



September 8, 2015

VIA EMAIL (councilmember.huizar@lacity.org)

Councilmember Jose Huizar  
Los Angeles City Council  
200 North Spring Street, Room 465  
Los Angeles, CA 90012

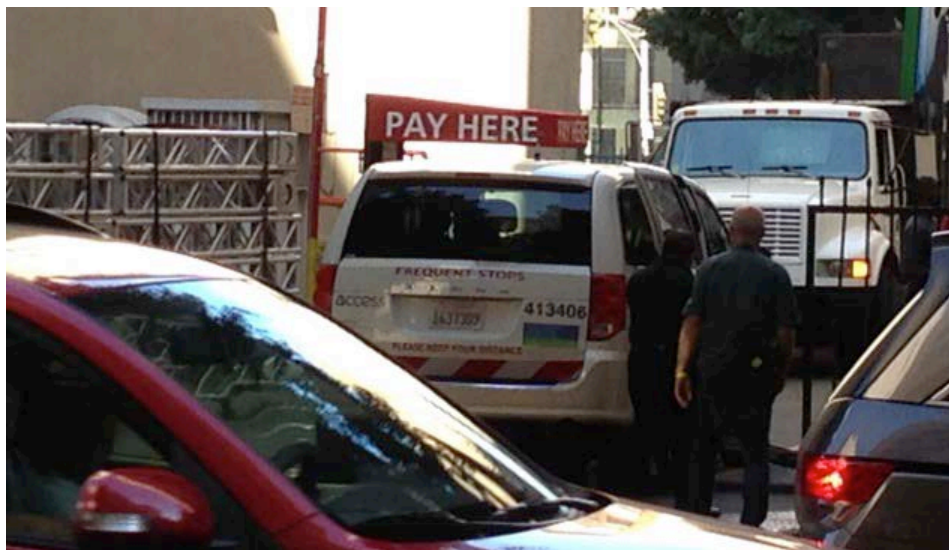
Dear Councilmember Huizar,

The Downtown Los Angeles Neighborhood Council (DLANC) has received numerous complaints from stakeholders regarding closures of sidewalks for private events. Specifically, some closures have resulted in the complete blockage of building access and driveways and have further exposed residents to unprofessional, offensive and confrontational personnel. Downtown Los Angeles is a community of over 50,000 residents and complaints regarding the negative impact of such closures on the quality of life are increasingly common. In addition, sidewalk closures undoubtedly subject the City to added liability for failure to comply with the Americans with Disabilities Act (ADA) and may further subject the City to civil liability under federal and state law due to the frequent hiring as event security of **uniformed** off-duty police officers.

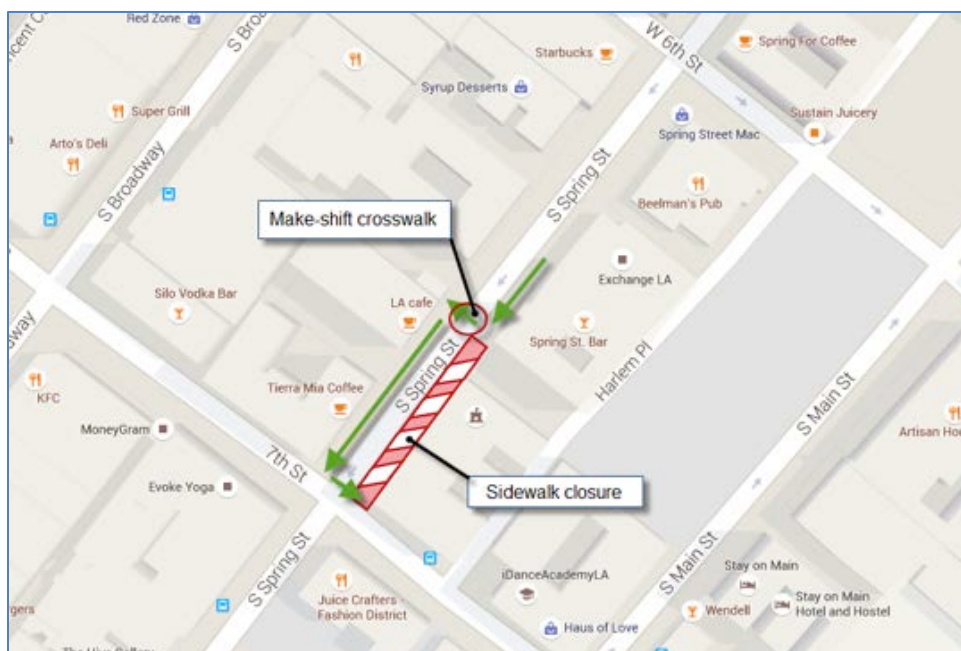
Recently, for example, on June 15, 2015 a private event related to the E3 Convention was held on South Spring Street. Setup and takedown for the event took an entire week and involved large construction crews that averaged over 100 workers daily. Residents reported to DLANC that in the week leading up to the event and days after, workers often used the entire sidewalk to move event infrastructure, as shown below:



During event setup, with access to curb loading and unloading blocked and nearby parking lots reserved, at least one paratransit vehicle had significant difficulty finding an appropriate area to unload its passenger. Residents reported to DLANC that the disabled person was forced to wait 30 minutes for event vehicles to move so that the paratransit vehicle could gain sufficient access to the curb to unload a wheelchair using the vehicle's ramp.



