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## PUBLIC POWER TO CLOSE RESIDENTIAL STREETS TO THROUGH TRAFFIC

WILLIAM L. WEISMANTEL\*

The St. Louis style of private residential place,<sup>1</sup> with its gates and chains, is far from becoming an historic anachronism. Instead, its device of retaining title to the street in the lot owners has been widely copied in new subdivisions. Its principle of throwing curved streets and cul-de-sacs at errant motorists who seek a short cut is being followed even more frequently.

These private streets were successful because they were deliberately designed not to go anywhere. Lot owners within are protected from through traffic. A municipal corporation has the power to give such protection to existing public streets by erecting gates or otherwise manipulating the streets. This power runs to a street that was dedicated to the public from the beginning, as well as to that poverty stricken aristocrat, the private street subsequently dedicated and opened.

There has been little use of the power. This Article will discuss situations where the exercise of the power is sorely needed.<sup>2</sup> The limits of the power will be described in order that it may be used with greater confidence, and since the power may win a place with other familiar city planning tools—the physical plan, zoning, subdivision control, and housing codes—these other disciplines will be examined for ideas on procedure.

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1. Classic examples: Benton Place (1867), Vandeventer Place (1870), Westmoreland Place (1899).

2. The Article treads near, but bypasses in the interest of simplicity, the question of closing business district streets to vehicular traffic to create a pedestrian mall; however, a courageous city having a pedestrian mall plan, documented by a sound economic study, need not await legal scholarship to act. The economic study should identify those abutting owners who would be damaged, and determine the extent of damage. The streets should be closed and these sums paid, followed by public recoupment through a tax imposed on abutting owners who are benefited. Anyone else seeking damages becomes a plaintiff, only to be "malled" in court by the public's advocate, armed with an economic study. The latter is better than a Brandeis Brief, since it is prepared to support public action rather than appellate action.

## I. PAST USES OF THE POWER TO CLOSE STREETS

The power of a municipal corporation to close one end of a dedicated street or otherwise manipulate the street system without having to compensate abutting owners is a plenary power in Missouri.<sup>3</sup> The rule is that land owners cannot complain about indirection or extra distance as a result of such action, provided some access to the street system remains open to them. There are cases in other states<sup>4</sup> requiring compensation to owners fronting on a street that has been made a cul-de-sac, although owners past the next intersection need not be compensated.

The cases generally do not treat the kind of closing discussed in this Article, that is, closing accomplished primarily to protect homes from through traffic.

Recurring fact situations involve an owner of parcels on two sides of a road seeking to assemble his holdings into one site,<sup>5</sup> or the closing of one end of a minor street where it intersects with the right-of-way of a limited access expressway<sup>6</sup> or with a railroad,<sup>7</sup> or the closing of a street in order that a public building site or park may be created there. Less extensive alterations are also common, such as erecting a directional curb in the middle of the pavement,<sup>8</sup> denying heavy vehicles the use of particular streets, establishing a single traffic direction,<sup>9</sup> or limiting the right to park vehicles at the curb.<sup>10</sup>

## II. PRELIMINARY REASONING: WHO OWNS THE STREET?

Streets become public by dedication, prescription or eminent domain. Also, streets may be established as private property, held for the benefit of all who own abutting lots from the original plat, but subsequently

3. *Wilson v. Kansas City*, 162 S.W.2d 802 (Mo. 1942).

4. *Henerson v. Lexington*, 132 Ky. 390, 111 S.W. 318 (1908); *Vanderburgh v. Minneapolis*, 98 Minn. 329, 108 N.W. 480 (1906); *City of Newark v. Hatt*, 79 N.J.L. 548, 77 Atl. 47 (1910); *In re Melon Street*, 182 Pa. 397, 38 Atl. 482 (1897). This was once the law in Missouri. See *Ellis v. St. Louis Ry.*, 131 Mo. App. 395, 111 S.W. 839 (K.C. Ct. App. 1908); Annot., 49 A.L.R. 330 (1927).

5. *Dallas Cotton Mills v. Industrial Comm'n*, 296 S.W. 503 (Tex. 1927).

6. *Smick v. Commonwealth*, 268 S.W.2d 424 (Ky. 1954). See Cunningham, *The Limited-Access Highway from a Lawyer's Viewpoint*, 13 Mo. L. Rev. 19 (1948).

7. *Jennings v. Charleston & W.C. Ry.*, 218 S.C. 144, 62 S.E.2d 114 (1950).

