

BOARD REPORT

NO. 18-045

DATE March 21, 2018

C.D. 11

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: VENICE BEACH - 24 HOUR PUBLIC RESTROOM ACCESS TO ONE MULTI-STALL RESTROOM BUILDING ALONG OCEAN FRONT WALK AT HORIZON AVE; CONSIDERATION OF CALIFORNIA PUBLIC RESOURCES CODE (PRC) SECTION 21065 ["PROJECT"] AND OF CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES TITLE 14, ARTICLE 20 SECTION 15378(b)(2) AND (5) [DEFINITION OF "PROJECT"]

AP Diaz	_____	V. Israel	_____
R. Barajas	_____	*S. Piña-Cortez	_____
H. Fujita	_____	N. Williams	_____



 General Manager

Approved _____ Disapproved _____ Withdrawn _____

RECOMMENDATIONS

1. Approve the opening of the multi-stall restroom building at Horizon Avenue along Ocean Front Walk at Venice Beach for 24 Hour public access 365 days per year and should the Horizon Avenue restrooms be unavailable due to emergency circumstances, grant authorization to the General Manager or his designee to open an alternate multi stall restroom building at Venice Beach in order to continue serving the needs of the public;
2. Find that the proposed project does not constitute a "Project" subject to CEQA in accordance with Section 15378(b)(2) and (5) of the State CEQA guidelines; and
3. Authorize the Department of Recreation and Parks (RAP) staff to file a Coastal Development Permit (CDP) application, if required.

SUMMARY

The Venice Beach restrooms, under the current maintenance model, are open and cleaned several times per day, 365 days per year from 6:00 a.m. until approximately 10:30 p.m. RAP does not keep any restrooms open at any park after a park closes due to various concerns. These concerns include public safety, employee safety, increased vandalism, physical damage to the restroom facilities, increased criminal activity inside the facilities, and loitering. In order to open, maintain, and clean public restrooms overnight for an additional eight (8) hours in (1) one multi-stall restroom building, it requires additional labor, materials/supplies, and security resources. A budget request to fund the Venice Beach 24 Hour program was previously submitted and approved by the City Council. The approved funding is for one (1) full time employee, one (1) part time employee, custodial materials/supplies, and one (1) contract

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security guard who will be present with RAP cleaning staff for an eight (8) hour shift overnight, 365 days/year.

On October 18, 2017, the Board of Recreation and Park Commissioners (Board) approved Report No. 17-227 (Attachment 1) that gave initial consideration of 24 Hour public restroom access to one multi stall restroom building at Venice Beach. Additionally, the Board considered, reviewed and approved the draft ordinance {Report No. R17-0131 (Attachment 1)} prepared by the City Attorney which would allow the Board to open one multi stall restroom building at Venice Beach at their discretion. The Board directed RAP staff to draft a report to the Arts, Entertainment, Parks and River Committee as well as the City Council seeking their approval of the ordinance. City Attorney Report No. R17-0131 contained the proposed ordinance which amended subsection "S" and added a new subsection "T" to Section 63.44 of the Los Angeles Municipal Code that would allow for the Board to open restrooms at Venice Beach at the Board's discretion. The new subsection "S" and the newly added subsection "T" in the ordinance states:

"S. Bathrooms, Locker Rooms and Changing Areas

1. Notwithstanding Subsection B.14(b), the Board may allow 24-hour access to the restrooms at Venice Beach."

"T. Severability. If any portion, subsection, sentence, clause or phrase of this section is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this section and each portion or subsection, sentence, clause and phrase herein, irrespective of the fact that any one or more portions, subsections, sentences, clauses or phrases be declared invalid."

At its meeting held Wednesday, November 29, 2017, the Arts, Entertainment, Parks & River Committee, recommended (Attachment 2) that the City Council approve the ordinance as outlined in City Attorney Report No. R17-0131.

At its meeting held Tuesday, December 12, 2017, the Information Technology Agency and General Services Committee concurred (Attachment 3) with the Arts, Entertainment, Parks and River committee and recommended that the City Council approve the ordinance as outlined in City Attorney Report No. R17-0131.

At its meeting held Wednesday, December 13, 2017, the City Council approved the ordinance (Attachment 4) providing the RAP Board the authority to open restrooms at Venice Beach for 24 Hour public access.

TREES AND SHADE

There will be no impact related to trees and shade.

