

MOTION

The City of Los Angeles seeks to provide access to and enhance the public's experience when visiting parks operated by the City that include a beach, ocean, or pier. Since at least 1936, the City has a longstanding history of striking a balance between promoting visitor access to beach parks, ensuring public health and safety of beach park visitors, and protecting the environment, by establishing opening and closing times for City beach parks. The operating hours for the City's beach parks, in general, provide greater hours of access than at the City's non-ocean front parks. The limited closure hours are necessary to perform cleaning and maintenance and to aid law enforcement.

These threats to public health, safety, and welfare and the continuing policing and maintenance challenges justify the City's continued operation of opening and closing hours for the City's beach parks.

The City's establishment of opening and closing hours at the City's beach parks predated the enactment of the California Coastal Act. The legislative history for the current opening and closing hours, located at L.A.M.C. section 63.44B(14)(b), demonstrates that operating hours were enacted to prevent crime, protect public and private property, and abate other nuisance conditions such as the illegal consumption of alcohol, vandalism, and other disturbances to the peace that occur on both the sand and the adjacent areas within the beach parks.

The California Coastal Commission ("CCC") has stated that the California Coastal Act requires the City to apply for a Coastal Development Permit ("CDP") in order for the City to continue to enforce its opening and closing hours for its parks that include a beach, ocean, or pier. The City asserts that it is not legally required to obtain a CDP. Other cities in California have defended this right by applying to the CCC for a CDP under a "reservation of rights," pursuant to which the cities assert that a CDP is not required.

The CCC has never taken any enforcement action against the City, but the threat of such action, and the cost of any ensuing litigation, continues to exist. Obtaining a CDP under a "reservation of rights" will limit the action the CCC thereafter may take with regard to the City's right to enforce operating hours at its parks.

I THEREFORE MOVE that, in order to protect the City's right to enforce opening and closing hours at the City's beach parks, the Department of Recreation and Parks, with the assistance of the Public Works Department and the City Attorney's Office, be directed to seek and obtain a local coastal permit and a CDP from the CCC for the City's beach park operating hours under a "reservation of rights".

PRESENTED BY: Joe Busciano
JOE BUSCIANO
Councilmember, 15th District

SECONDED BY: Wm. Martinez

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