

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.

93-1878-S2



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

January 6, 1995

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

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

RE: ESTABLISHING POLICIES FOR THE TEMPORARY CLOSURE OF PUBLIC WALKS  
AND STAIRWAYS 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.....	_____

*Elias Martinez*

City Clerk  
CRM

steno 931878.2

*[Handwritten initials]*

PLACE IN Files  
JAN 11 1995  
DEPUTY  
*[Signature]*

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 walks and stairways 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 walks and stairways due to criminal activity pursuant to California Vehicle Code Section 21101.4:

- A. That the four findings as enumerated in attachment "A" must be adopted for the temporary closure of walks and stairways.
- 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 walk and stairway closures.

SUMMARY

The Bureau of Engineering has been processing the requests for closure of nuisance public walks and stairways under the same guidelines that were established for nuisance alley closures in accordance with Council File Nos. 71-2971 and 82-0110.

The Bureau of Engineering, however, was requested by Council District No. 3 on April 4, 1994 to develop a policy to address the process and financial responsibility of the City for the closure and gating of walkways. The gates, however, should be installed at the expense of the benefiting property owners. The City Council, on August 16, 1988, under Council File No. 88-0600-S4, established criteria for City financing of gate installations under a City-wide

pilot program. In keeping with the intent of this policy and also due to the availability of limited funds under this program, only the public rights-of-way that are determined to be plagued with excessive and continuous criminal activities and trash dumpings should be included in the pilot program.

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, alley, walk or stairway must be derived from an express delegation of authority from the Legislature of the State of California (see Vehicle Code Section 21).

California Vehicle Code Section 21101.4 provides that a street, alley, walkway or stairway 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 Alarcon*  
*Jackie Goldberg*

*Rept.*  
**ADOPTED**

JAN 04 1995

CBP:bs  
12/16/94

reports\#931878.2

**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 walk or stairway recommended for temporary closure.
2. The temporary closure of the walk or stairway will reduce the criminal activities in the street.
3. The walk or stairway does not provide necessary pedestrian access to adjacent properties or the affected property owners have agreed to the temporary closure.
4. Pedestrian traffic on the walk or stairway contributes to the criminal activity.

ATTACHMENT "B"

The following procedure should be established for temporary walk or stairway 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 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 walk or stairway 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 1994**

Honorable Members: All CD's

SUBJECT:

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

RECOMMENDATIONS:

- A. That the City Council adopt a policy that establishes the procedure as outlined in the Conclusion section of this report for the temporary closure of public walks and stairways.
- B. That the following four findings be adopted for the temporary closure of nuisance walks and stairways:
  - 1. There is substantial evidence of serious and continual criminal activities in the walk or stairway recommended for temporary closure.
  - 2. The temporary closure of the walk or stairway will reduce the criminal activities in the walk or stairway.
  - 3. The walk or stairway does not provide necessary pedestrian access to adjacent properties or the affected property owners have agreed to the temporary closure.
  - 4. The walk or stairway is not a designated school route for the students of the neighborhood schools.
- 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 letter from Council District 3, dated April 4, 1994.
2. Copy of Council File No. 88-0600-S4.

DISCUSSION:

The Bureau of Engineering has been processing the requests for closure of nuisance public walks and stairways under the same guidelines that were established for nuisance alley closures in accordance with Council File Nos. 71-2971 and 82-0110.

The Bureau of Engineering, however, was requested by Council District No. 3 (Transmittal No. 1) to develop a policy to address the process and financial responsibility of the City for the closure and gating of walkways. The City may legally allow a temporary closure of public rights-of-way in accordance with State Vehicle Code Section No. 21101.4. The gates, however, should be installed at the expense of the benefiting property owners. The City Council, on August 16, 1988, under Council File No. 88-0600-S4, adopted a report that established criteria for City financing of gate installations under a City-wide pilot program. The program basically applies to public Rights-of-way that are subject to continuous criminal activities and excessive and recurrent trash dumpings as verified by the Police Department and the Bureau of Street Maintenance. In keeping with the intent of this policy and also due to the availability of limited funds under this program, only the public rights-of-way that are determined to be plagued with excessive and continuous criminal activities and trash dumpings should be included in the pilot program.

CONCLUSION:

The following procedure should be established for temporary walk and stairway closures:

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 nuisance problems in the area.



3. The City Engineer shall investigate the feasibility of the temporary closure and may refer the request to the appropriate City Departments and Agencies for comments and recommendations.
4. The walk or stairway shall be temporarily closed by the adjacent property owners, 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.
5. 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 of eighteen (18) months.
6. The adjacent property owners shall be responsible for maintenance of the closed area and the closure devices for the duration of the closure, and shall remove said 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/gt  
A:gt28