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ENVIRONMENTAL IMPACT STATEMENT

California Public Resources Code (PRC) § 21065 defines a “Project” subject to the California Environmental Quality Act (CEQA) as an activity which may cause a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. Section 15378(b)(2) of CEQA Guidelines states that a project does not include continuing, administrative or maintenance activities. In addition, Section 15378(b)(5) of CEQA Guidelines states that a project does not include organizational or administrative activities that will not result in direct or indirect physical changes in the environment. Therefore, Staff recommends that the Board find that the opening of a restroom at Venice Beach for 24 Hours consists of an administrative and organizational activity that will not result in direct or indirect physical changes to the environment, and thus is not a project subject to CEQA.

FISCAL IMPACT STATEMENT

The funding required to maintain and operate one (1) multi-stall restroom building along Ocean Front Walk for expanded hours and allow for 24 Hour public access overnight for 365 days per year is currently within RAP’s General Fund budget. The available funding for FY 16-17 is Two Hundred Thirty-Four Thousand Dollars (\$234,000.00) and for FY 17-18 is Two Hundred Fifty-Five Thousand, Four Hundred Six Dollars (\$255,406.00).

This Report was prepared by Robert Davis, Venice Region Superintendent.

LIST OF ATTACHMENTS/EXHIBITS

- 1) Report 17-227 Approved 10/18/17
- 2) Arts, Entertainment, Parks & River Committee Recommendation 11/29/17
- 3) ITA & GSD Committee Recommendation 12/12/17
- 4) City Council Approval 12/13/17

APPROVED

OCT 18 2017

BOARD OF RECREATION AND PARK COMMISSIONERS

BOARD REPORT

NO. 17-227

DATE October 18, 2017

C.D. 11

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: VENICE BEACH - INITIAL CONSIDERATION OF 24-HOUR PUBLIC RESTROOM ACCESS TO ONE MULTI-STALL RESTROOM BUILDING ALONG OCEAN FRONT WALK; CONSIDERATION OF DRAFT ORDINANCE TRANSMITTED BY CITY ATTORNEY (COUNCIL FILE 15-1138-S10)

AP Diaz, R. Barajas, H. Fujita, V. Israel, S. Pina-Cortez, N. Williams

[Signature] General Manager

Approved [X] Disapproved Withdrawn

RECOMMENDATIONS

- 1. Review and approve the draft ordinance (Report No. R17-0131)(Attachment 1) amending subsection "S" and adding a new subsection "T" to section 63.44 of the Los Angeles Municipal Code...
2. Direct the Department of Recreation and Parks' staff to file a Coastal Development Permit (CDP) application...
3. Direct the Department to ~~transmit the draft ordinance~~ to the Arts, Parks, River, Entertainment and Facilities Committee and to full City Council for ~~public review and approval~~ to adopt the proposed ordinance.

SUMMARY

Due to the increased population of homeless persons, at or near Venice Beach, Council District 11 as well as the Venice community expressed concern that there are no overnight public restrooms available for the homeless to use in the area thus causing a public safety and health concern.

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The Venice Beach restrooms under the current maintenance model are open and cleaned several times per day, 365-days per year from 6:00 a.m. until approximately 10:30 p.m. The RAP typically does not keep any restrooms open at any park after a park closes due to various concerns. These concerns include public safety, employee safety, increased vandalism and physical damage to the restroom facilities, increased criminal activity inside the facilities and loitering. In order to open, maintain and clean public restrooms overnight for an additional eight (8) hours in (1) one multi-stall restroom building, it would require additional labor, materials/supplies and security resources.

Subsequent to Councilmember Bonin's motion, RAP staff identified the required funding necessary for the opening of one (1) multi-stall restroom building along Ocean Front Walk for expanded hours to allow for 24-hour public access, 365-days per year. A budget request to fund the program was submitted and approved by the City Council. The approved funding is for one (1) full time employee, one (1) part time employee, custodial materials/supplies and one (1) contract security guard who will be present with RAP cleaning staff for an eight (8) hour shift overnight, 365-days/year.

