



County of Los Angeles
Chief Executive Office

COMMUNITY SERVICES CLUSTER AGENDA REVIEW MEETING

FESIA A. DAVENPORT
Chief Executive Officer

DATE: Wednesday, September 7, 2022
TIME: 3:30 p.m.

THIS MEETING WILL BE CONDUCTED VIRTUALLY TO ENSURE THE SAFETY OF MEMBERS OF THE PUBLIC AND EMPLOYEES AS PERMITTED UNDER STATE LAW.
TO PARTICIPATE IN THE MEETING CALL TELECONFERENCE NUMBER: (323) 776-6996 ID: 994 112 379#
[Click here to join the meeting](#)

AGENDA

Members of the Public may address the Community Services Cluster on any agenda item by submitting a written request prior to the meeting. Two (2) minutes are allowed per person in total for each item.

1. **CALL TO ORDER**
2. **INFORMATIONAL ITEM(S):** [Any Information Item is subject to discussion and/or presentation at the request of two or more Board offices with advance notification]:
 - A. Board Letter (Beaches and Harbors) for September 27, 2022 Board agenda:
APPROVAL OF OPTION TO ENTER INTO CONCESSION AGREEMENT WITH PCH BEACH ASSOCIATES, LLC, TO DEVELOP, MANAGE, AND OPERATE A FRANK GEHRY-DESIGNED/WOLFGANG PUCK-OPERATED RESTAURANT FACILITY AT COUNTY-OPERATED WILL ROGERS STATE BEACH
 - B. Board Letter (Treasurer and Tax Collector/Los Angeles County Development Authority) for September 27, 2022 Board agenda:
CODIFYING FEES CHARGED BY THE LOS ANGELES COUNTY TREASURER AND TAX COLLECTOR AND LOS ANGELES COUNTY DEVELOPMENT AUTHORITY FOR RECOVERY OF COSTS ASSOCIATED WITH THE SALE OF TAX-DEFAULTED PROPERTY
 - C. Board Letter (Public Works) for October 4, 2022 Board agenda:
TRANSPORTATION CORE SERVICE AREA
TRAFFIC REGULATIONS IN THE UNINCORPORATED COMMUNITY OF ALTADENA
 - D. Board Letter (Public Works) for October 18, 2022 Board agenda:
PUBLIC HEARING
ENVIRONMENTAL SERVICES CORE SERVICE AREA
CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING AND REUSE ORDINANCE UPDATE

Wednesday, September 7, 2022

3. PRESENTATION/DISCUSSION ITEM(S):

- A.** Board Briefing (Parks and Recreation):
REGIONAL PARK AND OPEN SPACE DISTRICT AND
MEASURE A HIGHLIGHTS
Speaker: Norma Edith García-González

- B.** Board Briefing (Beaches and Harbors):
Total Maximum Daily Load (TMDL)
Speaker: Gary Jones

4. PUBLIC COMMENTS (2 minutes each speaker)

5. ADJOURNMENT

BOARD LETTER/MEMO CLUSTER FACT SHEET

 Board Letter

 Board Memo

 Other

CLUSTER AGENDA REVIEW DATE	9/7/2022	
BOARD MEETING DATE	9/27/2022	
SUPERVISORIAL DISTRICT AFFECTED	<input type="checkbox"/> All <input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd <input checked="" type="checkbox"/> 3 rd <input type="checkbox"/> 4 th <input type="checkbox"/> 5 th	
DEPARTMENT(S)	Beaches and Harbors	
SUBJECT	APPROVAL OF OPTION TO ENTER INTO CONCESSION AGREEMENT WITH PCH BEACH ASSOCIATES, LLC, TO DEVELOP, MANAGE, AND OPERATE A FRANK GEHRY-DESIGNED/WOLFGANG PUCK-OPERATED RESTAURANT FACILITY AT COUNTY-OPERATED WILL ROGERS STATE BEACH	
PROGRAM	Community Development	
AUTHORIZES DELEGATED AUTHORITY TO DEPT	<input type="checkbox"/> Yes <input type="checkbox"/> No	
SOLE SOURCE CONTRACT	<input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, please explain why:	
DEADLINES/ TIME CONSTRAINTS	Extension of Exclusive Negotiation Agreement expires on February 27, 2023	
COST & FUNDING	Total cost:	Funding source:
	TERMS (if applicable):	
	Explanation:	
PURPOSE OF REQUEST	Grant of Option for Redevelopment of the Property	
BACKGROUND (include internal/external issues that may exist including any related motions)	Concession Agreement for current concessionaire, Gladstone's, is expiring on October 31, 2022. A Frank-Gehry/Wolfgang Puck collaboration has been chosen to redevelop the site, to demolish the existing improvements and build a new restaurant with more public access and amenities. In addition, a bus turnaround will be added to the parking lot to make the site more accessible to the public.	
EQUITY INDEX OR LENS WAS UTILIZED	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, please explain how:	
SUPPORTS ONE OF THE NINE BOARD PRIORITIES	<input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, please state which one(s) and explain how:	
DEPARTMENTAL CONTACTS	Name, Title, Phone # & Email: Don Geisinger, Leasing Specialist, (424) 526-7730 or DGeisinger@bh.lacounty.gov .	

September 27, 2022

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**APPROVAL OF OPTION TO ENTER INTO CONCESSION AGREEMENT WITH PCH
BEACH ASSOCIATES, LLC, TO DEVELOP, MANAGE, AND OPERATE A FRANK
GEHRY-DESIGNED/WOLFGANG PUCK-OPERATED RESTAURANT FACILITY AT
COUNTY-OPERATED WILL ROGERS STATE BEACH
(THIRD DISTRICT) (3 VOTES)**

SUBJECT

Request for approval of an Option to enter into a Concession Agreement with PCH Beach Associates, LLC, to demolish the existing restaurant and reconstruct, manage, and operate a new Frank Gehry-designed/Wolfgang Puck-operated restaurant facility at County-operated Will Rogers State Beach. Exercise of the Option is contingent upon Concessionaire's fulfillment of the conditions set forth therein.

IT IS RECOMMENDED THAT THE BOARD:

1. Find that the proposed project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to a Class 2, Replacement or Reconstruction, categorical exemption as defined in Section 15302 of CEQA (Public Resources Code section 21000 et seq.), the State CEQA Guidelines (Title 14, Cal. Code Regs., Chapter 3, §§ 15000-15387) and the Environmental Document Reporting Procedures and Guidelines for the County.
2. Approve and authorize the Chair of the Board to: (i) execute the Option in substantially the form attached as Attachment "A" ("Option Agreement" or "Option").
3. Approve and authorize the Chair of the Board, upon confirmation by the Director of the Department of Beaches and Harbors ("Director") that the Concessionaire has fulfilled and satisfied the conditions contained in the Option, to enter into and execute three (3) copies of each of the following: (a) Concession Agreement in the form of Exhibit "A" attached to the Option Agreement; and (b) a Memorandum of Concession Agreement as referenced

in the Concession Agreement, in form approved by County Counsel to be recorded against the Property.

4. Delegate authority to the Director to negotiate and execute an extension to the current concession agreement with Sea View Restaurants, Inc. (or other short-term replacement agreement to ensure continued operation of the existing Gladstone's restaurant) for a period not to exceed three years, until Concessionaire is able to begin developing the Property as more fully described below.
5. Authorize the Director to execute and deliver such other ancillary documentation (including, without limitation, an Estoppel Certificate) as is necessary and acceptable to Director in connection with the Option Agreement and/or the Concession Agreement in order to effectuate the transactions contemplated thereby.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

On April 3, 2018, your Board delegated authority to the Director of Beaches and Harbors ("Director") to enter into an Exclusive Negotiating Agreement ("ENA") to negotiate the material terms of the Option to enter into the Concession Agreement with Concessionaire". Concessionaire was the top-ranked proposer in response to the Request for Proposals for Concession Services at County-Operated Will Rogers State Beach issued on April 23, 2017 ("RFP"), to develop, construct, manage, and operate a new Frank Gehry-designed, Wolfgang Puck-operated restaurant at Will Rogers State Beach, located at 17300 Pacific Coast Highway in the City of Los Angeles ("Property"). This project will be the first ever ground-up Frank Gehry-designed/Wolfgang Puck operated restaurant in the world. It is anticipated that the restaurant will receive extensive U.S. and international earned media coverage when open because of the collaboration between these two internationally recognized icons.

Implementation of Strategic Plan Goals

The recommended actions are consistent with the County's Strategic Plan Goal II, Foster Vibrant and Resilient Communities, by promoting public-private partnerships, supporting vibrant communities, driving economic and workforce development in the County, supporting the wellness of our community, and making environmental sustainability our daily reality. The recommended actions are also consistent with the County's Strategies II.1.3, Coordinate Workforce Development, by requiring the project to engage local workforce and promote job opportunities, and Strategy II.3.5, Support a clean, flexible, and integrated multi-modal transportation system that improves mobility, by incorporating multi-modal transportation design into the project, and Strategy II.2.2, Expand Access to Recreational and Cultural Opportunities, by providing access for all County residents to high-quality food service and beach recreation.

FISCAL IMPACT/FINANCING

The proposed Concession Agreement reflects the County's current market rate Percentage Rents Rates for all relevant categories, subject to adjustment as provided in the proposed Concession Agreement. The grant of the Option will produce an option fee of \$100,000 to DBH, which revenue will be recognized in Fiscal Year 2022-23 as one-time over-realized revenue.

The Department has obtained an analysis from its economic consultant confirming that the revenues and rents payable to the County pursuant to the Concession Agreement, are at least equivalent to fair market value.

Costs of consultants and DBH's Director, Deputy Director and County Counsel involved in the negotiation and development of the Option and Concession Agreement are being reimbursed by the Concessionaire.

