

**No. B345169**

In the Court of Appeal, State of California  
SECOND APPELLATE DISTRICT, DIVISION SIX

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**OPEN MAIN STREET**

*Plaintiff and Appellant,*

vs.

**CITY OF SAN BUENAVENTURA**

*Defendant and Respondent.*

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Exempt from Filing Fee  
Government Code § 6103

Appeal From the Superior Court of the State of California,  
County of Ventura. Case No. 2024 CUWM 021824  
Honorable Matthew P. Guasco, Judge Presiding

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**BRIEF OF AMICUS CURIAE LEAGUE OF  
CALIFORNIA CITIES IN SUPPORT OF  
RESPONDENT CITY OF SAN BUENAVENTURA**

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MICHAEL G. COLANTUONO, State Bar No. 143551

MColantuono@chwlaw.us

\*STEPHANIE L. COOKE, State Bar No. 296699

SCooke@chwlaw.us

**COLANTUONO, HIGHSMITH & WHATLEY, PC**

790 E. Colorado Boulevard, Suite 850

Pasadena, California 91101-2109

Telephone: (213) 542-5700

Facsimile (213) 542-5710

Attorneys for Amicus Curiae  
LEAGUE OF CALIFORNIA CITIES

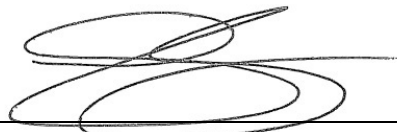
## **CERTIFICATE OF INTERESTED ENTITIES OR PERSONS**

This is the initial certificate of interested entities or persons submitted on behalf of Amicus Curiae League of California Cities in this appeal.

These entities or persons have either (1) an ownership interest of 10 percent or more in the party or parties filing this certificate or (2) a financial or other interest in the outcome of this proceeding that the Justices should consider in determining whether to disqualify themselves:

Owners and occupants of property along the pedestrianized portion of Main Street, Ventura, CA

DATED: November 20, 2025      **COLANTUONO, HIGHSMITH &  
WHATLEY, PC**

A handwritten signature in black ink, appearing to read 'Michael G. Colantuono', written over a horizontal line.

MICHAEL G. COLANTUONO  
STEPHANIE L. COOKE  
Attorneys for Amicus Curiae  
League of California Cities

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## **AMICUS CURIAE BRIEF**

### **I. INTRODUCTION AND SUMMARY OF ARGUMENT**

Like most American cities, during COVID, the City of San Buenaventura (“Ventura”) allowed restaurants to make use of parts of street rights-of-way for outdoor dining. The community responded favorably, and residents and City Councilmembers advocated to make permanent this new use of common areas. So, the City closed six blocks of its Main Street to vehicles, reserving the right-of-way for pedestrians and compatible uses. A few owners of adjacent land object.

At issue in the resulting litigation is whether Ventura appropriately relied on Vehicle Code section 21101, subdivision (a)(1). Based on the language of that statute, Ventura fully complied with all requirements of that law and acted well within its authority to create the pedestrian zone.

Ventura was not required to use the Pedestrian Mall Law (Sts. & Hy. Code, § 11000, et seq.) to close Main Street. That statute states it does not preclude the use of any other statute covering its subject, and that it provides an alternative method to pedestrianize streets. (Sts. & Hy. Code, § 11103.)

As Ventura was not required to use the Pedestrian Mall Law, and as it complied with the requirements of Vehicle Code section 21101, subdivision (a)(1), Main Street was properly closed. Vehicle Code section 21101, subdivision (a)(1) does not prescribe how a street must be used after it is closed to vehicles, nor does it prohibit the creation of a pedestrian zone.

Accordingly, Amicus Curiae League of California Cities urges this Court to affirm.

## **II. JOINDER IN VENTURA'S STATEMENT OF THE CASE**

Amicus Curiae League of California Cities joins in Respondent's Statement of the Case. (Cal. Rules of Court, rule 8.204.)

## **III. ARGUMENT**

### **A. Pedestrian Zones Provide Ample Public Benefit**

Pedestrian zones are widely recognized for their positive impact on the urban landscape. They have been shown to revitalize neighborhoods, improve the satisfaction of residents and visitors, and promote overall livability. (Brownrigg-Gleeson, *Reasons to Pedestrianise Urban Centres: Impact Analysis on Mobility Habits, Livability and Economic Activities* (Nov. 30, 2023) 15 Sustainability 20-21 < <https://www.mdpi.com/2071-1050/15/23/16472> > [as of Nov. 17,

2025].) These benefits have attracted extensive interest in pedestrian zones throughout the United States. “There’s an overwhelming desire in the U.S. for more livable and walkable cities: A 2022 survey by the American Planning Association found that 83% of Americans support the creation of more pedestrian malls in their communities.” (Vitek, Editorial Opinion (Jan. 12, 2024)

< <https://nextcity.org/urbanist-news/rethinking-streets-to-drive-commerce-and-connection-not-just-cars> > [as of Nov. 17, 2025].)

