TO:                HONORABLE CITY COUNCIL

FROM:          CITY MANAGER                DEPARTMENT:  POLICE

DATE:       JUNE 4, 2007                    CMR:263:07

SUBJECT:  ADOPTION OF AN ORDINANCE AMENDING SECTION 9.48.025  
(SITTING OR LYING ON UNIVERSITY AVENUE PUBLIC 
SIDEWALKS PROHIBITED) OF TITLE 9 [PUBLIC PEACE, MORALS AND SAFETY] TO EXPAND THE AREA EFFECTED BY 
THE SECTION AND TO ADD AN EXEMPTION FOR BUS ZONES

RECOMMENDATIONS

Staff recommends that Council approve the attached amendment to Palo Alto Municipal Code 
(PAMC) Chapter 9.48.025 expanding the area of the current sit/lie ordinance to include the area 
bounded by within 50 feet of any commercial property between Lytton Avenue and Channing 
Avenue from Alma Street to Emerson Street and the area between Lytton Avenue and Forest 
Avenue from Emerson Street to Webster Street, and add an exemption for bus stops.

BACKGROUND

On March 24, 1997 (CMR:411:97), as part of City Council’s Downtown Health and Safety Plan, 
the Council amended PAMC Chapter 9.48 relating to the obstruction of streets and sidewalks. The 
amendment was made in response to police concerns about hazards associated with people sitting 
and/or lying on sidewalks, especially at locations along University Avenue between High and Cowper Streets. Of special concern were the hazards to the elderly and the disabled who had to 
maneuver around people on the sidewalks. Since then, staff has received complaints of the same 
safety issues, associated with other locations.

DISCUSSION

Since the Sit/Lie Ordinance was adopted 10 years ago, the City’s unhoused population has grown 
from an estimated 100 individuals to approximately 150. The Police Department, the Business 
Improvement District (BID), and the Chamber of Commerce have continued to receive calls about 
aggressive panhandling as well as people blocking the sidewalks either by sitting or lying on the 
sidewalk in order to panhandle. The safety concerns that existed 10 years ago regarding blocking 
sidewalks are of increasing concern today.
The City Attorney’s Office has researched the Sit/Lie ordinance and found that it is still a lawful policy as evidenced by the Ninth Circuit Court of Appeals Decision in Roulette v. Seattle (9th Cir. Wash. 1996) 97 F.3d 300, fn.7. Other municipalities currently have similar ordinances.

The current Sit/Lie Ordinance restricts sitting and lying on University Avenue between the hours of 11:00 a.m. and 11:00 p.m. between High and Cowper Streets. However, the negative impacts to businesses that are not located on that portion of the University corridor have increased as panhandlers migrate to areas not covered under the ordinance. Homeless individuals perch themselves on make-shift seats to panhandle in front of businesses that are located outside of the ordinance’s restrictions. Often times these panhandlers will spend hours in front of businesses. This presents safety issues to pedestrians in these areas. Additionally, some businesses have found that patrons avoid shopping at their establishments as they do not want to be confronted by the people who occupy space in front these businesses.

Staff recommends that the Sit/Lie Ordinance be expanded from its current High to Cowper Streets borders along University Avenue to include the area bounded by within 50 feet of any commercial property between Lytton Avenue and Channing Avenue from Alma Street to Emerson Street and the area between Lytton Avenue and Forest Avenue from Emerson Street to Webster Street (see attached map). The expansion of the ordinance will provide police officers with the legal authority to contact people who are blocking the sidewalk and to ask them to move along throughout the District. Any individual who failed to comply would be subject to citation. Without this expansion, officers do not have the legal authority to detain or order people move from their position outside of the current area restrictions.

Staff also recommends adding an exemption to the ordinance for bus stops.

Staff has shared the draft ordinance amendment with members of BID and the Chamber of Commerce who support the change.

When the Sit/Lie Ordinance was proposed, there was a tremendous amount of controversy as it was thought that it was an extreme response to the unhoused. Since then, there are significantly more opportunities and services available to the members of the unhoused community in the City. The recommended expansion of the Sit/Lie Ordinance is one of many broad-based strategies that the City developed in response to the on-going problem. In addition to the services and support that has been provided over the last 10 years, the following are some new initiatives that have been and/or are being implemented for the unhoused:

- The Downtown Streets’ Team and the BID are sponsoring an event on June 9 in the 500 block of Bryant Street. This street party will be the introduction of a campaign known as “Care, not Cash.” This event will kick off an initiative encouraging citizens to donate directly to services that support the homeless rather than to panhandlers. Well-marked donation receptacles will be conveniently placed in businesses throughout Downtown Palo
Alto. Funds from these receptacles will be collected and distributed to local groups that provide services to the homeless.

- The Police Department will continue to train its officers in Crisis Intervention Team techniques. This advanced officer training is designed to assist officers in identifying, evaluating and dealing with citizens that have mental illness/disabilities. Officers are also instructed on what resources are available to assist these citizens.

- In cooperation with the City Attorney’s Office, the Police Department will contact local vendors that sell alcohol for off-site consumption. Store owners and staff will be reminded of the various state laws which prohibit the sales of alcohol to anyone who is a known “drunkard.”

- As staffing allows, Police Department supervisors will make every effort to assign officers to patrol on foot/bicycle in the Downtown area to ensure compliance with the Municipal Code and other quality of life statutes.

- The Community Services Division hosts the monthly Off-the-Streets Team meetings. These meetings bring representatives from various non-governmental agencies together with governmental agencies to improve service delivery to the unhoused. The Off-the-Streets Team uses the “housing first” model to find affordable, permanent housing for the homeless and then provides additional “wrap-around” services for their clients. Since beginning the program, the Off-the-Streets Team has found housing for more than 25 unhoused individuals.

- This year, the Police Department and Community Services will begin the Restorative Policing Pilot Program. This program will enlist the services of a number of partners to reduce the effects of homelessness. Partners include Police, District Attorney’s Office, Public Defender’s Office, City Attorney, Judges, Drug and Alcohol Services, County Mental Health, and caseworkers from private non-profit organizations. A similar program has been in existence for several years in Marin County and has been extremely effective. This multi-disciplinary approach is intended to identify and assess the most problematic members of the homeless population and develop specific action plans to provide them with the services that they need. The partners will meet monthly to discuss individual cases and to monitor the action plans for these individuals.

Staff is committed to working with outside agencies, merchants and the public to provide support to the unhoused, reduce the effects of homelessness and make Downtown Palo Alto a safe and desirable location to visit, work and enjoy.

**RESOURCE IMPACT**

No additional funds are needed for the enforcement of the expanded ordinance.
POLICY IMPLICATIONS

This ordinance is consistent with City policy.

ENVIRONMENTAL ASSESSMENT

This is not a project subject to CEQA requirements.

ATTACHMENTS

CMR: 411:97
Map of the Area Covered by the Proposed Ordinance
Draft Ordinance

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