



*To enrich lives through effective and caring service*



January 17, 2012

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

**ADOPTED**  
BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

15 January 31, 2012

*Sachi A. Hamai*  
SACHI A. HAMAI  
EXECUTIVE OFFICER

Santos H. Kreimann  
Director  
Kerry Silverstrom  
Chief Deputy  
Gary Jones  
Deputy Director

Dear Supervisors:

**ORDINANCES AMENDING TITLE 2 (ADMINISTRATION), TITLE 3 (ADVISORY COMMISSIONS AND COMMITTEES), TITLE 17 (PARKS, BEACHES AND OTHER PUBLIC AREAS) AND TITLE 19 (AIRPORTS AND HARBORS) OF THE LOS ANGELES COUNTY CODE (THIRD AND FOURTH DISTRICTS) (THREE VOTES)**

**SUBJECT**

Approve ordinances amending Title 2 – Administration; Title 3 – Advisory Commissions and Committees; Title 17 – Parks, Beaches and Other Public Areas; and Title 19 – Airports and Harbors of the Los Angeles County Code relating to the authority and responsibilities of the Fire Chief, Sheriff, Director of the Department of Beaches and Harbors, and ocean lifeguards and to the operation of beaches located in the County that are owned, controlled, or managed by the County and of Marina del Rey; explicitly establishing that ocean lifeguards shall be under the direct control of the Fire Chief of the Consolidated Fire Protection District; extending Beach Commission terms from two to four years; imposing restrictions on certain beach and surf activities and in Marina del Rey; codifying the license requirement on various enumerated activities at the beach and in Marina del Rey, previously reaffirmed by your Board with adoption of the revised Beach and Harbor Use License Policy in August 2011; imposing restrictions on anchoring on the shoreward side of the Marina del Rey detached breakwater and the approaches to Marina del Rey Small Craft Harbor; and updating provisions relating to parking and unlawful activities.

**IT IS RECOMMENDED THAT YOUR BOARD:**

1. Find that these actions are exempt from the California Environmental Quality Act (CEQA) pursuant to California Public Resources Code Section 21080(b)(8) and the State CEQA Guidelines Sections 15273(a) and 15301.

2. Approve the introduction of ordinances amending Title 2 – Administration; Title 3 – Advisory Commissions and Committees; Title 17 – Parks, Beaches and Other Public Areas; and Title 19 – Airports and Harbors of the Los Angeles County Code relating to the authority and responsibilities of the Fire Chief, Sheriff, Director of the Department of Beaches and Harbors, and ocean lifeguards and to the operation of beaches located in the County that are owned, controlled, or managed by the County and of Marina del Rey; explicitly establishing that ocean lifeguards shall be under the direct control of the Fire Chief of the Consolidated Fire Protection District; extending Beach Commission terms from two to four years; codifying the license requirement on various enumerated events and activities at the beach and in Marina del Rey, previously reaffirmed by your Board with adoption of the revised Beach and Harbor Use License Policy in August 2011; imposing restrictions on anchoring on the shoreward side of the Marina del Rey detached breakwater and the approaches to Marina del Rey Small Craft Harbor; and updating provisions relating to parking and unlawful activities.
3. Introduce, waive reading, and place on your Board's agenda for adoption the accompanying ordinances that implement the above recommendation.
4. Instruct the Department of Beaches and Harbors to work with the Chief Executive Office Classification and Compensation Administration to establish appropriate employee classifications to perform code enforcement duties for the Department of Beaches and Harbors.

#### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

Most provisions of the existing Beach Ordinance, Chapter 17.12, were adopted in 1969, with modest revisions in 1985. Most provisions of the existing Harbor and Maritime Ordinance, Chapter 19.12, were adopted in 1967, with major revisions occurring in 1988, at the same time as the Harbor Patrol was transferred from the Department of Beaches and Harbors to the Sheriff's Department. Given both ordinances originated over 40 years ago and, but for individual instances, were last revised over 20 years ago, the current effort is to provide a comprehensive update to both ordinances relating to the operation of the beaches located in the County that are owned, controlled, or managed by the County and of Marina del Rey, as well as to amend Chapters 2.20, Forester and Fire Warden, and Chapters 2.116, Department of Beaches and Harbors, relating to the authority and responsibilities of the Fire Chief, Sheriff, Director of the Department of Beaches and Harbors (Department), and ocean lifeguards and explicitly

establishing that ocean lifeguards shall be under the direct control of the Fire Chief of the Consolidated Fire Protection District. Additional ordinance changes relate to the term for members of the Beach Commission; codification of the license requirement on various enumerated events and activities at the beach and in Marina del Rey, previously reaffirmed by your Board with adoption of the revised Beach and Harbor Use License Policy in August 2011; restrictions placed on anchoring on the shoreward side of the Marina del Rey detached breakwater and the approaches to Marina del Rey Small Craft Harbor; and to updated provisions relating to parking and unlawful activities. Additionally, reference to the Beach Commission has been eliminated from Title 3, Advisory Commissions and Committees, and added in Chapter 2.116.