8. *Jones Beach Blvd. Estates v. Moses*, 268 N.Y. 362, 197 N.E. 313 (1935); *Calumet Fed. Sav. & Loan Co. v. Chicago*, 306 Ill. App. 524, 29 N.E.2d 292 (1940).

9. *Commonwealth v. Nolan*, 189 Ky. 34, 224 S.W. 506 (1920).

10. *St. Louis v. Cook*, 359 Mo. 270, 221 S.W.2d 468 (1949).

dedicated to the public (usually when the potholes exceed the subdivision maintenance budget).

A municipal corporation owns a property interest in public streets, but all known descriptions of this interest lack precision. Acquisition by eminent domain is said to be no different in result from a dedication by plat or deed, the methods being different conduits which achieve the same end.<sup>11</sup> Dedication is a common law transfer involving an offer by an owner and an acceptance by the public. Acceptance can be in the form of public use. When such public use is adverse and extends over the statutory period, it is a substitute both for the offer of dedication and the acceptance.<sup>12</sup>

The title out to the center of a public street remains in the lot owners, subject to the public interest in travel over the part dedicated.<sup>13</sup> After a plat has been recorded and the streets dedicated, a lot owner has no easement or interest in the other streets of the plat, except as a member of the general public.<sup>14</sup>

It is important that there be certainty about which streets are public and which are private because the duty to make repairs on public streets is on the public. This very duty to make repairs has been given as justification for control over public streets on the theory that if the city is liable for the condition of a street it must exercise control over it.<sup>15</sup>

11. *Venable v. Wabash & W. Ry.*, 112 Mo. 103, 20 S.W. 493 (1892).

12. *State v. Walters*, 69 Mo. 463 (1879) (ten year period required); *Smith v. Krites*, 90 Ohio App. 38, 102 N.E.2d 903 (1950) (twenty year period required in Ohio). *Contra*, *State v. Town Bd. of Tomahawk*, 192 Wis. 186, 212 N.W. 249 (1927), 11 MARQ. L. REV. 263 (1927) (no prescription through twenty years of public use, since no intent to dedicate could be found—local custom strongly relied on).

13. *Burkett v. Ross*, 86 So. 2d 33 (Miss. 1956). In this case the city abandoned a dedicated street that was part of and at the edge of a plat. The land was held to have reverted to the owners within the plat, and not to the abutting owners whose lots were not part of the original plat.

14. *Glasgow v. City of St. Louis*, 107 Mo. 198, 17 S.W. 743 (1891). Here the plaintiff was a lot owner of the original plat on which was located a street which the city proposed to close. This was held to give him no special standing to object. *Contra*, *Buckles v. Tomer*, 78 So. 2d 861 (Fla. 1955) where it was held that the owner of a platted lot holds an easement to all dedicated streets within the plat; cf. *Meadow Park Land Co. v. Buckner*, 288 Mo. 618, 232 S.W. 1024 (1921) (en banc) where all the lots in the subdivision were restricted by deed to residential use, and the court held that the city could not take a lot for school purposes without compensating every lot owner.

15. *Lewis v. Kansas City*, 233 Mo. App. 341, 122 S.W.2d 852 (K.C. Ct. App. 1938).

A distinction exists between vacating and closing a street.<sup>16</sup> In vacation the land reverts to the abutting owners. In a street closing all lots retain access by means of the street, but travel in one of two directions is lost. Yet, the effect of a vacation may be the same as a closing to an owner located a few lots down from the portion vacated. Thus every street vacation includes a closing, unless the portion being vacated is already a cul-de-sac.

Statutes dictating how public streets are acquired can reverse the common law relation of the city to the abutting property owner. The statutes can declare that the interest taken is a fee, with an easement of access remaining in the abutting owners.<sup>17</sup> A public street, however, can be controlled whether the fee is in the abutting owners with an easement held by the public, or the fee is in the public. Hence the distinction between fee and easement is not important to the subject at hand.<sup>18</sup>

The Missouri rule, one most generous to the city's power to close or vacate streets, is this: An owner has not been injured by a street closing or vacation unless he abuts the portion vacated and has lost all means of access to the general street system of the city. He must show that his injury is special, and is not shared by others on the block or by the general public.<sup>19</sup> For example, one whose only access is by means of a private road which joins a public street has been injured if the street

16. § 73.110(8), RSMo 1949 lists among the powers of cities the power to "establish, open, vacate, alter, widen . . . all streets." However a proviso that distinguishes "alter" from "vacate" warns that three-fourths of the abutting owners must petition before a street can be vacated.