In addition, several large generators were positioned along the back alley to the building and contributed to noise levels that resembled an industrial environment. Incredibly, the event itself was **permitted for 1000 people**, a number that far exceeds any reasonable limit for this location. On the evening of the event, organizers effectively closed the sidewalk in front of an apartment building and blocked access to a nearby driveway. A schematic of the closure is provided below:



As demonstrated below, due to the large number of attendees, the sidewalk along Spring Street toward 7<sup>th</sup> Street was effectively closed to the public. This closure was very disruptive to residents.



In addition, on the night of the event, those walking south on Spring Street were directed to cross Spring Street at a temporary crosswalk, marked solely with taped lines on the pavement and a traffic stanchion, as shown:



The temporary cross walk was located mid-block, between 6<sup>th</sup> and 7<sup>th</sup> streets. No traffic signals or signage were installed at the temporary crosswalk to notify drivers of the crosswalk or

pedestrians.<sup>1</sup> Uniformed off-duty police officers, who were presumably hired to corral the line leading into the event, were enforcing the sidewalk closure by directing pedestrians to cross the street at the temporary crosswalk. Repeated requests to inspect the permit were denied. Those questioning the validity of the sidewalk closure and the temporary crosswalk were threatened with arrest and were left without any recourse. For example, one resident who complained to event organizers about the large number of attendees and the lack of access to their dwelling, was threatened by an off-duty sheriff's deputy with arrest.

In the following days, it was discovered that the sidewalk closure was **illegal**. The issued permit (attached as Exhibit 1) **did not allow** for complete closure of the sidewalk, placement of the temporary crosswalk, or prohibition of pedestrian access. The permit specifically provided:

The closure, when granted will be for the **exclusion of vehicles only**. **The public at large may not be denied access to any portion of any street** except in cases of an emergency.

Ex. 1 at 2 (emphasis added). A stakeholder tried to report these "bad actors" but upon contacting an Investigator at the Special Events department, was told their only recourse was to contact the Los Angeles Police Department (LAPD) during the illegal closure to report the violation of the permit. As mentioned above, however, the stakeholder's request to inspect the permit was rebuffed. Without the right to inspect the permit, how is a violation to be discovered?

The stakeholder also noted that they had reported the violation to the uniformed officer at the event, but the Investigator explained that the officer was likely off-duty and instead, should have requested an on-duty officer to report the violation. Allowing **uniformed** off-duty police officers to secure private events not only confuses the public, but subjects the City to civil liability under federal and state law. Finally, the Investigator closed by stating that it was not her department's responsibility to deal with the uniform issue, and if the stakeholder was upset, that they should file a complaint with the LAPD.

These incidents stemmed from just one single event. Unfortunately, these disruptions occur all too often as exhibited by the fact that just five days prior to the event discussed above, on June 10, 2015, another event hosted by Cadillac resulted in a vehicle blocking a segment of sidewalk. The vehicle was parked at an angle thereby limiting access on the sidewalk to effectively one or two pedestrians at a time. Staff at the event told a resident, "It's only for one night."

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<sup>1</sup> As a side note, this same location was the scene of a DUI accident last year that resulted in several people being hit by flying debris and injured, some of whom were treated in a hospital. *See* <http://losangeles.cbslocal.com/2014/07/12/dui-suspect-injures-at-least-3-people-outside-downtown-la-cafe/>



These are just a few examples of closures that demonstrate numerous ills with the City’s permitting process. The City **must** do more to balance the rights of those seeking permits with the rights of those negatively affected by them. Provided below is a non-exhaustive listing of guidelines that are intended to protect the rights of residents and the general public against permit abuse. As an aside, we note that the following guidelines may be relevant to resolving some of the issues outlined in Council File 13-0869-S1, which is directed to “enable[ing] enhanced permitting integration, coordination, notification and conflict identification of all events that occur in the public right of way.” DLANC respectfully requests that these guidelines be immediately considered and instituted to protect the public, reduce liability, and improve livability:

