

CALIFORNIA COASTAL COMMISSION

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**W9a**

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STAFF REPORT: CONSENT CALENDAR

Application No.: 5-19-0107

Applicant: City of Los Angeles, Bureau of Engineering
 Norman Mundy

Location: Seaward of Ocean Front Walk between Rose Ave. and Navy St., Venice Beach, City of Los Angeles, Los Angeles County.

Project Description: Replacement of the 365 sq. ft. Rose Avenue public restroom facility with a new 805 sq. ft. public restroom facility with an approximately 8 ft. high security fence, 12 ft. high lighting, and hardscaping.

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

The applicant is proposing to demolish an approximately 365 sq. ft., 13 ½' high, six (6) stall public beach restroom facility, two (2) drinking fountains, an outdoor shower area with landscaping, a decorative wall, hardscaping, and light fixtures and construct an approximately 805 sq. ft., 24' high, ten (10) stall restroom facility with six (6) American's with Disabilities Act (ADA) accessible stalls and a maintenance/electrical room, an approximately 8' high security fence, a new ADA accessible drinking fountain, two (2) new ADA accessible outdoor showers, four (4) new 12' tall light poles, hardscaping, and three (3) 30" high seat walls at the Rose Avenue public beach restroom facility seaward of Oceanfront Walk between Rose Avenue and Navy Street in Venice Beach, City of Los Angeles, Los Angeles County. Coastal Act issues raised with this development include: public access, coastal hazards, water quality, and coastal views.

Staff is recommending **APPROVAL** of the proposed coastal development permit with **six (6) Special Conditions**. The special conditions are: **1)** beach and recreational facility closures – timing of the project; **2)** public toilets; **3)** construction responsibilities; **4)** no future shoreline protection; **5)** water quality; and **6)** assumption of risk.

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EXHIBITS

[Exhibit 1 – Project Location](#)

[Exhibit 2 – Site Plan and Elevations](#)

[Exhibit 3 – Hazard Analysis](#)

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of all of the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Beach and Recreational Facility Closures – Timing of the Project.** Construction shall not occur on weekends or holidays during the “peak use” beach season, defined as the period starting the day before the Memorial Day weekend and ending the day after the Labor Day weekend of any year. Beach area closures shall be minimized and limited to areas immediately adjacent to the permitted development (not to exceed a one hundred foot radius around the project site). All beach areas and recreation facilities outside of the one hundred foot radius shall remain open and available for public use during the public operating hours. The beach bicycle path shall remain open and available for public use during all public operating hours.
2. **Public Toilets.** Prior to the closure of the existing public restroom, the permittee shall provide and maintain temporary public toilets at the site. The temporary facilities shall be provided and maintained at the site until the new restroom is opened for public use.
3. **Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris.**

The permittee shall comply with the following construction-related requirements:

- (a) No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.
- (b) No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers.
- (c) Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.
- (d) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.
- (e) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
- (f) The applicant(s) shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
- (g) Debris shall be disposed of at a legal disposal site or recycled at a recycling facility outside of the coastal zone. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.

- (h) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.
- (i) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
- (j) The discharge of any hazardous materials into any receiving waters shall be prohibited.
- (k) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.
- (l) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity.
- (m) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

4. No Future Shoreline Protection.

(A) By acceptance of this coastal development permit, the applicant agrees, on behalf of itself and all successors and assignees, that no shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to this coastal development permit including, but not limited to, the construction of the restroom and any other future improvements, in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, liquefaction, sea level rise, or any other coastal hazards in the future. By acceptance of this permit, the applicant/landowner hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.