17. *Thorndike v. Milwaukee Auditorium Co.*, 143 Wis. 1, 126 N.W. 881 (1910). A curative statute here changed the common law dedication from an easement to a fee. On the subject of whether a deed conveying land to a public agency passes a fee or easement see *United States v. Case Library*, 98 Fed. 512 (N.D. Ohio 1899), where it is held that a fee is conveyed when the language used purports to convey land rather than a right.

18. When a municipal corporation changes the use of land held by an easement, the distinction then becomes critical. If land is dedicated for a public way, and there is nothing in the dedication statute to indicate that a fee and not merely an easement of travel is acquired, the land cannot be used for a public park or market. *Heger v. St. Louis*, 323 Mo. 1031, 20 S.W.2d 665 (1929) (land condemned for park must be used ultimately for that purpose.) *Moore v. Gorden*, 122 S.W.2d 239 (Tex. Civ. App. 1938); *Ryden, Dedication and Vacation of Streets and Highways in Illinois*, 3 ILL. L. REV. 218 (1908). Though the fee is in the municipal corporation, a change of use may be invalid since the land is held in trust, by some authority. *Hague v. CIO*, 101 F.2d 774 (3d Cir. 1939), (city holds streets as public trustee, not as proprietor); *Bidlingmeyer v. City of Deer Lodge*, 128 Mont. 292, 274 P.2d 821 (1954) (city holds fee in streets in trust for state).

19. *Wilson v. Kansas City*, 162 S.W.2d 802 (Mo. 1942).

is vacated at that point.<sup>20</sup> However, consider an urban lot owner, with frontage on two streets, who builds a garage accessible from only one of them. In Missouri he cannot recover when all access to the garage is lost by a street vacation.<sup>21</sup>

The rule in many other states, as mentioned previously, allows damages to those on the very block of a public street that has been made into a cul-de-sac. All of these owners are assumed to sustain special damages, not sustained by the general public. An inquiry into the law of "who owns the street" provides no basis for such a rule. Title to the bed of the street may remain in the property owner, but the easement of travel is a public rather than a private property interest of abutting owners. When one end of a street is closed, neither the easement of travel belonging to the public nor the buried fee of abutting owners has been changed any more than if a one-way street regulation had been introduced.

### III. FIRST APPLICATION: CLOSING PUBLIC STREETS TO PROTECT POORLY DESIGNED NEIGHBORHOODS

In particular need of the power are public residential streets that have been poorly laid out, as with the gridiron street system. There are monotonous miles of such streets in any large city. Some of the blocks will be converted from residential use to expanding metropolitan non-dwelling uses. But the great bulk of the structures in older residential neighborhoods must be retained and protected for use as family dwellings for as long as anyone can forsee.

The common enemy of these dwellings is not structural obsolescence but a deteriorating environment. Overcrowding and invasion of incompatible uses have been stalked by local lawmakers for years. But the increasing volume of through traffic on residential streets is an environmental hazard that has been overlooked.

Through traffic encourages conversion of family dwellings in two ways. It destroys the value of land and buildings for this purpose by endangering children and bringing noise, dust, fumes and vibration. The

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20. *Rude v. St. Louis*, 93 Mo. 408, 6 S.W. 257 (1887) (dictum).

21. *Campbell v. Glendale*, 211 S.W.2d 519 (St. L. Ct. App. 1948). Presumably no automobile became landlocked in the garage. *Contra*, *McQuigg v. Cullins*, 56 Ohio St. 649, 47 N.E. 595 (1897) which held that where a farm adjoined two county roads, the road passing the farmer's house and barn could not be vacated without compensation.

passing stream of traffic positively encourages the establishment of new retail uses and services.

In a typical, older subdivision or addition, every street is a through street and each has the same dedicated width of right-of-way. This often means that thirty per cent of the site is devoted to streets, giving too much land to most of the streets except the few that are properly the bearers of traffic passing through the area, and these suffer from insufficient right-of-way.

By comparison, a well-designed, contemporary subdivision deliberately provides a narrow right-of-way on the minor streets. They are deliberately given a romantic curved indirection to discourage motorists who do not have an origin or destination within the development. Cul-de-sacs, or offsets in the case of rectangular block design, are also employed to reduce the ambient roar of other people's autos. The right-of-way saved from the layout of the minor streets is spent on the few major streets, and the same is true of pavement width and thickness.