1. **Public Review:** DLANC and the public must be provided with an opportunity to object to the issuance of a permit.
2. **Notice required:** Notice must be provided at the permitted location in a conspicuous and public manner, including on adjacent buildings and posts. In addition, the notice should include contact information (email address and/or phone number) for the City department tasked with answering questions about the permit and with investigating complaints about permit abuse. The notice should also include a website where information about proper permit use and limitations are available. An exemplar “notice” is provided at Exhibit 2.
3. **Right to Inspect:** The public must have the right to inspect the permit upon request.
4. **Right to Access:** Where building or driveway access is impacted by an issued permit, those who have a lawful right to enter the building and use the driveway must be able to do so without harassment or undue delay.
5. **Compensatory Fairness:** Where the Right to Access must be encumbered, affected residents (renters or condo owners) and businesses (business owners not landlords) should be financially compensated.
6. **Code of Conduct:** Those who are affiliated with the permitted event must treat the public and the location with courtesy and refrain from using lewd or offensive language. For permits issued in Downtown Los Angeles, a copy of the Code of Conduct and limitations on permit use should be provided to the permit applicant upon issuance. *See e.g.*, Exhibit

- 2.
7. **Security Attire:** Security personnel hired to secure the permitted event are prohibited from wearing law enforcement uniforms. Private security personnel who wear law enforcement uniforms confuse the public and subject the City to civil liability under federal and state law.
8. **Enforcement:** A City department must be tasked with timely and effectively investigating complaints about permit abuse. In addition, permit recipients who abuse permits must be fined. Repeat violators should be banned from applying for future permits.
9. **ADA:** Access for disabled persons must be preserved. This includes, where appropriate, maintaining minimum walkway requirements to allow disabled persons reasonable access to their dwelling. In addition, where loading zones and parking spaces near residential buildings are removed due to a permitted event, event organizers must provide at least one area large enough for a paratransit vehicle to accommodate loading and unloading of disabled persons.
10. **Bus Stop Closures:** The City should minimize, as much as possible, closure of bus stops for permitted events. If a closure is necessary, then the City must relocate the bus stop at a reasonable distance, but in no event may such relocation be more than 1,000 feet. If relocated, signs directing bus riders to the relocated bus stop must be posted.

These guidelines are not exhaustive, but if implemented, would discourage illicit behavior and encourage positive interactions in the future. Accordingly, DLANC requests the City Council to institute the aforementioned guidelines to protect the public, reduce liability, and improve livability.

Sincerely,



Patricia Berman  
DLANC President

Sincerely,



Eric R. Garcia  
DLANC Community Impact Committee Chair

CC: Paul Habib (Paul.Habib@lacity.org)  
Sara Hernandez (Sara.Hernandez@lacity.org)  
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Bureau of Street Services (bss.boss@lacity.org)

# **EXHIBIT 1**



## TEMPORARY STREET CLOSURE PERMIT

Date: [REDACTED]

Permit No: [REDACTED]

Reference No: [REDACTED]

DOT Log Number:

DOT Log Contact Name:

DOT Log Contact Phone:

### APPLICANT INFORMATION

ORGANIZATION: [REDACTED]  
APPLICANT NAME: [REDACTED]  
DAYTIME PHONE: [REDACTED]  
DAYTIME FAX: [REDACTED]  
24 HOUR CONTACT NAME: [REDACTED]  
24 HOUR CONTACT PHONE: [REDACTED]

### EVENT INFORMATION

EVENT TYPE/EVENT NAME: Other / E3 EVENT  
SELLING ACTIVITY: NONE  
ESTIMATED ATTENDENCE: 1000

### CLOSURE INFORMATION

Closure Type	Closure Description	Closure Main Street	Closure From Street	Closure To Street	Closure Date From	Closure Date To
Curb	Eastside of spring st for production loading and unloading and valet for event	SPRING ST	6TH ST	7TH ST	6/11/2015 6:00:00 AM	6/17/2015 2:00:00 AM
Sidewalk	Eastside of spring st for Guest to line up for entry	SPRING ST	6TH ST	7TH	6/14/2015 8:00:00 AM	6/16/2015 2:00:00 AM
Partial	Partial area for hvac in the alley - not closing will leave access	HARLEM PL	7TH ST	6TH ST	6/11/2015 6:00:00 AM	6/17/2015 2:00:00 AM



**\*\* NOTICE \*\***

The closure, when granted will be for the exclusion of vehicles only. The public at large may not be denied access to any portion of any street except in cases of an emergency. A 20-foot emergency lane shall be provided on all streets within the said closure at all times.

All required permits must be at the event location and must be presented when requested to any Agent / Officer of the City of Los Angeles. All conditions noted on the permits must be met. Failure to obtain or provide all necessary permits will void the special events permit.

