

**ORDINANCE NO. \_\_\_\_\_**

An ordinance amending Subsection B.14(b) of Section 63.44 of Chapter VI of the Los Angeles Municipal Code to establish the hours during which beach parks under the control, operation or management of the Board of Recreation and Parks will open and close to the public.

**WHEREAS**, the City of Los Angeles seeks to enhance the public's ability to access the Pacific Ocean to the greatest extent possible in a way consistent with the City's duties to protect the public health and safety and to ensure the maintenance of City's beach parks for the recreational use of City residents and visitors;

**WHEREAS**, the City of Los Angeles has a longstanding history, predating the enactment of the California Coastal Act, establishing opening and closing times for City owned, controlled, and managed beach parks;

**WHEREAS**, legislative history for the current opening and closing hours for the City's beach parks demonstrates that beach closure hours expressly were enacted to abate nuisance conditions existing at the time of the enactment and were enacted in direct response to law enforcement needs to reduce crime and a request from the then-acting Director of the County of Los Angeles Department of Beaches;

**WHEREAS**, nuisance conditions continue to exist in the City's beach communities and are likely to intensify unless the City's beach park hours, in areas where nuisance conditions exist, remain in force and effect;

**WHEREAS**, the Los Angeles Police Department relies on the beach closure hours as an essential law enforcement tool in beach communities;

**WHEREAS**, the Department of Recreation and Parks and the Bureau of Sanitation rely on the beach closure hours as an essential tool for the maintenance of the beach parks, especially in the Venice Beach park, where a recent cleanup operation beginning at 1:00 a.m., after the midnight closing time, resulted in the cleanup of 32 separate encampments, many with live rodent infestations, 75 bags of unattended personal belongings, three tons of trash, including bulky items, and numerous hazards, including human feces, aerosol containers, flammable liquid, flammable gas, paint, lead battery, rodent feces, sharps (including a hypodermic needle) and other assorted drug paraphernalia;

**WHEREAS**, crime statistics for the Dockweiler Beach area in 2013 disclose 21 Part 1 crimes and 80 Part 2 crimes. Crime statistics for Will Rogers Beach area disclose 30 Part 1 crimes and 62 Part 2 crimes. Crime rates in the Cabrillo Beach area disclose 53 Part 1 crimes and 73 Part 2 crimes;

**WHEREAS**, in the Venice Beach area, historically over the last five years, more crime occurs at night, from 6:00 p.m. to 6:00 a.m., than in the day. In 2013, Venice

experienced an extremely high rate of crime, including 785 Part 1 crimes, including two homicides, nine rapes, 51 robberies and 87 aggravated assaults. In 2013, more than 2,899 Part 2 crimes were committed. Year-to-date in 2014, violent crime in Venice Beach is up 8.3 percent and overall crime is up 9.3 percent. Rape is up more than 75 percent;

**WHEREAS**, concerned citizens and citizen groups and business owners have communicated with City Officials and requested that the City maintain certain of its beach park opening and closing hours on the basis that the existing opening and closing hours are a necessary deterrent to crime in and around certain of the City's beach parks;

**WHEREAS**, beach parks in the City of Los Angeles present unique law enforcement challenges, especially in the dark of night when visibility is impaired, due to the difficulty of policing in the sand and ocean;

**WHEREAS**, beach parks in the City of Los Angeles present unique maintenance challenges because of the difficulty and costs associated with locating and removing from the sand, items such as trash, sharps, weapons, contraband, and other hazardous materials;

**WHEREAS**, certain of the City's beach parks have rugged and treacherous terrain (including cliffs, boulders and sharp rock outcroppings), sensitive environmental habitats such as tide pools, and/or are regularly subject to strong and dangerous rip tide currents;

**WHEREAS**, the adoption of an ordinance establishing and/or reaffirming the opening and closing hours of the City's beach parks does not require a Coastal Development Permit for a number of reasons, including because: 1) the action does not constitute development, as defined by the California Coastal Act; 2) the action constitutes an exercise of the City's police powers, which is not subject to the Coastal Act; 3) the City has regulated the opening and closing of beach parks since long before the effective date of the Coastal Act; 4) the City of Los Angeles, not the State, owns fee title to portions of the wet sands and submerged lands adjoining certain beach parks by virtue of a series of State Land Grants from 1911 to 2002; and 5) the ordinance is being adopted to abate public nuisances, which exempts the ordinance from the requirements of the Coastal Act even if it were applicable;

**WHEREAS**, adoption of the ordinance establishing opening and closing times for beach parks is not an action that will result in encroachment upon any existing or proposed physical accessway legally utilized by the public;

