

**COOPERATIVE AGREEMENT TO ENFORCE
CONDITIONS RELATED TO GRANTED DISCRETIONARY APPROVALS**

Between



DEPARTMENT OF BUILDING AND SAFETY (LADBS)

And



DEPARTMENT OF CITY PLANNING (DCP)

THIS COOPERATIVE AGREEMENT is made and entered into by and between the City of Los Angeles Department of City Planning (hereinafter referred to as the Department of City Planning) and the City of Los Angeles Department of Building and Safety (hereinafter referred to as Department of Building and Safety).

I. PURPOSE

The purpose of this agreement is to ensure the efficient, effective, and responsive monitoring, inspection, and enforcement of conditions related to granted discretionary approvals by the Department of City Planning and the Department of Building and Safety, protecting the health and safety of the City's residents and businesses, assuring compliance with Zoning and Land Use Regulations, and combining the unique strengths of both departments.

II. AUTHORITY TO ENTER INTO THE AGREEMENT

Section 506 of the Los Angeles City Charter grants the head of each department the power to supervise, control, regulate and manage a department. Executive Directive Number 3 requires all Memoranda of Understanding between departments, which may affect operations, revenues, or expenditures of either department, to be approved by the Office of the Mayor.

III. GENERAL PROVISIONS

1. TERM OF THE AGREEMENT. This Cooperative Agreement shall commence, upon execution of the agreement, on the date when the terms and conditions for its effectiveness, as set forth in this agreement, are fully met. The provisions of this Cooperative Agreement shall remain in effect until a successor Cooperative Agreement is implemented, as long as the parties have met and are continuing to meet and confer in good faith.

2. TERMINATION. The Department of Building and Safety and the Department of City Planning retain the right to terminate their participation under this Cooperative Agreement by providing 30 days written notice to the other department.

3. **LEGAL AUTHORITY.** The Department of Building and Safety and the Department of City Planning certify that the person executing this Cooperative Agreement on their behalf has the legal authority to enter into this Cooperative Agreement.

4. **MODIFICATIONS.** Any modification to this Cooperative Agreement shall be made by mutual consent of the Department of Building and Safety and the Department of City Planning by the issuance of a modified Cooperative Agreement, signed and dated by the Department of Building and Safety and the Department of City Planning prior to the changes becoming effective.

5. **COSTS OF PROVIDING SERVICES.** To facilitate the monitoring and verification functions of the Department of City Planning, the Department of Building and Safety shall provide inspection and enforcement of conditions related to granted discretionary approvals – as specified within this Cooperative Agreement – at no expense to the Department of City Planning. All expenses and revenues for the services shall be borne by and shall accrue to the Department of Building and Safety.

To facilitate the inspection and enforcement functions of the Department of Building and Safety, the Department of City Planning shall provide monitoring and verification services for conditions related to granted discretionary approvals – as specified within this Cooperative Agreement – at no expense to the Department of Building and Safety. All expenses and revenues for the monitoring and verification services shall be borne by and shall accrue to the Department of City Planning.

6. **ALTERNATE DISPUTE RESOLUTION.** In the event of any issues of controversy under this Cooperative Agreement, the Department of Building and Safety and the Department of City Planning may pursue Alternative Dispute Resolution procedures to voluntarily resolve those issues. These procedures include, but are not limited to, conciliation, facilitation, mediation and fact finding.

7. **SCOPE OF SERVICES – DEPARTMENT OF CITY PLANNING.**

(a) The Department of City Planning shall develop standard conditions related to discretionary approvals. The Department of City Planning shall consult with the Department of Building and Safety regarding the standard conditions, before their adoption. Based upon feedback from the Department of Building and Safety, and the mutual agreement between the Department of City Planning and the Department of Building and Safety, the standard conditions shall be modified, as appropriate, before their adoption by the Department of City Planning.

(b) The Department of City Planning shall use the standard conditions related to discretionary approvals. The standard conditions related to discretionary approvals shall not preclude the decision maker from exercising their authority as provided by the Los Angeles Municipal Code and Charter.

(c) The Department of City Planning shall document and input the conditions imposed on granted discretionary approvals, including the date of expiration, in the information systems utilized by the Department of City Planning for such purposes.

