

EFFECTUATION OF CONDITIONAL USE APPROVALS

This information bulletin explains terminology and procedures often used by the Department of City Planning (“DCP”), Condition Compliance Unit (“CCU”) in verifying clearances related to a Conditional Use Permit (“CUP”) approved via the formal entitlement process. Please note that as used in this memo, the term “**USE**” refers to the type of establishment and is capitalized (e.g. restaurant, bar, hotel etc.), while “**OPERATION**” refers to the specific activity or operation allowed by the grant.

EFFECTUATION: Effectuating a conditional use grant means that the conditions of approval of the grant must be satisfied before the privileges of the grant may be utilized. Upon receiving approval of a CUP, specific procedural steps must be followed and completed by the applicant before the CUP can be considered effectuated. This “effectuation” process is also referred to as “clearing conditions” and often includes “signing-off” on a permit. There are different ways to effectuate a conditional use grant depending on the status of the USE where the entitled OPERATION will take place, as follows:

Tenant Improvement (“TI”) of an Existing Permitted USE. Typically, if a permit has been generated by the Department of Building and Safety (“DBS”), a sign-off or clearance by the DCP is captured under the specific Case in the Clearance Summary Worksheet (“CSW”). **Effectuation in this scenario occurs when the clearance for the tenant improvement is issued**, unless the permit involves legalizing construction or a change of USE in the area where the OPERATION has been entitled (see below).

Change of USE, Legalize Construction, USE or Floor Area Added. In some cases, although the OPERATION has been fully entitled via the conditional use grant, a building permit is required to address a change of USE, legalize unpermitted construction, USE or enlargements to the floor area. For example, if the conditional use allows the sale of alcohol (OPERATION) within a restaurant (USE), and City records depict the area in question as retail, a permit to change the USE from retail to restaurant must be issued by DBS and cleared/signed-off by DCP before the grant is considered effectuated. **Effectuation in this scenario occurs when the permit to change/legalize the USE, construction or floor area is signed-off by DCP and issued by DBS.**

Existing Permitted USES, No Physical Construction. If the USE is existing, AND there is no physical work and/or change of USE involved AND the description of work in any previously issued permits, do not specifically exclude or prohibit the entitled OPERATION, a permit from DBS is not necessary, therefore a CSW will not be generated. **Effectuation in this scenario occurs when DCP ascertains compliance with the conditions of the grant.** In instances where a permit was issued by DBS specifically prohibiting the entitled OPERATION, a permit will be required from DBS to delete the disallowance of the conditional use and capture the DCP clearance in the CSW. **Effectuation in this scenario occurs when the permit is signed-off by DCP and issued by DBS.**

Continued Conditional Use. If a conditional use grant previously entitled an OPERATION and a subsequent grant is approved to continue the same OPERATION, the applicant is required to record a covenant with the County Recorder’s Office within 30-days (or as conditioned) of the effective date of the grant, agreeing to the conditions of approval of the grant. **Effectuation in this scenario occurs when DCP ascertains compliance with the conditions of the grant; however the certified copy of the recorded covenant must be submitted to the CCU within 30-days of the effective day of the grant.**

****CLEARING CONDITIONS IS A REQUIREMENT OF ALL ENTITLEMENTS AND MUST OCCUR PRIOR TO UTILIZING THE PRIVILEGES OF THE GRANT**.** A clearance fee pursuant to Los Angeles Municipal Code (“LAMC”) Sec 19.01 will be collected when conditions are cleared (refer to CU-Clearance Fees for Zoning Administrator Cases, form CP-2406).