In addition to enhancing livability, pedestrianized streets strengthen community identity and increase opportunities for social interaction.

Pedestrian zones transform streets from traffic arteries into social hubs, fostering interaction and a sense of community ... . This social dimension is often overlooked but is a vital aspect of sustainable urban development, contributing to stronger, more connected, and more resilient communities.

(What Are the Benefits of Pedestrian Zones?, Sustainability Directory (Apr. 7, 2025) < <https://pollution.sustainability-directory.com/question/what-are-the-benefits-of-pedestrian-zones> > [as of Nov. 17, 2025].) Pedestrian areas can also serve as “center[s]

for cultural activities and special events.” (*Save Our Heritage Organisation v. City of San Diego* (2015) 237 Cal.App.4th 163, 176 , 179 (“SOHO”).)

Pedestrian zones have been recognized as a means to “increase the economic success of the region.” (*SOHO, supra*, 237 Cal.App.4th at p. 176.) An example is Santa Monica’s Third Street Promenade: “With over 200 shops and restaurants, it has become a hotspot both locally and as a major tourist attraction in L.A., generating over \$1 billion in economic activity annually, according to a study by the City of Santa Monica.” (*Vitek, supra*.)

Pedestrianized streets also improve the environment and promote health and safety:

Beyond the natural benefits to air quality that come with reducing automobile traffic, the design of these spaces can contribute to improved water quality, decreasing runoff from streets and parking lots and filtering stormwater before it runs through to the next basin.

(*Vitek, supra*.) Pedestrian zones alleviate “traffic congestion — and the concomitant endangerment of pedestrians.” (*SOHO, supra*, 237 Cal.App.4th at p. 187.) They “act as catalysts for healthier and more

sustainable lifestyles, integrating physical activity into daily routines simply by making walking and cycling more convenient and enjoyable.” (*What Are the Benefits of Pedestrian Zones?*, *supra*.) A recent article regarding San Mateo’s pedestrian zone reports:

[f]oot traffic within parts of downtown San Mateo increased nearly 20% from last year and a whopping 120% since 2023, highlighting the success of the three year old pedestrian mall that permanently closed part of B Street to cars.

(DiNapoli, *Foot Traffic in Downtown San Mateo Sees Increase Even After Large Surge*, *The Daily Journal* (May 23, 2025)

< [https://www.smdailyjournal.com/news/local/foot-traffic-in-downtown-san-mateo-sees-increase-even-after-large-surge/article\\_43ece87e-9a52-4098-b2f7-336a70cd6b71.html](https://www.smdailyjournal.com/news/local/foot-traffic-in-downtown-san-mateo-sees-increase-even-after-large-surge/article_43ece87e-9a52-4098-b2f7-336a70cd6b71.html) > [as of Nov. 17, 2025].)

Several examples of popular pedestrian zones in California are show in the photographs below.

El Prado Complex in Balboa Park, San Diego  
Subject of *SOHO*, *supra*, 237 Cal. App.4th 163.



Credit: Rhododendrites

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B Street Pedestrian Mall, San Mateo  
Referenced in DiNapoli, *supra*.



Credit: San Mateo Daily Journal file photo

## California Avenue Pedestrian Mall, Palo Alto



Credit: Anna Hoch-Kenney

Third Street Promenade, Santa Monica  
Referenced in Vitek, *supra*.



Credit: Apostolos Giontzis

## State Street Promenade, Santa Barbara



Credit: @oliver\_asis

**B. The Vehicle Code and Pedestrian Mall Law Do Not Conflict**

**I. The canons require harmonization of the Pedestrian Mall Law and Vehicle Code section 21101, subdivision (a)(1)**

“[A] court must, where reasonably possible, harmonize statutes, reconcile seeming inconsistencies in them, and construe them to give force and effect to all of their provisions.” (*State Dept. of Public Health v. Superior Court* (2015) 60 Cal.4th 940, 955, cleaned up.) Courts do “not presume that the Legislature performs idle acts” nor do courts “construe statutory provisions so as to render them superfluous.” (*Shoemaker v. Myers* (1990) 52 Cal.3d 1, 22.) When “two codes are to be construed, they must be regarded as blending into each other and forming a single statute. Accordingly, they must be read together and so construed as to give effect, when possible, to all the provisions thereof.” (*State Dept. of Public Health v. Superior Court, supra*, 60 Cal.4th 940 at pp. 955–956, cleaned up.)

Courts will “assume that in enacting a statute the Legislature was aware of existing, related laws and intended to maintain a consistent body of statutes.” (*Gramajo v. Joe’s Pizza on Sunset, Inc.* (2024) 100 Cal.App.5th 1094, 1101.) “Where possible, the goal of the courts is to achieve harmony between conflicting laws and avoid an

interpretation which would require that one statute be ignored.”  
(*Schmidt v. Southern Cal. Rapid Transit Dist.* (1993) 14 Cal.App.4th 23, 27, cleaned up.) Two statutes can provide alternative procedures for the same subject without conflicting. (*Jeffery v. City of Salinas* (1965) 232 Cal.App.2d 29, 49.)