- (d) The Department of City Planning shall develop criteria under which the Department of City Planning will conduct on-site verifications to confirm compliance with conditions related to granted discretionary approvals.
- (e) The Department of City Planning shall conduct an on-site verification to confirm compliance with conditions related to granted discretionary approvals based upon criteria developed by the Department of City Planning pursuant to Section 7 (d) of this Cooperative Agreement.
 - (i) If a building permit, requiring a Certificate of Occupancy, is required, in addition to the discretionary approval, the on-site verification(s) by the Department of City Planning shall be conducted prior to the final Certificate of Occupancy inspection(s) by the Department of Building and Safety. If the Department of City Planning is unable to conduct an on-site verification(s) in a timely basis, the Department of Building and Safety shall conduct such on-site verification(s) on behalf of the Department of City Planning to confirm compliance with conditions of discretionary approvals pursuant to Section 7 (a) of this Cooperative Agreement.
 - (ii) If a building permit is not required, the verification of compliance with conditions related to granted discretionary approvals by the Department of City Planning shall be conducted prior to the beginning of operations. If the Department of City Planning is unable perform the verification(s) regarding compliance with granted discretionary approvals in a timely basis, the Department of Building and Safety shall conduct such verification at the request of the Department of City Planning. Said requests by the Department of City Planning shall be made via information systems utilized by the Department of Building and Safety.
- (f) The Department of City Planning shall document the results of its verifications to confirm compliance with conditions related to granted discretionary approvals in information systems utilized by the Department of City Planning for such purposes.
- (g) The Department of City Planning shall respond in writing to inquiries from the Department of Building and Safety for interpretations of conditions related to granted discretionary approvals. The Department of City Planning shall respond by e-mail or fax.

8. SCOPE OF SERVICES – DEPARTMENT OF BUILDING AND SAFETY.

- (a) The Department of Building and Safety shall conduct on-site inspections to verify and enforce, as appropriate, compliance with conditions related to granted discretionary approvals. The Department of Building and Safety shall document the results and the status of compliance, based upon their on-site Certificate of Occupancy inspection(s), in information systems utilized by the Department of Building and Safety for such purposes.
- (b) If on-site inspections conducted by the Department of Building and Safety find that the establishment is not in compliance with conditions related to granted

discretionary approvals, the Department of Building and Safety shall notify the property owner in an Order to Comply and advise that the Department of Building and Safety will re-inspect the premises. A copy of the Order to Comply and any additional communication shall be included and maintained in a case file maintained by the Department of Building and Safety, in information systems utilized by the Department of Building and Safety for such purposes, and made part of the public record.

- (c) The Department of Building and Safety may conduct additional on-site inspections to investigate complaints related to granted discretionary approvals. The Department of Building and Safety shall document the status and results of such inspections related to the complaint investigation in information systems utilized by the Department of Building and Safety.
- (d) If the property owner of the establishments granted a discretionary approval by the Department of City Planning fails to come into compliance with the conditions for the granted discretionary approval within the time frame specified within the Order to Comply, the Department of Building and Safety shall utilize the policies and procedures of the Department of Building and Safety to achieve compliance.

9. INFORMATION SYSTEMS

The Department of City Planning and the Department of Building and Safety shall work cooperatively to appropriately integrate each Department's information systems used for the purposes of code enforcement, building inspection, and actions related to discretionary approvals. This integration shall enable information to be entered into one system by each Department with the data and information flowing to these other information systems, as appropriate, avoiding the necessity of duplicate data entry. This integration shall be accomplished while maintaining the security and access restrictions and requirements of each Department.

10. AGREEMENT IMPLEMENTATION AND REPORTING

- (a) The Department of City Planning and the Department of Building and Safety shall work cooperatively to document, in writing, their specific roles, responsibilities, and the service levels to be provided in the implementation of this Cooperative Agreement in separate letters.
- (b) The Department of City Planning and the Department of Building and Safety shall meet monthly after the execution of this Cooperative Agreement to discuss the effectiveness of the monitoring, verification, inspection and enforcement of conditions for granted discretionary approvals, and any modifications required. After the first year, these meetings shall be scheduled by mutual agreement of the Department of City Planning and the Department of Building and Safety.
- (c) The Department of Building and Safety and the Department of City Planning shall provide monthly reports regarding the inspections and verifications conducted to verify compliance with conditions for granted discretionary approvals during the previous month. The Departments shall provide the report within five business days following the end of each preceding month.

11. PRINCIPAL CONTACTS

LOS ANGELES DEPARTMENT OF CITY PLANNING
Chief Zoning Administrator

LOS ANGELES DEPARTMENT OF BUILDING AND SAFETY
Deputy Superintendent of Building, Code Enforcement Bureau

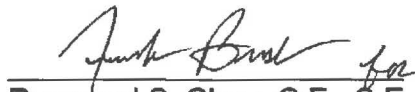
APPROVAL:

IN WITNESS WHEREOF, the PARTIES hereto have caused this Agreement to be executed by their respective duly authorized representatives.



