



Memorandum

To: Mayor and City Council

May 10, 2011

From: Robert Garcia, First District *RG*
Suja Lowenthal, Second District *SL*

Subject: Aggressive & Passive Solicitation

REQUESTED ACTION:

Respectfully request the City Attorney work with the City Prosecutor and City Manager to draft an ordinance protecting pedestrians and businesses from aggressive and passive solicitation.

BACKGROUND INFORMATION:

For the last year, District 1 & 2 council offices have been working with the Downtown Long Beach Associates' Public Safety Task Force to research solicitation ordinances from other cities in California, Oregon and Washington and to develop potential language for an ordinance in Long Beach. The task force also met with the City Prosecutor and City Attorney's office to discuss potential ordinance language and legal concerns. It is made up of residents and business owners in the downtown (voting members), as well as representatives from our offices, Long Beach Police Department, LA County Sheriff's Department and the Office of the Mayor (Advisors).

In public and private meetings, residents, business owners, property owners and business improvement districts such as DLBA have consistently expressed concerns about solicitation or what is commonly called "panhandling" of pedestrians and drivers. At a town hall hosted by the DLBA's Downtown Retail Visioning Committee, solicitation was among the most mentioned concern of residents. Female residents in particular complain of being intimidated and harassed on a regular basis by individuals. So much so that they express a reluctance to walk along certain business corridors or frequent particular businesses at different times of the day or night. Clearly, this activity is affecting the quality of life of our residents and the livelihood of our businesses.

While there are protections for solicitation under the First Amendment, cities struggling with similar concerns are seeking to better define "aggressive solicitation" and determine locations where even "passive solicitation" is prohibited. The purpose of the requested action is to protect pedestrians when they are most vulnerable to harassment and intimidation.

For example, we should provide a solicitation buffer zone for residents and visitors on public transportation or at transit stops, near outdoor dining areas, ATM machines, fuel pumps and public parking structures or surface lots. For the purpose of safety to driver and solicitor, there should be no solicitation at freeway entrances and exits, or medians when turning left.

With the development of this ordinance, we hope to balance quality of life expectations from residents, businesses and visitors with a compassionate approach to managing the unfortunate circumstances, which lead individuals to engage in solicitation. We have an obligation to both constituencies and feel that Long Beach and its community partners are providing leadership in both communities. In addition, we encourage the task force to continue making progress in its research and development of programs that bring awareness and activism to addressing the issue.

FISCAL IMPACT:

No fiscal impact is anticipated from this item.



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March 29, 2011

Vice-Mayor Suja Lowenthal
City of Long Beach
333 W. Ocean Boulevard, 14th Floor
Long Beach, CA 90802

Dear Vice-Mayor Lowenthal:

This memo intends to provide you and your staff with a complete understanding of the development of the proposed Panhandling Ordinance, beginning with its genesis over a year ago to the collaborative research and partnerships that help to craft the language.

In response to complaints from business owners and residents frustrated with the perceived increase of incidents related to panhandling, the Downtown Long Beach Associates (DLBA) Public Safety Task Force began researching panhandling ordinances in other communities with the goal of recommending a more effective policy tool to the City of Long Beach.

While the efforts of the Task Force were inspired by the outcries of the Downtown community, the impact of panhandling on the community has been consistently raised as a priority throughout the DLBA's myriad outreach efforts. Participants in the DLBA's Strategic Plan Update (2010) ranked "improved safety and reduction of disruptive street behaviors" as the second overall priority for the Downtown. Additionally, the need to create a Panhandling Task Force developed separately through the 2010 Retail Visioning Plan, whereby plan participants identified panhandling as a difficult yet surmountable barrier to downtown retail revitalization. Vocalizing the need for more effective tools extends beyond the formal planning processes: Downtown restaurants with patio dining have been hard hit by panhandlers interrupting dining experiences with requests for change on a regular basis. In some cases, the panhandler has even tried to go table to table inside the business. Daily statistics collected by the Downtown Safety Guides detail an increase of 50% more calls for service related to panhandling this year over last.

Review of the City's existing ordinance revealed it an ineffective tool. While panhandling is protected under the First Amendment, the courts have upheld ordinances that include specific conditions on time, manner, and place. After developing an understanding of the legal environment, the Task Force sought to work collaboratively with Long Beach Police Department, City Attorney and City Prosecutor's Office to identify the components of best-practice ordinances and implementation methodologies from other California cities.

First and foremost, the Task Force felt it was important to define and prohibit aggressive solicitation. Second, the group identified areas where occurrences affect businesses or individuals feel most vulnerable, such as:

- In a public transportation vehicle or public transportation stop;
- In the outdoor dining area of a restaurant or similar establishment which serves food or drinks for immediate consumption;
- Within twenty feet of an Automated Teller Machine (ATM);
- In a vehicle traveling on a public street;
- In a public parking structure or surface lots open to the public;
- At a self-service fuel pump station; and
- Within fourteen feet of any freeway entrance or exit;

As you can see, the development of the ordinance is both responsive to a community need and well-conceived regarding its content. I appreciate all of the help and support that you and your team have provided to developing and sponsoring this important piece of legislation for the Long Beach community.

Sincerely,

Kraig Kojian
President and CEO