Vehicle Code section 21101, subdivision (a)(1) and the Pedestrian Mall Law provide two different methods to close streets to vehicles. This Court presumes the Legislature intended to create alternatives and to allow municipalities to use either option. To find otherwise would discount the plain language of these statutes.

Before turning to that language, however, it is helpful to note the statutory sequence here. The Legislature adopted Vehicle Code section 21101 — including the present language of subdivision (a)(1) — in 1959.<sup>1</sup> A year later, it adopted the Pedestrian Mall Law and disclaimed any intent to make it the exclusive means to pedestrianize a street. The Legislature plainly knew of the earlier law (in addition to the canons’ presumption of such knowledge) and intended to preserve it.

---

<sup>1</sup> The predecessor to Vehicle Code section 21101, subdivision (a)(1), Vehicle Code section 145, was amended in 1931 to authorize cities to close streets. (*Rumford v. City of Berkeley* (1982) 31 Cal.3d 545, 552.)

**2. The Pedestrian Mall Law states it does not conflict with Vehicle Code section 21101, subdivision (a)(1)**

The Pedestrian Mall Law states it “does not affect any other law relating to the same or similar subject, but provides an alternative procedure for the subject to which it relates.” (Sts. & Hy. Code, § 11103.) Courts have interpreted similar language in other statutes to mean just what it says — the two statutes are alternate methods to achieve the same end.

*Citizens for Responsible Equitable Environmental Development v. City of San Diego* (2010) 184 Cal.App.4th 1032 (“CREED”) held the Subdivision Map Act (Gov. Code, § 66410 et seq.) and the Public Streets, Highways, and Service Easements Vacation Law (“Street Vacation Statute”) (Sts. & Hy. Code, § 8300 et seq.) do not conflict and either may be used to vacate a street.

Under the Subdivision Map Act, which governs the division of property for lease or sale, public streets and easements not shown on a final map are deemed abandoned,

provided that a written notation of each abandonment is listed by reference to the recording data or other official record creating these public streets or public easements and certified to on the map by the clerk of

the legislative body or the designee of the legislative body approving the map.

(Gov. Code, § 66434, subd. (g).) The Street Vacation Statute delineates another procedure to vacate public service easements. (Sts. & Hy. Code, §§ 8320–8325.) In drafting the Street Vacation Statute, the Legislature took care to provide alternatives rather than to restrict local governments’ discretion to manage rights-of-way. That statute states that the:

procedures provided in this part are alternative procedures for vacating streets, highways, and public service easements. The authority granted in this part is an alternative to any other authority provided by law to public entities.

(Sts. & Hy. Code, § 8311, subd. (a).)

In *CREED*, the plaintiff argued the Subdivision Map Act could not be used to vacate a public right-of-way because it does not provide for an application or approval procedure, and because “nothing on the face of [the Subdivision Map Act] exempts [the City] from compliance with the [Street Vacation Statute].” (*CREED, supra*, 184 Cal.App.4th at p. 1046.) In rejecting this argument, *CREED* reasoned the Subdivision Map Act “outlines the circumstances

under which the filing of a final map vacates public rights-of-way and easements, makes no reference to [the Street Vacation Statute],” noting the Street Vacation Statute “itself specifies that it is an alternative procedure for vacating public rights-of-way and easements.” (*Ibid.*) *CREED* held that it

is clear that, under state law, local agencies may vacate public rights-of-way and easements pursuant to the tentative and final map approval process, without also having to comply with the notice requirements of the [Street Vacation Law].

(*Ibid.*)

Both statutes provide means to close a public street. Like the Street Vacation Statute, the Pedestrian Mall Law states it does not affect any other law concerning the same subject matter and provides an alternate procedure for achieving the same objective. (Sts. & Hy. Code, §§ 11002, 11003.) And just as the Subdivision Map Act makes no reference to the Street Vacation Statute, Vehicle Code section 21101, subdivision (a)(1) makes no reference to the Pedestrian Mall Law. *CREED* makes clear Ventura was not required to use the Pedestrian Mall Law to close Main Street to vehicles.

**3. Vehicle Code section 21101, subdivision  
(a)(1) and the Pedestrian Mall Law are  
alternatives**

The Pedestrian Mall Law is not the only statute under which a city can close a public street to vehicles or create a pedestrian zone. The pedestrian zones depicted above demonstrate the variety of authorities available. The re-pedestrianization of the El Prado Complex in San Diego's Balboa Park was achieved through amendments to the Balboa Park Master Plan and the Central Mesa Precise Plan. (San Diego City Council Resolution No. 307555). San Mateo and Santa Monica used the Pedestrian Mall Law to create their pedestrian areas. (San Mateo City Council Ordinance No. 2021-21; Santa Monica City Council Ordinance No. 700.) And Palo Alto and Santa Barbara used Vehicle Code 21101 to create the B Street Pedestrian Mall and the State Street Promenade, respectively. (Palo Alto City Council Ordinance No. 10220; Santa Barbara City Council Ordinance No. 6125.)

