

CITY OF LOS ANGELES
CALIFORNIA

ELIAS MARTINEZ
City Clerk

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Executive Officer

When making inquiries
relative to this matter
refer to File No.



RICHARD J. RIORDAN
MAYOR

Office of
CITY CLERK
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Los Angeles, CA 90012
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Pat Healy
Chief Legislative Assistant

93-1878-S1

PLACE IN FILES

JAN 11 1995

DEPUTY

January 6, 1995

All Councilmembers
Bureau of Engineering,
Land Dev. & Mapping Division
Attn: Louie Yamanishi
Bureau of Sanitation
Bureau of Street Maintenance
Office of the Mayor

City Attorney
Board of Public Works
Bureau of Accounting
Bureau of Engineering
Fire Department
Police Department

RE: ESTABLISHING POLICIES FOR THE TEMPORARY CLOSURE OF PUBLIC ALLEYS
DUE TO CRIMINAL ACTIVITY PURSUANT TO CALIFORNIA VEHICLE CODE
SECTION 21101.4

At the meeting of the Council held January 4, 1995, the following
action was taken:

Attached report adopted.....	_____ X _____
Attached motion () adopted.....	_____
Attached resolution adopted.....	_____
Ordinance adopted.....	_____
Motion adopted to approve attached report.....	_____
Motion adopted to approve attached communication.....	_____
To the Mayor for concurrence.....	_____
To the Mayor FORTHWITH.....	_____
Mayor concurred.....	_____
Appointment confirmed.....	_____
Findings adopted.....	_____
Negative Declaration adopted.....	_____
Categorically exempt.....	_____
Generally exempt.....	_____
EIR certified.....	_____
Tract map approved for filing with the County Recorder.....	_____
Parcel map approved for filing with the County Recorder.....	_____
Bond approved is No. _____ of Contract.....	_____

City Clerk
crm

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TO THE COUNCIL OF THE
CITY OF LOS ANGELES

Your PUBLIC WORKS COMMITTEE

reports as follows:

	<u>Yes</u>	<u>No</u>
Public Comments	<u>XX</u>	<u>—</u>

PUBLIC WORKS COMMITTEE REPORT relative to establishing policies for the temporary closure of public alleys due to criminal activity pursuant to California Vehicle Code Section 21101.4.

Recommendations for Council action, as substantially recommended by the City Engineer:

ADOPT the following policies which establishes the necessary findings, criteria and procedures required for the temporary closure (maximum of two 18 month terms) of public alleys due to criminal activity pursuant to California Vehicle Code Section 21101.4:

- A. That the five findings as enumerated in attachment "A" must be adopted for the temporary closure of alleys.
- B. That all of the findings for criminal activities be based upon the recommendation of the Police Department.
- C. That all closures be effected by ordinance or resolution after a public hearing.
- D. That the procedures (rules and regulations) as outlined in attachment "B" be utilized for temporary alley closures.

SUMMARY

The guidelines of Council File No. 71-2971 were adopted by the City Council on January 19, 1972 so that nuisance alleys (littered with weeds debris and trash) could be vacated if they meet all five Criteria (area did not abut a secondary or major highway; not dedicated more than 12 feet wide; does not provide vehicular access; not improved; and adjoining properties are zoned R2 or more restrictive). On July 12, 1983, the City Council adopted the Public Works Committee Report, under Council File No. 82-0110 which established a procedure for allowing public alleys to be withdrawn from public use and closed by the adjacent property owners, and subsequently to be followed by "Nuisance Alley Vacation" proceedings and possibly establishment of a "private alley" and reserving a "future alley".

In keeping with the Council Policy, the Bureau of Engineering has been processing the alley closure requests that meet the Criteria of Council File No. 71-2971 so that they may be vacated later. However, the majority of the alleys that are investigated by the Bureau do not meet all of the criteria, and at the request of the Council offices, part or all of the criteria are frequently waived. It has become evident that the existing guidelines do not reflect the problems involving public alleys today.