#### Implementation of Strategic Plan Goals

Goal #1, "Operational Effectiveness", of the County's Strategic Plan is specifically furthered by updating and refining existing County Code provisions and by properly identifying the specific responsibilities and authority of the various County departments and employees with oversight of beaches located in the County that are owned, controlled or managed by the County and of Marina del Rey. Additionally, extending authority to others beyond the Director, including code enforcement officers, to ensure County Code compliance in both the Marina and on the beaches also will improve the experience of patrons at these locations in furtherance of Goal #3, "Community and Municipal Services", Strategy #1, "Cultural and Recreational Enrichment".

#### FISCAL IMPACT/FINANCING

There is no immediate fiscal impact or financing requirements resulting from adoption of the Ordinances. It is anticipated the Department's cost of operation will increase with the reclassification of our parking control officers into code enforcement officers, offset by additional citation revenue these officers will generate from their enforcement of provisions of the Beach and Harbor and Maritime Ordinances and with the additional parking restrictions being recommended; any particular amount would be speculative at this point.

#### FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The proposed Ordinances were developed in conjunction with the Lifeguard Division of the Fire Department and the Marina Station and Harbor Master of the Sheriff's Department. Additionally, changes recommended by the Beach and Small Craft Harbor

Commissions, as well as members of the public, during presentations of the proposed Ordinances at public meetings were incorporated.

Major specific substantive changes include:

- Chapter 2.20 – Explicitly establishes that ocean lifeguards are under the direct control of the Fire Department.
- Chapter 2.116 – Specifies that the Director of the Department of Beaches and Harbors has the authority to license or permit beach and Marina events and activities and to issue rental licenses/permits not exceeding a monthly rental amount of \$15,000 in Section 2.116.020. This delegation of authority to the Director does not limit the Board's authority to enter into rental licenses/permits and similar agreements in excess of \$15,000 per month pursuant to procedures set forth in the Government Code. Extends Director's enforcement authority to designees in Section 2.116.170. Also, reference to the Beach Commission has been included in Section 2.116.250, with Commissioner terms extended from two years to four years.
- Chapter 3.100 – Eliminates reference to the Beach Commission, which is instead referenced in Section 2.116.250, as identified just above.
- Chapter 17.12
  - Beach definition – Defines "beach" to include appurtenant areas, such as facilities, bike paths, service roads, parking lots or pedestrian access roads, and all navigable waters within 1,000 feet from a public beach or shoreline (Section 17.12.030).
  - License/Permit requirements – As previously reaffirmed by your Board in August 2011, defines and requires licenses/permits for the non-inclusive use of specified areas on a beach, right-of-entry licenses/permits for construction-related activities, parking permits, and beach use rental licenses/permits for organized events, such as, by way of illustration and not limitation, volleyball tournaments, surfing contests/competitions, weddings and receptions, organized group or sponsored gatherings involving 50 or more persons, 5k/10k runs, triathlons, school groups, organized youth groups, recreational camps, physical fitness training, any commercial activity, including commercial filming and photography, and corporate parties (Sections 17.12.055 and 17.12.345).
  - Enforcement authority extended – Defines code enforcement officer (Section 17.12.035) and requires compliance with any lawful order, signal, or direction of a