The Department anticipates no significant impact to the FY2022-23 Operating Budget.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The proposed project is a new restaurant that will replace the existing restaurant, Gladstone's, located on Will Rogers State Beach, at 17300 Pacific Coast Highway in the City of Los Angeles, between the Pacific Ocean and Pacific Coast Highway. The existing facility consists of a 10,183 square-foot main restaurant building, 1,508 square-foot secondary restaurant building, a 400 square-foot accessory building, and a 7,900 square-foot patio and public viewing deck. The existing restaurant includes a total existing seating capacity of 707, appurtenant facilities, and a 212-space parking facility for both restaurant and beach parking.

Will Rogers State Beach is owned by the State of California, operated by the County, pursuant to a management agreement and located in the City of Los Angeles. The California Department of Parks and Recreation has approved the form of the proposed Concession Agreement.

Concessionaire's proposed project will involve demolition of all existing improvements at the site, replacing them with a new, approximately 12,500 square foot, 450-seat restaurant, and a new 2,700 square foot, 100-seat public viewing deck containing a 700 square-foot food and beverage service station. The proposed public viewing deck would be open to the public (i.e., for customers and non-customers of the restaurant) and would operate separately from the restaurant. In addition, Concessionaire will repave and reconfigure the existing public beach and restaurant parking lot and add a bus turnaround for Metro and Big Blue Bus Lines.

If the Option is approved, the Concessionaire must thereafter obtain all regulatory approvals and exercise the Option for the Concession Agreement within 18 months following grant of the Option; however, if the Concessionaire is delayed in satisfying the conditions to exercise the Option despite its diligent efforts, the Concessionaire may request up to five additional periods of six months each, each (other than the first six-month extension) accompanied by payment of an extension fee to County. Approval of the Option is without prejudice to the

County's full exercise of its regulatory authority in the consideration of the land use entitlements required for the possible exercise of the Option.

Existing Concession Agreement and Operation

The County's current concession agreement with Sea View Restaurants, Inc., for the operation of the Gladstone's restaurant at the site commenced on November 1, 1997. Its initial term was set to expire on October 31, 2017 but was extended for an additional five years through October 31, 2022. The proposed actions set forth herein would delegate authority to the Director to negotiate an extension of the current term (or other short-term replacement agreement) to provide continuous service and safe beach access for a period not to exceed three years (subject to the County's right to terminate the existing concession agreement upon providing ninety days (90) months prior notice) until the new Concessionaire, is able to commence developing the Property.

The proposed Exclusive Negotiating Agreement, Option Agreement and Concession Agreement are authorized by Government Code 25907. Pursuant to Public Resources Code Section 5080.33, the State approved and consented to the proposed Option and Concession Agreements on July 12, 2022.

At its meeting of September 21, 2022, the Beach Commission [endorsed/rejected] the Department's recommendation to approve the Option and the Concession Agreement for the Property in the form attached. County Counsel has approved the documents as to form. An overview of the basic terms of the Option and Concession Agreements follows.

Essential Option and Concession Agreement Terms

- I. Option
 - a. Option Period plus extensions/fees, to extend exercise of Option
 - i. Option Period: 18 months plus 5 additional 6-month extensions
 - ii. 1st 6-month Extension: No Charge
 - iii. 2nd 6-month Extension: \$50,000
 - iv. 3rd 6-month Extension: \$120,000
 - v. 4th 6-month Extension: \$140,000
 - vi. 5th 6-month Extension: \$140,000
 - b. Conditions for Concessionaire to satisfy to exercise Option
 - i. All regulatory approvals to be obtained
 - ii. Director's approval of Schematics and Preliminary Plans
 - iii. Director's approval of final Plans and Specs
 - iv. Permit-ready plans

- v. Satisfactory evidence of financing for the entire project
- vi. Provide Operating Agreement of Concessionaire showing all members of Concessionaire and their respective ownership interests
- vii. Evidence of availability of all necessary utilities and approvals from appropriate governmental agencies
- viii. Evidence of complete payment of all County costs for Option and Concession Agreement
- ix. Not less than 45 days prior to Concessionaire's delivery of notice to exercise the Option, delivery of final site plan to Director for Director's approval.
- x. Cost breakdown update consistent with Line Item Budget, as approved by Director
- xi. Evidence of Concessionaire's executed agreement with Frank Gehry (including his firm Gehry Partners, LLC) for concept and basic architectural design with Frank Gehry as the "principal designer" for the design development phase, and for right for County to advertise in all media that Project is "designed by Frank Gehry."

II. Concession Agreement

a. Scope of Work

- i. Demolition of existing Gladstone's building.
- ii. Construction of a new restaurant with approximately 450 seats, with exterior and interior dining, and 100-seat public deck/boardwalk that will include restrooms, a separate outlet offering reasonably priced food and beverages and other amenities as approved by the Director in its reasonable discretion.
- iii. Redevelopment of: 1) parking lot with bus turnaround; 2) vehicle access from parking lot to beach for maintenance or emergency use; 3) ADA-compliant ramp access to the beach (if required); 4) satisfaction of all conditions imposed by Big Blue Bus, Metro and Caltrans on and off-site.
- iv. Minimum Cost for entire Scope of Work shall not be less than \$27 million.

b. Redevelopment Work Schedule

- i. Work must commence within 90 days from Effective Date of Concession Agreement.
- ii. Required Commencement of Construction Date may be extended for two additional six-month periods with no payment for the first extension and a \$100,000 payment for the second extension.

- iii. Work must be completed within 24 months of Effective Date.
- iv. Two six-month extensions for Required Completion of Construction Date may be purchased for payments of \$100,000 each.
- v. Any claimed force majeure delay period shall not exceed one year.
- c. Total Allowable Redevelopment Costs: \$42 Million indexed for inflation from Effective Date to Construction Completion Date
 - i. Total Allowable Redevelopment Costs will be a cap for purposes of calculating both TI Allowance and Maximum Rent Deferral.
- d. Minimum Annual Rent (paid in advance in equal monthly installments)
 - i. Construction Period (Effective Date through Construction Completion Date):
 - 1. Years 1-3: \$50,000
 - 2. Year 4: \$400,000
 - 3. Year 5: \$1,000,000
 - ii. Operation Period (Commences first day following Construction Period through end of Term):
 - 1. Years 1-10: \$400,000
 - 2. Years 11-20: \$960,000
 - 3. Years 21-25: \$1,056,000
 - 4. Years 26-30: Greater of: 1) prior Annual Minimum Rent or 2) 50% of the average Annual Rent plus Percentage Rent for the prior three years.
 - 5. Year 31 and every five years thereafter: Greater of: 1) prior Annual Minimum Rent or 2) 75% of the average Annual Rent plus Percentage Rent for the prior three years.
 - iii. Interest Rent: In addition to Minimum Annual Rent and Percentage Rent, Concessionaire shall pay the following Interest Rent in advance in equal monthly installments for Years 1-10 of Operations.
 - 1. Year 1: \$0
 - 2. Year 2: \$62,924
 - 3. Year 3: \$125,722
 - 4. Year 4: \$191,406
 - 5. Year 5: \$256,986
 - 6. Year 6: \$323,474

7. Year 7: \$390,881
 8. Year 8: \$459,218
 9. Year 9: \$528,498
 10. Year 10: \$598,732
- iv. Percentage Rent:
1. 10% Restaurant
 2. 12% Bar
 3. 12% Parking Fees
 4. 12% Retail Sales
 5. 25% Service Enterprise-Coin Operating Vending Machines
 6. 12% Miscellaneous
- v. Maximum Rent Deferral shall be set at 50% of the lesser of (a) the Total Redevelopment Cost or (b) the Total Allowable Redevelopment Cost.
1. For the first 10 years of operation, a portion of percentage rent up to the Maximum Rent Deferral shall be deferred as set forth below in the Percentage Rent Allocation section.
 2. At the end of Year 10, all deferred Percentage Rent plus 5% interest shall be paid in equal monthly payments over a 15-year period.
 3. Concessionaire to provide guaranty for Rent Deferral payments.
- vi. TI Allowance shall be set at 50% of the lesser of (a) the Total Redevelopment Cost or (b) the Total Allowable Redevelopment Cost.
1. The TI Allowance shall not exceed \$21 million subject to indexed increase from Effective Date to Construction Completion Date.
- vii. Annual Percentage Rent Allocation:
1. First up to \$2 million shall be allocated 50/50 to Deferred Rent up to the Maximum Rent Deferral and the annual TI Allowance;
 2. Second, up to the remaining amount needed to meet the annual TI Allowance payment in Operating Years 1-15 (1/15th of the TI Allowance);

3. Third, to TI Allowance Catch-Up (i.e., unallocated TI Allowance Offset from prior periods until appropriate cumulative TI Allowance Offset has been allocated);
 4. Fourth, to Deferred Rent, until the Maximum Rent Deferral is achieved in Operating Years 1-10; and
 5. Any remaining Percentage Rent to be paid to the County.
- viii. Participation: Standard fee for Transfers and Financing Events subject to:
1. Conversion of construction debt to permanent debt does not qualify as a Financing Event;
 2. The first qualifying Financing Event and Transfer Event will be exempt from the Participation Fee as long as each occurs with the first 15 years of Construction.
- ix. Security Deposit shall be the following amounts:
1. Year 1 - \$100,000
 2. Year 2 - \$115,000
 3. Year 3 - \$130,000
 4. Year 4 - \$145,000
 5. Year 5 - \$160,000
 6. Year 6 - \$180,000
 7. Year 7 - \$200,000
 8. Year 8 - \$215,000
 9. Year 9 - \$230,000
 10. Years 10-20 - \$240,000
 11. Years 21-end of term – Consistent with County practices with other agreements but not to exceed an increase or 5% of prior amount of Security Deposit each 5 years.
- x. Reserve Fund to fund capital improvements to project.
- xi. FF&E Fund to fund replacements, additions or upgrades of or to furniture, fixtures and equipment used in the improvements throughout the Term.

