

Vol 100 Exp 7

CITY OF LOS ANGELES
CALIFORNIA

ELIAS MARTINEZ
City Clerk

J. Michael Carey
Executive Officer

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



RICHARD J. RIORDAN
MAYOR

Office of
CITY CLERK
Council and Public Services
Room 395, City Hall
Los Angeles, CA 90012
Council File Information - (213) 485-5703
General Information - (213) 485-5705

Pat Healy
Chief Legislative Assistant

93-1878

PLACE IN FILE

JAN 11 1995

DEPUTY

January 6, 1995

Bureau of Engineering,
Land Dev. & Mapping Division
Attn: Louie Yamanishi
All Councilmembers
Bureau of Engineering
Bureau of Street Maintenance
Board of Public Works
Police Department

Bureau of Accounting
City Attorney
Bureau of Sanitation
Fire Department
Office of the Mayor

RE: ESTABLISHING POLICIES FOR THE TEMPORARY CLOSURE OF PUBLIC STREETS
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.....	_____

City Clerk
CRM

steno\931878

TO THE COUNCIL OF THE
CITY OF LOS ANGELES

File No. 93-1878

Your PUBLIC WORKS COMMITTEE

reports as follows:

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

PUBLIC WORKS COMMITTEE REPORT relative to establishing policies for the temporary closure of public streets 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 streets 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 streets.
- 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 street closures.

SUMMARY

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 Section 21). Therefore a procedure must be developed as requested by the motion (Alatorre - Alarcón) so that streets 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 Alarín
Jacqui Goldberg

CBP:bs
12/16/94

reports/931878

Rept.
ADOPTED

JAN 04 1995

LOS ANGELES CITY COUNCIL

ATTACHMENT "A"

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

1. There is substantial evidence of serious and continual criminal activities in the street recommended for temporary closure.
2. The temporary closure of the street will reduce the criminal activities in the street.
3. The street 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 street proposed to be temporarily closed.
5. Vehicular or pedestrian traffic on the street contributes to the criminal activity.

ATTACHMENT "B"

The following procedure should be established for temporary street 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 street 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 recommended 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 street 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. (or apply for extension)

LOS ANGELES POLICE DEPARTMENT

WILLIE L. WILLIAMS
Chief of Police



RICHARD J. RIORDAN
Mayor

P.O. Box 30158
Los Angeles, Calif. 90030
Telephone:
(213) 485-4048
Ref #: 1.2.1

November 4, 1994

Mr. Chauncey B. Pruner
Legislative Assistant II
Public Works Committee
City Hall, Room 395
200 North Spring Street
Los Angeles, California 90012

Dear Mr. Pruner:

In response to your request that the Los Angeles Police Department establish guidelines for the temporary closure of streets and alleys, members of my staff have contacted the State Legislature and Senator Robert Beverly's Office in Sacramento for a more concise interpretation of the related Vehicle Code Section.

Senator Beverly and his staff authored Vehicle Code Section 21101.4 and indicated it was purposely written to be vague and ambiguous. The language of the section was written in this fashion in an effort to give local law enforcement agencies and City Council officials flexibility in preparing their complaints.

The Vehicle Code Section regarding "serious and continual criminal activity" may be interpreted or defined as follows: The term serious may be interpreted as any situation or action having important or potentially dangerous consequences. Continual criminal activity, on the other hand, may be defined as "unlawful conduct that occurs above the norm for a specific time period that poses a threat of injury to people or property."

It will be the responsibility of each Area throughout the City to identify "serious and continual criminal activity" and convey this in writing when making street/or alley closure requests. Additionally, it will be each Area's responsibility to closely monitor criminal activity at each problem location. When the activity has sufficiently been abated to reopen the street or alley, the Area shall notify the concerned Council District Office and advise them of the change. The Area may also request a continuation of the closure, based upon its findings.

Mr. Chauncey B. Plumer

Page 2

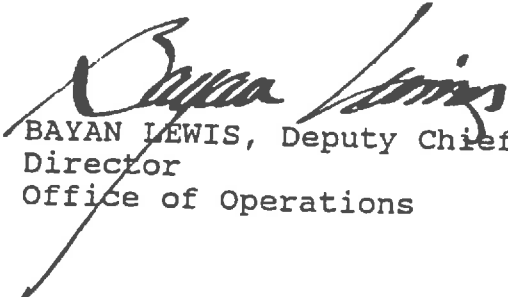
1.2.1

My staff has also consulted with the Los Angeles City Attorney's Office and they concur with our findings. I hope the information provided will assist you and your committee.

If you have any further questions or comments, please contact Sergeant Bruce Miyazaki, Evaluation and Administration Section, Office of Operations, at (213) 485-4111.