There is currently a City Attorney's Office draft ordinance pending which will require Arts, Parks, River, Entertainment and Facilities Committee as well as City Council approval. It is identified within City Attorney Report No. R17-0131, which amends subsection "S" and adds a new subsection "T" to section 63.44 of the Los Angeles Municipal Code which would allow for the Board of Recreation and Parks Commissioners to open restrooms at Venice Beach at the Board's discretion. The new subsection "S" and the newly added subsection "T" in the draft ordinance states:

"S. Bathrooms, Locker Rooms and Changing Areas

1. Notwithstanding Subsection B.14(b), the Board may allow 24-hour access to the restrooms at Venice Beach.

"T. Severability. "If any portion, subsection, sentence, clause or phrase of this section is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this section and each portion of subsection, sentence, clause and phrase herein, irrespective of the fact that anyone or more portions, subsection, sentences, clauses or phrase be declared invalid."

TREES AND SHADE

There will be no impacts related to trees and shade.

ENVIRONMENTAL IMPACT STATEMENT

Staff has determined that a Coastal Development Permit and associated California Environmental Quality Act (CEQA) will be addressed when the draft ordinance is approved by Council and the complete project scope and location has been determined.

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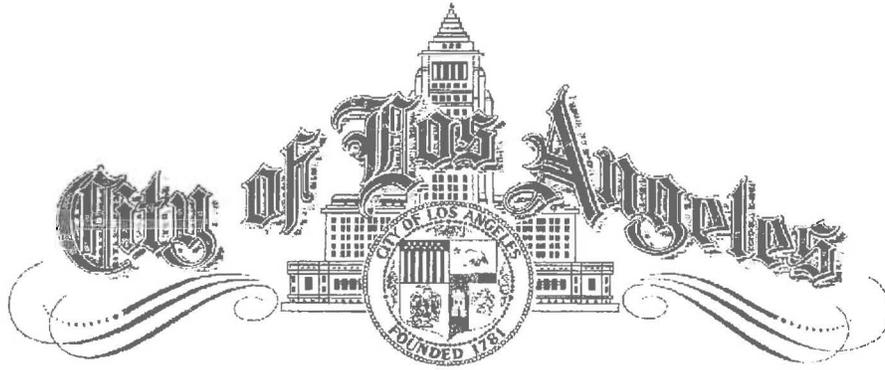
FISCAL IMPACT STATEMENT

The funding required to open and clean one (1) multi-stall restroom building along Ocean Front Walk for expanded hours and allow for 24 hour public access overnight for 365 days per year is currently within RAP's General Fund budget. The estimated funding is FY16-17 is Two Hundred Thirty-Four Thousand Dollars (\$234,000.00) and FY 17-18 is Two Hundred Fifty-Five Thousand, Four Hundred Six Dollars (\$255,406.00).

This Report was prepared by Robert Davis, Superintendent of Venice Region

LIST OF ATTACHMENTS/EXHIBITS

1. City Attorney Draft Ordinance Report No. R17-0131
2. CD11 Motion – Councilmember Mike Bonin related to Comprehensive Homeless Strategy Section 6F ("Expand Access to Public Restrooms)



MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. R17-0131

APR 26 2017

REPORT RE:

**DRAFT ORDINANCE AMENDING SUBSECTION S AND ADDING A NEW
SUBSECTION T TO SECTION 63.44 OF THE LOS ANGELES MUNICIPAL CODE TO
ALLOW THE BOARD OF RECREATION AND PARKS COMMISSIONERS TO OPEN
RESTROOMS AT VENICE BEACH**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Honorable Members:

Pursuant to your request, this Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. This draft ordinance amends Subsection S and adds a new Subsection T to Section 63.44 of the Los Angeles Municipal Code to allow the Board of Recreation and Parks Commissioners to approve 24-hour access to the restrooms at Venice Beach.

Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Department of Recreation and Parks, the Los Angeles Police Department and the Department of Public Works with a request that all comments, if any, be presented directly to the City Council when this matter is considered.

If you have any questions regarding this matter, please contact Senior Assistant City Attorney Valerie Flores at (213) 978-8130. She or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By 

DAVID MICHAELSON
Chief Assistant City Attorney

DM:VLF:ac
Transmittal

ORDINANCE NO. _____

An ordinance amending Subsection S and adding a new Subsection T to Section 63.44 of the Los Angeles Municipal Code to allow the Board of Recreation and Parks Commissioners to open park restrooms at Venice Beach.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Subsection S of Section 63.44 of the Los Angeles Municipal Code is amended and the current Subsection S is relettered as Subsection T to read as follows:

S. Bathrooms, Locker Rooms and Changing Areas.

1. Notwithstanding Subsection B.14(b), the Board may allow 24-hour access to the restrooms at Venice Beach.

T. Severability. If any portion, subsection, sentence, clause or phrase of this section is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this section and each portion or subsection, sentence, clause and phrase herein, irrespective of the fact that any one or more portions, subsections, sentences, clauses or phrases be declared invalid.