Ventura, like other cities, used a method other than the Pedestrian Mall Law to create a pedestrian street. It was not required to use the Pedestrian Mall Law to close six blocks of Main Street to vehicles, but could use Vehicle Code section 21101, subdivision (a)(1). As the trial court concluded and Ventura's Brief demonstrates,

Ventura fully complied with the requirements of Vehicle Code section 21101, subdivision (a)(1) and authorized by that statute.

**4. Ventura closed this part of Main Street to vehicular traffic**

Despite Appellant's insistence to the contrary, Ventura has completely closed six blocks of Main Street to vehicle traffic. Appellant asserts that, as Ventura may allow access to Main Street by emergency and maintenance vehicles, and delivery vehicles under limited circumstances, Main Street is not completely closed within the meaning of Vehicle Code section 21101, subdivision (a)(1). Under this rational, no street could be considered completely closed to vehicles if there is a possibility that the street could ever be accessed by any vehicle, even in the case of emergencies or special events. This narrow interpretation would prevent **any** street from being closed under Vehicle Code section 21101, subdivision (a)(1).

Limited access to Main Street by emergency, maintenance and delivery vehicles would not constitute a partial closure, as contemplated by *Rumford v. City of Berkeley* (1982) 31 Cal.3d 545. *Rumford* involved erecting traffic barriers on **40** streets throughout the City of Berkeley to direct through traffic to arterial streets while allowing unfettered local access by residents. (*Id.* at pp. 548-549.) The

City did not claim that any of these 40 streets were no longer needed for vehicle traffic. (*Id.* at 459.) The Court held that this type of partial closure, which allowed “unimpeded travel to drivers on each side of the barrier” and was only “closed to some vehicular traffic” was not permissible under Vehicle Code section 21101, subdivision (a)(1).

Unlike Berkeley drivers in *Rumford*, delivery vehicles would not be entitled to “unimpeded travel” throughout Main Street. Instead, access by delivery vehicles would only be permitted if “there is no reasonably practicable alternative means of achieving the goal contemplated by the proposed delivery.” (AR 2254.) Similarly, vehicle access for the farmers market would constitute limited access for the purposes of a special event. San Buenaventura Municipal Code sections 18.250.150 and 18.250.160 authorize Ventura to permit vehicle access that “does not comply with applicable traffic laws or controls.” Permitting such access on a limited basis does not open the street to vehicle traffic.

State law expressly permits maintenance vehicles to access closed streets. Streets & Highways Code, section 1920 provides:

When the governing body of a city by resolution or ordinance removes a street from public use, or closes it to vehicular or pedestrian traffic, such resolution or ordinance may set forth

such minimum maintenance requirements, including the maintenance of drainage, for the street as the governing body determines are necessary for the public safety.

(Sts. & Hy. Code, § 1920.) Such authorized maintenance could necessitate the use of vehicles on a street closed to vehicular traffic. One need not use hand tools when a backhoe is needed.

State law prohibits cities from preventing emergency vehicles from accessing streets that have been closed to vehicles. Under Vehicle Code, section 21055 a driver of an emergency vehicle sounding sirens and displaying red emergency lights is exempt from many provisions of the Vehicle Code:

If the vehicle is being driven in response to an emergency call or while engaged in rescue operations or is being used in the immediate pursuit of an actual or suspected violator of the law or is responding to, but not returning from, a fire alarm, except that fire department vehicles are exempt whether directly responding to an emergency call or operated from one place to another as rendered desirable or necessary by reason of an emergency call and operated to the scene of the emergency or operated from one fire station to another or to some other location by reason of the emergency call.

(Vehicle Code, § 21055.) The provisions of the Vehicle Code from which emergency-vehicle drivers are exempt include section 21663, which prohibits driving on a sidewalk, and section 21461, which requires drivers to obey traffic signs and signals. Thus, Ventura does not have authority to prohibit an emergency vehicle from accessing the Main Street pedestrian zone. For example, even if Ventura erected a sign prohibiting **all** vehicles from accessing Main Street, under Vehicle Code section 21055, drivers of emergency vehicles could ignore it.

Allowing limited vehicle access for emergencies, maintenance, and special events does not render Main Street's closure partial. To find otherwise would bar **any** street closure under Vehicle Code section 21101, subdivision (a)(1). Accordingly, the six blocks of Main Street have been properly closed under Vehicle Code section 21101, subdivision (a)(1) even if these exceptional vehicle uses remain. There is no evidence the Legislature intended an impractical "all or nothing" choice.

