

City of Piedmont
COUNCIL AGENDA REPORT

Date: October 4, 2004

From: Geoffrey L. Grote, City Administrator

Subject: Consideration of a Revision to City Council Policy #1 Regarding Street/Sidewalk Closure

RECOMMENDATION

Approve the attached revision to City Council Policy #1 which will expand the requirement for neighborhood notification for street use and closures.

BACKGROUND

City Council Policy #1 regarding street and sidewalk closures was originally adopted in 1977 and has never been revised. The approval process has often been delegated to other departments and accomplished on very short notice to accommodate applicants. On a recent Friday when I was absent from the city, a permit was approved for the following day (Saturday) based on the assertions of the applicant that notice had been provided to neighbors. The police dispatch center logged complaints on Saturday from residents who were unaware of the closure and were blocked from returning home in the evening.

In investigating these complaints, it became clear that the existing policy on street closures does not require proof that neighbors on affected blocks have been notified of the impending closure. In fact, the existing policy merely states, "*the applicant shall determine that the majority of the residents of the block or street concerned have consented to the holding of the activity*". This is an extremely unreliable method.

The attached revision updates general provisions of the policy, adds a 15-day notice provision, and clarifies the right of public safety to open a street, whether or not a permit has been issued. I am aware that the 15-day notice provision places a heavy burden on applicants who do not plan ahead. However, the notice is the same as is required for appeals, for written Home Occupation Permit notifications, etc.

I have provided both a "clean" copy of the revised policy and a "marked up" copy showing the changes to the original document. Also attached is an updated application and notice form.

City of Piedmont
POLICY & PROCEDURE
City Council - No. 1

Special Use or Temporary Closure of City Street and Sidewalks

POLICY

To encourage community events and the development of neighborhoods within the city, permission for special use or temporary closure of streets and sidewalks shall be granted by the City Administrator based on the following standards:

1. The temporary closing of the street or sidewalk to traffic will not substantially inconvenience persons who would normally use such street(s) or interfere with the general health, safety and welfare of the community.
2. The conduct of the activity will not divert police officers or impair normal police and fire operations.
3. The city shall not incur additional street maintenance or other public works costs because of the street/sidewalk closure.
4. A majority of the residents of the block or street concerned consent to the street/sidewalk closure.
5. No extreme hardship, as determined by the City Administrator, shall be imposed on any resident.
6. The activity shall be conducted in accordance with all applicable city and state laws, ordinances, regulations and conditions.

PROCEDURE

1. Requests for street/sidewalk closures shall be submitted to the office of the City Administrator on a form provided by the city.
2. Notice of the proposed street/sidewalk closure shall be provided to all residents on affected block(s) or portion of block(s) at least 15 days in advance of the event. In no case shall a permit for street/sidewalk closure be granted if more than 30% of the affected residents protest such closure.

3. The city may provide barricades or traffic signs, however, the applicant shall be responsible for acquisition, installation and removal of any barricades or traffic signs which are required.
4. All clean-up and removal of equipment and signs is the responsibility of the applicant.
5. In cases of street closure, a 20' fire lane may be required by the Fire Chief.
6. The Chief of Police has the authority to revoke permission and restore normal traffic if required on the day of the event.
7. If applicants are not satisfied with the decision of the City Administrator, they may submit written appeal to the City Council.

City of Piedmont
POLICY & PROCEDURE
City Council - No. 1

**Special Use or Temporary Closure of City Street *and* Sidewalks, ~~or Other Facilities~~
for ~~Non-Profit Organizations~~**

POLICY

To encourage community events and the development of neighborhoods within the city, permission for special use or temporary closure of streets and sidewalks, ~~or other public facilities~~ may shall be granted by the City Administrator. ~~Written request should be submitted to the City Administrator's office not less than ten days prior to the event.~~