CONTRACTING PROCESS

On April 23, 2017, the County issued a Request for Proposals for concession services at County-operated Will Rogers State Beach to develop, construct, manage, and operate a new restaurant with related facilities on the site of the existing Gladstone's restaurant. After a comprehensive evaluation, the County concluded that PCH Beach Associates, LLC was the most qualified proposer and recommended entering into exclusive negotiations with that proposer. On April 3, 2018, your Board authorized such negotiations, and the County and PCH Beach Associates executed the Exclusive Negotiating Agreement (ENA) on

September 27, 2018. Subsequently, the parties negotiated the terms of the proposed Option and Concession Agreements and are now seeking approval of those documents by your Board.

Upon Concessionaire's demonstration that it has satisfied the conditions for exercise of the Option, including the receipt of all governmental and other approvals required for the commencement of construction, DBH will present to your Board's Executive Officer the final confirmation that the conditions for exercise contained in the Option Agreement have been satisfied and will request the Chair's execution of the Concession Agreement for the Property in a form substantially similar to Exhibit A attached to the Option.

ENVIRONMENTAL DOCUMENTATION

The project qualifies for a Class 2, Replacement or Reconstruction, categorical exemption under CEQA (Public Resources Code section 21000 et seq.), the State CEQA Guidelines (Title 14, Cal. Code Regs., Chapter 3, §§ 15000-15387), and the Environmental Document Reporting Procedures and Guidelines for the County, because it involves negligible or no expansion of an existing or former use and is within a class of projects that have been determined not to have a significant effect on the environment. The Class 2 categorical exemption allows for replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity. Section 15302 of the State CEQA Guidelines provides four examples of projects that are categorically exempt under this class, including: *“(b) replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity.”*

The proposed project would replace an existing restaurant structure with a new restaurant structure within the same site and of a substantially similar size and capacity. The proposed restaurant would be constructed entirely within the same site of the existing building. The proposed project would include a restaurant building with a square footage of approximately 12,500 square feet which will replace the existing restaurant's 12,091 approximate square feet (aggregate floor area (inclusive of existing main restaurant, secondary restaurant, and accessory structure). Additionally, the new restaurant proposes a smaller capacity and fewer seats (proposed 450 seats compared to existing capacity of 707 seats). Reconfiguration of the existing adjacent parking lot would take place within the same site as the existing parking lot and provide similar levels of restaurant and public parking availability while also providing a transit benefit associated with bus layover facilities proposed within the site. All proposed improvements associated with the parking lot would be constructed within the existing property and no changes to the Pacific Coast Highway/Sunset Boulevard intersection or Pacific Coast Highway right-of-way is proposed.

Finally, the proposed project is not subject to any of the exceptions that would render the categorical exemptions inapplicable to the project. More specifically, the project: 1) does not present cumulative impacts due to an abundance of successive projects of the same type in the same place; 2) does not involve any unusual circumstances; 3) will not damage scenic highways; 4) is not located on any hazardous waste site lists pursuant to Government Code section 65962.5; and 5) will not cause a substantial adverse change in the significance of a historical resource.

Upon your Board's approval of the recommended actions, the department will file a Notice of Exemption with the County Clerk in accordance with section 21152 of the California Public Resources Code.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

There will be no impact on other current services or projects.

CONCLUSION

It is requested that the Executive Officer, Board of Supervisors send two original copies of the executed Option Agreement and an adopted Board Letter to the Department. Should you have any questions please contact Don Geisinger at (424) 526-7730 or DGeisinger@bh.lacounty.gov.

Respectfully submitted,

GARY JONES
Director

GJ:AC:SP:dlg

Enclosures

c: Chief Executive Officer
County Counsel
Executive Officer, Board of Supervisors

BOARD LETTER/MEMO CLUSTER FACT SHEET

 Board Letter

 Board Memo

 Other

CLUSTER AGENDA REVIEW DATE	9/7/2022	
BOARD MEETING DATE	9/27/2022	
SUPERVISORIAL DISTRICT AFFECTED	<input checked="" type="checkbox"/> All <input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd <input type="checkbox"/> 3 rd <input type="checkbox"/> 4 th <input type="checkbox"/> 5 th	
DEPARTMENT(S)	Treasurer and Tax Collector	
SUBJECT	CODIFYING FEES CHARGED BY THE LOS ANGELES COUNTY TREASURER AND TAX COLLECTOR AND LOS ANGELES COUNTY DEVELOPMENT AUTHORITY FOR RECOVERY OF COSTS ASSOCIATED WITH THE SALE OF TAX-DEFAULTED PROPERTY	
PROGRAM	Chapter 8 Agreement Sale Program and Tax Sale	
AUTHORIZES DELEGATED AUTHORITY TO DEPT	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
SOLE SOURCE CONTRACT	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
	If Yes, please explain why:	
DEADLINES/ TIME CONSTRAINTS	N/A	
COST & FUNDING	Total cost: \$ N/A	Funding source:
	TERMS (if applicable):	
	Explanation:	
PURPOSE OF REQUEST	Approval to adopt ordinances amending Los Angeles County Code Title 4 - Revenue and Finance to: <ul style="list-style-type: none"> • Codify the Treasurer and Tax Collector (TTC) and the Los Angeles County Development Authority (LACDA) fees to allow for the recovery of costs associated with Chapter 8 Agreement Sales of tax-defaulted properties to public agencies or qualified nonprofit organizations (Eligible Entities). • Update the TTC fees and to codify a new fee to allow for the recovery of costs associated with conducting title search, statutorily required party of interest notification, publication of notice of auction, and personal contact for tax-defaulted secured property subject to the tax collector's power to sell. 	
BACKGROUND (include internal/external issues that may exist including any related motions)	On October 31, 2017, as part of a motion related to Chapter 8 Agreement Sales, the Board directed the TTC and LACDA to determine if the current transaction and processing fees charged to Eligible Entities fully recover the Chapter 8 Agreement Sales costs. Although the COVID-19 pandemic delayed these fee studies, the TTC and LACDA have completed their respective fee studies and determined that existing fees are not recovering costs. The Auditor-Controller reviewed and approved the TTC's proposed fees in April 2021, and LACDA's Finance and Budget Division reviewed and approved the LACDA's proposed fees in November 2021.	
EQUITY INDEX OR LENS WAS UTILIZED	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, please explain how:	
SUPPORTS ONE OF THE NINE BOARD PRIORITIES	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, please state which one(s) and explain how: Board Priority #4: Homelessness – the Chapter 8 Agreement Sale Program requires public agencies or nonprofit organizations to purchase properties for public use including housing for sale or rent to serve low-income persons.	
DEPARTMENTAL CONTACTS	Name, Title, Phone # & Email: <ul style="list-style-type: none"> • Keith Knox, Treasurer and Tax Collector (213) 974-2101 kknox@ttc.lacounty.gov • Elizabeth Buenrostro Ginsberg, Chief Deputy, Treasurer and Tax Collector (213) 974-0703 eginsberg@ttc.lacounty.gov • Deondria Barajas, Assistant Treasurer and Tax Collector (213) 974-2077 dbarajas@ttc.lacounty.gov • Sergio Marquez, Operations Chief (213) 974-0070 smarquez@ttc.lacounty.gov 	



KEITH KNOX
TREASURER AND TAX COLLECTOR

COUNTY OF LOS ANGELES TREASURER AND TAX COLLECTOR

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 437, Los Angeles, California 90012
Telephone: (213) 974-2101 Fax: (213) 626-1812
ttc.lacounty.gov and propertytax.lacounty.gov

Board of Supervisors
HILDA L. SOLIS
First District
HOLLY J. MITCHELL
Second District
SHEILA KUEHL
Third District
JANICE HAHN
Fourth District
KATHRYN BARGER
Fifth District

September 27, 2022

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**CODIFYING FEES CHARGED BY THE LOS ANGELES COUNTY
TREASURER AND TAX COLLECTOR AND LOS ANGELES COUNTY
DEVELOPMENT AUTHORITY FOR RECOVERY OF COSTS
ASSOCIATED WITH THE SALE OF TAX-DEFAULTED PROPERTY
(ALL SUPERVISORIAL DISTRICTS) (3-VOTES)**

SUBJECT

Approval to adopt an ordinance amending Los Angeles County Code (County Code) Title 4 – Revenue and Finance to codify the Treasurer and Tax Collector (TTC) and the Los Angeles County Development Authority (LACDA) fees to allow for the recovery of costs associated with Chapter 8 Agreement Sales of tax-defaulted properties to public agencies or qualified nonprofit organizations (Eligible Entities).

Approval to adopt an ordinance amending County Code Title 4 – Revenue and Finance to update the TTC fees and to codify a new fee to allow for the recovery of costs associated with conducting title search, statutorily required party of interest notification, publication of notice of auction, and personal contact for tax-defaulted secured property subject to the tax collector's power to sell (STPTS).

IT IS RECOMMENDED THAT THE BOARD AFTER THE PUBLIC HEARING,

1. Introduce, waive reading, and place on the agenda for adoption the attached ordinance (Exhibit A) amending County Code Title 4 – Revenue and Finance to codify the TTC and the LACDA fees to allow for the recovery of costs associated with Chapter 8 Agreement Sales of tax-defaulted properties to Eligible Entities pursuant to California Revenue and Taxation Code (R&TC), Division 1, Part 6, Chapter 8.

