TO:       HONORABLE CITY COUNCIL
FROM:     CITY MANAGER                      DEPARTMENT: COMMUNITY SERVICES
DATE:     SEPTEMBER 15, 2008                CMR: 337:08
SUBJECT:  ADOPTION OF AN ORDINANCE ADDING SECTIONS 22.04.342 AND 22.04.343 TO CHAPTER 22.04 OF TITLE 22 [PARK AND RECREATION BUILDING USE AND REGULATIONS] OF THE PALO ALTO MUNICIPAL CODE TO PROHIBIT THE CONSUMPTION OF ALCOHOLIC BEVERAGES IN HERITAGE PARK AND ELEANOR PARDEE PARK

RECOMMENDATION
Staff recommends that Council adopt the attached ordinance to add section 22.04.342 to Title 22 of the Palo Alto Municipal Code, prohibiting the consumption of alcohol without a permit in Heritage Park; and adding section 22.04.343 to Title 22 of the Palo Alto Municipal Code, prohibiting the consumption of alcohol without a permit in Eleanor Pardee Park.

BACKGROUND
The City of Palo Alto maintains and manages 29 neighborhood parks, totaling approximately 190 acres. Palo Alto’s parks engage individuals and families to create a strong and healthy community. In some parks, the City has found it necessary to prohibit or control the consumption of alcohol in order to maintain a clean, safe and healthy environment.

Alcohol is completely prohibited in Johnson Park, Boulware Park, Scott Park, Greer Park, Robles Park, Hopkins Park, El Palo Alto Park, as well as Cogswell Plaza and Lytton Plaza.

Alcohol is permitted with a permit in Rinconada Park and Mitchell Park.

The intent of the ordinances is to ensure that all people may enjoy Palo Alto’s parks and to protect the rights of those in the surrounding area by controlling noise, litter, and vandalism commonly associated with the unregulated consumption of alcohol. The ordinances also aim to protect safety and enhance the experience of park users by avoiding possible conflicts with disorderly behavior manner due to excessive alcohol consumption.

DISCUSSION
Community Services staff has documented incidents of litter, including excessive alcoholic beverage containers, at Heritage Park. Staff has conferred with neighbors of the park regarding controlling alcohol in Heritage Park. Police, Community Services staff, and residents believe that a proactive
restriction of alcohol consumption without permits would help keep the park clean, safe and enjoyable for everyone.

In the past year, Police have noticed a marked increase in the number and frequency of complaints from residents in the vicinity to Eleanor Pardee Park concerning large groups of people who are consuming alcohol and creating disturbances during both the daytime and evening hours. An increase in gang-related graffiti has also been experienced at Pardee Park. These groups of drinkers frequently intimidate and frighten residents. Police have met with the neighbors and obtained their cooperation in reporting suspicious activity when it is observed. Staff believes that restricting alcohol consumption without a permit will be a useful tool in reducing these types of inappropriate activities in the park.

On August 26, 2008, the Parks and Recreation Commission was asked to review and recommend that Council adopt the ordinances prohibiting the consumption of alcohol without a permit in Heritage Park and Eleanor Pardee Park. The Commission questioned why not prohibit alcohol in all Palo Alto parks; and why specifically select Heritage and Eleanor Pardee Parks. Staff explained that Eleanor Pardee Park was selected because of its large size (9.6 acres), numerous amenities, high park visitation, history of alcohol related disturbances, and the requests from nearby residents. Heritage Park was selected due to its proximity to the downtown area where alcohol is readily available, its history of alcoholic beverage litter, and requests from nearby residents. The Commission unanimously approved staff’s recommendation.

**RESOURCE IMPACT**

Neither new staff nor an increase in the number of patrols is proposed to enforce the alcohol restrictions at Heritage Park and Eleanor Pardee Park. The penalty fee imposed for an administrative citation ($100) for violation of this ordinance would cover the cost of staff time to issue and process the citation.

To implement this ordinance, $500 would be used from the Parks operating budget to design, fabricate, and install new signage for the two parks.

**POLICY IMPLICATIONS**

The proposed amendments are consistent with Policy C-26 of the Community Services element of the Comprehensive Plan that encourages maintaining park facilities as safe and healthy community assets. The proposed amendments are also consistent with existing Palo Alto Municipal Codes 22.04.336 and 22.04.337 restricting alcohol consumption without a permit at Rinconada Park and Mitchell Park.

**ENVIRONMENTAL ASSESSMENT**

This is not a project subject to California Environmental Quality Act (CEQA) requirements.

**ATTACHMENTS**

Attachment A: Draft Ordinances
Attachment B: August 26, 2008 Parks and Recreation Commission Minutes