~~Permission shall be based on the following standards:~~

1. The temporary closing of the street or sidewalk to traffic will not substantially inconvenience ~~the persons who would normally make use of such street(s) nor~~ interfere with the general health, safety and welfare of the community.
2. The conduct of the activity will not ~~require the diversion of so great a number of divert police officers of the of the City as to or~~ impair the normal *police and fire* operations ~~of the City~~
3. ~~The congregation of persons and animals and vehicle in the area will not unreasonably interfere with proper fire and police protection of areas in the vicinity of the activity or other areas of the city.~~
4. *The city shall not incur additional street maintenance or other public works costs because of the street/sidewalk closure. Adequate clean-up of litter or debris resulting from the activity must be assured*
5. ~~In matters involving street closures, use of sidewalks, etc., the applicant shall determine that the A majority of the residents of the block or street concerned have consented to the holding of the activity street/sidewalk closure.~~
6. *No extreme hardship, as determined by the City Administrator, shall be imposed on any resident.*
7. The activity ~~shall be~~ will be conducted in accordance with all applicable city and state laws, ordinances, regulations and conditions.

- ~~7. The Chief of Police, or designee, has the authority to revoke permission and restore normal traffic, in the event of:

 - ~~a. Necessity to restore public peace to the City or a given neighborhood, or~~
 - ~~b. Failure to comply with the proceeding sections relating policy~~~~
- ~~8. Applicant must be person responsible for the function.~~

PROCEDURE

1. *Requests for street/sidewalk closures shall be submitted to the office of the City Administrator on a form provided by the city. ~~Written requests for special use or closure of streets, sidewalks, or other public facilities under the jurisdiction of the City of Piedmont should be submitted to the City Administrator's office on forms provided by City. They will be forwarded to the appropriate departments for review and recommendations.~~*
2. *Notice of the proposed street/sidewalk closure shall be provided to all residents on affected block(s) or portion of block(s) at least 15 days in advance of the event. In no case shall a permit for street/sidewalk closure be granted if more than 30% of the affected residents protest such closure.*
23. *The city may provide barricades or traffic signs, however, the applicant shall be ~~Organizations requesting such use or consideration shall be responsible for the rental, acquisition, installation and removal of any barricades that may be required and/or traffic signs which are required.~~*
4. *All clean-up and removal of equipment and signs is the responsibility of the applicant.*
35. *In cases of street closure, a 20' fire lane shall be provided if may be required by the Fire Chief.*
76. *The Chief of Police, or his designee, has the authority to revoke permission and restore normal traffic if required on the day of the event. ~~in the event of :~~*
 - ~~a. Necessity to restore public peace to the City or a given neighborhood, or~~
 - ~~b. Failure to comply with the proceeding sections relating policy~~
47. *If applicants are not satisfied with the decision of the City Administrator, they may submit written appeal to the City Council.*

Adopted by the City Council
June 6, 1977

City of Piedmont
Application for Street/Sidewalk Use Permit

Applicant's Name _____ Phone (h) _____

Name of Organization (if applicable) _____ Phone (w) _____

Address _____ Phone (cell) _____

1. Special use of street (parade, marathon, etc.) _____
Closure of street _____
Other (specify) _____

2. Name of street(s) and range of house numbers (i.e. Bonita Avenue between 200-300)

3. Name of cross street(s) _____

4. Date of use/closure _____ Time/Hours _____

5. Number of participants (estimate) _____

6. Reason/Event/Explanation _____

I have read City Council Policy No. 1 and certify that the foregoing information is true and correct to the best of my knowledge.

Applicant's Signature _____ Date _____

Please return this form to the City Clerk's office at 120 Vista Avenue, Piedmont, CA 94611 with the Neighborhood Notification Form and your check in the amount of \$25.00

City of Piedmont
NEIGHBORHOOD NOTIFICATION FORM
For Street/Sidewalk Use Permit

Dear Resident:

The City of Piedmont has received the attached application for a Street/Sidewalk Use Permit which would affect your neighborhood. The city would like to know if you have any objections to the proposed use/closure.

Address	Signature	Date	Yes/No
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
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_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(This form must be signed by all neighbors on the affected blocks and be presented with the completed Application for Street/Sidewalk Use Permit. Use additional forms as needed)