- code enforcement officer or ocean lifeguard seeking to enforce any provision of the Beach Ordinance (Section 17.12.115). Also extends the Director's enforcement authority and delegates power to the Fire Chief, ocean lifeguards, or any peace or code enforcement officer (Sections 17.12.130 and 17.12.140).
- Digging prohibition – Prohibits digging of holes in the sand deeper than 18” or into a vertical sand embankment (Section 17.12.205).
  - Parking restrictions – Identifies parking restrictions (Section 17.12.232).
  - Smoking prohibition – Places within the Beach Ordinance the prohibition against smoking within a public beach within the unincorporated areas of the County (Section 17.12.365).
  - Fire restrictions – Identifies fire prohibitions and limits fires to fire pits at Dockweiler, the built-in and personal barbecues at the Dockweiler RV Park and personal barbecues brought to the Marina Beach picnic shelters (Section 17.12.370).
  - Model operation restrictions – Prohibits operation of model airplanes, boats, helicopters or similar craft except in areas established or designated for such use by the Director (Section 17.12.425).
  - Ball-playing restrictions – Allows for balls other than beach balls or beach volleyballs in areas established or designated for such use by the Director, when a permit from the Director has been obtained or during the off-season, provided the ball-playing activity is carried out in such a manner so as not to endanger any person or property on or near the beach. Similarly, allows for other than water polo balls in or over the Pacific Ocean during the off-season or when allowed by the Fire Chief or an ocean lifeguard (Section 17.12.430).
  - Boating restrictions – Prohibits launching of vessels within 150 feet of a pier. Allows film and television production companies to launch and land personal watercraft in areas designated by the Director or Fire Chief and according to conditions established by the Director or Fire Chief (Section 17.12.470).
  - Water sport/activities additions – Includes more recent water sports and activities in various restrictive provisions (Sections 17.12.440, 17.12.480 and 17.12.481).
  - Repair prohibition – Prohibits work upon or to any vessel that would reasonably tend to cause any materials or substance to be deposited on County property or into the Pacific Ocean (Section 17.12.535).
- Chapter 19.12
    - Code Enforcement Officer Compliance – Requires compliance with any lawful order, signal, or direction of a code enforcement officer seeking to enforce any provision of the Harbor and Maritime Ordinance (Section 19.12.053).

- License/Permit requirements – As previously reaffirmed by your Board in August 2011, defines and requires licenses/permits for the non-inclusive use of any specified public area of Marina del Rey, right-of-entry licenses/permits for construction-related activities, parking permits, and harbor use rental licenses/permits for organized events, such as, by way of illustration and not limitation, volleyball tournaments, surfing contests/competitions, weddings and receptions, organized group or sponsored gatherings involving 50 or more persons, 5k/10k runs, triathlons, school groups, organized youth groups, recreational camps, physical fitness training, any commercial activity, including commercial filming and photography, and corporate parties (Sections 19.12.380 and 19.12.1292).
- Overnight vehicle restrictions – Adds to the list of prohibited overnight vehicles (Section 19.12.730).
- Alcohol restrictions – Allows alcohol within any public area of Marina del Rey upon advance written approval from the Director (Section 19.12.740).
- Anchoring restrictions – Prohibits anchoring or mooring outside of the detached breakwater south of Ballona Creek, authorizing the Harbor Master to remove any offending vessel at the expense of the owner and without liability for any damage thereto (Section 19.12.970).
- Chace Park dock requirements – Requires owners to register with the Chace Park staff immediately after docking at the Chace Park transient docks or, between 10:00 p.m. and 6:00 a.m., with the Harbor Master prior to docking and to vacate the four-hour dock at the end of four consecutive hours, authorizing the Harbor Master to remove any offending vessel if the owner cannot be located within a reasonable time, at the expense of the owner and without liability for any damage thereto (Section 19.12.1005).
- Parking restrictions – Identifies additional parking restrictions (Section 19.12.1330).
- Unlawful acts – Adds to the list of unlawful acts in the public areas of Marina del Rey (Section 19.12.1420).

Restrictions related to the Marina's waterways and sanitation and pollution control on the water will be sent to the State Department of Boating and Waterways (DBAW) for review and comment, specifically Sections 19.12.930, 19.12.970 and 19.12.1100. We will review any forthcoming comments, but do not need to secure DBAW approval of our revisions.

**ENVIRONMENTAL DOCUMENTATION**

The recommended Ordinances are exempt from the California Environmental Quality Act (CEQA) under California Public Resources Code Section 21080(b)(8) and the State CEQA Guidelines Section 15273(a) and 15301, related to the establishment of fares or charges by a public agency and the permitting, leasing, and licensing of existing facilities.

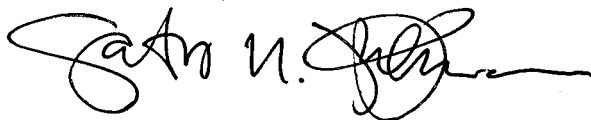
**IMPACT ON CURRENT SERVICES (OR PROJECTS)**

The recommended Ordinances will have no impact on any County project or service, but merely properly define existing responsibilities divided between the Director, the Fire Chief and the Sheriff and more precisely define requirements, restrictions and prohibitions in the Marina and on beaches located in the County and owned, controlled or managed by the County to ensure the enjoyment of those facilities by the large number of patrons we serve.

**CONCLUSION**

Please return one adopted copy of this letter, as well as a signed original of the Ordinances, to each of the Department of Beaches and Harbors, Fire Department and Sheriff's Department

Respectfully submitted,



SANTOS H. KREIMANN  
Director

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- c: Chief Executive Office
- County Counsel
- Fire Chief
- Sheriff's Department
- Executive Office