Furthermore, the state has preempted the entire field of traffic control and procedures previously used by the City for either "permanent" or "temporary" type closures are no longer permissible in most cases. Any right of a local authority to interfere with the free flow of traffic, as by closing a street or alley, must be derived from an express delegation of authority from the Legislature of the State of California (see Vehicle Code 21). Therefore a procedure must be developed as requested by the motion (Alatorre - Alarcón) so that alleys can be temporarily closed under the State Vehicle Code Section 21101.4 to alleviate criminal activity problems.

California Vehicle Code Section 21101.4 provides that a street, alley or walkway can be temporarily closed for 18 months with one additional extension period of 18 months pursuant to the required findings as enumerated in attachment "A" that must be primarily based on substantial evidence presented by the Police Department as to serious and continual criminal activities in the subject area recommended for closure. The Police Department submitted a report outlining their procedure for reporting on each request for closure.

In addition to the required findings of fact, the City must establish procedures (rules & regulations) for such closures which are enumerated in Exhibit "B". It provides introduction of a motion or a request to the City Engineer written by the Councilmember of the District for closure; the required report by the Police Department; necessary reports by other Departments or agencies to be incorporated into the City Engineers recommendations & report; public hearing & notices, adoption of a resolution or ordinance by Council and installation of closure devices normally at no City Expense.

It is noted that there will be six month evaluation periods within the 18 month time frame for closure to determine the effectiveness of the closure on reducing criminal activities and whether the area may be reopened prior to the 18 month period.

Respectfully submitted,

PUBLIC WORKS COMMITTEE

Richard Alarcón
John Goldberg

CBP:bs
12/16/94

reports/#931878.1

Rept.
ADOPTED

JAN 04 1995

LOS ANGELES CITY COUNCIL

ATTACHMENT "A"

That the following five findings must be adopted for the temporary alley closures:

1. There is substantial evidence of serious and continual criminal activities in the alley recommended for temporary closure.
2. The temporary closure of the street will reduce the criminal activities in the alley.
3. The alley does not provide necessary vehicular or pedestrian access to adjacent properties or the affected property owners have agreed to the temporary closure.
4. The closure will not adversely affect the operation of emergency vehicles, the performance of municipal or public utility services, or the delivery of freight by commercial vehicles in the alley proposed to be temporarily closed.
5. Vehicular or pedestrian traffic on the alley contributes to the criminal activity.

ATTACHMENT "B"

The following procedure should be established for temporary alley closures on a "block by block" basis:

1. The Councilmember of the District shall introduce a motion directing the City Engineer to investigate the feasibility of a temporary street closure, or forward a written request to the City Engineer requesting this investigation.
2. The City Engineer or Council Office shall request the Police Department to provide information and data that verifies substantial criminal activities within the alley being temporarily closed.
3. Adjoining property owners must agree to the closure by signing the consent form. The percentage of adjoining property owners agreeing to the closure by signing the consent form must be satisfactory to the Council office of the District.
4. The City Engineer shall refer the closure request to the appropriate City offices and outside agencies for comments and recommendations.
5. The City Engineer shall prepare a report making appropriate recommendations as to the feasibility of the closure.
6. The City Clerk shall notify the adjacent property owners of the proposed closure and date of the public hearing. Additionally, notification will be published in a local newspaper and any affected schools will be notified.
7. If a temporary closure by Ordinance or Resolution is approved by the City Council, the adjoining property owners shall effect the closure within 6 months at no cost to the City or the City Engineer may recommend the approval be rescinded. Or if the Council determines the closure shall be effected at no cost to the property owners, an appropriation be made to the respective Departments to close the alley and install warning signs. Appropriate closure devices acceptable to the City Engineer with concurrent approval of the Fire Department shall be used.
8. The period of the closure shall be for eighteen months, extendable upon request and with necessary Council approval, for one additional period of not more than eighteen months. A review of the closure area will be conducted every six (6) months to evaluate the effectiveness of the closure. The evaluation will be based on the criteria established at the time of closure. The street may be reopened prior to the expiration of the eighteen months period if the evaluation indicates it is safe to do so.

9. When the closure devices are installed by the adjoining property owners, they shall also be responsible for the removal of the devices at the end of the allowed closure period at no cost to the City.