Barricade(s) must be returned within the next business day. Event sponsor will be responsible for all barricades or cones not returned at a cost of \$35.00 per barricade and \$7.25 per cone.

Non-commercial events must comply with all legal requirements, including all applicable requirements regarding registering with the Police Commission for charitable solicitations. Non-Commercial Events include, but are not limited to, Charitable Events, Community Events and City of Los Angeles Special Events.

**Event Description**

**ESTIMATED NUMBER OF PERSON TO ATTEND EACH DAY: 1000**

**Additional Conditions**

It is the responsibility of the applicant to relocate a Bus Stop or leave it accessible during the duration of the closure.

**INFORMATION: APPLICANT/SPONSOR/CONTACT PERSON:**

Sponsor Name: [REDACTED]  
Title: [REDACTED]  
Name of Sponsoring Organization: [REDACTED]  
Address: [REDACTED]  
Telephone No. (Work): [REDACTED]  
Telephone No. (Home): [REDACTED]  
Fax No.: [REDACTED]  
Contact Person (if different from applicant):  
Name: [REDACTED]  
Address: [REDACTED]  
24-Hour Telephone No.: [REDACTED]  
24-Hour Fax No.: [REDACTED]

Note: The applicant of the sponsoring organization **MUST** own or lease property on the block to be closed **OR** must provide written documentation to the Street Services Investigation & Enforcement Division from an individual or organization that owns, leases, or rents property on the block, indicating that they are **CO-SPONSORS** of the event.

I own, lease, or rent property on the block to be closed.

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Signature (Applicant or Sponsor)

**SELLING ACTIVITY**

[Complete this section only if items such as merchandise, food, beverages, art, crafts, etc. are to be sold on public property (street or sidewalk)]

1. List type(s) of items to be sold:
2. Will alcoholic beverages be sold? NONE
3. Will there be any structures/equipment in the public right of way? NONE
4. Will there be any cooking/open flame in the public right of way? NONE
5. Selling will be on None

**Special Event Occurrence:One Time**

Please contact the Street Services Investigation & Enforcement Division, **One-Stop Special Event Section** at (213) 847-6000 if you have any questions.

PLEASE FORWARD REQUESTS/APPLICATION AS EARLY AS POSSIBLE TO ALLOW ADEQUATE TIME FOR PROCESSING. APPLICANTS MAY REMIT A MONEY ORDER OR CASHIERS CHECK FOR FEES OR INCLUDE PETITIONS, HOWEVER APPLICANTS SHOULD NOT DELAY SUBMITTING THE APPLICATION WHILE GATHERING SIGNATURES OR FULFILLING ANY OTHER REQUIREMENTS.

(Signed) \_\_\_\_\_  
(Title) \_\_\_\_\_

Note: Please enclose business card if appropriate.

# **EXHIBIT 2**



## CODE OF PROFESSIONAL RESPONSIBILITY

Maintaining a positive working relationship with community members will help ensure continued access to the greatest variety of locations. As a guest in area neighborhoods, you are obligated to treat the public and the location with courtesy. The provisions in this code are a part of your permit.

1. **Compliance Required:** Event organizers and individuals affiliated with the permitted event must comply with the provisions of the permit at all times.
2. **Right to Inspect:** The public has the right to inspect the permit upon request.
3. **Right to Access:** Where building or driveway access is impacted by the permit, those who have a lawful right to enter the building and use the driveway must be able to do so without harassment or undue delay.
4. **Compensatory Fairness:** Where the Right to Access must be encumbered, affected residents (renters or condo owners) should be financially compensated.
5. **Courtesy:** Event organizers and individuals affiliated with the permitted event must treat the public and the location with courtesy and refrain from using lewd or offensive language.
6. **Security Attire:** Security personnel hired to secure the permitted event are prohibited from wearing law enforcement uniforms.
7. **ADA:** Access for disabled persons must be preserved. This includes, where appropriate, maintaining minimum walkway requirements to allow disabled persons reasonable access to their dwelling. In addition, where loading zones and parking spaces near residential buildings are removed due to a permitted event, event organizers must provide at least one area large enough for a paratransit vehicle to accommodate loading and unloading of disabled persons.
8. **Bus Stop Closures:** Closure of bus stops should be minimized. If a closure is necessary, then the bus stop must be relocated at a reasonable distance, but in no event may such relocation be more than 1,000 feet. If relocated, signs directing bus riders to the relocated bus stop must be posted.

Questions or complaints? Please contact \_\_\_\_\_ at (213) \_\_\_\_-\_\_\_\_\_. For more information about permits and how to stop permit abuse, please visit [www.\\_\\_\\_\\_\\_.com](http://www._____.com)