2. Introduce, waive reading, and place on the agenda for adoption the attached ordinance (Exhibit B) amending Los Angeles County Code Title 4 – Revenue and Finance to update the TTC fees and to codify a new fee to allow for the recovery of costs associated with the preparation and sale of tax-defaulted property pursuant to R&TC, Division 1, Part 6, Chapter 7, Sections 3701, 3702, 3704.7, and Chapter 8, Section 3798.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Chapter 8 Agreement Sale Review Fees

State law permits Eligible Entities to initiate an agreement to purchase tax-defaulted property that is STPTS. Eligible Entities including the state, county, cities, taxing agencies, or nonprofit organizations, may acquire properties for a variety of public uses through this process without the necessity of bidding at a tax sale auction. Qualified nonprofit organizations may purchase tax-defaulted property for the express purpose of providing low income housing or for public use.

State law requires that the cost of giving notice of the agreement be paid by the purchasing Eligible Entity.

On October 31, 2017, as part of a motion related to Chapter 8 Agreement Sales, the Board directed the TTC and LACDA to determine if the current transaction and processing fees charged to Eligible Entities fully recover the Chapter 8 Agreement Sales costs. Although the COVID-19 pandemic delayed these fee studies, the TTC and LACDA have completed their respective fee studies and determined that existing fees are not recovering costs. The Auditor-Controller (Auditor) reviewed and approved the TTC's proposed fees in April 2021 (Exhibit C), and LACDA's Finance and Budget Division reviewed and approved the LACDA's proposed fees in November 2021. The TTC and LACDA recommend the following fees:

A. TTC Fees for Chapter 8 Agreement Sale of Tax-Defaulted Parcel to Public Agencies or Nonprofit Organizations

	Preliminary Research Fee	Final Research and Notification Fee	Total Fees
Public Agency	\$274	\$586	\$860
Nonprofit Organizations (additional verification of qualifications)			
without LACDA Referral	\$329	\$586	\$915
with LACDA Referral	\$397	\$586	\$983

Upon receiving the application package from an Eligible Entity, the TTC requests payment for the appropriate Preliminary Research Fee. For applications of nonprofit organizations which will involve construction or rehabilitation of a residential dwelling or a construction project for other public use, the TTC must refer to the LACDA to review and approve. At closing of the Chapter 8 Agreement Sale, the TTC adds the Final

Research and Notification Fee to the purchase price to recover costs associated with research and notification to all parties of interest.

B. LACDA Fees for Chapter 8 Agreement Sale Application Review

Application Review Fees:	
- Technical Application and Feasibility Review	\$2,356
Monitoring and Asset Management Fees:	
- Initial Lease-up/Sale Review and Income Certification	\$839
- Annual Tenant Income and Occupancy Review (Rental Only)	\$707

Upon receiving the referral from the TTC, the LACDA sends a secondary application to the nonprofit organization and requests advance payment for a Technical Review. During the Technical Review stage, the LACDA assesses the nonprofit organization's development experience and financial capacity, and provides a determination as to whether the project can be developed as proposed, based on its development budget and operating pro forma, construction scope of work, development timeline, and local zoning and land use regulations.

Prior to occupancy, the LACDA reviews tenant files for approved rental and for-residential sale projects. Additionally, rental projects require fees for long-term asset management, including review of tenant financial qualification and in-depth lease review. Tenant financial information and occupancy are monitored annually and throughout the 30 year affordability period.

TTC Preparation and Sale of Tax-Defaulted Property Fees

Tax-defaulted property that has not been purchased through a Chapter 8 Agreement and remains STPTS must be sold by the TTC through a tax sale auction. State law requires the TTC to recover the costs associated with auctioning tax-defaulted property.

Since the most recent amendment to these fees on February 23, 2016 (per ordinance 2016-0010 Section 1), Board-approved salaries and employee benefits have increased, as have the costs associated with services and supplies. As a result, the TTC conducted new fee studies, which the Auditor reviewed and approved (Exhibit D), and recommends the following fees:

Title Search, Personal Contact, Party of Interest Notification, and Publication Fees		
Item	Current Fee	New Fee
Title Search: Parties of Interest Report	\$ 145	\$165
Title Search: Date Down Report	0	40
Notification: Personal Contact	269	594
Notification: Parties of Interest	887	1,046
Publication: Notice of Auction	67	86
Total:	\$1,368	\$1,931

The TTC recovers these costs through fees imposed on tax-defaulted property redeemed by property owners prior to a tax sale or on purchasers of tax defaulted property at auction.

The Parties of Interest Report Fee includes the costs of ordering title searches to obtain the recorded documents connected to scheduled sales of tax-defaulted property.

The new Date Down Report Fee includes the cost to obtain updates to title searches to identify any changes in ownership and/or parties of interest.

The Personal Contact Fee includes the actual costs of the Sheriff's Department delivering the notification, TTC employee salaries and benefits, and necessary supplies.

The Parties of Interest Fee includes the costs of notifying parties of interest of the impending sale of tax-defaulted property.

The Notice of Auction Fee includes the newspaper publication costs to provide countywide public notice of the sale of tax-defaulted property.

Implementation of Strategic Plan Goals

The recommended action supports the County Strategic Plan Strategy III.3 - Pursue Operational Effectiveness, Fiscal Responsibility, and Accountability.

FISCAL IMPACT/FINANCING

There is no net County cost associated with the recommended action as the TTC's and LACDA's fees allow for recovery of the actual costs incurred.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

California Government Code (GC) Sections 54985 and 54986(a) authorize your Board to impose a new fee or increase an existing fee, if not otherwise prohibited, in an amount reasonably necessary to recover the actual costs incurred in performing these services and/or enforcing the applicable code sections. Prior to either approving an increase in an existing fee or initially imposing a new fee, your Board shall hold at least one public meeting as part of a regularly scheduled meeting.

Pursuant to GC Section 66018, a public hearing is required prior to the approval of a change to an existing fee. The County must publish a notice of Public Hearing in accordance with GC Section 6062(a) and subsequent to this action, notify the public of these ordinance changes as required by GC Section 25124.

Pursuant to Proposition 26, local governments bear the burden of proving that a charge is not a tax which requires a vote of the electorate, that the charge is no more than necessary to cover the reasonable costs of the governmental activity, and that the

amount of the fee allocated to the payor is fairly related to the benefits received by that payor.

The Title Search Fees are the direct cost charged by the TTC's contractor to perform such searches. The fees for Preparation and Sale of Tax-Defaulted Property by auction or by Chapter 8 Agreement cover the costs related to necessary processes, as determined by fee studies, which the Auditor and County Counsel reviewed and approved. Thus, all fees cover the necessary and reasonable costs of these activities.

Chapter 8 Agreement Sales Fees

The R&TC allows Eligible Entities to initiate Chapter 8 Agreement Sales to purchase tax-defaulted properties that are STPTS, without the necessity of bidding at a public or sealed bid auction. R&TC Section 3800 requires that the cost of giving notice of the Chapter 8 Agreement Sales be paid by the purchasing Eligible Entity.

The TTC will charge three Preliminary Research Fees and one Final Research and Notification Fee on a per property basis for all Chapter 8 Agreement Sales proposals received. The TTC's recommended fees offset costs associated with the initial application review, preliminary research, and final research and notification.

Upon receiving the referral from the TTC, the LACDA issues the Application and Application Request Letter to the nonprofit organization, which includes LACDA's fee schedule for the application review and approval process. The LACDA's recommended fees recover necessary and reasonable costs associated with application review, compliance monitoring, and asset management. The LACDA will collect its fees directly from the nonprofit organization.

Preparation and Sale of Tax-Defaulted Property Fees

Pursuant to R&TC Section 3692, the TTC is required to sell tax-defaulted property that is STPTS.

Pursuant to R&TC Sections 3701 and 3704.7, the TTC must mail notices to all parties of interest for any scheduled sale of tax-defaulted property, and also attempt personal contact with the owner-occupant of a property that is the primary residence of the last known assessee.

Pursuant to R&TC Sections 3702 and 3798, the TTC must publish a notice of sale of tax-defaulted property in various newspapers throughout the County. Pursuant to R&TC Section 4112, the TTC shall recover the costs associated with these processes for any tax-defaulted property redeemed.

The Notification of Parties of Interest, Personal Contact, and Publication Fees cover the estimated costs related to the notification and personal contact processes, as

determined by fee studies, which the Auditor reviewed and approved. All fees cover the necessary and reasonable costs of these activities.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

The proposed fee revisions will not impact current services.

Respectfully submitted,

KEITH KNOX
Treasurer and Tax Collector
County of Los Angeles

EMILIO SALAS
Executive Director
Los Angeles County Development Authority

KK:EBG:DB:SM:ms

Attachments

c: Assessor
Chief Executive Officer
Executive Officer, Board of Supervisors
Auditor-Controller
Acting County Counsel

DRAFT

EXHIBIT A

ANALYSIS

An ordinance amending Title 4 – Revenue and Finance of the Los Angeles County Code to codify fees charged by the Los Angeles County Treasurer and Tax Collector and the Los Angeles County Development Authority ("LACDA") for recovery of costs associated with the sale of tax-defaulted property pursuant to the California Revenue and Taxation Code, commencing with Division 1, Part 6, Chapter 8. The fees charged cover the cost of the application and research of eligible entities, qualified public agencies or non-profits, seeking to acquire properties for public use including housing for sale or rent to serve low-income persons.