That freedom from traffic is essential to those who would live quietly in the very heart of a city is demonstrated by the incredible durability of a few private subdivisions and private streets or places. Immediately after they were platted these developments went unnoticed in their entirely residential surroundings. Several decades after construction the private places remain citadels of purpose while the gridiron streets around them no longer are predominantly residential in character. Residences on these streets have been made into apartments or rooming houses, or converted to non-dwelling purposes.

Barriers similar to the gates and chains that secure a private street should be erected by public action to protect poorly designed streets that were, from the beginning, dedicated for public use. Physically this can be done by erecting curbs, sidewalks or chains across selected streets at the end of the block, or diagonally across intersections. The Detroit City Planning Commission has started such a program.<sup>22</sup>

Those states allowing compensation to owners who are placed on a cul-de-sac through a street closing are burdened by a rule antedating

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22. See the drawing of diagonal treatment of an intersection in 22 American Soc'y of Planning Officials Newsletter 19, taken from "Planning Detroit—1953-1955," by the Detroit City Planning Commission.

the protection-to-neighborhood type of street closing. The rule arose in eminent domain street closings made to benefit some outside force, such as a railroad seeking to eliminate grade crossings. Since the closing benefited the railroad, it was assumed to damage property owners abutting the street. The only question was whether owners some distance from the railroad could recover damages. The rule allowing damages within one block drew the line in a reasonable place, once it had been decided that damages had been incurred and that a line must be drawn.

It is expected that courts will re-examine the rule and distinguish these cases from police power closings made for the sole purpose of keeping out harmful traffic. Time has proven, in the case of private places, that such treatment is more necessity than snobbery. An interesting feature of the old rule is that its strict application would allow damages to owners on the block across which a complete barrier had been placed, but would not allow recovery in the case of a diagonal barrier across an intersection, since a limited exit at both ends of the street would remain.

#### IV. SECOND APPLICATION: OLD AGE ASSISTANCE TO PRIVATE STREETS

To the lawyer the unique quality of private streets is that they are not dedicated to public use, but remain the private, common lands of all who own lots from the plat. Each lot owner has a right of ingress and egress on the street abutting his lot, and at least a right of movement out to the city's street system over the streets of the plat. The street surface and its landscaping must be maintained by the subdivision, and title often includes the right to vote on further improvements or management of the street. The price of maintenance sometimes forces the owners to offer the street to public dedication. If accepted, maintenance becomes a public responsibility. But with dedication comes public control, and the chains and saw horses are usually removed. Through traffic then spills in seeking a place to park, a short cut, or a bypass around a stop light.

It is certainly true that after a private street has been dedicated to public use the public cannot be completely excluded, nor may the use of such a street be limited only of those living in the subdivision. However it is becoming clear that the public would, after dedication, benefit if the residential character of such streets is fiercely protected by retaining all barriers to traffic. The need for additional trafficways and parking



spaces will never be diminished by opening private streets to through traffic or parking. In fact, by preserving such close-in housing the arteries leading from the central city to the suburbs are saved from that many additional home-to-office trips.

Courts have readily grasped and protected the traffic-limiting idea of the private street. In *Amitin v. Izard*<sup>23</sup> a private street was platted to give access to residences abutting laterally on it. One of the lot owners subdivided land behind his lot and attempted to extend the private street into the new subdivision, which resulted in more traffic over the private street than was anticipated in the original plat. The court refused to enjoin the other lot owners from posting signs limiting traffic on the street to the needs of the lots abutting laterally on it.

In *Nemours v. Hickey*<sup>24</sup> the court ruled against the property owners' contention that the street was so private that the city could not install traffic devices. The fact that the owners had consented to the construction of a public school on the street was said to make the street *de facto* public for purposes of regulation. This was within the police power and did not depend on the city's having acquired a property interest through public use or prescription.

There is nothing in the cases or statutes to indicate that when a private street is dedicated the chains must come down. The chains are usually opened and closed from day to day presumably to baffle short cut habits and to prevent a common law dedication from occurring by long public use.<sup>25</sup> It is clear that the city has the power to remove such barriers upon dedication,<sup>26</sup> but there is no duty to do so provided at least some entrance is open to the public.