Very truly yours,

WILLIE L. WILLIAMS
CHIEF of POLICE



BAYAN LEWIS, Deputy Chief
Director
Office of Operations

ELIAS MARTINEZ
City Clerk

J. Michael Carey
Executive Officer

When making inquiries
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CITY OF LOS ANGELES
CALIFORNIA



Office of
CITY CLERK
Council and Public Services
Room 395, City Hall
Los Angeles, CA 90012
Council File Information - (213) 485-570
General Information - (213) 485-5705

September 20, 1994

RICHARD J. RIORDAN
MAYOR

Pat Healy
Chief Legislative Assistant

Commander Maurice Moore
Department Traffic Coordinator
Los Angeles Police Department
150 North Los Angeles Street
Los Angeles, CA 90012

The Public Works Committee, at its meeting of September 14, 1994, considered three separate files containing the attached reports by the City Engineer adopting a policy that establishes a procedure for temporary closures of streets, alleys and walks or stairways due to criminal activities.

At the above meeting, it was noted that Recommendation B. 1. refers to "serious and continual criminal activities" as stated in the State of California Vehicle Code Section 21101.4(a)(1). In order to establish intent and uniformity in the understanding of the terminology, it is requested that the Los Angeles Police Department's interpretation of the phrase "serious and continual criminal activity" be conveyed in writing to this Committee.

Additionally, it is requested that the Department establish guidelines to determine when the criminal activity is sufficiently abated by the closure, or if the criminal activity is even affected by the closure, such that the street should be reopened. A periodic review of this activity would then provide a basis for continuance or termination of the closure.

Action on the reports will be taken by the Committee upon receipt of the information from your Department.

Very truly yours,

Chauncey B. Pruner
Legislative Assistant II
Public Works Committee

Attachment

PDCLIR

steno/moore.ltr

Revised Report

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 1994

Honorable Members:

All C.D.'s

SUBJECT:

Adoption of a Policy That Establishes a Procedure for Temporary Closure of Public Streets Due to Criminal Activities

RECOMMENDATION:

- A. That the City Council adopt a policy that establishes the procedure as outlined in the Conclusion Section of this report for the processing of requests for temporary closure of local streets pursuant to California Vehicle Code Section 21101.4.
- B. That the following four findings be adopted for the temporary street closures:
 1. There is substantial evidence of serious and continual criminal activities in the street recommended for temporary closure.
 2. The temporary closure of the street will reduce the criminal activities in the street.
 3. The street does not provide necessary 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 street proposed to be temporarily closed.
- 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.

TRANSMITTAL:

Copy of (Alatorre-Alarcon) Motion.

DISCUSSION:

The (Alatorre-Alarcon) Motion (Transmittal No. 1) instructed the City Engineer to establish a procedure to process temporary street closures in accordance with State Vehicle Code Section 21101.4 whenever the Police Department determines that the temporary closure will alleviate the criminal activities occurring in the area.

CONCLUSION:

The following procedure should be established for temporary street 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 street being temporarily closed.
3. The City Engineer shall refer the closure request to the appropriate City offices and outside agencies for comments and recommendations.
4. The City Engineer shall prepare a report making appropriate recommendations as to the feasibility of the closure.
5. The City Clerk shall notify the adjacent property owners of the proposed closure and date of the public hearing.
6. If a temporary closure by Ordinance or Resolution is approved by the City Council, the adjoining property owners shall effect the closure at no cost to the City. 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 street and install warning signs. Appropriate closure devices acceptable to the City Engineer with concurrent approval by the Fire Department shall be used.
7. 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.

8. 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.

Respectfully submitted,

for Glenn M Bakke
ROBERT S. HORII
City Engineer

RSH/LSY/HM
A:JL49CLO

Revised Report

Office of the City Engineer

Los Angeles, California

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

MAY 19 1994

Honorable Members:

All C.D.'s

SUBJECT:

Adoption of a Procedure for Temporary Closure of Public Streets under California Vehicle Code Section 21101.4 - Council File No. 93-1878

RECOMMENDATION:

That the following procedure be adopted for the processing of requests for temporary closure of local streets pursuant to California Vehicle Code Section 21101.4:

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 street being temporarily closed.
3. The City Engineer shall refer the closure request to the appropriate City offices and outside agencies for comments and recommendations.
4. The City Engineer shall prepare a report making appropriate recommendations as to the feasibility of the closure.
5. The City Clerk shall notify the adjacent property owners of the proposed closure and date of the public hearing.
6. If a temporary closure by ordinance or resolution is approved by the City Council, the adjoining property owners shall effect the closure at no cost to the City. Or if the Council determines the closure shall be effected at no cost to the property owners, an appropriation be made to the

5

respective Departments to close the street and install warning signs. Appropriate closure devices acceptable to the City Engineer with concurrent approval by the Fire Department shall be used.

7. The period of the closure shall be for 18 months, extendable upon request and with necessary Council approval, for one additional period of not more than 18 months.
8. 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.