RODRIGO A. CASTRO-SILVA
County Counsel

By



SUSAN T. COLLINS
Principal Deputy County Counsel
Government Services Division

STC:sl

Requested: 11/07/19
Revised: 02/01/22

ORDINANCE NO. _____

An ordinance amending Title 4 – Revenue and Finance of the Los Angeles County Code to codify fees charged by the Los Angeles County Treasurer and Tax Collector ("Tax Collector") and the Los Angeles County Development Authority ("LACDA"), defined in Title 2, Chapter 2.58, Sections 2.58.020 and 2.58.021, for recovery of costs associated with the sale of tax-defaulted property pursuant to the California Revenue and Taxation Code, commencing with Division 1, Part 6, Chapter 8, in accordance with California Government Code section 54985 (a). The fees charged cover the cost of the application and research of eligible entities, either qualified public agencies or non-profits, seeking to acquire properties for public use including housing for sale or rent to serve low-income persons.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 4.64.151 is hereby added to read as follows:

4.64.151 Fees Charged by Treasurer and Tax Collector-Sales of Tax-Defaulted Property to Public Agencies or Non-profits Organizations by Agreement.

A. Upon submission of an initial application by a public agency to purchase tax-defaulted property, subject to the Tax Collector's power to sell pursuant to California Revenue and Taxation Code section 3691, a mandatory fee of two hundred seventy-four dollars (\$274) is due and payable to the Tax Collector. The mandatory fee is for recovery of the Tax Collector's reasonable costs for review and preliminary approval of the submitted application. As used in this Section, a public agency means the state,

county, any revenue district the taxes of which on the property are collected by county officers, or any redevelopment agency created pursuant to the California Community Redevelopment Law, pursuant to California Revenue and Taxation Code section 3791.3.

B. Upon submission of an initial application by a non-profit organization to purchase tax-defaulted property, subject to the Tax Collector's power to sell pursuant to California Revenue and Taxation Code section 3691, a mandatory fee of three hundred twenty-nine dollars (\$329) is due and payable to the Tax Collector. The mandatory fee is for recovery of the Tax Collector's reasonable costs for review and preliminary approval of the application when referral of the application to the Los Angeles County Development Authority ("LACDA"), as defined in Title 2, Chapter 2.58, Sections 2.58.020 and 2.58.021 of this Code is not required. As used in this Section, non-profit organization means a non-profit organization incorporated pursuant to Part 2 of Division 2 of Title 1 of the California Corporations Code commencing with section 5110. The Tax Collector will refer applications to the LACDA for additional review when the qualified non-profit organization proposes to construct or rehabilitate affordable housing or develop a non-residential use to serve low-income persons directly pursuant to California Revenue and Taxation Code section 3791.4.

C. Upon the Tax Collector's submission of an application to the LACDA for additional review as stated above in Section 4.61.151, subsection 2, a mandatory fee of three hundred ninety-seven dollars (\$397) is due and payable to the Tax Collector for recovery of costs associated with the LACDA's additional review.

D. A mandatory fee of five hundred eighty six dollars (\$586) payable to the Tax Collector following approval of an application submitted by either a public agency or a nonprofit organization for purchase of tax-defaulted property that is subject to the Tax Collector's power to sell, is due and payable following the effective date of the agreement pursuant to California Revenue and Taxation Code section 3802. The additional fee is for recovery of costs for the Tax Collector's final research and notification of parties of interest for the property as required under California Revenue and Taxation Code sections 3800 and 4675. Parties of interest include lien holders of record and any person with title of record to all or any portion of the property subject to the Tax Collector's power to sell and identified for sale by agreement to either the public agency or qualified nonprofit organization.

Los Angeles County Treasurer and Tax Collector Fee Chart for Agreement Sale of a Tax-Defaulted Parcel to Public Agencies or Nonprofit Organization

	Preliminary Research Fee	Final Research and Notification Fee	Total Fees
Public Agency	\$274	\$586	\$860
Nonprofit Organization without LACDA Referral	\$329	\$586	\$915
Nonprofit Organization with LACDA Referral	\$397	\$586	\$983

SECTION 2. Section 4.64.152 is hereby added to read as follows:

4.64.152 Fees Charged by the Los Angeles County Development

Authority.

A. Upon referral of the application by the Tax Collector to the LACDA, as defined in this Chapter, nonprofit organizations are required to submit fees in the

amount of two thousand three hundred fifty-six dollars (\$2,356) for recovery of reasonable costs for the LACDA's application intake and technical review of tax-defaulted residential rental and/or for-sale projects and nonresidential projects for purchase subject to the Tax Collector's power to sell pursuant to California Revenue and Taxation Code section 3691.

B. Upon referral of an application to the LACDA from the Tax Collector, nonprofit organizations are required to submit additional fees in the amount of eight hundred thirty-nine dollars (\$839) for recovery of reasonable costs for the LACDA's initial lease review and tenant income certification for rental and for-sale projects. This fee covers the reasonable costs of the LACDA's income-eligibility reviews and certifications associated with initial occupancy of projects completed through applications to purchase tax-defaulted property that is subject to the Tax Collector's power to sell, after referral of the applications to the LACDA.

C. A fee of seven hundred seven dollars (\$707) fee will be charged yearly by the LACDA to nonprofit organizations for annual tenant financial and occupancy monitoring, tenant financial reviews, and any initial lease review and tenant income certification for new tenants for rental projects, to cover the reasonable costs of annual monitoring for long-term asset management and any income-eligibility reviews and certifications associated with tenant turnover for occupancy of projects completed through applications to purchase tax-defaulted property that is subject to the Tax Collector's power to sell, after referral of the application to the LACDA.

Los Angeles County Development Authority Chapter 8 Agreement Sale

Parcel Fee Chart:

Application Review Fees:	
- Technical Application and Feasibility Review	\$2,356
Monitoring and Asset Management Fees:	
- Initial Lease-up/Sale Review and Income Certification	\$ 839
- Annual Tenant Income and Occupancy Review (Rental Only)	\$ 707

[464151SCCC]

DRAFT

EXHIBIT B

ANALYSIS

An ordinance amending Title 4, Chapter 4.64, Section 4.64.150 – Revenue and Finance of the Los Angeles County Code to increase fees to allow the Treasurer and Tax Collector to recover costs of processes associated with the preparation and sale of tax-defaulted property as required by the California Revenue and Taxation Code sections 3701, 3702, 3798, and 3704.7, including title searches under a Board-approved contract, notice to parties of interest, publishing notice of auction, and personal contact with the owner(s) of all owner-occupied properties.

Very truly yours,

RODRIGO A. CASTRO-SILVA
County Counsel



By

SUSAN T. COLLINS
Principal Deputy County Counsel
Government Services Division

STC:sl

Requested: 11/07/19
Revised: 02/01/22

ORDINANCE NO. _____

An ordinance amending Title 4, Chapter 4.64, Section 4.64.150 – Revenue and Finance of the Los Angeles County Code, to increase fees to allow the Treasurer and Tax Collector to recover costs of processes associated with the preparation and sale of tax-defaulted property as required by the California Revenue and Taxation Code sections 3701, 3702, 3798, and 3704.7, including title searches under a Board-approved contract, notice to parties of interest, publishing notice of auction, and personal contact with the owner(s) of all owner-occupied properties.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 4.64.150 is hereby amended to read as follows:

4.64.150 Title Search, Personal Contact, Party of Interest Notification, and Publication Fees.

The fee charged for title searches as specified under section 4112 of the Revenue and Taxation Code, ~~and in accordance with Government Code section 54985(a), shall be \$145.00~~ is one hundred sixty-five dollars (\$165) per parcel. This fee is imposed to recover costs incurred by the Treasurer and Tax Collector in accordance with Government Code section 54985(a).

The fee charged for title report updates to ascertain any changes in ownership and/or parties interest (date down report) is forty dollars (\$40) in accordance with Government Code section 54985(a) and Revenue and Taxation Code sections 4112, 3701, and 3799.

The fee charged for personal contact, if applicable, as specified under sections 3704.7 and 4672.3 of the Revenue and Taxation Code, ~~shall be \$269.00~~ is five hundred ninety-four dollars (\$594) per parcel. This fee is imposed to recover costs incurred by the Treasurer and Tax Collector as specified under section 3704.7 of the Revenue and Taxation Code and in accordance with Government Code section 54985(a).

The fee charged for providing notice by mail to any parties of interest entitled to receive a notice of auction, as required by section 3701 of the Revenue and Taxation Code, ~~or regarding~~ any tax defaulted parcel which is subject to sale to collect defaulted secured property taxes, pursuant to section 3691 of the Revenue and Taxation Code, ~~shall total \$887.00~~ is one thousand forty-six dollars (\$1,046) per parcel. This fee is imposed to recover costs incurred by the Treasurer and Tax Collector as specified under section 4112 of the Revenue and Taxation Code and in accordance with Government Code section 54985(a).

The fee charged for publication, if the tax-defaulted property is redeemed prior to the proposed sale, but after the Treasurer and Tax Collector has incurred notice or publication costs pursuant to sections 3702 or 3798 of the Revenue and Taxation Code in connection with a notice of intended sale, ~~shall be \$67~~ is eighty-six dollars (\$86) per parcel. This fee is imposed to recover reasonable costs incurred by the Treasurer and Tax Collector, as specified in section 4112 of the Revenue and Taxation Code and in accordance with Government Code section 54985(a).

[464150JCCC]



**COUNTY OF LOS ANGELES
DEPARTMENT OF AUDITOR-CONTROLLER**

ACCOUNTING DIVISION
KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET, ROOM 603
LOS ANGELES, CALIFORNIA 90012-3682

ARLENE BARRERA
AUDITOR-CONTROLLER

OSCAR VALDEZ
CHIEF DEPUTY AUDITOR-CONTROLLER

ASSISTANT AUDITOR-CONTROLLERS

PETER HUGHES
KAREN LOQUET
CONNIE YEE

April 8, 2021

TO: Julie A. Benavides, Departmental Finance Manager
Treasurer and Tax Collector

FROM: Elaine Boyd *EB*
Division Chief

SUBJECT: **CHAPTER 8 FEES – FISCAL YEAR 2020-21**

As requested, we reviewed the Fiscal Year 2020-21 Chapter 8 fees for the Treasurer and Tax Collector. Separate Preliminary Research fees were reviewed for Agencies, Non-Profit Organizations (NPO) that need a Los Angeles County Development Authority (LACDA) referral, and NPOs that do not need a LACDA referral. The rates shown below are approved.