Sec. 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

HOLLY L. WOLCOTT, City Clerk

By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By  _____
VALERIE L. FLORES
Senior Assistant City Attorney

Date 4/26/17

File No. _____

MOTION

The City recently adopted a Comprehensive Homeless Strategy (CHS) to address the severe crisis of homelessness in Los Angeles. Ultimately, the plan calls for providing significantly more affordable housing, permanent supportive housing, and rapid rehousing of the homeless. The CHS also recognizes that, over the next several years, while housing and resources are being created, there is a need for a "street strategy" that assists those living on the streets, and mitigates the impacts encampments and street living have on our residential neighborhoods and business districts.

One of the priorities identified for a street strategy in the CHS is the need to provide more access to public restrooms around the clock. Currently, people living on the streets have no access to public restrooms for large parts of the day. As a result, many people are forced to urinate and defecate outdoors. In Venice, many residents have reported finding human waste near or on their properties. In Venice, the situation is also exacerbated by the large number of tourists, who also have no access to restrooms during parts of the day.

The CHS Strategy 6F ("Expand Access to Public Restrooms") advises that the inability to address daily hygiene needs can exacerbate isolation experienced by homeless individuals and can further disconnect them from society by not allowing them to apply for housing or interview for a job. Additionally, denying restroom access to homeless individuals results in public health concerns as the streets and other public areas, by default, are used as hygiene facilities by individuals who have no other options.

Restrooms at Venice Beach are currently open from 6 a.m. to sometime between 9 p.m. and midnight, depending on cleaning schedules. Consistent with Council's adoption of the CHS and Strategy 6F, Expand Access to Public Restrooms, it would be prudent to determine what resources are needed to open the restrooms around the clock. It would also be prudent for City staff to determine whether other public restrooms could be opened at other city facilities, or whether temporary public restrooms could be installed at other locations.

I THEREFORE MOVE that the Council instruct the Department of Recreation and Parks to identify what financial and personnel resources would be required to open and maintain the public restroom facilities at Venice Beach around the clock.

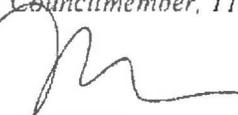
I FURTHER MOVE that the Department of General Services survey City properties in Venice, and throughout Council District 11, to determine where additional restrooms facilities can be provided.

PRESENTED BY:


MIKE BONIN

Councilmember, 11th District

SECONDED BY:


_____
APR 25 2016

W sp.
14,9
C

File No. 15-1138-S10

ARTS, ENTERTAINMENT, PARKS AND RIVER COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to amending Subsection S and adding a new Subsection T to Section 63.44 of the Los Angeles Municipal Code (LAMC) to allow the Board of Recreation and Parks Commissioners to open park restrooms at Venice Beach.

Recommendation for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

PRESENT and ADOPT the accompanying ORDINANCE, dated April 26, 2017, to amend Subsection S and add a new Subsection T to Section 63.44 of the LAMC to allow the Board of Recreation and Parks Commissioners to open park restrooms at Venice Beach.

Fiscal Impact Statement: None submitted by the City Attorney. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: None submitted.

SUMMARY

At the meeting held on November 29, 2017, your Arts, Entertainment, Parks and River Committee considered City Attorney and Department of Recreation and Parks report and Ordinance relative to amending Subsection S and adding a new Subsection T to Section 63.44 of the LAMC to allow the Board of Recreation and Parks Commissioners to open park restrooms at Venice Beach. An opportunity for public comment was held. After further discussion of the matter, the Committee moved to approve the Ordinance as presented by the City Attorney, as detailed above. This matter is now forwarded to the Council for its consideration.

Respectfully Submitted,

ARTS, ENTERTAINMENT, PARKS AND RIVER COMMITTEE

<u>MEMBER</u>	<u>VOTE</u>
O'FARRELL:	YES
RYU:	YES
PRICE:	YES

ME

-NOT OFFICIAL UNTIL COUNCIL ACTS-

File No. 15-1138-S10

INFORMATION, TECHNOLOGY, AND GENERAL SERVICES COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to authorizing the Board of Recreation and Parks Commissioners to open park restrooms at Venice Beach.