(B) By acceptance of this coastal development permit, the applicant/landowner further agrees, on behalf of itself and all successors and assigns, that the landowner shall remove the development authorized by this permit including, but not limited to, the restroom, if any government agency has ordered that the structure is not to be occupied due to any of the hazards identified above. In the event that portions of the development fall to the beach before they are removed, the landowner shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

5. Assumption of Risk, Waiver of Liability and Indemnity Agreement. By acceptance of this permit, the applicant, on behalf of (1) themselves; (2) their successors and assigns and (3) any other holder of the possessory interest in the development authorized by this permit, acknowledge and agree (i) that the site may be subject to hazards from waves, storm waves, flooding and erosion; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; and (v) to agree to include a provision in any subsequent sublease or assignment of the development authorized by this permit requiring the sublessee or assignee to submit a written agreement to the Commission, for the review and approval of the Executive Director, incorporating all of the foregoing restrictions identified in (i) through (v).

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION & LOCATION

The applicant is proposing to demolish an approximately 365 sq. ft., 13 ½' high, six (6) stall restroom facility, two (2) drinking fountains, an outdoor shower area with landscaping, a decorative wall, hardscaping, and light fixtures and construct an approximately 805 sq. ft., ten (10) stall restroom facility with a maximum height of 24', six (6) American's with Disabilities Act (ADA) accessible stalls, a maintenance/electrical room, a security fence, a new ADA accessible drinking fountain, two (2) new ADA accessible outdoor showers, six (6) new 12' -tall light poles, and three (3) 30" high seat walls ([EXHIBIT 2](#)).

The project is located seaward of Ocean Front Walk in between Rose Avenue and Navy Street in Venice Beach, City of Los Angeles, Los Angeles County. There is a public beach parking lot immediately landward of the site and a public bike path and beach immediately seaward of the site. The sandy beach seaward of the site is approximately 500' wide. The developed area landward of the site is a mix of commercial and residential uses ([EXHIBIT 2](#)). Because of its relatively low-lying location on the beach, there are potential coastal hazards associated with the proposed development. The applicant completed a sea level rise and flooding hazard analysis, which found that that the restroom would likely be subject to coastal flooding during its projected 30 year design life ([EXHIBIT 3](#)). However, the restroom structure has been designed to withstand flooding through design features that include concrete walls and floor drains and flood control openings around the base of the restroom. **Special Condition 5** requires the applicant to assume all risks and responsibilities associated with the proposed beach development. **Special Condition 4** requires that the applicant agree that no future shoreline protection shall ever be constructed to protect the restroom structure if it is threatened in the future and that in the event that the facility is damaged or ordered removed by a government agency, the applicant shall remove the facility and any debris associated with the development from the beach and ocean and dispose of it in a lawful manner.

The proposed project has been designated the "Gull Wing" design, which refers to the roof element.

The design has an approximately 13' tall wall structure with a tilted varied roof element with a minimum height of 10' and a maximum height of 24' ([EXHIBIT 2](#)). Through public outreach (discussed below), the community determined that the aesthetic value of the structure was an important factor to contribute to the visual and scenic characteristics of the area. The community resolved that the design of the restroom should result in an innovative structure that is visually interesting and appropriate for the beach setting and that the "Gull Wing" design evokes a soaring ocean bird and the openness of the design minimizes the mass of the building ([EXHIBIT 2](#)). Additionally, the project proposes to remove five (5) decorative walls that are approximately 2' – 4' in height that currently surround the existing restroom facility, which will result in less build up development with a more visually open view. As proposed, the development will not have any negative impacts on public coastal views.

The proposed project was vetted through the Local Volunteer Neighborhood Organization Committee (LVNOC) process. The LVNOC consists of seven (7) representatives from the Venice community who are appointed jointly by the council district (Council District 11) office and the Department of Recreation and Parks, which operates and maintains the restroom facilities in Venice Beach. The City of Los Angeles Bureau of Engineering (BOE) held three (3) meetings with the LVNOC: October 23, 2013, May 1, 2014, and January 22, 2015. At each of the LVNOC meetings, the committee members were in unanimous support of the project's design, including the "Gull Wing" feature. The project was also presented to the Venice Neighborhood Council (VNC) in October 2014. There were approximately 150 residents present at the VNC meeting and no objects to the proposed project were voiced or recorded.