TRANSMITTAL:

1. Copy of (Alatorre-Alarcon) Motion.

DISCUSSION:

The (Alatorre-Alarcon) Motion (Transmittal No. 1) instructed the City Engineer to establish a procedure to process temporary street closures in accordance with State Vehicle Code Section 21101.4 whenever the Police Department determines that the temporary closure will alleviate the criminal activities occurring in the area.

CONCLUSION:

It is recommended that the procedure outlined in this Report be followed for processing of temporary local street closures on a "block by block" basis if the Police Department determines that the area is plagued with criminal activities, and that the temporary closure will help remedy these undesirable conditions.

(*LSY* *LLL*)

Respectfully submitted,

Robert S. Horii
ROBERT S. HORII
City Engineer

RSH/LSY/HM
A:JL49CLO
LD&M Div.
05/19/94

bcc: LD&M Div. - 5 copies

Revised Report
Office of the City Engineer
Los Angeles, California

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

APR 29 1994

Honorable Members: All C.D.'s

SUBJECT:

Adoption of a Procedure for Temporary Closure of Public Streets
under California Vehicle Code Section 21101.4 - Council File No.
93-1878

RECOMMENDATION:

That the following procedure be adopted for the processing of
requests for temporary closure of local streets pursuant to
California Vehicle Code Section 21101.4:

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 street being temporarily closed.
3. The City Engineer shall refer the closure request to the appropriate City offices and outside agencies for comments and recommendations.
4. The City Engineer shall prepare a report making appropriate recommendations as to the feasibility of the closure.
5. The City Clerk shall notify the adjacent property owners of the proposed closure and date of the public hearing.
6. If the temporary closure is approved by the City Council, the adjoining property owners shall effect the closure at no cost to the City. 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 street and install warning signs. Appropriate closure devices acceptable to the City Engineer with concurrent

approval by the Fire Department shall be used.

7. 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.
8. 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.

TRANSMITTAL:

1. Copy of (Alatorre-Alarcon) Motion.

DISCUSSION:

The (Alatorre-Alarcon) Motion (Transmittal No. 1) instructed the City Engineer to establish a procedure to process temporary street closures in accordance with State Vehicle Code Section 21101.4 whenever the Police Department determines that the temporary closure will alleviate the criminal activities occurring in the area.

CONCLUSION:

It is recommended that the procedure outlined in this Report be followed for processing of temporary local street closures on a "block by block" basis if the Police Department determines that the area is plagued with criminal activities, and that the temporary closure will help remedy these undesirable conditions.

Respectfully submitted,

Robert S. Horii
for ROBERT S. HORII
City Engineer

RSH/LSY/HM
A:JL49CLO

Office of the City Engineer
Los Angeles, California

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

APR 8 1994

Honorable Members:

All C.D.'s

SUBJECT:

Adoption of a Procedure for Temporary Closure of Public Streets
under California Vehicle Code Section 21101.4 - Council File No.
93-1878

RECOMMENDATION:

That the following procedure be adopted for the processing of
requests for temporary closure of local streets pursuant to
California Vehicle Code Section 21101.4:

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 street being temporarily closed.
3. The City Engineer shall refer the closure request to the appropriate City offices and outside agencies for comments and recommendations.
4. The City Engineer shall prepare a report making appropriate recommendations as to the feasibility of the closure.
5. The City Clerk shall notify the adjacent property owners of the proposed closure and date of the public hearing.
6. If the temporary closure is approved by the City Council, the adjoining property owners shall have the option of either installing, at no cost to the City, appropriate closure devices acceptable to the City Engineer, with concurrent approval by the Fire Department, or if resources are available, request the Bureau of Street Maintenance to install the barricades and the Department of Transportation to install warning signs.

7. 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.
8. 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.

TRANSMITTAL:

1. Copy of (Alatorre-Alarcon) Motion.

DISCUSSION:

The (Alatorre-Alarcon) Motion (Transmittal No. 1) instructed the City Engineer to establish a procedure to process temporary street closures in accordance with State Vehicle Code Section 21101.4 whenever the Police Department determines that the temporary closure will alleviate the criminal activities occurring in the area.

CONCLUSION:

It is recommended that the procedure outlined in this Report be followed for processing of temporary local street closures on a "block by block" basis if the Police Department determines that the area is plagued with criminal activities, and that the temporary closure will help remedy these undesirable conditions.

Respectfully submitted,


for ROBERT S. HORII
City Engineer

RSH/LSY/HM
A:JL49CLO

NANCY RUSSELL
City Clerk

J. Michael Carey
Executive Officer

When making inquiries
relative to this matter
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CITY OF LOS ANGELES
CALIFORNIA



RICHARD J. RIORDAN
MAYOR

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Council File Information - 485-5703
General Information - 485-5705

Pat Healy
Chief Legislative Assistant

93-1878

September 15, 1993

PUBLIC WORKS COMMITTEE

At the meeting of the Council held September 14, 1993, the
motion (Alatorre - Alarcón) attached to the file, was referred to
the PUBLIC WORKS COMMITTEE.

Nancy Russell

City Clerk
crm

13

