TO: HONORABLE CITY COUNCIL

FROM: CITY MANAGER                     DEPARTMENT: PUBLIC WORKS

DATE: JULY 7, 2008                          CMR:275:08

SUBJECT: ADOPTION OF AN ORDINANCE AMENDING CHAPTER 9.79 (NEWSRACKS) OF TITLE 9 (PUBLIC PEACE, MORALS AND SAFETY) OF THE PALO ALTO MUNICIPAL CODE TO CREATE A SPECIAL NEWSRACK AREA IN THE CALIFORNIA AVENUE COMMERCIAL AREA AND APPROVAL OF NEWSRACK REGULATIONS FOR CALIFORNIA AVENUE SPECIAL NEWSRACK AREA

RECOMMENDATION
Staff recommends that Council adopt an ordinance to amend the Newsracks Chapter (9.79) of Title 9 of the Palo Alto Municipal Code (PAMC) to create the California Avenue Special Newsrack Area to limit the number, location and type of newsracks in a designated area of the California Avenue commercial district to help free up space on congested sidewalks, and approve related regulations for permitting newsracks in that area.

BACKGROUND
In late 2007, the California Avenue Area Development Association (CAADA) asked Council to consider the creation of a Special Newsrack Area on and around the commercial section of California Avenue in order to free up sidewalk space and improve the aesthetics. Accordingly, Council asked staff to research this request. Staff has evaluated the sidewalk conditions in the commercial area and determined that sidewalk conditions and pedestrian traffic support the creation of a special newsrack area on California Avenue from Park Boulevard to El Camino Real.

DISCUSSION
The City’s Newsracks Ordinance (Chapter 9.79 of Title 9 of PAMC) was passed in 1999 to establishes regulations that balance the right of publishers and distributors to distribute information through newsracks with the right of citizens to reasonably access and use the public right-of-way. The existing ordinance requires that newsracks on public sidewalks must be placed so as not to interfere with pedestrian, wheelchair and bicycle traffic, and must maintain certain clearances from infrastructure such as wheelchair ramps, crosswalks, utility poles and vaults, regulatory signage, and street trees. The distributors who place newsracks on the sidewalk must obtain a no-fee encroachment permit from Public Works in order for staff to ensure that these regulations are met.
Newsracks placed on the public sidewalk typically consist of two types: freestanding individual newsracks and modular newsracks, which are multiple newsracks mounted onto pedestals in a top and bottom row. Pedestal-mounted newsracks generally take up less space on the sidewalk than freestanding boxes. A photograph of typical free-standing and pedestal-mounted modular newsracks is included as Attachment C.

The existing Newsracks Ordinance created a special newsrack area in the Downtown Commercial Area (Middlefield Road to Alma Street, Hamilton Avenue to Lytton Avenue) as the City Council determined sidewalks were particularly congested with street furniture and other sidewalk encroachments, like restaurant tables and chairs, making it more difficult for pedestrians to negotiate the sidewalks. In enacting the ordinance, the Council determined that limiting the number, location and type of newsracks within that designated downtown area was justified to enable better pedestrian travel and enhance public safety on the crowded sidewalks. The purpose of a special newsrack area is to regulate the number, type, and location of newsracks in designated areas to promote public safety in particularly congested sidewalk areas.

Staff visited the California Avenue commercial area and surveyed the sidewalk and newsrack conditions from Page Mill Road to Cambridge Avenue, and Park Boulevard and El Camino Real, and concluded that the sidewalks along California Avenue from El Camino Real to Park Boulevard are heavily traveled pedestrian areas congested similarly to the downtown area with tables, chairs and other encroachments. Consequently, staff recommends designating California Avenue, from Park Boulevard to El Camino Real, as the California Avenue Special Newsrack Area (see Attachment D – Map of area). That map also designates where within the area modular newsracks will be allowed, accommodating a total of 154 individual newsracks.

CAADA had originally suggested that the Special Newsrack Area proposed by Staff be expanded to include El Camino Real from Page Mill Road to Stanford Avenue and Cambridge Avenue from El Camino Real to Park Boulevard. However, staff has surveyed sidewalks along these additional streets and determined that the conditions outside the main California Avenue thoroughfare do not rise to the level supporting expanding the California Avenue Special Newsrack Area beyond the area proposed by staff. Public Works Staff has been working with distributors who maintain racks in the greater California Avenue area to promote voluntary clean up, maintenance and transition to ped-mount racks where possible. Provisions of the existing ordinance already address in detail standards for placement and maintenance of newsracks throughout the City and Public Works’ staff has been working for years to clean up “hot spots” of multiple freestanding newsracks throughout the City by asking the distributors to voluntarily swap out freestanding newsracks for modular newsracks. To date, many of the freestanding newsracks on California Avenue and in other areas of the City have already been swapped out for modular newsracks. Accordingly, CAADA has withdrawn their request to expand the Special Newsrack Area.

Staff has asked the distributors to continue to voluntarily clean up hot spots on California Avenue and in other areas and most have agreed to do so. Efforts are currently underway to replace free standing newsracks with modular newsracks near the Bank of America and Starbucks on El Camino Real. Also, staff responds to citizen complaints about newsracks that
are in non-compliance with the regulations and requires the distributors to bring the newsracks into compliance.

CAADA and the local distributors have been apprised of the City’s intent to amend the Newsracks Ordinance to create a Special Newsrack Area on California Avenue and both groups have indicated to staff that they support the amendment.

**RESOURCE IMPACTS**
Distributors who maintain freestanding newsracks on California Avenue will be required to replace them for modular newsracks on California Avenue if Council approves this amendment to the ordinance. Consequently, there would be no costs to the City. Ongoing enforcement by Public Works staff will continue.

**ENVIRONMENTAL REVIEW**
Adoption of an amendment to the Newsracks Ordinance (Chapter 9.79 of Title 9 of PAMC) does not represent a project under the California Environmental Quality Act (CEQA), Guideline 15061.

**ATTACHMENT**
Attachment A: Redline Ordinance showing amendments to Chapter 9.79
Attachment B: Ordinance amending Chapter 9.79 of Title 9 of PAMC
Attachment C: Photograph of typical freestanding and pedestal-mounted modular newsracks
Attachment D: California Avenue Special Newsrack Area map
Attachment E: California Avenue Special Newsrack Area Regulations

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