**5. Vehicle Code section 21101, subdivision (a)(1) does not limit use of a right-of-way once closed to vehicles**

As Ventura complied with Vehicle Code section 21101, subdivision (a)(1), it is free to make a pedestrian mall of this stretch of Main Street. It is a “cardinal rule of statutory construction that courts must not add provisions to statutes.” (*Security Pacific National Bank v. Wozab* (1990) 51 Cal.3d 991, 998; *Hirdman v. Charter Communications, LLC* (2025) 113 Cal.App.5th 376, 385.)

Vehicle Code section 21101, subdivision (a)(1) provides only that a city may close a street to traffic upon a finding it is no longer needed. It does not limit how the land may be used thereafter. As such, Ventura’s pedestrianization of part of Main Street has no bearing on the propriety of the closure.

**C. Limiting Ventura’s Authority to Regulate the Use of a Street Closed to Vehicles Would Impinge on its Police Power**

**I. Cities have broad police power to regulate land use and rights-of-way for the common good**

Under California Constitution, article XI, section 7, “[a] county or city may make and enforce within its limits all local, police,

sanitary, and other ordinances and regulations not in conflict with general laws.” That police power includes authority to enforce regulations to promote the public convenience or the general prosperity, as well as regulations designed to promote the public health, public morals, or public safety. (*Chicago, B & Q Ry. Co. v. People of the State of Illinois* (1906) 200 US 561, 592.) The police power:

is not a circumscribed prerogative, but is elastic and, in keeping with the growth of knowledge and the belief in the popular mind of the need for its application, capable of expansion to meet existing conditions of modern life and thereby keep pace with the social, economic, moral and intellectual evolution of the human race.

(*Miller v. Board of Public Works of the City of Los Angeles* (1925) 195 Cal. 477, 485.) Exercise of this power need only be reasonably related to a legitimate government purpose supported by a reasonable basis in fact. (*Birkenfeld v. City of Berkeley* (1976) 17 Cal.3d 129, 159; *Consolidated Rock Products Co. v. City of Los Angeles* (1962) 57 Cal.2d 515, 522.)

Cities have broad discretion to determine how to promote the general welfare. (*Carlin v. City of Palm Springs* (1971) 14 Cal.App.3d 706, 711.) “A city’s police power under this constitutional provision

is as broad as that of the state Legislature itself.” (*Richeson v. Helal* (2007) 158 Cal.App.4th 268, 277.) The concept of the public welfare is broad and inclusive, encompassing health, safety, morals, economic stability, aesthetics, and the overall quality of urban life. (*Kucera v. Lizza* (1997) 59 Cal.App.4th 1141, 1148–1149.) The values public welfare represents “change over time, flexing the elastic concept of police power.” (*Ibid.*) In Justice Douglas’ famous statement: “It is within the power of the legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled.” (*Berman v. Parker* (1954) 348 U.S. 26, 33.)

Cities are authorized to regulate land use extensively for the public welfare. (*California Building Industry Assn. v. City of San Jose* (2015) 61 Cal.4th 435, 455.) Zoning and other land use controls are core applications of the police power. (*Fonseca v. City of Gilroy* (2007) 148 Cal.App.4th 1174, 1181.) Main Street is a public asset and belongs to all who live, work, own property, or visit Ventura. It is not a fiefdom reserved to those who own or rent adjacent land.

## **2. Establishing a pedestrian zone is a proper exercise of Ventura's police power**

The creation of pedestrian zones is an exercise of cities' police power to regulate public spaces for the public benefit, enhancing economic vitality, improving urban aesthetics, and promoting public safety. *SOHO, supra*, 237 Cal. App.4th 163 recognized the benefits of pedestrian zones. The land use actions there barred vehicles from plazas in Balboa Park, reestablishing them as pedestrian zones. (*Id.* at p. 169.) *SOHO* upheld the San Diego City Council's finding that the project complied with the City's General Plan, the Balboa Park Master Plan, and the Central Mesa Precise Plan, which

collectively established goals and policies of creating a more pedestrian oriented environment within the park, reducing automobile and pedestrian conflicts, improving public access, increasing free and open parkland, restoring landscape areas and restoring the Prado and Palisades to a center for cultural activities and special events.

(*Id.* at pp. 186–187.) The court accepted that “restoring the area to pedestrian use ... would open up opportunities for cultural

activities, special events and general public enjoyment of the park without interfacing with vehicles.” (*Ibid.*).

### **3. Ventura used its police power to pedestrianize Main Street for the public benefit**

Pedestrian zones are good for business, community life and urban livability. As stated in the Main Street Ventura Vision Plan Handbook,

Ventura’s Downtown Main Street will be revitalized as a vibrant, walkable, and inclusive destination that reflects the City’s unique character and cultural heritage. This flexible, people-focused corridor will feature welcoming public spaces, diverse amenities, and safe, accessible environments for all ages — supporting a thriving local economy and reinforcing Main Street’s identity as Ventura’s premier Downtown destination.