Public Agency / Non-Profit Organization	Preliminary Research Fee	Final Research & Notification Fee	Total Fees per Parcel
Public Agency	\$274.70	\$586.20	\$860.90
NPO without LACDA referral	\$329.30	\$586.20	\$915.50
NPO with LACDA referral	\$397.40	\$586.20	\$983.60

If you have any questions, please contact Katherine Bomgardner at kbomgardner@auditor.lacounty.gov or (213) 893-0972.

EB:RA:KB:mkl

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EXHIBIT D

**COUNTY OF LOS ANGELES
DEPARTMENT OF AUDITOR-CONTROLLER**



ACCOUNTING DIVISION
KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET, ROOM 603
LOS ANGELES, CALIFORNIA 90012-3682

ARLENE BARRERA
AUDITOR-CONTROLLER

OSCAR VALDEZ
CHIEF DEPUTY AUDITOR-CONTROLLER

ASSISTANT AUDITOR-CONTROLLERS

PETER HUGHES
KAREN LOQUET
CONNIE YEE

April 28, 2021

TO: Julie Benavides, Departmental Finance Manager
Treasurer and Tax Collector

FROM: Elaine Boyd 
Division Chief

**SUBJECT: NOTIFICATION OF PARTIES OF INTEREST, PERSONAL CONTACT,
AND PUBLICATION FEES – FISCAL YEAR 2020-21**

As requested, we reviewed your Fiscal Year 2020-21 Notification of Parties of Interest, Personal Contact, and Publication fees. Based on our review of your calculations, the fees below appear reasonable and are approved.

Notification of Parties of Interest	\$1,046.00 per parcel
Personal Contact	594.00 per parcel
Publication	86.00 per parcel

If you have any questions, please contact Katherine Bomgardner at kbomgardner@auditor.lacounty.gov or (213) 893-0972.

EB:RA:KB:mkl

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BOARD LETTER/MEMO CLUSTER FACT SHEET

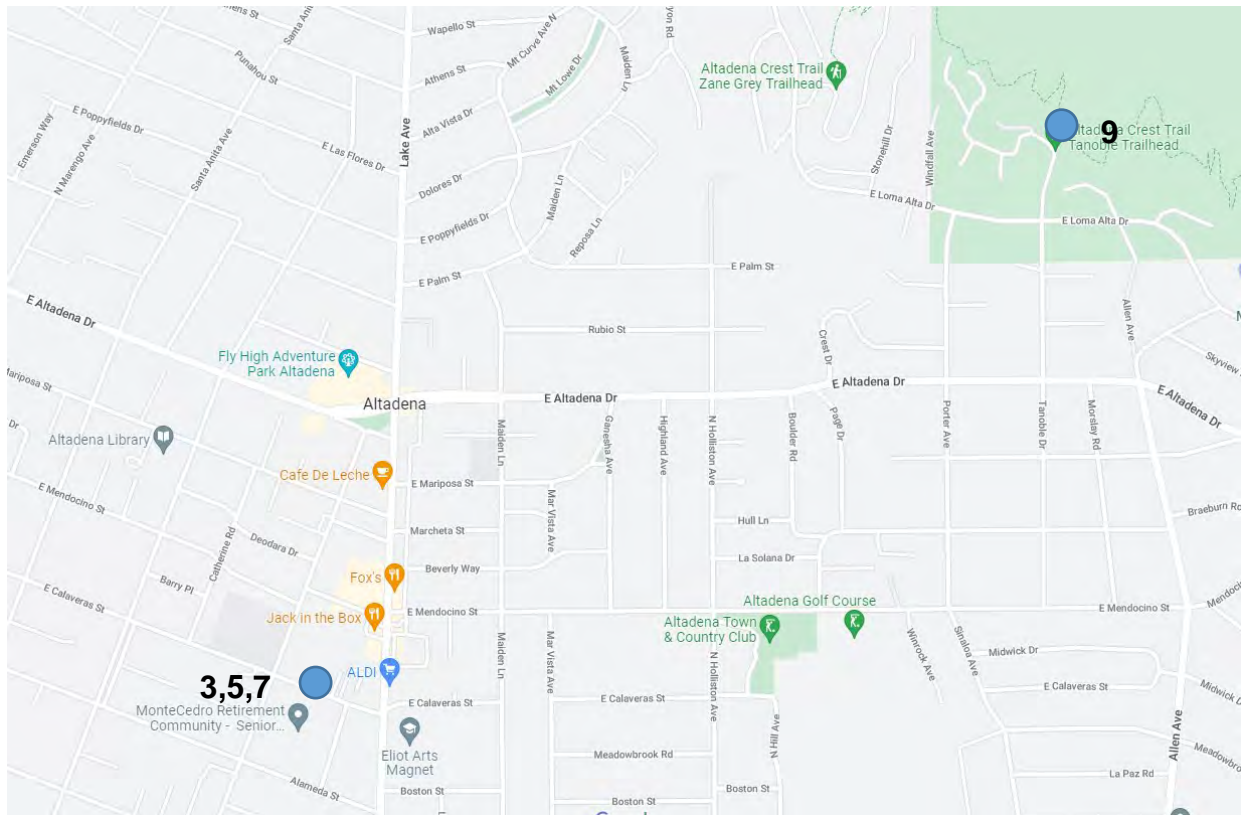
 Board Letter

 Board Memo

 Other

CLUSTER AGENDA REVIEW DATE	9/7/2022	
BOARD MEETING DATE	10/4/2022	
SUPERVISORIAL DISTRICT AFFECTED	<input type="checkbox"/> All <input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd <input type="checkbox"/> 3 rd <input type="checkbox"/> 4 th <input checked="" type="checkbox"/> 5 th	
DEPARTMENT(S)	Public Works	
SUBJECT	Traffic Regulations in the Unincorporated Community of Altadena	
PROGRAM		
AUTHORIZES DELEGATED AUTHORITY TO DEPT	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
SOLE SOURCE CONTRACT	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
	If Yes, please explain why:	
DEADLINES/ TIME CONSTRAINTS	This item is urgent because the community requested these quality-of-life issues to be addressed as soon as possible, and Board action is necessary to enact these traffic regulations.	
COST & FUNDING	Total cost: \$0	Funding source: Road Fund
	TERMS (if applicable):	
	Explanation: There will be no impact to the County General Fund. Sufficient funds are included in the Road Fund Fiscal Year 2022-23 Budget to cover the minor costs of removing and installing the necessary signs and markings.	
PURPOSE OF REQUEST	Adopt and/or rescind traffic regulation orders to support traffic safety and enhance traffic flow in the unincorporated community of Altadena.	
BACKGROUND (include internal/external issues that may exist including any related motions)	<p>The California Vehicle Code allows the County to adopt regulations for official traffic control devices, such as signs and markings. These traffic regulations are required prior to enforcement by the California Highway Patrol and Sheriff's Department.</p> <p>Public Works is recommending to adopt the following types of regulations as well as to rescind traffic regulations that are no longer applicable and being replaced by new traffic regulations.</p> <ul style="list-style-type: none"> • Parking Prohibition • Passenger Loading Zone • Turning Prohibition 	
EQUITY INDEX OR LENS WAS UTILIZED	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, please explain how:	
SUPPORTS ONE OF THE NINE BOARD PRIORITIES	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, please state which one(s) and explain how: Sustainability. The proposed traffic regulations support a clean, flexible, and integrated multi-modal transportation system that improves mobility and traffic safety.	
DEPARTMENTAL CONTACTS	Name, Title, Phone # & Email: Steve Burger, Deputy Director, (626) 458-4018, sburger@pw.lacounty.gov	

**ATTACHMENT A
PROPOSED TRAFFIC REGULATIONS
ALTADENA
SUPERVISORIAL DISTRICT 5**



● Items for adoption in the Board letter

October 4, 2022

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**TRANSPORTATION CORE SERVICE AREA
TRAFFIC REGULATIONS IN THE UNINCORPORATED COMMUNITY
OF ALTADENA
(SUPERVISORIAL DISTRICT 5)
(3 VOTES)**

SUBJECT

Public Works is seeking Board approval to implement traffic regulations to support traffic safety and enhance traffic flow in the unincorporated community of Altadena.

IT IS RECOMMENDED THAT THE BOARD:

1. Find that adopting and/or rescinding traffic regulation orders and posting the corresponding regulatory and advisory signage are categorically exempt from the provisions of the California Environmental Quality Act.
2. Rescind a traffic regulation order establishing a passenger loading zone from 7 a.m. to 9 a.m. and 2 p.m. to 3 p.m., school days only, on the north side of Calaveras Street between El Molino Avenue and a point 250 feet west of El Molino Avenue in the unincorporated community of Altadena as established on January 9, 2001.
3. Adopt a traffic regulation order establishing a passenger loading zone from 7 a.m. to 9 a.m. and 11 a.m. to 1 p.m., Mondays only, and from 7 a.m. to 9 a.m. and 1 p.m. to 3 p.m., Tuesdays through Fridays only, on the north side of Calaveras Street between El Molino Avenue and a point 250 feet west of El Molino Avenue in the unincorporated community of Altadena.
4. Rescind a traffic regulation order prohibiting U-turns from 7 a.m. to 9 a.m. and 2 p.m. to 4 p.m., school days only, on both sides of Calaveras Street between El Molino Avenue and Catherine Road in the unincorporated community of Altadena as established on June 29, 2010.