Office of the City Engineer
Los Angeles, California

To the Public Works Committee
Of the Honorable Council
Of the City of Los Angeles

JUL 21 1964

Honorable Members: All CD's

SUBJECT:

Adoption of a Policy That Establishes a Procedure for
Temporary Closure of Public Alleys due to Criminal
Activities.

RECOMMENDATIONS:

- A. That the City Council adopt a policy that establishes the policy as outlined in the Conclusion section of this report for the temporary closure of public alleys.
- B. That the following five findings must be adopted for the temporary closure of nuisance alleys:
 1. There is substantial evidence of serious and continual criminal activities in the portion of the alley recommended for temporary closure.
 2. Alley does not provide vehicular access to any of the adjacent properties or the affected property owners have agreed to the closure.
 3. Vehicular or pedestrian traffic on the alley contributes to the criminal activity.
 4. The closure will not adversely affect the operation of emergency vehicles, the performance of municipal or public utility services, or the delivery of freight by commercial vehicles in the area of the alley proposed to be temporarily closed.
 5. The temporary closure of the alley will reduce the criminal activities in the alley.
- C. That all of the findings for criminal activities be based upon the recommendation of the Police Department.
- D. That all closures be effected by ordinance or resolution after a public hearing.

TRANSMITTALS:

1. Copy of Council File No. 71-2971.
2. Copy of Council File No. 82-0110.

DISCUSSION:

The guidelines of Council File No. 71-2971 were adopted by the City Council on January 19, 1972 so that nuisance alleys could be vacated if they meet all five Criteria listed on Page 2 of the Public Works Committee Report (Transmittal No. 1). On July 12, 1983, the City Council adopted the Public Works Committee Report, under Council File No. 82-0110 (Transmittal No. 2), which established a procedure for allowing public alleys to be withdrawn from public use and closed by the adjacent property owners, and subsequently to be followed by "Nuisance Alley Vacation" proceedings.

In keeping with the Council Policy, the Bureau of Engineering has been processing the alley closure requests that meet the Criteria of Council File No. 71-2971 so that they may be vacated later. However, the majority of the alleys that are investigated by the Bureau do not meet all of the criteria, and at the request of the Council offices, part or all of the criteria are frequently waived. It has become evident that the existing guidelines do not reflect the problems involving public alleys today. Furthermore, the state has preempted the entire field of traffic control. Any right of a local authority to interfere with the free flow of traffic, as by closing a street, must be derived from an express delegation of authority from the Legislature of the State of California (see Vehicle Code § 21). Therefore, a procedure must be developed so that alleys can be temporarily closed under the State Vehicle Code Section 21101.4 to alleviate criminal activity problems.

CONCLUSION:

The following policy be adopted for temporary closure of public alleys due to criminal activities pursuant to California Vehicle Code Section 21101.4:

1. A "temporary closure" may be initiated by either a Council Motion or by a written request from a Council Office to the City Engineer.
2. The Council Office or the City Engineer shall obtain the Police Department's recommendation in favor of the temporary closure as a means to reduce the criminal activity in the alley.

3. The City Engineer shall investigate the feasibility of the alley closure and shall refer the request to the appropriate City Departments and Agencies for comments and recommendations.
4. Adjoining property owners must agree to the closure by signing the consent form. The percentage of adjoining property owners agreeing to the closure by signing the consent form must be satisfactory to the Council office of the District.
5. The City Engineer shall prepare and submit a City Engineer's Report with recommendations to the Public Works Committee of the City Council.
6. The alley shall be temporarily closed, at no cost to the City, with gates or fences approved by the City Engineer within 6 months after City Council approval of the temporary closure or the City Engineer may recommend that the approval be rescinded.
7. The period of closure shall be for eighteen (18) months, from the date of Council approval, extendable upon request and with necessary Council approval, for one additional period not more than eighteen (18) months.
8. The adjacent property owners shall be responsible for maintenance of the closed area and the closure devices for the duration of the closure.

Respectfully submitted,

for Glenn M. Bakke
ROBERT S. HORII
City Engineer

RSH/LSY/HM/gt

A:gt19