(Main Street Ventura Vision Plan Handbook (p. 13)

< <https://www.cityofventura.ca.gov/DocumentCenter/View/46296/Vision-Plan-Handbook-9925> > [as of Nov. 19, 2025].) Ventura’s pedestrianization of Main Street is intended to benefit adjacent businesses as well as the wider public. As suggested by the articles

summarized at the outset of this brief, that expectation is realistic. Business grows where people congregate and tarry.

**D. Interpreting the Vehicle Code to Limit Use of a Street Once Closed Disserves Public Policy**

**I. The canons allow the Court to consider public policy to discern legislative intent**

A court will “endeavor to find the interpretation that will best further the statutory purposes.” (*Escobedo v. Estate of Snider* (1997) 14 Cal.4th 1214, 1223.) It “must consider the consequences that might flow from a particular construction and should construe the statute so as to promote rather than defeat the statute’s purpose and policy.” (*Ibid.*)

When the plain meaning of the statutory text is insufficient to resolve the question of its interpretation ... the court may consider the impact of an interpretation on public policy, for “[w]here uncertainty exists consideration should be given to the consequences that will flow from a particular interpretation.”

(*Mejia v. Reed* (2003) 31 Cal.4th 657, 663, quoting *Dyna-Med, Inc. v. Fair Employment & Housing Com.* (1987) 43 Cal.3d 1379, 1387.)

## **2. Courts broadly interpret cities' authority to regulate competing claims on rights-of-way**

Uses of rights-of-way extend well beyond car and pedestrian travel and cities and counties must balance many competing demands on these shared spaces. For example, in *T-Mobile West LLC v. City and County of San Francisco* (2019) 6 Cal.5th 1107, 1114 our Supreme Court considered whether an ordinance imposing permitting requirements and other limitations on the installation of cellular telephone equipment in public rights-of-way was preempted by a statute permitting such installation that does not “incommode the public use of the road.” In adopting the challenged ordinance, “the board of supervisors noted that the City ‘is widely recognized to be one of the world’s most beautiful cities,’ which is vital to its tourist industry and an important reason that residents and businesses locate there.” (*Ibid.*) The board of supervisors further asserted the City’s need to regulate placement of such equipment “to prevent installation in ways or locations ‘that will diminish the City’s beauty.’” (*Ibid.*)

Upholding San Francisco’s ordinance, our Supreme Court recognized the “inherent local police power includes broad authority to determine, for purposes of the public health, safety, and welfare, the appropriate uses of land within a local jurisdiction’s

borders.” (*T-Mobile West LLC, supra*, 6 Cal.5th at p. 1116, quoting *City of Riverside v. Inland Empire Patients Health & Wellness Center, Inc.* (2013) 56 Cal.4th 729, 738.) The High Court held this police power “includes the authority to establish aesthetic conditions for land use.” (*Id.* at p. 1119.)

Rejecting T-Mobile’s contention that statute allowed the City to limit only installations that obstruct travel, the Court reasoned:

[t]ravel is not the sole use of public roads; other uses may be incommoded beyond the obstruction of travel. (Citation.) For example, lines or equipment might generate noise, cause negative health consequences, or create safety concerns. All these impacts could disturb public road use, or disturb its quiet enjoyment.

(*T-Mobile West LLC, supra*, 6 Cal.5th at pp. 1118–1119.) Considering competing claims on rights-of-way, the Court interpreted the City’s ordinance broadly to protect the City’s long-established police power to regulate the use of rights-of-way for the common good.

### **3. Courts apply a flexible and expansive view of cities’ authority to regulate rights-of-way**

In cases old and new, courts have refrained from excessively limiting cities’ authority to regulate rights-of-way, employing a

flexible approach to allow cities to effectively respond to many changing, competing interests. “It is the rule in this state that the city has the right from time to time to change the uses of its streets as will be most conducive to the public interest.” (*City of Berkeley v. Gordon* (1968) 264 Cal.App.2d 461, 464.) “The world moves ... . The trend of judicial opinion ... is to a broader and more comprehensive view of the rights of the public in and to the streets and highways of city and country ... .” (*Montgomery v. Santa Ana & W. Ry. Co.* (1894) 104 Cal. 186, 192). “The scope of roadway rights-of-way is not fixed but responds to changing societal conditions.” (*Bello v. ABA Energy Corp.* (2004) 121 Cal.App.4th 301, 309–310.)

Courts have consistently applied a flexible view of the scope of local regulation of rights-of-way. For example, the concept of rights-of-way has never been limited to the streets themselves, but extends to the space above and below them, as required for:

the accommodation of sewers, gas and water pipes, electric wires, and conduits for railroads. Where the city undertakes to occupy the space above or below the surface of the street for any purpose within the scope of the public uses to which highways may be put, the use by the owner of the fee must yield to the public use.

(*Colegrove Water Co. v. City of Hollywood* (1907) 151 Cal. 425, 429–430.)

