



MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. R 22-0374
OCT 28 2022

REPORT RE:

**DRAFT ORDINANCE ADDING SECTION 63.137 TO ARTICLE 3, CHAPTER VI OF
THE LOS ANGELES MUNICIPAL CODE TO PROHIBIT NIGHTTIME ENTRANCE
ONTO CITY PUBLIC RIGHTS-OF WAY ABUTTING THE BALLONA WETLANDS**

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. 21-1081

Honorable Members:

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 adds Section 63.137 to Article 3, Chapter VI of the Los Angeles Municipal Code (LAMC) to prohibit nighttime entrance onto City public rights-of way abutting the Ballona Wetlands.

The Ballona Wetlands is owned by the state and managed by the Ballona Wetlands Conservancy (Conservancy). Certain areas abutting the Ballona Wetlands are located within the City's jurisdiction, specifically, east and north of the residential neighborhoods of Playa del Rey and Westchester, west of Lincoln Boulevard, and south of the City boundary along Ballona Creek; and east of Lincoln Boulevard, south of the Villa Marina neighborhood and the Marina Freeway, and north of Ballona Creek. The City Council requested that the draft ordinance preserve Ballona Wetlands Environmentally Sensitive Habitat Areas (ESHA) from ongoing disturbance by human activities occurring when people leave designated walkways and disregard the Ballona Wetlands' hours of operations. Regulating the Ballona Wetlands itself is beyond the

City's jurisdiction for the application of criminal trespass laws. Therefore, this Office worked with the Department of Public Works and the Conservancy to identify areas within the City's jurisdiction, specifically, the City's public rights-of-way adjacent to Culver Boulevard and Jefferson Boulevard that abut the Ballona Wetlands west of Lincoln Boulevard, where nighttime access most significantly contributes to the degradation of the Ballona Wetlands. Accordingly, the draft ordinance proposes to regulate the City's public rights-of-way in these specific areas. Because the City does not hold a possessory interest in the abutting public rights-of-way, a violation of the draft ordinance will be subject to enforcement pursuant to LAMC Section 11.00(m) upon the posting of signage providing notice of the law.

The City Council also requested the draft ordinance not apply to "authorized habitat management, nature study, and interpretive activity permitted by the applicable land manager." The applicable land manager is the Conservancy. Our Office consulted with the Conservancy and determined that authorized access to the Ballona Wetlands by the Conservancy during night hours will not be impeded by the draft ordinance.

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, CEQA Guideline 15308 as an action by a regulatory agency for protection of the environment, and CEQA Guideline 15311 covering accessory structures including on premise signs.

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 Department of Transportation, 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) 978-8130. A 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 

DAVID MICHAELSON
Chief Assistant City Attorney

DM:RM:ac
Transmittal