



MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. **R 21-0023**
JAN 19 2021

REPORT RE:

**DRAFT ORDINANCE ADDING SECTION 63.136 TO THE LOS ANGELES
MUNICIPAL CODE TO PROHIBIT ENTRY UPON THE VENICE CANAL AND GRAND
CANAL/BALLONA LAGOON ENVIRONMENTALLY SENSITIVE HABITAT AREAS
BETWEEN A DESIGNATED WALKWAY AND THE WATER**

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

Council File No. 20-0645

Honorable Members:

The City Council requested the City Attorney prepare a draft ordinance to charge people with a trespass if they leave the designated trails in any Environmentally Sensitive Habitat Area (ESHA) located at Venice Beach, the Venice Canals, or the Grand Canal/Ballona Lagoon. These areas are already regulated pursuant to the California Coastal Act and the Venice Local Coastal Program Land Use Plan (LUP) adopted by the Council October 29, 1999 (CF 98-0518). The Coastal Act and the LUP both promote policies that protect the environment, while also ensuring public access to the State's coastal resources. Pursuant to your request, this Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality.

The draft ordinance would add Section 63.136 to the Los Angeles Municipal Code (LAMC) to prohibit entry upon the Venice Canal and Grand Canal/Ballona Lagoon ESHAs between a designated walkway and the waterways. As required by the Coastal Act and the LUP, the ordinance also identifies allowed public access activities that are

consistent with protecting the health of the regulated ESHA areas. The draft ordinance prohibits entry onto the designated Venice Canal and Grand Canal ESHAs, except for three limited circumstances, namely, governmental habitat management including keeping an ESHA free of trash and waste, moving into or exiting from a boat, and permitted nature study and interpretation for educational purposes, pursuant to a permit for nature study or interpretation, issued by the Board of Public Works or its designee.

The areas that comprise the regulated ESHAs are beyond the City's jurisdiction for the application of criminal trespass laws. Therefore, a violation of the draft ordinance will be subject to enforcement pursuant to LAMC Section 11.00(m). Additionally, the draft ordinance does not include Venice Beach because its ESHA cannot be defined in a way that prohibits entry while still allowing the type of public access required by the Coastal Act and the LUP.

California Environmental Quality Act (CEQA)

The Bureau of Engineering (BOE) has determined that the project is exempt under CEQA Guideline 15307 as an action by a regulatory agency for protection of natural resources, and CEQA Guideline 15308 as an action by a regulatory agency for protection of the environment.

BOE's CEQA report was separately transmitted to you for review. If you concur in BOE's analysis, you may comply with CEQA by determining that adoption of the ordinance qualifies for one or more exemptions, all as set forth in the Notice of Exemption and accompanying narrative attached to BOE's report. This Office recommends that the City Council direct BOE to file the Notice of Exemption with the County Recorder's Office following adoption of the ordinance.

Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Board of Public Works, the Planning Department, and the Los Angeles Police Department 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 Deputy City Attorney Robert Mahlowitz at (213) 978-8205. He or another member of this Office will be available when you consider this matter to answer questions you may have.

Sincerely,

MICHAEL N. FEUER, City Attorney

By

A handwritten signature in black ink, appearing to read "D. Michaelson", written over a horizontal line.

DAVID MICHAELSON
Chief Assistant City Attorney

DM:RM:ac
Transmittal