In addition to changes in travel, courts recognize the flexibility required to allow for changes in other beneficial uses of rights-of-way. For example, cities have garnered broad authority to regulate parking. “The initial grant of power in [Vehicle Code] section 22507 broadly empowered localities to regulate parking within their jurisdictions” and “subsequent statutory amendments to section 22507 have expanded rather than restricted the powers accorded local government over parking matters.” (*Friedman v City of Beverly Hills* (1996) 47 Cal.App.4th 436, 443.)

Courts have also recognized cities’ authority to use rights-of-way for economic and social purposes. *In re Anderson* (1933) 130 Cal.App. 395, approved establishment of a public market in Los Angeles as an appropriate use of a public right-of-way.

When land is taken or dedicated for use as a highway, the taking or dedication should be presumed to be not merely for such purposes and uses as were known and customary, at that time, but also for all public purposes, present or prospective, whether then known or not, consistent with the character of such highways.

(*Norris v. State ex rel. Dept. of Public Works* (1968) 261 Cal.App.2d 41, 47.)

#### **4. The Court should not impair Ventura's authority to regulate public rights-of-way**

At issue is the authority of Ventura, and other California cities, to regulate use of rights-of-way. After considering the needs and interests of the public, Ventura's City Council found these six blocks of Main Street are no longer needed for vehicular traffic and that the public interest would best be served by creating a pedestrian zone there. As precedents recognize, local elected officials are in the best position to make such determinations about competing claims on a shared resource. (E.g., *Citizens for Improved Sorrento Access, Inc. v. City of San Diego* (2004) 118 Cal.App.4th 808, 814.)

Appellant effectively asks this Court to overrule the Ventura City Council's determination these six blocks of Main Street are no longer needed for vehicle traffic, to strip Ventura of its authority under Vehicle Code section 21101, subdivision (a)(1) to close a street, and to insert into the statute a limit on the permissible use of a closed street the Legislature did not provide. Any of these would undermine Ventura's authority to regulate its rights-of-way. This would not only resist the trend towards flexible and expansive

views of cities' authority to regulate rights-of-way, but would privilege other claims on rights-of-way, limiting the City Council's power to adjust inevitable disputes as circumstances change.

The many competing claims on rights-of-way that cities must manage are apparent from just a sampling of laws addressing the topic. For example, the Vehicle Code allows cities to regulate streets and highways in various ways. Division 11, article 3 of the Vehicle Code enumerates many topics for such regulation, including assembly on highways, vehicles for hire, traffic officers, traffic control devices, traffic during construction, tow truck licensing and regulation, bicycles and electric carts, crossing guards, garbage collection, advertising displays, and pedicabs. (Veh. Code, § 21100.)

In addition to the closure of unneeded streets, Vehicle Code section 21101 allows regulation of crossing through highways, prohibition of certain vehicles, closure of streets for driver training, temporary closures for special events, "slow streets" programs,<sup>2</sup> and traffic barriers.

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<sup>2</sup> An example of such a program is depicted here:  
< <https://www.sfmta.com/projects/slow-streets-program> > (as of Nov. 17, 2025).

Additional local regulations permitted under the Vehicle Code include traffic diversion by a peace officer, temporary road closures, school grounds, alleys, roads in mobile home parks; roads in privately owned airports, vehicle and pedestrian traffic in subways, tubes, tunnels, bridges and viaducts, stops at railroad crossings, crosswalks, taxi stands, taxiing aircraft through public streets, the use of golf carts, and limitations on vehicular access to environmentally sensitive areas. (Vehicle Code, §§ 21101.4; 21102; 21102.1; 21107.9; 21108; 21109; 21110; 21106; 21112; 21114; 21115–21115.1; 21117.)

Ventura’s Municipal Code demonstrates even more such competing claims to rights-of-way. These include encroachments and excavations, utility easements, projecting signs and awnings, street benches, news racks, planters, parades, athletic events, block parties, public assemblies, lying and sitting on sidewalks, traffic control devices, size and weight restrictions, pedestrians, standing and stopping, parking, bicycle lanes, use of bicycles, electric bicycles, electric personal assistive mobility devices, electrically motorized boards, low-speed vehicles, pedicabs, roller skates, scooters and skateboards. (San Buenaventura Municipal Code, §§ 18.100; 18.120; 18.150; 18.200; 18.250; 16.120; 16.140; 16.150; 16.210; 16.225; 16.230; 16.340; 16.350.)

For every regulation of a use of a right-of-way, someone is likely opposed. But it would be impossible for a city to cater to every individual interest when regulating public spaces. Instead, cities consider various competing interests and the overall public benefit when implementing such regulations. Applying an overly rigid and narrow scope of cities' authority would make a challenging obligation impossible. Change is hard, but it need not be illegal.