5. Adopt a traffic regulation prohibiting eastbound and westbound traffic on Calaveras Street between Catherine Road and El Molino Avenue from making U-turns from 7 a.m. to 9 a.m. and 11 a.m. to 1 p.m., Mondays only, and from 7 a.m. to 9 a.m. and from 1 p.m. to 3 p.m., Tuesdays through Fridays only, in the unincorporated community of Altadena.
6. Rescind a traffic regulation order establishing a passenger loading zone from 7 a.m. to 9 a.m. and 2 p.m. to 3 p.m., school days only, on the west side of El Molino Avenue between Calaveras Street and a point 280 feet north of Calaveras Street in the unincorporated community of Altadena as established on January 9, 2001.
7. Adopt a traffic regulation order establishing a passenger loading zone from 7 a.m. to 9 a.m. and 11 a.m. to 1 p.m., Mondays only, and from 7 a.m. to 9 a.m. and 1 p.m. to 3 p.m., Tuesdays through Fridays only, on the west side of El Molino Avenue between Calaveras Street and a point 280 feet north of Calaveras Street in the unincorporated community of Altadena.
8. Adopt a traffic regulation order establishing a school bus loading zone from 7 a.m. to 9 a.m. and 11 a.m. to 1 p.m., Mondays only, and from 7 a.m. to 9 a.m. and 1 p.m. to 3 p.m., Tuesdays through Fridays only, on the north side of Calaveras Street between a point 250 feet west of El Molino Avenue and a point 500 feet west of El Molino Avenue in the unincorporated community of Altadena.
9. Adopt a traffic regulation order prohibiting parking at any time on the south side of Woodglen Lane/Tanoble Drive between Northhaven Lane and a point 450 feet north of East Loma Alta Drive in the unincorporated community of Altadena.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended actions is to support traffic safety and enhance traffic flow. The requests for these traffic regulations were generated by residents or a community group. The affected areas are indicated on the enclosed map (Attachment A).

Implementation of Strategic Plan Goals

These recommendations support the County Strategic Plan: Strategy II.3, Make Environmental Sustainability our Daily Reality. The recommended actions support a clean, flexible, and integrated multi-modal transportation system that improves mobility and traffic safety.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund. Sufficient funds are included in the Road Fund Fiscal Year 2022-23 Budget to cover the minor costs of removing and installing the necessary signs and markings.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The California Vehicle Code authorizes the Board to implement these traffic regulations which are required prior to enforcement by the California Highway Patrol and the Sheriff's Department.

ENVIRONMENTAL DOCUMENTATION

The establishment of these regulations, including the installation of related traffic control devices required to notify the motoring public is categorically exempt from the provisions of the California Environmental Quality Act pursuant to Section 15301(c) of the California Environmental Quality Act Guidelines and Class I(x) 7 of the Environmental Reporting Procedures and Guidelines approved by the Board on November 17, 1987.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Implementation of these traffic controls will have a positive impact by enhancing traffic flow and safety. Upon the Board's approval of these traffic regulations, the corresponding signs and markings will be installed within 12 weeks.

The Honorable Board of Supervisors
October 4, 2022
Page 4

CONCLUSION

Please return one adopted copy of this letter to Public Works, Traffic Safety and Mobility Division. Also, please forward adopted copies of this letter to the Sheriff's Department, Contract Law Enforcement Bureau, Field Operations Support Service, Parking Enforcement Detail; and the California Highway Patrol's Altadena office.

Respectfully submitted,

MARK PESTRELLA, PE
Director of Public Works

MP:EK:dj

Enclosures

c: Chief Executive Office (Chia-Ann Yen)
County Counsel
Executive Office

BOARD LETTER/MEMO CLUSTER FACT SHEET

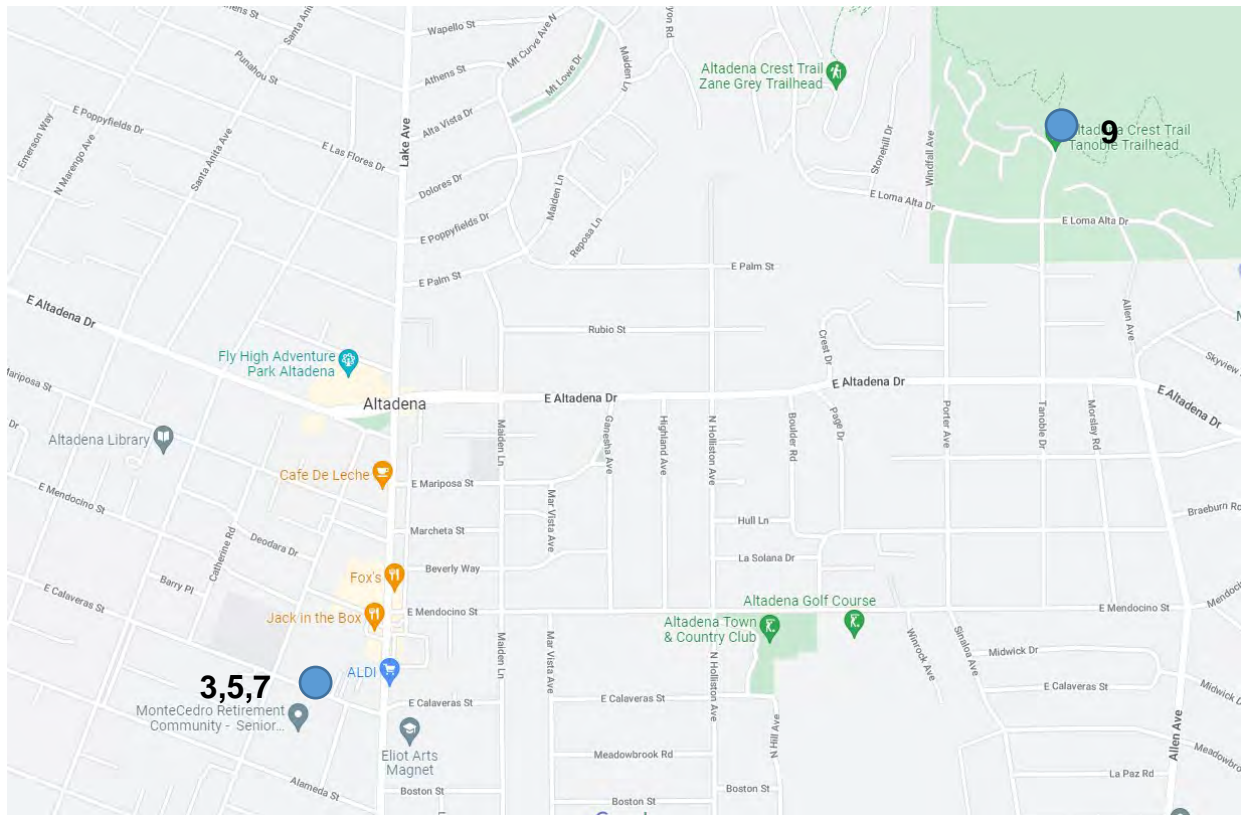
 Board Letter

 Board Memo

 Other

CLUSTER AGENDA REVIEW DATE	9/14/2022	
BOARD MEETING DATE	10/4/2022	
SUPERVISORIAL DISTRICT AFFECTED	<input type="checkbox"/> All <input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd <input type="checkbox"/> 3 rd <input type="checkbox"/> 4 th <input checked="" type="checkbox"/> 5 th	
DEPARTMENT(S)	Public Works	
SUBJECT	Traffic Regulations in the Unincorporated Community of Altadena	
PROGRAM		
AUTHORIZES DELEGATED AUTHORITY TO DEPT	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
SOLE SOURCE CONTRACT	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, please explain why:	
DEADLINES/ TIME CONSTRAINTS	This item is urgent because the community requested these quality-of-life issues to be addressed as soon as possible, and Board action is necessary to enact these traffic regulations.	
COST & FUNDING	Total cost: \$0	Funding source: Road Fund
	TERMS (if applicable):	
	Explanation: There will be no impact to the County General Fund. Sufficient funds are included in the Road Fund Fiscal Year 2022-23 Budget to cover the minor costs of removing and installing the necessary signs and markings.	
PURPOSE OF REQUEST	Adopt and/or rescind traffic regulation orders to support traffic safety and enhance traffic flow in the unincorporated community of Altadena.	
BACKGROUND (include internal/external issues that may exist including any related motions)	The California Vehicle Code allows the County to adopt regulations for official traffic control devices, such as signs and markings. These traffic regulations are required prior to enforcement by the California Highway Patrol and Sheriff's Department. Public Works is recommending to adopt the following types of regulations as well as to rescind traffic regulations that are no longer applicable and being replaced by new traffic regulations. <ul style="list-style-type: none"> • Parking Prohibition • Passenger Loading Zone • Turning Prohibition 	
EQUITY INDEX OR LENS WAS UTILIZED	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, please explain how:	
SUPPORTS ONE OF THE NINE BOARD PRIORITIES	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, please state which one(s) and explain how: Sustainability. The proposed traffic regulations support a clean, flexible, and integrated multi-modal transportation system that improves mobility and traffic safety.	
DEPARTMENTAL CONTACTS	Name, Title, Phone # & Email: Steve Burger, Deputy Director, (626) 458-4018, sburger@pw.lacounty.gov	

