Final Date to Appeal: April 24, 2025

## APPEAL APPLICANT CONTACT INFORMATION

Appellant Name: Concerned Residents of Green Meadows West - Harbor City

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

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

☒ Self

☐ Other:

Company/Organization:

Mailing Address: 16255 Ventura Blvd. Ste. 950

City: Encino State: CA Zip Code: 91436

Telephone: 818-907-8755 E-mail: kkropp@lunaglushon.com

## REPRESENTATIVE / AGENT INFORMATION

Representative/Agent Name: Kristina Kropp

Company/Organization: Luna & Glushon

Mailing Address: 16255 Ventura Blvd. Ste. 950

City: Encino State: CA Zip Code: 91436

Telephone: 818-907-8755 E-mail: kkropp@lunaglushon.com

## 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: \_\_\_\_\_

4/22/2025

### 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

## Justification to Appeal

### DIR-2024-7352-BSA

**Los Angeles Department of Building and Safety Permit App. Nos. 23020-10000-02232; 24026-10000-00086**

Appellant: Concerned Residents of Green Meadows West – Harbor City, residents who reside in the immediate vicinity and neighborhood of the proposed Recreation Vehicle (RV) park at 23416 S. President Ave., Los Angeles California 90710 (the “Project”), and therefore most impacted by it.

The Los Angeles Director of Planning (“Director”) erred and abused its discretion in finding that the Los Angeles Department of Building and Safety did not err based upon the following:

1. The proposed use of land requires a discretionary Conditional Use Permit under State Law and the Los Angeles Municipal Code.

- a. Special Occupancy Parks Act

The state of California Special Occupancy Parks Act is enacted in California *Health & Safety Code* §§18860-18875. By definition, it applies to recreational vehicle parks. *Health & Safety Code* §18862.43 (“[s]pecial occupancy park” means a recreational vehicle park, temporary recreational vehicle park, incidental camping area, or tent camp).

The Special Occupancy Parks Act was enacted based upon the express finding of the state Legislature “for consistent and uniform statewide regulations for special occupancy parks to assure their health, safety, and general welfare, and a decent living environment.” *Health & Safety Code* §18863. It applies to all parts of the state and supersedes any ordinance enacted by any city, county, or city and county, whether general law or chartered. *Health & Safety Code* §18865(a).

*Health & Safety Code* §18865.1 specifically requires conditional use permit for a special occupancy park, including a public hearing by the governing body:

“Any person may file an application **with the governing body of any city, city and county, or county** for a conditional use permit for a special occupancy park. The governing body, or the planning commission if designated by the governing body, shall hold a public hearing on any such application. Notice of the time and place of the hearing, including a general explanation of the matter to be considered and including a general description of the area affected, shall be given at least two weeks before the hearing and shall be published at least once in a newspaper of general circulation, published and circulated in the city, city and county, or county, as the case may be. When any hearing is held on an application for a conditional use permit for a special occupancy park, a staff report with recommendations and the basis for such recommendations shall be



included in the record of the hearing. The decision of the governing body shall be final and the reasons for the decision shall be included in the record.”

LADBS’s issuance of a building permit without a conditional use permit and public hearing by the governing body, as required by the Special Occupancy Parks Act, which supersedes any ordinance enacted by the City, constitutes error and abuse.

The Director’s determination that the *Health & Safety Code* regulations regulating special occupancy park are only applicable if the city has assumed enforcement responsibilities is incorrect. The City may assume enforcement responsibilities, *for purposes of enforcement*, but that has nothing to do with the requirement to file an application **with the governing body of any city, city and county, or county** for a conditional use permit for a special occupancy park. *Health & Safety Code* §18865.1.

b. Los Angeles Municipal Code §12.03

Los Angeles Municipal Code (“LAMC”) §12.03 defines a recreational vehicle park as “[a]ny lot or portion of a lot permitted by conditional use to provide rental or lease sites for individual recreational vehicles which are occupied for temporary purposes.”

In this case, the applicant has failed to obtain a conditional use permit, therefore the recreational vehicle park is not authorized.

LADBS’s issuance of a building permit without a conditional use permit, as required by the LAMC, constitutes error and abuse.