Michael LoGrande
Director of Planning
Los Angeles Department of City Planning

12/3/14
DATE



Raymond S. Chan, C.E., S.E.
General Manager
Los Angeles Department of Building and Safety

12/03/14
DATE

**MEMORANDUM OF AGREEMENT TO ENFORCE
DISCRETIONARY APPROVALS OF GRANTED CONDITIONAL USE
BEVERAGE (CUB) AND CONDITIONAL USE ENTERTAINMENT (CUX)**

Between



DEPARTMENT OF BUILDING AND SAFETY (LADBS)

And



DEPARTMENT OF CITY PLANNING (DCP)

The Department of City Planning and the Department of Building and Safety have developed a cooperative agreement regarding the enforcement of conditions related to discretionary approvals of granted Conditional Use Beverage (CUB) permits and Conditional Use Entertainment (CUX) permits. This cooperative agreement will be a first in a series of such agreements to enhance the enforcement of conditions related to granted discretionary approvals, and are designed to build on the strengths of the Department of City Planning and the Department of Building and Safety.

The processes and methods that the Department of City Planning and the Department of Building and Safety will utilize to enforce the conditions for granted Conditional Use Beverage (CUB) permits and Conditional Use Entertainment (CUX) permits are presented below.

1. This memorandum specifies the roles and responsibilities of the Department of City Planning and the Department of Building and Safety in the enforcement of conditions related to discretionary approvals of granted Conditional Use Beverage (CUB) permits and Conditional Use Entertainment (CUX) permits issued by the Department of City Planning
2. The Department of City Planning, Condition Compliance Unit shall exercise the roles and responsibilities noted below in the fulfillment of its roles and responsibilities associated with this Cooperative Agreement.
 - (a) Develop standard conditions related to discretionary approvals of Conditional Use Beverage (CUB) permits and Conditional Use Entertainment (CUX) permits within forty business days of the execution of this letter. The Department of City Planning shall consult with the Department of Building and Safety regarding the standard conditions, before their adoption. Based upon feedback from the Department of Building and Safety, and the mutual agreement between the Department of City Planning and the Department of Building and Safety, the standard conditions shall be modified, as appropriate, before their adoption by the Department of City Planning.
 - (b) Use the standard conditions related to discretionary approvals of Conditional Use Beverage (CUB) permits and Conditional Use Entertainment (CUX) permits, as appropriate.

- (c) Document and input the conditions imposed on discretionary approvals of granted Conditional Use Beverage (CUB) permits and Conditional Use Entertainment (CUX) permits in the Planning Case Tracking System within ten business days of the approval of the permit.
- (d) Develop criteria under which the Department of City Planning will conduct on-site verifications to confirm compliance with discretionary approvals of granted Conditional Use Beverage (CUB) permits and Conditional Use Entertainment (CUX) permits within forty business days of the execution of this letter.
- (e) Conduct an on-site verification to confirm compliance with conditions related to discretionary approvals of granted Conditional Use Beverage (CUB) permits and Conditional Use Entertainment (CUX) permits:
 - (i) If a building permit, requiring a Certificate of Occupancy, is required, in addition to the discretionary approval, the on-site verification(s) by the Department of City Planning shall be conducted prior to the final Certificate of Occupancy inspection(s) by the Department of Building and Safety. If the Department of City Planning is unable to conduct an on-site verification(s) within one business day of the request by the permit applicant, operator or property owner, the Department of Building and Safety shall conduct such on-site verification(s) on behalf of the Department of City Planning to confirm compliance with the standard conditions for discretionary approvals of granted Conditional Use Beverage (CUB) permits and Conditional Use Entertainment (CUX) permits.
 - (ii) If a building permit is not required, the verification of compliance with conditions for discretionary approvals of granted Conditional Use Beverage (CUB) permits and Conditional Use Entertainment (CUX) permits issued by the Department of City Planning shall be conducted prior to the beginning of operations. If the Department of City Planning is unable to perform the verification(s) within one business day of the request by the permit applicant, operator or property owner, the Department of Building and Safety shall conduct such verification at the request by the Department of City Planning. Said requests by the Department of City Planning shall be made via information systems utilized by the Department of Building and Safety.
- (f) Document the results of its verifications to confirm compliance with conditions related to discretionary approvals of granted Conditional Use Beverage (CUB) permits and Conditional Use Entertainment (CUX) permits in the Planning Case Tracking System within one business day after the completion of the verification.
- (g) Respond in writing to written inquiries from the Department of Building and Safety for interpretations of the language for conditions related to discretionary approvals of granted Conditional Use Beverage (CUB) permits and Conditional Use Entertainment (CUX) permits, within five business days of receipt of such requests by e-mail or fax.
- (h) Furnish, every two weeks, a listing to the Department of Building and Safety, by e-mail or fax, of discretionary approvals of granted Conditional Use Beverage (CUB) permits and Conditional Use Entertainment (CUX) establishments that require an on-site field inspection so that the Department of Building and Safety can verify compliance with

conditions.