**WHEREAS**, adoption of the ordinance establishing opening and closing times for beach parks will not adversely affect marine resources, environmentally sensitive areas, or known archaeological or paleontological resources;

**WHEREAS**, adoption of the ordinance establishing opening and closing times for beach parks will not adversely affect recreational or visitor-serving facilities or coastal scenic resources;

**WHEREAS**, adoption of the ordinance establishing opening and closing times for beach parks will not adversely impact environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas or result in the need to provide buffer areas to protect such resources;

**WHEREAS**, adoption of the ordinance establishing opening and closing times for beach parks will not alter natural landforms and will not result in undue risks from geological and erosional forces and/or flood and fire hazards;

**WHEREAS**, adoption of the ordinance establishing opening and closing times for beach parks will not impact the character of surrounding areas or result in the need to restore and enhance visual quality in visually degraded areas;

**WHEREAS**, adoption of the ordinance establishing opening and closing times for beach parks will not result in the need for additional utilities, access roads, drainage and other necessary facilities;

**WHEREAS**, other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve activities associated with adoption of this ordinance establishing opening and closing times for beach parks;

**WHEREAS**, the ordinance does not propose development between the ocean and the first public road paralleling the ocean; and

**WHEREAS**, adoption of the ordinance establishing opening and closing times for beach parks will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

**NOW, THEREFORE,**

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

Section 1. Subparagraph (b) of Subdivision 14 of Subsection B of Section 63.44 of the Los Angeles Municipal Code is amended to read as follows:

(b) No person shall enter, remain, or stay in any Beach Park, defined as any park or boardwalk which consists of or abuts an ocean area, beach, or pier, between the hours of 12:00 midnight and 5:00 a.m. of the following day except that no person shall enter, remain, or stay in Royal Palms Beach Park between the hours of 8:00 p.m. and 5:00 a.m. of

the following day. On any Beach Park, the supervising employee at the Beach Park may grant a permit to any person to extend to that permittee the right to remain in the Beach Park for special events of a recreational nature, such as a grunion run, on the general terms and conditions to be established by the Department of Recreation and Parks. Notwithstanding the opening and closing hours established in Subparagraph (b), the Department of Recreation and Parks will conduct a pilot project which will consist of opening accessways that will remain open 24 hours a day and will be located in and traverse through the Dockweiler Beach Park and Will Rogers Beach Park to the wet sand of the Pacific Ocean on the following terms and conditions:

(i) Each accessway must be no wider than 10 feet in width and must run through the Beach Park at a 90 degree angle to the shoreline;

(ii) Signage will be installed and maintained by the Department of Recreation and Parks at the entry to each accessway to provide notice of and delineate the boundaries of the accessway;

(iii) An accessway may be used only for the purposes of accessing the wet sand area abutting the Pacific Ocean. No person may access any of the dry sand in a Beach Park when the Beach Park is closed, except for the dry sand in the accessway;

(iv) No person shall remain or stay in an accessway; an accessway may be used only for traveling to and from the wet sand; and

(v) No person may remain or stay on the wet sand in any Beach Park except for the purpose of walking on, jogging on, or fishing from the wet sand.

The Department of Recreation and Parks, in consultation with the Los Angeles Police Department and Bureau of Sanitation, shall conduct a review not later than six months after the establishment of any accessway created hereunder to determine whether the accessway creates a public nuisance, or is contrary to the public health, safety or welfare, and shall make a recommendation to the City Council regarding whether the accessway hours should be adjusted, or whether the accessway should be closed. Periodically, or upon request of the City Council, the Department of Recreation and Parks shall conduct a review in consultation with the Los Angeles Police Department and the Bureau of Sanitation to determine if nuisance conditions exist or health, safety and welfare conditions at any Beach Park are such that the opening and

closing hours should be modified, and make a corresponding recommendation to City Council regarding any adjustment to Beach Park opening and closing hours. Any future adjustment to Beach Park opening and closing hours shall be accomplished by ordinance.

Sec. 2. **URGENCY CLAUSE.** The City Council finds and declares that this ordinance is required for the immediate protection of the public peace, health and safety for the following reason: In order for the City of Los Angeles to provide immediate access to the Pacific Ocean for the public at certain Beach Parks, and in order to ensure that closing hours at unsafe Beach Parks remain in place, amendments to the Los Angeles Municipal Code as reflected in this ordinance must become effective as soon as possible. For all these reasons, the ordinance shall become effective upon publication pursuant to Los Angeles City Charter Section 253.

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.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than three-fourths** of all its members, 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  
Assistant City Attorney

Date \_\_\_\_\_

File No. \_\_\_\_\_