Indeed, the *Amitin* and *Nemours* cases, arguably, support the power to maintain the chains protecting a private street subsequently dedicated to the public. These cases show judicial understanding of a principle

23. 252 S.W.2d 635 (St. L. Ct. App. 1952).

24. 357 Mo. 731, 210 S.W.2d 94 (1948) (en banc).

25. Rockefeller Plaza was closed on July 14, 1957 from 6 a.m. to 6 p.m. between 48th Street and 51st Street. This is done annually by Columbia University to demonstrate its private ownership. Toledo Blade, July 15, 1957, § 1, p. 1, col. 2.

26. § 73.110 (12), RSMo 1949 lists the powers of cities "to have control and power over the streets, sidewalks, alleys . . . and highways of the city; to open, alter, widen, extend . . . to prevent and remove all encroachments thereon or obstructions thereof." Cf. *Cardinale v. Deed Realty Corp.*, 130 N.Y.2d 644 (Sup. Ct. 1954) (barrier erected by lot owners does not by prescription become a permanent barrier in the street).

of civic design; that the form of a street must be styled and controlled according to its function. Since a chained private street upon public dedication does not change in function, a court should support the maintenance of the chains.

#### V. A THIRD APPLICATION: TO CREATE NEW INDUSTRIAL, COMMERCIAL OR PARKING SITES NEAR DWELLINGS

There is also a need for police power manipulation of existing streets in order to create industrial or commercial sites or parking lots close to certain residential areas. The worst influence of factories or retail uses on dwellings is not the noise, smoke or even appearance so much as the traffic generated. When industrial or commercial uses adjoin residential areas the zoning districting tends to herd small bordering vacant sites into the residential classification. In most cases, to do otherwise would invite trucks and business vehicles to use a residential street.

By exercising the power over streets and zoning together, it is possible to allow industrial or commercial expansion into vacant sites that would not otherwise be made available for such expansion. It is only necessary that the proposed non-dwelling site be isolated from any minor residential streets proximate to it. Given the power to do so, this can often be accomplished by closing one end of adjacent residential streets in order to deny their use to generated commercial traffic.

Suppose a small tract in residential surroundings has been zoned for commercial use, and is accessible to heavy traffic from a major street and a minor residential street. The city's zoning power has not been used consistently with its power to manipulate dedicated streets unless one end of the residential street is closed. Owners along the residential street are not permitted to attract traffic themselves by operating a retail use, yet they are exposed to the traffic generated by their commercial neighbor. Thus, just as the city's influence over new streets is exercised consistent with zoning, through subdivision control,<sup>27</sup> so its latent power over older streets should be used to realign their function to conform to their zoning. The latter power is gradually becoming an intimate and refined control over land. At this stage courts can insist

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27. For example, see § 64.070, RSMo 1949 which dictates that recorders of deeds in First Class Counties cannot record a plat without a certificate from the county public defender.

that the zoning power be exercised consistently with the police power over streets.

In the case of an owner of a non-conforming *retail* use located on a minor street whose traffic has been greatly curtailed by a street closing, it is probable that a Missouri court would deny compensation. This would be true even though the use were located on the one block made into a cul-de-sac by a closing. In other states, to any court that viewed the question of damages as an open one, such an owner would have difficulty proving actual damages. If the non-conforming retail use had insufficient parking (as is typical), the closing of the street to through traffic would make curb parking easier for customers. If the non-conforming business relied on trade from nearby families, measures to protect the customers' environment could hardly be called damaging. Counsel for the city might introduce lower rental figures from similar business property located in neighborhoods in which the traffic has not been curtailed by the use of police power closing of streets.

Damages might also be minimized through finesse in closing the street. If a widened turn-around is provided at the end of the closed street, inconvenience to residents of that block (especially the non-conforming retail user) and their invitees is obviously lessened. Counsel might argue that the closing severed no easements but rather bent them into a U-shape.

#### VI. PROCEDURE FOR CLOSING PUBLIC STREETS TO THROUGH TRAFFIC

As the closing and manipulating of existing dedicated streets becomes routine subject matter for planning commissions and their staffs, the comprehensive zoning method will probably be seized on by some as a model procedure to copy. With zoning as a prototype, and "Official Closed Street Map and Ordinance" for the jurisdiction showing all streets to be closed or realigned could be prepared. The plan could then be enacted by ordinance *in toto* after a public hearing. As far as possible the entire program embodied in the ordinance would be put into effect immediately.