3. The Department of Building and Safety, Code Enforcement Bureau shall exercise the roles and responsibilities noted below in the fulfillment of its roles and responsibilities associated with this Cooperative Agreement.

- (a) The Department of Building and Safety shall conduct on-site inspections to verify and enforce, as appropriate, compliance with conditions for discretionary actions related to granted Conditional Use Beverage (CUB) permits and Conditional Use Entertainment (CUX) permits. The Department of Building and Safety shall document the results and the status of compliance, based upon their on-site Certificate of Occupancy inspection(s), in information systems utilized by the Department of Building and Safety.
- (b) The Department of Building and Safety shall conduct an initial on-site inspection to verify compliance with conditions for discretionary approvals related to granted Conditional Use Beverage (CUB) permits and Conditional Use Entertainment (CUX) permits within six months after the beginning of operation or the issuance of a Certificate of Occupancy. The initial on-site inspections shall be based upon a listing provided by the Department of City Planning to the Department of Building and Safety. The initial inspections conducted by the Department of Building and Safety shall be completed within ten business days of receipt of the list from the Department of City Planning.
- (c) The Department of Building and Safety shall conduct a second on-site inspection to verify compliance with conditions for discretionary approvals related to granted Conditional Use Beverage (CUB) permits and Conditional Use Entertainment (CUX) permits six months prior to the expiration of the conditional use grant. The on-site inspections, conducted six months prior to the expiration of the granted permit, shall be based upon a listing provided by the Department of City Planning to the Department of Building and Safety. The second inspections conducted by the Department of Building and Safety shall be completed within ten business days of receipt of the list from the Department of City Planning.
- (d) The Department of Building and Safety shall conduct additional on-site inspections to investigate complaints related to discretionary approvals related to granted Conditional Use Beverage (CUB) permits and Conditional Use Entertainment (CUX) permits when requested by the Department of City Planning. The Department of City Planning shall make such requests for investigation on-line, using such information systems designated by the Department of Building and Safety. The Department of City Planning shall cite the specific condition that is alleged as being violated in making such requests. The Department of Building and Safety shall perform the complaint investigation within five business days after receipt of the request from the Department of City Planning. The Department of Building and Safety shall document the status related to the complaint investigation, in information systems utilized by the Department of Building and Safety for such purposes, within five business days of completing the complaint inspection.
- (e) If the on-site inspections conducted by the Department of Building and Safety of conditions for discretionary approvals related to granted Conditional Use Beverage (CUB) permits and Conditional Use Entertainment (CUX) permits find that the

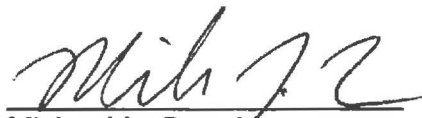
operation of an establishment are not in compliance with the conditions, the Department of Building and Safety shall notify the property owner of the establishment in an Order to Comply and advise that the Department of Building and Safety will re-inspect the premises within twenty business days after the compliance date stipulated in the Order to Comply. A copy of the Order to Comply and any additional communication shall be included and maintained in a case file maintained by the Department of Building and Safety, in information systems utilized by the Department of Building and Safety for such purposes, and made part of the public record.

(f) If the property owner of the establishments granted the discretionary approval of the Conditional Use Beverage (CUB) permit or Conditional Use Entertainment (CUX) permit by the Department of City Planning fails to come into compliance with the conditions within the time frame specified within the Order to Comply, the Department of Building and Safety shall utilize its policies and procedures to achieve compliance.

3. The Department of City Planning and the Department of Building and Safety shall work cooperatively to appropriately integrate each Department's information systems used for the purposes of code enforcement and inspections related to granted Conditional Use Beverage (CUB) permits and granted Conditional Use Entertainment (CUX) permits. This integration shall enable information to be entered into one system by each Department with the data and information flowing to these other information systems, as appropriate, avoiding the necessity of duplicate data entry. This integration shall be accomplished while maintaining the security and access restrictions and requirements of each Department.

APPROVAL:

IN WITNESS WHEREOF, the PARTIES hereto have caused this Agreement to be executed by their respective duly authorized representatives.



Michael LoGrande
Director of Planning
Los Angeles Department of City Planning

12/3/14
DATE



Raymond S. Chan, C.E., S.E.
General Manager
Los Angeles Department of Building and Safety

12/03/14
DATE