Recommendation for Council action, as initiated by Motion (Bonin – Harris-Dawson), SUBJECT TO THE APPROVAL OF THE MAYOR:

CONCUR with the action of the Arts, Entertainment, Parks, and River Committee taken at its meeting held November 29, 2017, recommending approval of the accompanying Ordinance authorizing the Board of Recreation and Parks Commissioners to open park restrooms at Venice Beach.

Fiscal Impact Statement: None submitted by the City Attorney. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: None submitted.

SUMMARY

On April 15, 2016, Council considered Motion (Bonin – Harris-Dawson) relative to improving bathroom access for homeless persons. Motion instructs the Department of Recreation and Parks to identify the financial and staff resources required to open and maintain the public restroom facilities at Venice Beach 24 hours per day. Motion further directs the Department of General Services to identify other City-owned properties with bathrooms located in the 11th Council District than can be open for use by the public round the clock. Council referred Motion to the Arts, Parks, and River and the Entertainment and Facilities Committees for consideration. The referral was subsequently changed to the Arts, Entertainment, Parks, and River and the Information, Technology, and General Services Committees.

Accompanying a report to Council dated April 26, 2017, the City Attorney presents Ordinance amending Subsection S and adding a new Subsection T to Section 63.44 of the Los Angeles Municipal Code to allow the Board of Recreation and Parks Commissioners to approve 24-hour access to the restrooms at Venice Beach. On October 18, 2017, the Board of Recreation and Parks Commissioners approved the Ordinance. At its meeting held November 29, 2017, the Arts, Entertainment, Parks, and River Committee also recommended approval.

At its meeting held December 12, 2017, the Information, Technology, and General Services Committee recommended that Council approve the accompanying Ordinance, as recommended by the Board of Recreation and Parks Commissioners and the Arts, Entertainment, Parks, and River Committee.

Respectfully Submitted,

INFORMATION, TECHNOLOGY, AND GENERAL SERVICES COMMITTEE

A handwritten signature in blue ink, appearing to read "Monica Rodriguez", is written over the printed name of the committee.

<u>MEMBER</u>	<u>VOTE</u>
RODRIGUEZ:	YES
BLUMENFIELD:	YES
O'FARRELL:	YES

jaw

-NOT OFFICIAL UNTIL COUNCIL ACTS-

HOLLY L. WOLCOTT
CITY CLERK

SHANNON D. HOPPE
EXECUTIVE OFFICER

City of Los Angeles
CALIFORNIA



ERIC GARCETTI
MAYOR

Attachment 4
OFFICE OF THE
CITY CLERK

Council and Public Services Division
200 N. SPRING STREET, ROOM 395
LOS ANGELES, CA 90012
GENERAL INFORMATION - (213) 978-1133
FAX: (213) 978-1040

BRIAN E. WALTERS
DIVISION CHIEF

CLERK.LACITY.ORG

When making inquiries relative to
this matter, please refer to the
Council File No.: [15-1138-S10](#)

OFFICIAL ACTION OF THE LOS ANGELES CITY COUNCIL

December 26, 2017

Council File No.: [15-1138-S10](#)

Council Meeting Date: December 13, 2017

Agenda Item No.: 52

Agenda Description: ARTS, ENTERTAINMENT, PARKS AND RIVER COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to amending Subsection S and adding a new Subsection T to Section 63.44 of the Los Angeles Municipal Code (LAMC) to allow the Board of Recreation and Parks Commissioners to open park restrooms at Venice Beach.

Council Action: ARTS, ENTERTAINMENT, PARKS AND RIVER COMMITTEE REPORT AND ORDINANCE - ADOPTED FORTHWITH

Council Vote:

YES	BOB BLUMENFIELD
YES	MIKE BONIN
YES	JOE BUSCAINO
YES	GILBERT A. CEDILLO
ABSENT	MITCHELL ENGLANDER
YES	MARQUEECE HARRIS-DAWSON
YES	JOSE HUIZAR
YES	PAUL KORETZ
YES	PAUL KREKORIAN
YES	NURY MARTINEZ
YES	MITCH O'FARRELL
YES	CURREN D. PRICE
YES	MONICA RODRIGUEZ
YES	DAVID RYU
YES	HERB WESSON

HOLLY L. WOLCOTT
CITY CLERK