This comprehensive zoning method would most efficiently utilize the time of the aldermen or council, planning commission and staff. Furthermore, it would satisfy the martinet approach to equal protection found in zoning; all properties similarly situated would be treated uni-

formly and simultaneously. If protesting property owners attended the hearing they would be overwhelmed by the uniformity of treatment and utter totality of the scheme. They would be dismayed, yet unable to stand up like a Greek chorus and together state their case.

At the other extreme, advocates of flexibility would probably model their street closing procedure after subdivision control. In subdivision control there are written standards; yet, unique features of the topography, shape of the site or intentions of the developer are allowed to take their toll on the discretion of the commission. Guided by review standards established by ordinance, the planning commission could treat each proposed closing separately. Such intimate, case-by-case treatment would make an excellent street closing procedure. It would allow the planning commission to initiate closings as well as hear modest schemes designed and initiated by the property owners themselves.

No equal protection issue need arise in concentrating on the street closing needs of one small area, if an analogy to subdivision control is made. It is only necessary that the planning commission and governing body have a policy of treating streets similarly situated alike, albeit an area at a time. This kind of equal protection has been the custom in the case of housing code enforcement, where building inspectors choose to concentrate on a few neighborhoods rather than spread themselves thin.<sup>28</sup>

From the lot owners' viewpoint, a street closing procedure using subdivision control as a prototype is preferable to the comprehensive zoning method. Similarly, one receives a better fit from his tailor than when gathered with one's peers before a supply sergeant.

The best possible procedure would resemble the last mentioned in execution, but would be supported by a street closing plan. Such a plan would use the jurisdiction's street map as a base, and would propose a treatment or alternate treatments for every residential street in the jurisdiction suffering or threatened by unnecessary through traffic. Such a plan is a great economy in the use of planning man-hours, compared to thinking out each local problem separately, and results in a graphic comprehensiveness ultimately more just, rational and uniform than either written standards or standards developed through a history

of case-by-case street closings. The plan must not be an ordinance, though it might be adopted as a graphic policy statement by the governing body. It could be refined or altered in execution. But after all or most of its proposals had been put in effect, each with a local flavor or refinement, one driving about the city would come to know the plan as the "optical key" to understanding each part.<sup>29</sup>

## VII. CONCLUSION

An overlooked power of cities is the power to place barriers to through traffic across dedicated streets.

In most states (not Missouri) there is a presumption of damages to lot owners on the one block that has been made into a cul-de-sac. It has hardened into a rule. The presumption was usually valid when a street was blocked during decades when traffic itself was not a problem. The rule discourages police power street closings that would, in fact, benefit lot owners by minimizing traffic hazards. The rule should be rejected in favor of a case-by-case inquiry into whether a particular closing has so severely damaged a particular owner that compensation is warranted.

This treatment is needed to preserve many acres of good housing located on public gridiron residential streets. Unless through traffic is kept out, families will abandon such dwellings because of the risk and annoyance of motor traffic, and because of the commercial uses attracted by a volume of traffic.

The stability of several private places in St. Louis has demonstrated the strength of freedom from through traffic. When such streets can no longer be maintained by their owners and are dedicated to public use, the public should retain the gates and other physical barriers to through traffic. The city benefits from protecting good close-in housing, as a counter to unbridled decentralization.

There are small tracts of land which are zoned for residential use to

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29. Walter Gropius used this expression in a higher context, to inquire whether there is a science of design.

Will we succeed in establishing an optical 'key', used and understood by all, as an objective common denominator of design? . . . [A]n optical key would provide the impersonal basis as a prerequisite for general understanding and would serve as the controlling agent within the creative act. GROPIUS, SCOPE OF TOTAL ARCHITECTURE 37 (1955).

protect adjoining residences, but are themselves more suitable for non-dwelling uses. These can in many cases safely be zoned for commercial or industrial uses by closing or manipulating streets connecting these sites to exposed residences. Indeed, having imposed comprehensive zoning, the city has the duty to close certain streets. This will result in a more intimate and equitable zoning pattern.

It is for the city and its planners to take the initiative to study and effect street closings. For policy, the entire jurisdiction should be encompassed by means of a graphic plan. In execution, one group of streets or one neighborhood should be treated at a time. Such a procedure is preferable both from a procedural and design standpoint to a rigid city-wide design and mass execution, or to the dimly lit case-by-case way of proceeding.