**ATTACHMENT A
PROPOSED TRAFFIC REGULATIONS
ALTADENA
SUPERVISORIAL DISTRICT 5**



 Items for adoption in the Board letter

BOARD LETTER/MEMO CLUSTER FACT SHEET

 Board Letter

 Board Memo

 Other

CLUSTER AGENDA REVIEW DATE	9/7/2022		
BOARD MEETING DATE	10/18/2022		
SUPERVISORIAL DISTRICT AFFECTED	<input checked="" type="checkbox"/> All <input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd <input type="checkbox"/> 3 rd <input type="checkbox"/> 4 th <input type="checkbox"/> 5 th		
DEPARTMENT(S)	Public Works		
SUBJECT	Construction and Demolition Debris Recycling and Reuse Ordinance Update		
PROGRAM	Construction and Demolition Debris Recycling and Reuse Program		
AUTHORIZES DELEGATED AUTHORITY TO DEPT	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
SOLE SOURCE CONTRACT	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
	If Yes, please explain why:		
DEADLINES/ TIME CONSTRAINTS	N/A		
COST & FUNDING	Total cost:	Funding source:	
	\$0	N/A	
	TERMS (if applicable):		
	Explanation:		
PURPOSE OF REQUEST	Update the Construction and Demolition Debris Recycling and Reuse Ordinance.		
BACKGROUND (include internal/external issues that may exist including any related motions)	<p>Public Works is proposing to revise the County's Construction and Demolition Debris Recycling and Reuse Ordinance:</p> <ul style="list-style-type: none"> • To make the County ordinance consistent with the recycling requirements in the latest California Green Building Standards; • To help achieve the waste diversion targets in the County's Roadmap to a Sustainable Waste Management Future; • To help the County better address illegal dumping of soil and construction and demolition debris in unincorporated County areas; and • To allow the disposal of soil at certain gravel pits and quarries to facilitate future development of those sites. 		
EQUITY INDEX OR LENS WAS UTILIZED	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, please explain how: Public Works will provide grant assistance to smaller construction and demolition debris recycling facilities to facilitate third-party certification.		
SUPPORTS ONE OF THE NINE BOARD PRIORITIES	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, please state which one(s) and explain how: Adopting the updates to the Construction and Demolition Debris Recycling and Reuse Ordinance will support Board Priority 7: Sustainability. It addresses Action No. 123 from the OurCounty Sustainability Plan to increase the diversion rate of construction and demolition debris and will help reduce illegal dumping to improve quality of life in unincorporated County communities.		
DEPARTMENTAL CONTACTS	Name, Title, Phone # & Email: Coby Skye, Deputy Director, (626) 458-4016, cell (562) 212-9500, cskye@pw.lacounty.gov		

PH:ak

October 18, 2022

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**PUBLIC HEARING
ENVIRONMENTAL SERVICES CORE SERVICE AREA
CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING AND
REUSE ORDINANCE UPDATE
(ALL SUPERVISORIAL DISTRICTS)
(3 VOTES)**

SUBJECT

Public Works is seeking Board approval of the proposed update to the County's Construction and Demolition Debris Recycling and Reuse Ordinance. This update will increase the minimum construction and demolition recycling rate for projects in the unincorporated County areas from 50 percent to 70 percent, authorize future increases to the minimum recycling rate to be in compliance with State law, require 100 percent recycling rate for land clearing debris, require proper disposal of universal waste, introduce a refundable project deposit, require reporting for all debris generated, require certification for mixed construction and demolition debris recycling facilities, and make other technical changes.

IT IS RECOMMENDED THAT THE BOARD AFTER THE PUBLIC HEARING:

1. Find that the proposed actions are not a project under the California Environmental Quality Act for the reasons stated in this Board letter and the record.
2. Introduce, waive reading, and set for adoption the proposed County's Construction and Demolition Debris Recycling and Reuse Ordinance, amending Title 20 – Utilities, Division 4 of the Los Angeles County Code to increase the minimum construction and demolition recycling rate for projects in the unincorporated County areas from 50 percent to 70 percent, authorize future increases to the recycling rate to be in compliance with State law, require 100 percent recycling rate for land clearing debris, require proper disposal of universal waste, introduce a refundable project deposit, require reporting for all

debris generated, require certification for mixed construction and demolition debris recycling facilities, and make other technical changes.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended actions is to update the County's Construction and Demolition Debris Recycling and Reuse Ordinance consistent with the recycling requirements in the 2019 California Green Building Standards Code (CalGreen). This will help achieve waste diversion targets in the County's Zero Waste Plan; complete OurCounty Sustainability Plan, Action 123 – increase the diversion requirements in the ordinance; help the County better address illegal dumping of soil and construction and demolition (C&D) debris in the unincorporated County areas; and allow disposal of soil at Inert Debris Engineered Fill Operations.

The proposed revisions include increasing the minimum C&D recycling rate for projects in the unincorporated County areas from 50 percent to 70 percent, requiring 100 percent recycling rate for land clearing debris, proper disposal of universal waste, a refundable project deposit, reporting for all debris generated, and certification for mixed C&D debris recycling facilities.

The updated ordinance will improve accountability and tracking of C&D debris through the creation of a mandatory refundable deposit system, which will increase applicant awareness and promote compliance through proper planning and reporting including submittal of final compliance reports, which are required to receive the deposit back. The comprehensive reporting requirements for C&D debris will promote accountability and better track recycling, reuse, and proper disposal, which will help prevent illegal dumping of soil and C&D debris in the unincorporated County areas.

The requirement for mixed C&D debris processing facilities to be third-party certified will help ensure that C&D debris is properly managed. The certification process will increase accountability for these facilities and yield more transparency in how diversion rates are calculated. It will allow better tracking of the C&D debris waste stream and encourage facilities to improve their processes to increase their recycling rates and maximize recovery.

Implementation of Strategic Plan Goals

These recommendations support the County Strategic Plan: Strategy II.3, Make Environmental Sustainability our Daily Reality, and specifically Objective II.3.4, Reduce Waste Generation and Recycle and Reuse Waste Resources. The

recommended actions support ongoing efforts to reduce solid waste generation and to divert solid waste from landfill through recycling and reuse, which will help the County achieve its zero-waste goals.

FISCAL IMPACT/FINANCING

There will be no impact on the County General Fund. The potential administrative penalties for violations of noncompliance will be included in the Solid Waste Management Fund (GD1) budget through the annual budget process. The mandatory refundable project deposit will help increase compliance with the ordinance. Any portion of the forfeited deposit will be used for illegal dumping prevention campaigns, cleanup, education, and grants for recycling facilities to be certified.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The California Integrated Waste Management Act of 1989, Assembly Bill 939, as amended, requires every county and city in the State to prepare a Source Reduction and Recycling Element (SRRE), which identifies programs that the county or city will implement to achieve a solid waste disposal reduction goal of 50 percent by the year 2000 and every year thereafter. The SRRE for Los Angeles County unincorporated areas was prepared by Public Works and adopted by the Board on November 4, 1993.

One of the programs identified for implementation in the SRRE was the C&D Waste Program to require recycling or reuse of a portion of the debris generated by C&D projects.

The C&D debris removed from the waste stream can be recycled or reused in the building and road construction industry. It is estimated that C&D debris, which is primarily inert debris, represents over 30 percent of all waste going into California landfills. This is a significant portion of the waste stream and should continue to be targeted for diversion to assist the County in meeting its zero-waste goals.

In general, the proposed update to the ordinance will require an applicant for a building permit to submit a Recycling and Reuse Plan before the building permit will be issued. The Recycling and Reuse Plan must show that at least 70 percent of all C&D debris removed from the project will be recycled or reused and account for the material that will be disposed. Permittees that do not recycle, reuse, and/or dispose the debris generated by the project as provided in the approved Recycling and Reuse Plan may incur penalties.

Three rounds of public stakeholder outreach meetings were conducted by Public Works during the development of the proposed updated ordinance to receive comments and address concerns from the building industry, recyclers, waste haulers, and other interested parties. The most recent round of public stakeholder outreach meetings was conducted on January 24 and 25, 2022. Public Works made changes to the ordinance in order to address and resolve comments received.

The existing ordinance, adopted January 4, 2005, requires 50 percent of all debris generated from construction, demolition, and/or grading projects in unincorporated areas of the County to be recycled or reused. The 50 percent recycling rate and other requirements in the ordinance met or exceeded the original minimum requirements in the State's CalGreen.

In 2016, the State revised CalGreen and increased the minimum recycling rate for all C&D debris from 50 percent to 65 percent. The most recent 2019 CalGreen requires proper accountability, disposal for universal waste, and 100 percent recycling of soil, vegetation, and rocks generated from land clearing activities. In November 2019, the County adopted 2019 CalGreen by reference. However, these changes were not incorporated into existing ordinance and therefore it does not comply with the minimum CalGreen requirements.

Public Works is proposing to revise the existing ordinance to make the recycling requirements consistent with CalGreen to help achieve the waste diversion targets in the County's Zero Waste Plans and Sustainability Plan, to help the County better address illegal dumping of soil and C&D debris in the unincorporated County areas, and allow the disposal of soil at Inert Debris Engineered Fill Operations.

ENVIRONMENTAL DOCUMENTATION

The recommended actions are not subject to the California Environmental Quality Act because they are activities that are excluded from the definition of a project by Section 21065 of the Public Resources Code and Section 15378(b) of the State California Environmental Quality Act Guidelines. This proposed action to amend the ordinance to increase the applicable recycling rate and add a refundable deposit is an organizational or administrative activity of government, which will not result in direct or indirect physical changes to the environment.

The Honorable Board of Supervisors
October 18, 2022
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IMPACT ON CURRENT SERVICES (OR PROJECTS)

The creation of a mandatory deposit system will improve compliance with the ordinance, increase awareness of where materials are being taken, and prevent illegal dumping by requiring reporting of where disposed material is going.

The ordinance will require that all County projects comply with the C&D recycling, reuse, proper disposal, and reporting requirements. While County projects will not be required to submit a deposit, the ordinance will be enforced through provisions in construction contracts.

CONCLUSION

Please return two adopted copies of this letter and ordinance to Public Works, Environmental Programs Division.

Respectfully submitted,

MARK PESTRELLA, PE
Director of Public Works

MP:ET:ak

Enclosure

c: Chief Executive Officer (Chia-Ann Yen)
County Counsel
Executive Office