#### **IV. CONCLUSION**

We may have recently rediscovered the joys of pedestrian zones and dining alfresco due to COVID, but disputes over public and private claims on our common public spaces are as old as cities themselves.<sup>3</sup> And our law has consistently protected local elected officials' responsibility and authority to adjust these competing claims. Invalidating Ventura's use of Vehicle Code section 21101, subdivision (a)(1) to close six blocks of Main Street to vehicles would needlessly impair its authority to manage the many competing interests in its rights-of-way. As the statutes themselves demonstrate, Ventura was not required to use the Pedestrian Mall

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<sup>3</sup> E.g., < <https://www.medievalists.net/2016/01/medieval-traffic-problems/> > (as of Nov. 17, 2025.)

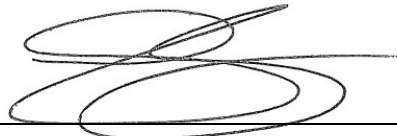
Law and instead appropriately used Vehicle Code section 21101, subdivision (a)(1) to create its pedestrian zone.

Pedestrian zones enhance community identity and urban design, preserve historic and cultural resources, stimulate economic activity, improve public safety and accessibility, and have environmental and health benefits. Accordingly, Ventura acted well within its authority to make a pedestrian zone of six blocks of its Main Street.

For these reasons, Amicus Curiae League of California Cities respectfully urges this Court to affirm.

DATED: November 20, 2025

**COLANTUONO, HIGHSMITH &  
WHATLEY, PC**

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MICHAEL G. COLANTUONO

STEPHANIE L. COOKE

Attorneys for Amicus Curiae

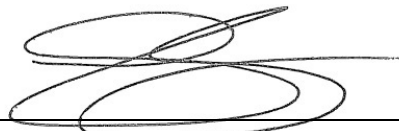
League of California Cities

**CERTIFICATE OF COMPLIANCE WITH  
CAL. RULES OF COURT, RULE 8.204(c)(1)**

Pursuant to California Rules of Court, rule 8.204(c)(1), the foregoing BRIEF OF AMICUS CURIAE LEAGUE OF CALIFORNIA CITIES IN SUPPORT OF RESPONDENT CITY OF BUENAVENTURA is produced using 13-point Palatino Linotype font and contains 5,500 words (excluding the tables, cover information, and Certifications) and is thus within the limit of 14,000 words. In preparing this Certificate, I relied on the word count generated by Microsoft Word for Office 365 MSO.

DATED: November 20, 2025

**COLANTUONO, HIGHSMITH &  
WHATLEY, PC**

A handwritten signature in dark ink, appearing to read 'Michael G. Colantuono', is written over a horizontal line.

MICHAEL G. COLANTUONO  
STEPHANIE L. COOKE  
Attorneys for Amicus Curiae  
League of California Cities

## **PROOF OF SERVICE**

**Open Main Street v. City of Buenaventura**

**Second Appellate District, Division 6 Case No. B345169**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 790 E. Colorado Boulevard, Suite 850, Pasadena, CA 91101-2109.

On November 20, 2025, I served true copies of the following document(s) described as **BRIEF OF AMICUS CURIAE LEAGUE OF CALIFORNIA CITIES IN SUPPORT OF RESPONDENT CITY OF SAN BUENAVENTURA** on the interested parties in this action as follows:

### **SEE ATTACHED SERVICE LIST**

**BY ELECTRONIC SERVICE:** I electronically transmitted the above document(s) to the person(s) at the e-mail address(es) set forth below via the TrueFiling electronic service portal.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on November 20, 2025, at Pasadena, California.

/s/ Maria Oba Minassian  
Maria Oba Minassian

**SERVICE LIST**

*Open Main Street v. City of Buenaventura*  
Second Appellate District, Division 6 Case No. B345169  
Ventura County Superior Court Case No. 2024 CUWM 021824

Darin C. Marx  
Lowthorp Richards LLP  
300 Esplanade Drive, Suite 850  
Oxnard, CA 93036  
Telephone: (805) 981-8555  
E-mail: dmarx@lrmmmt.com

*Attorneys for Petitioner and  
Appellant OPEN MAIN  
STREET*

**VIA TRUEFILING**

Peter A. Goldenring  
Pachowicz Goldenring APLC  
3140 Telegraph Rd., Ste A  
Ventura, CA 93003-6622  
Telephone: (805) 642-6702  
E-mail: Peter@pglaw.law

Peter Howell  
Rutan & Tucker, LLP  
18575 Jamboree Road, 9th Floor  
Irvine, CA 92612  
Telephone: (714) 662-4661  
E-mail: phowell@rutan.com

*Attorneys for Respondents  
CITY OF BUENAVENTURA,  
and VENTURA CITY  
COUNCIL*

**VIA TRUEFILING**

Miles Patrick Hogan  
City of Ventura  
501 Poli Street, Room 213  
Ventura, CA 93001  
Telephone: (805) 654-7818  
E-mail:  
mhogan@cityofventura.ca.gov