

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 _____ V. Israel _____
R. Barajas _____ *S. Piña-Cortez _____
H. Fujita _____ 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Approved [X] Disapproved _____ Withdrawn _____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 to allow the Board of Recreation and Parks Commissioners to open one (1) multi-stall restroom building along Ocean Front Walk at Venice Beach for 24 hour public access 365 days per year;
2. Direct the Department of Recreation and Parks' staff to file a Coastal Development Permit (CDP) application and to ensure compliance with all applicable CEQA requirements.
3. Direct the Department to draft a report to the Arts, Parks, River, Entertainment and Facilities Committee and to full City Council 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. In 2016, Councilmember Mike Bonin, as part of the City's Comprehensive Homeless Strategy Section 6F ("Expand Access to Public Restrooms") (Attachment 2) introduced a motion to the Arts, Parks, River, Entertainment and Facilities Committee to explore the feasibility of opening and maintaining some restroom facilities for a 24-hour period at Venice Beach and to identify the funding needed for such a program.

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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 phase 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. R 17 - 0 1 3 1

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 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.

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.

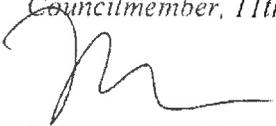
I FURTHER MOVE that the Department of General Services survey City properties in Venice, and throughout Council District 11, to determine where additional restrooms facilities can be provided.

PRESENTED BY:


MIKE BONIN

Councilmember, 11th District

SECONDED BY:


APR 15 2016

ORIGINAL

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

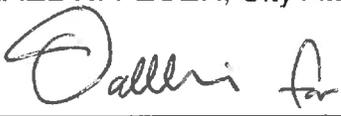
By _____ Deputy

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. _____