The Director’s determination that the LAMC was updated with respect to the enumerated conditional uses in LAMC §12.24 misses the mark. LAMC §12.03 continues to define a recreational vehicle park as “[a]ny lot or portion of a lot permitted by conditional use.” Had the City Council wanted to, it could have updated this Code requirement, but it has not. The issuance of a building permit without a conditional use permit, as required by the LAMC, constitutes error and abuse.

c. Los Angeles Municipal Code §14.00.A.7

Los Angeles Municipal Code §14.00.A provides that uses which do not meet the performance standards set forth therein require a conditional use permit. In this case, the performance standards set forth in LAMC §14.00 have not been met:

The applicant has failed to obtain a conditional use permit, therefore the recreational vehicle park is not authorized. LADBS’s issuance of a building permit without a conditional use permit, as required by the Los Angeles Municipal Code, constitutes error and abuse. The Director’s determination that the performance standards are met is incorrect:

Performance Standard #3: There is a solid decorative masonry or wrought iron wall/fence at least eight feet in height, or the maximum height permitted by the zone, whichever is less.

Evidence will be presented that the project does not provide the required wall/fence.

Performance Standard #4: The front yard setback is at least as deep as the setback required by the zone.

Evidence will be presented that the project does not provide the required front yard setback.

Performance Standard #5: The property is improved with a ten-foot landscaped buffer along the periphery of the property, which is maintained and is equipped with an automatic irrigation system.

Evidence will be presented that the project does not provide the required landscaped buffer.

Performance Standard #6: Parking areas are landscaped pursuant to the requirements of Section 12.21 A.6.

Evidence will be presented that the project does not provide the required landscaping.

Performance Standard #8: All graffiti on the site is removed or painted over in the same color as the surface to which it is applied within 24 hours of its occurrence.

Evidence will be presented that the project does not comply with the requirement to remove or paint over graffiti within 24 hours of its occurrence.

Performance Standard #9: The use meets the parking requirements of Section 12.21.A.

LADBS and the Director of Planning have determined that this Performance Standard need not be adhered to because Section 12.21.A “does not provide specific guidance on parking requirements for recreational vehicle parks.” LADBS and the Director of Planning rely on an LADBS bulletin for the proposition that RV parks are “exempt” from parking requirements under Title 25.

First, this is factually incorrect. The LADBS bulletin relied upon by LADBS and Planning references Mobile Home Parks, not RV parks – the two are not synonymous. Mobile homes are regulated by the Mobilehome Residency Law (“MRL”) (Cal. Civ. Code §798 *et. seq.*). A “Mobilehome” is a structure designed for human habitation and for being moved on a street or highway under permit pursuant to Section 35790 of the *Vehicle Code*. Mobilehome includes a (1) manufactured home, as defined in Section 18007 of the *Health and Safety Code*, and a (2) mobilehome, as defined in Section 18008 of the *Health and Safety Code*. It does not include a recreational vehicle, trailer, or commercial



coach. RV's are governed by California's Recreational Vehicle Occupancy Law (RVPOL), (Cal. Civ. Code § 799.20 *et. seq.*).

Furthermore, this logic is circular. The applicant cannot "meet the parking requirements of Section 12.21.A" without meeting the parking requirements of Section 12.21.A. The lack of explicit parking ratios for RV parks does not relieve the project of its obligation to comply with the intent and framework of LAMC §12.21 A. What is otherwise the purpose of Performance Standard 9? Performance Standard 9 was imposed specifically on RV parks. The City cannot read a Code section in a manner that eliminates a stated requirement.

The concept of "exemption" is also not factually, or legally, correct. Whether or not Title 25 has parking regulations does not supersede the City's Code requirement that the use meet the parking requirements of Section 12.21.A. *Hoffman v. Smithwoods RV Park, LLC*, (2009) 179 Cal. App. 4th 390. There is no legal justification for failing to enforce Performance Standard 9. Failure to comply with a performance standard triggers a CUP.

Finally, evidence will be presented that the ADA required parking spaces have been replaced with utility equipment.

## 2. The use of land is not a public benefit

Los Angeles Municipal Code §14.00 authorizes certain public benefit uses. However, the proposed use is admittedly a "for profit" use and not a public benefit use. Therefore, it is not authorized under Los Angeles Municipal Code §14.00.

LADBS's issuance of a building permit for a use for profit under Los Angeles Municipal Code §14.00 constitutes error and abuse.

The Director's determination provides no adequate rationale. Again, the City cannot read a Code section in a manner that eliminates a stated requirement – in this case, a public benefit requirement.