

ORDINANCE NO. _____

An ordinance adding Section 63.136 to the Los Angeles Municipal Code to prohibit entry upon a Venice Canal or Grand Canal/Ballona Lagoon Environmentally Sensitive Habitat Area between a designated walkway and the water.

WHEREAS, on October 29, 1999, the Los Angeles City Council adopted the Venice Local Coastal Program Land Use Plan (LUP), which was prepared to comply with the California Coastal Act of 1976 (CF 98-0518), which was certified by the California Coastal Commission June 14, 2001;

WHEREAS, the LUP identifies policies for the protection of an Environmentally Sensitive Habitat Area (ESHA), which is defined by the LUP and by the California Coastal Act as any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments;

WHEREAS, the LUP establishes the land between walkways and the waterways of the Venice Canals and the Grand Canal/Ballona Lagoon in the Venice area of the City of Los Angeles to be ESHAs;

WHEREAS, the LUP establishes dual policies governing the Venice Canal and Grand Canal/Ballona Lagoon ESHAs, policies consistent with requirements of the California Coastal Act. The LUP provides that uses permitted in or adjacent to the canals shall be implemented in a manner to protect the biological productivity of marine resources and maintain healthy populations of marine organisms. The LUP also provides that uses such as authorized open space, habitat management, controlled nature study and interpretation, and passive public recreation use of walkways for birdwatching, photography, and strolling upon designated walkways and paths shall be encouraged and promoted;

WHEREAS, The California Coastal Act at Section 30240, subpart (a) provides that, "Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas." Section 30210 of the California Coastal Act also provides that, "In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse";

WHEREAS, on May 26, 2020, the City Council determined that the City's ESHAs are delicate ecosystems that may easily be disturbed by human activities and that, in order to bolster the City's ability to protect these habitats, the City should have the legal

authority to prevent people from leaving designated walking trails and pathways in ESHAs, except for limited purposes related specifically to the ESHAs and waterways. (CF 20-0645); and

WHEREAS, the City Council finds that prohibiting persons from entering upon the Venice Canal and Grand Canal/Ballona Lagoon ESHAs, while continuing to allow for off-walkway and path nature study and interpretation and boating activities, protects the biological productivity of marine resources, and maintains healthy populations of marine organisms in the ESHAs while allowing recreational activities consistent with the requirements of the LUP, adopted pursuant to the requirements of the California Coastal Act.

NOW, THEREFORE,

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

Section 1. A new Section 63.136 is added to the Los Angeles Municipal Code to read as follows:

SEC. 63.136. ENTRY UPON VENICE CANAL, GRAND CANAL, AND BALLONA LAGOON ESHA PUBLIC RIGHTS-OF-WAY PROHIBITED.

(a) **Definitions.**

1. **“Ballona Lagoon East Bank”** shall mean the open space adjacent to the east bank of Ballona Lagoon in the Grand Canal/Ballona Lagoon.

2. **“Designated Walkway”** shall mean the pedestrian paths or improved walkways along and abutting the Grand Canal/Ballona Lagoon or Venice Canals waterways.

3. **“Environmentally Sensitive Habitat Area”** or **“ESHA”** shall have the same meaning as set forth in California Coastal Act section 30107.5, which is any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

4. **“Grand Canal/Ballona Lagoon”** shall mean the Grand Canal and Ballona Lagoon located in the City of Los Angeles near Venice Beach, bounded to the east by Via Dolce and Via Donte Streets, to the west by Strongs Drive, Canal Court, and Pacific Avenue, to the north by Washington Boulevard, and to the south by Via Marina.

5. **“LUP”** shall mean the Venice Local Coastal Program Land Use Plan prepared to comply with the California Coastal Act of 1976, adopted by the

City Council October 29, 1999 (CF 1998-0518), and certified by the California Coastal Commission June 14, 2001.

6. **“Venice Canal(s)”** shall mean the Grand Canal, Carrol Canal, Linnie Canal, Howland Canal, and Sherman Canal located in the City of Los Angeles near Venice Beach, bounded to the east by Ocean Avenue, to the west by Strongs Drive, to the north by South Venice Boulevard, and to the south by Washington Boulevard.

7. **“Venice Canal ESHA” or “Grand Canal ESHA”** shall mean the land located between a Designated Walkway and the waterways in the Venice Canals or Grand Canal/Ballona Lagoon.

(b) **Entry Upon Canal ESHAs Prohibited.** No person shall leave a Designated Walkway in the Venice Canals or Grand Canal/Ballona Lagoon and enter the Venice Canal ESHA or Grand Canal/Ballona Lagoon ESHA, or enter the Venice Canal ESHA or Grand Canal/ Ballona Lagoon ESHA from the canal waterways except for the limited purpose of:

1. Actively engaging in the boating activity of moving a boat into and out of the water, moving into a boat from a Designated Walkway, or exiting from a boat onto a Designated Walkway;

2. Nature study and interpretation for educational purposes associated with a school or educational institution and permitted by the Board of Public Works or its designee; or

3. Governmentally authorized habitat management, including keeping an ESHA free of accumulated trash and waste.

(c) **Entry Upon Ballona Lagoon East Bank Prohibited.** Public access is prohibited onto the Ballona Lagoon East Bank.

Sec. 3. 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.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By


ROBERT MAHLOWITZ
Deputy City Attorney

Date

1/19/21

File No. 20-0645

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The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles.

CITY CLERK

MAYOR

Ordinance Passed _____

Approved _____