The project's height is also a design feature that brings the proposed building into conformance with the City's Methane Ordinance (Ordinance No. 175790, enacted in 2004). The proposed project is sited in a methane buffer zone (methane zones are mapped areas within the City). As a result of its location, ventilation within the proposed facility must comply with the City's Methane Ordinance. Under the ordinance, the required ventilation may be supplied either by mechanical means (pumps, fans, etc.) or by the provision of natural ventilation (open space). The City's BOE determined that for this type of restroom facility, mechanical ventilation is not feasible due to maintenance issues, vandalism, energy conservation policies and costs. Furthermore, if the mechanical ventilation system were to malfunction, the restroom facility would have to be closed to the public. In order to comply with the City's Methane Ordinance, the City's BOE designed the facility to incorporate openings in the material between the top of the block wall and the roof element. The material is screen like and results in a relatively transparent manner, which gives the structure the required ventilation and an open look and feel.

The proposed project is fully compliant with current ADA requirements. The requirements mandate that six (6) of the ten (10) stalls of the proposed project are ADA accessible. Additional ADA features include signage, low-effort door operations, slip-resistant ramps, and accessible operational features such as the water fountain and showers. The replacement facility will be serviced six (6) times a day. Maintenance visits will include: sanitizing toilets, sinks and floor, as well as replacing toilet paper and soap.

There is a critical need for improved restroom facilities in this area of Venice Beach. The proposed project will meet those needs with an aesthetically interesting structure that is consistent with the visual characteristics of the surrounding area. Therefore, as proposed and conditioned, the proposed project is consistent with community character and will have no negative effects on visual resources

or coastal access. The proposed project, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act, the policies of the certified Venice LUP, and previous Commission approvals.

In order to protect public coastal access, **Special Condition 1** restricts construction of the project to the non-peak beach days. **Special Condition 2** requires the applicant to provide temporary restroom facilities while the proposed project is under construction. The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. **Special Condition 3** requires the applicant to observe and participate in Best Management Practices during the proposed demolition and construction.

B. HAZARDS

Development adjacent to the ocean is inherently hazardous. Development which may require a protective device in the future cannot be allowed due to the adverse impacts such devices have upon, among other things, public access, visual resources and shoreline processes. To minimize the project's impact on shoreline processes, and to minimize risks to life and property, the development has been conditioned to prohibit construction of protective devices (such as a seawall) in the future and to require that the landowner and any successor-in-interest assume the risk of undertaking the development. As conditioned, the Commission finds that the development conforms to the requirements of Sections 30235 and 30253 of the Coastal Act regarding the siting of development in hazardous locations.

C. DEVELOPMENT

The development is located within an existing developed area and, as conditioned, will be compatible with the character and scale of the surrounding area, has been designed to assure structural integrity, and will avoid cumulative adverse impacts on public access. Therefore, the Commission finds that the development, as conditioned, conforms with Sections 30250, 30251, 30252, 30253 and the public access provisions of the Coastal Act.

D. PUBLIC ACCESS

As conditioned, the proposed development will not affect the public's ability to gain access to, and/or to make use of, the coast and nearby recreational facilities. Therefore, as proposed the development conforms to Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

E. WATER QUALITY

The development, as proposed and as conditioned, incorporates design features to minimize the effect of construction and post-construction activities on the marine environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials, reducing runoff through the use of permeable surfaces, and for the use of post-construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms to Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

F. LOCAL COASTAL PROGRAM (LCP)

Coastal Act section 30604(a) states that, prior to certification of a local coastal program (LCP), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The City of Los Angeles Land Use Plan (LUP) for Venice was effectively certified on June 14, 2001. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

Appendix A - Substantive File Documents

- City of Los Angeles Coastal Development Permit 18-02 dated July 31, 2018
- Coastal Development Permit No. 5-15-0267